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et al.

H.B. No. 10

A BILL TO BE ENTITLED

AN ACT

relating to maternal morbidity and pregnancy-related deaths.

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

SECTION 1. 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;

(2) determine the feasibility of the task force studying cases of severe maternal morbidity; ~~and~~

(3) make recommendations to help reduce the incidence of pregnancy-related deaths and severe maternal morbidity in this state; and

(4) identify practice opportunities in maternal health care and develop evidence-based best practice recommendations for maternal health care, prioritized to address the most prevalent causes of pregnancy-related death and severe maternal morbidity.

SECTION 2. Section 34.006(b), Health and Safety Code, is amended to read as follows:

(b) In gathering information, the department and task force may consult with representatives of any state agencies,

1 collaboratives, and councils and any relevant state professional  
2 associations and organizations, including:

3 (1) District XI of the American Congress of  
4 Obstetricians and Gynecologists;

5 (2) the Texas Association of Obstetricians and  
6 Gynecologists;

7 (3) the Texas Nurses Association;

8 (4) the Texas Section of the Association of Women's  
9 Health, Obstetric and Neonatal Nurses;

10 (5) the Texas Academy of Family Physicians;

11 (6) the Texas Pediatric Society;

12 (7) the Consortium of Texas Certified Nurse-Midwives;

13 (8) the Association of Texas Midwives;

14 (9) the Texas Hospital Association;

15 (10) the Texas Medical Association; ~~and~~

16 (11) the Texas Public Health Association;

17 (12) the commission;

18 (13) the state perinatal quality collaborative; and

19 (14) the Perinatal Advisory Council, as defined by  
20 Section 241.187.

21 SECTION 3. Sections 34.007(a) and (b), Health and Safety  
22 Code, are amended to read as follows:

23 (a) The department shall determine a statistically  
24 significant number of cases of pregnancy-related deaths for review.  
25 The department shall either randomly select cases or select all  
26 cases for the task force to review under this subsection to reflect  
27 a cross-section of pregnancy-related deaths in this state.

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

4 SECTION 4. Chapter 34, Health and Safety Code, is amended by  
5 adding Sections 34.0156 and 34.0157 to read as follows:

6 Sec. 34.0156. MATERNAL HEALTH CARE INFORMATION; ACTION NOT  
7 CREATED. (a) Using existing resources, the department, in  
8 collaboration with the task force, the commission, and the state  
9 perinatal quality collaborative, shall promote and facilitate the  
10 use among health care providers in this state of maternal health  
11 care informational materials, including tools and procedures  
12 related to best practice recommendations for maternal health care  
13 developed under Section 34.005.

14 (b) Not later than December 1 of each even-numbered year,  
15 the department shall submit to the executive commissioner,  
16 governor, lieutenant governor, speaker of the house of  
17 representatives, Legislative Budget Board, and appropriate  
18 standing committees of the legislature a report that includes:

19 (1) a summary of the implementation and outcomes of  
20 providing the informational materials described by Subsection (a);  
21 and

22 (2) recommendations for improving the informational  
23 materials provided under Subsection (a).

24 (c) Notwithstanding any other law, the promotion,  
25 facilitation, provision, use, or failure to use the informational  
26 materials described by Subsection (a) does not create a cause of  
27 action or create a standard of care, obligation, or duty that

1 provides a basis for a cause of action. Evidence that a person  
2 failed to comply with the practices or procedures recommended in  
3 the informational materials is not admissible in a civil, judicial,  
4 or administrative proceeding.

5 Sec. 34.0157. FEASIBILITY STUDY RELATED TO MATERNAL HEALTH  
6 AND SAFETY INITIATIVE. (a) Using existing resources and not later  
7 than December 1, 2018, the commission shall study and determine the  
8 feasibility of facilitating the adoption of best practice  
9 recommendations under Section 34.005 and improving maternal health  
10 outcomes as part of a value-based and quality improvement  
11 initiative to promote better health outcomes and to lower costs for  
12 publicly funded health care services. In conducting the study, the  
13 commission as necessary shall consult with interested persons,  
14 including managed care organizations and providers.

15 (b) The department shall collaborate with the commission in  
16 compiling available data and information needed to complete the  
17 feasibility study under Subsection (a).

18 (c) The commission shall include the commission's  
19 determination from the feasibility study under Subsection (a) in  
20 the report required by Section 34.0156. The report may be included  
21 as part of another report the commission is required to submit to  
22 the legislature.

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

24 SECTION 5. Section 34.018, Health and Safety Code, is  
25 amended to read as follows:

26 Sec. 34.018. SUNSET PROVISION. The task force is subject to  
27 Chapter 325, Government Code (Texas Sunset Act). Unless continued

1 in existence as provided by that chapter, the task force is  
2 abolished and this chapter expires December 31, 2023 [~~September 1,~~  
3 ~~2019~~].

4 SECTION 6. Subchapter D, Chapter 1001, Health and Safety  
5 Code, is amended by adding Section 1001.0712 to read as follows:

6 Sec. 1001.0712. CAUSE OF DEATH DATA IMPROVEMENT. (a) Not  
7 later than October 1 of each even-numbered year, the department  
8 shall submit to the governor, lieutenant governor, speaker of the  
9 house of representatives, and appropriate standing committees of  
10 the legislature a report on the processes and procedures for  
11 collecting cause of death information, including any challenges to  
12 collecting accurate information relating to maternal mortality.

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

14 (1) issues relating to the quality of the death  
15 information being collected, including the accuracy and  
16 completeness of the information;

17 (2) the role of medical certifiers in death  
18 information collection;

19 (3) the perceptions of the individuals collecting the  
20 death information regarding the information's integrity;

21 (4) the training required for the individuals  
22 collecting death information; and

23 (5) the structural, procedural, and technological  
24 issues of collecting the information.

25 (c) The department, in consultation with the Maternal  
26 Mortality and Morbidity Task Force, shall examine national  
27 standards regarding the collection of death information and may

1 convene a panel of experts to advise the department and the task  
2 force in developing recommendations for improving the collection of  
3 accurate information related to cause of death.

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

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

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

13 SECTION 8. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect on the 91st day after the last day of the  
18 legislative session.