

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1818 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/24/05

A Bill

SENATE BILL 1011

5 By: Senator Madison
6 By: Representatives Key, Bolin, Blair
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO CREATE THE ARKANSAS CHILD DEATH REVIEW
11 PANEL; AND FOR OTHER PURPOSES.
12

13 **Subtitle**

14 TO CREATE THE ARKANSAS CHILD DEATH
15 REVIEW PANEL.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 20, Chapter 27, is amended to add an
21 additional subchapter to read as follows:

22 20-27-1701. Legislative findings and purpose.

23 (a) The General Assembly finds that:

24 (1) The unexpected death of infants and children is an important
25 public health concern;

26 (2) The collection of data on the causes of unexpected deaths
27 will enable the State of Arkansas to protect some infants and children from
28 preventable deaths and help reduce the incidence of these deaths; and

29 (3) Multi-disciplinary and multi-agency review of infant and
30 child deaths can assist this state in investigating infant and child deaths,
31 developing a greater understanding of the incidence and causes of these
32 deaths and the methods for prevention and identifying the gaps in services to
33 children and families.

34 (b) The purpose of this subchapter is to:

35 (1) Identify the causes of death of children under eighteen (18)



1 years of age; and

2 (2) Reduce the incidence of injury and death to children by
3 requiring a death review to be performed in all cases of unexpected deaths of
4 children under eighteen (18) years of age.

5
6 20-27-1702. Definitions.

7 As used in this subchapter:

8 (1) "Child" means a person under eighteen (18) years of age; and

9 (2) "Unexpected death" means:

10 (A) A death involving a child who has not been in the care
11 of a licensed physician for treatment of an illness that is the cause of
12 death;

13 (B) A clinical diagnosis of death due to Sudden Infant
14 Death Syndrome; or

15 (C) A death due to an unknown cause.

16
17 20-27-1703. Arkansas Child Death Review Panel - Creation.

18 (a) The Arkansas Child Death Review Panel is created within the
19 Arkansas Child Abuse/Rape/Domestic Violence Commission.

20 (b) The review panel shall consist of the following members:

21 (1) A representative from the State Medical Examiner's Office;

22 (2) A coroner who is registered with the National Board of
23 Medicolegal Death Investigators;

24 (3) A representative from the Center for Health Statistics of
25 the Department of Health;

26 (4) A representative from the Crimes Against Children Division
27 of the Department of Arkansas State Police;

28 (5) A representative from the Division of Children and Family
29 Services of the Department of Human Services;

30 (6) A representative from the Arkansas Child Abuse/Rape/Domestic
31 Violence Commission;

32 (7) A physician who specializes in child abuse;

33 (8) A representative from the College of Public Health at the
34 University of Arkansas for Medical Sciences;

35 (9) A representative from the Office of the Prosecutor
36 Coordinator; and

1 (10) Any other individuals the review panel determines are
2 necessary for a review.

3
4 20-27-1704. Duties.

5 The Arkansas Child Death Review Panel may:

6 (1) Establish local and regional review panels and delegate some
7 or all of its responsibilities under this subchapter;

8 (2) Analyze data available from state agencies or other agencies
9 that may decrease unexpected deaths of children;

10 (3) Collect, review, and analyze all death investigation reports
11 prepared under this subchapter and other appropriate information to prepare
12 reports for the General Assembly concerning the causes of unexpected deaths
13 of children and methods to decrease those deaths;

14 (4) Identify trends relevant to unexpected deaths of children;

15 (5) Educate the citizens of Arkansas regarding the incidence and
16 causes of injury to and death of children and of the public's role to assist
17 in reducing this risk;

18 (6) Establish training criteria for county coroners; and

19 (7) Determine the information to be included in a child death
20 investigation report and provide this information to county coroners, medical
21 providers, and other agencies to be used in preparing a death investigation
22 report.

23
24 20-27-1705. Investigation.

25 (a)(1) A copy of a child death investigation report required under
26 this subchapter, including information from law enforcement agencies,
27 coroners, fire departments, medical providers, or any other information
28 relative to the death investigation shall be provided to the Arkansas Child
29 Death Review Panel within thirty (30) days from the date the review panel
30 requests the information.

31 (2) Subdivision (a)(1) of this section is not applicable to a
32 death that is under criminal investigation, prosecution, or has been
33 adjudicated in a court of law.

34 (b)(1) The review panel or a local or regional review panel may access
35 medical records and vital records in the custody of physicians, hospitals,
36 clinics, other health care providers, and the Department of Health concerning

1 the unexpected death of the child being investigated.

2 (2) The review panel may request any other information,
3 documents, or records pertaining to the completed investigation of unexpected
4 deaths of children.

5 (c) Nothing in this subchapter shall alter or restrict the authority
6 or jurisdiction of a county coroner.

7 (d) When the review panel determines that a parent or guardian was
8 treating a child according to the tenets and practices of a recognized
9 religious method of treatment that has a reasonable proven record of success,
10 the review panel is not required to make a finding of negligent treatment or
11 maltreatment.

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13 20-27-1706. Records – Confidentiality.

14 (a)(1) All records, reports, and other information obtained by the
15 Arkansas Child Death Review Panel or local or regional review panel and the
16 result of any child death investigation report shall be confidential.

17 (2) The records, reports, and other information obtained by the
18 review panel or local or regional review panel shall not be:

19 (A) Subject to a subpoena;

20 (B) Disclosed or compelled to be produced in any civil,
21 administrative, or other proceeding; or

22 (C) Admissible as evidence in any civil, administrative,
23 or other proceeding.

24 (3) The records, reports, and other information obtained by the
25 review panel or local or regional review panel shall be available to law
26 enforcement agencies and prosecuting attorneys.

27 (b) Any person, agency, or entity furnishing confidential information
28 shall not be liable for releasing the confidential information if the
29 information was furnished in good faith under the provisions of this
30 subchapter.

31 (c) The review panel may publish statistical compilations reflecting
32 unexpected deaths of children that do not identify individual cases,
33 physicians, hospitals, clinics, or other health care providers.

34 (d)(1) State, local, or regional review panel members shall be immune
35 from civil and criminal liability in connection with their good faith
36 participation on the review panel and all activities related to the review

1 panel.

2 (2) No civil or criminal immunity exists if a state, local, or
3 regional review panel member knowingly or willingly violates this subchapter.

4 (e) Pursuant to the Health Insurance Portability and Accountability
5 Act of 1996, disclosure of protected health information is allowed for public
6 health, safety, and law enforcement purposes and providing case information
7 on unexpected deaths of children for review by the review panel is not a
8 violation of that act.

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10 20-27-1707. Reporting.

11 (a)(1) The Arkansas Child Death Review Panel shall report on or before
12 December 31 of each year to the Legislative Council the number and causes of
13 unexpected deaths of children.

14 (2) The Legislative Council shall forward the report to the
15 Senate Interim Committee on Children and Youth and the House Interim
16 Committee on Aging, Children and Youth, Legislative and Military Affairs.

17 (b) The report shall include:

18 (1) The review panel's finding and recommendations for each of
19 its duties under § 20-27-1704;

20 (2) An analysis of factual information obtained from the review
21 of the child death investigation reports under § 20-27-1705; and

22 (3) Reports of the review panel and any local or regional review
23 panels that do not violate the confidentiality provisions under § 20-27-1706.

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25 */s/ Madison*

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28 *APPROVED: 4/06/2005*

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