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MEMORANDUM

To: House Committee on Children and Seniors
From: Office of Revisor of Statutes
Date: January 26, 2021
Subject: Bill Brief on HB 2062

HB 2062 would amend K.S.A. 22a-243, the statute that establishes the state child death review board, to allow the board to disclose information and records acquired by the board to certain entities. Under subsection (j), information and records obtained by the board are confidential, shall not be disclosed and shall not be subject to subpoena, discovery or introduction into evidence in any civil or criminal proceedings. The new language adds an exception to this provision. The exception applies to:

1. Legislators and legislative committees with the responsibility of the board's enabling legislation or appropriations if the committee goes into a closed meeting.
2. A person or entity contracting with the board if the board determines disclosure is essential to the contract.
3. A person or entity uses the disclosure for statistics or conclusions to be used in the board's annual report.
4. Any law enforcement agency of the state if the disclosure relates to the death of a child caused by abuse or neglect and was not available for the law enforcement agency's investigation of the child's death.

5. A county or district attorney if the disclosure relates to the death of a child caused by abuse or neglect and was not available for the prosecution of any crimes related to the cause of the child's death.

6. A state licensing body if the disclosure relates to a disciplinary complaint against a person licensed by such body or a board member has a professional obligation to make such complaint, or a person licensed by such body may have caused or contributed to the child's death.

7. A government agency or organization with federalwide assurance for the protection of human subjects in good standing with the U.S. Department of Health and Human Services if an institutional board designated by the federalwide assurance has reviewed the research proposal, all personally identifiable information is redacted, disclosure is only for health or education purposes and all persons with access sign a confidentiality agreement.

HB 2062 would become effective upon publication in the statute book, on July 1, 2021.