ARC 8569C

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Proposing rulemaking related to child death review team and providing an opportunity for public comment

The Department of Health and Human Services hereby proposes to rescind Chapter 90, "Iowa Child Death Review Team," and to adopt a new Chapter 90, "State Mortality Review Committee," Iowa Administrative Code.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 135.43, 135.112 and 144.3.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, 2024 Iowa Acts, Senate File 2385.

Purpose and Summary

2024 Iowa Acts, Senate File 2385, created the State Mortality Review Committee. The purpose of the State Mortality Review Committee is to aid in the reduction of preventable deaths by promoting communication, discussion, cooperation, and the exchange of ideas and information, and by making recommendations for changes in policy and practice to improve community interventions, and to determine whether the Department and others involved responded appropriately. This chapter is replacing the chapters previously titled "Iowa Child Death Review Team," "Iowa Domestic Abuse Death Review Team," and "Maternal Mortality Review Committee."

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on October 30, 2024. A public hearing was held on the following date(s):

- November 19, 2024

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking, which must be received by the Department no later than 4:30 p.m. on January 21, 2025. Comments should be directed to:

Victoria L. Daniels
Department of Health and Human Services
Lucas State Office Building

321 East 12th Street
Des Moines, Iowa 50319
Phone: 515.829.6021
Email: compliancerules@hhs.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

January 16, 2025 10 to 11 a.m.	Microsoft Teams Meeting ID: 297 224 919 887 Passcode: TpBUop
January 21, 2025 2:30 to 3:30 p.m.	Microsoft Teams Meeting ID: 255 649 705 881 Passcode: BsEBSV

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 641—Chapter 90 and adopt the following **new** chapter in lieu thereof:

CHAPTER 90
STATE MORTALITY REVIEW COMMITTEE

641—90.1(135) Definitions.

"Child abuse assessment" means an assessment performed in accordance with Iowa Code section 232.71B.

"Child fatality" means the death of a child under the age of 18.

"Committee" means the state mortality review committee.

"Maternal death" means any death occurring while a woman is pregnant or within one year of the end of the pregnancy from any cause. This includes deaths resulting from abortions, ectopic pregnancies and all deaths during pregnancy, childbirth, puerperium or deaths from complications of childbirth.

"Multidisciplinary team" means the group of individuals as defined in Iowa Code section 235A.13.

641—90.2(135) Agency. The state mortality review committee is established in the department. The department will provide staffing and administrative support to the committee.

641—90.3(135) Membership. Committee membership will be determined pursuant to Iowa Code section 135.43(2).

641—90.4(135) Officers. The committee will elect a chairperson, a vice chairperson, and other officers as deemed necessary by the committee. Officers will be elected at the first meeting of each fiscal year. Vacancy in the office of the chairperson will be filled by elevation of the vice chairperson. Vacancy in the office of the vice chairperson will be filled by election at the next meeting after the vacancy occurs.

The chairperson will preside at all meetings of the committee. If the chairperson is absent or unable to act, the vice chairperson will perform the duties of the chairperson. When so acting, the vice chairperson will have all the powers of and be subject to all restrictions upon the chairperson. The vice chairperson will also perform such other duties as may be assigned by the chairperson.

641—90.5(135) Subcommittees.

90.5(1) The committee may establish temporary or permanent subcommittees pursuant to Iowa Code sections 135.40, 135.43 and 135.110.

90.5(2) The committee shall establish appointment provisions, membership terms, operating guidelines, and other operational requirements for any subcommittees established.

641—90.6(135) Liaisons. Liaisons will be designated pursuant to Iowa Code section 135.43(5).

641—90.7(135) Meetings. The committee will meet pursuant to Iowa Code section 135.110(3).

641—90.8(135) Duties and responsibilities.

90.8(1) The committee will be responsible for the duties established in Iowa Code sections 135.43(3) and 135.110(1).

90.8(2) The committee will conduct comprehensive, multidisciplinary reviews of maternal deaths or other deaths in Iowa to residents to identify factors associated with the deaths and make recommendations for system changes to prevent future deaths.

The department annually shall systematically ascertain maternal deaths using birth, fetal death and death vital records.

641—90.9(135) Disclosure of information.

90.9(1) The committee and subcommittees shall have access to patient records and other confidential information. In preparation for review of an individual death by the committee or subcommittee, the chairperson of the committee or the chairperson's designee is authorized to gather all information pertinent to the review. A person in possession or control of medical, investigative or other information pertaining to a child death, child abuse, domestic abuse, maternal death, or other death review with an established subcommittee shall allow the inspection and reproduction of the information by the department, upon the request of the department, to be used only in the administration and for the duties of the committee. A person does not incur legal liability by reason of releasing information to the department as mandated under and in compliance with this rule.

The committee and subcommittees will maintain the confidentiality of all information and records used in the review, including disclosure of information that is confidential under Iowa Code chapter 22 or any other provisions of state law.

90.9(2) In the event of a maternal death, the certifying physician shall indicate that circumstance on the certificate of death.

90.9(3) Any person, hospital, sanatorium, or other organization shall make available to the department for inspection records, reports, statements, interviews or other data necessary to fulfill the duties of the committee or subcommittees.

641—90.10(135) Immunity and liability. Committee and subcommittee members are immune from any liability, civil or criminal, as established in Iowa Code section 135.43(8). A person who releases or discloses confidential data, records, or any other type of information in violation of this chapter is guilty of a serious misdemeanor.

These rules are intended to implement 2024 Iowa Acts, Senate File 2385, and Iowa Code sections 135.40, 135.43, 135.108, 135.110, and 135.111.