

By: Thierry, Collier, Howard, et al.

H.B. No. 663

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the confidentiality and reporting of certain maternal
3 mortality information to the Department of State Health Services
4 and to a work group establishing a maternal mortality and morbidity
5 data registry.

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

7 SECTION 1. Section 34.001, Health and Safety Code, is
8 amended by adding Subdivision (11-a) and amending Subdivision (12)
9 to read as follows:

10 (11-a) "Pregnancy-associated death" means the death
11 of a woman from any cause that occurs during or within one year of
12 delivery or end of pregnancy, regardless of the outcome or location
13 of the pregnancy.

14 (12) "Pregnancy-related death" means the death of a
15 woman while pregnant or within one year of delivery or end of
16 pregnancy, regardless of the outcome, duration, or location [~~and~~
17 ~~site~~] of the pregnancy, from any cause related to or aggravated by
18 the pregnancy or its management, but not from accidental or
19 incidental causes.

20 SECTION 2. The heading to Section 34.002, Health and Safety
21 Code, is amended to read as follows:

22 Sec. 34.002. TEXAS MATERNAL MORTALITY AND MORBIDITY REVIEW
23 COMMITTEE; REFERENCE IN LAW.

24 SECTION 3. Section 34.002, Health and Safety Code, is

1 amended by adding Subsection (a-1) and amending Subsection (e) to
2 read as follows:

3 (a-1) Notwithstanding any other law, a reference in this
4 chapter or other law to the Maternal Mortality and Morbidity Task
5 Force means the Texas Maternal Mortality and Morbidity Review
6 Committee.

7 (e) A member of the review committee appointed under
8 Subsection (b)(1) is not entitled to compensation for service on
9 the review committee but, subject to Section 34.014(b), may be
10 reimbursed [~~or reimbursement~~] for travel or other expenses incurred
11 by the member while conducting the business of the review
12 committee.

13 SECTION 4. Section 34.008, Health and Safety Code, is
14 amended by adding Subsection (e) to read as follows:

15 (e) For purposes of this chapter, a licensed health care
16 provider, including a nurse, who is involved in obtaining
17 information relevant to a case of pregnancy-associated death,
18 pregnancy-related death, or severe maternal morbidity under this
19 chapter and who is required under other law to report a violation
20 related to the provider's profession is exempt from that reporting
21 requirement for the information obtained under this chapter.

22 SECTION 5. Section 34.009(a), Health and Safety Code, is
23 amended to read as follows:

24 (a) Any information pertaining to a pregnancy-associated
25 death, a pregnancy-related death, or severe maternal morbidity is
26 confidential for purposes of this chapter.

27 SECTION 6. Section 34.014, Health and Safety Code, is

1 amended to read as follows:

2 Sec. 34.014. FUNDING. (a) The department may accept gifts
3 and grants from any source to fund the duties of the department and
4 the review committee under this chapter.

5 (b) The department may use only gifts, grants, or federal
6 funds to reimburse travel or other expenses incurred by a member of
7 the review committee in accordance with Section 34.002(e).

8 SECTION 7. Section 34.017, Health and Safety Code, is
9 amended by adding Subsections (c), (d), and (e) to read as follows:

10 (c) The department may allow voluntary and confidential
11 reporting to the department of pregnancy-associated deaths and
12 pregnancy-related deaths by health care professionals, health care
13 facilities, and persons who complete the medical certification for
14 a death certificate for deaths reviewed or analyzed by the review
15 committee.

16 (d) The department shall allow voluntary and confidential
17 reporting to the department of pregnancy-associated deaths and
18 pregnancy-related deaths by family members of or other appropriate
19 individuals associated with a deceased patient. The department
20 shall:

21 (1) post on the department's Internet website the
22 contact information of the person to whom a report may be submitted
23 under this subsection; and

24 (2) conduct outreach to local health organizations on
25 the availability of the review committee to review and analyze the
26 deaths described by this subsection.

27 (e) Information reported to the department under this

1 section is confidential in accordance with Section 34.009.

2 SECTION 8. Chapter 34, Health and Safety Code, is amended by
3 adding Section 34.022 to read as follows:

4 Sec. 34.022. DEVELOPMENT OF WORK GROUP ON ESTABLISHMENT OF
5 MATERNAL MORTALITY AND MORBIDITY DATA REGISTRY. (a) In this
6 section, "maternal mortality and morbidity data registry" means an
7 Internet website or database established to collect individualized
8 patient information and aggregate statistical reports on the health
9 status, health behaviors, and service delivery needs of maternal
10 patients.

11 (b) The department shall establish a work group to provide
12 advice and consultation services to the department on the report
13 and recommendations required by Subsection (e). The work group
14 consists of the following members appointed by the commissioner
15 unless otherwise provided:

16 (1) one member with appropriate expertise appointed by
17 the governor;

18 (2) two members with appropriate expertise appointed
19 by the lieutenant governor;

20 (3) two members with appropriate expertise appointed
21 by the speaker of the house of representatives;

22 (4) the chair of the Texas Hospital Association or the
23 chair's designee;

24 (5) the president of the Texas Medical Association or
25 the president's designee;

26 (6) the president of the Texas Nurses Association or
27 the president's designee;

1 (7) one member who is a physician specializing in
2 obstetrics and gynecology;

3 (8) one member who is a physician specializing in
4 maternal and fetal medicine;

5 (9) one member who is a registered nurse specializing
6 in labor and delivery;

7 (10) one member who is a representative of a hospital
8 located in a rural area of this state;

9 (11) one member who is a representative of a hospital
10 located in a county with a population of four million or more;

11 (12) one member who is a representative of a hospital
12 located in an urban area of this state in a county with a population
13 of less than four million;

14 (13) one member who is a representative of a public
15 hospital;

16 (14) one member who is a representative of a private
17 hospital;

18 (15) one member who is an epidemiologist;

19 (16) one member who is a statistician;

20 (17) one member who is a public health expert; and

21 (18) any other member with appropriate expertise as
22 the commissioner determines necessary.

23 (c) The work group shall elect from among the membership a
24 presiding officer.

25 (d) The work group shall meet periodically and at the call
26 of the presiding officer.

27 (e) With the goals of improving the quality of maternal care

1 and combating maternal mortality and morbidity and with the advice
2 of the work group established under this section, the department
3 shall assess and prepare a report and recommendations on the
4 establishment of a secure maternal mortality and morbidity data
5 registry to record information submitted by participating health
6 care providers on the health status of maternal patients over
7 varying periods, including the frequency and characteristics of
8 maternal mortality and morbidity during pregnancy and the
9 postpartum period.

10 (f) In developing the report and recommendations required
11 by Subsection (e), the department shall:

12 (1) consider individual maternal patient information
13 related to health status and health care received over varying
14 periods that should be submitted to the registry;

15 (2) review existing and developing registries used
16 within and outside this state that serve the same or a similar
17 purpose as a maternal mortality and morbidity data registry;

18 (3) review ongoing health data collection efforts and
19 initiatives in this state to avoid duplication and ensure
20 efficiency;

21 (4) review and consider existing laws that govern data
22 submission and sharing, including laws governing the
23 confidentiality and security of individually identifiable health
24 information; and

25 (5) evaluate the clinical period during which a health
26 care provider should submit to a maternal mortality and morbidity
27 data registry known and available information, including

1 information:

2 (A) from a maternal patient's first appointment
3 with an obstetrician and each subsequent appointment until the date
4 of delivery;

5 (B) for the 42 days following a patient's
6 delivery; and

7 (C) until the 364th day following a patient's
8 delivery.

9 (g) If the department recommends the establishment of a
10 maternal mortality and morbidity data registry, the report under
11 Subsection (e) must include specific recommendations on the
12 relevant individual patient information and categories of
13 information to be submitted to the registry, including
14 recommendations on the intervals for submission of information.
15 The categories must include:

16 (1) notifiable maternal deaths, including
17 individualized patient data on:

18 (A) patients who die during pregnancy; and

19 (B) patients who were pregnant at any point in
20 the 12 months preceding their death;

21 (2) individualized patient information on each
22 pregnancy and birth;

23 (3) individualized patient data on the most common
24 high-risk conditions for maternal patients and severe cases of
25 maternal morbidity;

26 (4) nonidentifying demographic data from the
27 provider's patient admissions records, including age, race, and

1 patient health benefit coverage status; and

2 (5) a statistical summary based on an aggregate of
3 individualized patient data that includes the following:

4 (A) total live births;

5 (B) maternal age distributions;

6 (C) maternal race and ethnicity distributions;

7 (D) health benefit plan issuer distributions;

8 (E) incidence of diabetes, hypertension, and
9 hemorrhage among patients;

10 (F) gestational age distributions;

11 (G) birth weight distributions;

12 (H) total preterm birth rate;

13 (I) rate of vaginal deliveries; and

14 (J) rate of cesarean sections.

15 (h) If the department establishes a maternal mortality and
16 morbidity data registry, a health care provider submitting
17 information to the registry shall comply with all applicable
18 federal and state laws relating to patient confidentiality and
19 quality of health care information.

20 (i) The report and recommendations required under
21 Subsection (e) must outline potential uses of a maternal mortality
22 and morbidity data registry, including:

23 (1) periodic department analysis of information
24 submitted to the registry; and

25 (2) the feasibility of preparing and issuing reports,
26 using aggregated information, to each health care provider
27 participating in the registry to improve the quality of maternal

1 care.

2 (j) Not later than September 1, 2024, the department shall
3 prepare and submit to the governor, the lieutenant governor, the
4 speaker of the house of representatives, the Legislative Budget
5 Board, and each standing committee of the legislature having
6 primary jurisdiction over the department and post on the
7 department's Internet website the report and recommendations
8 required under Subsection (e).

9 (k) This section expires September 1, 2025.

10 SECTION 9. The executive commissioner of the Health and
11 Human Services Commission shall adopt rules as necessary to
12 implement Section 34.022, Health and Safety Code, as added by this
13 Act, not later than December 1, 2023.

14 SECTION 10. This Act takes effect September 1, 2023.