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MEMORANDUM

To: Senate Committee on Judiciary
From: Jenna Moyer, Assistant Revisor of Statutes
Date: March 19, 2019
Subject: SB 214 – Allowing certain exceptions to the confidentiality of state child death review board documents

SB 214 amends 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. Generally, the information and records obtained by the board are confidential and may not be disclosed and are not subject to subpoena, discovery or introduction in any court proceeding. This bill adds exceptions to this general rule for the following:

1. Legislators and legislative committees with the responsibility of the board's enabling legislation or appropriations, if the committee recesses into a closed meeting.
2. A person or entity contracting with the board, if the disclosure is essential to complete the contract.
3. Statistics or conclusions of the board of the same type included in the board's annual report.
4. A law enforcement agency of the state if the disclosure is related to the death of a child caused by abuse or neglect, and the disclosed material was not available for the law enforcement agency's investigation of the child's death.
5. A county or district attorney if the disclosure is related to the death of a child caused by abuse or neglect, and the disclosed material was not available for the prosecution of crimes related to the cause of the child's death.
6. A state licensing body if the disclosed materials are related to a disciplinary complaint against a licensed person or a board member is under a professional obligation to make such complaint.
7. A governmental agency or organization with a federalwide assurance in good standing from HHS if: An institutional review board in the FWA has reviewed the research proposal; personally identifiable information has been redacted; the disclosure is only for health or education purposes; and the agency or organization requires all persons with access to the disclosed material to sign a confidentiality agreement.