

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2152

By: Roe of the House

and

**Dossett** of the Senate

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10                                   COMMITTEE SUBSTITUTE

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

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:

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

4 1. Eighteen of the members shall be:

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

- k. the Director of the Injury Prevention ~~Services~~ Service of the State Department of Health,
- l. the Director of the Family Support and Prevention Service of the State Department of Health,
- m. the Executive Director of the Southern Plains Tribal Health Board,
- n. the President of the Oklahoma Chapter of the National Association of Social Workers,
- o. the Director of the Office of Perinatal Quality Improvement,
- p. the Director of the Oklahoma ~~City/County~~ City-County Health Department,
- q. the Director of the Tulsa Health Department, and
- r. the Maternal and Child Health Service Perinatal and Reproductive Health Division Medical Director; and

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

- a. a physician who is a member of the Oklahoma State Medical Association,

- b. a physician who is a member of the Oklahoma Osteopathic Association,
- c. a current law enforcement officer who is employed by a local or county law enforcement agency,
- d. a maternal-fetal medicine physician,
- e. an individual who has been affected by pregnancy-related or pregnancy-associated deaths, severe maternal morbidity, and/or lack of access to maternal health care services, and
- f. an emergency medical ~~technician, and~~
- ~~g. a home-visiting program director~~ services provider.

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

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

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

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

3 Section 938. A. All human deaths of the types listed herein  
4 shall be investigated as provided by law:

5 1. Violent deaths, whether apparently homicidal, suicidal, or  
6 accidental;

7 2. Deaths under suspicious, unusual or unnatural circumstances;

8 3. Deaths related to disease which might constitute a threat to  
9 public health;

10 4. Deaths unattended by a licensed physician for a fatal or  
11 ~~potentially-fatal~~ potentially fatal illness;

12 5. Deaths that are medically unexpected and that occur in the  
13 course of a therapeutic procedure;

14 6. Deaths of any persons detained or occurring in custody of  
15 penal incarceration; ~~and~~

16 7. Deaths of persons whose bodies are to be cremated,  
17 transported out of the state, donated to educational entities, to  
18 include limited portions of the body, or otherwise made ultimately  
19 unavailable for pathological study; and

20 8. Maternal deaths that occur during pregnancy or within one  
21 (1) year of termination of pregnancy reported by a hospital or  
22 licensed birthing center under Section 2 of this act.

23 B. The Chief Medical Examiner shall state on the certificate of  
24 death of all persons whose death was caused by execution pursuant to

1 a lawful court order that the cause of death was the execution of  
2 such order.

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

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

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

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

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3 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated  
4 02/22/2023 - DO PASS, As Amended and Coauthored.  
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