

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 399

By: Dossett

AS INTRODUCED

An Act relating to maternal mortality; amending 63 O.S. 2021, Section 1-242.4, which relates to composition and structure of the Maternal Mortality Review Committee; reducing membership; requiring hospital or licensed birthing center to report certain maternal deaths to the Office of the Chief Medical Examiner; amending 63 O.S. 2021, Section 938, which relates to types of deaths to be investigated; broadening types of deaths required to be investigated; amending 63 O.S. 2021, Section 939, which relates to production of records, documents, evidence, or other material; authorizing Office of the Chief Medical Examiner to share certain material with the Maternal Mortality Review Committee for specified purpose; updating statutory language; 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:

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:

a. the Chief Medical Examiner,

- b. the Chair of the Oklahoma Chapter of the American College of Obstetricians and Gynecologists,
- c. the Chief Medical Officer of the State Department of Health,
- d. the Chief Medical Officer of the Oklahoma Health Care Authority,
- e. the President of the Oklahoma Chapter of the American College of Nurse-Midwives,
- f. the Medical Director for the Oklahoma Perinatal Quality Improvement Collaborative,
- g. the Director of Maternal and Child Health Services of the State Department of Health,
- h. the Commissioner of Mental Health and Substance Abuse Services,
- i. the Chair of the Oklahoma Chapter of the Association of Women's Health, Obstetric and Neonatal Nurses,
- j. the Director of the Oklahoma State Bureau of Investigation,
- k. the Director of Injury Prevention Services 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 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

1 maternal morbidity, and/or lack of access to maternal
2 health care services, and
3 f. an emergency medical technician,~~and~~
4 g.~~a home-visiting program director.~~

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

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

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

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

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

22 1. Violent deaths, whether apparently homicidal, suicidal, or
23 accidental;

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

1 3. Deaths related to disease which might constitute a threat to
2 public health;

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

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

7 6. Deaths of any persons detained or occurring in custody of
8 ~~penal incarceration~~ the Department of Corrections; and

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

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

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

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

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

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

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

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