

SENATE BILL 862

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9lr3093
CF HB 705

By: **Senator Pugh**

Introduced and read first time: February 6, 2009

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Child Fatality Review – Child Death Review Case Reporting System**

3 FOR the purpose of authorizing certain members and staff of certain State teams to
4 provide identifying information to a national center for child death review in
5 accordance with certain data use agreements that require the national center to
6 act as a fiduciary agent of certain State and local teams; establishing that
7 certain information provided to a national center for child death review is
8 confidential and subject to certain confidentiality and discovery protections;
9 defining certain terms; and generally relating to child fatality review and a
10 child death review case reporting system.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 5–701 and 5–704
14 Annotated Code of Maryland
15 (2005 Replacement Volume and 2008 Supplement)

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

18 **Article – Health – General**

19 5–701.

20 (a) In this subtitle the following words have the meanings indicated.

21 (b) “Child” means an individual under the age of 18 years.

22 (c) **“CHILD DEATH REVIEW CASE REPORTING SYSTEM” MEANS A**
23 **NATIONAL, STANDARDIZED, WEB–BASED REPORTING SYSTEM FOR THE**
24 **CONFIDENTIAL COLLECTION, ANALYSIS, AGGREGATION, AND REPORTING OF**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **CHILD DEATH DATA THAT IS MAINTAINED AND OPERATED BY A NATIONAL**
2 **CENTER FOR CHILD DEATH REVIEW.**

3 **(D) “DATA USE AGREEMENT” MEANS A CONTRACT BETWEEN THE**
4 **DEPARTMENT AND A NATIONAL CENTER FOR CHILD DEATH REVIEW THAT**
5 **ESTABLISHES THE TERMS AND CONDITIONS FOR THE STATE AND LOCAL CHILD**
6 **FATALITY REVIEW TEAMS’ PARTICIPATION IN A CHILD DEATH REVIEW CASE**
7 **REPORTING SYSTEM.**

8 **[(c)] (E) “Health care provider” means:**

9 (1) An individual licensed or certified under the Health Occupations
10 Article to provide health care; or

11 (2) A facility that provides health care to individuals.

12 **[(d)] (F) “Local team” means the multidisciplinary and multiagency child**
13 **fatality review team established for a county.**

14 **[(e)] (G) “Meeting” includes meetings through telephone conferencing.**

15 **(H) “NATIONAL CENTER FOR CHILD DEATH REVIEW” MEANS A PUBLIC,**
16 **PRIVATE, NONPROFIT, OR GOVERNMENTAL ORGANIZATION OR ENTITY THAT IS**
17 **FUNDED OR OTHERWISE RECOGNIZED BY THE UNITED STATES DEPARTMENT**
18 **OF HEALTH AND HUMAN SERVICES AND IS RESPONSIBLE FOR:**

19 (1) **DEVELOPING A CHILD DEATH REVIEW CASE REPORTING**
20 **SYSTEM;**

21 (2) **TRAINING AND SERVING AS A LIAISON TO STATE AGENCIES**
22 **PARTICIPATING IN THE SYSTEM; AND**

23 (3) **DISSEMINATING NATIONAL CHILD DEATH REVIEW DATA**
24 **GENERATED BY THE SYSTEM.**

25 **[(f)] (I) “State Team” means the State Child Fatality Review Team.**

26 **[(g)] (J) “Unexpected child death” means a death of a child investigated by**
27 **the office of the Chief Medical Examiner as required by § 5–309 of this title.**

28 5–704.

29 (a) The purpose of the State Team is to prevent child deaths by:

1 (1) Developing an understanding of the causes and incidence of child
2 deaths;

3 (2) Developing plans for and implementing changes within the
4 agencies represented on the Team to prevent child deaths; and

5 (3) Advising the Governor, the General Assembly, and the public on
6 changes to law, policy, and practice to prevent child deaths.

7 (b) To achieve its purpose, the State Team shall:

8 (1) Undertake annual statistical studies of the incidence and causes of
9 child fatalities in the State, including an analysis of community and public and private
10 agency involvement with the decedents and their families before and after the deaths;

11 (2) Review reports from local teams;

12 (3) Provide training and written materials to the local teams
13 established under § 5–705 of this subtitle to assist them in carrying out their duties,
14 including model protocols for the operation of local teams;

15 (4) In cooperation with local teams, develop a protocol for child fatality
16 investigations, including procedures for local health departments, law enforcement
17 agencies, local medical examiners, and local departments of social services, using best
18 practices from other states and jurisdictions;

19 (5) Develop a protocol for the collection of data regarding child deaths
20 and provide training to local teams and county health departments on the use of the
21 protocol;

22 (6) Undertake a study of the operations of local teams, including the
23 State and local laws, regulations, and policies of the agencies represented on the local
24 teams, recommend appropriate changes to any regulation or policy needed to prevent
25 child deaths, and include proposals for changes to State or local laws in the annual
26 report required by paragraph (12) of this subsection;

27 (7) Consider local and statewide training needs, including
28 cross–agency training and service gaps, and make recommendations to member
29 agencies to develop and deliver these training needs;

30 (8) Examine confidentiality and access to information laws,
31 regulations, and policies for agencies with responsibilities for children, including
32 health, public welfare, education, social services, mental health, and law enforcement
33 agencies, recommend appropriate changes to any regulations and policies that impede
34 the exchange of information necessary to protect children from preventable deaths,
35 and include proposals for changes to statutes in the annual report required by
36 paragraph (12) of this subsection;

1 (9) Examine the policies and procedures of State and local agencies
2 and specific cases that the State Team considers necessary to perform its duties under
3 this section, in order to evaluate the extent to which State and local agencies are
4 effectively discharging their child protection responsibilities in accordance with:

5 (i) The State plan under 42 U.S.C. § 5106a(b);

6 (ii) The child protection standards set forth in 42 U.S.C. §
7 5106a(b); and

8 (iii) Any other criteria that the State Team considers important
9 to ensure the protection of children;

10 (10) Educate the public regarding the incidence and causes of child
11 deaths, the public role in preventing child deaths, and specific steps the public can
12 undertake to prevent child deaths;

13 (11) Recommend to the Secretary any regulations necessary for its own
14 operation and the operation of the local teams;

15 (12) Provide the Governor, the public, and subject to § 2–1246 of the
16 State Government Article, the General Assembly, with annual written reports, which
17 shall include the State Team’s findings and recommendations; and

18 (13) In consultation with local teams:

19 (i) Define “near fatality”; and

20 (ii) Develop procedures and protocols that local teams and the
21 State Team may use to review cases of near fatality.

22 (c) The State Team shall coordinate its activities under this section with the
23 State Citizens Review Board for Children, local citizens review panels, and the State
24 Council on Child Abuse and Neglect in order to avoid unnecessary duplication of effort.

25 (d) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
26 **SUBSECTION, members and staff of the State Team:**

27 [(1)] **(I)** May not disclose to any person or government official any
28 identifying information about any specific child protection case about which the State
29 Team is provided information; and

30 [(2)] **(II)** May make public other information unless prohibited by
31 law.

32 **(2) (I) IN CARRYING OUT THE RESPONSIBILITIES UNDER THIS**
33 **SECTION AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**

1 MEMBERS AND STAFF OF THE STATE TEAM MAY PROVIDE IDENTIFYING
2 INFORMATION TO A NATIONAL CENTER FOR CHILD DEATH REVIEW IN
3 ACCORDANCE WITH A DATA USE AGREEMENT THAT REQUIRES THE NATIONAL
4 CENTER FOR CHILD DEATH REVIEW TO ACT AS A FIDUCIARY AGENT OF THE
5 STATE AND LOCAL TEAMS.

6 (II) INFORMATION PROVIDED TO A NATIONAL CENTER FOR
7 CHILD DEATH REVIEW IN ACCORDANCE WITH THIS SUBSECTION IS
8 CONFIDENTIAL AND SUBJECT TO THE SAME CONFIDENTIALITY AND DISCOVERY
9 PROTECTIONS THAT APPLY TO THE STATE AND LOCAL TEAMS AS SET FORTH IN
10 § 5-709 OF THIS SUBTITLE.

11 (e) In addition to any other penalties provided by law, the Secretary may
12 impose on any person who violates subsection (d) of this section a civil penalty not
13 exceeding \$500 for each violation.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2009.