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OFFICE OF THE CLERK
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2011



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 3028**

(By Delegates Perdue, Fleischauer, Marshall,
Williams, Hatfield, Walters, Guthrie,
Lawrence, Ellington and Pasdon)



Passed March 12, 2011

In Effect Ninety Days From Passage

HB 3028

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FOR

H. B. 3028

(BY DELEGATES PERDUE, FLEISCHAUER, MARSHALL,
WILLIAMS, HATFIELD, WALTERS, GUTHRIE,
LAWRENCE, ELLINGTON AND PASDON)

[Passed March 12, 2011; in effect ninety days from passage.]

AN ACT to amend and reenact §48-25A-1, §48-25A-2 and §48-25A-3 of the Code of West Virginia, 1931, as amended, all relating to expanding the responsibilities of the Maternal Mortality Review Team to include infant mortality reviews; and renaming it the Infant and Maternal Mortality Review Team.

Be it enacted by the Legislature of West Virginia:

That §48-25A-1, §48-25A-2 and §48-25A-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 25A. INFANT AND MATERNAL MORTALITY
REVIEW TEAM.**

§48-25A-1. Legislative findings.

1 The Legislature finds that there is a need for a process to
2 study the causes of infant and maternal deaths. It has been
3 found that comprehensive studies indicate that maternal
4 mortalities are more extensive than first appear on death
5 certificates.

6 The Legislature finds that more extensive studies of
7 infant mortalities and maternal mortalities would enable a
8 more developed plan to avoid these deaths in the future.

§48-25A-2. Infant and Maternal Mortality Review Team.

1 (a) The Maternal Mortality Review Team established
2 under the Office of Maternal Child and Family Health is
3 continued and renamed the Infant and Maternal Mortality
4 Review Team. The Infant and Maternal Mortality Review
5 Team is a multidisciplinary team created to review the deaths
6 of all infants and women who die during pregnancy, at the
7 time of birth or within one year of the birth of a child.

8 (b) The Infant and Maternal Mortality Review Team is to
9 consist of the following members, appointed by the
10 Governor:

11 (1) The Director of the Office of Maternal Child and
12 Family Health, who is to serve as the chairperson of the
13 Infant and Maternal Mortality Review Team and is
14 responsible for calling and coordinating all meetings;

15 (2) The Commissioner of the Bureau for Public Health or
16 a designee;

17 (3) The Chief Medical Examiner in the Bureau for Public
18 Health or a designee;

19 (4) The Director of the Division of Vital Statistics or a
20 designee;

21 (5) Representation from each of the three medical schools
22 in the state;

23 (6) The Director of Obstetrics, the Director of the
24 Neonatal Intensive Care Unit and the Director of Pediatrics
25 at each of the tertiary care hospitals in the state;

26 (7) One representative of the West Virginia State Medical
27 Association;

28 (8) One representative of the West Virginia Nurses
29 Association;

30 (9) One representative of the West Virginia Society of
31 Osteopathic Medicine;

32 (10) One representative of West Virginia Academy of
33 Family Physicians;

34 (11) One representative of the West Virginia Chapter of
35 the American College of Nurse Midwives;

36 (12) One representative of the West Virginia Chapter of
37 the American College of Obstetrics and Gynecology;

38 (13) One representative of the West Virginia Chapter of
39 the American Academy of Pediatrics;

40 (14) The Director of the Child Fatality Review Team; and

41 (15) Any additional person that the chair of the team
42 determines is needed on a particular case being considered.

43 (c) Each member serves for a term of five years. Of the
44 members of the commission first appointed, one shall be
45 appointed for a term ending June 30, 2009, and one each for
46 terms ending one, two, three and four years thereafter.

47 (d) Members of the Infant and Maternal Mortality
48 Review Team shall, unless sooner removed, continue to serve
49 until their respective terms expire and until their successors
50 have been appointed and have qualified.

51 (e) An appointment of a physician, whether for a full
52 term or to fill a vacancy, is to be made by the Governor from
53 among three nominees selected by the West Virginia State
54 Medical Association or the organization to be represented on
55 the team. When an appointment is for a full term, the
56 nomination is to be submitted to the Governor not later than
57 eight months prior to the date on which the appointment is to
58 become effective. In the case of an appointment to fill a
59 vacancy, the nominations are to be submitted to the Governor
60 within thirty days after the request for the nomination has
61 been made by the Governor to the chairperson or president of
62 the organization. When an association fails to submit to the
63 Governor nominations for the appointment in accordance
64 with the requirements of this section, the Governor may make
65 the appointment without nominations.

66 (f) Each member of the Infant and Maternal Mortality
67 Review Team shall serve without additional compensation
68 and may not be reimbursed for any expenses incurred in the
69 discharge of his or her duties under the provisions of this
70 article.

§48-25A-3. Responsibilities of the Infant and Maternal Mortality Review Team.

1 (a) The Bureau for Public Health in consultation with the
2 Infant and Maternal Mortality Review Team shall, pursuant
3 to the provisions of article three, chapter twenty-nine-a,
4 promulgate rules applicable to the following:

5 (1) The standard procedures for the establishment,
6 formation and conduct of the Infant and Maternal Mortality
7 Review Team; and

8 (2) The protocols for the review of infant and maternal
9 mortalities.

10 (b) The Infant and Maternal Mortality Review Team
11 shall:

12 (1) Review deaths of all infants and of all women who
13 die during pregnancy, at the time of birth or within one year
14 of the birth of a child;

15 (2) Establish the trends, patterns and risk factors;

16 (3) Provide statistical analysis regarding the causes of
17 infant and maternal fatalities in West Virginia; and

18 (4) Promote public awareness of the incidence and causes
19 of infant and maternal fatalities, including recommendations
20 for their reduction.

21 (c) The Infant and Maternal Mortality Review Team shall
22 submit an annual report to the Governor and to the
23 Legislature concerning its activities and the incidents of
24 infant and maternal fatalities within the state. The report is
25 due annually on December 1. The report is to include

26 statistics setting forth the number of infant and maternal
27 fatalities, identifiable trends in infant and maternal fatalities
28 in the state, including possible causes, if any, and
29 recommendations to reduce the number of preventable infant
30 and maternal fatalities in the state. The report is to also
31 include the number of infant and mothers whose deaths have
32 been determined to have been unexpected or unexplained.

33 (d) The Infant and Maternal Mortality Review Team, in
34 the exercise of its duties as defined in this section, may not:

35 (1) Call witnesses or take testimony from individuals
36 involved in the investigation of an infant or maternal fatality;

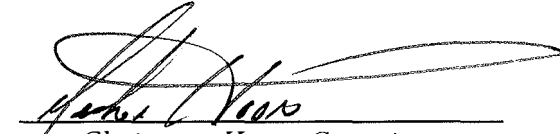
37 (2) Contact a family member of the deceased infant or
38 mother, except if a member of the team is involved in the
39 investigation of the death and must contact a family member
40 in the course of performing his or her duties outside of the
41 team; or

42 (3) Enforce any public health standard or criminal law or
43 otherwise participate in any legal proceeding, except if a
44 member of the team is involved in the investigation of the
45 death or resulting prosecution and must participate in a legal
46 proceeding in the course of performing in his or her duties
47 outside of the team.

48 (e) Proceedings, records and opinions of the Infant and
49 Maternal Mortality Review Team are confidential, in
50 accordance with section one, article seven, chapter forty-nine
51 of this code, and are not subject to discovery, subpoena or
52 introduction into evidence in any civil or criminal
53 proceeding. Nothing in this subsection is to be construed to
54 limit or restrict the right to discover or use in any civil or
55 criminal proceeding anything that is available from another
56 source and entirely independent of the proceedings of the
57 Infant and Maternal Mortality Review Team.

58 (f) Members of the Infant and Maternal Mortality Review
59 Team may not be questioned in any civil or criminal
60 proceeding regarding information presented in or opinions
61 formed as a result of a meeting of the team. Nothing in this
62 subsection prevents a member of the Infant and Maternal
63 Mortality Review Team from testifying to information
64 obtained independently of the team or which is public
65 information.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman, House Committee




Chairman, Senate Committee

Originating in the House.

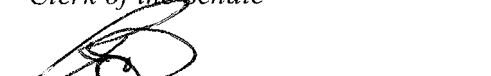
To take effect ninety days from passage.



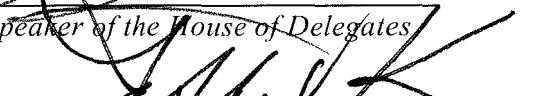
Clerk of the House of Delegates



Clerk of the Senate

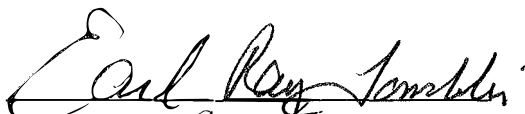


Speaker of the House of Delegates



Acting President of the Senate

The within was approved this the 5th
day of April, 2011.



Governor

2011 APR -5 PM 3:12
CLERK OF THE SENATE
STATE

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 3:33 pm