

State of Ohio Child Death Review Legislation

Ohio Statute § 307.621 (2000)

Link: <http://www2.odh.ohio.gov/Resources/Reports/CFRev/cfr03p3.pdf>
(Annual Report page 68)

Ohio Administrative Code

3701-67-01 Definitions

- (A) "Cause of death" means the classification of death as listed in box 30 on the Ohio death certificate, or an equivalent box on future forms. Examples of causes include, but are not limited to, birth defects, drowning and submersion, electrocution, extreme prematurity, falls, fire and burn, firearms and weapons, pneumonia, poisoning, shaken baby syndrome, sudden infant death syndrome, suffocation and strangulation, vehicular, and other cause.
- (B) "Child" means any person under eighteen years of age.
- (C) "Child fatality review (CFR) board" means a county or regional board established or appointed to review deaths of children residing in the county or region for the purpose of decreasing the incidence of preventable child deaths.
- (D) "Circumstance of death" means any accompanying or surrounding details of the death beyond the cause and manner of death. Examples include, but are not limited to, drowning in a bucket or house fire in rental unit.
- (E) "Contributing factors" mean other factors beyond the cause and manner of death that may be partly responsible for the child's death. Examples of contributing factors include medical factors; alcohol use by parent, caretaker or child; drug use by parent, caretaker or child; tobacco use by parent, caretaker or child; use or non-use of safety devices; level of supervision; environmental factors; and mental or behavioral factors of parent, caretaker or child.
- (F) "County commissioners" means the board of county commissioners established under Chapter 305. of the Revised Code or an alternative form of county government established pursuant to Chapter 301. of the Revised Code with the responsibilities of county commissioners.
- (G) "County of residence" means the county of residence as identified on the Ohio death certificate.
- (H) "Department or director" means the director of the Ohio Department of Health or any official or employee of the department designated by the director of the Ohio Department of Health.
- (I) "Geographic location of death" means the county in which the child was pronounced dead.
- (J) "Health commissioner" means the health commissioner of a general, city or county health district or the individual with the responsibilities of a health commissioner in a city or county health district.
- (K) "Manner of death" means the classification of death listed in box 32 on the Ohio death certificate, or equivalent box on future forms. The classification is limited to natural, accident, homicide, suicide and undetermined.
- (L) "Preventable" means the degree to which an individual or community could have reasonably done something that would have changed the circumstances that led to the child's death.
- (M) "Public record" means any record defined in division (A)(1) of section 149.43 of the Revised Code.

(N) "Review" means a general assessment or examination of the death of a child. The review shall at least consider the cause of death; manner of death; circumstance of death; contributing factors; age; sex; race and ethnicity; and geographic location of death.

3701-67-02 Child fatality review boards.

(A) In accordance with sections 307.621 and 307.622 of the Revised Code, each county in Ohio shall establish a CFR board or join a regional CFR board for the purpose of reviewing the deaths of children residing in that county.

(B) The purpose of the CFR board is to decrease the incidence of preventable child deaths by doing all of the following:

- (1) Promoting cooperation, collaboration and communication between all groups, professions, agencies or entities that serve families and children.
- (2) Maintaining a comprehensive database of all child deaths that occur in the county or region served by the CFR board in order to develop an understanding of the causes and incidence of those deaths.
- (3) Recommending and developing plans for implementing local service and program changes to the groups, professions, agencies or entities that serve families and children that might prevent child deaths.
- (4) Advising the Ohio Department of Health of aggregate data, trends and patterns concerning child deaths.

3701-67-03 Child fatality review board meetings.

(A) The board of county commissioners shall designate either the health commissioner that establishes the CFR board or a representative of the health commissioner to convene and be the chairperson of the CFR board. If a regional CFR board is established, the health commissioner appointed to establish the regional CFR board or his or her designee shall convene the CFR board meetings and be the chairperson of the CFR board. In any county that has a body acting as a CFR board on the effective date of this rule, the board of county commissioners of that county, in lieu of having a health commissioner establish a CFR board, shall appoint that body to function as the CFR board for the county. The body shall have the same duties, obligations and protections as a CFR board appointed by the health commissioner. The board of county commissioners or an individual designated by the CFR board shall convene the body as required by section 307.624 of the Revised Code.

(B) If a regional CFR board includes a county with more than one health district, the CFR board meeting shall be convened in that county. If more than one of the counties participating in a regional CFR board has more than one health district, the person convening the meeting shall select one of the counties containing more than one health district as the county in which to convene the CFR board meeting.

(C) Each CFR board shall be convened at least once a year to review the deaths of all children who, at the time of death, were residents of the county or, in the case of a regional board, were residents of one of the participating counties.

(D) If a child dies in an Ohio county other than the child's county of residence, the review shall be conducted in accordance with this paragraph. For purposes of this paragraph, the CFR board with jurisdiction over the county of residence shall be referred to as the lead CFR board. The CFR board with jurisdiction over the county in which the child died shall be referred to as the secondary CFR board.

- (1) Except as provided in paragraph (D)(2) of this rule, the lead CFR board shall conduct the child death review;
 - (2) The lead CFR board may delegate the responsibility for conducting a child death review to the secondary CFR board if the lead CFR board and the secondary CFR board both agree that the secondary CFR board will conduct the review;
 - (3) The lead and secondary CFR boards shall cooperate with each other to make relevant information available for the review. The CFR board which conducts the review shall provide a complete copy of the review to the CFR board not conducting the review;
 - (4) Regardless of which CFR board conducts the review, only the lead CFR board shall include the review information in its annual report to the department.
- (E) Meetings of CFR boards established under section 307.621 of the Revised Code shall not be considered public meetings and, as such, are not subject to section 122.22 of the Revised Code.

3701-67-04 Data collection; confidentiality of records.

- (A) Each CFR board shall implement a system for collecting information determined necessary by the CFR board to review the deaths of children who were residents of the county, or if a regional board, one of the participating counties, at the time of death.
- (B) The director shall develop a data collection tool for the review of child deaths. The CFR board may use the director's data collection tool in whole or in part or develop its own data collection tool. Regardless of the data collection tool used, the CFR board shall review at least the information required to be reported to the department under rule 3701-67-07 of the Administrative Code.
- (C) The CFR board shall maintain the data collected and any work product of the CFR board in a confidential manner. All confidential information shall be used by the CFR board and its members only in the exercise of the proper functions of the CFR board.
- (D) Each CFR board shall take measures to ensure the security and confidentiality of information obtained during the course of conducting child death reviews. The CFR board shall develop and maintain written policies and procedures that address the following:
- (1) Confidentiality of information that is collected or obtained in the course of conducting child death reviews.
 - (2) A system to assure only authorized persons are allowed unsupervised access to an area where confidential records are stored, which includes access to records stored electronically.
 - (3) Security measures to prevent inadvertent or unauthorized access to any records containing sufficient information that could reasonably lead to the identity of the child whose death is being reviewed.
 - (4) Storing, processing, indexing, retrieving and destroying information obtained in the course of conducting child death reviews.
- (E) Each CFR board shall maintain child death review records for the time period required by the CFR board's retention schedule or seven years if there is no retention schedule.
- (F) The CFR board shall provide each CFR board member with a copy of the policies and procedures developed under paragraph (D) of this rule. If any task of the CFR board member is delegated to another person, the CFR board member is responsible for assuring that the person who is delegated a CFR board task is familiar with the policies and procedures and has access to such policies and procedures.

3701-67-05 Training guidelines.

(A) The Ohio Department of Health shall provide an annual CFR training seminar. The Ohio Department of Health may provide additional seminars if the director determines such additional seminars are necessary.

(B) The CFR training curriculum will be a combination of lectures, discussions, and team review of actual case studies and may include, but is not be limited to, the following topics found in the standardized protocols/guidelines developed by the Ohio Department of Health and the state CFR advisory council:

- (1) Overview of the CFR law and rules;
- (2) CFR board membership and maintenance;
- (3) CFR board operating procedures (including conducting an effective meeting);
- (4) Death reviews;
- (5) Role of courts and prosecutors;
- (6) Data collection;
- (7) Database guidelines;
- (8) Annual reporting guidelines;
- (9) Preventing child deaths.

(C) Each CFR board shall require at least one member of the CFR board attend the annual seminar. The CFR board shall encourage all CFR board members to attend. If not all members of the CFR board attend the training, the chairperson of the CFR board shall be responsible for assuring that those CFR board members who did not attend are trained or given access to the training materials.

3701-67-06 Child fatality review information system.

(A) Each CFR board shall maintain an information system that includes, but is not limited to, the information required to be submitted to the Ohio Department of Health in the annual report required by rule 3701-67-07 of the Administrative Code.

(B) The information system established by the CFR board shall have the capability of maintaining information obtained and maintained by the CFR board and any work product of the CFR board in a confidential manner and shall be secure from unauthorized users.

3701-67-07 Annual report filed with Ohio Department of Health.

(A) By April 1 each year, each CFR board shall prepare and submit an annual report to the Ohio department of health in a manner and format that is prescribed by the director. The report shall include all of the following with respect to each child death that was reviewed by the CFR board in the previous calendar year;

- (1) Demographic information, that includes:
 - (a) Age of the child;
 - (b) Sex of the child, identified as male or female; and
 - (c) Race or ethnicity of the child, identified as black, white, native American, Asian, Hispanic, bi-racial, multi-racial, or unknown.
- (2) Death related information, that includes:
 - (a) Year of child's death;
 - (b) Geographic location of death;
 - (c) Cause of death; and
 - (d) Contributing factors to death.

(B) In addition to the information required under paragraph (A) of this rule, the CFR board shall report:

- (1) The total number of child deaths in the county or region, whichever is applicable to the CFR board submitting the report;
- (2) The total number of child death reviews completed by the CFR board; and
- (3) The total number of child deaths not reviewed, including the number of child death reviews not completed.

(C) The report may include recommendations for actions that might prevent other deaths, as well as any other information the CFR board determines should be included.

(D) Reports prepared under this section are public records and subject to section 149.43 of the Revised Code.

3701-67-08 Joint annual report by Ohio Department of Health and Children's Trust Fund Board.

(A) On or before Sept. 30 of each year, the Ohio Department of Health and the Children's Trust Fund Board shall jointly prepare and publish a report organizing and setting forth the data contained in all reports provided by CFR boards in their annual reports from the previous calendar year. The report shall also contain any recommended changes to law and policy that might prevent future deaths.

(B) A copy of the report shall be provided to the governor, the speaker of the Ohio House of Representatives, the president of the Ohio Senate, the minority leaders of the Ohio House of Representatives and Ohio Senate, each Ohio county or regional CFR board and each Ohio county or regional Family and Children First Council.