

Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 90
“State Mortality Review Committee”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 135.43 and 135.112
State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2385

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 19, 2024
2 to 3 p.m.

Microsoft Teams
Meeting ID: 222 143 545 89
Passcode: Ythqof

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

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 in information, to make 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.”

Analysis of Impact

1. Persons affected by the proposed rulemaking:

• **Classes of persons that will bear the costs of the proposed rulemaking:**

None were identified.

• **Classes of persons that will benefit from the proposed rulemaking:**

Death review committees play a critical role in eliminating preventable deaths and promoting health and wellness in infants, children, expecting and new mothers, and adults.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

• **Quantitative description of impact:**

The Mortality Review Committee reviews close to 400 cases annually. Of those cases, 350 are of children under the age of 18, and 25 are of pregnant and postpartum women. Of that 400, there are around 15 to 25 cases reviewed that meet the code criteria for domestic abuse homicide or suicide. These cases involve bystanders, victims of domestic abuse homicides, and perpetrators of domestic

abuse homicide who end their life by suicide. Annually, there are about five or more domestic abuse homicide cases involving two or more decedents. One hundred percent of all domestic abuse cases reviewed involve violent death circumstances. An annual report with recommendations for prevention of future deaths is published for children, and reports for adults are published every two to three years.

Since 2005, the average number of natural deaths in children has decreased from 233 to 128 and accidental deaths have decreased from an average of 91 deaths per year to 59. Homicide deaths in children have remained largely unchanged while suicide deaths are increasing from an average of 13 to an average of 22 per year.

- **Qualitative description of impact:**

The rules are needed to ensure standards of practice previously used by the child death review team, domestic abuse death review team, and maternal mortality review committee are upheld to improve the safety, health, and well-being of Iowans, while preventing future deaths. The Mortality Review Committee is a multidisciplinary committee that reviews deaths that occur in Iowa to help communities understand why the deaths occurred and equip them to effectively prevent future fatalities in children, pregnant and postpartum women, and individuals who died as a result of the actions of an intimate partner.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Personnel and other administrative costs.

- **Anticipated effect on state revenues:**

There is no impact on state revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Death rates for the causes of child, maternal and intimate partners would remain the same or increase. Systemic contributions to the deaths would remain undiscovered and continue to harm people in Iowa. The prevention recommendations made by state mortality review committees not only have the potential to prevent deaths, but to also reduce morbidity and promote improved health outcomes for infants, children, women of reproductive age, and adults. Without these rules, Iowa would not be able to aid in the reduction of incidents of domestic abuse deaths, child deaths, and maternal deaths by accurately identifying the cause and manner of deaths. Without these rules, the team would not be able to improve community interventions for preventing deaths that meet the code criteria. Without these rules, Iowa would become one of the only states without this type of review team.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

None; rulemaking is appropriate.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

None.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.

- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

There is no impact on small business.

Text of Proposed Rulemaking

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.