

2018 Regular Session

HOUSE BILL NO. 818

BY REPRESENTATIVE HILFERTY AND SENATOR BARROW

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.

30 (h) One representative of the March of Dimes, Louisiana Chapter.

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

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

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

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

11 (m) One representative of the Louisiana Hospital Association appointed by
 12 the speaker of the House of Representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____