



REGULATION RELATING TO SEVERE MATERNAL MORBIDITY REVIEW

WHEREAS, Section 5-301(b) of the Philadelphia Home Rule Charter authorizes the Board of Health to issue Department of Public Health regulations for the preservation and promotion of the health of the people of Philadelphia; and

WHEREAS, the Pennsylvania Disease Control and Prevention Law of 1955, 35 P.S. § 521.1 et seq., and Section 6-201 of The Philadelphia Code authorize the Board of Health to establish lists of reportable diseases and conditions; and

WHEREAS, Section 6-202(4) of The Philadelphia Code mandates reporting to the Department of Public Health such information and reports as may be required by regulations adopted by the Board of Health to aid in the formulation and review of municipal programs for the promotion of the health of the public; and

WHEREAS, the Philadelphia Board of Health has adopted Regulations Governing the Control of Communicable and Non-communicable Diseases and Conditions; and

WHEREAS, on January 12, 2023, the Board of Health added “Severe Maternal Morbidity” to the list of reportable conditions in the Regulations Governing the Control of Communicable and Non-Communicable Diseases and Conditions; and

WHEREAS, on January 12, 2023, the Board of Health passed the Regulation Relating to Severe Maternal Morbidity Surveillance by the Division of Reproductive, Adolescent, and Child Health (“ReACH”) of the Department of Public Health; and

WHEREAS, ReACH wishes to establish a Severe Maternal Morbidity Review Team to conduct case reviews on people identified through Severe Maternal Morbidity Surveillance; and

WHEREAS, the case reviews will involve access to sensitive health and social services encounter information protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA); and

WHEREAS, ReACH will convene subject matter experts for the case reviews to develop recommendations for practitioners and municipal programs to reduce the incidence of severe maternal morbidity in Philadelphia; and

WHEREAS, the conclusions and nonbinding recommendations of the Severe Maternal Morbidity Review Team will inform public health, social service, and other programs, policies, and interventions intended to reduce severe maternal morbidity in the City of Philadelphia; and

NOW, THEREFORE, the Board of Health hereby adopts this Regulation Relating to Severe Maternal Morbidity Review, as follows:

Section 1. Definitions

<i>Case Review Subject.</i>	A person who has experienced Severe Maternal Morbidity that has been selected by the SMM Staff Team for investigation.
<i>Department.</i>	The Philadelphia Department of Public Health
<i>Facilities.</i>	All hospitals and medical facilities where pregnant people may receive support with care before, during, and after pregnancy and/or giving birth. All hospitals and medical facilities where children of pregnant people are cared for after birth.
<i>Protected Health Information.</i>	As defined in 45 C.F.R. 160.103.
<i>Provider.</i>	A person or entity providing medical and social service care to pregnant people before, during, and after pregnancy. A person or entity providing medical and social service care to the child of pregnant people up to one year after birth.
<i>Public Health Authority.</i>	As defined in 45 C.F.R. 164.501.
<i>Severe Maternal Morbidity.</i>	Morbidity experienced by pregnant people of one or more of the following types: (1) transfusion of greater than four units of packed red blood cells, (2) intensive care unit admission, (3) extended postpartum length of stay greater than or equal to five days, and (4) readmission to a Facility within thirty (30) days of discharge.
<i>SMM Review Team.</i>	The Severe Maternal Morbidity Review Team described in Section 2.
<i>SMM Staff Team.</i>	The Severe Maternal Morbidity Review Staff Team described in Section 3.
<i>Severe Maternal Morbidity Surveillance Data.</i>	Information about pregnant and recently pregnant people who experience Severe Maternal Morbidity, including first name, last name, date of birth, medical identification number, maternal demographics, medical co-morbidities,

obstetric characteristics, delivery information, and medical complications.

Section 2. Establishment of the Severe Maternal Morbidity Review Team

The Severe Maternal Morbidity Review Team (“SMM Review Team”) is hereby established as an initiative of the Division of Reproductive, Adolescent, and Child Health of the Department. The SMM Review Team shall be composed of representatives from governmental and non-governmental health and social service providers designated by the Health Commissioner and shall serve at the pleasure of the Health Commissioner.

The SMM Review Team will have the responsibility of investigating the Severe Maternal Morbidity events of Case Review Subjects, as prepared by the SMM Staff Team, including the circumstances of such events and evaluating the health care and social services provided to these individuals prior to and after such events, in order to identify opportunities and risks related to public health and other programs and policies and ultimately to prevent Severe Maternal Morbidity in the City of Philadelphia.

Section 3. Procedure for Obtaining Case Review Subject Information

- a. Upon identification of a Case Review Subject, the SMM Staff Team may issue requests to Facilities and Providers for information, including Protected Health Information, about the Case Review Subject.
- b. In the case of hospitals or other health care providers that have treated a Case Review Subject, the Health Commissioner shall issue a written request specifying the minimum information necessary to carry out the public health purposes of this regulation. Such request is expected to include the following data elements, for the period of 5 years before the pregnancy through one year after the delivery date:
 - a. Administrative data, including birth certificates, fetal death certificates, and infant or maternal death certificates
 - b. Inpatient hospital admission and discharge records, including records from Labor & Delivery service and any other relevant hospital departments
 - c. Emergency Department and/or Obstetric triage records
 - d. Emergency Medical Services records
 - e. Outpatient medical records, including prenatal and postpartum care records
 - f. Pediatric records
 - g. Outpatient service records
 - h. Home visiting agency records

The SMM Staff Team may collect from relevant providers, facilities, and agencies information relating to each such organization’s past provision of services to or involvement with any Case Review Subject to the extent permitted or required by applicable law.

The Department will conduct the activities described herein in its capacity as a Public Health Authority, as defined by the Health Insurance Portability and Accountability Act (HIPAA), Standards for Privacy of Individually Identifiable Health Information (Privacy Rule) (45 CFR

Sec. 164.501). Pursuant to 45 CFR Sec. 164.512(b)(1)(i) of the Privacy Rule, covered entities may disclose, without individual authorization, Protected Health Information to Public Health Authorities conducting public health investigations intended to prevent injury and disability.

Section 4. Preparing Case Studies for the Review Team

When preparing case studies of Case Review Subjects, the SMM Staff Team shall remove personally identifiable information from the documents it has collected pursuant to this Regulation. The SMM Staff Team shall develop a methodology for preparing case studies in a manner that ensures no identifiable information, re-identification key, or other information is disclosed that might be used to identify a Case Review Subject. Members of the SMM Review Team shall not attempt to ascertain the identity of any Case Review Subject.

Section 5. Privacy and Security

All records, including information collected pursuant to this Regulation, case studies prepared by the SMM Staff Team, and proceedings and deliberations of the SMM Review Team, shall be confidential to the extent permitted and required by applicable law. Identifiable information collected pursuant to this Regulation shall be held confidential to the extent permitted and required by applicable law.

SMM Review Team members shall sign a confidentiality agreement prior to participating in any meetings of the SMM Review Team.