

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**
1.2 **re-referred**

1.3 **S.F. No. 4877:** A bill for an act relating to child protection; modifying membership and
1.4 requirements for the child mortality review panel; modifying the review process for child
1.5 fatalities and near fatalities related to maltreatment; modifying the Department of Human
1.6 Services child systemic critical incident review team requirements; establishing the critical
1.7 incident public information portal; amending Minnesota Statutes 2023 Supplement, section
1.8 256.01, subdivision 12b; proposing coding for new law in Minnesota Statutes, chapter 260E;
1.9 repealing Minnesota Statutes 2022, section 256.01, subdivisions 12, 12a; Minnesota Rules,
1.10 part 9560.0232, subpart 5.

1.11 Reports the same back with the recommendation that the bill be amended as follows:

1.12 Page 6, delete subdivision 5 and insert:

1.13 "Subd. 5. **Critical incident reviews; data practices and immunity.** (a) In conducting
1.14 reviews, the panel, the local review team, and the commissioner shall have access to not
1.15 public data under chapter 13 maintained by state agencies, statewide systems, or political
1.16 subdivisions that are related to the child's critical incident or circumstances surrounding the
1.17 care of the child. The panel, the local review team, and the commissioner shall also have
1.18 access to records of private hospitals as necessary to carry out the duties prescribed by this
1.19 section. A state agency, statewide system, or political subdivision shall provide the data
1.20 upon request from the commissioner. Not public data may be shared with members of the
1.21 panel, a local review team, or the commissioner in connection with an individual case.

1.22 (b) Notwithstanding the data's classification in the possession of any other agency, data
1.23 acquired by a local review team, the panel, or the commissioner in the exercise of their
1.24 duties is protected nonpublic or confidential data as defined in section 13.02 but may be
1.25 disclosed as necessary to carry out the duties of the review team, panel, or commissioner.
1.26 The data is not subject to subpoena or discovery.

1.27 (c) The commissioner shall disclose information regarding a critical incident upon request
1.28 but shall not disclose data that was classified as confidential or private data on decedents
1.29 under section 13.10 or private, confidential, or protected nonpublic data in the disseminating
1.30 agency, except that the commissioner may disclose local social service agency data as
1.31 provided in section 260E.35 on individual cases involving a critical incident with a person
1.32 served by the local social service agency prior to the date of the critical incident.

1.33 (d) A person attending a local review team or child mortality review panel meeting shall
1.34 not disclose what transpired at the meeting except to carry out the purposes of the local
1.35 review team or panel. The commissioner shall not disclose what transpired during its
1.36 information gathering process except to carry out the duties of the commissioner. The
1.37 proceedings and records of the local review team, the panel, and the commissioner are

protected nonpublic data as defined in section 13.02, subdivision 13, and are not subject to discovery or introduction into evidence in a civil or criminal action. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were presented during proceedings of the local review team, the panel, or the commissioner.

(e) A person who presented information before the local review team, the panel, or the commissioner or who is a member of the local review team or the panel, or an employee conducting information gathering as designated by the commissioner, shall not be prevented from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's presentation of information to the local review team, the panel, or the commissioner, or about the information reviewed or discussed during a critical incident review or the information gathering process, any conclusions drawn or recommendations made related to information gathering or a critical incident review, or opinions formed by the person as a result of the panel or review team meetings.

(f) A person who presented information before the local review team, the panel, or the commissioner, or who is a member of the local review team or the panel, or an employee conducting information gathering as designated by the commissioner, is immune from any civil or criminal liability that might otherwise result from the person's presentation or statements if the person was acting in good faith and assisting with information gathering or in a critical incident review under this section."

And when so amended the bill do pass and be re-referred to the Committee on Health and Human Services. Amendments adopted. Report adopted.


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(Committee Chair)

April 12, 2024.....
(Date of Committee recommendation)