
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 ARMSTRONG, APPROPRIATIONS, RE-REPORTED AS AMENDED,
APRIL 28, 2008

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 21 years of age and under.

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 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
4 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 facilitate
15 State and local multiagency, multidisciplinary teams to examine
16 the circumstances surrounding deaths in this Commonwealth for
17 the purpose of promoting safety and reducing child fatalities.

18 (b) Powers and duties.--The ~~State public health child death~~ <—
19 ~~review~~ program shall have the following powers and duties:

20 (1) Assist in the establishment and coordination of
21 local public health child death review teams.

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

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

29 (4) Provide training and technical assistance to local
30 public health child death review teams, local agencies and

1 individuals relating to the child deaths.

2 (5) Review reports from local public health child death
3 review teams.

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

6 (i) Effectiveness.

7 (ii) Ease of implementation.

8 (iii) Cost.

9 (iv) Sustainability.

10 (v) Potential community support.

11 (vi) Unintended consequences.

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

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

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

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

29 Section 4. State public health child death review team.

30 (a) Composition.--The program shall be advised by a State

1 public health child death review team. The team shall consist
2 of:

3 (1) The following individuals or their designees:

4 (i) The Secretary of Health, who shall serve as
5 chairman.

6 (ii) The Director of the Office of Children, Youth
7 and Families within the Department of Public Welfare.

8 (iii) The Commissioner of the Pennsylvania State
9 Police.

10 (iv) The Attorney General.

11 (v) The Pennsylvania State Fire Commissioner.

12 (2) The following individuals who shall be appointed by
13 the Secretary of Health:

14 (i) A physician who specializes in pediatric
15 medicine.

16 (ii) A physician who specializes in family medicine.

17 (iii) A representative of local law enforcement.

18 (iv) A medical examiner.

19 (v) A district attorney.

20 (vi) A coroner.

21 (3) Representatives from local public health child death
22 review teams.

23 (4) Any other individual deemed appropriate by the
24 Secretary of Health.

25 (b) Initial meeting.--The initial meeting of the State
26 public health child death review team shall be held within 90
27 days of the effective date of this section. ~~and a medical~~ <—

28 ~~director and administrative director shall be appointed.~~

29 Section 5. Local public health child death review teams.

30 (a) Establishment.--Each county in the Commonwealth shall

1 establish a local public health child death review team. Two or
2 more counties may establish a local public health child death
3 review team on a regional basis to satisfy the requirements of
4 this section.

5 (b) Local public health child death review team.--Local
6 teams shall be comprised of the following:

7 ~~(1) A representative of the county child protective~~ <—
8 ~~services agency.~~

9 ~~(2) A representative of the district attorney's office.~~

10 (1) THE DIRECTOR OF THE COUNTY CHILD PROTECTIVE SERVICES <—
11 AGENCY OR A DESIGNEE.

12 (2) THE DISTRICT ATTORNEY OR A DESIGNEE.

13 (3) A representative of local law enforcement APPOINTED <—
14 BY THE COUNTY COMMISSIONERS.

15 (4) A representative of the court of common pleas
16 APPOINTED BY THE PRESIDENT JUDGE. <—

17 (5) A physician who specializes in pediatric or family
18 medicine APPOINTED BY THE COUNTY COMMISSIONERS. <—

19 (6) The county coroner or medical examiner.

20 (7) A representative of emergency medical services
21 SELECTED BY THE SUPERVISORS OF ALL EMERGENCY MEDICAL <—
22 ORGANIZATIONS IN THE COUNTY.

23 (8) ~~A representative~~ THE DIRECTOR of the local public <—
24 health agency OR A DESIGNEE. <—

25 (9) Any other person deemed appropriate by A MAJORITY OF <—
26 the local child death review team ~~and approved by the~~ <—
27 ~~department.~~

28 (c) Chairman.--The members of the local public health child
29 death review team shall elect a chairman annually.

30 Section 6. Powers and duties of local public health child death

1 review teams.

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

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

5 (2) Death certificates and birth certificates.

6 (3) Law enforcement records and interviews with law
7 enforcement officials.

8 (4) Medical records from hospitals and other health care
9 providers.

10 (5) Information and reports made available by the county
11 child protection services agency.

12 (6) Information made available by firefighters or
13 emergency services personnel.

14 (7) Reports and records made available by the court.

15 (8) Reports to animal control.

16 (9) EMS records.

17 (10) Traffic fatality reports.

18 (11) Any other records necessary to conduct the review.

19 (b) Data collection.--The local public health child death
20 review team shall utilize the child death review data collection
21 system to report its findings in accordance with protocols
22 established by the State public health child death review team.
23 The name and home address of the deceased child shall not be
24 reported to the child death review data collection system.

25 (c) Reports.--A local public health child death review team
26 shall submit biennial reports on deaths reviewed to the State
27 public health child death review team. The report shall include
28 the following:

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

1 (2) Recommendations regarding the following:

2 (i) The improvement of health and safety policies in
3 this Commonwealth.

4 (ii) The coordination of services and investigations
5 by child welfare agencies, medical officials, law
6 enforcement and other agencies.

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

8 (d) Recommendations.--A local public health child death
9 review team shall make recommendations to local agencies
10 relating to the procedures and other actions to reduce injury
11 and death of children.

12 Section 7. Access to records.

13 (a) Juvenile records.--Notwithstanding any other provision
14 of law, all files and records of the court relating to a child
15 under review in a proceeding under 42 Pa.C.S. Ch. 63 (relating
16 to juvenile matters) shall be open to inspection by a State or
17 local public health child death review team under 42 Pa.C.S. §
18 6307 (relating to inspection of court files and records).

19 (b) Medical records.--Notwithstanding any other provision of
20 law, health care facilities and health care providers shall
21 provide medical records of a child under review without the
22 authorization of a person in interest to the State public health
23 child death review team and to a local public health child death
24 review team for purposes of review under this act.

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

28 Section 8. Confidentiality.

29 (a) Maintenance.--State and local public health child death
30 review teams shall maintain the confidentiality of any

1 identifying information obtained relating to the death of a
2 child, including the name of the child, guardians, family
3 members, caretakers or alleged or suspected perpetrators of
4 abuse, neglect or a criminal act.

5 (b) Agreement.--Each member of the State and local public
6 health child death review team and any person appearing before
7 the team shall sign a confidentiality agreement applicable to
8 all proceedings and reviews conducted by the State or local
9 public health child death review team.

10 (c) Liability.--An individual or agency that in good faith
11 provides information or records to a State or local public
12 health child death review team shall not be subject to civil or
13 criminal liability as a result of providing the information or
14 record.

15 (d) Discovery.--The proceedings, deliberations and records
16 of a State or local public health child death review team are
17 privileged and confidential and shall not be subject to
18 discovery, subpoena or introduction into evidence in any civil
19 or criminal action.

20 (e) Meetings.--Meetings of the State or local public health
21 child death review team at which a specific child death is
22 discussed shall be closed to the public and shall not be subject
23 to the provisions of 65 Pa.C.S. Ch. 7 (relating to open
24 meetings).

25 (f) Attendance.--Nothing in this act shall prevent a State
26 or local public health child death review team from allowing the
27 attendance of a person, including a parent, with information
28 relevant to a review, at a child death review meeting.

29 (g) Penalty.--A person who violates the provisions of this
30 section commits a misdemeanor.

1 Section 20. Regulations.

2 The department shall promulgate regulations AS NECESSARY to <—
3 carry out the purposes of this act.

4 Section 21. Effective date.

5 This act shall take effect in 90 days.