

Requested by Representative KENY-GUYER

**PROPOSED AMENDMENTS TO  
HOUSE BILL 4133**

1 On page 1 of the printed bill, line 2, after “Committee;” delete the rest  
2 of the line and insert “and declaring an emergency.”.

3 Delete lines 4 through 27 and delete pages 2 through 4 and insert:

4 **“SECTION 1. (1) As used in this section:**

5 **“(a) ‘Maternal mortality’ means the death of a person during preg-**  
6 **nancy or within 365 days after pregnancy.**

7 **“(b) ‘Severe maternal morbidity’ includes pregnancy-related out-**  
8 **comes that result in significant short-term or long-term consequences**  
9 **to a person’s health.**

10 **“(2) The Maternal Mortality and Morbidity Review Committee is**  
11 **established in the Oregon Health Authority to conduct studies and**  
12 **reviews of the incidence of maternal mortality and severe maternal**  
13 **morbidity and to make policy and budget recommendations to reduce**  
14 **the incidence of maternal mortality and severe maternal morbidity in**  
15 **this state.**

16 **“(3) The committee shall consist of at least 11 but not more than**  
17 **15 members appointed by the Governor. The Governor shall consider**  
18 **for membership the following individuals:**

19 **“(a) A physician licensed under ORS chapter 677 who specializes in**  
20 **family medicine and whose practice includes maternity care and de-**  
21 **livery;**

1       **“(b) A physician licensed under ORS chapter 677 who specializes in**  
2 **obstetrics and gynecology;**

3       **“(c) A physician licensed under ORS chapter 677 who specializes in**  
4 **maternal fetal medicine;**

5       **“(d) A licensed registered nurse who specializes in labor and deliv-**  
6 **ery;**

7       **“(e) A licensed registered nurse who is certified by the Oregon State**  
8 **Board of Nursing as a nurse midwife nurse practitioner;**

9       **“(f) A direct entry midwife licensed under ORS 687.405 to 687.495;**

10       **“(g) A traditional health worker;**

11       **“(h) An individual who represents a community-based organization**  
12 **that represents communities of color and focuses on reducing racial,**  
13 **ethnic and health disparities;**

14       **“(i) An individual who represents a community-based organization**  
15 **that focuses on treatment of mental health;**

16       **“(j) An individual who meets criteria for a doula adopted by the**  
17 **Oregon Health Authority in accordance with ORS 414.665;**

18       **“(k) An individual who represents the authority with an expertise**  
19 **in the field of maternal and child health; and**

20       **“(L) An individual who is an expert in the field of public health.**

21       **“(4) In appointing members under subsection (3) of this section, the**  
22 **Governor shall consider whether the composition of the committee is**  
23 **reasonably representative of this state’s geographic, ethnic and eco-**  
24 **nomi c diversity.**

25       **“(5) Members of the committee shall serve for terms of four years**  
26 **each. The Governor shall fill a vacancy on the committee by making**  
27 **an appointment to become immediately effective for the unexpired**  
28 **term. The Governor shall assign the initial terms of office to members**  
29 **so that the terms expire at staggered intervals.**

30       **“(6) The committee shall elect one of its members to serve as**

1 **chairperson. A majority of the members of the committee constitutes**  
2 **a quorum.**

3 **“(7) The committee shall meet at times and places specified by the**  
4 **call of the chairperson or of a majority of the members of the com-**  
5 **mittee.**

6 **“(8) The committee shall convene in closed, nonpublic meetings.**

7 **“(9) A member of the committee is not entitled to compensation,**  
8 **but in the discretion of the authority may be reimbursed from funds**  
9 **available to the authority for actual and necessary travel and other**  
10 **expenses incurred by the member in the performance of the member’s**  
11 **official duties in the manner and amount provided in ORS 292.495.**

12 **“(10) The authority may adopt rules necessary for the operation of**  
13 **the committee.**

14 **“(11) The committee shall:**

15 **“(a) Study and review information relating to the incidence of ma-**  
16 **ternal mortality and severe maternal morbidity in this state.**

17 **“(b) Examine whether social determinants of health are contribut-**  
18 **ing factors to the incidence of maternal mortality and severe maternal**  
19 **morbidity including, but not limited to:**

20 **“(A) Race and ethnicity;**

21 **“(B) Socioeconomic status;**

22 **“(C) Access to primary and preventive health care services for a**  
23 **person who is of reproductive age; and**

24 **“(D) Gaps in insurance coverage postpartum or following preg-**  
25 **nancy.**

26 **“(12)(a) Upon request by the division of the authority that is**  
27 **charged with public health functions, the following shall make avail-**  
28 **able to the committee information relating to the incidence of mater-**  
29 **nal mortality and severe maternal morbidity in this state:**

30 **“(A) Health care providers;**

1       **“(B) Providers of social services;**  
2       **“(C) Health care facilities;**  
3       **“(D) The authority;**  
4       **“(E) The Department of Human Services;**  
5       **“(F) Law enforcement agencies;**  
6       **“(G) Medical examiners; and**  
7       **“(H) Any other state and local agency deemed relevant by the**  
8       **committee.**

9       **“(b) Information made available to the committee may include, but**  
10      **need not be limited to, the following:**

11      **“(A) Medical records;**  
12      **“(B) Autopsy reports;**  
13      **“(C) Birth records;**  
14      **“(D) Death records;**  
15      **“(E) Social services files;**  
16      **“(F) Information obtained during any family interviews; and**  
17      **“(G) Any other data or information the committee may deem rele-**  
18      **vant in connection with maternal mortality and severe maternal**  
19      **morbidity.**

20      **“(c) A person may not charge or collect a fee for providing infor-**  
21      **mation to the committee pursuant to this subsection.**

22      **“(13) All agencies of state government, as defined in ORS 174.111,**  
23      **are directed to assist the committee in the performance of duties of**  
24      **the committee and, to the extent permitted by laws relating to**  
25      **confidentiality, to furnish information and advice as deemed necessary**  
26      **by the members of the committee.**

27      **“(14)(a) All meetings and activities of the committee are exempt**  
28      **from the requirements of ORS 192.610 to 192.690.**

29      **“(b) All information obtained, created or maintained by the com-**  
30      **mittee is:**

1       “(A) Confidential and exempt from disclosure under ORS 192.311 to  
2       192.478; and

3       “(B) Not admissible in evidence in a judicial, administrative, arbi-  
4       tration or mediation proceeding.

5       “(c) Committee members may not be:

6       “(A) Examined as to any communications to or from the commit-  
7       tee, or as to any information obtained or maintained by the commit-  
8       tee; and

9       “(B) Subject to an action for civil damages for affirmative actions  
10      or statements made in good faith.

11      “(d) This subsection does not limit the discoverability or usability  
12      of any information that is available from a source other than the  
13      committee in a judicial, administrative, arbitration or mediation pro-  
14      ceeding.

15      “(15) A person who acts in good faith in making information avail-  
16      able to the committee under subsection (12) of this section has im-  
17      munity:

18      “(a) From any civil or criminal liability that might otherwise be  
19      incurred or imposed with respect to releasing the information;

20      “(b) From disciplinary action taken by the person’s employer with  
21      respect to releasing the information; and

22      “(c) With respect to participating in any judicial proceeding result-  
23      ing from or involving the release of information.

24      “(16) The committee shall submit a biennial report in the manner  
25      provided in ORS 192.245 to the interim committees of the Legislative  
26      Assembly related to health care. The report submitted under this  
27      subsection must include, but is not limited to, the following:

28      “(a) A summary of the committee’s conclusions and findings relat-  
29      ing to maternal mortality;

30      “(b) Aggregated data related to the cases of maternal mortality in

1 **this state that is not individually identifying;**

2 **“(c) A description of actions that are necessary to implement any**  
3 **recommendations of the committee to prevent occurrences of mater-**  
4 **nal mortality in this state; and**

5 **“(d) Recommendations for allocating state resources to decrease the**  
6 **rate of maternal mortality in this state.**

7 **“(17) Notwithstanding subsection (14) of this section, the committee**  
8 **may include in all reports submitted to the interim committees of the**  
9 **Legislative Assembly related to health care references to otherwise**  
10 **confidential information for the sole purpose of making the reports**  
11 **required under this subsection. Any disclosure must be otherwise**  
12 **protected from further disclosure for any purpose not related to the**  
13 **making of the report.**

14 **“SECTION 2. (1) The Maternal Mortality and Morbidity Review**  
15 **Committee shall begin performing studies and reviews of the incidence**  
16 **of maternal mortality, as defined in section 1 of this 2018 Act, as soon**  
17 **as practicable after the effective date of this 2018 Act but not later**  
18 **than July 1, 2018.**

19 **“(2) The committee shall perform studies and reviews of the inci-**  
20 **dence of severe maternal morbidity, as defined in section 1 of this 2018**  
21 **Act, as soon as practicable after the effective date of this 2018 Act but**  
22 **not later than July 1, 2019.**

23 **“SECTION 3. (1) The Maternal Mortality and Morbidity Review**  
24 **Committee shall, in the manner provided in ORS 192.245, submit a re-**  
25 **port on the progress made by the committee in achieving its objec-**  
26 **tives, and may include recommendations for legislation, to the interim**  
27 **committees of the Legislative Assembly related to health care no later**  
28 **than January 1, 2019.**

29 **“(2) The committee shall first submit the report required under**  
30 **section 1 (16) of this 2018 Act no later than January 1, 2021.**

