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H.B. No. 9

A BILL TO BE ENTITLED

AN ACT

relating to maternal health and safety, pregnancy-related deaths,
and maternal morbidity, including postpartum depression.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 34.004(b), Health and Safety Code, is
amended to read as follows:

(b) Meetings of the task force are [~~closed to the public and
are not~~] subject to Chapter 551, Government Code.

SECTION 2. Section 34.005, Health and Safety Code, is
amended to read as follows:

Sec. 34.005. DUTIES OF TASK FORCE. The task force shall:

(1) study and review:

(A) cases of pregnancy-related deaths; [~~and~~]

(B) trends, rates, or disparities in
pregnancy-related deaths and [in] severe maternal morbidity;

(C) health conditions and factors that
disproportionately affect the most at-risk population as
determined in the joint biennial report required under Section
34.015; and

(D) best practices and programs operating in
other states that have reduced rates of pregnancy-related deaths;

(2) compare rates of pregnancy-related deaths based on
the socioeconomic status of the mother;

(3) determine the feasibility of the task force

1 studying cases of severe maternal morbidity; and

2 (4) in consultation with the Perinatal Advisory
3 Council, [~~3~~] make recommendations to help reduce the incidence of
4 pregnancy-related deaths and severe maternal morbidity in this
5 state.

6 SECTION 3. Chapter 34, Health and Safety Code, is amended by
7 adding Section 34.0055 to read as follows:

8 Sec. 34.0055. SCREENING AND EDUCATIONAL MATERIALS FOR
9 SUBSTANCE USE AND DOMESTIC VIOLENCE. (a) Using existing
10 resources, the commission, in consultation with the task force,
11 shall:

12 (1) make available to physicians and other persons
13 licensed or certified to conduct a substance use and domestic
14 violence screening of pregnant women information that includes:

15 (A) guidance regarding best practices for
16 verbally screening a pregnant woman for substance use and domestic
17 violence using a validated screening tool; and

18 (B) a list of substance use treatment resources
19 and domestic violence prevention and intervention resources in each
20 geographic region of this state; and

21 (2) review and promote the use of educational
22 materials on the consequences of opioid drug use and on domestic
23 violence prevention and intervention during pregnancy.

24 (b) The commission shall make available on the commission's
25 Internet website the information and educational materials
26 described by Subsection (a).

27 SECTION 4. Sections 34.007(a) and (b), Health and Safety

1 Code, are amended to read as follows:

2 (a) The department shall determine a statistically
3 significant number of cases of pregnancy-related deaths for review.
4 The department shall either randomly select cases or select all
5 cases for the task force to review under this subsection to reflect
6 a cross-section of pregnancy-related deaths in this state.

7 (b) The department shall statistically analyze aggregate
8 data of pregnancy-related deaths and severe maternal morbidity in
9 this state to identify any trends, rates, or disparities.

10 SECTION 5. Section 34.009(d), Health and Safety Code, is
11 amended to read as follows:

12 (d) Information is not confidential under this section if
13 the information is general information that cannot be connected
14 with any specific individual, case, or health care provider, such
15 as:

- 16 (1) total expenditures made for specified purposes;
- 17 (2) the number of families served by particular health
18 care providers or agencies;
- 19 (3) aggregated data on social and economic conditions;
- 20 (4) medical data and information related to health
21 care services that do not include any identifying information
22 relating to a patient or the patient's family; ~~and~~
- 23 (5) an abstract concerning a maternal death that does
24 not include identifying information relating to a patient, the
25 patient's family, or a health care provider;
- 26 (6) information, including the source, value, and
27 purpose, related to gifts, grants, or donations to or for use by the

1 task force; and

2 (7) other statistical information.

3 SECTION 6. Section 34.015, Health and Safety Code, is
4 amended by amending Subsections (b) and (c) and adding Subsection
5 (d) to read as follows:

6 (b) The report must include the task force's
7 recommendations under Section 34.005(4) [~~34.005(3)~~].

8 (c) The report must include for each death reviewed an
9 abstract that does not include information that could be used to
10 identify the patient, a member of the patient's family, or a
11 provider.

12 (d) The department shall disseminate the report to the state
13 professional associations and organizations listed in Section
14 34.006(b) and make the report publicly available in paper or
15 electronic form.

16 SECTION 7. Chapter 34, Health and Safety Code, is amended by
17 adding Sections 34.0155, 34.0156, and 34.0157 to read as follows:

18 Sec. 34.0155. REPORT ON PREGNANCY-RELATED DEATHS, SEVERE
19 MATERNAL MORBIDITY, AND POSTPARTUM DEPRESSION. The commission
20 shall:

21 (1) evaluate options for reducing pregnancy-related
22 deaths, focusing on the most prevalent causes of pregnancy-related
23 deaths as identified in the joint biennial report required under
24 Section 34.015, and for treating postpartum depression in
25 economically disadvantaged women;

26 (2) in coordination with the department and the task
27 force, identify strategies to:

1 (A) lower costs of providing medical assistance
2 under Chapter 32, Human Resources Code, related to severe maternal
3 morbidity and chronic illness; and

4 (B) improve quality outcomes related to the
5 underlying causes of severe maternal morbidity and chronic illness;
6 and

7 (3) not later than December 1 of each even-numbered
8 year, submit to the governor, the lieutenant governor, the speaker
9 of the house of representatives, the Legislative Budget Board, and
10 the appropriate standing committees of the legislature a written
11 report that includes:

12 (A) a summary of the commission's and
13 department's efforts to accomplish the tasks described by
14 Subdivisions (1) and (2); and

15 (B) a summary of the report required by Section
16 34.0156.

17 Sec. 34.0156. MATERNAL HEALTH AND SAFETY INITIATIVE. (a)
18 Using existing resources, the department, in collaboration with the
19 task force, shall promote and facilitate the use among health care
20 providers in this state of maternal health and safety informational
21 materials, including tools and procedures related to best practices
22 in maternal health and safety.

23 (b) Not later than December 1 of each even-numbered year,
24 the department shall submit a report to the executive commissioner
25 that includes:

26 (1) a summary of the initiative's implementation and
27 outcomes; and

1 (2) recommendations for improving the effectiveness
2 of the initiative.

3 Sec. 34.0157. FEASIBILITY STUDY RELATED TO MATERNAL HEALTH
4 AND SAFETY INITIATIVE. (a) Using existing resources and not later
5 than December 1, 2018, the commission shall study and determine the
6 feasibility of adding a provider's use of procedures included in
7 the maternal health and safety initiative described by Section
8 34.0156 as an indicator of quality for commission data and medical
9 assistance quality-based payment purposes.

10 (b) The department shall collaborate with the commission in
11 compiling available data and information needed to complete the
12 feasibility study.

13 (c) The commission shall include the commission's
14 determination from the feasibility study in the report required by
15 Section 34.0155.

16 (d) This section expires May 1, 2019.

17 SECTION 8. Section [34.018](#), Health and Safety Code, is
18 amended to read as follows:

19 Sec. 34.018. SUNSET PROVISION. The task force is subject to
20 Chapter [325](#), Government Code (Texas Sunset Act). Unless continued
21 in existence as provided by that chapter, the task force is
22 abolished and this chapter expires September 1, 2023 [~~2019~~].

23 SECTION 9. Subchapter D, Chapter [1001](#), Health and Safety
24 Code, is amended by adding Section 1001.0712 to read as follows:

25 Sec. 1001.0712. CAUSE OF DEATH DATA IMPROVEMENT. (a) Not
26 later than December 1 of each even-numbered year, the department
27 shall submit to the governor, lieutenant governor, speaker of the

1 house of representatives, and appropriate standing committees of
2 the legislature a report on the processes and procedures for
3 collecting cause of death information, including any challenges to
4 collecting accurate information relating to maternal mortality.

5 (b) In preparing the report, the department may examine:

6 (1) issues relating to the quality of the death
7 information being collected, including the accuracy and
8 completeness of the information;

9 (2) the role of medical certifiers in death
10 information collection;

11 (3) the perceptions of the individuals collecting the
12 death information regarding the information's integrity;

13 (4) the training required for the individuals
14 collecting death information; and

15 (5) the structural, procedural, and technological
16 issues of collecting the information.

17 (c) The department, in consultation with the Maternal
18 Mortality and Morbidity Task Force, shall examine national
19 standards regarding the collection of death information and may
20 convene a panel of experts to advise the department and the task
21 force in developing recommendations for improving the collection of
22 accurate information related to cause of death.

23 (d) The report may be included as part of another report the
24 department is required to submit to the legislature.

25 (e) This section expires September 1, 2021.

26 SECTION 10. Not later than June 1, 2018, the Health and
27 Human Services Commission shall make available information and

1 educational materials described by Section 34.0055, Health and
2 Safety Code, as added by this Act.

3 SECTION 11. If before implementing any provision of this
4 Act a state agency determines that an additional waiver or
5 additional authorization from a federal agency is necessary for
6 implementation of that provision, the agency affected by the
7 provision shall request the waiver or authorization and may delay
8 implementing that provision until the waiver or authorization is
9 granted.

10 SECTION 12. This Act takes effect immediately if it
11 receives a vote of two-thirds of all the members elected to each
12 house, as provided by Section 39, Article III, Texas Constitution.
13 If this Act does not receive the vote necessary for immediate
14 effect, this Act takes effect on the 91st day after the last day of
15 the legislative session.