

Kentucky Child Fatality And Near Fatality External Review Panel 2022 Update



Legislative Oversight and Investigations Committee

November 10, 2022

1

Child Fatality and Near Fatality External Review Panel



- KRS 620.055
 - Panel conducts "comprehensive reviews of child fatalities and near fatalities...suspected to be a result of abuse or neglect."
 - Panel shall publish an annual report "consisting of case reviews, findings, and recommendations for system and process improvements..."
- KRS 620.055 & 6.922
 - Legislative Oversight and Investigations Committee (LOIC) is required to conduct annual evaluations of the panel's operations, procedures, and recommendations.

2



LOIC Annual Reviews

- 2014-2021 LOIC evaluations focused on:
 - Statutory compliance
 - Organization and autonomy
 - Procedures for reviewing case files
 - Handling of confidential information
 - Budget and staffing
 - Other states and national trends

3



Finding Area 1: Cabinet Provided Response To Data Request

- LOIC Data Request
 - Sample of 30 Substantiated Child Neglect and Abuse Cases
 - System Analysis Reports
 - Local Child and Maternal Fatality Response Teams
- Panel Concerns
 - Identification of near-fatalities
 - Medical community training
 - DCBS Internal Review process
- No process issues identified

4



Recommendation 3.1

The Child Fatality and Near Fatality External Review Panel should address its concerns and ideas for improvement with the Department for Community Based Services (DCBS) more formally through panel workgroups and/or annual report recommendations in the following areas: intake of reports filed by the medical community under KRS 620.030(2); DCBS's use of the Near-Fatality Criteria and Determination Flow Chart; training for the medical community related to reporting allegations of abuse and neglect; and DCBS's internal review process.

5



Recommendation 3.2

The Child Fatality and Near Fatality External Review Panel should formally discuss the possibility of online training modules with the Kentucky Board of Medical Licensure in the following areas: reports filed by the medical community pursuant to KRS 620.030(2) and documenting and reporting near fatalities as defined under KRS 600.020(40).

6



Recommendation 3.3

The Child Fatality and Near Fatality External Review Panel should contact the Department for Community Based Services and discuss the feasibility of using existing pediatric forensic medicine contracts to provide additional training to the medical community, which may require a contract modification to increase the number of hours available for training.

7



Finding Area 2: Panel Is Implementing Senate Bill 97 (Regular Session 2022)

- 2022 RS SB 97 amended KRS Ch. 620 and KRS Ch. 72 in several areas
 - Drug/alcohol testing of child supervisor at time of incident
 - Changed panel report due date to Feb. 1 of each year
 - Agency notification and response of panel recommendations
 - Made panel proceedings, records, opinions, and deliberations privileged
 - Coroners must notify immediately instead of as soon as practicable
 - Expanded panel membership

8



Recommendation 3.4

The Child Fatality and Near Fatality External Review Panel should follow through with its idea to hold a spring 2023 meeting to discuss Senate Bill 97 implementation and other issues if needed.



Recommendation 3.5

The Child Fatality and Near Fatality External Review Panel should proactively seek feedback related to courts, law enforcement, the medical community, and the coroners related to the following SB97 areas: law enforcement testing; treating panel proceedings, records, opinions, and deliberations as privileged; and coroners' contact with the Department for Community Based Services and others upon notification of the death of a child. Feedback related to these areas could help the panel develop recommendations for system and process improvements in its annual reports.



Finding Area 3: Panel's Annual Reports

- Panel is meeting statutory requirement to submit annual reports
- 2021 Panel Report
 - Findings
 - Based on data/analysis in the report
 - Recommendations
 - Addressed finding concerns
 - Targeted and actionable

11



Recommendation 3.6

The Child Fatality and Near Fatality External Review Panel should continue its positive efforts to ensure that findings are based on data presented in the report and that recommendations are actionable, targeted, and directly related to findings.

12



Finding Area 4: Panel's Data Tool And Data Dictionary

- Updated Data Tool
 - Research Electronic Data Capture (REDCap)
 - Reduced number of narrative text boxes
 - Possible updates in the future (naloxone, torture, etc.)
- New Analyst Binder
 - Data Dictionary
 - Medical terminology/abbreviations

13



Recommendation 3.7

The Child Fatality and Near Fatality External Review Panel should continue to update its data tool and data dictionary, utilizing multi-disciplinary workgroups and the National Center for Fatality and Prevention; for example, to address factors that contribute to child fatalities and near fatalities such as resuscitation, naloxone, and torture.
(continued)

14



Recommendation 3.7 (continued)

The panel should also periodically review entries in "Other" and comment text boxes to identify common entries that may be beneficial to add in its multiple choice data field options.

15



Finding Area 5: Panel's Appropriation and Budget

- Administratively attached to Justice and Public Safety Cabinet
- \$420,000 appropriated in 2014-2016 Budget of the Commonwealth
- 2014 Memorandum of Understanding (MOU)

16



Finding Area 5: Panel Expenditures 2015-2022

Fiscal Year	Personnel Expenditures	Operating Expenditures	Total Expenditures
2015	\$212,582	\$6,946	\$219,528
2016	267,004	21,198	288,202
2017	213,259	56,289	269,547
2018	141,943	7,671	149,614
2019	185,345	3,611	188,955
2020	275,117	6,511	281,628
2021	245,261	2,206	247,467
2022	293,852	2,207	296,055
Total	\$1,834,363	\$106,634	\$1,940,997

Source: eMARS, Expenditure Analysis Report-FAS

17



Finding Area 5: 2022-2024 Budget Request

- Growth Request
 - Funding for two additional full-time staffers
 - Operating Expenses
- 2022-2024 Budget of the Commonwealth
 - Appropriated \$420,000 to the panel

18



Recommendation 3.8

The Child Fatality and Near Fatality External Review Panel and the Justice and Public Safety Cabinet should update the existing memorandum of understanding to reflect current budgetary and expenditure procedures. The memorandum of understanding should include written guidance related to the panel's biennial budget requests and expenditures.

19



Recommendation 3.9

Child Fatality and Near Fatality External Review Panel staff should present financial updates to panel members on a regular basis. The financial presentations should include updates on the panel's expenses and available funds, as well as information on the budget process.

20