

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2610

6 By: Echols

7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 2011,
9 Section 601.31, which relates to child abuse
10 examiners; directing the Oklahoma Commission on
11 Children and Youth to promulgate rules for child
12 abuse medical examiners; requiring distribution of
13 examiners listing; authorizing training program for
14 examiners; requiring submission of certain child
15 death information to Commission; subjecting
16 requirement to availability of funds; providing for a
17 child maltreatment medical review by an examiner;
18 directing report of review findings to specified
19 agencies; mandating consideration of findings prior
20 to closing certain investigation; authorizing payment
21 of stipend to examiner if funding is available;
22 defining term; providing for codification; providing
23 an effective date; and declaring an emergency.

24 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:

- 1 a. the training and continuing training requirements for
2 allopathic and osteopathic physicians, physicians'
3 assistants, and registered nurses, in a manner
4 consistent with their existing scopes of practice as
5 ~~Child Abuse Examiners~~ child abuse examiners and child
6 abuse medical examiners,
- 7 b. the duties and responsibilities of ~~Child Abuse~~
8 ~~Examiners~~ child abuse examiners and child abuse
9 medical examiners, and
- 10 c. uniform standards for medical examinations and
11 evaluations of children suspected to be victims of
12 child abuse or neglect and uniform forms for written
13 reports of such examinations and evaluations;

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

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

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

6 a. the services of a physician to serve as Chief Child
7 Abuse Examiner, and

8 b. the establishment and implementation of a training
9 program and continuing training program for
10 physicians, physicians' assistants and registered
11 nurses, in a manner consistent with their existing
12 scopes of practice, as ~~Child Abuse Examiners~~ child
13 abuse examiners and child abuse medical examiners and
14 for consultation services to such persons in matters
15 relating to child abuse and neglect through contracts
16 with the University of Oklahoma and Oklahoma State
17 University.

18 B. The Board of Child Abuse Examination shall:

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

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

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

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

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

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

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

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

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

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

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

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

21 B. The findings of the child maltreatment medical review shall
22 be reported to the Department of Human Services, the law enforcement
23 agency and the child advocacy center or child abuse
24 multidisciplinary team where the suspected maltreatment occurred and

1 the Child Death Review Board. The findings of the child
2 maltreatment medical review shall be considered prior to closing an
3 investigation or assessment conducted by the Department of Human
4 Services related to the child death.

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

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

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

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

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