

ENROLLED HOUSE
BILL NO. 1136

By: Larason of the House

and

Brown of the Senate

An Act relating to children; amending 10 O.S. 1991, Sections 1150.2 and 1150.3, which relate to the Child Death Review Board; re-creating such Board; allowing the selection of certain designees; amending 25 O.S. 1991, Section 307, as last amended by Section 1 of Enrolled House Bill No. 1228 of the 1st Session of the 44th Oklahoma Legislature, which relates to executive sessions; authorizing the Child Death Review Board to go into executive session for certain purposes; amending 74 O.S. 1991, Section 3907, which relates to the 1994 sunset list; adding the Child Death Review Board to such list; repealing 10 O.S. 1991, Section 1150.5, which relates to the termination date of the Child Death Review Board; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1150.2, is amended to read as follows:

Section 1150.2 A. There is hereby ~~created~~ re-created until July 1, 1994, in accordance with the Oklahoma Sunset Law, the Child Death Review Board within the Oklahoma Commission on Children and Youth. The Board shall have the power and duty to:

1. Conduct case reviews of child deaths in this state;
2. Develop accurate statistical information and identification of child deaths due to abuse and neglect;
3. Improve the ability to provide protective services to the siblings of abused or neglected children who may still be living in a dangerous environment; and
4. Improve policies, procedures and practices within the child protection system.

B. In carrying out its duties and responsibilities the Board shall:

1. Establish criteria for cases of child death subject to specific, in-depth review or investigation by the Board;
2. Conduct a specific case review of those cases referred by the Office of Chief Medical Examiner where the cause of death is or may be related to child abuse or neglect;
3. Establish and maintain statistical information related to child deaths resulting from child abuse and neglect including, but not limited to, demographic and medical diagnostic information;
4. Review the policies, practices and procedures of the child protection system and make specific recommendations to the entities comprising the child protection system for actions necessary for the improvement of said system;

5. As necessary and appropriate, for the protection of siblings of a child whose death is the result of child abuse or neglect, refer specific cases to the Department of Human Services or the appropriate district attorney for further investigation;

6. Request and obtain all records and reports pertaining to a child whose case is under review including, but not limited to, the medical examiner's report, hospital records, school records, court records and Department of Human Services' protective service files. Confidential information provided to the Board shall be maintained by the Board in a confidential manner as otherwise required by state and federal law;

7. Conduct investigations of specific cases of child deaths and request the preparation of additional information and reports as determined to be necessary by the Board including, but not limited to, clinical summaries from treating physicians, chronologies of contact, and second opinion autopsies. Second opinion autopsies shall be requested through the Office of the Chief Medical Examiner as otherwise provided by law;

8. Recommend alternate cause of death determinations in cases where abuse or neglect as the cause of death is documented but said cause is not shown on the death certificate; and

9. Subject to the approval of the Oklahoma Commission on Children and Youth, exercise all incidental powers necessary and proper for the implementation and administration of the Child Death Review Board Act.

C. The Child Death Review Board may receive, review and discuss, in executive session, information on individual child abuse investigations and prosecution; provided, however, that the Child Death Review Board shall assure compliance with confidentiality requirements of Section 846 of Title 21 of the Oklahoma Statutes. Except when discussing individual cases, the Board shall comply with the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. All discussions of individual cases and any writings produced by or created for the Board in the course of its review of any individual case, including any specific action or remedial measure recommended by the Board as the result of a review of an individual case, shall be privileged and shall not be admissible in evidence in any proceeding. The Board shall periodically conduct meetings to discuss organization and business matters and any actions or recommendations aimed at improvement of the child protection system and such meetings shall be subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. Part of any meeting of the Board may be specifically designated as a business meeting of the Board subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

D. The Board shall make an annual report of its findings and recommendations for the improvement of the child protection system to the Governor, the Oklahoma Public Welfare Commission, the Oklahoma Commission on Children and Youth, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and each agency or organization affected by the report. The Oklahoma Commission on Children and Youth shall review the report of the Board and, as appropriate, incorporate the findings and recommendations into the annual Commission report and State Plan for Services to Children and Youth.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 1150.3, is amended to read as follows:

Section 1150.3 A. The Child Death Review Board shall be composed of twenty-one (21) members as follows:

1. Ten members shall be:
 - a. the Chief Medical Examiner or his designee,
 - b. the Director of the Department of Human Services or his designee. The designee of the Director of the Department of Human Services shall be a person assigned to the Child Welfare Division of the Department,
 - c. the Commissioner of Health or his designee,
 - d. the Director of the Office of Child Abuse Prevention or his designee,
 - e. the Director of the Oklahoma Commission on Children and Youth or his designee,
 - f. the Chief Child Abuse Examiner or his designee,
 - g. the Chief of Maternal and Child Health Services of the State Department of Health or his designee,
 - h. the Director of the Department of Mental Health and Substance Abuse Services or his designee,
 - i. the Chairman of the Child Protection Committee of the Children's Hospital of Oklahoma or his designee, and
 - j. the State Epidemiologist of the State Department of Health or his designee; and

2. Eleven members shall be appointed by the Director of the Oklahoma Commission on Children and Youth. They shall serve for a term of two (2) years and may be reappointed. Said members shall be persons having training and experience in matters related to child abuse or neglect. The appointed members shall include:

- a. a law enforcement officer selected from a list submitted by the executive board of an organization representing sheriffs and peace officers in this state or such officer's designee,
- b. a member of the judiciary selected from a list submitted by the Chief Justice of the Supreme Court or such member's designee,
- c. an attorney licensed in this state who is in private practice selected from a list submitted by the executive board of the Oklahoma Bar Association or such attorney's designee,
- d. a district attorney selected from a list submitted by the District Attorney's Council or such district attorney's designee,
- e. a pediatric allopathic physician selected from a list submitted by a statewide organization representing physicians in this state or such physician's designee,
- f. a pediatric osteopathic physician selected from a list submitted by a statewide organization representing osteopathic physicians in this state or such physician's designee,
- g. a social worker licensed in this state who is not an employee of the Department of Human Services selected from a list submitted by each organization in this state representing social workers in this state or such social worker's designee,
- h. a psychologist licensed in this state selected from a list submitted by each organization representing psychologists in this state or such psychologist's designee,
- i. a representative of the State Foster Care Review Board or such representative's designee,
- j. a representative of the Oklahoma Casa Association or such representative's designee, and

- k. a member of an American Indian Tribe who is a citizen of this state and is involved in the placement of Indian children under the Indian Child Welfare Act or such member's designee.

B. The Board shall annually elect from among its membership a Chairman and a Vice Chairman. The Board shall meet at least quarterly and may meet more frequently as necessary as determined by the Chairman. Members shall serve without compensation but may be reimbursed for necessary travel out of funds available to the Commission pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes; provided, that said reimbursement shall be paid in the case of state employee members by the agency employing the member.

C. With funds appropriated or otherwise available for that purpose, the Commission shall provide administrative assistance and services to the Child Death Review Board.

SECTION 3. AMENDATORY 25 O.S. 1991, Section 307, as last amended by Section 1 of Enrolled House Bill No. 1228 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 307. A. No public body shall hold executive sessions unless otherwise specifically provided in this section.

B. Executive sessions of public bodies will be permitted only for the purpose of:

1. Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee;
2. Discussing negotiations concerning employees and representatives of employee groups;
3. Discussing the purchase or appraisal of real property;
4. Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest;

5. Permitting district boards of education to hear evidence and discuss the expulsion or suspension of a student when requested by the student involved or his parent, attorney or legal guardian;

6. Discussing matters involving a specific handicapped child;
or

7. Discussing any matter where disclosure of information would violate confidentiality requirements of state or federal law.

C. Notwithstanding the provisions of subsection B of this section, the following public bodies may hold executive sessions:

1. The State Banking Board, as provided for under Section 306.1 of Title 6 of the Oklahoma Statutes;

2. The Oklahoma Industrial Finance Authority, as provided for in Section 854 of Title 74 of the Oklahoma Statutes;

3. The Oklahoma Development Finance Authority, as provided for in Section 5062.6 of Title 74 of the Oklahoma Statutes;

4. The Oklahoma Center for the Advancement of Science and Technology, as provided for in Section 5060.7 of Title 74 of the Oklahoma Statutes;

5. The Oklahoma Savings and Loan Board, as provided for under subsection A of Section 381.74 of Title 18 of the Oklahoma Statutes;

6. The Oklahoma Health Research Committee for purposes of conferring on matters pertaining to research and development of products, if public disclosure of the matter discussed would

interfere with the development of patents, copyrights, products, or services; and

7. A review committee, as provided for in Section 855 of Title 62 of the Oklahoma Statutes; and

8. The Child Death Review Board for purposes of receiving and conferring on matters pertaining to materials declared confidential by law.

D. An executive session for the purpose of discussing the purchase or appraisal of real property shall be limited to members of the public body, the attorney for the public body, and the immediate staff of the public body. No landowner, real estate salesperson, broker, developer, or any other person who may profit directly or indirectly by a proposed transaction concerning real property which is under consideration may be present or participate in the executive session.

E. No public body may go into an executive session unless the following procedures are strictly complied with:

1. The proposed executive session is noted on the agenda as provided in Section 311 of this title;

2. The executive session is authorized by a majority vote of a quorum of the members present and the vote is a recorded vote; and

3. Except for matters considered in executive sessions of the State Banking Board and the Oklahoma Savings and Loan Board, and which are required by state or federal law to be confidential, any vote or action on any item of business considered in an executive session shall be taken in public meeting with the vote of each member publically cast and recorded.

F. A willful violation of the provisions of this section shall:

1. Subject each member of the public body to criminal sanctions as provided in Section 314 of this title; and

2. Cause the minutes and all other records of the executive session, including tape recordings, to be immediately made public.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 3907, is amended to read as follows:

Section 3907. The following statutory entities and their successors shall be terminated on July 1, 1994, and all powers, duties and functions shall be abolished one (1) year thereafter:

1. Board of Examiners for Speech Pathology and Audiology as created by Section 1607 of Title 59 of the Oklahoma Statutes;

2. State Board of Veterinary Medical Examiners as created by Section 698.3 of Title 59 of the Oklahoma Statutes;

3. Board of Tests for Alcohol and Drug Influence as created by Section 759 of Title 47 of the Oklahoma Statutes;

4. State Anatomical Board as created by Section 91 of Title 63 of the Oklahoma Statutes;

5. Oklahoma State Board of Examiners for Nursing Home Administrators as created by Section 330.52 of Title 63 of the Oklahoma Statutes;

6. Oklahoma Peanut Commission as created by Section 1103 of Title 2 of the Oklahoma Statutes;

7. Sheep and Wool Utilization, Research and Market Development Commission as created by Section 1502 of Title 2 of the Oklahoma Statutes;

8. Wheat Utilization, Research and Market Development Commission as created by Section 1022 of Title 2 of the Oklahoma Statutes;

9. Committee on Purchases of Products and Services of the Severely Handicapped as created by Section 3001 of this title;

10. Board of Examiners in Optometry as created by Section 582 of Title 59 of the Oklahoma Statutes;

11. State Capitol Preservation Commission as created by Section 4102 of this title;

12. Commission on County Government Personnel Education and Training as created by Section 130.1 of Title 19 of the Oklahoma Statutes;

13. Oklahoma Beef Commission as created by Section 1253 of Title 2 of the Oklahoma Statutes;

14. Oklahoma Climatological Survey as created by Section 245 of this title;

15. The State Board of Licensed Social Workers as created by Section 1253 of Title 59 of the Oklahoma Statutes; ~~and~~

16. Literacy Initiatives Commission as created by Section 8001 of Title 70 of the Oklahoma Statutes; and

17. Child Death Review Board as created by Section 1150.2 of Title 10 of the Oklahoma Statutes.

SECTION 5. REPEALER 10 O.S. 1991, Section 1150.5, is hereby repealed.

SECTION 6. This act shall become effective July 1, 1993.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 12th day of May, 1993.

Speaker of the House of Representatives

Passed the Senate the 20th day of May, 1993.

President of the Senate