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WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

SECRETARY OF STATE

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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SENATE OF WEST VIRGINIA
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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.

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.

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

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

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

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

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

13 (2) The Commissioner of the Bureau for Public Health

14 or a designee;

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

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

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

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

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

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

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

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

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

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

37 (13) One representative of the West Virginia Chapter

38 of the American Academy of Pediatrics;

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

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

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

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

53 (e) An appointment of a physician, whether for a full
54 term or to fill a vacancy, is to be made by the Governor
55 from among three nominees selected by the West
56 Virginia State Medical Association or the organization
57 to be represented on the team. When an appointment is
58 for a full term, the nomination is to be submitted to the
59 Governor not later than eight months prior to the date
60 on which the appointment is to become effective. In the
61 case of an appointment to fill a vacancy, the
62 nominations are to be submitted to the Governor within
63 thirty days after the request for the nomination has
64 been made by the Governor to the chairperson or
65 president of the organization. When an association fails
66 to submit to the Governor nominations for the
67 appointment in accordance with the requirements of

68 this section, the Governor may make the appointment
69 without nominations.

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

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

1 (a) The Bureau of Public Health in consultation with
2 the Maternal Mortality Review Team shall, pursuant to
3 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 Maternal Mortality
7 Review Team; and

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

10 (b) The Maternal Mortality Review Team shall:

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

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

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

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

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

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

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

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

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

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

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

Enr. Com. Sub. for S. B. No. 234] 8

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

Randy White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell Holmes
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

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

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 14 2008

Time 11:25 Am