

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2152

6 By: Roe

7 COMMITTEE SUBSTITUTE

8 An Act relating to maternal mortality; amending 63  
9 O.S. 2021, Section 1-242.4, which relates to  
10 composition and structure of the Maternal Mortality  
11 Review Committee; reducing membership; requiring  
12 hospital or licensed birthing center to report  
13 certain maternal deaths to the Office of the Chief  
14 Medical Examiner; amending 63 O.S. 2021, Section 938,  
15 which relates to types of deaths to be investigated;  
16 broadening types of deaths required to be  
17 investigated; amending 63 O.S. 2021, Section 939,  
18 which relates to production of records, documents,  
19 evidence, or other material; authorizing Office of  
20 the Chief Medical Examiner to share certain material  
21 with the Maternal Mortality Review Committee for  
22 specified purpose; providing for codification; and  
23 providing an effective date.

24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2021, Section 1-242.4, is  
amended to read as follows:

Section 1-242.4 The Maternal Mortality Review Committee shall  
be composed of ~~twenty-five (25)~~ twenty-four (24) members, or their  
designees, as follows:

1. Eighteen of the members shall be:

- 1 a. the Chief Medical Examiner,
- 2 b. the Chair of the Oklahoma Chapter of the American
- 3 College of Obstetricians and Gynecologists,
- 4 c. the Chief Medical Officer of the State Department of
- 5 Health,
- 6 d. the Chief Medical Officer of the Oklahoma Health Care
- 7 Authority,
- 8 e. the President of the Oklahoma Chapter of the American
- 9 College of Nurse-Midwives,
- 10 f. the Medical Director for the Oklahoma Perinatal
- 11 Quality Improvement Collaborative,
- 12 g. the Director of the Maternal and Child Health ~~Services~~
- 13 Service of the State Department of Health,
- 14 h. the Commissioner of Mental Health and Substance Abuse
- 15 Services,
- 16 i. the Chair of the Oklahoma Chapter of the Association
- 17 of Women's Health, Obstetric and Neonatal Nurses,
- 18 j. the Director of the Oklahoma State Bureau of
- 19 Investigation,
- 20 k. the Director of the Injury Prevention ~~Services~~ Service
- 21 of the State Department of Health,
- 22 l. the Director of the Family Support and Prevention
- 23 Service of the State Department of Health,
- 24

- 1 m. the Executive Director of the Southern Plains Tribal
- 2 Health Board,
- 3 n. the President of the Oklahoma Chapter of the National
- 4 Association of Social Workers,
- 5 o. the Director of the Office of Perinatal Quality
- 6 Improvement,
- 7 p. the Director of the Oklahoma ~~City/County~~ City-County
- 8 Health Department,
- 9 q. the Director of the Tulsa Health Department, and
- 10 r. the Maternal and Child Health Service Perinatal and
- 11 Reproductive Health Division Medical Director; and

12 2. ~~Seven~~ Six of the members shall be appointed by the State  
13 Commissioner of Health to serve for two-year terms and shall be  
14 eligible for reappointment. The members shall be persons having  
15 training and experience in matters related to maternal mortality and  
16 severe maternal morbidity. The members shall be appointed from the  
17 following positions:

- 18 a. a physician who is a member of the Oklahoma State
- 19 Medical Association,
- 20 b. a physician who is a member of the Oklahoma
- 21 Osteopathic Association,
- 22 c. a current law enforcement officer who is employed by a
- 23 local or county law enforcement agency,
- 24 d. a maternal-fetal medicine physician,

- 1 e. an individual who has been affected by pregnancy-  
2 related or pregnancy-associated deaths, severe  
3 maternal morbidity, and/or lack of access to maternal  
4 health care services, and  
5 f. an emergency medical ~~technician,~~ and  
6 ~~g. a home-visiting program director~~ services provider.

7 Every two (2) years the Committee shall elect from among its  
8 membership a chair and a vice-chair. The Committee shall meet at  
9 least quarterly and may meet more frequently as necessary as  
10 determined by the chair.

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 1-702f of Title 63, unless there  
13 is created a duplication in numbering, reads as follows:

14 A hospital or licensed birthing center shall make a reasonable  
15 and good-faith effort to report to the Office of the Chief Medical  
16 Examiner, within seventy-two (72) hours after the death occurs, any  
17 maternal death that occurs in the hospital or licensed birthing  
18 center during pregnancy or within one (1) year of termination of  
19 pregnancy.

20 SECTION 3. AMENDATORY 63 O.S. 2021, Section 938, is  
21 amended to read as follows:

22 Section 938. A. All human deaths of the types listed herein  
23 shall be investigated as provided by law:  
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- 1 1. Violent deaths, whether apparently homicidal, suicidal, or  
2 accidental;
- 3 2. Deaths under suspicious, unusual or unnatural circumstances;
- 4 3. Deaths related to disease which might constitute a threat to  
5 public health;
- 6 4. Deaths unattended by a licensed physician for a fatal or  
7 ~~potentially fatal~~ potentially fatal illness;
- 8 5. Deaths that are medically unexpected and that occur in the  
9 course of a therapeutic procedure;
- 10 6. Deaths of any persons detained or occurring in custody of  
11 penal incarceration; ~~and~~
- 12 7. Deaths of persons whose bodies are to be cremated,  
13 transported out of the state, donated to educational entities, to  
14 include limited portions of the body, or otherwise made ultimately  
15 unavailable for pathological study; and
- 16 8. Maternal deaths that occur during pregnancy or within one  
17 (1) year of termination of pregnancy reported by a hospital or  
18 licensed birthing center under Section 2 of this act.

19 B. The Chief Medical Examiner shall state on the certificate of  
20 death of all persons whose death was caused by execution pursuant to  
21 a lawful court order that the cause of death was the execution of  
22 such order.

23 SECTION 4. AMENDATORY 63 O.S. 2021, Section 939, is  
24 amended to read as follows:

1 Section 939. A. Except as otherwise provided by law, the Chief  
2 Medical Examiner shall produce records, documents, evidence or other  
3 material of any nature only upon the order of a court of competent  
4 jurisdiction. An interested party or litigant in a civil or  
5 criminal action may make application for an order to produce such  
6 materials. The court, after notice to all parties, including the  
7 Chief Medical Examiner, and a hearing on the application, may, upon  
8 the showing of good cause, direct the release of a copy or any part  
9 of such material. In addition, the court may also direct the  
10 payment of reasonable costs by the requesting party for the  
11 production of the material. The production of such material shall  
12 take place at the Office of the Chief Medical Examiner unless, upon  
13 a showing of good cause, specifically ordered otherwise by the  
14 court.

15 B. Notwithstanding subsection A of this section, the Chief  
16 Medical Examiner may, to the extent allowed under state law, share  
17 records, documents, evidence, or other material of any nature with  
18 the Maternal Mortality Review Committee for the purpose of aiding  
19 the Committee in carrying out its duties under the Maternal  
20 Mortality Review Act.

21 SECTION 5. This act shall become effective November 1, 2023.

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