

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 143
SENATE BILL 1121

AN ACT

AMENDING SECTIONS 36-3501 AND 36-3503, ARIZONA REVISED STATUTES; RELATING TO
MATERNAL MORTALITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-3501, Arizona Revised Statutes, is amended to
3 read:

4 36-3501. Child fatality review team; membership; duties

5 A. The child fatality review team is established in the department of
6 health services. The team is composed of the head of the following
7 departments, agencies, councils or associations, or that person's designee:

- 8 1. Attorney general.
- 9 2. Office of women's and children's health in the department of health
10 services.
- 11 3. Office of planning and health status monitoring in the department
12 of health services.
- 13 4. Division of behavioral health in the department of health services.
- 14 5. Division of developmental disabilities in the department of
15 economic security.
- 16 6. Division of children and family services in the department of
17 economic security.
- 18 7. Governor's office for children.
- 19 8. Administrative office of the courts.
- 20 9. Parent assistance office of the supreme court.
- 21 10. Department of juvenile corrections.
- 22 11. Arizona chapter of a national pediatric society.

23 B. The director of the department of health services shall appoint the
24 following members to serve staggered three year terms:

- 25 1. A medical examiner who is a forensic pathologist.
- 26 2. A maternal and child health specialist involved with the treatment
27 of native Americans.
- 28 3. A representative of a private nonprofit organization of tribal
29 governments in this state.
- 30 4. A representative of the Navajo tribe.
- 31 5. A representative of the United States military family advocacy
32 program.
- 33 6. A representative of the Arizona sudden infant death advisory
34 council.
- 35 7. A representative of a statewide prosecuting attorneys advisory
36 council.
- 37 8. A representative of a statewide law enforcement officers advisory
38 council who is experienced in child homicide investigations.
- 39 9. A representative of an association of county health officers.
- 40 10. A child advocate who is not employed by or an officer of this state
41 or a political subdivision of this state.
- 42 11. A public member. If local teams are formed pursuant to this
43 article, the director of the department of health services shall select this
44 member from one of those local teams.

45 C. ~~Beginning not later than January 1, 1994,~~ The team shall:

- 46 1. Develop a child fatalities data collection system.

2. Provide training to cooperating agencies, individuals and local child fatality review teams on the use of the child fatalities data system.

3. Conduct an annual statistical report on the incidence and causes of child fatalities in this state during the past fiscal year and submit a copy of this report, including its recommendations for action, to the governor, the president of the senate and the speaker of the house of representatives. ~~The team shall submit this report~~ on or before November 15 of each year.

4. Encourage and assist in the development of local child fatality review teams.

5. Develop standards and protocols for local child fatality review teams and provide training and technical assistance to these teams.

6. Develop protocols for child fatality investigations, including protocols for law enforcement agencies, prosecutors, medical examiners, health care facilities and social service agencies.

7. Study the adequacy of statutes, ordinances, rules, training and services to determine what changes are needed to decrease the incidence of preventable child fatalities and, as appropriate, take steps to implement these changes.

8. Provide case consultation on individual cases to local teams if requested.

9. Educate the public regarding the incidence and causes of child fatalities as well as the public's role in preventing these deaths.

10. Designate a team chairperson.

11. Develop and distribute an informational brochure which describes the purpose, function and authority of a team. The brochure shall be available at the offices of the department of health services.

12. EVALUATE THE INCIDENCE AND CAUSES OF MATERNAL FATALITIES ASSOCIATED WITH PREGNANCY IN THIS STATE. FOR THE PURPOSES OF THIS PARAGRAPH, "MATERNAL FATALITIES ASSOCIATED WITH PREGNANCY" MEANS THE DEATH OF A WOMAN WHILE SHE IS PREGNANT OR WITHIN ONE YEAR AFTER THE END OF HER PREGNANCY.

D. Team members are not eligible to receive compensation, but members appointed pursuant to subsection B are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

E. The department of health services shall provide professional and administrative support to the team.

F. Notwithstanding subsections C and D, this section shall not be construed to require expenditures above the revenue available from the child fatality review fund.

Sec. 2. Section 36-3503, Arizona Revised Statutes, is amended to read:

36-3503. Access to information; confidentiality; violation; classification

A. ~~Upon~~ ON request of the chairperson of a state or local team and as necessary to carry out the team's duties, the chairperson shall be provided within five days excluding weekends and holidays with access to information and records regarding a child whose death is being reviewed by the team, or information and records regarding the child's family AND RECORDS OF A

1 MATERNAL FATALITY ASSOCIATED WITH PREGNANCY PURSUANT TO SECTION 36-3501,
2 SUBSECTION C:

3 1. From a provider of medical, dental or mental health care.

4 2. From this state or a political subdivision of this state that might
5 assist a team to review a child fatality.

6 B. A law enforcement agency with the approval of the prosecuting
7 attorney may withhold investigative records that might interfere with a
8 pending criminal investigation or prosecution.

9 C. The director of the department of health services or ~~his~~ THE
10 DIRECTOR'S designee may apply to the superior court for a subpoena as
11 necessary to compel the production of books, records, documents and other
12 evidence related to a child fatality OR A MATERNAL FATALITY ASSOCIATED WITH
13 PREGNANCY investigation. Subpoenas ~~so~~ issued shall be served and, ~~upon~~ ON
14 application to the court by the director or ~~his~~ THE DIRECTOR'S designee,
15 enforced in the manner provided by law for the service and enforcement of
16 subpoenas. A law enforcement agency ~~shall~~ IS not ~~be~~ required to produce the
17 information requested under the subpoena if the subpoenaed evidence relates
18 to a pending criminal investigation or prosecution. All records shall be
19 returned to the agency or organization on completion of the review. ~~No~~
20 Written reports or records containing identifying information shall NOT be
21 kept by the team.

22 D. All information and records acquired by the state team or any local
23 team are confidential and ARE not subject to subpoena, discovery or
24 introduction into evidence in any civil or criminal proceedings, except that
25 information, documents and records otherwise available from other sources are
26 not immune from subpoena, discovery or introduction into evidence through
27 those sources solely because they were presented to or reviewed by a team.

28 E. Members of a team, persons attending a team meeting, ~~and~~ and persons
29 who present information to a team may not be questioned in any civil or
30 criminal proceedings regarding information presented in or opinions formed as
31 a result of a meeting. ~~Nothing in~~ This subsection ~~shall be construed to~~ DOES
32 NOT prevent a person from testifying to information THAT IS obtained
33 independently of the team or ~~which~~ THAT is public information.

34 F. A member of the state or a local child fatality review team shall
35 not contact, interview or obtain information by request or subpoena from a
36 member of a deceased child's family, except that a member of the state or a
37 local child fatality review team who is otherwise a public officer or
38 employee may contact, interview or obtain information from a family member,
39 if necessary, as part of the public officer's or employee's other official
40 duties.

41 G. State and local team meetings are closed to the public and are not
42 subject to title 38, chapter 3, article 3.1 if the team is reviewing
43 individual child fatality cases OR CASES OF MATERNAL FATALITIES ASSOCIATED
44 WITH PREGNANCY. All other team meetings are open to the public.

45 H. A person who violates the confidentiality ~~provisions~~ REQUIREMENTS
46 of this section is guilty of a class 2 misdemeanor.

APPROVED BY THE GOVERNOR APRIL 18, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2011.