

CHAPTER 90
IOWA CHILD DEATH REVIEW TEAM

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

641—90.1(135) Purpose. The purpose of the Iowa child death review team is to aid in the reduction of preventable deaths of children under the age of 18 years through the identification of unsafe consumer products; identification of unsafe environments; identification of factors that play a role in accidents, homicides and suicides which may be eliminated or counteracted; and promotion of communication, discussion, cooperation, and exchange of ideas and information among agencies investigating child deaths.
[ARC 9248B, IAB 12/1/10, effective 1/5/11]

641—90.2(135) Definitions.

“Team” means the Iowa child death review team.

“Unexcused absence” means failure by a team member to notify the chairperson of an anticipated absence from a team meeting.

641—90.3(135) Agency. The Iowa child death review team is established as part of the office of the state medical examiner. The office of the state medical examiner shall provide staffing and administrative support to the team as needed to collect data, organize meetings, and issue an annual report.
[ARC 9248B, IAB 12/1/10, effective 1/5/11]

641—90.4(135) Membership. The membership of the review team is subject to the provisions of Iowa Code sections 69.16 and 69.16A, relating to political affiliation and gender balance. Review team members who are not designated by another appointing authority shall be appointed by the state medical examiner. Membership terms shall be for three years. Members may not serve more than two consecutive terms.

90.4(1) The review team shall include the following:

- a. The state medical examiner’s designee.
- b. A certified or licensed professional who is knowledgeable concerning sudden infant death syndrome.
- c. A pediatrician who is knowledgeable concerning deaths of children.
- d. A family practice physician who is knowledgeable concerning deaths of children.
- e. One mental health professional who is knowledgeable concerning deaths of children.
- f. One social worker who is knowledgeable concerning deaths of children.
- g. A certified or licensed professional who is knowledgeable concerning domestic violence.
- h. A professional who is knowledgeable concerning substance abuse.
- i. A local law enforcement official.
- j. A county attorney.
- k. An emergency room nurse who is knowledgeable concerning the deaths of children.
- l. A perinatal expert.
- m. A representative of the health insurance industry.
- n. One other appointed at large.

The state medical examiner’s office may temporarily appoint other members to serve as experts, as needed, on a case-by-case basis.

90.4(2) Vacancies shall be filled in the same manner in which the original appointments were made. An appointment shall complete the original member’s term.

90.4(3) Three consecutive unexcused absences shall be grounds for the state medical examiner to consider dismissal of the team member and to appoint another. The chairperson of the team is charged with providing notification of absences.

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641—90.5(135) Officers. The review team shall elect a chairperson, a vice chairperson, and other officers as deemed necessary by the review team. Officers shall be elected at the first meeting of each fiscal year.

Vacancy in the office of the chairperson shall be filled by elevation of the vice chairperson. Vacancy in the office of the vice chairperson shall be filled by election at the next meeting after the vacancy occurs. The chairperson shall preside at all meetings of the team, appoint such subcommittees as deemed necessary, and designate the chairperson of each subcommittee. If the chairperson is absent or unable to act, the vice chairperson shall perform the duties of the chairperson. When so acting, the vice chairperson shall have all the powers of and be subject to all restrictions upon the chairperson. The vice chairperson shall also perform such other duties as may be assigned by the chairperson.

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641—90.6(135) Meetings. The team shall meet as determined by the state medical examiner or as determined by the review team.

[ARC 9248B, IAB 12/1/10, effective 1/5/11]

641—90.7(135) Expenses of team members. Rescinded ARC 4703C, IAB 10/9/19, effective 11/13/19.

641—90.8(135) Team responsibilities. The state medical examiner's office will be responsible for the collection of data for sudden unexpected or nonnatural deaths for all children under the age of 18 years that occur in the state of Iowa. The state medical examiner's office will review all child deaths in Iowa and will refer those deemed preventable for additional review by the child death review team. The state medical examiner's office will be responsible for data entry. The team shall perform the following responsibilities:

90.8(1) Collect, review, and analyze child death certificates and child death data, including patient records, other pertinent confidential information, and other information the review team deems appropriate concerning deaths of children under 18 years of age which have been deemed preventable by the state medical examiner's office. An annual report will be prepared for the governor and the general assembly concerning the cause and manner of child deaths. The report shall include factual information obtained through review and recommendations regarding prevention of child deaths.

90.8(2) 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.

90.8(3) Recommend to the agencies represented on the review team and to other agencies changes which may prevent child deaths.

90.8(4) Maintain the confidentiality of any patient records or other confidential information reviewed.

90.8(5) If deemed appropriate by the team at any point in the review, the team may recommend to the department of human services, appropriate law enforcement agencies, and any 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 team.

90.8(6) Develop protocols for a child fatality review committee (see 641—Chapter 92) to be appointed by the state medical examiner on an ad hoc basis to immediately review the child abuse assessments which involve the fatality of a child under the age of 18 years. The state medical examiner shall appoint a medical examiner, a pediatrician, and a person involved with law enforcement to the committee.

90.8(7) The team may establish subcommittees to which the team may delegate some or all of the team's responsibilities set out in this rule.

[ARC 9248B, IAB 12/1/10, effective 1/5/11]

641—90.9(135) Liaisons.

90.9(1) The following individuals shall each designate a liaison to assist the team in fulfilling its responsibilities.

- a. Director of public health.
- b. Director of human services.
- c. Commissioner of public safety.
- d. Administrator of the bureau of vital records of the Iowa department of public health.
- e. Attorney general.
- f. Director of transportation.

g. Director of the department of education.

90.9(2) The chairperson shall designate a liaison from the public at large.

90.9(3) The membership terms of the liaisons shall be for three years. The liaisons may not serve more than two consecutive terms.

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641—90.10(135) Confidentiality and disclosure of information. The team and liaisons shall maintain the confidentiality of all information and records used in the review and analysis of child deaths, including disclosure of information which is confidential under Iowa Code chapter 22 or any other provisions of state law. No information on individual deaths contained in the records described in this rule shall be disclosed except for the purposes of the team, committee or subcommittee meeting, and no confidential information received in preparation for or during the course of such meeting shall be removed from the meeting room except for further review as authorized by the team chairperson.

In preparation for review of an individual death by the team or its authorized committee or subcommittee, the chairperson of the team or the chairperson's designee is authorized to gather all information pertinent to the review. This information may include, but is not limited to, hospital records, physician's records, school records, day-care records, autopsy records, child abuse registry, investigation or assessment records, state public assistance records, traffic records, public safety records, law enforcement records, fire marshal's records, birth records, death records, and other relevant records necessary to conduct a complete review.

A person in possession or control of medical, investigative 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 Iowa child death review team. Information and records which are confidential under Iowa Code section 22.7 and chapter 235A, and information or records received from the confidential records, remain confidential under this rule. A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this rule.

641—90.11(135) Immunity and liability. Review team 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 team member or agent provided that the review team members or agents acted in good faith and without malice in carrying out their official duties in their official capacity. A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review team members involving the performance of their duties and powers.

A person who releases or discloses confidential data, records, or any other type of information in violation of this chapter is guilty of a serious misdemeanor.

These rules are intended to implement Iowa Code Supplement section 135.43.

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