

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 212

By Senator Woelfel

[Introduced February 12, 2025; referred
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
 2 designated §61-12B-1, §61-12B-2, §61-12B-3, §61-12B-4, and §61-12B-5, relating to
 3 critical incident reporting; creating a Critical Incident Review Team; setting forth duties of
 4 the Critical Incident Review Team; requiring reporting of the Critical Incident Review Team;
 5 setting forth date of report; providing Critical Incident Review Team with access to
 6 information; and 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 Department of Human Services
 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 a case whom Child
 8 Protective Services, youth services, or a contracted vendor has assessed within the last 12
 9 months; and

10 (3) The deaths or near deaths of a child whose identity is brought to the attention of the
 11 Department of Human Services through a centralized intake report, regardless of whether the
 12 report was accepted for an investigation.

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

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

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

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

19 (4) Representatives from the Offices of Field Support, Programs and Resource
20 Development, Planning and Research, and the Offices of Field Operations;

21 (5) The social services manager for any district having a history with the child or his or her
22 family that is the subject of the critical incident review;

23 (6) The Foster Care Ombudsman, or his or her designee; and

24 (7) A representative of the West Virginia Supreme Court of Appeals, Division of Children
25 Services.

26 (c) Each member shall serve without additional compensation and may not be reimbursed
27 for any expenses incurred in the discharge of his or her duties under the provisions of this article.

28 (d) The Critical Incident Review Team has the ability to seek guidance and opinion
29 regarding any matter under review from outside experts in any related field. At any such time, the
30 Critical Incident Review Team shall require that all appropriate privacy requirements required in
31 this article are in place.

§61-12B-2. Responsibilities of the Critical Incident Review Team.

1 The Critical Incident Review Team shall:

2 (1) Review and analyze all deaths and near deaths as required by this article;

3 (2) Ascertain and document the trends, patterns, and risk factors associated with the
4 deaths and near deaths evaluated;

5 (3) Provide statistical information and analysis regarding the causes of certain deaths and
6 near deaths;

7 (4) Establish standard procedures for the handling of the critical incident review;

8 (5) Establish processes and protocols for the review and analysis of deaths and near
9 deaths of those who were not suffering from mortal diseases shortly before death;

10 (6) Establish processes and protocols to ensure confidentiality of records obtained by the
11 Critical Incident Review Team; and

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) Members of the Critical Incident Review Team may not be questioned 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 §29B-1-
12 1 et seq.

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 compliant 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.