

# STATE OF NEW YORK

11666

## IN ASSEMBLY

May 30, 2006

Introduced by M. of A. PAULIN, SCARBOROUGH, GOTTFRIED, DINOWITZ, EDDINGTON, GALEF, MAYERSOHN, COOK, ESPAILLAT, FIELDS, GREEN, GREENE, HOOPER, HOYT, KOON, LAFAYETTE, LAVELLE, MILLMAN, REILLY, ROBINSON, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BENEDETTO, BRADLEY, CAHILL, COLTON, R. DIAZ, FARRELL, GLICK, GUNTHER, JOHN, LATIMER, MAGNARELLI, MAISEL, McENENY, NOLAN, PEOPLES, PHEFFER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to hospital protocols for deaths

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 2805-1 of the public health law is  
2 renumbered subdivision 5 and a new subdivision 4 is added to read as  
3 follows:

4 4. The commissioner shall establish protocols for hospital personnel  
5 where a patient under the age of eighteen years dies during transporta-  
6 tion to the hospital or while at the hospital, under circumstances other  
7 than those related to the natural course of illness, disease or proper  
8 treatment in accordance with generally accepted medical standards. Such  
9 protocols shall address matters including, but not limited to, the  
10 following:

11 (a) medical and social history, and examination of the patient;  
12 (b) preservation of evidence and chain of custody;  
13 (c) questioning of the patient's family, guardian or person in  
14 parental authority;

15 (d) circumstances surrounding the injury resulting in death;

16 (e) determination of the cause of death;

17 (f) notification of law enforcement personnel; and

18 (g) reporting requirements under title six of article six of the  
19 social services law.

20 In developing such protocols, the commissioner shall consult with the  
21 office of children and family services, local departments of social  
22 services, coordinators of child fatality review teams established pursu-  
23 ant to section four hundred twenty-two-b of the social services law, law

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 enforcement agencies, pediatricians preferably with expertise in the  
2 area of child abuse and maltreatment or forensic pediatrics, and such  
3 other persons as the commissioner deems necessary.

4 § 2. This act shall take effect immediately.

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**NEW YORK STATE ASSEMBLY**  
**MEMORANDUM IN SUPPORT OF LEGISLATION**  
**submitted in accordance with Assembly Rule III, Sec 1(e)**

**BILL NUMBER:** A11666

**SPONSOR:** Paulin (MS)

**TITLE OF BILL:** An act to amend the public health law, in relation to hospital protocols for deaths

**PURPOSE OR GENERAL IDEA OF BILL:** Provides for the establishment by the commissioner of protocols for hospital employees in patients' deaths in circumstances other than those related to the natural course of illness, disease or proper treatment in accordance with generally accepted medical standards, where the patient is under the age of eighteen.

**SUMMARY OF SPECIFIC PROVISIONS:** Section one amends section 2805-1 of the public health law by adding a new subdivision to provide that the commissioner shall establish protocols for hospital employees in cases where a person under the age of eighteen dies during transportation to the hospital or while at the hospital, under circumstances other than those related to the natural course of illness, disease or proper treatment in accordance with generally accepted medical standards.

Section two provides that the bill shall become effective immediately.

**JUSTIFICATION:** A thorough review of a child's death as required pursuant to article six of the social services law necessitates a comprehensive death scene investigation. Such an investigation would include a review of the reports and records of first responders to the death scene and hospitals.

Through a series of public hearings held throughout the state to investigate the effectiveness of the child welfare system including the child fatality review process, it became apparent that when a child dies during transportation to a hospital or while at a hospital, there is no standard procedure for hospital personnel regarding actions to be taken with respect to such child such as appropriate steps to be taken to determine the cause of death and circumstances requiring notification to child protective services.

This bill provides that the commissioner shall establish protocols for hospital employees for those instances in which a patient under the age of eighteen dies during transportation to the hospital or while at the hospital, in circumstances other than those related to the natural

course of illness, disease or proper treatment in accordance with generally accepted medical standards. In developing such protocols, the commissioner shall consult with the office of children and families, local departments of social services, coordinators of child fatality review teams, law enforcement agencies, pediatricians preferably with expertise in the area of child abuse and maltreatment or forensic pediatricians, and such other persons as the commissioner deems necessary.

By establishing protocols, the commissioner will provide uniform guidance to hospitals and their staff who see children at or near death, and thereby facilitate the accurate identification of the circumstances surrounding a child's death and enable the determination of whether the child's death should fall within the purview of the office of children and family services requiring an investigation pursuant to article six of the social services law.

LEGISLATIVE HISTORY:; This is a new bill.

FISCAL IMPLICATION: None.

EFFECTIVE DATE: This bill shall take effect immediately.

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