

Session of 2024

HOUSE BILL No. 2629

By Committee on Child Welfare and Foster Care

Requested by Matt Bingesser on behalf of the Office of the Attorney General

1-30

1 AN ACT concerning children and minors; relating to the state child death
2 review board; replacing sudden infant death with sudden unexplained
3 infant death; requiring the secretary for health and environment to
4 provide a death certificate to the state child death review board; listing
5 requirements for notification of a deceased child; increasing the number
6 of members appointed by the state board of healing arts to the state
7 child death review board; allowing for compensation for board
8 members; providing for the disclosure of certain records to certain
9 persons for securing grants; directing that records be kept for 15 years
10 after a case is closed; amending K.S.A. 22a-242, 22a-243 and 22a-244
11 and repealing the existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Sec. 1. K.S.A. 22a-242 is hereby amended to read as follows: 22a-
15 242. (a) When a child dies, any law enforcement officer, health care
16 provider or other person having knowledge of the death shall immediately
17 notify the coroner of the known facts concerning the time, place, manner
18 and circumstances of the death. If the notice to the coroner identifies any
19 suspicious circumstances or unknown cause, as described in the protocol
20 developed by the state review board under K.S.A. 22a-243, and
21 amendments thereto, the coroner shall immediately: (1) Investigate the
22 death to determine whether the child's death included any such suspicious
23 circumstance or unknown cause; and (2) direct a pathologist to perform an
24 autopsy.

25 (b) If, after investigation and an autopsy, the coroner determines that
26 the death of a child does not include any suspicious circumstances or
27 unknown cause, as described in the protocol developed by the state review
28 board under K.S.A. 22a-243, and amendments thereto, ~~the coroner shall~~
29 ~~complete and sign a nonsuspicious child death form~~ *no further action by*
30 *the coroner is required.*

31 (c) If, after investigation and an autopsy, the coroner determines that
32 the death of a child includes any suspicious circumstance or unknown
33 cause, as described in the protocol developed by the state review board
34 under K.S.A. 22a-243, and amendments thereto, ~~the coroner shall notify,~~
35 ~~within 30 days, the chairperson of the state review board and shall notify,~~

1 2026; and
2 (C) the joint committee on child welfare system oversight shall
3 review the provisions of this paragraph pursuant to K.S.A. 46-3901, and
4 amendments thereto;
5 (7) any licensing body as defined by K.S.A. 74-146, and amendments
6 thereto, if:
7 (A) The information and records being disclosed are related to a
8 disciplinary complaint against a person licensed by such licensing body;
9 (B) any member of the state review board is under a professional
10 obligation to make a disciplinary complaint against a person licensed by
11 such licensing body; or
12 (C) a person licensed by such licensing body may have caused or
13 contributed to the child's death;~~and~~
14 (8) a governmental agency or an organization that has a federalwide
15 assurance (FWA) for the protection of human subjects in good standing
16 with the United States department of health and human services officer for
17 human research protections, if:
18 (A) The agency or organization provides documentation that an
19 institutional review board designated in the FWA has reviewed the
20 organization's research proposal;
21 (B) personally identifiable information is redacted from the
22 disclosure;
23 (C) the disclosure is only for the purpose of health or education; and
24 (D) the agency or organization requires all persons granted access to
25 the disclosed information and records to sign a confidentiality agreement
26 prior to receipt of the disclosed information and records; ~~and~~
27 (9) *any person or entity, if the information and records being*
28 *disclosed are statistics or conclusions of the state review board and*
29 *provided for the purpose of procuring and maintaining financial grants.*
30 ~~(10)~~ The state review board may adopt rules and regulations as
31 necessary to carry out the provisions of K.S.A. 22a-241 through 22a-244,
32 and amendments thereto.
33 Sec. 3. K.S.A. 22a-244 is hereby amended to read as follows: 22a-
34 244. (a) Within 72 hours after receipt of notification from a coroner
35 pursuant to K.S.A. 22a-242, and amendments thereto, the chairperson of
36 the state review board may activate the board to investigate and make a
37 written report regarding the death.
38 (b) The state review board shall have access to all law enforcement
39 investigative information regarding the death; any autopsy records and
40 coroner's investigative records relating to the death; any medical records
41 of the child; and any records of the Kansas department for children and
42 families or any other social service agency ~~which~~ *that* has provided
43 services to the child or the child's family ~~within three years~~ preceding the

; and
(10) the governor and legislature, if the information and records being disclosed are statistics or conclusions of the state review board and provided for the purpose of supplementing the state review board's annual report