

HOUSE No. 4445

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 26, 2020.

The committee on Public Health, to whom were referred the petition (accompanied by bill, House, No. 1907) of Patricia A. Haddad and others relative to conducting fetal and infant mortality review, the petition (accompanied by bill, House, No. 1915) of Kate Hogan and others for legislation to authorize certain local health agencies to conduct in-depth fetal infant mortality reviews, and the petition (accompanied by bill, House, No. 1971) of Liz Miranda and others for legislation to authorize the department of Public Health to conduct fetal and infant mortality reviews, reports recommending that the accompanying bill (House, No. 4445) ought to pass.

For the committee,

JOHN J. MAHONEY.

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**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to conducting fetal and infant mortality review.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 38 of the general laws is hereby amended by inserting after section
2 2A the following section: --

3 Section 2B. As used in this section, the term below shall have the following meaning: -

4 “Authorized local health agency”, shall mean a health board, department, or other
5 governmental entity that is authorized by the department of public health to receive timely data
6 relative to fetal and infant deaths for assessing, planning, improving and monitoring the service
7 systems and community resources that support child and maternal health.

8 “Fetal death”, shall have the same meaning as appears in section 202 of chapter 111.

9 The department of public health shall establish a process for designating authorized local
10 health agencies. This process may include reasonable criteria regarding the level of expertise,
11 workforce capacity, or organizational capacity. Authorized local health agencies shall be
12 authorized to conduct in-depth fetal infant mortality review of each individual infant and fetal

13 death occurring within their jurisdiction, in order to identify local factors associated with fetal
14 and infant deaths and inform public health policy programs.

15 For each case of fetal or infant death to be reviewed, authorized local health agencies are
16 hereby authorized to collect relevant data from a variety of sources, which may include physician
17 and hospital records in addition to relevant community program records. Authorized local health
18 agencies are authorized to collect, and the department is authorized to provide, timely access to
19 vital records and other data reasonably necessary for fetal and infant mortality review.

20 The department may issue additional guidance through policy or regulation, consistent
21 with this section, regarding the process for conducting fetal infant mortality reviews by
22 authorized local health agencies, which may include guidance from the National Fetal and Infant
23 Mortality Review Program.

24 All data and records created or maintained pursuant to this section shall be confidential,
25 and shall not be subject to public records nor subject to subpoena or civil processes nor
26 admissible in evidence in connection with any judicial, executive, legislative or other
27 proceeding.