



SPONSOR: Sen. Blevins & Rep. Maier & Rep. Hudson;
Sens. Cloutier, Connor, Sorenson; Reps. Gilligan, Hall-Long, Keeley,
Miro, Oberle, Schooley, Spence, Wagner

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 157

AN ACT TO AMEND TITLE 31, CHAPTER 3 OF THE DELAWARE CODE RELATING TO CHILD WELFARE.

WHEREAS, Delaware is a community which values the life, health and safety of every child; and

WHEREAS, since 1995, the infant mortality rate in Delaware has been increasing; and

WHEREAS, Delaware had the highest infant mortality rate among the 50 states in 2001 (10.7 deaths per 1000 live births);

and

WHEREAS, at least 37 states have implemented a Fetal and Infant Mortality Review (FIMR) process to examine social, economic, cultural, safety and health system factors associated with fetal and infant death; and

WHEREAS, FIMR is a national model of continuous quality improvement of systems affecting the health of mothers and infants; and

WHEREAS, The Child Death, Near Death and Stillbirth Commission (CDNDSC) is statutorily charged with reviewing child deaths and stillbirths to safeguard the health and safety of all Delaware's children; and

WHEREAS, the CDNDSC supports the establishment of FIMR in Delaware in order to support its goal of alleviating practices and conditions which negatively impact the mortality of infants;

NOW THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 3, Title 31, §320 of the Delaware Code by striking the number "27" as same appears therein,
2 and substituting the number "20" in lieu thereof.

3 Section 2. Amend Chapter 3, Title 31, §321 of the Delaware Code by adding the words "the Director of the Division of
4 Public Health, the Chief Judge of Family Court" between the words "Examiner," and "and" as same appear in the first sentence of
5 paragraph (a); and by striking the word, "perinatology" as same appears in the second sentence of paragraph (a), and substituting
6 the word, "perinatology" in lieu thereof; and by striking the "," between the words, "death" and "near" as same appear in the third
7 sentence of paragraph (a), and substituting the word, "and" in lieu thereof; and by striking the words, "and stillbirths" between the

8 words, “death” and “review” as same appear in the third sentence of paragraph (a); and by striking the “,” between the words,
9 “panel” and “established” as same appear in the third sentence of paragraph (a), and substituting the words, “and each Fetal and
10 Infant Mortality Review Case Review Team” in lieu thereof; and by striking the word “subsection” as same appears in the third
11 sentence of paragraph (a), and substituting the word “subsections” in lieu thereof; and by adding “and (e)” between the words
12 “subsections” and “hereof” as same appear in the third sentence of paragraph (a); and by striking the words, “and of” as same
13 appear in the fifth sentence of paragraph (a), and substituting a “,” in lieu thereof; and by adding the words, “, Case Review Teams
14 and Community Action Teams”, between words, “panels” and “shall” as same appear in the fifth sentence of paragraph (a).

15 Section 3. Amend Chapter 3, Title 31, §321 of the Delaware Code by striking the word “and” as same appears in the first
16 sentence of paragraph (c), and substituting a “,” in lieu thereof; and by inserting the words “, Case Review Teams and Community
17 Action Teams” between the words “panels” and “shall” as same appear in the first sentence of paragraph (c).

18 Section 4. Amend Chapter 3, Title 31, §321 of the Delaware Code by striking the words “child death, near death and
19 stillbirth review” as same appear in the first sentence of paragraph (d); and by adding the words “authorized to review child deaths
20 and near deaths” between the word “panels” and the “.” as the same appear in the first sentence of paragraph (d).

21 Section 5. Amend Chapter 3, Title 31, §321 of the Delaware Code by striking the existing paragraph (e) in its entirety and
22 substituting the following new paragraph (e) in lieu thereof:

23 “The Commission shall by resolution passed by a majority of its members establish Fetal and Infant Mortality
24 Review Case Review Teams and Community Action Teams based on the National Fetal and Infant Mortality
25 Review Program model.”

26 Section 6. Amend Chapter 3, Title 31, §321 of the Delaware Code by adding a new paragraph (f) that shall read:

27 “Each regional panel and the Fetal and Infant Mortality Review Case Review Teams shall have the powers, duties
28 and authority of the Commission as delegated by the Commission. Each regional panel and Fetal and Infant
29 Mortality Review Case Review Team shall, by affirmative vote of a majority of all members of that regional
30 panel or team, appoint co-chairpersons from its membership for a term of 1 year.”

31 Section 7. Amend Chapter 3, Title 31, §322 of the Delaware Code by striking the word “or” between the words
32 “Commission” and “any” as same appear therein, and substituting a “,” in lieu thereof; and by adding the words “, Case Review
33 Team or Community Action Team” between the words “panel” and “shall” as same appear therein; and by adding the words “or
34 team” between the word “panel” and the “.” as same appear therein.

35 Section 8. Amend Chapter 3, Title 31, §323 of the Delaware Code by adding the words “child death and near death”
36 between the words “conduct” and “reviews” as same appear in the first sentence of paragraph (b).

37 Section 9. Amend Chapter 3, Title 31, §323 of the Delaware Code by striking the existing paragraph (d) in its entirety and
38 re-designating the existing paragraph (c) as paragraph (d) and adding a new paragraph (c) that shall read:

39 “The Commission shall conduct fetal and infant mortality reviews and facilitate the implementation of
40 recommendations based on the National Fetal and Infant Mortality Review Program model. Utilizing a public
41 health model, the reviews shall include information gathered through a clinical review and summary of medical
42 and all other subpoenaed records, and maternal interviews. The Commission may amend such procedures upon a
43 three-quarters affirmative vote of all members of the Commission.”

44 Section 10. Amend Chapter 3, Title 31, §323 of the Delaware Code by striking the word “or” as same appears for the
45 second time between the words “death” and “near” in subparagraph (d) (2), and substituting a “,” in lieu thereof; and by adding the
46 words “or stillbirth” between the words “death” and “under” as same appear for the second time in subparagraph (d) (2).

47 Section 11. Amend Chapter 3, Title 31, §324 of the Delaware Code by adding the words “and the Fetal and Infant
48 Mortality Review Case Review Teams and Community Action Teams” between the word “panels” and the “,” as same appear in the
49 first sentence of paragraph (a); and by striking the word “or” as the same appears in the first sentence of paragraph (a), and
50 substituting a “,” in lieu thereof; and by adding the words “or stillbirth” between the word “death” and the “,” as same appear in the
51 first sentence of paragraph (a); and by adding the words “or team” between the words “panel” and “only” as same appear in the
52 second sentence of paragraph (a); and by striking the word “or” between the words “Commission” and “regional” as the same
53 appear in the second sentence of paragraph (a), and substituting a “,” in lieu thereof; and by adding the words “or team” between the
54 words “panel” and “and” as same appear in the second sentence of paragraph (a); and by striking the word “or” between the words
55 “Commission” and “regional” as same appear in the fourth sentence of paragraph (a), and substituting a “,” in lieu thereof; and by
56 adding the words “or teams” between the word “panels” and the “,” as same appear in the fourth sentence of paragraph (a).

57 Section 12. Amend Chapter 3, Title 31, §324 of the Delaware Code by striking the words “and of the” between the words
58 “Commission” and “regional” as the same appear in the first sentence of paragraph (b), and substituting a “,” in lieu thereof; and by
59 adding the words “, Case Review Teams and Community Action Teams” between the word “panel” and the “,” as same appear in
60 the first sentence of paragraph (b); and by adding the words “or teams” between the word “panels” and the “.” as same appear in
61 the first sentence of paragraph (b).

62 Section 13. Amend Chapter 3, Title 31, §324 of the Delaware Code by striking the word “or” as same appears in the first
63 sentence of paragraph (c), and substituting a “,” in lieu thereof; and by adding the words “, Case Review Team or Community
64 Action Team” between the words “panel” and “shall” as same appear in the first sentence of paragraph (c); and by adding the words
65 “or team” between the words “panel” and “with” as same appear in the second sentence of paragraph (c).

66 Section 14. Commencement of the Fetal and Infant Mortality Review process in Delaware shall be contingent on adequate
67 appropriations provided for said process as a result of final recommendations of The Infant Mortality Task Force in 2005.

SYNOPSIS

This bill creates a Fetal and Infant Mortality Review (FIMR) process in Delaware based on the National Fetal and Infant Mortality Review model. The Delaware FIMR process is placed under and utilizes the authority granted to The Child Death, Near Death and Stillbirth Commission to conduct a clinical review of medical records and maternal interviews. The bill adds the Director of Public Health and the Chief Judge of Family Court to the Child Death, Near Death and Stillbirth Commission. It also establishes Fetal and Infant Mortality Review Case Review Teams and Community Action Teams and adds the chairpersons of the Case Review Teams to the Commission. It provides for confidentiality of all documents utilized by the Case Review Teams and Community Action Teams with regards to the facts and circumstances of each death. Finally, the bill makes the commencement of the Delaware Fetal and Infant Mortality Review process contingent on adequate appropriations.

Author: Senator Blevins