



House of Representatives *State of Utah*

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January 26, 2010

Mr. Speaker:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 86**, DEPARTMENT OF HUMAN SERVICES - REVIEW AND OVERSIGHT, by Representative R. Lockhart, with the following amendments:

1. *Page 2, Line 37:*

37 meeting, certain fatality review reports;

► prohibits the discovery or admission of documents and testimony related to a fatality review report in a civil, judicial, or administrative proceeding;

2. *Page 18, Lines 545 through 549:*

545 (6) (a) As used in this Subsection (6), "fatality review document" means any document created in connection with, or as a result of, a fatality review or a decision whether to conduct a fatality review, including:

(i) a report described in Subsection (1);

(ii) a response described in this section;

(iii) a recommendation regarding whether a fatality review should be conducted;

(iv) a decision to conduct a fatality review;

(v) notes of a person who participates in a fatality review;

(vi) notes of a person who reviews a fatality review report;

(vii) an executive summary described in Subsection 62A-16-302(4);

(viii) minutes of a fatality review;

(ix) minutes of a meeting where a fatality review report is reviewed; and

(x) minutes of, documents received in relation to, and documents generated in relation to, the portion of a meeting of the Health and Human Services Interim Committee or the Child Welfare Legislative Oversight Panel that a fatality review report or a document described in this Subsection (6)(a) is reviewed or discussed.

{ A report described in Subsection (1) and each response described in this section }

(b) A fatality review document is

546 not subject to discovery, subpoena, or similar compulsory process in any civil, judicial, or

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- 547 administrative proceeding, nor shall any individual or organization with lawful access to
the
548 data be compelled to testify with regard to a report described in Subsection (1) or a
response
549 described in this section.

(c) A fatality review document is not admissible as evidence in a civil, judicial, or administrative proceeding.

Respectfully,

Paul Ray
Committee Chair

Voting: 6-0-1

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