

## **IC 16-50ARTICLE 50. MATERNAL MORTALITY REVIEW**

[Ch. 1.](#) Statewide Maternal Mortality Review Committee

[Ch. 2.](#) Statewide Maternal Mortality Review Coordinator

### **IC 16-50-1Chapter 1. Statewide Maternal Mortality Review Committee**

[16-50-1-1](#) "Maternal morbidity"

[16-50-1-2](#) "Maternal mortality"

[16-50-1-3](#) Statewide maternal mortality review committee established; duties; authority

[16-50-1-4](#) Committee members; meetings; executive session

[16-50-1-5](#) Member requirements

[16-50-1-6](#) Duty to report; release of data

[16-50-1-7](#) Committee duties; authority; findings

[16-50-1-8](#) Review of records; access to records; no liability; confidentiality; review for abortion

[16-50-1-9](#) Annual report; release on Internet web site

[16-50-1-10](#) Immunity; privileged communications

[16-50-1-11](#) Other investigations or reviews

[16-50-1-12](#) Expiration

#### **IC 16-50-1-1"Maternal morbidity"**

Sec. 1. As used in this article, "maternal morbidity" refers to any health condition occurring to an individual in Indiana that is attributable to or aggravated by pregnancy and childbirth.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-1-2"Maternal mortality"**

Sec. 2. As used in this article, "maternal mortality" refers to death, occurring in Indiana, of an individual during pregnancy through up to one (1) year after pregnancy, irrespective of the duration and site of the pregnancy, from any cause related to or aggravated by the pregnancy or management of the pregnancy.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-1-3Statewide maternal mortality review committee established; duties; authority**

Sec. 3. (a) The state department shall establish a statewide maternal mortality review committee to:

- (1) review cases of maternal morbidity and maternal mortality;
- (2) determine factors contributing to maternal morbidity and maternal mortality;
- (3) identify public health and clinical interventions to improve systems of care and enhance coordination; and
- (4) develop strategies for the prevention of maternal morbidity and maternal mortality;

in Indiana.

(b) The statewide maternal mortality review committee:

- (1) shall review cases involving the death of a woman occurring during pregnancy, irrespective of the duration and site of the pregnancy, through one (1) year after the pregnancy;
- (2) shall study how changes in the state's abortion laws affect maternal mortality in Indiana; and
- (3) may review cases of maternal morbidity;

to carry out the duties set forth in this chapter.

*As added by P.L.48-2018, SEC.3. Amended by P.L.65-2021, SEC.2; P.L.179-2022(ss), SEC.38.*

#### **IC 16-50-1-4Committee members; meetings; executive session**

Sec. 4. (a) The state health commissioner or the commissioner's designee shall appoint members to the statewide maternal mortality review committee.

(b) The membership of the statewide maternal mortality review committee must be multidisciplinary, be culturally diverse, and include the following:

- (1) One (1) representative from each of the following:
  - (A) The state department.
  - (B) The office of the secretary of family and social services.

- (C) The Indiana Hospital Association.
- (2) Two (2) representatives of a local health department, each representing a different regional area and population size.
- (3) Two (2) representatives of community based organizations that focus on maternal health and well-being.
- (4) One (1) epidemiologist.
- (5) One (1) representative from each of the following areas who provides services or community resources to families, with expertise and knowledge in the area:
  - (A) Obstetrics.
  - (B) Maternal-fetal medicine.
  - (C) Family medicine.
  - (D) Social work.
  - (E) Pathology.
  - (F) Public health nursing.
  - (G) Midwifery.
  - (H) Anesthesiology.
  - (I) Mental health.

(c) The state health commissioner shall designate a member of the statewide maternal mortality review committee as the chairperson.

(d) The statewide maternal mortality review committee shall meet at the call of the chairperson. Except as provided in subsection (e), statewide maternal mortality review committee meetings are open to the public.

(e) Statewide maternal mortality review committee meetings that involve confidential records or identifying information regarding a maternal death or maternal morbidity that is confidential under state or federal law must be held as an executive session and are not open to the public.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-1-5Member requirements**

Sec. 5. A member of the statewide maternal mortality review committee shall:

- (1) sign a confidentiality form prepared by the statewide maternal mortality review coordinator under [IC 16-50-2-3](#);
- (2) review the purpose and goals of the statewide maternal mortality review committee; and
- (3) review the data collection form developed by the statewide maternal mortality review coordinator under [IC 16-50-2-2](#).

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-1-6Duty to report; release of data**

Sec. 6. (a) If a health care provider or a health care facility has a patient who suffers a death occurring during pregnancy, irrespective of the duration and site of the pregnancy, through one (1) year after the pregnancy and the health care provider or health care facility has knowledge of the circumstances of the maternal death, the health care provider or the health care facility shall report the maternal death for review to the statewide maternal mortality review committee in the manner established by the statewide maternal mortality review coordinator under [IC 16-50-2-4](#).

- (b) The state department may provide data held by the state department, including:
- (1) vital statistics;
  - (2) trauma data; and
  - (3) hospital discharge data;

to the statewide maternal mortality review coordinator to aid in the identification of cases of maternal morbidity and maternal mortality.

*As added by P.L.48-2018, SEC.3. Amended by P.L.65-2021, SEC.3.*

#### **IC 16-50-1-7Committee duties; authority; findings**

Sec. 7. (a) The statewide maternal mortality review committee shall review all cases of maternal death reported to the statewide maternal mortality review committee under section 6 of this chapter.

(b) The statewide maternal mortality review committee may do any of the following concerning each case reported to the statewide maternal mortality review committee:

- (1) Review medical records and other relevant data as set forth in section 8(a) of this chapter.
- (2) Contact family members and other affected or involved persons to collect data.
- (3) Consult with relevant experts to evaluate the records and data described in subdivisions (1) and (2).
- (4) Make determinations regarding the factors contributing to maternal morbidities and maternal mortalities and the preventability of maternal morbidities and maternal mortalities.
- (5) Identify, if applicable, public health and clinical health interventions to improve systems of care and enhance coordination.
- (6) Develop recommendations for the prevention of maternal morbidities and maternal mortalities.
- (7) Disseminate findings and recommendations as required under this chapter.

(c) The statewide maternal mortality review committee's findings for each case must be maintained in a data collection form developed by the statewide maternal mortality review coordinator under [IC 16-50-2-2](#).

*As added by P.L.48-2018, SEC.3. Amended by P.L.65-2021, SEC.4.*

**IC 16-50-1-8 Review of records; access to records; no liability; confidentiality; review for abortion**

Sec. 8. (a) In conducting a review under this chapter, the statewide maternal mortality review committee shall review all applicable records and information related to the death, including the following:

- (1) Records held by the local or state health departments, including the death certificate.
- (2) Medical records submitted by the health care provider or health care facility.
- (3) Law enforcement records.
- (4) Coroner records, including an autopsy report.
- (5) Mental health records.
- (6) Emergency medical services reports.
- (7) Subject to [IC 31-33-18-2](#), records held by the department of child services.
- (8) To the extent allowable under state and federal law, other records held by the state department.

(b) The following shall provide to the statewide maternal mortality review committee, in good faith, access to records concerning a case under review under this chapter:

- (1) A health care provider, including a mental health professional.
- (2) A health care facility.
- (3) An individual.
- (4) An entity.

(c) A person described in subsection (b) that provides access to records in good faith under this section is not subject to liability in:

- (1) a civil;
- (2) an administrative;
- (3) a disciplinary; or
- (4) a criminal;

action that might otherwise be imposed as a result of the disclosure.

(d) Except as otherwise provided under this chapter, information and records acquired and interviews conducted by the statewide maternal mortality review committee in the exercise of the committee's duties under this chapter are confidential and exempted from disclosure.

(e) Records, information, documents, and reports acquired or produced by the statewide maternal mortality review committee are not:

- (1) subject to subpoena or discovery; or
- (2) admissible as evidence;

in any judicial or administrative proceeding. Information that is otherwise discoverable or admissible from original sources is not immune from discovery or use in any proceeding merely because the information was presented during proceedings before the statewide maternal mortality review committee.

(f) The statewide maternal mortality review committee members and individuals who attend a statewide maternal mortality review committee meeting at the invitation of the chairperson shall maintain the confidentiality of records and information discussed and disseminated during the statewide maternal mortality review committee meeting.

(g) In reviewing the medical records and mental health records submitted by the health care provider or health care facility under this section, the statewide maternal mortality review committee shall determine:

- (1) whether an abortion was performed on the individual and if so, whether the abortion contributed or was otherwise related to the maternal death; or
- (2) whether a miscarriage occurred and, if so, whether the miscarriage contributed or was otherwise related to the maternal death.

Any finding by the statewide maternal mortality review committee that an abortion contributed to or was a related factor of the maternal mortality must be compiled and included in the annual report submitted under section 9 of this chapter.

*As added by P.L.48-2018, SEC.3. Amended by P.L.65-2021, SEC.5.*

#### **IC 16-50-1-9 Annual report; release on Internet web site**

Sec. 9. (a) The statewide maternal mortality review committee shall, before July 1 of each year, submit a report to the state department that includes the following information:

- (1) A summary of the data collected regarding the reviews conducted by the statewide maternal mortality review committee.
- (2) Actions recommended by the statewide maternal mortality review committee to improve systems of care and enhance coordination to reduce maternal morbidity and maternal mortality in Indiana.
- (3) Legislative recommendations for consideration by the general assembly.

(b) A report released under this section must not contain identifying information relating to the deaths reviewed by the statewide maternal mortality review committee.

(c) The state department shall make a report prepared under this section available to public inspection and post the report on the state department's Internet web site.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-1-10 Immunity; privileged communications**

Sec. 10. (a) The statewide maternal mortality review committee members and individuals who attend a statewide maternal mortality review committee meeting at the invitation of the chairperson:

- (1) may discuss among themselves confidential matters that are before the statewide maternal mortality review committee; and
- (2) are, except when acting:
  - (A) with malice;
  - (B) in bad faith; or
  - (C) with negligence;

immune from any civil or criminal liability that might otherwise be imposed as a result of sharing among themselves those matters.

(b) The discussions, determinations, conclusions, and recommendations of the statewide maternal mortality review committee or its members concerning a review of a fatality at a statewide maternal mortality review committee meeting:

- (1) are privileged; and
- (2) are not:
  - (A) subject to subpoena or discovery; or
  - (B) admissible as evidence;in any judicial or administrative proceeding.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-1-11 Other investigations or reviews**

Sec. 11. Nothing in this chapter shall preclude any death, illness, or injury investigation or review to the extent authorized by other laws.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-1-12 Expiration**

Sec. 12. This article expires June 30, 2027.

*As added by P.L.48-2018, SEC.3. Amended by P.L.65-2021, SEC.6; P.L.179-2022(ss), SEC.39.*

### **IC 16-50-2 Chapter 2. Statewide Maternal Mortality Review Coordinator**

[16-50-2-1](#)Statewide maternal mortality review coordinator employed

[16-50-2-2](#)Data collection form

[16-50-2-3](#)Confidentiality form; use

[16-50-2-4](#)Process for reporting

#### **IC 16-50-2-1Statewide maternal mortality review coordinator employed**

Sec. 1. The state department shall employ a statewide maternal mortality review coordinator to support the statewide maternal mortality review committee.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-2-2Data collection form**

Sec. 2. The statewide maternal mortality review coordinator shall develop a data collection form that includes:

- (1) identifying and nonidentifying information;
- (2) information regarding the circumstances surrounding a maternal morbidity or maternal mortality;
- (3) factors contributing to a maternal morbidity or maternal mortality; and
- (4) findings and recommendations that include the following information:
  - (A) Whether similar future maternal morbidities or maternal mortalities could be prevented.
  - (B) A list of:
    - (i) agencies and entities that should be involved; and
    - (ii) any other resources that should be used;

to prevent future maternal morbidities and maternal mortalities in Indiana.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-2-3Confidentiality form; use**

Sec. 3. (a) The statewide maternal mortality review coordinator shall develop a confidentiality form for use by the statewide maternal mortality review committee and any individuals who are invited by the chairperson to attend a meeting of the statewide maternal mortality review committee.

(b) Any individual who is invited by the chairperson to attend a meeting of the statewide maternal mortality review committee shall sign the confidentiality form described in subsection (a) in order to attend the meeting.

*As added by P.L.48-2018, SEC.3.*

#### **IC 16-50-2-4Process for reporting**

Sec. 4. The statewide maternal mortality review coordinator shall establish a process for a person to report a case to the statewide maternal mortality review committee under this article.

*As added by P.L.48-2018, SEC.3. Amended by P.L.65-2021, SEC.7.*