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

Be it enacted by the Legislature of the State of Kansas:

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

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

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

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

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

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

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

(d) The state review board shall meet at least annually to review all reports submitted to the board. The chairperson of the state review board may call a special meeting of the board at any time to review any report of a child death.
(e) Within the limits of appropriations therefor, the state review board shall appoint an executive director who shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the state review board.

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

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

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

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

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

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

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

(2) The board may disclose or authorize disclosure of information
from the secured database pursuant to rules and regulations adopted by
the board. Such rules and regulations shall include provisions that:

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

(B) authorize disclosure of information only:
(i) To an institution of higher education, a recognized research
organization, a non-profit organization or a governmental agency; or
(ii) for the purpose of public health or education; and

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

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

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

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

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