
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 SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 24, 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.

1 "Local public health child death review team." A ~~county or~~ <—
2 ~~regional team~~ TEAM REPRESENTING A COUNTY OR TWO OR MORE COUNTIES <—
3 comprised of professionals from organizations and local agencies
4 who review cases of child deaths in accordance with protocols
5 established by the State public health child death review team.

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

8 "PROGRAM." THE PUBLIC HEALTH CHILD DEATH REVIEW PROGRAM <—
9 ESTABLISHED IN SECTION 3.

10 "State public health child death review team." A State
11 MULTIDISCIPLINARY team comprised of ~~multidisciplinary~~ LOCAL <—
12 professionals and representatives of State agencies who review
13 data submitted by local child death review teams ~~to~~, develop <—
14 protocols for child death reviews and DEVELOP child death <—
15 prevention strategies.

16 Section 3. Public Health Child Death Review Program.

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

22 (b) Powers and duties.--The ~~program~~ DEPARTMENT, IN <—
23 COOPERATION WITH THE STATE PUBLIC HEALTH CHILD DEATH REVIEW
24 TEAM, shall have the following powers and duties IN RELATION TO <—
25 THE PROGRAM:

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

28 (2) Coordinate the collection of child death data
29 including the development and distribution of a form to be
30 used by local public health child death review teams to

1 report information and procedures for sharing the data with
2 State and local agencies as appropriate.

3 (3) Develop protocols to be used in the review of child
4 deaths. THESE PROTOCOLS SHALL NOT CONFLICT WITH REQUIREMENTS ←
5 SET FORTH IN 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE
6 SERVICES), INCLUDING, BUT NOT LIMITED TO, PROVISIONS RELATING
7 TO THE REVIEW OF CHILD FATALITIES AND NEAR FATALITIES.

8 (4) Provide training and technical assistance to local
9 public health child death review teams, local agencies and
10 individuals relating to the child deaths.

11 (5) Review reports from local public health child death
12 review teams.

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

15 (i) Effectiveness.

16 (ii) Ease of implementation.

17 (iii) Cost.

18 (iv) Sustainability.

19 (v) Potential community support.

20 (vi) Unintended consequences.

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

23 (8) Review statutes and regulations relating to
24 confidentiality and access to information relating to
25 children from agencies responsible for the health and safety
26 of children and propose recommended changes to appropriate
27 Commonwealth agencies and the General Assembly.

28 (9) Provide public information and education regarding
29 the incidence and causes of child injury and death and the
30 reduction of risks to children to agencies, health care

1 professionals, child care professionals and the public.

2 (10) Submit an annual report to the Governor and the
3 General Assembly by September of each year relating to the
4 activities of the State child death review team, a summary of
5 reports received from local child death review teams and
6 recommendations relating to the reduction of risk of child
7 injury or death.

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

9 (a) Composition. ~~--The program shall be advised by a A State~~ <—
10 public health child death review team SHALL BE ESTABLISHED BY <—
11 THE DEPARTMENT. The team shall consist of:

12 (1) The following individuals or their designees:

13 (i) The Secretary of Health, who shall serve as
14 chairman.

15 (II) THE SECRETARY OF PUBLIC WELFARE. <—

16 ~~(ii)~~ (III) The Director of the Office of Children, <—
17 Youth and Families within the Department of Public
18 Welfare.

19 ~~(iii)~~ (IV) The Commissioner of the Pennsylvania <—
20 State Police.

21 ~~(iv)~~ (V) The Attorney General. <—

22 ~~(v)~~ (VI) The Pennsylvania State Fire Commissioner. <—

23 ~~(vi)~~ (VII) The Director of the Bureau of Emergency <—
24 Medical Services of the Department of Health.

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

27 (i) A physician who specializes in pediatric
28 medicine.

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

30 (iii) A representative of local law enforcement.

1 (iv) A medical examiner.

2 (v) A district attorney.

3 (vi) A coroner.

4 (3) Representatives from local public health child death
5 review teams.

6 (4) Any other individual deemed appropriate by the
7 Secretary of Health.

8 (B) POWERS AND DUTIES OF THE STATE PUBLIC HEALTH CHILD DEATH <—
9 REVIEW TEAM.--THE STATE PUBLIC HEALTH CHILD DEATH REVIEW TEAM
10 SHALL:

11 (1) REVIEW DATA SUBMITTED BY LOCAL CHILD DEATH REVIEW
12 TEAMS.

13 (2) DEVELOP PROTOCOLS FOR CHILD DEATH REVIEWS.

14 (3) DEVELOP CHILD DEATH PREVENTION STRATEGIES.

15 (4) ASSIST THE DEPARTMENT IN IMPLEMENTING THE PROGRAM.

16 ~~(b)~~ (C) Initial meeting.--The initial meeting of the State <—
17 public health child death review team shall be held within 90
18 days of the effective date of this section.

19 (D) ADDITIONAL MEETINGS.--THE DEPARTMENT, IN CONJUNCTION <—
20 WITH THE TEAM, SHALL ARRANGE FOR ADDITIONAL MEETINGS TO FULFILL
21 THE DUTIES OF THE TEAM AND GOALS OF THE PROGRAM.

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

23 (a) Establishment.--Each county in the Commonwealth shall
24 establish a local public health child death review team. Two or
25 more counties may establish a local public health child death
26 review team TO OPERATE on a regional basis to satisfy the <—
27 requirements of this section.

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

30 (1) The director of the county ~~child protective services~~ <—

1 CHILDREN AND YOUTH agency or a designee. <—

2 (2) The district attorney or a designee.

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

5 (4) A representative of the court of common pleas
6 appointed by the president judge.

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

9 (6) The county coroner or medical examiner.

10 (7) A representative of emergency medical services
11 selected jointly by the supervisors of all emergency medical
12 organizations in the county.

13 (8) The director of ~~the~~ A local public health agency or <—
14 a designee.

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

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

19 Section 6. Powers and duties of local public health child death
20 review teams.

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

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

24 (2) Death certificates and birth certificates.

25 (3) Law enforcement records and interviews with law
26 enforcement officials AS LONG AS THE RELEASE OF SUCH RECORDS <—
27 WILL NOT JEOPARDIZE AN ONGOING CRIMINAL INVESTIGATION OR
28 PROCEEDING.

29 (4) Medical records from hospitals and other health care
30 providers.

1 (5) Information and reports made available by the county
2 ~~child protection services agency.~~ CHILDREN AND YOUTH AGENCY ←
3 IN ACCORDANCE WITH 23 PA.C.S. CH. 63 (RELATING TO CHILD
4 PROTECTIVE SERVICES).

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

7 (7) Reports and records made available by the court TO ←
8 THE EXTENT PERMITTED BY LAW OR COURT RULE.

9 (8) Reports to animal control.

10 (9) EMS records.

11 (10) Traffic fatality reports.

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

13 (b) Data collection.--The local public health child death
14 review team shall utilize the child death review data collection
15 system to report its findings in accordance with protocols
16 established by the State public health child death review team.
17 The name and home address of the deceased child shall not be
18 reported to the child death review data collection system.

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

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

25 (2) Recommendations regarding the following:

26 (i) The improvement of health and safety policies in
27 this Commonwealth.

28 (ii) The coordination of services and investigations
29 by child welfare agencies, medical officials, law
30 enforcement and other agencies.

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

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

6 Section 7. Access to records.

7 (a) Juvenile records.--~~Notwithstanding any other provision~~ <—
8 ~~of law,~~ WHEN DEEMED NECESSARY FOR ITS REVIEW, A STATE OR LOCAL <—
9 PUBLIC HEALTH CHILD DEATH REVIEW TEAM MAY REVIEW AND INSPECT all
10 files and records of the court relating to a child ~~under review~~ <—
11 ~~in~~ PURSUANT TO a proceeding under 42 Pa.C.S. Ch. 63 (relating to <—
12 juvenile matters) ~~shall be open to inspection by a State or~~ <—
13 ~~local public health child death review team under~~ IN ACCORDANCE <—
14 WITH 42 Pa.C.S. § 6307 (relating to inspection of court files
15 and records). HOWEVER, THIS SUBSECTION SHALL NOT APPLY TO FILES <—
16 AND RECORDS OF THE COURT SUBJECT TO A CHILD FATALITY OR NEAR
17 FATALITY REVIEW PURSUANT TO 42 PA.C.S. CH. 63.

18 (b) Medical records.--Notwithstanding any other provision of
19 law AND CONSISTENT WITH THE HEALTH INSURANCE PORTABILITY AND <—
20 ACCOUNTABILITY ACT OF 1996 (PUBLIC LAW 104-191, 110 STAT. 1936),
21 health care facilities and health care providers shall provide
22 medical records of a child under review without the
23 authorization of a person in interest to the State public health
24 child death review team and to a local public health child death
25 review team for purposes of review under this act.

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

29 Section 8. Confidentiality.

30 (a) Maintenance.--State and local public health child death

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

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

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

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

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

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

30 (g) Penalty.--A person who violates the provisions of this

1 section commits a misdemeanor OF THE THIRD DEGREE.

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2 Section 20. Regulations.

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

5 Section 21. Effective date.

6 This act shall take effect in 90 days.