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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 684**      Session of  
2007

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INTRODUCED BY BAKER, BROWNE, COSTA, FERLO, GREENLEAF, KITCHEN,  
ORIE, O'PAKE, RAFFERTY, RHOADES, WAUGH AND WONDERLING,  
MARCH 23, 2007

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REFERRED TO AGING AND YOUTH, MARCH 23, 2007

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AN ACT

1 Providing for child death review.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Child Death  
6 Review Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Child." An individual under 20 years of age.

12 "Child death review data collection system." A data  
13 collection system approved by the National MCH Center for Child  
14 Death Review or a similar national organization.

15 "Department." The Department of Health of the Commonwealth.

16 "Local child death review team." A county or regional team  
17 comprised of professionals from organizations and local agencies

1 who review cases of child deaths in accordance with protocols  
2 established by the State child death review team.

3 "State child death review team." A State team comprised of  
4 multidisciplinary professionals and representatives of State  
5 agencies who review data submitted by local child death review  
6 teams to develop protocols for child death reviews and child  
7 death prevention strategies.

8 Section 3. Child Death Review Program.

9 (a) Establishment.--The department shall establish the Child  
10 Death Review Program which shall develop State and local  
11 multiagency, multidisciplinary teams to examine the  
12 circumstances surrounding deaths in this Commonwealth for the  
13 purpose of promoting safety and reducing child fatalities.

14 (b) State child death review team.--The program shall be  
15 administered by a State child death review team comprised of the  
16 following:

17 (1) The Secretary of Health or a designee, who shall  
18 serve as chairman.

19 (2) The Director of the Office of Children, Youth and  
20 Families within the Department of Public Welfare.

21 (3) The Commissioner of the Pennsylvania State Police or  
22 a designee.

23 (4) A physician who specializes in pediatric medicine  
24 appointed by the Governor.

25 (5) A physician who specializes in family medicine  
26 appointed by the Governor.

27 (6) A representative of local law enforcement appointed  
28 by the Attorney General.

29 (7) A representative of emergency medical services  
30 appointed by the Governor.

1 (8) A member of the Attorney General's Medical/Legal  
2 Advisory Board on Child Abuse appointed by the Attorney  
3 General.

4 (9) The State Fire Commissioner or a designee.

5 (10) A coroner appointed by the Pennsylvania State  
6 Coroners Association.

7 (11) A district attorney appointed by the Pennsylvania  
8 District Attorneys Association.

9 (12) Any other member deemed appropriate by a majority  
10 vote of the State child death review team.

11 (c) Powers and duties.--The State child death review team  
12 shall have the following powers and duties:

13 (1) Assist in the establishment and coordination of  
14 local child death review teams.

15 (2) Coordinate the collection of child death data  
16 including the development and distribution of a form to be  
17 used by local child death review teams to report information  
18 and procedures for sharing the data with State and local  
19 agencies as appropriate.

20 (3) Develop protocols to be used in the review of child  
21 deaths.

22 (4) Provide training and technical assistance to local  
23 child death review teams, local agencies and individuals  
24 relating to the child deaths.

25 (5) Review reports from local child death review teams.

26 (6) Identify best prevention strategies and activities,  
27 including an assessment of the following:

28 (i) Effectiveness.

29 (ii) Ease of implementation.

30 (iii) Cost.

1 (iv) Sustainability.

2 (v) Potential community support.

3 (vi) Unintended consequences.

4 (7) Adopt programs, policies, recommendations and  
5 strategies based on collected data to prevent child deaths.

6 (8) Review statutes and regulations relating to  
7 confidentiality and access to information relating to  
8 children from agencies responsible for the health and safety  
9 of children and propose recommended changes to appropriate  
10 Commonwealth agencies and the General Assembly.

11 (9) Provide public information and education regarding  
12 the incidence and causes of child injury and death and the  
13 reduction of risks to children to agencies, health care  
14 professionals, child care professionals and the public.

15 (10) Submit an annual report to the Governor and the  
16 General Assembly by September of each year relating to the  
17 activities of the State child death review team, a summary of  
18 reports received from local child death review teams and  
19 recommendations relating to the reduction of risk of child  
20 injury or death.

21 (d) Quorum.--A majority of the members of the State child  
22 death review team shall constitute a quorum.

23 (e) Staff.--Staffing for the State child death review team  
24 shall be provided by the department.

25 (f) Initial meeting.--The initial meeting of the State child  
26 death review team shall be held within 90 days of the effective  
27 date of this section.

28 Section 4. Local child death review teams.

29 (a) Establishment.--Each county in this Commonwealth shall  
30 establish a local child death review team. A local child death

1 review team shall be comprised of the following:

2 (1) A representative appointed by the county child  
3 protective services agency.

4 (2) A representative appointed by the district attorney.

5 (3) A representative of local law enforcement appointed  
6 by the county commissioners.

7 (4) A representative of the court of common pleas  
8 appointed by the president judge.

9 (5) A physician who specializes in pediatric or family  
10 medicine appointed by the county commissioners from a list of  
11 three physicians provided by the Pennsylvania Chapter of the  
12 American Academy of Pediatrics.

13 (6) The county coroner or medical examiner.

14 (7) A representative from emergency medical services  
15 selected by all emergency medical organizations in the  
16 county. If the emergency medical services organizations fail  
17 to appoint a representative, the representative shall be  
18 appointed by the county commissioners.

19 (8) Any other person deemed appropriate by the local  
20 child death review team.

21 (b) Chairman.--The members of the local child death review  
22 team shall annually elect a chairman.

23 (c) Regional teams.--Counties may cooperate to establish a  
24 regional child death review team that may include a  
25 representative from each county for each category of  
26 representative identified in subsection (a).

27 Section 5. Powers and duties of local child death review teams.

28 (a) Review.--A local child death review team shall review  
29 all deaths of children and may review the following information:

30 (1) Coroner's reports or postmortem examination records.

- 1 (2) Death certificates and birth certificates.
- 2 (3) Law enforcement records and interviews with law  
3 enforcement officials.
- 4 (4) Medical records from hospitals and other health care  
5 providers.
- 6 (5) Information and reports made available by the county  
7 child protection services agency.
- 8 (6) Information made available by firefighters or  
9 emergency services personnel.
- 10 (7) Reports and records made available by the court.
- 11 (8) Reports to animal control.
- 12 (9) EMS records.
- 13 (10) Traffic fatality reports.
- 14 (11) Any other records necessary to conduct the review.

15 (b) Data collection.--The local child death review team  
16 shall utilize the child death review data collection system to  
17 report its findings in accordance with protocols established by  
18 the State child death review team.

19 (c) Reports.--A local child death review team shall submit  
20 biennial reports on deaths reviewed to the State child death  
21 review team which shall include all of the following:

- 22 (1) Identification of factors which cause a risk for  
23 injury and death, including modifiable risk factors.
- 24 (2) Recommendations regarding the following:
  - 25 (i) The improvement of health and safety policies in  
26 this Commonwealth.
  - 27 (ii) The coordination of services and investigations  
28 by child welfare agencies, medical officials, law  
29 enforcement and other agencies.
- 30 (3) Any other information required by the department.

1 (d) Recommendations.--A local child death review team shall  
2 make recommendations to local agencies relating to the  
3 procedures and other actions to reduce injury and death of  
4 children.

5 Section 6. Access to records.

6 (a) Juvenile records.--Notwithstanding any other provision  
7 of law, all files and records of the court in a proceeding under  
8 42 Pa.C.S. Ch. 63 (relating to juvenile matters) shall be open  
9 to inspection by a State or local child death review team under  
10 42 Pa.C.S. § 6307 (relating to inspection of court files and  
11 records).

12 (b) Medical records.--Notwithstanding any other provision of  
13 law, health care facilities and health care providers shall  
14 provide medical records without the authorization of a person in  
15 interest to the State child death review team and to a local  
16 child death review team for purposes of review under this act.

17 (c) Other records.--Other records pertaining to the child  
18 under review for the purposes of this act shall be open to  
19 inspection as permitted by law.

20 Section 7. Confidentiality.

21 (a) Maintenance.--State and local child death review teams  
22 shall maintain the confidentiality of any information obtained  
23 relating to the death of a child, including the name of the  
24 child, in accordance with law and the requirements of the  
25 department.

26 (b) Agreement.--Each member of a local child death review  
27 team and any person appearing before the team shall sign a  
28 confidentiality agreement applicable to all proceedings and  
29 reviews conducted by the local child death review team.

30 (c) Liability.--An individual or agency that in good faith

1 provides information or records to a State or local child death  
2 review team shall not be subject to civil or criminal liability  
3 as a result of providing the information or record.

4 (d) Discovery.--The proceedings, deliberations and records  
5 of a State or local child death review team are privileged and  
6 confidential and shall not be subject to discovery, subpoena or  
7 introduction into evidence in any civil or criminal action.

8 (e) Meetings.--Meetings of the State or local child death  
9 review team at which a specific child death is discussed shall  
10 be closed to the public and shall not be subject to the  
11 provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).

12 (f) Identifying information.--Information identifying a  
13 deceased child, a family member, guardian or caretaker of a  
14 deceased child or an alleged or suspected perpetrator of abuse,  
15 neglect or a criminal act shall not be disclosed to the public.

16 (g) Attendance.--Nothing in this act shall prevent a State  
17 or local child death review team from allowing the attendance of  
18 a person, including a parent, with information relevant to a  
19 review, at a child death review meeting.

20 (h) Penalty.--A person who violates the provisions of this  
21 section commits a misdemeanor.

## 22 Section 20. Regulations.

23 The Department of Health and the Department of Public Welfare  
24 shall promulgate regulations to carry out the purposes of this  
25 act.

## 26 Section 21. Effective date.

27 This act shall take effect in 90 days.