

JAN 1 1 2005
HUMAN RESOURCES

HOUSE FILE 33
BY SMITH

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act expanding the duties of the child death review team and
2 making a penalty applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 33

1 Section 1. Section 135.43, subsection 3, paragraph d, Code
2 2005, is amended to read as follows:

3 d. Maintain Except as authorized by this section, maintain
4 the confidentiality of any patient records or other
5 confidential information reviewed.

6 Sec. 2. Section 135.43, subsection 3, Code 2005, is
7 amended by adding the following new paragraphs:

8 NEW PARAGRAPH. e. Recommend to the department of human
9 services, appropriate law enforcement agencies, and any other
10 person involved with child protection, interventions that may
11 prevent harm to a child who is related to or is living in the
12 same home as a child whose case is reviewed by the team.

13 NEW PARAGRAPH. f. If the sharing of information is
14 necessary to assist in or initiate a child death investigation
15 or criminal prosecution and the office or agency receiving the
16 information does not otherwise have access to the information,
17 share information possessed by the review team with the office
18 of the attorney general, a county attorney's office, or an
19 appropriate law enforcement agency. The office or agency
20 receiving the information shall maintain the confidentiality
21 of the information in accordance with this section.

22 Unauthorized release or disclosure of the information received
23 is subject to penalty as provided in this section.

24 NEW PARAGRAPH. g. In order to assist another division of
25 the department in performing the division's duties, if the
26 division does not otherwise have access to the information,
27 share information possessed by the review team. The division
28 receiving the information shall maintain the confidentiality
29 of the information in accordance with this section.

30 Unauthorized release or disclosure of the information received
31 is subject to penalty as provided in this section.

32 Sec. 3. Section 135.43, subsection 4, Code 2005, is
33 amended by adding the following new paragraph:

34 NEW PARAGRAPH. g. If deemed appropriate by the committee,
35 at any point in the review the committee may recommend to the

1 department of human services, appropriate law enforcement
2 agencies, and any other person involved with child protection,
3 interventions that may prevent harm to a child who is related
4 to or is living in the same home as a child whose case is
5 reviewed by the committee.

6 EXPLANATION

7 This bill expands the duties of the child death review
8 team.

9 The team is required to make recommendations to the
10 department of human services, law enforcement agencies, and
11 others involved with child protection regarding interventions
12 that may prevent harm to a child who is related to or living
13 in the same home as the child whose death was reviewed by the
14 team. Authority to make such recommendations is also provided
15 to an ad hoc child fatality review committee reviewing child
16 abuse assessments involving a child fatality in accordance
17 with protocols established by the review team.

18 The team is authorized to share information possessed by
19 the team with the office of the attorney general, a county
20 attorney's office, or a law enforcement agency, if the office
21 or agency did not otherwise have access to the information and
22 the information would assist in a child death investigation or
23 a criminal prosecution. The office or agency's unauthorized
24 release or disclosure of the information received is
25 punishable as a serious misdemeanor.

26 The team is authorized to share information possessed by
27 the team with another division of the Iowa department of
28 public health, if the division does not have access to the
29 information and the information would assist the division in
30 performing its duties. The division's unauthorized release or
31 disclosure of the information received is punishable as a
32 serious misdemeanor.

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