

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 684** Session of
2007

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

SENATOR VANCE, AGING AND YOUTH, AS AMENDED, DECEMBER 11, 2007

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 PUBLIC HEALTH <—
6 Child Death 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~~ 21 YEARS OF AGE <—
12 AND UNDER.

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

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

17 "Local PUBLIC HEALTH child death review team." A county or <—

1 regional team comprised of professionals from organizations and
2 local agencies who review cases of child deaths in accordance
3 with protocols established by the State PUBLIC HEALTH child death review team. <—

5 "PERSON IN INTEREST." A PERSON AUTHORIZED TO PERMIT THE
6 RELEASE OF THE MEDICAL RECORDS OF A DECEASED CHILD. <—

7 "State PUBLIC HEALTH child death review team." A State team <—
8 comprised of multidisciplinary professionals and representatives
9 of State agencies who review data submitted by local child death
10 review teams to develop protocols for child death reviews and
11 child death prevention strategies.

12 Section 3. PUBLIC HEALTH Child Death Review Program. <—

13 (a) Establishment.--The department shall establish the
14 PUBLIC HEALTH Child Death Review Program which shall develop <—
15 FACILITATE State and local multiagency, multidisciplinary teams <—
16 to examine the circumstances surrounding deaths in this
17 Commonwealth for the purpose of promoting safety and reducing
18 child fatalities.

19 ~~(b) State child death review team. The program shall be~~ <—
20 ~~administered by a State child death review team comprised of the~~
21 ~~following:~~

22 ~~(1) The Secretary of Health or a designee, who shall~~
23 ~~serve as chairman.~~

24 ~~(2) The Director of the Office of Children, Youth and~~
25 ~~Families within the Department of Public Welfare.~~

26 ~~(3) The Commissioner of the Pennsylvania State Police or~~
27 ~~a designee.~~

28 ~~(4) A physician who specializes in pediatric medicine~~
29 ~~appointed by the Governor.~~

30 ~~(5) A physician who specializes in family medicine~~

1 ~~appointed by the Governor.~~

2 ~~(6) A representative of local law enforcement appointed~~
3 ~~by the Attorney General.~~

4 ~~(7) A representative of emergency medical services~~
5 ~~appointed by the Governor.~~

6 ~~(8) A member of the Attorney General's Medical/Legal~~
7 ~~Advisory Board on Child Abuse appointed by the Attorney~~
8 ~~General.~~

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

10 ~~(10) A coroner appointed by the Pennsylvania State~~
11 ~~Coroners Association.~~

12 ~~(11) A district attorney appointed by the Pennsylvania~~
13 ~~District Attorneys Association.~~

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

16 ~~(e)~~ (B) Powers and duties.--The State PUBLIC HEALTH child <—
17 death review team PROGRAM shall have the following powers and <—
18 duties:

19 (1) Assist in the establishment and coordination of
20 local PUBLIC HEALTH child death review teams. <—

21 (2) Coordinate the collection of child death data
22 including the development and distribution of a form to be
23 used by local PUBLIC HEALTH child death review teams to <—
24 report information and procedures for sharing the data with
25 State and local agencies as appropriate.

26 (3) Develop protocols to be used in the review of child
27 deaths.

28 (4) Provide training and technical assistance to local
29 PUBLIC HEALTH child death review teams, local agencies and <—
30 individuals relating to the child deaths.

1 (5) Review reports from local PUBLIC HEALTH child death review teams. ←

2
3 (6) Identify best prevention strategies and activities,
4 including an assessment of the following:

5 (i) Effectiveness.

6 (ii) Ease of implementation.

7 (iii) Cost.

8 (iv) Sustainability.

9 (v) Potential community support.

10 (vi) Unintended consequences.

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

13 (8) Review statutes and regulations relating to
14 confidentiality and access to information relating to
15 children from agencies responsible for the health and safety
16 of children and propose recommended changes to appropriate
17 Commonwealth agencies and the General Assembly.

18 (9) Provide public information and education regarding
19 the incidence and causes of child injury and death and the
20 reduction of risks to children to agencies, health care
21 professionals, child care professionals and the public.

22 (10) Submit an annual report to the Governor and the
23 General Assembly by September of each year relating to the
24 activities of the State child death review team, a summary of
25 reports received from local child death review teams and
26 recommendations relating to the reduction of risk of child
27 injury or death.

28 ~~(d) Quorum. A majority of the members of the State child~~ ←
29 ~~death review team shall constitute a quorum.~~

30 ~~(e) Staff. Staffing for the State child death review team~~

1 ~~shall be provided by the department.~~

2 ~~(f) Initial meeting. The initial meeting of the State child~~
3 ~~death review team shall be held within 90 days of the effective~~
4 ~~date of this section.~~

5 ~~Section 4. Local child death review teams.~~

6 ~~(a) Establishment. Each county in this Commonwealth shall~~
7 ~~establish a local child death review team. A local child death~~
8 ~~review team shall be comprised of the following:~~

9 ~~(1) A representative appointed by the county child~~
10 ~~protective services agency.~~

11 ~~(2) A representative appointed by the district attorney.~~

12 ~~(3) A representative of local law enforcement appointed~~
13 ~~by the county commissioners.~~

14 ~~(4) A representative of the court of common pleas~~
15 ~~appointed by the president judge.~~

16 ~~(5) A physician who specializes in pediatric or family~~
17 ~~medicine appointed by the county commissioners from a list of~~
18 ~~three physicians provided by the Pennsylvania Chapter of the~~
19 ~~American Academy of Pediatrics.~~

20 ~~(6) The county coroner or medical examiner.~~

21 ~~(7) A representative from emergency medical services~~
22 ~~selected by all emergency medical organizations in the~~
23 ~~county. If the emergency medical services organizations fail~~
24 ~~to appoint a representative, the representative shall be~~
25 ~~appointed by the county commissioners.~~

26 ~~(8) Any other person deemed appropriate by the local~~
27 ~~child death review team.~~

28 ~~(b) Chairman. The members of the local child death review~~
29 ~~team shall annually elect a chairman.~~

30 ~~(c) Regional teams. Counties may cooperate to establish a~~

~~1 regional child death review team that may include a
2 representative from each county for each category of
3 representative identified in subsection (a).~~

4 SECTION 4. STATE PUBLIC HEALTH CHILD DEATH REVIEW TEAM. <—

5 (A) COMPOSITION.--THE PROGRAM SHALL BE ADVISED BY A STATE
6 PUBLIC HEALTH CHILD DEATH REVIEW TEAM. THE TEAM SHALL CONSIST
7 OF:

8 (1) THE FOLLOWING INDIVIDUALS OR THEIR DESIGNEES:

9 (I) THE SECRETARY OF HEALTH, WHO SHALL SERVE AS
10 CHAIRMAN.

11 (II) THE DIRECTOR OF THE OFFICE OF CHILDREN, YOUTH
12 AND FAMILIES WITHIN THE DEPARTMENT OF PUBLIC WELFARE.

13 (III) THE COMMISSIONER OF THE PENNSYLVANIA STATE
14 POLICE.

15 (IV) THE ATTORNEY GENERAL.

16 (V) THE PENNSYLVANIA STATE FIRE COMMISSIONER.

17 (2) THE FOLLOWING INDIVIDUALS WHO SHALL BE APPOINTED BY
18 THE SECRETARY OF HEALTH:

19 (I) A PHYSICIAN WHO SPECIALIZES IN PEDIATRIC
20 MEDICINE.

21 (II) A PHYSICIAN WHO SPECIALIZES IN FAMILY MEDICINE.

22 (III) A REPRESENTATIVE OF LOCAL LAW ENFORCEMENT.

23 (IV) A MEDICAL EXAMINER.

24 (V) A DISTRICT ATTORNEY.

25 (VI) A CORONER.

26 (3) REPRESENTATIVES FROM LOCAL PUBLIC HEALTH CHILD DEATH
27 REVIEW TEAMS.

28 (4) ANY OTHER INDIVIDUAL DEEMED APPROPRIATE BY THE
29 SECRETARY OF HEALTH.

30 (B) INITIAL MEETING.--THE INITIAL MEETING OF THE STATE

1 PUBLIC HEALTH CHILD DEATH REVIEW TEAM SHALL BE HELD WITHIN 90
2 DAYS OF THE EFFECTIVE DATE OF THIS SECTION AND A MEDICAL
3 DIRECTOR AND ADMINISTRATIVE DIRECTOR SHALL BE APPOINTED.

4 SECTION 5. LOCAL PUBLIC HEALTH CHILD DEATH REVIEW TEAMS.

5 (A) ESTABLISHMENT.--EACH COUNTY IN THE COMMONWEALTH SHALL
6 ESTABLISH A LOCAL PUBLIC HEALTH CHILD DEATH REVIEW TEAM. TWO OR
7 MORE COUNTIES MAY ESTABLISH A LOCAL PUBLIC HEALTH CHILD DEATH
8 REVIEW TEAM ON A REGIONAL BASIS TO SATISFY THE REQUIREMENTS OF
9 THIS SECTION.

10 (B) LOCAL PUBLIC HEALTH CHILD DEATH REVIEW TEAM.--LOCAL
11 TEAMS SHALL BE COMPRISED OF THE FOLLOWING:

12 (1) A REPRESENTATIVE OF THE COUNTY CHILD PROTECTIVE
13 SERVICES AGENCY.

14 (2) A REPRESENTATIVE OF THE DISTRICT ATTORNEY'S OFFICE.

15 (3) A REPRESENTATIVE OF LOCAL LAW ENFORCEMENT.

16 (4) A REPRESENTATIVE OF THE COURT OF COMMON PLEAS.

17 (5) A PHYSICIAN WHO SPECIALIZES IN PEDIATRIC OR FAMILY
18 MEDICINE.

19 (6) THE COUNTY CORONER OR MEDICAL EXAMINER.

20 (7) A REPRESENTATIVE OF EMERGENCY MEDICAL SERVICES.

21 (8) A REPRESENTATIVE OF THE LOCAL PUBLIC HEALTH AGENCY.

22 (9) ANY OTHER PERSON DEEMED APPROPRIATE BY THE LOCAL
23 CHILD DEATH REVIEW TEAM AND APPROVED BY THE DEPARTMENT.

24 (C) CHAIRMAN.--THE MEMBERS OF THE LOCAL PUBLIC HEALTH CHILD
25 DEATH REVIEW TEAM SHALL ELECT A CHAIRMAN ANNUALLY.

26 Section 5 6. Powers and duties of local PUBLIC HEALTH 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 (B) DATA COLLECTION.--THE LOCAL PUBLIC HEALTH CHILD DEATH <—
23 REVIEW TEAM SHALL UTILIZE THE CHILD DEATH REVIEW DATA COLLECTION
24 SYSTEM TO REPORT ITS FINDINGS IN ACCORDANCE WITH PROTOCOLS
25 ESTABLISHED BY THE STATE PUBLIC HEALTH CHILD DEATH REVIEW TEAM.
26 THE NAME AND HOME ADDRESS OF THE DECEASED CHILD SHALL NOT BE
27 REPORTED TO THE CHILD DEATH REVIEW DATA COLLECTION SYSTEM.

28 (C) REPORTS.--A LOCAL PUBLIC HEALTH CHILD DEATH REVIEW TEAM
29 SHALL SUBMIT BIENNIAL REPORTS ON DEATHS REVIEWED TO THE STATE
30 PUBLIC HEALTH CHILD DEATH REVIEW TEAM. THE REPORT SHALL INCLUDE

1 THE FOLLOWING:

2 (1) Identification of factors which cause a risk for
3 injury and death, including modifiable risk factors.

4 (2) Recommendations regarding the following:

5 (i) The improvement of health and safety policies in
6 this Commonwealth.

7 (ii) The coordination of services and investigations
8 by child welfare agencies, medical officials, law
9 enforcement and other agencies.

10 (3) Any other information required by the department.

11 (d) Recommendations.--A local PUBLIC HEALTH child death <—
12 review team shall make recommendations to local agencies
13 relating to the procedures and other actions to reduce injury
14 and death of children.

15 Section 6 7. Access to records. <—

16 (a) Juvenile records.--Notwithstanding any other provision
17 of law, all files and records of the court RELATING TO A CHILD <—
18 UNDER REVIEW in a proceeding under 42 Pa.C.S. Ch. 63 (relating
19 to juvenile matters) shall be open to inspection by a State or
20 local PUBLIC HEALTH child death review team under 42 Pa.C.S. § <—
21 6307 (relating to inspection of court files and records).

22 (b) Medical records.--Notwithstanding any other provision of
23 law, health care facilities and health care providers shall
24 provide medical records OF A CHILD UNDER REVIEW without the <—
25 authorization of a person in interest to the State PUBLIC HEALTH <—
26 child death review team and to a local PUBLIC HEALTH child death <—
27 review team for purposes of review under this act.

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

1 Section 7 8. Confidentiality. <—

2 (a) Maintenance.--State and local PUBLIC HEALTH child death <—
3 review teams shall maintain the confidentiality of any
4 IDENTIFYING information obtained relating to the death of a <—
5 child, including the name of the child, ~~in accordance with law~~ <—
6 ~~and the requirements of the department.~~ GUARDIANS, FAMILY <—
7 MEMBERS, CARETAKERS OR ALLEGED OR SUSPECTED PERPETRATORS OF
8 ABUSE, NEGLECT OR A CRIMINAL ACT.

9 (b) Agreement.--Each member of a THE STATE AND local PUBLIC <—
10 HEALTH child death review team and any person appearing before
11 the team shall sign a confidentiality agreement applicable to
12 all proceedings and reviews conducted by the STATE OR local <—
13 PUBLIC HEALTH child death review team. <—

14 (c) Liability.--An individual or agency that in good faith
15 provides information or records to a State or local PUBLIC <—
16 HEALTH child death review team shall not be subject to civil or
17 criminal liability as a result of providing the information or
18 record.

19 (d) Discovery.--The proceedings, deliberations and records
20 of a State or local PUBLIC HEALTH child death review team are <—
21 privileged and confidential and shall not be subject to
22 discovery, subpoena or introduction into evidence in any civil
23 or criminal action.

24 (e) Meetings.--Meetings of the State or local PUBLIC HEALTH <—
25 child death review team at which a specific child death is
26 discussed shall be closed to the public and shall not be subject
27 to the provisions of 65 Pa.C.S. Ch. 7 (relating to open
28 meetings).

29 ~~(f) Identifying information. Information identifying a <—
30 deceased child, a family member, guardian or caretaker of a~~

1 ~~deceased child or an alleged or suspected perpetrator of abuse,~~
2 ~~neglect or a criminal act shall not be disclosed to the public.~~

3 ~~(g)~~ (F) Attendance.--Nothing in this act shall prevent a <—
4 State or local PUBLIC HEALTH child death review team from <—
5 allowing the attendance of a person, including a parent, with
6 information relevant to a review, at a child death review
7 meeting.

8 ~~(h)~~ (G) Penalty.--A person who violates the provisions of <—
9 this section commits a misdemeanor.

10 Section 20. Regulations.

11 ~~The Department of Health and the Department of Public Welfare~~ <—
12 DEPARTMENT shall promulgate regulations to carry out the <—
13 purposes of this act.

14 Section 21. Effective date.

15 This act shall take effect in 90 days.