

An Act

ENROLLED HOUSE
BILL NO. 2610

By: Echols of the House

and

Smalley of the Senate

An Act relating to children; amending 10 O.S. 2011, Section 601.31, which relates to child abuse examiners; updating Board of Child Abuse Examination name; requiring submission of certain child death information to Oklahoma Commission on Children and Youth; subjecting requirement to availability of funds; providing for a child maltreatment medical review by a child abuse examiner; directing report of review findings to specified agencies; mandating consideration of findings prior to closing certain investigation; authorizing payment of stipend to examiner if funding is available; defining term; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Child abuse

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 10 O.S. 2011, Section 601.31, is amended to read as follows:

Section 601.31 A. The Oklahoma Commission on Children and Youth shall:

1. Promulgate rules providing for:
 - a. the training and continuing training requirements for allopathic and osteopathic physicians, physicians'

assistants, and registered nurses, in a manner consistent with their existing scopes of practice as ~~Child Abuse Examiners~~ child abuse examiners,

- b. the duties and responsibilities of ~~Child Abuse Examiners~~ child abuse examiners, and
- c. uniform standards for medical examinations and evaluations of children suspected to be victims of child abuse or neglect and uniform forms for written reports of such examinations and evaluations;

2. Distribute an initial listing, and revised listings as often as necessary, of ~~Child Abuse Examiners~~ child abuse examiners to:

- a. each county office of the Department of Human Services,
- b. each local county or city-county health department. Where there is no local health department, the listing shall be sent to the local county board of health,
- c. each district attorney, and
- d. other persons as necessary and advisable, upon the recommendation of the Board of ~~Child Abuse Examiners~~ Child Abuse Examination; and

3. With funds appropriated or otherwise available for such purpose, may provide by contract for:

- a. the services of a physician to serve as Chief Child Abuse Examiner, and
- b. the establishment and implementation of a training program and continuing training program for physicians, physicians' assistants and registered nurses, in a manner consistent with their existing scopes of practice, as ~~Child Abuse Examiners~~ child abuse examiners and for consultation services to such persons in matters relating to child abuse and neglect through contracts with the University of Oklahoma and Oklahoma State University.

B. The Board of Child Abuse Examination shall:

1. Prepare the rules, standards and forms required by subsection A of this section, and amendments to the rules, standards and forms as necessary, for the approval of the Commission;

2. In cooperation with the University of Oklahoma and Oklahoma State University, develop and maintain training programs and consultation services for physicians and ~~Child Abuse Examiners~~ child abuse examiners;

3. In consultation and cooperation with the Department of Human Services and the Oklahoma Health Care Authority, develop a uniform system of reimbursement for medical examinations and evaluations of cases of suspected child abuse or neglect which are compensable pursuant to Title XIX of the federal Social Security Act for adoption by the Oklahoma Health Care Authority;

4. Develop and maintain an accurate listing of trained ~~Child Abuse Examiners~~ child abuse examiners for distribution by the Commission; and

5. Engage in such other activities as necessary and appropriate for the establishment and maintenance of a statewide system of expert medical examination and evaluation of children suspected to be victims of child abuse and neglect, subject to the approval and authorization of the Commission.

C. The Chief Child Abuse Examiner shall be a physician with experience in the area of child abuse and neglect and, as requested or directed by the Board, shall:

1. Provide consultant services to the Board as necessary for the preparation of the rules, standards and forms required by subsection A of this section;

2. Assist the Board and the University of Oklahoma and Oklahoma State University with the development, implementation, maintenance and coordination of the training programs required by this section;

3. Prepare written reports for the Board and the Commission regarding progress of the system established by this act; and

4. As requested by the Board, perform other duties as necessary to assist the Board in the performance of its duties and responsibilities.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1150.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. Beginning November 1, 2019, and subject to the availability of funds, the Director of the Bureau of Vital Statistics shall, within seventy-two (72) hours of receipt of notice of any child death, forward the name, date of birth, date of death and other identifying information about the child who has died to the Oklahoma Commission on Children and Youth. The Commission shall submit the information for a child maltreatment medical review to a child abuse examiner or a child abuse pediatrician in the state.

B. The findings of the child maltreatment medical review shall be reported to the Oklahoma Commission on Children and Youth, the Department of Human Services, the law enforcement agency and the child advocacy center or child abuse multidisciplinary team where the suspected maltreatment occurred and the Child Death Review Board. The findings of the child maltreatment medical review shall be considered prior to closing an investigation or assessment conducted by the Department of Human Services related to the child death.

C. Subject to the availability of funds, the Commission may provide stipends to child abuse examiners who perform child maltreatment medical reviews and report their findings pursuant to this section.

D. As used in this section, "child maltreatment medical review" means a review of information by a child abuse examiner about suspected child maltreatment with the intent to determine if maltreatment occurred. The review of information may include, but is not limited to, information obtained from law enforcement agencies, the Department of Human Services, medical records, forensic interviews and other relevant information.

SECTION 3. This act shall become effective July 1, 2019.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 13th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____