

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2767

By Committee on Federal and State Affairs

3-14

1 AN ACT concerning the state child death review board; relating to records
2 of the board; disclosure of information; amending K.S.A. 22a-243 and
3 repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 22a-243 is hereby amended to read as follows: 22a-
7 243. (a) There is hereby established a state child death review board,
8 which shall be composed of:

9 (1) One member appointed by each of the following officers to
10 represent the officer's agency: The attorney general, the director of the
11 Kansas bureau of investigation, the secretary ~~of social and rehabilitation~~
12 ~~services for children and families~~, the secretary of health and environment
13 and the commissioner of education;

14 (2) three members appointed by the state board of healing arts, one of
15 whom shall be a district coroner and two of whom shall be ~~physicians~~
16 ~~persons~~ licensed to practice medicine and surgery, one specializing in
17 pathology and the other specializing in pediatrics;

18 (3) one person appointed by the attorney general to represent
19 advocacy groups which focus attention on child abuse awareness and
20 prevention; and

21 (4) one county or district attorney appointed by the Kansas county
22 and district attorneys association.

23 (b) The chairperson of the ~~state review~~ board shall be the member
24 appointed by the attorney general to represent the office of the attorney
25 general.

26 (c) The ~~state child death review~~ board shall be within the office of the
27 attorney general as a part thereof. All budgeting, purchasing and related
28 management functions of the board shall be administered under the
29 direction and supervision of the attorney general. All vouchers for
30 expenditures and all payrolls of the board shall be approved by the
31 chairperson of the board and by the attorney general. The ~~state review~~
32 board shall establish and maintain an office in Topeka.

33 (d) The ~~state review~~ board shall meet at least annually to review all
34 reports submitted to the board. The chairperson of the ~~state review~~ board
35 may call a special meeting of the board at any time to review any report of
36 a child death.

1 (e) Within the limits of appropriations therefor, the ~~state review~~ board
2 shall appoint an executive director who shall be in the unclassified service
3 of the Kansas civil service act and shall receive an annual salary fixed by
4 the ~~state review~~ board.

5 (f) Within the limits of appropriations therefor, the ~~state review~~ board
6 may employ other persons who shall be in the classified service of the
7 Kansas civil service act.

8 (g) Members of the ~~state review~~ board shall not receive
9 compensation, subsistence allowances, mileage and expenses as provided
10 by K.S.A. 75-3223, and amendments thereto, for attending meetings or
11 subcommittee meetings of the board.

12 (h) The ~~state review~~ board shall develop a protocol to be used by the
13 ~~state review~~ board. The protocol shall include written guidelines for
14 coroners to use in identifying any suspicious deaths, procedures to be used
15 by the board in investigating child deaths, methods to ensure coordination
16 and cooperation among all agencies involved in child deaths and
17 procedures for facilitating prosecution of perpetrators when it appears the
18 cause of a child's death was from abuse or neglect. The protocol shall be
19 adopted by the ~~state review~~ board by rules and regulations.

20 (i) The ~~state review~~ board shall submit an annual report to the
21 governor and the legislature on or before October 1 of each year,
22 commencing October 1993. Such report shall include the findings of the
23 board regarding reports of child deaths, the board's analysis and the board's
24 recommendations for improving child protection, including
25 recommendations for modifying statutes, rules and regulations, policies
26 and procedures.

27 (j) Information acquired by, ~~and~~ records of, *and information*
28 *extracted from records of* the ~~state review~~ board shall be confidential, shall
29 not be disclosed and shall not be subject to subpoena, discovery or
30 introduction into evidence in any civil or criminal proceeding, except ~~that~~
31 *pursuant to subsections (k) and (l).*

32 (k) Such information and records *described in subsection (j)* may be
33 disclosed to any member of the legislature or any legislative committee
34 which has legislative responsibility of the enabling or appropriating
35 legislation, carrying out such member's or committee's official functions.
36 The legislative committee, in accordance with K.S.A. 75-4319, and
37 amendments thereto, shall recess for a closed or executive meeting to
38 receive and discuss information received by the committee pursuant to this
39 subsection.

40 ~~(1)(1) The board may extract information from its records and enter~~
41 ~~such information into a secured database which the board maintains or~~
42 ~~contracts to maintain.~~

43 ~~(2) The board may disclose or authorize disclosure of information~~

1 ~~from the secured database pursuant to rules and regulations adopted by~~
2 ~~the board. Such rules and regulations shall include provisions that:~~

3 ~~(A) Prohibit disclosure of any identifiers that could be used to~~
4 ~~identify a child, including, but not limited to, a name, full date of birth, full~~
5 ~~date of death, full date of the incident associated with the child's death, the~~
6 ~~complete address of the incident associated with the child's death, the~~
7 ~~complete address of the child's residence, death certificate number or~~
8 ~~medical record number;~~

9 ~~(B) authorize disclosure of information for the purpose of public~~
10 ~~health or education to:-~~

11 ~~(i) An organization that has a federalwide assurance that is in good~~
12 ~~standing with the office for human research protections of the United~~
13 ~~States department of health and human services, and that has provided~~
14 ~~documentation that an institutional review board designated in such~~
15 ~~organization's federalwide assurance has reviewed such organization's~~
16 ~~research proposal; or~~

17 ~~(ii) any state agency or municipality; and~~

18 ~~(C) require that any person granted access to information sign a~~
19 ~~confidentiality agreement prior to receipt of disclosed information.~~

20 ~~(3) The granting or denial of access to information by the board is~~
21 ~~discretionary in all cases, regardless of compliance with the provisions of~~
22 ~~this subsection.~~

23 **(l) The board may disclose information extracted from the**
24 **board's records pursuant to rules and regulations adopted by the**
25 **board. Such rules and regulations shall include provisions that:**

26 **(1) Prohibit disclosure of any identifiers that could be used to**
27 **identify a child, including, but not limited to, a name, full date of**
28 **birth, full date of death, full date of the incident associated with the**
29 **child's death, the street number and street name of the incident**
30 **associated with the child's death, the street number and street name of**
31 **the child's residence, death certificate number or medical record**
32 **number;**

33 **(2) authorize disclosure of information only for the purpose of**
34 **public health or education to:**

35 **(A) An organization that has a federalwide assurance (FWA) for**
36 **the protection of human subjects in good standing with the United**
37 **States department of health and human services office for human**
38 **research protections and that has provided documentation that an**
39 **institutional review board designated in the FWA has reviewed the**
40 **organization's research proposal; or**

41 **(B) a governmental agency; and**

42 **(3) require that any person granted access to information sign a**
43 **confidentiality agreement prior to receipt of disclosed information.**

1 ~~(k)~~ (m) The ~~state review board may~~ *shall* adopt rules and regulations
2 ~~as necessary~~ to carry out the provisions of K.S.A. 22a-241 through 22a-
3 244, and amendments thereto.

4 Sec. 2. K.S.A. 22a-243 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its
6 publication in the statute book.