

SENATE BILL 348

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71r2287
CF 71r2293

By: **Senator McFadden**

Introduced and read first time: February 1, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Child Fatality Review Teams – Access and Disclosure of Information**

3 FOR the purpose of requiring that a certain local team be immediately provided access
4 to certain information and records maintained by a health care provider
5 regarding a child convicted of a crime that caused a certain death or fatality;
6 prohibiting the identification of a child convicted of a crime that caused a
7 certain death or fatality during certain public meetings; and generally relating
8 to access and disclosure of information by child fatality review teams.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 5–707 and 5–708
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2006 Supplement)

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

16 **Article – Health – General**

17 5–707.

18 Upon request of the chair of the local team and as necessary to carry out the
19 local team’s purpose and duties, the local team shall be immediately provided:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(1) By a provider of medical care, including dental and mental health
2 care, with access to information and records regarding a child whose death is being
3 reviewed by the local team, including information on prenatal care; and]

4 (1) ACCESS TO INFORMATION AND RECORDS, INCLUDING
5 INFORMATION ON PRENATAL CARE, MAINTAINED BY A HEALTH CARE PROVIDER
6 REGARDING:

7 (I) A CHILD WHOSE DEATH IS BEING REVIEWED BY THE
8 LOCAL TEAM; OR

9 (II) A CHILD CONVICTED OF A CRIME THAT CAUSED THE
10 DEATH OR NEAR FATALITY BEING REVIEWED BY THE LOCAL TEAM; AND

11 (2) Access to all information and records maintained by any State or
12 local government agency, including birth certificates, law enforcement investigative
13 information, medical examiner investigative information, parole and probation
14 information and records, and information and records of a social services agency that
15 provided services to the child or family.

16 5-708.

17 (a) Meetings of the State Team and of local teams shall be closed to the
18 public and not subject to Title 10, Subtitle 5 of the State Government Article when the
19 State Team or local teams are discussing individual cases of child deaths.

20 (b) Except as provided in subsection (c) of this section, meetings of the State
21 Team and of local teams shall be open to the public and subject to Title 10, Subtitle 5
22 of the State Government Article when the State Team or local team is not discussing
23 individual cases of child deaths.

24 (c) [(1) Information identifying a deceased child, a family member, a
25 guardian or caretaker of a deceased child, or an alleged or suspected perpetrator of
26 abuse or neglect upon a child, may not be disclosed during a public meeting.]

27 (1) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE
28 DISCLOSED THAT IDENTIFIES:

29 (I) A DECEASED CHILD;

1 **(II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A**
2 **DECEASED CHILD;**

3 **(III) AN ALLEGED OR SUSPECTED PERPETRATOR OF ABUSE**
4 **OR NEGLECT UPON A CHILD; OR**

5 **(IV) A CHILD CONVICTED OF A CRIME THAT CAUSED THE**
6 **DEATH OR NEAR FATALITY OF ANOTHER CHILD.**

7 (2) Information regarding the involvement of any agency with the
8 deceased child or family may not be disclosed during a public meeting.

9 (d) This section does not prohibit the State Team or a local team from
10 requesting the attendance at a team meeting of a person who has information relevant
11 to the team's exercise of its purpose and duties.

12 (e) Violation of this section is a misdemeanor and is punishable by a fine not
13 exceeding \$500 or imprisonment not exceeding 90 days or both.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2007.