

H.145, Written testimony of Bob Bick, Howard Center  
, 2/21/17

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Loring, could you please forward this to Chairman Lippert?  
Thanks.  
Bob

Chairman Lippert,

I regret being unavailable to testify this week on H.145.

I would request that you and the committee please consider the following in your deliberations. Let me state from the outset that I have been involved in conversations with the “Grenon Group” and support the intention of creating what appears to be an empaneled group. It appears the draft does a nice job of prohibiting any attempts to this information under section (f) but perhaps language could be added to specifically address the destruction of the information once they have completed their work.

Additionally, on page 4 section (e), it states, “..., upon written request of the Commission, a person who possesses information or records that are necessary and relevant to a fatality or serious bodily injury review shall...” What form of written request will be used? Will this just be a letter, the use of a proscribed form, or a subpoena? Who determines what information is necessary and relevant to the incident, the holder of the information, the Commission, etc.? This could be interpreted pretty broadly, perhaps too broadly and clarity would be helpful.

Additionally, as you know, one of these incidents could involve someone for whom substance abuse may also be a contributing factor. Generally, disclosures of substance abuse information would require the individual’s consent or a court order, however there is the carve out for audit and evaluation activities (§2.53) under which a provider covered by the regulations may be able to provide records without a consent or court order. I would recommend that if legal counsel concurs on the applicability of the audit and evaluation exclusion that the bill explicitly state the same and also acknowledge that under the federal regulations the material will need to be destroyed when the Commission finishes it work.

Finally, recognizing that some incident coming before the panel may involve one or more of the panel member’s departments/agencies I would encourage explicit language that those panel members will be excluded from any meetings or access to information for the affected event. Since the input of the perspective of the excluded panel members could be valuable you may wish to invest the authority to the panel to appoint an interim alternate from the same general category for the specific event to maintain the desired breadth of input.

As always, thanks for the opportunity to weigh in.

Regards,  
Bob