

2018 Regular Session

HOUSE BILL NO. 818

BY REPRESENTATIVE HILFERTY

PUBLIC HEALTH: Creates the Healthy Moms, Healthy Babies Advisory Council

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(26) and to enact R.S. 36:259(I)(1) and R.S. 40:2018.5,

3 relative to maternal and child health; to establish the Healthy Moms, Healthy Babies

4 Advisory Council; to provide for placement of the council within the executive

5 branch of government; to provide for the composition and duties of the council; to

6 provide for duties of the Louisiana Department of Health with respect to the council;

7 to provide for a public records exception; to provide for a termination date; and to

8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 36:259(I)(1) is hereby enacted to read as follows:

11 §259. Transfer of agencies and functions to Louisiana Department of Health

12 \* \* \*

13 I. The following agencies, as defined in R.S. 36:3, are placed within the

14 Louisiana Department of Health and shall exercise and perform their powers, duties,

15 functions, and responsibilities in the manner provided for agencies transferred in

16 accordance with the provisions of R.S. 36:802:

17 (1) The Healthy Moms, Healthy Babies Advisory Council (R.S. 40:2018.5)

18 \* \* \*

1 Section 2. R.S. 40:2018.5 is hereby enacted to read as follows:

2 §2018.5. Healthy Moms, Healthy Babies Advisory Council creation; legislative  
3 findings; composition, purpose, and duties of the council; termination

4 A. The legislature hereby finds and declares that research indicates maternal  
5 mortality, severe maternal morbidity, and unexpected outcomes of pregnancy and  
6 birth resulting in significant health consequences are rising in the United States; and  
7 that these outcomes occur more frequently in Louisiana than in other states.

8 B.(1) The legislature hereby creates within the Louisiana Department of  
9 Health the Healthy Moms, Healthy Babies Advisory Council, referred to hereafter  
10 in this Section as the "council", for the purpose of working with existing state entities  
11 focused on maternal death and severe maternal morbidity.

12 (2) The council shall address racial and ethnic disparities in maternal health  
13 outcomes and incorporate a community-engaged, equity-focused lens into current  
14 programs and campaigns which seek to prevent maternal mortality and severe  
15 maternal morbidity, and shall promote safe and equitable care for every mother and  
16 every birth in this state.

17 (3) The council shall be composed of the following members:

18 (a) The secretary of the Louisiana Department of Health or his designee.

19 (b) The assistant secretary of the office of public health of the Louisiana  
20 Department of Health or his designee.

21 (c) The executive director of the office on women's policy within the office  
22 of the governor or his designee.

23 (d) One member of the House of Representatives appointed by the speaker  
24 of the House of Representatives.

25 (e) One member of the Senate appointed by the president of the Senate.

26 (f) Two representatives of community-based organizations that work to  
27 prevent maternal mortality appointed by the governor.

28 (g) One representative of the American College of Obstetricians and  
29 Gynecologists appointed by the governor.

1           (h) One representative of an organization seeking to address infant mortality,  
2           birth equity, and infant wellness in Louisiana appointed by the governor.

3           (i) One representative of an organization providing doula services or  
4           community-based support services for women giving birth in Louisiana appointed  
5           by the governor.

6           (j) One representative of the Commission on Perinatal Care and Prevention  
7           of Infant Mortality appointed by the secretary of the Louisiana Department of  
8           Health.

9           (k) One representative of the Louisiana State Coroners Association  
10          appointed by the president of the Senate.

11          (l) One representative of a community-based organization providing  
12          substance abuse counseling appointed by the president of the Senate.

13          (m) One representative of the Louisiana District Attorneys Association  
14          appointed by the speaker of the House of Representatives.

15          (n) One representative of a community-based organization advocating  
16          against domestic violence appointed by the speaker of the House of Representatives.

17          (o) Two at-large representatives appointed by the governor.

18          (4) The council shall elect from among its members a chairperson.

19          (5) Members of the council shall serve without compensation.

20          C.(1) The council shall hold quarterly public meetings unless otherwise  
21          provided by vote of the council or by order of the chairperson.

22          (2) The council may establish subcommittees and appoint persons to those  
23          bodies, including persons who are not council members, as it deems necessary and  
24          appropriate to accomplish its goals.

25          (3) The Louisiana Department of Health shall provide staff support to the  
26          council.

27          D. The council shall perform all of the following tasks:

28          (1) Evaluate functions and activities of existing groups focused on maternal  
29          mortality in order to collaborate with and engage stakeholders.

1           (2) Support and contextualize reporting of maternal outcomes data  
2           disaggregated by race and ethnicity where possible.

3           (3) Incorporate an ongoing community advisory process into existing state  
4           committees and collaboratives that generate data, recommendations, and proposals  
5           for health system changes relevant to maternal mortality and morbidity, prioritizing  
6           representation from organizations led by members of affected, historically  
7           marginalized communities.

8           (4) Establish guidelines for specific data components relevant to birth equity  
9           to be included in state and agency reports on maternal mortality and morbidity,  
10          including a plan for timely dissemination of reports on maternal mortality, morbidity,  
11          and related disparities to legislators, healthcare organizations, and other key  
12          stakeholders.

13          (5) Make recommendations on further policy options to ensure that the state  
14          establishes ongoing public health monitoring and activated response to eliminate  
15          cases of and disparities in maternal mortality and morbidity.

16          (6) Issue a report of its findings and recommendations to the Commission  
17          on Perinatal Care and Prevention of Infant Mortality, the governor, the speaker of the  
18          House of Representatives, and the president of the Senate. Subject to the conditions  
19          of Subparagraph (7)(c) of this Subsection, the report may include any  
20          recommendations for legislation that the council deems necessary and appropriate.

21          (7)(a) Issue research findings, reports, and recommendations for legislation  
22          at the discretion of the council.

23          (b) The council may issue a recommendation for legislation only if approved  
24          by a two-thirds vote of council members present and voting.

25          E.(1) Notwithstanding any other provision of law to the contrary, the council  
26          may request that the Louisiana Department of Health produce or provide data to  
27          inform the work of the council. All such data shall be confidential and shall not be  
28          available for subpoena, nor shall such information be disclosed, discoverable, or  
29          compelled to be produced in any civil, criminal, administrative, or other proceeding

1 nor shall such records be deemed admissible as evidence in any civil, criminal,  
2 administrative, or other tribunal or court for any reason.

3 (2) Nothing in this Subsection shall prohibit the publishing of statistical  
4 compilations relating to maternal mortality or morbidity which do not identify  
5 individual cases or individual physicians, hospitals, clinics, or other healthcare  
6 providers.

7 F. This Section shall terminate on March 31, 2021.

8 Section 3. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

9 §4.1. Exceptions

10 \* \* \*

11 B. The legislature further recognizes that there exist exceptions, exemptions,  
12 and limitations to the laws pertaining to public records throughout the revised  
13 statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
14 limitations are hereby continued in effect by incorporation into this Chapter by  
15 citation:

16 \* \* \*

17 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 1007, 1061.21,  
18 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4, 1379.1.1(D),  
19 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020, 2106, 2138,  
20 2532, 2845.1

21 \* \* \*

22 Section 4. The secretary of the Louisiana Department of Health shall take such  
23 actions as are necessary to ensure that the initial convening of the Healthy Moms, Healthy  
24 Babies Advisory Council created by Section 1 of this Act occurs on or before October 1,  
25 2018.

26 Section 5. The Healthy Moms, Healthy Babies Advisory Council shall issue the  
27 report required by R.S. 40:2018.5(D)(6), as enacted by Section 1 of this Act, on or before  
28 February 1, 2020.

1 Section 6. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 818 Engrossed

2018 Regular Session

Hilferty

**Abstract:** Establishes and provides for the Healthy Moms, Healthy Babies Advisory Council.

Proposed law creates the Healthy Moms, Healthy Babies Advisory Council, referred to hereafter as the "council", within the La. Department of Health (LDH).

Proposed law provides that the council shall address racial and ethnic disparities in maternal health outcomes and incorporate a community-engaged, equity-focused lens into current programs and campaigns which seek to prevent maternal mortality and severe maternal morbidity, and shall promote safe and equitable care for every mother and every birth in this state.

Proposed law provides that the council shall be composed of the following 17 members:

- (1) The secretary of LDH or his designee.
- (2) The assistant secretary of the office of public health or his designee.
- (3) The executive director of the office on women's policy or his designee.
- (4) One member appointed of the House of Representatives appointed by the speaker of the House.
- (5) One member of the Senate appointed by the Senate president.
- (6) Two representatives of community-based organizations that work to prevent maternal mortality appointed by the governor.
- (7) One representative of the American College of Obstetricians and Gynecologists appointed by the governor.
- (8) One representative of an organization seeking to address infant mortality, birth equity, and infant wellness in La. appointed by the governor.
- (9) One representative of an organization providing doula services or community-based support services for women giving birth in La. appointed by the governor.
- (10) One representative of the Commission on Perinatal Care and Prevention of Infant Mortality appointed by the secretary of LDH.

- (11) One representative of the La. State Coroners Association appointed by the Senate president.
- (12) One representative of a community-based organization providing substance abuse counseling appointed by the Senate president.
- (13) One representative of the La. District Attorneys Association appointed by the speaker of the House.
- (14) One representative of a community-based organization advocating against domestic violence appointed by the speaker of the House.
- (15) Two at-large representatives appointed by the governor.

Proposed law requires the secretary of LDH to cause the initial convening of the council to occur on or before October 1, 2018.

Proposed law stipulates that members of the council shall serve without compensation.

Proposed law requires the council to hold quarterly public meetings unless otherwise provided by vote of the council or by order of the chairperson.

Proposed law requires that LDH provide staff support to the council.

Proposed law requires the council to perform all of the following tasks:

- (1) Evaluate functions and activities of existing groups focused on maternal mortality in order to collaborate with and engage stakeholders.
- (2) Support and contextualize reporting of maternal outcomes data disaggregated by race and ethnicity where possible.
- (3) Incorporate an ongoing community advisory process into existing state committees and collaboratives that generate data, recommendations, and proposals for health system changes relevant to maternal mortality and morbidity, prioritizing representation from organizations led by members of affected, historically marginalized communities.
- (4) Establish guidelines for specific data components relevant to birth equity to be included in state and agency reports on maternal mortality and morbidity, including a plan for timely dissemination of reports on maternal mortality, morbidity, and related disparities to legislators, healthcare organizations, and other key stakeholders.
- (5) Make recommendations on further policy options to ensure that the state establishes ongoing public health monitoring and activated response to eliminate cases of and disparities in maternal mortality and morbidity.
- (6) Issue a report of its findings and recommendations on or before February 1, 2020, to the Commission on Perinatal Care and Prevention of Infant Mortality, the governor, the speaker of the House of Representatives, and the president of the Senate.
- (7) Issue research findings, reports, and recommendations for legislation at the discretion of the council.

Proposed law provides that notwithstanding any provision of present law to the contrary, the council may request that LDH produce or provide data to inform the work of the council. Provides that all such data shall be confidential and shall not be available for subpoena, and

that such information shall not be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding, or be deemed admissible as evidence in any tribunal or court. Exempts such information from present law relative to public records, R.S. 44:1 et seq.

Proposed law stipulates that nothing therein shall prohibit the publishing of statistical compilations relating to maternal mortality or morbidity which do not identify individual cases or individual physicians, hospitals, clinics, or other healthcare providers.

Proposed law terminates on March 31, 2021.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 44:4.1(B)(26); Adds R.S. 36:259(I)(1) and R.S. 40:2018.5)