

ACT 326

H.B. NO. 2280

A Bill for an Act Relating to Perinatal Care.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that all babies deserve a healthy start in life. However, every year in Hawaii, the lives of dozens of high risk babies are lost, because they lacked proper care during pregnancy. Many of them have low birth weights and sometimes weigh as little as one and one-half pounds. These tiny babies utilize extensive high technology procedures as they fight for their lives. Despite the use of this technology, many ultimately die or suffer irreversible

aftereffects such as blindness, mental retardation, cerebral palsy, and developmental and learning disabilities.

The legislature finds that our nation as a whole has high rates of infant mortality and illness as well as higher incidences of low birth weight infants, when compared to other industrialized nations. The United States ranks sixteenth among industrialized nations in producing infants of low birth weights and ranks nineteenth in neonatal mortality. Hawaii ranks well within the United States but still has room for improvement, especially for low-income, native Hawaiian, rural, and immigrant populations.

The accessibility and affordability of quality perinatal care has been identified as major factors in reducing the number of low birth weight infants and their concomitant illnesses, disabilities, and deaths. The Institute of Medicine has concluded that for every dollar spent on prenatal care for high-risk women, \$3.38 would be saved from the total cost of caring for low birth weight infants. The Children's Defense Fund has calculated that the average cost of intensive care for each low birth weight baby ranges from \$10,000 to \$15,000, while the average cost for comprehensive prenatal care is only \$600.

These and many other similar statistics amply demonstrate the importance of perinatal care. Not only is money saved, but the inevitable problems and suffering of low birth weight babies and their families are drastically reduced.

An investment in perinatal care contributes to the growth of a healthy and productive society and is a sound approach to containing the soaring costs of care for low birth weight babies.

The purpose of this Act is to promote the optimal health of pregnant women and ensure the best outcomes for all births by:

- (1) Facilitating access to perinatal care;
- (2) Providing incentives for pregnant women to use perinatal care;
- (3) Establishing a demonstration project to provide comprehensive perinatal services to any area in the State which has a demonstrated need for these services;
- (4) Increasing the medicaid reimbursement for deliveries to encourage physicians and certified nurse-midwives to promote early pregnancy care; and
- (5) Supplementing the federally funded Women, Infants, and Children (WIC) program to provide increased aid for pregnant and breast-feeding women.

SECTION 2. In accordance with Section 9 of Article VII of the Constitution of the State of Hawaii and sections 37-91 and 37-93, Hawaii Revised Statutes, the legislature has determined that the appropriation contained in this Act will cause the state general fund expenditure ceiling for fiscal year 1990-1991 to be exceeded by \$1,800,000 or 0.070 per cent. The reasons for exceeding the general fund expenditure ceiling are that the appropriation made in this Act is necessary to serve the public interest and to meet the need provided for by this Act.

SECTION 3. There is established in the department of health a perinatal hotline service to act as a referral and resource for pregnant women and women of child-bearing age to inform them about the value and importance of early prenatal care and to help them to access perinatal services.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the perinatal care hotline.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 5. There is established in the department of health a three-year maternal care incentives demonstration project to provide incentives to pregnant women to seek prenatal care at the earliest stages of pregnancy. The project shall develop incentives to allow participants to receive maternal and infant supplies at little or no cost.

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$75,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the maternal care incentives demonstration project.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 7. There is established in the department of health a three-year comprehensive perinatal care in needy areas demonstration project to provide:

- (1) At least three demonstration programs for comprehensive perinatal services; and
- (2) Reimbursement for comprehensive services for low-income or high-risk pregnancies, including nutrition education, health education, psychosocial services, and the provision of perinatal vitamins and minerals.

SECTION 8. There is appropriated out of the general revenues of the State of Hawaii the sum of \$350,000, or so much thereof as may be necessary for fiscal year 1990-1991, for the comprehensive perinatal care in needy areas demonstration project.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 9. There is established in the department of human services a three-year medicaid patient delivery supplement demonstration project to provide flat rate medicaid reimbursements to physicians and certified nurse-midwives for perinatal care (on a per vaginal birth or caesarean section basis) at the prevailing reimbursement rates in the State, and to encourage physicians and certified nurse-midwives to accept and promote early pregnancy care for medicaid patients. The project shall be conducted by the department of human services for the fiscal years 1990-1991 to 1992-1993.

The department shall:

- (1) Monitor and evaluate the demonstration project;
- (2) Submit a status report on its findings to the legislature not later than twenty days prior to the convening of the regular sessions of 1991, 1992, and 1993; and
- (3) Submit a final report on its findings to the legislature not later than twenty days prior to the convening of the regular session of 1994.

The status and final reports shall include, but not be limited to, an assessment and evaluation of the demonstration project's impact on the number of providers accepting and promoting early pregnancy care for medicaid patients as well as the project's impact on the birth outcomes for these patients.

SECTION 10. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,250,000, or so much thereof as may be necessary

ACT 326

for fiscal year 1990-1991, for the medicaid patient delivery supplement demonstration project.

The sum appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 11. The department of health shall establish adjunctive eligibility for the federally funded WIC program so that:

- (1) All women receiving medicaid assistance are automatically considered income eligible for the WIC program; and
- (2) Members of families in which a pregnant woman or infant receives medicaid assistance are considered automatically income eligible for the WIC program.

This action will enable pregnant women to obtain adequate food and nutrition during pregnancy, which will contribute to higher birth weight babies with fewer medical problems.

SECTION 12. There is appropriated out of the general revenues of the State of Hawaii the sum of \$50,000, or so much thereof as may be necessary for fiscal year 1990-1991, to expand eligibility under the WIC program.

The sum appropriated shall be expended by the department of health for the purposes of this Act.

SECTION 13. Chapter 324, Hawaii Revised Statutes, is amended as follows:

1. By amending section 324-1 to read:

“§324-1 Sources of information protected. Any person, hospital, sanitorium, nursing or rest home, or other similar medical facility may provide information, interviews, reports, statements, memoranda, or other data or material relating to the condition and treatment of any person to the maternal and perinatal mortality study committee of the Hawaii Medical Association [or], any in-hospital staff committee, or the department of health, to be used in the course of any study for the purpose of reducing morbidity or mortality.

No liability of any kind or character for damages or other relief shall arise or be enforced against any person or organization by reason of having provided the information or material, or by reason of having released or published the findings, conclusions, and summaries of the research or study committees to advance medical research and medical education.”

2. By amending section 324-2 to read:

“§324-2 Identification of persons studied; restriction. The maternal and perinatal mortality study committee of the Hawaii Medical Association, the department of health, or any in-hospital staff committee shall use or publish [said] this material only for the purpose of advancing medical research, medical education, or education of the public in the interest of reducing morbidity or mortality. In all events, the identity, or any group of facts which tends to lead to the identity, of any person whose condition or treatment has been studied shall be confidential and shall not be revealed under any circumstances.”

SECTION 14. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 15. This Act shall take effect on July 1, 1990.

(Approved July 9, 1990.)