

135.43 State mortality review committee established — duties.

1. A state mortality review committee is established in the department. The department shall provide staffing and administrative support to the committee.

2. The membership of the review committee is subject to the provisions of [section 4A.12](#) relating to political affiliation. Review committee members who are not designated by another appointing authority shall be appointed by the director. Membership terms shall be for three years. A membership vacancy shall be filled in the same manner as the original appointment. The review committee shall elect a chairperson and other officers as deemed necessary by the review committee. The review committee shall meet upon the call of the director or as determined by the review committee. The review committee shall include the following:

- a. The state medical examiner or the state medical examiner's designee.
- b. A licensed physician knowledgeable concerning the causes of death.
- c. A certified or licensed professional knowledgeable regarding substance use disorder.
- d. An attorney experienced in prosecuting domestic abuse cases.
- e. An expert in unexpected or unexplained infant deaths.
- f. A clerk of a district court, to be appointed by the chief justice of the supreme court.
- g. A judicial officer, to be appointed by the chief justice of the supreme court.
- h. A local law enforcement official.
- i. A social worker knowledgeable about deaths of children.
- j. Additional members as determined by the director.

3. The review committee shall perform the following duties:

a. Collect, review, and analyze child death certificates and child death data, including patient records or other pertinent confidential information concerning the deaths of children under age eighteen, and other information as the review committee deems appropriate for use in preparing an annual report to the governor and the general assembly concerning the causes and manner of child deaths. The report shall include analysis of factual information obtained through review and recommendations regarding prevention of child deaths.

b. Recommend to the governor and the general assembly interventions to prevent deaths of children based on an analysis of the cause and manner of such deaths.

c. Recommend to the agencies represented on the review committee changes which may prevent child deaths.

d. Except as authorized by [this section](#), maintain the confidentiality of any patient records or other confidential information reviewed.

e. Recommend to the department, appropriate law enforcement agencies, and any other person involved with child protection, interventions that may prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the committee.

f. If the sharing of information is necessary to assist in or initiate a child death investigation or criminal prosecution and the office or agency receiving the information does not otherwise have access to the information, share information possessed by the review committee with the office of the attorney general, a county attorney's office, or an appropriate law enforcement agency. The office or agency receiving the information shall maintain the confidentiality of the information in accordance with [this section](#). Unauthorized release or disclosure of the information received is subject to penalty as provided in [this section](#).

g. In order to assist the department in performing the department's duties, if the department does not otherwise have access to the information, share information possessed by the review committee. The recipient of the information shall maintain the confidentiality of the information in accordance with [this section](#). Unauthorized release or disclosure of the information received is subject to penalty as provided in [this section](#).

4. The department shall develop protocols for the state mortality review committee to immediately review the child abuse assessments which involve the fatality of a child under age eighteen.

a. The purpose of the review shall be to determine whether the department and others involved with the case of child abuse responded appropriately. The protocols shall provide for the committee to consult with any multidisciplinary team, as defined in [section 235A.13](#),

that is operating in the area in which the fatality occurred. The protocols shall also ensure that a member of the committee does not have a conflict of interest regarding the child fatality under review.

b. The committee shall have access to patient records and other pertinent confidential information and, subject to the restrictions in [this subsection](#), may redisseminate the confidential information in the committee's report.

c. Upon completion of the review, the committee shall issue a report which shall include findings concerning the case and recommendations for changes to prevent child fatalities when similar circumstances exist. The report shall include but is not limited to the following information, subject to the restrictions listed in paragraph "d":

(1) The dates, outcomes, and results of any actions taken by the department and others in regard to each report and allegation of child abuse involving the child who died.

(2) The results of any review of the case performed by a multidisciplinary team, or by any other public entity that reviewed the case.

(3) Confirmation of receipt by the department of any report of child abuse involving the child, including confirmation as to whether or not any assessment involving the child was performed in accordance with [section 232.71B](#), the results of any assessment, a description of the most recent assessment and the services offered to the family, the services rendered to the family, and the basis for the department's decisions concerning the case.

d. Prior to issuing the report, the committee shall consult with the county attorney responsible for prosecution of the alleged perpetrator of the child fatality. The committee's report shall include child abuse information associated with the case and the child, but is subject to the restrictions applicable to the department for release of information concerning a child fatality or near fatality in accordance with [section 235A.15, subsection 9](#).

e. Following the completion of the trial of any alleged perpetrator of the child fatality and the appeal period for the granting of a new trial, the committee shall issue a supplemental report containing the information that was withheld, in accordance with paragraph "d", so as not to jeopardize the prosecution or the rights of the alleged perpetrator to a fair trial as described in [section 235A.15, subsection 9](#), paragraphs "e" and "f".

f. The report and any supplemental report shall be submitted to the governor and general assembly.

g. If deemed appropriate by the committee, at any point in the review the committee may recommend to the department, appropriate law enforcement agencies, and any other person involved with child protection, interventions that may prevent harm to a child who is related to or is living in the same home as a child whose case is reviewed by the committee.

5. a. The following individuals shall designate a liaison to assist the review committee in fulfilling its responsibilities:

(1) The director of health and human services.

(2) The commissioner of public safety.

(3) The attorney general.

(4) The director of transportation.

(5) The director of the department of education.

b. In addition, the department shall designate a liaison from the public at large to assist the review committee in fulfilling its responsibilities.

6. The review committee may establish subcommittees to which the committee may delegate some or all of the committee's responsibilities under [subsection 3](#).

7. a. The department shall adopt rules providing for disclosure of information which is confidential under [chapter 22](#) or any other provision of state law, to the review committee for purposes of performing its child death and child abuse review responsibilities.

b. A person in possession or control of medical, investigative, assessment, or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the department upon the request of the department, to be used only in the administration and for the duties of the state mortality review committee. Except as provided for a report on a child fatality by the committee under [subsection 4](#), information and records produced under [this section](#) which are confidential under [section 22.7](#) and [chapter 235A](#), and information or records received from the confidential records,

remain confidential under [this section](#). A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with [this section](#).

8. Review committee members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review committee member or agent provided that the review committee members or agents acted in good faith and without malice in carrying out their official duties in their official capacity. The department shall adopt rules pursuant to [chapter 17A](#) to administer [this subsection](#). A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review committee members involving the performance of their duties and powers under [this section](#).

9. A person who releases or discloses confidential data, records, or any other type of information in violation of [this section](#) is guilty of a serious misdemeanor.

95 Acts, ch 147, §2; 97 Acts, ch 159, §3, 4; 2000 Acts, ch 1051, §1; 2000 Acts, ch 1137, §1 – 3, 14; 2002 Acts, ch 1119, §129, 130; 2005 Acts, ch 6, §1 – 3; 2005 Acts, ch 179, §118; 2007 Acts, ch 159, §19, 20; 2009 Acts, ch 182, §108 – 111; 2010 Acts, ch 1069, §14; 2019 Acts, ch 85, §82; 2021 Acts, ch 76, §33, 34; 2023 Acts, ch 19, §139; 2024 Acts, ch 1004, §17; 2024 Acts, ch 1170, §211 – 218

Referred to in §135.108, 216A.133

Legislative findings and purpose; 95 Acts, ch 147, §1

See Code editor's note on simple harmonization at the beginning of this Code volume

Subsections 1 and 2 amended

Subsection 3, unnumbered paragraph 1 amended

Subsection 3, paragraphs a, c, e, f, and g amended

Subsection 4, unnumbered paragraph 1 amended

Subsection 4, paragraph a amended

Subsection 5, paragraph a, unnumbered paragraph 1 amended

Subsection 5, paragraph b amended

Subsections 6, 7, and 8 amended