

HOUSE BILL 958

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1999 Regular Session
9lr2325
CF SB 464

By: **Delegates Doory, Pitkin, Menes, Hixson, Grosfeld, Petzold, and Franchot**

Introduced and read first time: February 12, 1999

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Welfare - Citizen Review Panels and Child Fatality Review Teams**

3 FOR the purpose of authorizing certain confidential reports and records concerning
4 child abuse and neglect to be disclosed to the State Council on Child Abuse and
5 Neglect, the State Citizens Review Board for Children, or their designees, or a
6 child fatality review team under certain circumstances; renaming the State
7 Citizen Board of Review of Foster Care for Children to be the State Citizens
8 Review Board for Children; expanding the duties of the State Citizens Review
9 Board for Children to include examining the policies and procedures of State
10 and local agencies and certain specific cases to evaluate the extent to which
11 State and local agencies are effectively discharging their child protection
12 responsibilities; authorizing the State Board to add certain members for the
13 purpose of performing certain duties; authorizing the State Board to designate
14 certain local teams to conduct reviews of specific cases; requiring the State
15 Board to prepare and make available a certain annual report; requiring the
16 State Citizens Review Board for Children, the State Council on Child Abuse and
17 Neglect, and the State Child Fatality Review Team to coordinate certain
18 activities; establishing the State Council on Child Abuse and Neglect; providing
19 that the State Council is part of the Office for Children, Youth, and Families for
20 budgetary and administrative purposes; establishing the membership of the
21 Council; specifying the terms of certain members of the Council; requiring the
22 Governor to select the chairperson of the Council; requiring the Council to meet
23 at a certain frequency; prohibiting the members from receiving compensation;
24 authorizing reimbursement for certain expenses; authorizing the Council to
25 employ a staff; establishing committees; establishing the duties of the Council;
26 prohibiting certain persons from disclosing certain information; authorizing the
27 Special Secretary for Children, Youth, and Families to impose certain civil
28 penalties; requiring State and local government units to provide certain
29 information to the Council; requiring certain annual reports; requiring a health
30 care provider to disclose a medical record without the authorization of the
31 person in interest to a child fatality review team; requiring the office of the
32 Chief Medical Examiner to notify the chairperson of a local child fatality review
33 team under certain circumstances; establishing the State Child Fatality Review
34 Team; providing that the State Team is part of the Department of Health and

1 Mental Hygiene for budgetary and administrative purposes; establishing the
2 membership of the State Team; providing for staffing; requiring the Governor to
3 select the chairperson of the State Team; prohibiting the members from
4 receiving compensation; authorizing reimbursement for certain expenses;
5 requiring the State Team to meet at a certain frequency; establishing the
6 purpose and duties of the State Team; establishing local child fatality review
7 teams; establishing the membership of the local teams; providing for staffing;
8 requiring each local team to elect a chairperson; establishing the purpose and
9 duties of the local teams; requiring the local teams to take certain actions in
10 response to a report of an unexpected child death; requiring certain persons to
11 provide a local team with certain information and records; making certain
12 information confidential; defining certain terms; and generally relating to child
13 safety and welfare.

14 BY repealing and reenacting, with amendments,
15 Article 88A - Department of Human Resources
16 Section 6
17 Annotated Code of Maryland
18 (1998 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article - Family Law
21 Section 5-535, 5-538(a), and 5-546
22 Annotated Code of Maryland
23 (1999 Replacement Volume)

24 BY repealing and reenacting, without amendments,
25 Article - Family Law
26 Section 5-539
27 Annotated Code of Maryland
28 (1999 Replacement Volume)

29 BY adding to
30 Article - Family Law
31 Section 5-539.1 and 5-539.2; 5-7A-01 through 5-7A-09 to be under the new
32 subtitle "Subtitle 7A. State Council on Child Abuse and Neglect"
33 Annotated Code of Maryland
34 (1999 Replacement Volume)

35 BY repealing and reenacting, with amendments,
36 Article - Health - General
37 Section 4-306 and 5-309
38 Annotated Code of Maryland
39 (1994 Replacement Volume and 1998 Supplement)

1 BY adding to
2 Article - Health - General
3 Section 5-701 through 5-710, inclusive, to be under the new subtitle "Subtitle 7.
4 Child Fatality Review Teams"
5 Annotated Code of Maryland
6 (1994 Replacement Volume and 1998 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 88A - Department of Human Resources**

10 6.

11 (a) Except in accordance with a court order or to an authorized officer or
12 employee of the State, another state or local government, or the United States, or a
13 fiduciary institution having a right thereto in an official capacity, and as necessary to
14 discharge responsibilities to administer public assistance, medical assistance, or
15 social services programs, it shall be unlawful for any person or persons to divulge or
16 make known in any manner any information concerning any applicant for or recipient
17 of social services, child welfare services, cash assistance, food stamps, or medical
18 assistance, directly or indirectly derived from the records, papers, files, investigations
19 or communications of the State, county or city, or subdivisions or agencies thereof, or
20 acquired in the course of the performance of official duties.

21 (b) Except as otherwise provided in Title 5, Subtitle 7 of the Family Law
22 Article and § 6A of this subtitle, all records and reports concerning child abuse or
23 neglect are confidential, and their unauthorized disclosure is a criminal offense
24 subject to the penalty set out in subsection (e) of this section. Reports or records
25 concerning child abuse or neglect may be disclosed only:

26 (1) (i) Under a court order; or

27 (ii) Under an order of an administrative law judge, if the request for
28 disclosure concerns a case pending before the office of administrative hearings and
29 provisions are made to comply with other State or federal confidentiality laws and to
30 protect the identity of the reporter or other person whose life or safety is likely to be
31 endangered by disclosure;

32 (2) To personnel of local or State departments of social services, law
33 enforcement personnel, and members of multidisciplinary case consultation teams,
34 who are investigating a report of known or suspected child abuse or neglect or who
35 are providing services to a child or family that is the subject of the report;

36 (3) To local or State officials responsible for the administration of the
37 child protective service or child care licensing and regulations as necessary to carry
38 out their official functions;

1 (4) TO THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT, THE STATE
2 CITIZENS REVIEW BOARD FOR CHILDREN, OR THEIR DESIGNEES, OR A CHILD
3 FATALITY REVIEW TEAM AS NECESSARY TO CARRY OUT THEIR OFFICIAL FUNCTIONS;

4 [(4)] (5) To a person who is the alleged child abuser or the person who is
5 suspected of child neglect if that person is responsible for the child's welfare and
6 provisions are made for the protection of the identity of the reporter or any other
7 person whose life or safety is likely to be endangered by disclosing the information;

8 [(5)] (6) To a licensed practitioner who, or an agency, institution, or
9 program which is providing treatment or care to a child who is the subject of a report
10 of child abuse or neglect for a purpose relevant to the provision of the treatment or
11 care;

12 [(6)] (7) To a parent or other person who has permanent or temporary
13 care and custody of a child, if provisions are made for the protection of the identity of
14 the reporter or any other person whose life or safety is likely to be endangered by
15 disclosing the information;

16 [(7)] (8) To the appropriate public school superintendent for the purpose
17 of carrying out appropriate personnel actions following a report of suspected child
18 abuse involving a student committed by a public school employee in that school
19 system; or

20 [(8)] (9) To the director of a licensed child care facility or licensed child
21 placement agency for the purpose of carrying out appropriate personnel actions
22 following a report of suspected child neglect or abuse alleged to have been committed
23 by an employee of the facility or agency and involving a child who is currently or who
24 was previously under that facility or agency's care.

25 (c) Nothing in this section shall be construed to prohibit:

26 (1) The publication, for administrative or research purposes, of statistics
27 or other data so classified as to prevent the identification of particular persons or
28 cases;

29 (2) The Department of Human Resources from obtaining an individual's
30 financial records from a fiduciary institution in the course of verifying the
31 individual's eligibility for public assistance; or

32 (3) Disclosures as permitted by § 1-303 of the Financial Institutions
33 Article.

34 (d) The Department of Human Resources shall issue regulations governing
35 access to and use of confidential information which is in the possession of the
36 Department or local departments of social services.

37 (e) Any offense against the provisions of this section shall be a misdemeanor
38 and shall be punishable by a fine not exceeding \$500 or imprisonment for not
39 exceeding 90 days, or both, in the discretion of the court.

Article - Family Law

1 5-535.

2 There is a State [Citizen] CITIZENS REVIEW Board [of Review of Foster Care]
3 for Children.

4 5-538.

5 (a) The State Board shall meet [at least twice each year] NOT LESS THAN
6 ONCE EVERY 3 MONTHS and more frequently on the call of the chairman.

7 5-539.

8 (a) (1) The State Board may adopt policies and procedures that:

9 (i) relate to the functions of the local boards; and

10 (ii) are consistent with the goals set forth in § 5-544 of this subtitle.

11 (2) If the Administration concurs, the State Board may establish
12 categories of children in out-of-home placement for whom a satisfactory permanent
13 placement has been made and who may be exempt from review by the local boards.

14 (b) The State Board shall:

15 (1) provide a training program for members of the local boards;

16 (2) review and coordinate the activities of the local boards;

17 (3) adopt policies and procedures that relate to reports and any other
18 information that is required for any public or private agency or institution;

19 (4) make recommendations to the General Assembly that relate to
20 out-of-home placement policies and procedures; and

21 (5) subject to § 2-1246 of the State Government Article, report to the
22 General Assembly on the first day of each year on the status of children in
23 out-of-home placement in this State.

24 5-539.1.

25 (A) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE STATE BOARD
26 SHALL, BY EXAMINING THE POLICIES AND PROCEDURES OF STATE AND LOCAL
27 AGENCIES AND SPECIFIC CASES THAT THE STATE BOARD CONSIDERS NECESSARY TO
28 PERFORM ITS DUTIES UNDER THIS SECTION, EVALUATE THE EXTENT TO WHICH
29 STATE AND LOCAL AGENCIES ARE EFFECTIVELY DISCHARGING THEIR CHILD
30 PROTECTION RESPONSIBILITIES IN ACCORDANCE WITH:

31 (1) THE STATE PLAN UNDER 42 U.S.C. § 5106A(B);

1 (2) THE CHILD PROTECTION STANDARDS SET FORTH IN 42 U.S.C. §
2 5106A(B); AND

3 (3) ANY OTHER CRITERIA THAT THE STATE BOARD CONSIDERS
4 IMPORTANT TO ENSURE THE PROTECTION OF CHILDREN, INCLUDING:

5 (I) A REVIEW OF THE EXTENT TO WHICH THE STATE CHILD
6 PROTECTIVE SERVICES SYSTEM IS COORDINATED WITH THE FOSTER CARE AND
7 ADOPTION PROGRAM ESTABLISHED UNDER PART E OF TITLE IV OF THE SOCIAL
8 SECURITY ACT; AND

9 (II) A REVIEW OF CHILD FATALITIES AND NEAR FATALITIES.

10 (B) THE STATE BOARD MAY:

11 (1) BY A MAJORITY VOTE OF ITS MEMBERS ADD UP TO FOUR MEMBERS
12 WITH EXPERTISE IN THE PREVENTION AND TREATMENT OF CHILD ABUSE AND
13 NEGLECT FOR THE PURPOSE OF PERFORMING ITS DUTIES UNDER THIS SECTION;
14 AND

15 (2) DESIGNATE LOCAL TEAMS COMPOSED OF MEMBERS OF LOCAL
16 BOARDS OF OUT-OF-HOME PLACEMENT OF CHILDREN AND STAFF TO CONDUCT
17 REVIEWS OF SPECIFIC CASES.

18 (C) THE STATE BOARD SHALL COORDINATE ITS ACTIVITIES UNDER THIS
19 SECTION WITH THE STATE COUNCIL ON CHILD ABUSE AND NEGLECT AND THE CHILD
20 FATALITY REVIEW TEAMS IN ORDER TO AVOID UNNECESSARY DUPLICATION OF
21 EFFORT.

22 (D) THE STATE BOARD SHALL ANNUALLY PREPARE AND MAKE AVAILABLE TO
23 THE PUBLIC A REPORT CONTAINING A SUMMARY OF ITS ACTIVITIES UNDER THIS
24 SECTION.

25 5-539.2.

26 (A) THE MEMBERS OF THE STATE BOARD AND THE BOARD'S DESIGNEES AND
27 STAFF:

28 (1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT OFFICIAL
29 ANY IDENTIFYING INFORMATION ABOUT ANY SPECIFIC CHILD PROTECTION CASE
30 ABOUT WHICH THE STATE BOARD IS PROVIDED INFORMATION; AND

31 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY
32 LAW.

33 (B) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, THE SPECIAL
34 SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES MAY IMPOSE ON ANY PERSON
35 WHO VIOLATES SUBSECTION (A) OF THIS SECTION A CIVIL PENALTY NOT EXCEEDING
36 \$500 FOR EACH VIOLATION.

1 5-546.

2 [Each] A public or private agency or institution [that provides or arranges
3 out-of-home placement for minor children under the jurisdiction of the local
4 department] shall give to the State Board and local boards any information that the
5 boards request to perform their duties.

6 SUBTITLE 7A. STATE COUNCIL ON CHILD ABUSE AND NEGLECT.

7 5-7A-01.

8 (A) THERE IS A STATE COUNCIL ON CHILD ABUSE AND NEGLECT.

9 (B) THE COUNCIL IS PART OF THE OFFICE FOR CHILDREN, YOUTH, AND
10 FAMILIES FOR BUDGETARY AND ADMINISTRATIVE PURPOSES.

11 5-7A-02.

12 (A) THE COUNCIL CONSISTS OF UP TO 23 MEMBERS INCLUDING:

13 (1) A SENATOR DESIGNATED BY THE PRESIDENT OF THE SENATE OF
14 MARYLAND;

15 (2) A DELEGATE DESIGNATED BY THE SPEAKER OF THE MARYLAND
16 HOUSE OF DELEGATES;

17 (3) A REPRESENTATIVE OF THE DEPARTMENT OF HUMAN RESOURCES,
18 DESIGNATED BY THE SECRETARY;

19 (4) A REPRESENTATIVE OF THE DEPARTMENT OF HEALTH AND MENTAL
20 HYGIENE, DESIGNATED BY THE SECRETARY;

21 (5) A REPRESENTATIVE OF THE MARYLAND STATE DEPARTMENT OF
22 EDUCATION, DESIGNATED BY THE SUPERINTENDENT;

23 (6) A REPRESENTATIVE OF THE DEPARTMENT OF JUVENILE JUSTICE,
24 DESIGNATED BY THE SECRETARY;

25 (7) A REPRESENTATIVE OF THE JUDICIAL BRANCH, DESIGNATED BY THE
26 CHIEF JUDGE OF THE MARYLAND COURT OF APPEALS;

27 (8) A REPRESENTATIVE OF THE STATE'S ATTORNEYS' ASSOCIATION,
28 DESIGNATED BY THE ASSOCIATION;

29 (9) A PEDIATRICIAN WITH EXPERIENCE IN DIAGNOSING AND TREATING
30 INJURIES AND CHILD ABUSE AND NEGLECT, WHO SHALL BE APPOINTED BY THE
31 GOVERNOR FROM A LIST SUBMITTED BY THE MARYLAND CHAPTER OF THE
32 AMERICAN ACADEMY OF PEDIATRICS;

33 (10) MEMBERS OF THE GENERAL PUBLIC WITH INTEREST OR EXPERTISE
34 IN THE PREVENTION OR TREATMENT OF CHILD ABUSE AND NEGLECT WHO SHALL BE

1 APPOINTED BY THE GOVERNOR AND WHO SHALL INCLUDE REPRESENTATIVES FROM
2 PROFESSIONAL AND ADVOCACY GROUPS, PRIVATE SOCIAL SERVICE AGENCIES, AND
3 THE MEDICAL, LAW ENFORCEMENT, EDUCATION, AND RELIGIOUS COMMUNITIES;
4 AND

5 (11) AT LEAST TWO INDIVIDUALS WHO HAVE PERSONAL EXPERIENCE
6 WITH CHILD ABUSE AND NEGLECT WITHIN THEIR OWN FAMILIES OR WHO HAVE
7 BEEN CLIENTS OF THE CHILD PROTECTIVE SERVICES SYSTEM WHO SHALL BE
8 APPOINTED BY THE GOVERNOR.

9 (B) (1) THE TERM OF A MEMBER APPOINTED UNDER SUBSECTION (A)(9), (10),
10 OR (11) OF THIS SECTION IS 3 YEARS.

11 (2) AN APPOINTED MEMBER MAY SERVE UP TO TWO CONSECUTIVE
12 3-YEAR TERMS.

13 (3) THIS SECTION DOES NOT AFFECT THE TERM OF ANY PERSON WHO IS
14 A MEMBER OF THE GOVERNOR'S COUNCIL ON CHILD ABUSE AND NEGLECT ON JULY
15 1, 1999.

16 (4) IN CASE OF A VACANCY, THE GOVERNOR SHALL APPOINT A
17 SUCCESSOR FOR THE REMAINDER OF THE UNEXPIRED TERM.

18 (C) ALL OTHER MEMBERS OF THE COUNCIL SHALL CONTINUE IN OFFICE SO
19 LONG AS THEY HOLD THE REQUIRED QUALIFICATION AND DESIGNATION SPECIFIED
20 IN SUBSECTION (A)(1) THROUGH (8) OF THIS SECTION.

21 5-7A-03.

22 THE GOVERNOR SHALL SELECT A CHAIRPERSON FROM AMONG THE MEMBERS
23 OF THE COUNCIL.

24 5-7A-04.

25 (A) THE COUNCIL SHALL MEET NOT LESS THAN ONCE EVERY 3 MONTHS.

26 (B) MEMBERS OF THE COUNCIL SHALL SERVE WITHOUT COMPENSATION, BUT
27 MAY BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN THE
28 PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH THE STANDARD STATE
29 TRAVEL REGULATIONS AND AS PROVIDED IN THE STATE BUDGET.

30 (C) THE COUNCIL MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
31 BUDGET.

32 5-7A-05.

33 (A) THE COUNCIL SHALL OPERATE WITH THREE STANDING COMMITTEES.

34 (B) THE CONFERENCE COMMITTEE SHALL BE RESPONSIBLE FOR PLANNING
35 AND IMPLEMENTING THE COUNCIL'S ANNUAL STATEWIDE CONFERENCE ON CHILD

1 ABUSE AND NEGLECT. IT SHALL INCLUDE REPRESENTATION FROM THE PUBLIC AND
2 PRIVATE SECTORS.

3 (C) THE LEGISLATIVE COMMITTEE SHALL BE RESPONSIBLE FOR REVIEWING
4 AND MAKING RECOMMENDATIONS CONCERNING LEGISLATION TO IMPROVE THE
5 STATE'S RESPONSE TO THE PROBLEM OF CHILD ABUSE AND NEGLECT.

6 (D) THE FEDERAL CHILDREN'S JUSTICE ACT COMMITTEE IS ESTABLISHED IN
7 ACCORDANCE WITH THE REQUIREMENTS OF THE FEDERAL CHILDREN'S JUSTICE
8 ACT, PUBLIC LAW 100-294. IT SHALL REVIEW AND EVALUATE STATE INVESTIGATIVE,
9 ADMINISTRATIVE, AND JUDICIAL HANDLING OF CHILD ABUSE AND NEGLECT CASES,
10 AND MAKE POLICY AND TRAINING RECOMMENDATIONS TO IMPROVE SYSTEM
11 RESPONSE AND INTERVENTION. THE COMMITTEE SHALL INCLUDE
12 REPRESENTATIVES OF THE STATE JUDICIARY WITH CRIMINAL AND CIVIL TRIAL
13 COURT DOCKET EXPERIENCE, LAW ENFORCEMENT AGENCIES, THE MARYLAND
14 PUBLIC DEFENDER'S OFFICE, STATE'S ATTORNEYS, THE COURT APPOINTED SPECIAL
15 ADVOCATE (CASA) PROGRAM, HEALTH AND MENTAL HEALTH PROFESSIONS, CHILD
16 PROTECTIVE SERVICES PROGRAMS, PROGRAMS THAT SERVE CHILDREN WITH
17 DISABILITIES, PARENT GROUPS, AND ATTORNEYS WHO REPRESENT CHILDREN.

18 (E) IN ADDITION TO THE THREE STANDING COMMITTEES, THE COUNCIL MAY
19 ESTABLISH OTHER AD HOC COMMITTEES AS NECESSARY TO CARRY OUT THE WORK
20 OF THE COUNCIL.

21 5-7A-06.

22 (A) IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE COUNCIL
23 SHALL, BY EXAMINING THE POLICIES AND PROCEDURES OF STATE AND LOCAL
24 AGENCIES AND SPECIFIC CASES THAT THE COUNCIL CONSIDERS NECESSARY TO
25 PERFORM ITS DUTIES UNDER THIS SECTION, EVALUATE THE EXTENT TO WHICH
26 STATE AND LOCAL AGENCIES ARE EFFECTIVELY DISCHARGING THEIR CHILD
27 PROTECTION RESPONSIBILITIES IN ACCORDANCE WITH:

28 (1) THE STATE PLAN UNDER 42 U.S.C. § 5106A(B);

29 (2) THE CHILD PROTECTION STANDARDS SET FORTH IN 42 U.S.C. §
30 5106A(B); AND

31 (3) ANY OTHER CRITERIA THAT THE COUNCIL CONSIDERS IMPORTANT
32 TO ENSURE THE PROTECTION OF CHILDREN, INCLUDING:

33 (I) A REVIEW OF THE EXTENT TO WHICH THE STATE CHILD
34 PROTECTIVE SERVICES SYSTEM IS COORDINATED WITH THE FOSTER CARE AND
35 ADOPTION PROGRAM ESTABLISHED UNDER PART E OF TITLE IV OF THE SOCIAL
36 SECURITY ACT; AND

37 (II) A REVIEW OF CHILD FATALITIES AND NEAR FATALITIES.

38 (B) THE COUNCIL SHALL COORDINATE ITS ACTIVITIES UNDER THIS SECTION
39 WITH THE STATE CITIZENS REVIEW BOARD FOR CHILDREN AND THE CHILD

1 FATALITY REVIEW TEAMS IN ORDER TO AVOID UNNECESSARY DUPLICATION OF
2 EFFORT.

3 (C) THE CHAIRPERSON OF THE COUNCIL MAY DESIGNATE MEMBERS OF THE
4 CHILDREN'S JUSTICE ACT COMMITTEE AS SPECIAL MEMBERS OF THE COUNCIL FOR
5 THE PURPOSE OF CARRYING OUT THE DUTIES SET FORTH IN THIS SECTION.

6 5-7A-07.

7 (A) THE MEMBERS AND STAFF OF THE COUNCIL:

8 (1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT OFFICIAL
9 ANY IDENTIFYING INFORMATION ABOUT ANY SPECIFIC CHILD PROTECTION CASE
10 ABOUT WHICH THE COUNCIL IS PROVIDED INFORMATION; AND

11 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY
12 LAW.

13 (B) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, THE SPECIAL
14 SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES MAY IMPOSE ON ANY PERSON
15 WHO VIOLATES SUBSECTION (A) OF THIS SECTION A CIVIL PENALTY NOT EXCEEDING
16 \$500 FOR EACH VIOLATION.

17 5-7A-08.

18 A UNIT OF STATE OR LOCAL GOVERNMENT SHALL PROVIDE ANY INFORMATION
19 THAT THE COUNCIL REQUESTS TO CARRY OUT THE COUNCIL'S DUTIES UNDER §
20 5-7A-06 OF THIS SUBTITLE.

21 5-7A-09.

22 (A) THE COUNCIL SHALL REPORT AND MAKE RECOMMENDATIONS ANNUALLY
23 TO THE GOVERNOR AND THE GENERAL ASSEMBLY ON MATTERS RELATING TO THE
24 PREVENTION, DETECTION, PROSECUTION, AND TREATMENT OF CHILD ABUSE AND
25 NEGLECT, INCLUDING POLICY AND TRAINING NEEDS THAT REQUIRE THE
26 ATTENTION AND ACTION OF THE GOVERNOR OR THE GENERAL ASSEMBLY.

27 (B) THE COUNCIL SHALL ANNUALLY PREPARE AND MAKE AVAILABLE TO THE
28 PUBLIC A REPORT CONTAINING A SUMMARY OF ITS ACTIVITIES UNDER § 5-7A-05 OF
29 THIS SUBTITLE.

30 **Article - Health - General**

31 4-306.

32 (a) In this section, "compulsory process" includes a subpoena, summons,
33 warrant, or court order that appears on its face to have been issued on lawful
34 authority.

1 (b) A health care provider shall disclose a medical record without the
2 authorization of a person in interest:

3 (1) To a unit of State or local government, or to a member of a
4 multidisciplinary team assisting the unit, for purposes of investigation or treatment
5 in a case of suspected abuse or neglect of a child or an adult, subject to the following
6 conditions:

7 (i) The health care provider shall disclose only the medical record
8 of a person who is being assessed in an investigation or to whom services are being
9 provided in accordance with Title 5, Subtitle 7 or Title 14, Subtitle 3 of the Family
10 Law Article;

11 (ii) The health care provider shall disclose only the information in
12 the medical record that will, in the professional judgment of the provider, contribute
13 to the:

- 14 1. Assessment of risk;
- 15 2. Development of a service plan;
- 16 3. Implementation of a safety plan; or
- 17 4. Investigation of the suspected case of abuse or neglect; and

18 (iii) The medical record may be redisclosed as provided in Article
19 88A, § 6 of the Code;

20 (2) Subject to the additional limitations for a medical record developed
21 primarily in connection with the provision of mental health services in § 4-307 of this
22 subtitle, to health professional licensing and disciplinary boards, in accordance with a
23 subpoena for medical records for the sole purpose of an investigation regarding:

24 (i) Licensure, certification, or discipline of a health professional; or

25 (ii) The improper practice of a health profession;

26 (3) To a health care provider or the provider's insurer or legal counsel, all
27 information in a medical record relating to a patient or recipient's health, health care,
28 or treatment which forms the basis for the issues of a claim in a civil action initiated
29 by the patient, recipient, or person in interest;

30 (4) Notwithstanding any privilege in law, as needed, to a medical review
31 committee as defined in § 14-501 of the Health Occupations Article or a dental review
32 committee as defined in § 4-501 of the Health Occupations Article;

33 (5) To another health care provider as provided in § 19-308.2 or § 10-807
34 of this article;

35 (6) (i) Subject to the additional limitations for a medical record
36 developed primarily in connection with the provision of mental health services in §

1 4-307 of this subtitle and except as otherwise provided in items (2), (7), and (8) of this
2 subsection, in accordance with compulsory process, if the subpoena, summons,
3 warrant, or court order contains a certification that:

4 1. A copy of the subpoena, summons, warrant, or court order
5 has been served on the person whose records are sought by the party seeking the
6 disclosure or production of the records; or

7 2. Service of the subpoena, summons, warrant, or court order
8 has been waived by the court for good cause;

9 (ii) In accordance with a stipulation by a patient or person in
10 interest; or

11 (iii) In accordance with a discovery request permitted by law to be
12 made to a court, an administrative tribunal, or a party to a civil court, administrative,
13 or health claims arbitration proceeding;

14 (7) To grand juries, prosecution agencies, law enforcement agencies or
15 their agents or employees to further an investigation or prosecution, pursuant to a
16 subpoena, warrant, or court order for the sole purposes of investigating and
17 prosecuting criminal activity, provided that the prosecution agencies and law
18 enforcement agencies have written procedures to protect the confidentiality of the
19 records; [or]

20 (8) To the Maryland Insurance Administration when conducting an
21 investigation or examination pursuant to Title 2, Subtitle 2 of the Insurance Article,
22 provided that the Insurance Administration has written procedures to maintain the
23 confidentiality of the records; OR

24 (9) TO A STATE OR LOCAL CHILD FATALITY REVIEW TEAM ESTABLISHED
25 UNDER TITLE 5, SUBTITLE 7 OF THIS ARTICLE AS NECESSARY TO CARRY OUT ITS
26 OFFICIAL FUNCTIONS.

27 (c) When a disclosure is sought under this section:

28 (1) A written request for disclosure or written confirmation by the health
29 care provider of an oral request that justifies the need for disclosure shall be inserted
30 in the medical record of the patient or recipient; and

31 (2) Documentation of the disclosure shall be inserted in the medical
32 record of the patient or recipient.

33 5-309.

34 (a) (1) A medical examiner shall investigate the death of a human being if
35 the death occurs:

36 (i) By violence;

- 1 (ii) By suicide;
- 2 (iii) By casualty;
- 3 (iv) Suddenly, if the deceased was in apparent good health or
4 unattended by a physician; or
- 5 (v) In any suspicious or unusual manner.
- 6 (2) A medical examiner shall investigate the death of a human fetus if:
- 7 (i) Regardless of the duration of the pregnancy, the death occurs
8 before the complete expulsion or extraction of the fetus from the mother; and
- 9 (ii) The mother is not attended by a physician at or after the
10 delivery.
- 11 (b) If a medical examiner's case occurs, the police or sheriff immediately shall
12 notify the medical examiner and State's Attorney for the county where the body is
13 found and give the known facts concerning the time, place, manner, and
14 circumstances of the death.
- 15 (c) Immediately on notification that a medical examiner's case has occurred,
16 the medical examiner or an investigator of the medical examiner shall go to and take
17 charge of the body. The medical examiner or the investigator shall investigate fully
18 the essential facts concerning the medical cause of death and, before leaving the
19 premises, reduce these facts and the names and addresses of witnesses to writing,
20 which shall be filed in the medical examiner's office.
- 21 (d) The medical examiner or the investigator shall take possession of and
22 deliver to the State's Attorney or the State's Attorney's designee any object or article
23 that, in the opinion of the medical examiner or the investigator, may be useful in
24 establishing the cause of death.
- 25 (e) (1) If the next of kin of the deceased is not present at the investigation,
26 the police officer or sheriff at the investigation or, if a police officer or sheriff is not
27 present, the medical examiner or the investigator shall:
- 28 (i) Take possession of all property of value found on the body;
- 29 (ii) In the report of the death, make an exact inventory of the
30 property; and
- 31 (iii) Deliver the property to the appropriate sheriff or police
32 department.
- 33 (2) The sheriff or police department shall surrender the property to the
34 person who is entitled to its possession or custody.

1 (F) IF THE CASE INVOLVES THE UNEXPECTED DEATH OF A CHILD, THE
2 MEDICAL EXAMINER SHALL NOTIFY THE CHAIRPERSON OF THE LOCAL CHILD
3 FATALITY REVIEW TEAM FOR THE COUNTY IN WHICH THE CHILD RESIDED.

4 SUBTITLE 7. CHILD FATALITY REVIEW TEAMS.

5 5-701.

6 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) "CHILD" MEANS AN INDIVIDUAL UNDER THE AGE OF 18 YEARS.

9 (C) "LOCAL TEAM" MEANS THE MULTIDISCIPLINARY AND MULTIAGENCY
10 CHILD FATALITY REVIEW TEAM ESTABLISHED FOR A COUNTY.

11 (D) "MEETING" INCLUDES MEETINGS THROUGH TELEPHONE CONFERENCING.

12 (E) "HEALTH CARE PROVIDER" MEANS:

13 (1) AN INDIVIDUAL LICENSED OR CERTIFIED UNDER THE HEALTH
14 OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE; OR

15 (2) A FACILITY THAT PROVIDES HEALTH CARE TO INDIVIDUALS.

16 (F) "STATE TEAM" MEANS THE STATE CHILD FATALITY REVIEW TEAM.

17 (G) "WORKING DAY" MEANS MONDAY THROUGH FRIDAY, EXCLUDING
18 OFFICIAL STATE HOLIDAYS.

19 (H) "UNEXPECTED CHILD DEATH" MEANS A DEATH OF A CHILD INVESTIGATED
20 BY THE OFFICE OF THE CHIEF MEDICAL EXAMINER AS REQUIRED BY § 5-309 OF THIS
21 ARTICLE.

22 5-702.

23 (A) THERE IS A STATE CHILD FATALITY REVIEW TEAM.

24 (B) THE STATE TEAM IS PART OF THE DEPARTMENT FOR BUDGETARY AND
25 ADMINISTRATIVE PURPOSES.

26 5-703.

27 (A) THE STATE TEAM SHALL BE A MULTIDISCIPLINARY AND MULTIAGENCY
28 REVIEW TEAM, COMPOSED OF AT LEAST 25 MEMBERS, INCLUDING:

29 (1) THE ATTORNEY GENERAL;

30 (2) THE CHIEF MEDICAL EXAMINER;

31 (3) THE SECRETARY OF HUMAN RESOURCES;

- 1 (4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;
- 2 (5) THE STATE SUPERINTENDENT OF SCHOOLS;
- 3 (6) THE SECRETARY OF JUVENILE JUSTICE;
- 4 (7) THE SPECIAL SECRETARY FOR CHILDREN, YOUTH, AND FAMILIES;
- 5 (8) THE SECRETARY OF THE STATE POLICE;
- 6 (9) THE PRESIDENT OF THE STATE'S ATTORNEYS' ASSOCIATION;
- 7 (10) THE CHIEF OF THE DIVISION OF VITAL RECORDS OF THE
8 DEPARTMENT;
- 9 (11) THE PHYSICIAN DIRECTOR OF THE SUDDEN INFANT DEATH
10 SYNDROME ("SIDS") INSTITUTE AT THE UNIVERSITY OF MARYLAND MEDICAL
11 SYSTEM;
- 12 (12) THE DIRECTOR OF THE ALCOHOL AND DRUG ABUSE
13 ADMINISTRATION OF THE DEPARTMENT;
- 14 (13) TWO PEDIATRICIANS WITH EXPERIENCE IN DIAGNOSING AND
15 TREATING INJURIES AND CHILD ABUSE AND NEGLECT, APPOINTED BY THE
16 GOVERNOR FROM A LIST SUBMITTED BY THE STATE CHAPTER OF THE AMERICAN
17 ACADEMY OF PEDIATRICS; AND
- 18 (14) ELEVEN MEMBERS OF THE GENERAL PUBLIC WITH INTEREST OR
19 EXPERTISE IN CHILD SAFETY AND WELFARE, APPOINTED BY THE GOVERNOR,
20 INCLUDING CHILD ADVOCATES, CASA VOLUNTEERS, HEALTH AND MENTAL HEALTH
21 PROFESSIONALS, AND ATTORNEYS WHO REPRESENT CHILDREN.
- 22 (B) THE MEMBERS DESCRIBED UNDER SUBSECTION (A)(1) THROUGH (12) OF
23 THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THEIR DEPARTMENTS OR
24 OFFICES TO REPRESENT THEM ON THE STATE TEAM.
- 25 (C) THE STATE TEAM MAY EMPLOY A STAFF IN ACCORDANCE WITH THE STATE
26 BUDGET. EACH MEMBER OF THE TEAM UNDER SUBSECTION (A)(1) THROUGH (12) OF
27 THIS SECTION SHALL PROVIDE SUFFICIENT STAFF SUPPORT TO COMPLETE THE
28 STATE TEAM'S RESPONSIBILITIES.
- 29 (D) MEMBERS OF THE STATE TEAM SHALL SERVE WITHOUT COMPENSATION,
30 BUT MAY BE REIMBURSED FOR REASONABLE EXPENSES INCURRED IN THE
31 PERFORMANCE OF THEIR DUTIES IN ACCORDANCE WITH THE STANDARD STATE
32 TRAVEL REGULATIONS AND AS PROVIDED IN THE STATE BUDGET.
- 33 (E) THE GOVERNOR SHALL SELECT A CHAIRPERSON FROM AMONG THE
34 MEMBERS OF THE STATE TEAM.
- 35 (F) THE STATE TEAM SHALL MEET NOT LESS THAN ONCE EVERY 3 MONTHS.

1 5-704.

2 (A) THE PURPOSE OF THE STATE TEAM IS TO PREVENT CHILD DEATHS BY:

3 (1) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND INCIDENCE
4 OF CHILD DEATHS;

5 (2) DEVELOPING PLANS FOR AND IMPLEMENTING CHANGES WITHIN
6 THE AGENCIES REPRESENTED ON THE TEAM TO PREVENT CHILD DEATHS; AND

7 (3) ADVISING THE GOVERNOR, THE GENERAL ASSEMBLY, AND THE
8 PUBLIC ON CHANGES TO LAW, POLICY, AND PRACTICE TO PREVENT CHILD DEATHS.

9 (B) TO ACHIEVE ITS PURPOSE, THE STATE TEAM SHALL:

10 (1) UNDERTAKE ANNUAL STATISTICAL STUDIES OF THE INCIDENCE
11 AND CAUSES OF CHILD FATALITIES IN THE STATE, INCLUDING AN ANALYSIS OF
12 COMMUNITY AND PUBLIC AND PRIVATE AGENCY INVOLVEMENT WITH THE
13 DECEDENTS AND THEIR FAMILIES BEFORE AND AFTER THE DEATHS;

14 (2) REVIEW REPORTS FROM LOCAL TEAMS;

15 (3) PROVIDE TRAINING AND WRITTEN MATERIALS TO THE LOCAL TEAMS
16 ESTABLISHED UNDER § 5-705 OF THIS SUBTITLE TO ASSIST THEM IN CARRYING OUT
17 THEIR DUTIES, INCLUDING MODEL PROTOCOLS FOR THE OPERATION OF LOCAL
18 TEAMS;

19 (4) DEVELOP A PROTOCOL FOR CHILD FATALITY INVESTIGATIONS,
20 INCLUDING PROCEDURES FOR LOCAL HEALTH DEPARTMENTS, LAW ENFORCEMENT
21 AGENCIES, LOCAL MEDICAL EXAMINERS, AND LOCAL DEPARTMENTS OF SOCIAL
22 SERVICES, USING BEST PRACTICES FROM OTHER STATES AND JURISDICTIONS;

23 (5) DEVELOP A PROTOCOL FOR THE COLLECTION OF DATA REGARDING
24 CHILD DEATHS AND PROVIDE TRAINING TO LOCAL TEAMS AND COUNTY HEALTH
25 DEPARTMENTS ON THE USE OF THE PROTOCOL;

26 (6) UNDERTAKE A STUDY OF THE OPERATIONS OF LOCAL TEAMS,
27 INCLUDING THE STATE AND LOCAL LAWS, REGULATIONS, AND POLICIES OF THE
28 AGENCIES REPRESENTED ON THE LOCAL TEAMS, RECOMMEND APPROPRIATE
29 CHANGES TO ANY REGULATION OR POLICY NEEDED TO PREVENT CHILD DEATHS,
30 AND INCLUDE PROPOSALS FOR CHANGES TO STATE OR LOCAL LAWS IN THE ANNUAL
31 REPORT REQUIRED BY PARAGRAPH (12) OF THIS SUBSECTION;

32 (7) CONSIDER LOCAL AND STATEWIDE TRAINING NEEDS, INCLUDING
33 CROSS-AGENCY TRAINING AND SERVICE GAPS, AND MAKE RECOMMENDATIONS TO
34 MEMBER AGENCIES TO DEVELOP AND DELIVER THESE TRAINING NEEDS;

35 (8) EXAMINE CONFIDENTIALITY AND ACCESS TO INFORMATION LAWS,
36 REGULATIONS, AND POLICIES FOR AGENCIES WITH RESPONSIBILITIES FOR
37 CHILDREN, INCLUDING HEALTH, PUBLIC WELFARE, EDUCATION, SOCIAL SERVICES,

1 MENTAL HEALTH, AND LAW ENFORCEMENT AGENCIES, RECOMMEND APPROPRIATE
2 CHANGES TO ANY REGULATIONS AND POLICIES THAT IMPEDE THE EXCHANGE OF
3 INFORMATION NECESSARY TO PROTECT CHILDREN FROM PREVENTABLE DEATHS,
4 AND INCLUDE PROPOSALS FOR CHANGES TO STATUTES IN THE ANNUAL REPORT
5 REQUIRED BY PARAGRAPH (12) OF THIS SUBSECTION;

6 (9) EXAMINE THE POLICIES AND PROCEDURES OF STATE AND LOCAL
7 AGENCIES AND SPECIFIC CASES THAT THE STATE TEAM CONSIDERS NECESSARY TO
8 PERFORM ITS DUTIES UNDER THIS SECTION, IN ORDER TO EVALUATE THE EXTENT
9 TO WHICH STATE AND LOCAL AGENCIES ARE EFFECTIVELY DISCHARGING THEIR
10 CHILD PROTECTION RESPONSIBILITIES IN ACCORDANCE WITH:

11 (I) THE STATE PLAN UNDER 42 U.S.C. § 5106A(B);

12 (II) THE CHILD PROTECTION STANDARDS SET FORTH IN 42 U.S.C. §
13 5106A(B); AND

14 (III) ANY OTHER CRITERIA THAT THE STATE TEAM CONSIDERS
15 IMPORTANT TO ENSURE THE PROTECTION OF CHILDREN;

16 (10) EDUCATE THE PUBLIC REGARDING THE INCIDENCE AND CAUSES OF
17 CHILD DEATHS, THE PUBLIC ROLE IN PREVENTING CHILD DEATHS, AND SPECIFIC
18 STEPS THE PUBLIC CAN UNDERTAKE TO PREVENT CHILD DEATHS;

19 (11) RECOMMEND TO THE SECRETARY ANY REGULATIONS NECESSARY
20 FOR ITS OWN OPERATION AND THE OPERATION OF THE LOCAL TEAMS; AND

21 (12) PROVIDE THE GOVERNOR, THE PUBLIC, AND SUBJECT TO § 2-1246 OF
22 THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, WITH ANNUAL
23 WRITTEN REPORTS, WHICH SHALL INCLUDE THE STATE TEAM'S FINDINGS AND
24 RECOMMENDATIONS.

25 (C) THE STATE TEAM SHALL COORDINATE ITS ACTIVITIES UNDER THIS
26 SECTION WITH THE STATE CITIZENS REVIEW BOARD FOR CHILDREN AND THE STATE
27 COUNCIL ON CHILD ABUSE AND NEGLECT IN ORDER TO AVOID UNNECESSARY
28 DUPLICATION OF EFFORT.

29 (D) THE MEMBERS AND STAFF OF THE STATE TEAM:

30 (1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT OFFICIAL
31 ANY IDENTIFYING INFORMATION ABOUT ANY SPECIFIC CHILD PROTECTION CASE
32 ABOUT WHICH THE STATE TEAM IS PROVIDED INFORMATION; AND

33 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY
34 LAW.

35 (E) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, THE
36 SECRETARY MAY IMPOSE ON ANY PERSON WHO VIOLATES SUBSECTION (D) OF THIS
37 SECTION A CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.

1 5-705.

2 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
3 THERE SHALL BE A MULTIDISCIPLINARY AND MULTIAGENCY CHILD FATALITY
4 REVIEW TEAM IN EACH COUNTY.

5 (2) INSTEAD OF A LOCAL TEAM IN EACH COUNTY, TWO OR MORE
6 COUNTIES MAY AGREE TO ESTABLISH A SINGLE MULTICOUNTY LOCAL TEAM.

7 (3) A MULTICOUNTY LOCAL TEAM SHALL EXECUTE A MEMORANDUM OF
8 UNDERSTANDING ON MEMBERSHIP, STAFFING, AND OPERATION.

9 (B) THE LOCAL TEAM SHALL BE COMPOSED OF AT LEAST 13 MEMBERS,
10 INCLUDING:

11 (1) THE COUNTY HEALTH OFFICER;

12 (2) THE COUNTY MEDICAL EXAMINER;

13 (3) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL SERVICES;

14 (4) THE STATE'S ATTORNEY;

15 (5) THE SUPERINTENDENT OF SCHOOLS;

16 (6) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT OFFICER;

17 (7) THE DIRECTOR OF THE COUNTY SUBSTANCE ABUSE TREATMENT
18 PROGRAM;

19 (8) THE CHIEF ATTORNEY WHO REPRESENTS THE LOCAL DEPARTMENT
20 OF SOCIAL SERVICES IN CHILD WELFARE PROCEEDINGS;

21 (9) THE REGIONAL REPRESENTATIVE OF THE CHILD CARE
22 ADMINISTRATION;

23 (10) THE DIRECTOR OF THE COUNTY MENTAL HEALTH AGENCY OR CORE
24 SERVICE AGENCY;

25 (11) A PEDIATRICIAN WITH EXPERIENCE IN DIAGNOSING AND TREATING
26 INJURIES AND CHILD ABUSE AND NEGLECT, APPOINTED BY THE COUNTY HEALTH
27 OFFICER;

28 (12) A PSYCHIATRIST OR PSYCHOLOGIST WITH EXPERIENCE IN CHILD
29 ABUSE AND NEGLECT OR CHILD INJURY, APPOINTED BY THE DIRECTOR OF THE
30 COUNTY MENTAL HEALTH AGENCY OR CORE SERVICE AGENCY; AND

31 (13) A MEMBER OF THE GENERAL PUBLIC WITH INTEREST OR EXPERTISE
32 IN THE PREVENTION AND TREATMENT OF CHILD ABUSE AND NEGLECT, APPOINTED
33 BY THE COUNTY HEALTH OFFICER.

1 (C) THE MEMBERS DESCRIBED UNDER SUBSECTION (B)(1) THROUGH (10) OF
2 THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THEIR DEPARTMENTS OR
3 OFFICES TO REPRESENT THEM ON THE LOCAL TEAM.

4 (D) EACH PUBLIC AGENCY REPRESENTED ON THE LOCAL TEAM SHALL
5 PROVIDE SUFFICIENT STAFF SUPPORT TO COMPLETE THE LOCAL TEAM'S
6 RESPONSIBILITIES.

7 (E) FROM AMONG ITS MEMBERS, EACH LOCAL TEAM SHALL ELECT A
8 CHAIRPERSON BY MAJORITY VOTE.

9 5-706.

10 (A) THE PURPOSE OF THE LOCAL TEAM IS TO PREVENT CHILD DEATHS BY:

11 (1) PROVIDING ASSISTANCE, DIRECTION, AND COORDINATION TO
12 INVESTIGATIONS OF CHILD DEATHS;

13 (2) PROMOTING COOPERATION AND COORDINATION AMONG AGENCIES
14 INVOLVED IN INVESTIGATIONS OF CHILD DEATHS OR IN PROVIDING SERVICES TO
15 SURVIVING FAMILY MEMBERS;

16 (3) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND INCIDENCE
17 OF CHILD DEATHS IN THE COUNTY;

18 (4) DEVELOPING PLANS FOR AND RECOMMENDING CHANGES WITHIN
19 THE AGENCIES THE MEMBERS REPRESENT TO PREVENT CHILD DEATHS; AND

20 (5) ADVISING THE STATE TEAM ON CHANGES TO LAW, POLICY, OR
21 PRACTICE TO PREVENT CHILD DEATHS.

22 (B) TO ACHIEVE ITS PURPOSE, THE LOCAL TEAM SHALL:

23 (1) WITHIN 90 DAYS OF RECEIPT OF THE MODEL PROTOCOLS FROM THE
24 STATE TEAM REQUIRED UNDER § 5-704(B) OF THIS SUBTITLE, ESTABLISH AND
25 IMPLEMENT A PROTOCOL FOR THE LOCAL TEAM;

26 (2) RESPOND TO INDIVIDUAL CHILD DEATHS IN ACCORDANCE WITH §
27 5-707 OF THIS SUBTITLE;

28 (3) IN ADDITION TO ANY MEETING REQUIRED BY § 5-707 OF THIS
29 SUBTITLE, MEET QUARTERLY TO REVIEW THE STATUS OF CHILD FATALITY CASES,
30 RECOMMEND ACTIONS TO FACILITATE THE IMPLEMENTATION OF METHODS TO
31 IMPROVE COORDINATION OF SERVICES AND INVESTIGATIONS AMONG MEMBER
32 AGENCIES, AND RECOMMEND ACTIONS TO FACILITATE THE IMPLEMENTATION OF
33 CHANGES WITHIN THE MEMBER AGENCIES TO PREVENT CHILD DEATHS;

34 (4) COLLECT AND MAINTAIN DATA AS REQUIRED BY THE STATE TEAM;
35 AND

1 (5) PROVIDE REPORTS TO THE STATE TEAM, AT THE FREQUENCY
2 REQUIRED BY THE STATE TEAM, INCLUDING DISCUSSION OF INDIVIDUAL CASES,
3 STEPS TAKEN TO IMPROVE COORDINATION OF SERVICES AND INVESTIGATIONS,
4 STEPS TAKEN TO IMPLEMENT CHANGES WITHIN MEMBER AGENCIES, AND
5 RECOMMENDATIONS ON NEEDED CHANGES TO LAW, POLICY, AND PRACTICE TO
6 PREVENT CHILD DEATHS.

7 5-707.

8 (A) IMMEDIATELY UPON RECEIPT OF A REPORT FROM THE OFFICE OF THE
9 CHIEF MEDICAL EXAMINER OF AN UNEXPECTED CHILD DEATH AS REQUIRED BY §
10 5-309 OF THIS TITLE, THE CHAIR OF THE LOCAL TEAM SHALL NOTIFY ALL MEMBERS
11 OF THE TEAM, PROVIDING ALL KNOWN IDENTIFYING INFORMATION ON THE CHILD
12 AND FAMILY AND ON THE CAUSE OF AND CIRCUMSTANCES SURROUNDING THE
13 DEATH.

14 (B) UPON RECEIPT OF THE NOTIFICATION REQUIRED UNDER SUBSECTION (A)
15 OF THIS SECTION, LOCAL TEAM MEMBERS SHALL REVIEW THEIR RECORDS FOR
16 INFORMATION REGARDING THE DECEASED CHILD OR FAMILY.

17 (C) A SUBCOMMITTEE OF THE LOCAL TEAM SHALL MEET WITHIN 2 WORKING
18 DAYS AFTER THE NOTIFICATION REQUIRED UNDER SUBSECTION (A) OF THIS
19 SECTION. THE PURPOSE OF THE MEETING SHALL BE TO ASSIST IN THE
20 INVESTIGATION OF THE DEATH, INCLUDING BY SHARING INFORMATION REGARDING
21 THE CHILD AND FAMILY THAT IS IN THE RECORDS OF AGENCIES REPRESENTED ON
22 THE TEAM, AND TO ASSIST IN THE PROVISION OF SERVICES TO SURVIVING FAMILY
23 MEMBERS. THE MEETING SHALL ALSO ESTABLISH RESPONSIBILITIES FOR MEMBERS
24 OF THE TEAM AND DATES FOR SUBSEQUENT MEETINGS REGARDING THE CHILD OR
25 FAMILY.

26 5-708.

27 UPON REQUEST OF THE CHAIR OF THE LOCAL TEAM AND AS NECESSARY TO
28 CARRY OUT THE LOCAL TEAM'S PURPOSE AND DUTIES, THE LOCAL TEAM SHALL BE
29 IMMEDIATELY PROVIDED:

30 (1) BY A PROVIDER OF MEDICAL CARE, INCLUDING DENTAL AND
31 MENTAL HEALTH CARE, WITH ACCESS TO INFORMATION AND RECORDS REGARDING
32 A CHILD WHOSE DEATH IS BEING REVIEWED BY THE LOCAL TEAM, INCLUDING
33 INFORMATION ON PRENATAL CARE; AND

34 (2) ACCESS TO ALL INFORMATION AND RECORDS MAINTAINED BY ANY
35 STATE OR LOCAL GOVERNMENT AGENCY, INCLUDING BIRTH CERTIFICATES, LAW
36 ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL EXAMINER INVESTIGATIVE
37 INFORMATION, PAROLE AND PROBATION INFORMATION AND RECORDS, AND
38 INFORMATION AND RECORDS OF A SOCIAL SERVICES AGENCY THAT PROVIDED
39 SERVICES TO THE CHILD OR FAMILY.

1 5-709.

2 (A) MEETINGS OF THE STATE TEAM AND OF LOCAL TEAMS SHALL BE CLOSED
3 TO THE PUBLIC AND NOT SUBJECT TO TITLE 10, SUBTITLE 5 OF THE STATE
4 GOVERNMENT ARTICLE WHEN THE STATE TEAM OR LOCAL TEAMS ARE DISCUSSING
5 INDIVIDUAL CASES OF CHILD DEATHS.

6 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, MEETINGS OF
7 THE STATE TEAM AND OF LOCAL TEAMS SHALL BE OPEN TO THE PUBLIC AND
8 SUBJECT TO TITLE 10, SUBTITLE 5 OF THE STATE GOVERNMENT ARTICLE WHEN THE
9 STATE TEAM OR LOCAL TEAM IS NOT DISCUSSING INDIVIDUAL CASES OF CHILD
10 DEATHS.

11 (C) (1) INFORMATION IDENTIFYING A DECEASED CHILD, A FAMILY
12 MEMBER, A GUARDIAN OR CARETAKER OF A DECEASED CHILD, OR AN ALLEGED OR
13 SUSPECTED PERPETRATOR OF ABUSE OR NEGLECT UPON A CHILD, MAY NOT BE
14 DISCLOSED DURING A PUBLIC MEETING.

15 (2) INFORMATION REGARDING THE INVOLVEMENT OF ANY AGENCY
16 WITH THE DECEASED CHILD OR FAMILY MAY NOT BE DISCLOSED DURING A PUBLIC
17 MEETING.

18 (D) THIS SECTION DOES NOT PROHIBIT THE STATE TEAM OR A LOCAL TEAM
19 FROM REQUESTING THE ATTENDANCE AT A TEAM MEETING OF A PERSON WHO HAS
20 INFORMATION RELEVANT TO THE TEAM'S EXERCISE OF ITS PURPOSE AND DUTIES.

21 (E) VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY
22 A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

23 5-710.

24 (A) ALL INFORMATION AND RECORDS ACQUIRED BY THE STATE TEAM OR BY A
25 LOCAL TEAM, IN THE EXERCISE OF ITS PURPOSE AND DUTIES UNDER THIS SUBTITLE,
26 ARE CONFIDENTIAL, EXEMPT FROM DISCLOSURE UNDER TITLE 10, SUBTITLE 6 OF
27 THE STATE GOVERNMENT ARTICLE, AND MAY ONLY BE DISCLOSED AS NECESSARY
28 TO CARRY OUT THE TEAM'S DUTIES AND PURPOSES.

29 (B) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY
30 INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY PERSON TO BE
31 ASCERTAINED ARE PUBLIC RECORDS.

32 (C) REPORTS OF THE STATE TEAM AND OF A LOCAL TEAM THAT DO NOT
33 CONTAIN ANY INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY
34 PERSON TO BE ASCERTAINED ARE PUBLIC INFORMATION.

35 (D) EXCEPT AS NECESSARY TO CARRY OUT A TEAM'S PURPOSE AND DUTIES,
36 MEMBERS OF A TEAM AND PERSONS ATTENDING A TEAM MEETING MAY NOT
37 DISCLOSE WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC UNDER § 5-708 OF
38 THIS ARTICLE OR ANY INFORMATION THE DISCLOSURE OF WHICH IS PROHIBITED BY
39 THIS SECTION.

1 (E) MEMBERS OF A TEAM, PERSONS ATTENDING A TEAM MEETING, AND
2 PERSONS WHO PRESENT INFORMATION TO A TEAM MAY NOT BE QUESTIONED IN ANY
3 CIVIL OR CRIMINAL PROCEEDING REGARDING INFORMATION PRESENTED IN OR
4 OPINIONS FORMED AS A RESULT OF A MEETING. THIS SUBSECTION DOES NOT
5 PROHIBIT A PERSON FROM TESTIFYING TO INFORMATION OBTAINED
6 INDEPENDENTLY OF THE TEAM OR THAT IS PUBLIC INFORMATION.

7 (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
8 INFORMATION, DOCUMENTS, AND RECORDS OF THE STATE TEAM OR OF A LOCAL
9 TEAM ARE NOT SUBJECT TO SUBPOENA, DISCOVERY, OR INTRODUCTION INTO
10 EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.

11 (2) INFORMATION, DOCUMENTS, AND RECORDS OTHERWISE AVAILABLE
12 FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY, OR
13 INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THEY
14 WERE PRESENTED DURING PROCEEDINGS OF THE TEAM OR ARE MAINTAINED BY A
15 TEAM.

16 (G) VIOLATION OF THIS SECTION IS A MISDEMEANOR AND IS PUNISHABLE BY
17 A FINE NOT EXCEEDING \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 1999.