



July 8, 2025

All Texas Hospitals with a Maternal Levels of Care Designation

To whom it may concern,

During the 89th Texas Legislature (2025), Regular Session, the legislature passed House Bill 37 (Everly's Law) relating to perinatal bereavement care. Perinatal bereavement care is supportive care for a prenatal diagnosis of a life-limiting fetal condition. This bill takes effect September 1, 2025, and defines what perinatal bereavement care services are required in hospitals assigned a maternal level of care designation under Section 241.182 of Texas Health and Safety Code.

Per H.B. 37, following an intrauterine fetal demise, neonatal death, or stillbirth, hospitals with a maternal level of care designation shall make available to parents and family members perinatal bereavement care counseling options and any available perinatal bereavement device. Everly's Law defines a perinatal bereavement device as an apparatus with technology capable of delaying the deterioration of human tissue for up to 72 hours following an intrauterine fetal demise, neonatal death, or stillbirth. The perinatal bereavement device, if available, should be offered to parents and family members for a period of time equal to the length of stay recommended by a medical professional for a birth.

H.B 37 does not require any hospital to purchase a perinatal bereavement device, does not add any requirements for hospitals to obtain a maternal level of care designation, does not impact a hospital's maternal level of care designation status, and does not affect any funding connected to a maternal level of care designation.

H.B. 37 also establishes a Perinatal Bereavement Care Initiative. The Perinatal Bereavement Care Initiative is intended to improve access to and quality of perinatal bereavement care in the state of Texas. Everly's Law allows for DSHS to receive gifts, grants, and donations for the purposes of this initiative. DSHS is currently in the planning stages for this initiative and will have more details available in the coming weeks. Updates on this

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initiative will be posted to: <https://www.dshs.texas.gov/maternal-child-health/perinatal-bereavement-care-initiative> and questions can be sent via e-mail to PerinatalBereavement@dshs.texas.gov.

Finally, H.B. 37 establishes a hospital recognition program for perinatal bereavement care. The Executive Commissioner of the Health and Human Services Commission, along with the Perinatal Advisory Council, will develop and implement a program to recognize hospitals assigned a maternal level of care designation that provide perinatal bereavement care training to hospital personnel. More information on this program will be available soon.

Thank you again for all that you do to care for mothers and babies in Texas. If you have any questions on the Perinatal Bereavement Care Initiative, please email us at PerinatalBereavement@dshs.texas.gov or go to our website: <https://www.dshs.texas.gov/maternal-child-health/perinatal-bereavement-care-initiative>.

Thank you,

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