
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

AS AMENDED ON THIRD CONSIDERATION, MAY 5, 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
17 regional team comprised of professionals from organizations and

1 local agencies who review cases of child deaths in accordance
2 with protocols established by the State public health child
3 death review team.

4 "Person in interest." A person authorized to permit the
5 release of the medical records of a deceased child.

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

11 Section 3. Public Health Child Death Review Program.

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

17 (b) Powers and duties.--The program shall have the following
18 powers and 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
2 review teams.

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 Section 4. State public health child death review team.

29 (a) Composition.--The program shall be advised by a State
30 public health child death review team. The team shall consist

1 of:

2 (1) The following individuals or their designees:

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

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

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

9 (iv) The Attorney General.

10 (v) The Pennsylvania State Fire Commissioner.

11 (VI) THE DIRECTOR OF THE BUREAU OF EMERGENCY MEDICAL ←
12 SERVICES OF THE DEPARTMENT OF HEALTH.

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

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

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

18 (iii) A representative of local law enforcement.

19 (iv) A medical examiner.

20 (v) A district attorney.

21 (vi) A coroner.

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

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

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

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) The director of the county child protective services
8 agency or a designee.

9 (2) The district attorney or a designee.

10 (3) A representative of local law enforcement appointed
11 by the county commissioners.

12 (4) A representative of the court of common pleas
13 appointed by the president judge.

14 (5) A physician who specializes in pediatric or family
15 medicine appointed by the county commissioners.

16 (6) The county coroner or medical examiner.

17 (7) A representative of emergency medical services
18 selected JOINTLY by the supervisors of all emergency medical ←
19 organizations in the county.

20 (8) The director of the local public health agency or a
21 designee.

22 (9) Any other person deemed appropriate by a majority of
23 the local child death review team.

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

26 Section 6. Powers and duties of local public health child death
27 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 public health child death
16 review team shall utilize the child death review data collection
17 system to report its findings in accordance with protocols
18 established by the State public health child death review team.
19 The name and home address of the deceased child shall not be
20 reported to the child death review data collection system.

21 (c) Reports.--A local public health child death review team
22 shall submit biennial reports on deaths reviewed to the State
23 public health child death review team. The report shall include
24 the following:

- 25 (1) Identification of factors which cause a risk for
26 injury and death, including modifiable risk factors.
- 27 (2) Recommendations regarding the following:
 - 28 (i) The improvement of health and safety policies in
29 this Commonwealth.
 - 30 (ii) The coordination of services and investigations

1 by child welfare agencies, medical officials, law
2 enforcement and other agencies.

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

4 (d) Recommendations.--A local public health child death
5 review team shall make recommendations to local agencies
6 relating to the procedures and other actions to reduce injury
7 and death of children.

8 Section 7. Access to records.

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

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

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

24 Section 8. Confidentiality.

25 (a) Maintenance.--State and local public health child death
26 review teams shall maintain the confidentiality of any
27 identifying information obtained relating to the death of a
28 child, including the name of the child, guardians, family
29 members, caretakers or alleged or suspected perpetrators of
30 abuse, neglect or a criminal act.

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

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

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

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

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

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

27 Section 20. Regulations.

28 The department shall promulgate regulations as necessary to
29 carry out the purposes of this act.

30 Section 21. Effective date.

1 This act shall take effect in 90 days.