

## **BILL ANALYSIS**

C.S.S.B. 1183  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, child fatality review teams across the state review all deaths of children from birth to age 18. A fetal and infant mortality review team (review team) would provide a better review process for fetal and infant death incidences. The review team would examine fetal and infant death cases (up to one year of age); the team would be composed of individuals from different disciplines. Removing identifying information on each case before review would allow the team to focus on the larger message - what health and social systems impacted the child's life (and the mother's life), and whether any deficiencies, flaws, or weaknesses in any of those systems contributed to or caused the death.

A key piece of this review process is a maternal interview, which is crucial to understanding a longer-term picture of the baby's development, mother's health care status and usage of prenatal health resources, interactions with existing community health systems, and other elements of day-to-day life that, in the end, may have contributed to the child's death. The review team would also review fetal deaths with an eye toward the systems that impacted the pregnancy loss, including those that may have played a part in the mother's health even before conception.

After information is gathered and reviewed, the trends that led to deaths are identified. This information allows a community action team (made up of health professionals, social services entities, day care regulators, public health, and many others) to recommend and develop strategies to improve the overall health and safety environment for infants and their mothers.

CSSB 1183 removes barriers to allow communities to institute a review team without mandating the team. The primary purpose is to provide immunity from subpoena and discovery to review team participants in their review of the de-identified case material and to authorize access by the review team to medical records of fetal loss and to infant death records.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Comptroller in SECTION 3 of this bill.

### **ANALYSIS**

The substitute adds new definitions for "decedent," "fetal death certificate," "health care provider," "infant," "local health authority," "review," and "review team." It states who may establish the fetal and infant mortality review team and what the composition of the team should be, including what professionals may be on the team. The bill sets out the powers and duties of the review team, and its purpose. It designates that the review team is a governmental unit under the Civil Practice and Remedies Code.

The substitute classifies review team meetings as closed to the public, and gives members of the review team immunity from civil and criminal liability. It also sets out situations when information may be disclosed to the review team. It also specifies certain personal information as confidential, and other general information as not confidential. It would allow the review team to publish statistical studies and reports. The bill gives the review team's work immunity from subpoena and discovery. It creates a Class B misdemeanor offense if a review team member discloses or inspects confidential information without authorization.

The substitute gives a review team member immunity if an action is taken or a recommendation is made within the scope of the review team's functions, without malice, and with the reasonable belief that the action was warranted. Finally, it states that the provisions of the new chapter do not apply to the disclosure of records pertaining to the voluntary or therapeutic termination of pregnancy.

**EFFECTIVE DATE**

September 1, 2005.

**COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute removes the provision that allows a person who is affected by an unauthorized disclosure of confidential information to bring an action and recover damages, court costs and attorney's fees. The substitute adds additional language for a sign to be posted where tobacco products are sold that warns of the danger of tobacco products. The substitute renumbers the sections accordingly.