WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE
FOR
ENROLLED
Senate Bill No. 234

(Senators Prezioso, Foster, Hunter, Sharpe, Stollings, Boley, Caruth, Jenkins and Kessler, original sponsors)

[Passed March 6, 2008; in effect ninety days from passage.]
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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §48-25A-1, §48-25A-2 and §48-25A-3, all relating to the creation of a Maternal Mortality Review Team; establishing its members and responsibilities; and giving the Bureau of Public Health rule-making authority for the team.
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Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §48-25A-1, §48-25A-2 and §48-25A-3, all to read as follows:

ARTICLE 25A. MATERNAL MORTALITY REVIEW TEAM.

§48-25A-1. Legislative findings.

The Legislature finds that there is a need for a process to study the causes of maternal deaths. It has been found that comprehensive studies indicate that maternal mortalities are more extensive than first appear on death certificates. The Legislature finds that more extensive studies would enable a more fully developed plan to avoid these deaths in the future.


(a) The Maternal Mortality Review Team is hereby established under the office of Maternal Child and Family Health. The Maternal Mortality Review Team is a multidisciplinary team created to review the deaths of women who die during pregnancy, at the time of birth or within one year of the birth of a child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Each member shall serve for a term of five years.
Of the members of the commission first appointed, one
shall be appointed for a term ending the thirtieth day of
June, two thousand nine, and one each for terms ending
one, two, three and four years thereafter.

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

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

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

Team.

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

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

(2) The protocols for the review of maternal
mortalities.

(b) The Maternal Mortality Review Team shall:

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

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

(3) Provide statistical analysis regarding the causes of
maternal fatalities in West Virginia; and
(4) Promote public awareness of the incidence and causes of maternal fatalities, including recommendations for their reduction.

(c) The Maternal Mortality Review Team shall submit an annual report to the Governor and to the Legislature concerning its activities and the incidents of maternal fatalities within the state. The report is due annually on the first day of December. The report is to include statistics setting forth the number of maternal fatalities, identifiable trends in maternal fatalities in the state, including possible causes, if any, and recommendations to reduce the number of preventable maternal fatalities in the state. The report is to also include the number of mothers whose deaths have been determined to have been unexpected or unexplained.

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

(1) Call witnesses or take testimony from individuals involved in the investigation of a maternal fatality;

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

(3) Enforce any public health standard or criminal law or otherwise participate in any legal proceeding, except if a member of the team is involved in the investigation of the death or resulting prosecution and must participate in a legal proceeding in the course of performing in his or her duties outside of the team.
(e) Proceedings, records and opinions of the Maternal Mortality Review Team are confidential, in accordance with section one, article seven, chapter forty-nine of this code, and are not subject to discovery, subpoena or introduction into evidence in any civil or criminal proceeding. Nothing in this subsection is to be construed to limit or restrict the right to discover or use in any civil or criminal proceeding anything that is available from another source and entirely independent of the proceedings of the Maternal Mortality Review Team.

(f) Members of the Maternal Mortality Review Team may not be questioned in any civil or criminal proceeding regarding information presented in or opinions formed as a result of a meeting of the team. Nothing in this subsection may be construed to prevent a member of the Maternal Mortality Review Team from testifying to information obtained independently of the team or which is public information.
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

[Signature]

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Chairman House Committee

Originated in the Senate.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker House of Delegates

The within is approved this 20th Day of , 2008.

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Governor
PRESENTED TO THE GOVERNOR

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