

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1136

By: Larason

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Section 1150.2, which relates to the Child Death Review Board; re-creating such Board; 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 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 3. REPEALER 10 O.S. 1991, Section 1150.5, is hereby repealed.

SECTION 4. This act shall become effective July 1, 1993.

SECTION 5. 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.

44-1-5275

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