

**WEST VIRGINIA  
SECRETARY OF STATE  
JOE MANCHIN, III  
ADMINISTRATIVE LAW DIVISION**

Form #5

Do Not Mark In This Box

FILED

2001 OCT 17 P 12:33

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE  
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: Bureau for Public Health - DHHR TITLE NUMBER: 64

CITE AUTHORITY: § 49-5D-5(b)

RULE TYPE: PROCEDURAL X INTERPRETIVE \_\_\_\_\_

EXEMPT LEGISLATIVE RULE \_\_\_\_\_

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES \_\_\_\_\_ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

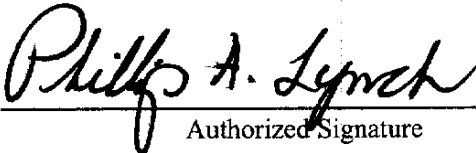
TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 20

TITLE OF RULE BEING PROPOSED: State Child Fatality Review Team

and County Multidisciplinary Investigative Teams

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE  
EFFECTIVE DATE OF THIS RULE IS December 1, 2001

  
Authorized Signature

**TITLE 64  
PROCEDURAL RULES  
BUREAU FOR PUBLIC HEALTH**

**FILED**

2001 OCT 17 P 12: 33

**SERIES 20  
STATE CHILD FATALITY REVIEW TEAM  
AND COUNTY MULTIDISCIPLINARY INVESTIGATIVE TEAMS**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§64-20-1. General.**

1.1. Scope. - This rule establishes standard procedures for the formation and conduct of the state child fatality review team and recommends protocols for the review of child fatalities where other than natural causes are suspected. This rule should be read in conjunction with W. Va. Code § 49-5D-1 et seq. The W.Va. Code is available in public libraries and on the Legislature's web page, <http://www.legis.state.wv.us/>.

1.2. Authority. - W. Va. Code §49-5D-5(b).

1.3. Filing Date. - October 17, 2001.

1.4. Effective Date. - December 1, 2001.

**§64-20-2. Application and Enforcement.**

2.1. Application. - This rule applies to the state child fatality review team, county multidisciplinary investigative teams and other state, county or local agencies.

2.2. Enforcement. - This rule is enforced by the office of chief medical examiner of the bureau for public health.

**§64-20-3. Definitions.**

3.1. Child. - A person less than eighteen (18) years of age.

3.2. County Multidisciplinary Investigative Team (CMIT). - A group established by W. Va. Code §49-5D-2.

3.3. Department. - The West Virginia Department of Health and Human Resources.

3.4. Immediate review. - A review of the circumstances surrounding the death of a child that occurs between twenty-four (24) and forty-eight (48) hours after the death of a child.

3.5. Review. - The process by which all of the facts and circumstances about a deceased child and his or her family that are known to members of a team are shared and discussed among

the team.

3.6. State Child Fatality Review Team (SCFRT). - A multidisciplinary group of professionals including representatives from public health, medicine, law and law enforcement, and child welfare that reviews the circumstances surrounding the deaths of children.

3.7. Unexpected death. - The death of a healthy child whose immediate death is not anticipated.

3.8. Unexplained death. - The cause and manner of death of a child that cannot be determined after an autopsy and thorough investigation of the circumstances surrounding the death.

#### **§64-20-4. Responsibilities of State Child Fatality Review Team.**

4.1. The CFRT shall perform the duties described in W. Va. Code §49-5D-5, including the review of deaths of all children who were residents of the State of West Virginia at the time of death, regardless of the place of death, with the objective of identifying causal patterns in child fatalities.

#### **§64-20-5. Conduct of State Child Fatality Review Team.**

5.1. The SCFRT shall meet monthly.

5.2. The chairperson of the SCFRT, or his or her designee, and the team members shall review death certificates of children sent monthly by the office of vital statistics and shall determine which are unexpected or unexplained deaths.

5.3. Each member of the SCFRT shall examine the records of his or her agency to determine if the child, or the child's parents or guardians, have received services at his or her agency, and if necessary, may contact other agencies to complete the review.

5.4. Team members shall present to the rest of the SCFRT the information obtained from the record reviews, but shall retain the documents in each's agency's files.

5.5. All documents regarding a particular case that are reviewed by the SCFRT shall be destroyed by the SCFRT after the publication of the annual report in which that case data is included.

#### **§64-20-6. Confidentiality.**

6.1. All information, records of the SCFRT, and opinions expressed by members of the SCFRT are confidential as described in W.Va. Code §49-7-1.

#### **§64-20-7. Recommended Protocols for Review of Child Fatalities.**

The following are recommended protocols to aid CMITs in the review of child deaths where other than natural causes are suspected:

7.1. The county prosecutor or his or her designee may call for an immediate review of a child fatality when that death is believed to have occurred from other than natural causes;

7.2. In deaths where other than natural causes are suspected and there is a surviving minor sibling in the home, child protective services shall conduct an assessment of the family to determine the safety and well-being of siblings. Such causes of death may be, but are not limited to suicide, homicide, sudden infant death syndrome, and accidents;

7.3. The county prosecutor or his or her designee shall request from the SCFRT a copy of death certificates of children that resided in his or her county;

7.4. Once death certificates are received, the prosecutor shall direct the distribution of the death certificates to members of the CMITs;

7.5. Members of the CMITs shall bring with them to team meetings the records and information that their agency possesses about the child, the child's family, circumstances surrounding the death, as well as any other relevant information.

7.6. The county prosecutor or his or her designee shall complete the child fatality review data form to the best of his or her knowledge and send the form to the SCFRT within thirty (30) days of review.

7.7. CMITs may defer all reviews to the SCFRT.