

1 State of Arkansas As Engrossed: H2/18/19 H2/20/19 S4/4/19

2 92nd General Assembly

# A Bill

3 Regular Session, 2019

HOUSE BILL 1441

4

5 By: Representatives Bentley, D. Ferguson, Barker, Brown, Burch, Capp, Cavanaugh, Clowney, Crawford,  
6 Dalby, C. Fite, V. Flowers, D. Garner, Godfrey, M. Gray, Lundstrum, McCullough, Petty, Rushing, Scott,  
7 Speaks, Vaught, Della Rosa, *Eaves*

8 By: Senators Irvin, Bledsoe, J. English, Elliott, L. Chesterfield

9

## 10 For An Act To Be Entitled

11 AN ACT TO IMPROVE MATERNAL AND PERINATAL OUTCOMES BY  
12 CREATING THE MATERNAL AND PERINATAL OUTCOMES QUALITY  
13 REVIEW COMMITTEE; AND FOR OTHER PURPOSES.

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### Subtitle

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TO IMPROVE MATERNAL AND PERINATAL  
18 OUTCOMES BY CREATING THE MATERNAL AND  
19 PERINATAL OUTCOMES QUALITY REVIEW  
20 COMMITTEE.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

26 (a) The General Assembly finds that:

27 (1) In 2018, Arkansas's infant mortality rate was seven and  
28 eight-tenths (7.8) per one thousand (1,000) live births compared to five and  
29 nine-tenths (5.9) per one thousand (1,000) live births nationally;

30 (2) Arkansas ranks forty-sixth in the nation for infant  
31 mortality per America's Health Rankings;

32 (3)(A) In 2018, almost eleven percent (11%) of babies born in  
33 Arkansas were preterm.

34 (B) Of those babies born preterm, eight and eight-tenths  
35 percent (8.8%) had low birth weights; and

36 (4) The quality for maternal and perinatal outcomes could be



1 improved drastically in this state.

2 (b) It is the intent of the General Assembly to establish a maternal  
3 and perinatal outcomes quality review committee in the State of Arkansas and  
4 to improve the maternal and perinatal outcomes in the state.

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6 SECTION 2. Arkansas Code Title 20, Chapter 15, is amended to add an  
7 additional subchapter to read as follows:

8 Subchapter 23 – Maternal and Perinatal Outcomes Quality Review Committee

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10 20-15-2301. Maternal and Perinatal Outcomes Quality Review Committee.

11 (a)(1) The Department of Health shall establish the *Maternal and*  
12 *Perinatal Outcomes Quality Review Committee* to review data on births and to  
13 develop strategies for improving birth outcomes.

14 (2) The committee shall be multidisciplinary and composed of  
15 members as deemed appropriate by the department.

16 (b) The department may contract with an external organization to  
17 assist in collecting, analyzing, and disseminating maternal mortality  
18 information, organizing and convening meetings of the committee, and other  
19 tasks as may be incident to these activities, including providing the  
20 necessary data, information, and resources to ensure successful completion of  
21 the ongoing review required by this section.

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23 20-15-2302. Powers and duties.

24 The Maternal and Perinatal Outcomes Quality Review Committee shall:

25 (1) Create a unified message and strategy that builds on best  
26 practices;

27 (2) Develop clear measurements to evaluate targeted outreach,  
28 progress, and return on investment;

29 (3) Develop recommendations for levels of care by establishing  
30 systems designating where infants are born or transferred according to the  
31 level of care they need at birth;

32 (4) Create a system of continuous quality improvement that will  
33 include the ability of designated and nondesignated hospitals to compare  
34 performance to peer facilities;

35 (5) Create a collaborative framework, in addition to quality  
36 improvement for birthing hospitals that will allow for better outcomes,

1 better overall long-term care and decrease cost of care; and

2 (6) Disseminate findings and recommendations to policy makers,  
3 healthcare providers, healthcare facilities, and the general public.

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5 20-15-2303. Access to records.

6 (a) Healthcare providers, healthcare facilities, and pharmacies shall  
7 provide reasonable access to the Maternal and Perinatal Outcomes Quality  
8 Review Committee to all relevant medical records associated with a case under  
9 review by the committee.

10 (b) A healthcare provider, healthcare facility, or pharmacy providing  
11 access to medical records as described by subdivision (a) of this section is  
12 not liable for civil damages or subject to any criminal or disciplinary  
13 action for good faith efforts in providing such records.

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15 20-15-2304. Confidentiality.

16 (a)(1) Information, records, reports, statements, notes, memoranda, or  
17 other data collected under this subchapter are not admissible as evidence in  
18 any action of any kind in any court or before any other tribunal, board,  
19 agency, or person.

20 (2) Information, records, reports, statements, notes, memoranda,  
21 or other data collected under this subchapter shall not be exhibited or  
22 disclosed in any way, in whole or in part, by any officer or representative  
23 of the Department of Health or any other person, except as necessary for the  
24 purpose of furthering the review of the Maternal and Perinatal Outcomes  
25 Quality Review Committee of the case to which they relate.

26 (3) A person participating in a review shall not disclose, in  
27 any manner, the information so obtained except in strict conformity with such  
28 review project.

29 (b) All information, records of interviews, written reports,  
30 statements, notes, memoranda, or other data obtained by the department, the  
31 committee, and other persons, agencies, or organizations so authorized by the  
32 department under this subchapter are confidential.

33 (c)(1) All proceedings and activities of the committee under this  
34 subchapter, opinions of members of the committee formed as a result of such  
35 proceedings and activities, and records obtained, created, or maintained  
36 pursuant to this subchapter, including records of interviews, written

1 reports, and statements procured by the department or any other person,  
2 agency, or organization acting jointly or under contract with the department  
3 in connection with the requirements of this subchapter, are confidential and  
4 are not subject to the Freedom of Information Act of 1967, §§ 25-19-101 et  
5 seq., relating to open meetings, subject to subpoena, discovery, or  
6 introduction into evidence in any civil or criminal proceeding.

7 (2) However, this subchapter does not limit or restrict the  
8 right to discover or use in any civil or criminal proceeding anything that is  
9 available from another source and entirely independent of the committee's  
10 proceedings.

11 (d)(1) Members of the committee shall not be questioned in any civil  
12 or criminal proceeding regarding the information presented in or opinions  
13 formed as a result of a meeting or communication of the committee.

14 (2) This subchapter does not prevent a member of the committee  
15 from testifying to information obtained independently of the committee or  
16 which is public information.

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18 20-15-2305. Disclosure.

19 Disclosure of protected health information is allowed for public  
20 health, safety, and law enforcement purposes, and providing case information  
21 on maternal deaths for review by the Maternal and Perinatal Outcomes Quality  
22 Review Committee is not a violation of the Health Insurance Portability and  
23 Accountability Act of 1996.

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25 20-15-2306. Immunity from liability.

26 State, local, or regional committee members are immune from civil and  
27 criminal liability in connection with their good-faith participation in the  
28 maternal death review and all activities related to a review with the  
29 Maternal and Perinatal Outcomes Quality Review Committee.

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31 20-15-2307. Reporting.

32 (a) Beginning in 2020, the Maternal and Perinatal Outcomes Quality  
33 Review Committee shall file a written report on the maternal and perinatal  
34 outcomes and its recommendations on or before December 31 of each year to:

35 (1) The Senate Committee on Public Health, Welfare, and Labor;

36 (2) The House Committee on Public Health, Welfare, and Labor;

1 and

2 (3) The Legislative Council.

3 (b) The report shall include:

4 (1) The findings and recommendations of the committee; and

5 (2) An analysis of factual information obtained from the review  
6 of the birth outcome data and local or regional review panels that do not  
7 violate the confidentiality provisions under this subchapter.

8 (c) The report shall include only aggregate data and shall not  
9 identify a particular facility or provider.

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11 /s/Bentley

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14 **APPROVED: 4/16/19**

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