

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 474**

By Senators Woelfel, Takubo, and Deeds

[Introduced January 17, 2024; referred  
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated, §61-12B-1, §61-12B-2, §61-12B-3, §61-12B-4, and §61-12B-5, all relating to  
 3 critical incident reporting; creating a critical incident review team; setting forth duties of the  
 4 critical incident review team; requiring reporting of the critical incident review team; setting  
 5 forth date of report; providing critical incident review team with access to information; and  
 6 setting forth confidentiality.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 12B. CRITICAL INCIDENT REVIEW TEAM.**

**§61-12B-1. Critical Incident Review Team.**

1 (a) The Critical Incident Review Team is created under the Office of the Inspector General  
 2 and is a multidisciplinary team created to oversee and coordinate the examination, review, and  
 3 assessment of:

- 4 (1) The death or near death of a child in the custody of the Department of Human Services;
- 5 (2) The death or near death of a child who is a member of a family known or with a prior  
 6 history with the Department of Human Services. A known case is defined as an open child  
 7 protective services case or youth services case in the last 12 months or whom child protective  
 8 services, youth services, or a contracted vendor has assessed within the last 12 months; and

9 (3) The deaths or near deaths of a child whose identity is brought to the attention of the  
 10 Department of Human Services through a centralized intake report, regardless of whether the  
 11 report was accepted for an investigation or not.

12 (b) The Critical Incident Review Team shall consist of the following members:

13 (1) The Commissioner of the Bureau of Social Services or Designee, who is to serve as the  
 14 chairperson and who is responsible for calling and coordinating quarterly meetings of the Critical  
 15 Incident Review Team;

16 (2) The Director of the Division of Planning and Quality Improvement;

17 (3) The Deputy Commissioner of the Bureau of Social Services;





4 the right to discover or use in any civil or criminal proceeding anything that is available from  
5 another source and entirely independent of the proceedings of the team.

6 (b) Member of the Critical Incident Review Team may not be questions in any civil or  
7 criminal proceeding regarding information presented or opinions formed as a result of a meeting of  
8 the team. This subsection does not prevent a member of a team from testifying to information  
9 obtained independently of the team which is public information.

10 (c) Proceedings, records, and opinions of the Critical Incident Review Team established by  
11 the team are exempt from disclosure under the Freedom of Information Act as provided in §28B-1-  
12 1 et seq. of this code.

13 (d) Notwithstanding any other provision to the contrary, the Critical Incident Review Team  
14 shall prepare a compilation of data to be shared, on an annual basis, or more often as requested or  
15 needed, with the Centers for Disease Control and Prevention to study child deaths or near deaths.

16 (e) Information shall be maintained by the Critical Incident Review Team in a confidential  
17 manner complaint with the Health Insurance Portability and Accountability Act of 1996.

NOTE: The purpose of this bill is to codify the Critical Incident Review Team, to set forth its responsibilities, provide access to information and to set forth confidentiality provisions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.