

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 749**

SENATORS MARONEY, STOLLINGS, TAKUBO, PREZIOSO,

ROMANO, AND PLYMALE

[Introduced February 11, 2020; referred  
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §61-12A-4 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring the Bureau for Public Health to submit its maternal mortality data to the  
 3 Centers for Disease Control and Prevention for data aggregation.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12A. FATALITY AND MORTALITY REVIEW TEAM.**

**§61-12A-4. Confidentiality.**

1 (a) Proceedings, records and opinions of the Fatality and Mortality Review Team and the  
 2 advisory panels established by the team pursuant to this article are confidential and are not  
 3 subject to discovery, subpoena or introduction into evidence in any civil or criminal proceeding.  
 4 This section does not limit or restrict the right to discover or use in any civil or criminal proceeding  
 5 anything that is available from another credible source and entirely independent of the  
 6 proceedings of the team or advisory panels.

7 (b) Members of the Fatality and Mortality Review Team and members of the advisory  
 8 panels established by the team may not be questioned in any civil or criminal proceeding  
 9 regarding information presented in or opinions formed as a result of a meeting of the team. This  
 10 subsection does not prevent a member of the team or an advisory panel from testifying to  
 11 information obtained independently of the team or advisory panel which is public information.

12 (c) Proceedings, records and opinions of the Fatality and Mortality Review Team and the  
 13 advisory panels established by the team are exempt from disclosure under the Freedom of  
 14 Information Act as provided in chapter 29B of this code.

15 (d) Notwithstanding any other provisions to the contrary, the Fatality and Mortality Review  
 16 Team may prepare a data compilation to be shared, on an annual basis or more often as needed,  
 17 with the Centers for Disease Control and Prevention to study maternal mortality in an effort to  
 18 reduce mortality rates. No individual records may be produced.

NOTE: The purpose of this bill is to allow the Fatality and Mortality Review Team to share a data set with the CDC in an effort to reduce mortality rates.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.