

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.

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

SENATE BILL 1011

By: Senator Madison
By: Representative Key

For An Act To Be Entitled

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

Subtitle

TO CREATE THE ARKANSAS CHILD DEATH
REVIEW PANEL.

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

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

20-27-1701. Legislative findings and purpose.

(a) The General Assembly finds that:

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

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

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

(b) The purpose of this subchapter is to:

(1) Identify the causes of death of children under eighteen (18)
years of age; and



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

4
5 20-27-1702. Definitions.

6 As used in this subchapter:

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

8 (2) "Unexpected death" means:

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

12 (B) A clinical diagnosis of death due to Sudden Infant
13 Death Syndrome.

14
15 20-27-1703. Arkansas Child Death Review Panel - Creation.

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

18 (b) The review panel shall consist of a minimum of seven (7) members
19 as follows:

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

21 (2) A coroner representing the county where the death being
22 reviewed occurred;

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

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

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

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

31 (7) A physician who specializes in child abuse; and

32 (8) Any other representative the review panel determines is
33 necessary for a review.

34
35 20-27-1704. Duties.

36 The Arkansas Child Death Review Panel may:

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

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

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

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

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

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

14 (7) Determine the information to be included in a child death
15 investigation report and provide this information to county coroners, medical
16 providers, and other agencies to be used in preparing a death investigation
17 report.

18
19 20-27-1705. Investigation.

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

26 (2) Subdivision (a)(1) of this section is not applicable to a
27 death that is under criminal investigation or prosecution.

28 (b)(1) The review panel or a local or regional review panel may access
29 medical records and vital records in the custody of physicians, hospitals,
30 clinics, other health care providers, and the Department of Health concerning
31 the unexpected death of the child being investigated.

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

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

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

6
7 20-27-1706. Records – Confidentiality.

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

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

13 (A) Subject to a subpoena;

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

16 (C) Admissible as evidence in any civil, administrative,
17 or other proceeding.

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

21 (b) Any person, agency, or entity furnishing confidential information
22 shall not be liable for releasing the confidential information if the
23 information was furnished in good faith under the provisions of this
24 subchapter.

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

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

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

34 (e) Pursuant to the Health Insurance Portability and Accountability
35 Act of 1996, disclosure of protected health information is allowed for public
36 health, safety, and law enforcement purposes and providing case information

1 on unexpected deaths of children for review by the review panel is not a
2 violation of that act.

3
4 20-27-1707. Reporting.

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

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

11 (b) The report shall include:

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

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

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