

AMENDMENTS TO LB1321

Introduced by Arch, 14.

1 1. Strike original sections 3, 4, 5, 6, 21, 22, 23, 24, 25, 26, 27,
2 28, 29, 30, 31, 32, 33, 34, 35, 42, 61, and 62 and insert the following
3 new sections:

4 Sec. 3. Section 81-8,241, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 ~~81-8,241~~ The office of Public Counsel is hereby established to
7 exercise the authority and perform the duties under the Office of Public
8 Counsel Act ~~provided by sections 81-8,240 to 81-8,254, the Office of~~
9 ~~Inspector General of Nebraska Child Welfare Act, and the Office of~~
10 ~~Inspector General of the Nebraska Correctional System Act.~~ The Public
11 Counsel shall be appointed by the Legislature, with the vote of two-
12 thirds of the members required for approval of such appointment from
13 nominations submitted by the Executive Board of the Legislative Council.

14 Sec. 4. Section 81-8,242, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 ~~81-8,242~~ The Public Counsel shall be a person well equipped to
17 analyze problems of law, administration, and public policy, and during
18 such person's term of office shall not be actively involved in partisan
19 affairs. No person may serve as Public Counsel within two years of the
20 last day on which such person served as a member of the Legislature, or
21 while such person is a candidate for or holds any other state office, ~~or~~
22 ~~while such person is engaged in any other occupation for reward or~~
23 profit.

24 Sec. 5. Section 81-8,243, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 ~~81-8,243~~ The Public Counsel shall serve for a term of six years,
27 unless removed for cause by a majority vote of the Executive Board of the

1 ~~Legislative Council~~ by vote of two-thirds of the members of the
2 Legislature upon their determining that the Public Counsel has become
3 incapacitated or has been guilty of neglect of duty or misconduct. If the
4 office of Public Counsel becomes vacant for any cause, the deputy public
5 counsel shall serve as acting public counsel until a successor Public
6 Counsel ~~is~~ has been appointed for a full term. The Public Counsel shall
7 receive such salary as is set by the executive board ~~Executive Board~~ of
8 the ~~Legislative Council~~.

9 Sec. 6. Section 81-8,244, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 ~~81-8,244~~ (1) ~~(1)~~(a) The Public Counsel may select, appoint, and
12 compensate as the Public Counsel ~~he or she~~ sees fit, within the amount
13 available by appropriation, such assistants and employees as the Public
14 Counsel ~~he or she~~ deems necessary to discharge the responsibilities under
15 the Office of Public Counsel Act. The Public Counsel ~~sections 81-8,240 to~~
16 ~~81-8,254~~. ~~He or she~~ shall appoint and designate one assistant to be a
17 deputy public counsel, one assistant to be a deputy public counsel for
18 corrections, one assistant to be a deputy public counsel for
19 institutions, and one assistant to be a deputy public counsel for welfare
20 services.

21 (2) ~~(b)~~ Such deputy public counsels shall be subject to the control
22 and supervision of the Public Counsel.

23 (3) ~~(c)~~ The authority of the deputy public counsel for corrections
24 shall extend to all facilities and parts of facilities, offices, houses
25 of confinement, and institutions which are operated by the Department of
26 Correctional Services and all county or municipal correctional or jail
27 facilities.

28 (4) ~~(d)~~ The authority of the deputy public counsel for institutions
29 shall extend to all mental health institutions and facilities operated by
30 the Department of Health and Human Services, to all veterans institutions
31 operated by the Department of Veterans' Affairs, and to all regional

1 behavioral health authorities that provide services and all community-
2 based behavioral health services providers that contract with a regional
3 behavioral health authority to provide services, for any individual who
4 was a patient within the prior twenty-four months of a state-owned and
5 state-operated regional center, and to all complaints pertaining to
6 administrative acts of the department, authority, or provider when those
7 acts are concerned with the rights and interests of individuals placed
8 within those institutions and facilities or receiving community-based
9 behavioral health services.

10 (5) (e) The authority of the deputy public counsel for welfare
11 services shall extend to all complaints pertaining to administrative acts
12 of administrative agencies when those acts are concerned with the rights
13 and interests of individuals involved in the welfare services system of
14 the State of Nebraska.

15 (6) (f) The Public Counsel may delegate to members of the staff any
16 authority or duty under the Office of Public Counsel Act sections
17 ~~81-8,240 to 81-8,254~~ except the power of delegation and the duty of
18 formally making recommendations to administrative agencies or reports to
19 the Governor or the Legislature.

20 ~~(2) The Public Counsel shall appoint the Inspector General of~~
21 ~~Nebraska Child Welfare as provided in section 43-4317. The Inspector~~
22 ~~General of Nebraska Child Welfare shall have the powers and duties~~
23 ~~provided in the Office of Inspector General of Nebraska Child Welfare~~
24 ~~Act.~~

25 ~~(3) The Public Counsel shall appoint the Inspector General of the~~
26 ~~Nebraska Correctional System as provided in section 47-904. The Inspector~~
27 ~~General of the Nebraska Correctional System shall have the powers and~~
28 ~~duties provided in the Office of Inspector General of the Nebraska~~
29 ~~Correctional System Act.~~

30 Sec. 21. Section 43-4303, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 ~~43-4303~~ For purposes of the Office of Inspector General of Nebraska
2 Child Welfare Act; ~~the definitions found in sections 43-4304 to 43-4316~~
3 ~~apply.~~

4 (1) Administrator means a person charged with administration of a
5 program, an office, or a division of the department or administration of
6 a private agency or licensed child care facility or the executive
7 director;

8 (2) Child welfare system means public and private agencies and
9 parties that provide or effect services or supervision to child-welfare-
10 system-involved children and their families;

11 (3) Commission means the Nebraska Commission on Law Enforcement and
12 Criminal Justice;

13 (4) Department means the Department of Health and Human Services;

14 (5) Director means the chief executive officer of the department;

15 (6) Executive director means the executive director of the
16 commission;

17 (7) Inspector General means the Inspector General of Nebraska Child
18 Welfare appointed under section 22 of this act;

19 (8) Juvenile services division means the Juvenile Services Division
20 of the Office of Probation Administration;

21 (9) Licensed child care facility means a facility or program
22 licensed under the Child Care Licensing Act, the Children's Residential
23 Facilities and Placing Licensure Act, or sections 71-1901 to 71-1906.01;

24 (10) Malfesance means a wrongful act that the actor has no legal
25 right to do or any wrongful conduct that affects, interrupts, or
26 interferes with performance of an official duty;

27 (11) Management means supervision of subordinate employees;

28 (12) Misfesance means the improper performance of some act that a
29 person may lawfully do;

30 (13) Obstruction means hindering an investigation, preventing an
31 investigation from progressing, stopping or delaying the progress of an

1 investigation, or making the progress of an investigation difficult or
2 slow;

3 (14) Office means the office of Inspector General of Nebraska Child
4 Welfare and includes the Inspector General and other employees of the
5 office;

6 (15) Private agency means a child welfare agency that contracts with
7 the department or the Office of Probation Administration or contracts to
8 provide services to another child welfare agency that contracts with the
9 department or the Office of Probation Administration;

10 (16) Record means any recording, in written, audio, electronic
11 transmission, or computer storage form, including, but not limited to, a
12 draft, memorandum, note, report, computer printout, notation, or message,
13 and includes, but is not limited to, medical records, mental health
14 records, case files, clinical records, financial records, and
15 administrative records; and

16 (17) Responsible individual means a foster parent, a relative
17 provider of foster care, or an employee of the department, the juvenile
18 services division, the commission, a foster home, a private agency, a
19 licensed child care facility, or another provider of child welfare
20 programs and services responsible for the care or custody of records,
21 documents, and files.

22 Sec. 22. Section 43-4317, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 ~~43-4317~~ (1) The office of Inspector General of Nebraska Child
25 Welfare is created within the office of Public Counsel for the purpose of
26 conducting investigations, audits, inspections, and other oversight
27 ~~reviews~~ of the Nebraska child welfare system for the Legislature. The
28 Inspector General shall be appointed by the Executive Board of the
29 Legislative Council ~~Public Counsel~~ with approval from the ~~chairperson of~~
30 ~~the Executive Board of the Legislative Council~~ and the chairperson of the
31 Health and Human Services Committee of the Legislature.

1 (2) ~~The Inspector General shall be appointed for a term of five~~
2 ~~years and may be reappointed.~~ The Inspector General shall be selected
3 without regard to political affiliation and on the basis of integrity,
4 capability for strong leadership, and demonstrated ability in accounting,
5 auditing, financial analysis, law, management analysis, public
6 administration, investigation, or criminal justice administration or
7 other closely related fields. No former or current executive or manager
8 of the department may be appointed Inspector General within five years
9 after such former or current executive's or manager's period of service
10 with the department. Not later than two years after the date of
11 appointment, the Inspector General shall obtain certification as a
12 Certified Inspector General by the Association of Inspectors General, its
13 successor, or another nationally recognized organization that provides
14 and sponsors educational programs and establishes professional
15 qualifications, certifications, and licensing for inspectors general.
16 During the Inspector General's ~~his or her~~ employment, the Inspector
17 General shall not be actively involved in partisan affairs.

18 (3) The Inspector General shall employ such investigators and
19 support staff as the Inspector General ~~he or she~~ deems necessary to carry
20 out the duties of the office within the amount available by appropriation
21 through the office of Public Counsel for the office of Inspector General
22 of Nebraska Child Welfare. The Inspector General shall be subject to the
23 control and supervision of the Public Counsel, except that the Inspector
24 General shall serve at the pleasure of the Executive Board of the
25 Legislative Council, and removal of the Inspector General shall require
26 approval of the executive board chairperson of the Executive Board of the
27 ~~Legislative Council~~ and the chairperson of the Health and Human Services
28 Committee of the Legislature.

29 Sec. 23. Section 43-4318, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 ~~43-4318~~ (1) The office shall investigate:

1 (a) Allegations or incidents of possible misconduct, misfeasance,
2 malfeasance, or violations of statutes or of rules or regulations of:

3 (i) The department by an employee of or person under contract with
4 the department, a private agency, a licensed child care facility, a
5 foster parent, or any other provider of child welfare services or which
6 may provide a basis for discipline pursuant to the Uniform Credentialing
7 Act;

8 (ii) Subject to subsection (5) of this section, the juvenile
9 services division by an employee of or person under contract with the
10 juvenile services division, a private agency, a licensed facility, a
11 foster parent, or any other provider of juvenile justice services;

12 (iii) The commission by an employee of or person under contract with
13 the commission related to programs and services supported by the Nebraska
14 County Juvenile Services Plan Act, the Community-based Juvenile Services
15 Aid Program, juvenile pretrial diversion programs, or inspections of
16 juvenile facilities; and

17 (iv) A juvenile detention facility and staff secure juvenile
18 facility by an employee of or person under contract with such facilities;

19 (b) Death or serious injury in foster homes, private agencies, child
20 care facilities, juvenile detention facilities, staff secure juvenile
21 facilities, and other programs and facilities licensed by or under
22 contract with the department or the juvenile services division when the
23 office, upon review, determines the death or serious injury did not occur
24 by chance;~~and~~

25 (c) Death or serious injury in any case in which services are
26 provided by the department or the juvenile services division to a child
27 or his or her parents when the office upon review determines that the
28 death or serious injury did not occur by chance; and ~~or~~

29 (d) Death or serious injury in any case involving an investigation
30 under the Child Protection and Family Safety Act if the investigation
31 took place within the twelve months prior to the death or serious

1 ~~injury , which case has been open for one year or less and if the office~~
2 upon review determines the death or serious injury did not occur by
3 chance.

4 (2) The department, the juvenile services division, each juvenile
5 detention facility, and each staff secure juvenile facility shall report
6 to the office as soon as reasonably possible:

7 (a) ~~All~~ all cases of death or serious injury:

8 (i) Of ~~of~~ a child in a foster home, private agency, child care
9 facility or program, or other program or facility licensed by the
10 department or inspected through the commission;

11 (ii) In any case in which services are provided by the department to
12 a child or the child's parents; and

13 (iii) Involving an investigation under the Child Protection and
14 Family Safety Act if the investigation took place within the twelve
15 months prior to the death or serious injury and upon review determines
16 the death or serious injury did not occur by chance; and

17 ~~(b) All to the Inspector General as soon as reasonably possible~~
18 ~~after the department or the Office of Probation Administration learns of~~
19 ~~such death or serious injury and (b) all~~ allegations of sexual abuse of a
20 state ward, a juvenile on probation, a juvenile in a detention facility,
21 and a juvenile in a residential child-caring agency. ~~For purposes of this~~
22 ~~subsection, serious injury means an injury or illness caused by suspected~~
23 ~~abuse, neglect, or maltreatment which leaves a child in critical or~~
24 ~~serious condition.~~

25 (3)(a) The Office of Juvenile Services shall report to the office of
26 Inspector General of Nebraska Child Welfare as soon as reasonably
27 possible after any of the following instances occur at a youth
28 rehabilitation and treatment center:

29 (i) An assault;

30 (ii) An escape or elopement;

31 (iii) An attempted suicide;

1 (iv) Self-harm by a juvenile;
2 (v) Property damage not caused by normal wear and tear;
3 (vi) The use of mechanical restraints on a juvenile;
4 (vii) A significant medical event suffered by a juvenile; and
5 (viii) Internally substantiated violations of 34 U.S.C. 30301 et
6 seq.

7 (b) The Office of Juvenile Services and the office of Inspector
8 General of Nebraska Child Welfare shall, if requested by either party,
9 work in collaboration to clarify the specific parameters to comply with
10 subdivision (3)(a) of this section.

11 (4) The department shall notify the office of Inspector General of
12 Nebraska Child Welfare of any leadership changes within the Office of
13 Juvenile Services and the youth rehabilitation and treatment centers.

14 (5) With respect to any investigation conducted by the Inspector
15 General pursuant to subdivision (1)(a) of this section that involves
16 possible misconduct by an employee of the juvenile services division, the
17 Inspector General shall immediately notify the probation administrator
18 and provide the information pertaining to potential personnel matters to
19 the Office of Probation Administration.

20 (6) Any investigation conducted by the Inspector General shall be
21 independent of and separate from an investigation pursuant to the Child
22 Protection and Family Safety Act. The Inspector General and his or her
23 staff are subject to the reporting requirements of the Child Protection
24 and Family Safety Act.

25 (7) Notwithstanding the fact that a criminal investigation, a
26 criminal prosecution, or both are in progress, all law enforcement
27 agencies and prosecuting attorneys may ~~shall~~ cooperate with any
28 investigation conducted by the Inspector General and may ~~shall~~,
29 ~~immediately~~ upon request by the Inspector General, provide the Inspector
30 General with copies of all law enforcement reports which are relevant to
31 the Inspector General's investigation. All law enforcement reports which

1 have been provided to the Inspector General pursuant to this section are
2 not public records for purposes of sections 84-712 to 84-712.09 and shall
3 not be subject to discovery by any other person or entity. Except to the
4 extent that disclosure of information is otherwise provided for in the
5 Office of Inspector General of Nebraska Child Welfare Act, the Inspector
6 General shall maintain the confidentiality of all law enforcement reports
7 received pursuant to its request under this section. Law enforcement
8 agencies and prosecuting attorneys ~~may shall~~, when requested by the
9 Inspector General, collaborate with the Inspector General regarding all
10 other information relevant to the Inspector General's investigation. The
11 ~~If the Inspector General in conjunction with the Public Counsel~~
12 ~~determines it appropriate,~~ the Inspector General shall may, when
13 requested to do so by a law enforcement agency or prosecuting attorney,
14 suspend an investigation by the office until a criminal investigation or
15 prosecution is completed or has proceeded to a point that, in the
16 judgment of the Inspector General, reinstatement of the Inspector
17 General's investigation will not impede or infringe upon the criminal
18 investigation or prosecution. Under no circumstance shall the Inspector
19 General interview any minor who has already been interviewed by a law
20 enforcement agency, personnel of the Division of Children and Family
21 Services of the department, or staff of a child advocacy center in
22 connection with a relevant ongoing investigation of a law enforcement
23 agency.

24 (8) The office may conduct audits, inspections, investigations, and
25 other oversight as necessary to perform the duties of the office and to
26 carry out the purposes of the Office of Inspector General of Nebraska
27 Child Welfare Act.

28 (9) For purposes of this section, serious injury means an injury or
29 illness caused by suspected abuse, neglect, or maltreatment.

30 Sec. 24. Section 43-4320, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 ~~43-4320~~ (1) Complaints to the office may be made in writing. The
2 office shall also maintain a toll-free telephone line for complaints. A
3 complaint shall be evaluated to determine if it alleges possible
4 misconduct, misfeasance, malfeasance, or violation of a statute or of
5 rules and regulations pursuant to section 23 of this act ~~43-4318~~. All
6 complaints shall be evaluated to determine whether a full investigation
7 is warranted.

8 (2) The office shall not conduct a full investigation of a complaint
9 unless:

10 (a) The complaint alleges misconduct, misfeasance, malfeasance, or
11 violation of a statute or of rules and regulations pursuant to section 23
12 of this act ~~43-4318~~;

13 (b) The complaint is against a person within the jurisdiction of the
14 office; and

15 (c) The allegations can be independently verified through
16 investigation.

17 (3) After receipt of a complaint, the The Inspector General shall
18 determine ~~within fourteen days after receipt of a complaint~~ whether the
19 office ~~it~~ will conduct a full investigation. A complaint alleging facts
20 which, if verified, would provide a basis for discipline under the
21 Uniform Credentialing Act shall be referred to the appropriate
22 credentialing board under the act.

23 (4) When a full investigation is opened on a private agency that
24 contracts with the Office of Probation Administration, the Inspector
25 General shall give notice of such investigation to the Office of
26 Probation Administration.

27 Sec. 25. Section 43-4321, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 ~~43-4321~~ (1) The office shall have access to all information and
30 personnel necessary to perform the duties of the office and to carry out
31 the Office of Inspector General of Nebraska Child Welfare Act.

1 (2) All employees of the department, the juvenile services division
2 as directed by the juvenile court or the Office of Probation
3 Administration, or the commission, all foster parents, and all owners,
4 operators, managers, supervisors, and employees of private agencies,
5 licensed child care facilities, juvenile detention facilities, staff
6 secure juvenile facilities, and other providers of child welfare services
7 or juvenile justice services shall cooperate with the office. Cooperation
8 includes, but is not limited to, the following:

9 (a) ~~(1)~~ Provision of full access to and production of records and
10 information. Providing access to and producing records and information
11 for the office is not a violation of confidentiality provisions under any
12 law, statute, rule, or regulation if done in good faith for purposes of
13 ~~an investigation under~~ the Office of Inspector General of Nebraska Child
14 Welfare Act;

15 (b) ~~(2)~~ Fair and honest disclosure of records and information
16 reasonably requested by the office pursuant to ~~in the course of an~~
17 ~~investigation under~~ the act;

18 (c) ~~(3)~~ Encouraging employees to fully comply with reasonable
19 requests of the office pursuant to ~~in the course of an investigation~~
20 ~~under~~ the act;

21 (d) ~~(4)~~ Prohibition of retaliation by owners, operators, or managers
22 against employees for providing records or information or filing or
23 otherwise making a complaint to the office;

24 (e) ~~(5)~~ Not requiring employees to gain supervisory approval prior
25 to filing a complaint with or providing records or information to the
26 office; and

27 (f) Not requiring employees to report filing a complaint with or
28 providing records or information to the office.

29 (3)(a) The department, the juvenile services division, the
30 commission, or any other party to an investigation by the office may
31 object to the production or disclosure of records and information in

1 writing on the grounds that such records and information are legally
2 privileged, identifying the specific grounds for such objection.
3 Following such objection, the office and the department, the juvenile
4 services division, the commission, or other party may negotiate terms of
5 production or disclosure pursuant to this section.

6 (b) In the event that satisfactory terms of production or disclosure
7 cannot be reached between the office and the department, the juvenile
8 services division, the commission, or other party, the office may request
9 the issuance of a subpoena pursuant to section 27 of this act.

10 ~~(6) Provision of complete and truthful answers to questions posed by~~
11 ~~the office in the course of an investigation; and~~

12 ~~(7) Not willfully interfering with or obstructing the investigation.~~

13 Sec. 26. Section 43-4322, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 ~~43-4322 Failure to cooperate with an investigation by the office may~~
16 ~~result in public disclosure of the failure to cooperate discipline or~~
17 ~~other sanctions.~~

18 Sec. 27. Section 43-4323, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 ~~43-4323~~ (1) At the request of the Inspector General, and after
21 receiving prior approval by a majority vote of the Executive Board of the
22 Legislative Council, the Health and Human Services Committee of the
23 Legislature may issue subpoenas in connection with a specific inquiry or
24 investigation undertaken pursuant to the Office of Inspector General of
25 Nebraska Child Welfare Act to compel the production of records and
26 information and sworn testimony or other evidence relevant to such
27 inquiry or investigation.

28 (2) When authorized to issue subpoenas under this section, the
29 committee may require any employees of the department, the juvenile
30 services division, or the commission, any foster parents, or any owners,
31 operators, managers, supervisors, and employees of private agencies,

1 licensed child care facilities, juvenile detention facilities, staff
2 secure juvenile facilities, and other providers of child welfare services
3 or juvenile justice services to provide the records or information
4 requested within thirty days after the request, except as otherwise
5 provided for in the subpoena, or to appear at a hearing on the date set
6 in the subpoena.

7 (3) Litigation to compel or quash compliance with the authority
8 exercised pursuant to this section shall be advanced on the trial docket
9 and heard and decided by the court as quickly as possible. The court
10 shall issue its decision no later than twenty days after the filing of
11 the application or petition or a motion to quash, whichever is filed
12 first. Either party may appeal to the Court of Appeals within ten days
13 after a decision is rendered.

14 (4) The district court of Lancaster County has jurisdiction over all
15 litigation arising under this section. In all such litigation, the
16 executive board shall provide for legal representation for the committee.

17 (5) In case of disobedience on the part of any employees of the
18 department, the juvenile services division, or the commission, any foster
19 parents, or any owners, operators, managers, supervisors, and employees
20 of private agencies, licensed child care facilities, juvenile detention
21 facilities, staff secure juvenile facilities, and other providers of
22 child welfare services or juvenile justice services to comply with any
23 subpoena issued pursuant to this section, the committee shall vote on
24 whether to find the person in contempt or to find that the failure to
25 comply was not willful.

26 (6) If the committee finds a person in contempt as provided in
27 subsection (5) of this section, the committee may, by application or
28 petition to the district court of Lancaster County, request that the
29 court compel obedience by proceedings for contempt as in the case of
30 disobedience of the requirements of a subpoena issued from such court.
31 The application or petition shall be filed by the chairperson of the

1 committee.

2 ~~(7) The Inspector General may issue a subpoena, enforceable by~~
3 ~~action in an appropriate court, to compel any person to appear, give~~
4 ~~sworn testimony, or produce documentary or other evidence deemed relevant~~
5 ~~to a matter under his or her inquiry. A person thus required to provide~~
6 ~~information under this section shall be paid the same fees and travel~~
7 ~~allowances and shall be accorded the same privileges and immunities as~~
8 ~~are extended to witnesses in the district courts of this state and shall~~
9 ~~also be entitled to have counsel present while being questioned.~~
10 Consistent with the Nebraska Rules of Professional Conduct, counsel for
11 the agency or department that is the subject of an investigation shall
12 not represent a witness. Any fees associated with counsel present under
13 this section shall not be the responsibility of the office or the
14 Legislative Council of Inspector General of Nebraska Child Welfare.

15 Sec. 28. Section 43-4324, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 ~~43-4324 (1) A full investigation conducted by the office shall~~
18 ~~consist of (a) access to, and retrieval of all, relevant records through~~
19 ~~compliance with a request of the office, by voluntary production, or by~~
20 ~~subpoena, (b) review of all relevant records, and (c) interviews of all~~
21 ~~relevant persons In conducting investigations, the office shall access~~
22 ~~all relevant records through subpoena, compliance with a request of the~~
23 ~~office, and voluntary production.~~

24 (2) The office may request or request the issuance of a subpoena for
25 any record necessary for the investigation from the department, the
26 juvenile services division as permitted by law, the commission, a foster
27 parent, a licensed child care facility, a juvenile detention facility, a
28 staff secure juvenile facility, or a private agency that is pertinent to
29 an investigation. All case files, licensing files, medical records,
30 financial and administrative records, and records required to be
31 maintained pursuant to applicable licensing rules shall be produced for

1 review by the office in the course of an investigation.

2 (3) ~~(2)~~ Compliance with a request of the office includes:

3 (a) Production of all records requested;

4 (b) A diligent search to ensure that all appropriate records are
5 included; ~~and~~

6 (c) A continuing obligation to immediately forward to the office any
7 relevant records received, located, or generated after the date of the
8 request; ~~and~~

9 (d) Provision of complete and truthful answers to questions posed by
10 the office in the course of an investigation; and

11 (e) Not willfully interfering with or obstructing an investigation.

12 (4) ~~(3)~~ The office shall seek access in a manner that respects the
13 dignity and human rights of all persons involved, maintains the integrity
14 of the investigation, and does not unnecessarily disrupt child welfare
15 programs or services. When advance notice to a foster parent or to an
16 administrator or his or her designee is not provided, the office
17 investigator shall, upon arrival at the departmental or division office,
18 ~~bureau, or division,~~ the private agency, the licensed child care
19 facility, the juvenile detention facility, the staff secure juvenile
20 facility, or the location of another provider of child welfare services,
21 request that an onsite employee notify the administrator or his or her
22 designee of the investigator's arrival.

23 (5) ~~(4)~~ When required by circumstances of an audit, inspection,
24 investigation, or other oversight ~~require,~~ the office may make an
25 unannounced visit to a foster home, a departmental or division office,
26 ~~bureau, or division,~~ a licensed child care facility, a juvenile detention
27 facility, a staff secure juvenile facility, a private agency, or another
28 ~~provider to request records relevant to an investigation. The office may~~
29 request relevant records during such visit.

30 (6) ~~(5)~~ A responsible individual or an administrator may be asked to
31 sign a statement of record integrity and security when a record is

1 secured by request as the result of a visit by the office, stating:

2 (a) That the responsible individual or the administrator has made a
3 diligent search of the departmental or division office, bureau, division,
4 private agency, licensed child care facility, juvenile detention
5 facility, staff secure juvenile facility, or other provider's location to
6 determine that all appropriate records in existence at the time of the
7 request were produced;

8 (b) That the responsible individual or the administrator agrees to
9 immediately forward to the office any relevant records received, located,
10 or generated after the visit;

11 (c) The persons who have had access to the records since they were
12 secured; and

13 (d) Whether, to the best of the knowledge of the responsible
14 individual or the administrator, any records were removed from or added
15 to the record since it was secured.

16 (7) (6) The office shall permit a responsible individual, an
17 administrator, or an employee of a departmental or division office,
18 ~~bureau, or division,~~ a private agency, a licensed child care facility, a
19 juvenile detention facility, a staff secure juvenile facility, or another
20 provider to make photocopies of the original records within a reasonable
21 time in the presence of the office for purposes of creating a working
22 record in a manner that assures confidentiality.

23 (8) (7) The office shall present to the responsible individual or
24 the administrator or other employee of the departmental or division
25 office, ~~bureau, or division,~~ private agency, licensed child care
26 facility, juvenile detention facility, staff secure juvenile facility, or
27 other service provider a copy of the request, stating the date and the
28 titles of the records received.

29 (9) (8) If an original record is provided during an investigation,
30 the office shall return the original record as soon as practical but no
31 later than ten business ~~working~~ days after the date of the compliance

1 request.

2 ~~(10)~~ ~~(9)~~ All investigations conducted by the office shall be
3 conducted in a manner designed to ensure the preservation of evidence for
4 possible use in a criminal prosecution.

5 Sec. 29. Section 43-4325, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 ~~43-4325~~ (1) Reports of investigations conducted by the office shall
8 not be distributed beyond the entity that is the subject of the report
9 without the consent of the Inspector General.

10 (2) Except when a report is provided to a guardian ad litem or an
11 attorney in the juvenile court pursuant to subsection (2) of section 31
12 of this act ~~43-4327~~, the office shall redact confidential information
13 before distributing a report of an investigation.

14 ~~(3)~~ The office may disclose confidential information to the
15 chairperson of the Executive Board of the Legislative Council and to the
16 chairperson of the Health and Human Services Committee of the Legislature
17 or the chairperson of the Judiciary Committee of the Legislature when
18 such disclosure is, in the judgment of the Public Counsel, desirable and
19 necessary to keep the Legislature ~~chairperson~~ informed of important
20 events, issues, and developments in the Nebraska child welfare system.

21 ~~(4)(a)~~ ~~(3)(a)~~ A summarized final report based on an investigation
22 may be publicly released in order to bring awareness to systemic issues.

23 (b) Such report shall be released only:

24 (i) After a disclosure is made to the appropriate ~~chairperson~~
25 chairpersons pursuant to subsection ~~(3)~~ ~~(2)~~ of this section; and

26 (ii) If a determination is made by the Inspector General with the
27 appropriate chairperson that doing so would be in the best interest of
28 the public.

29 (c) If there is disagreement about whether releasing the report
30 would be in the best interest of the public, the chairperson of the
31 Executive Board of the Legislative Council shall ~~may be asked to~~ make the

1 final decision.

2 (d) The chairperson of the Executive Board of the Legislative
3 Council, the chairperson of the Health and Human Services Committee of
4 the Legislature, and the chairperson of the Judiciary Committee of the
5 Legislature shall be notified prior to a report of an investigation being
6 publicly released under this section.

7 (5) (4) Records and documents, regardless of physical form, that are
8 obtained or produced by the office in the course of an investigation are
9 not public records for purposes of sections 84-712 to 84-712.09. Reports
10 of investigations conducted by the office are not public records for
11 purposes of sections 84-712 to 84-712.09.

12 (6) (5) The office may withhold the identity of sources of
13 information to protect from retaliation any person who files a complaint
14 or provides information in good faith pursuant to the Office of Inspector
15 General of Nebraska Child Welfare Act.

16 Sec. 30. Section 43-4326, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 ~~43-4326~~ (1) The department shall provide the Public Counsel and the
19 office Inspector General with ~~direct computer~~ access to ~~all computerized~~
20 records, reports, and documents maintained by the department in
21 connection with administration of the Nebraska child welfare system.

22 (2) The commission shall provide the office Inspector General with
23 ~~direct computer~~ access to ~~all computerized~~ records, reports, and
24 documents maintained in connection with administration of juvenile
25 justice services.

26 (3) The juvenile services division, as directed by the juvenile
27 court or the Office of Probation Administration, shall provide the office
28 ~~Inspector General~~ with ~~direct computer~~ access to ~~all computerized~~
29 records, reports, and documents maintained by the juvenile services
30 division in connection with a specific case under investigation.

31 (4) Information shall be provided in the most efficient and timely

1 way, in a manner that is least burdensome to the department, commission,
2 or division, and in a manner which maintains the confidentiality of the
3 information. This may include providing information through secure
4 electronic access to case files and secure access to information
5 maintained electronically in databases and case management systems.

6 Sec. 31. Section 43-4327, Revised Statutes Cumulative Supplement,
7 2022, is amended to read:

8 ~~43-4327~~ (1) The Inspector General's report of an investigation shall
9 be in writing ~~to the Public Counsel~~ and may ~~shall~~ contain
10 recommendations. The report may recommend systemic reform or case-
11 specific action, including a recommendation for discharge or discipline
12 of employees or for sanctions against a foster parent, private agency,
13 licensed child care facility, or other provider of child welfare services
14 or juvenile justice services. All recommendations to pursue discipline
15 shall be in writing and signed by the Inspector General. A report of an
16 investigation shall be presented to the Public Counsel, the chairperson
17 of the Health and Human Services Committee of the Legislature, the
18 chairperson of the Judiciary Committee of the Legislature, and the
19 chairperson of the Executive Board of the Legislative Council. The
20 Inspector General shall present the report of investigation to the
21 director, the probation administrator, or the executive director within
22 three business fifteen days after the report is presented to the Public
23 Counsel and the chairpersons.

24 (2) Any person receiving a report under this section shall not
25 further distribute the report or any confidential information contained
26 in the report beyond the entity that is the subject of the report. The
27 Inspector General, upon notifying the Public Counsel and the director,
28 the probation administrator, or the executive director, may distribute
29 the report, to the extent that it is relevant to a child's welfare, to
30 the guardian ad litem and attorneys in the juvenile court in which a case
31 is pending involving the child or family who is the subject of the

1 report. The report shall not be distributed beyond the parties except
2 through the appropriate court procedures to the judge.

3 (3) A report that identifies misconduct, misfeasance, malfeasance,
4 or violation of statute, rules, or regulations by an employee of the
5 department, the juvenile services division, the commission, a private
6 agency, a licensed child care facility, or another provider that is
7 relevant to providing appropriate supervision of an employee may be
8 shared with the employer of such employee. The employer shall ~~may~~ not
9 further distribute the report or any confidential information contained
10 in the report.

11 Sec. 32. Section 43-4328, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

13 ~~43-4328~~ (1) Within fifteen business days after a report is presented
14 to the director, the probation administrator, or the executive director
15 under section 31 of this act ~~43-4327~~, the director, probation
16 administrator, or executive director may ~~he or she shall~~ determine
17 whether to accept, reject, or request ~~in writing~~ modification of the
18 recommendations contained in the report. Any ~~The written~~ response shall
19 be in writing and may include corrections of factual errors. The
20 Inspector General, with input from the Public Counsel, may consider any
21 ~~the director's, probation administrator's, or executive director's~~
22 request for modifications but is not obligated to accept such request.
23 Such report shall become final (a) upon the decision of the director, the
24 probation administrator, or the executive director to accept or reject
25 the recommendations in the report, (b) within fifteen business days after
26 ~~or, if the director, the probation administrator, or the executive~~
27 ~~director requests modifications, within fifteen days after such request~~
28 ~~or after the Inspector General incorporates such modifications, whichever~~
29 ~~occurs earlier, or (c) fifteen days after the report is presented to the~~
30 director, the probation administrator, or the executive director if no
31 response is received by the Inspector General. If the Inspector General

1 does not accept a requested modification, the recommendation for which
2 such modification was requested shall be considered to be rejected by the
3 director, probation administrator, or executive director.

4 (2) After the recommendations have been accepted, rejected, or
5 modified, the report shall be presented to the foster parent, private
6 agency, licensed child care facility, or other provider of child welfare
7 services or juvenile justice services that is the subject of the report
8 and to persons involved in the implementation of the recommendations in
9 the report. Within fifteen business ~~thirty~~ days after receipt of the
10 report, the foster parent, private agency, licensed child care facility,
11 or other provider may submit a written response to the office to correct
12 any factual errors in the report and may ~~shall~~ determine whether to
13 accept, reject, or request in writing modification of the recommendations
14 contained in the report. The Inspector General, with input from the
15 Public Counsel, shall consider all materials submitted under this
16 subsection to determine whether a corrected report shall be issued. If
17 the Inspector General determines that a corrected report is necessary,
18 the corrected report shall be issued within fifteen business days after
19 receipt of the written response.

20 (3) If the Inspector General does not issue a corrected report
21 pursuant to subsection (2) of this section, or if the corrected report
22 does not address all issues raised in the written response, the foster
23 parent, private agency, licensed child care facility, or other provider
24 may request that its written response, or portions of the response, be
25 appended to the report or corrected report.

26 (4) A report which raises issues related to credentialing under the
27 Uniform Credentialing Act shall be submitted to the appropriate
28 credentialing board under the act.

29 Sec. 33. Section 43-4329, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 ~~43-4329~~ No report or other work product of an investigation by the

1 Inspector General shall be reviewable in any court. Neither the Inspector
2 General nor any member of the Inspector General's ~~his or her~~ staff shall
3 be required to testify or produce evidence in any judicial or
4 administrative proceeding concerning matters within such person's ~~his or~~
5 ~~her~~ official cognizance except in a proceeding brought to enforce the
6 Office of Inspector General of Nebraska Child Welfare Act.

7 Sec. 34. Section 43-4330, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 ~~43-4330~~ The Office of Inspector General of Nebraska Child Welfare
10 Act does not require the Inspector General to investigate all complaints.
11 The Inspector General, with input from the Public Counsel, shall
12 prioritize and select investigations and inquiries that further the
13 intent of the act and assist in legislative oversight of the Nebraska
14 child welfare system and juvenile justice system. If the Inspector
15 General determines that the office ~~he or she~~ will not investigate a
16 complaint, the Inspector General may recommend to the parties alternative
17 means of resolution of the issues in the complaint.

18 Sec. 35. Section 43-4331, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 ~~43-4331~~ On or before September 15 of each year, the Inspector
21 General shall provide ~~to the Health and Human Services Committee of the~~
22 ~~Legislature, the Judiciary Committee of the Legislature, the Supreme~~
23 ~~Court,~~ and the Governor a report that includes a summary of reports and
24 investigations made under the Office of Inspector General of Nebraska
25 Child Welfare Act for the preceding year. The report to the Legislature
26 ~~summary provided to the committees~~ shall be submitted ~~provided~~
27 electronically and filed with the Clerk of the Legislature. The report
28 ~~summaries~~ shall detail recommendations and the status of implementation
29 of recommendations and may also include recommendations to the
30 Legislature committees regarding issues discovered through investigation,
31 audits, inspections, and reviews by the office that will (1) increase

1 accountability and legislative oversight of the Nebraska child welfare
2 system, (2) improve operations of the department, the juvenile services
3 division, the commission, and the Nebraska child welfare system, or (3)
4 deter and identify fraud, abuse, and illegal acts. The report Such
5 ~~summary~~ shall include summaries of alternative response cases under
6 alternative response implemented in accordance with sections 28-710.01,
7 28-712, and 28-712.01 reviewed by the Inspector General. The report
8 ~~summaries~~ shall not contain any confidential or identifying information
9 concerning the subjects of the reports and investigations.

10 Sec. 42. Section 47-904, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 ~~47-904~~ (1) The office of Inspector General of the Nebraska
13 Correctional System is created within the office of Public Counsel for
14 the purpose of conducting investigations, audits, inspections, and other
15 oversight reviews of the Nebraska correctional system for the
16 Legislature. The Inspector General shall be appointed by the Executive
17 Board of the Legislative Council ~~Public Counsel~~ with approval from the
18 ~~chairperson of the Executive Board of the Legislative Council~~ and the
19 chairperson of the Judiciary Committee of the Legislature.

20 ~~(2) The Inspector General shall be appointed for a term of five~~
21 ~~years and may be reappointed.~~ The Inspector General shall be selected
22 without regard to political affiliation and on the basis of integrity,
23 capability for strong leadership, and demonstrated ability in accounting,
24 auditing, financial analysis, law, management, public administration,
25 investigation, or criminal justice administration or other closely
26 related fields. No former or current executive or manager of the
27 department or division shall be appointed Inspector General within five
28 years after such former or current executive's or manager's period of
29 service with the department or division. Not later than two years after
30 the date of appointment, the Inspector General shall obtain certification
31 as a Certified Inspector General by the Association of Inspectors

1 General, its successor, or another nationally recognized organization
2 that provides and sponsors educational programs and establishes
3 professional qualifications, certifications, and licensing for inspectors
4 general. During the Inspector General's ~~his or her~~ employment, the
5 Inspector General shall not be actively involved in partisan affairs.

6 (3) The Inspector General shall employ such investigators and
7 support staff as the Inspector General ~~he or she~~ deems necessary to carry
8 out the duties of the office within the amount available by appropriation
9 through the office of Public Counsel for the office of Inspector General
10 of the Nebraska Correctional System. The Inspector General shall be
11 subject to the control and supervision of the Public Counsel, except that
12 the Inspector General shall serve at the pleasure of the Executive Board
13 of the Legislative Council, and removal of the Inspector General shall
14 require approval of the executive board ~~chairperson of the Executive~~
15 ~~Board of the Legislative Council~~ and the chairperson of the Judiciary
16 Committee of the Legislature.

17 Sec. 61. Section 43-2,108, Revised Statutes Supplement, 2023, is
18 amended to read:

19 43-2,108 (1) The juvenile court judge shall keep a record of all
20 proceedings of the court in each case, including appearances, findings,
21 orders, decrees, and judgments, and any evidence which he or she feels it
22 is necessary and proper to record. The case file shall contain the
23 complaint or petition and subsequent pleadings. The case file may be
24 maintained as an electronic document through the court's electronic case
25 management system, on microfilm, or in a paper volume and disposed of
26 when determined by the State Records Administrator pursuant to the
27 Records Management Act.

28 (2) Except as provided in subsections (3) and (4) of this section,
29 the medical, psychological, psychiatric, and social welfare reports and
30 the records of juvenile probation officers, as they relate to individual
31 proceedings in the juvenile court, shall not be open to inspection,

1 without order of the court. Such records shall be made available to a
2 district court of this state or the District Court of the United States
3 on the order of a judge thereof for the confidential use of such judge or
4 his or her probation officer as to matters pending before such court but
5 shall not be made available to parties or their counsel; and such
6 district court records shall be made available to a county court or
7 separate juvenile court upon request of the county judge or separate
8 juvenile judge for the confidential use of such judge and his or her
9 probation officer as to matters pending before such court, but shall not
10 be made available by such judge to the parties or their counsel.

11 (3) As used in this section, confidential record information means
12 all docket records, other than the pleadings, orders, decrees, and
13 judgments; case files and records; reports and records of probation
14 officers; and information supplied to the court of jurisdiction in such
15 cases by any individual or any public or private institution, agency,
16 facility, or clinic, which is compiled by, produced by, and in the
17 possession of any court. In all cases under subdivision (3)(a) of section
18 43-247, access to all confidential record information in such cases shall
19 be granted only as follows: (a) The court of jurisdiction may, subject to
20 applicable federal and state regulations, disseminate such confidential
21 record information to any individual, or public or private agency,
22 institution, facility, or clinic which is providing services directly to
23 the juvenile and such juvenile's parents or guardian and his or her
24 immediate family who are the subject of such record information; (b) the
25 court of jurisdiction may disseminate such confidential record
26 information, with the consent of persons who are subjects of such
27 information, or by order of such court after showing of good cause, to
28 any law enforcement agency upon such agency's specific request for such
29 agency's exclusive use in the investigation of any protective service
30 case or investigation of allegations under subdivision (3)(a) of section
31 43-247, regarding the juvenile or such juvenile's immediate family, who

1 are the subject of such investigation; and (c) the court of jurisdiction
2 may disseminate such confidential record information to any court, which
3 has jurisdiction of the juvenile who is the subject of such information
4 upon such court's request.

5 (4) The court shall provide copies of predispositional reports and
6 evaluations of the juvenile to the juvenile's attorney and the county
7 attorney or city attorney prior to any hearing in which the report or
8 evaluation will be relied upon.

9 (5) In all cases under sections 43-246.01 and 43-247, the office of
10 Inspector General of Nebraska Child Welfare may submit a written request
11 to the probation administrator for access to the records of juvenile
12 probation officers in a specific case. Upon a juvenile court order, the
13 records shall be provided to the Inspector General within five days for
14 the exclusive use in an investigation pursuant to the Office of Inspector
15 General of Nebraska Child Welfare Act. Nothing in this subsection shall
16 prevent the notification of death or serious injury of a juvenile to the
17 Inspector General of Nebraska Child Welfare pursuant to section 23 of
18 this act ~~43-4318~~ as soon as reasonably possible after the Office of
19 Probation Administration learns of such death or serious injury.

20 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
21 court shall disseminate confidential record information to the Foster
22 Care Review Office pursuant to the Foster Care Review Act.

23 (7) Nothing in subsections (3), (5), and (6) of this section shall
24 be construed to restrict the dissemination of confidential record
25 information between any individual or public or private agency,
26 institute, facility, or clinic, except any such confidential record
27 information disseminated by the court of jurisdiction pursuant to this
28 section shall be for the exclusive and private use of those to whom it
29 was released and shall not be disseminated further without order of such
30 court.

31 (8)(a) Any records concerning a juvenile court petition filed

1 pursuant to subdivision (3)(c) of section 43-247 shall remain
2 confidential except as may be provided otherwise by law. Such records
3 shall be accessible to (i) the juvenile except as provided in subdivision
4 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
5 parent or guardian, and (iv) persons authorized by an order of a judge or
6 court.

7 (b) Upon application by the county attorney or by the director of
8 the facility where the juvenile is placed and upon a showing of good
9 cause therefor, a judge of the juvenile court having jurisdiction over
10 the juvenile or of the county where the facility is located may order
11 that the records shall not be made available to the juvenile if, in the
12 judgment of the court, the availability of such records to the juvenile
13 will adversely affect the juvenile's mental state and the treatment
14 thereof.

15 (9) Nothing in subsection (3), (5), or (6) of this section shall be
16 construed to restrict the immediate dissemination of a current picture
17 and information about a child who is missing from a foster care or out-
18 of-home placement. Such dissemination by the Office of Probation
19 Administration shall be authorized by an order of a judge or court. Such
20 information shall be subject to state and federal confidentiality laws
21 and shall not include that the child is in the care, custody, or control
22 of the Department of Health and Human Services or under the supervision
23 of the Office of Probation Administration.

24 (10) Any juvenile court order that places a juvenile on electronic
25 monitoring shall also state whether the data from such electronic
26 monitoring device shall be made available to a law enforcement agency
27 immediately upon request by such agency. For any juvenile subject to the
28 supervision of a probation officer, the name of the juvenile, the name of
29 the juvenile's probation officer, and any terms of probation included in
30 a juvenile court order otherwise open to inspection shall be provided to
31 the Nebraska Commission on Law Enforcement and Criminal Justice which

1 shall provide access to such information to law enforcement agencies
2 through the state's criminal justice information system.

3 Sec. 62. Section 50-401.01, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 50-401.01 (1) The Legislative Council shall have an executive board,
6 to be known as the Executive Board of the Legislative Council, which
7 shall consist of a chairperson, a vice-chairperson, and six members of
8 the Legislature, to be chosen by the Legislature at the commencement of
9 each regular session of the Legislature when the speaker is chosen, and
10 the Speaker of the Legislature. The Legislature at large shall elect two
11 of its members from legislative districts Nos. 1, 17, 30, 32 to 35, 37,
12 38, 40 to 44, 47, and 48, two from legislative districts Nos. 2, 3, 15,
13 16, 19, 21 to 29, 45, and 46, and two from legislative districts Nos. 4
14 to 14, 18, 20, 31, 36, 39, and 49. The Chairperson of the Committee on
15 Appropriations shall serve as a nonvoting ex officio member of the
16 executive board whenever the board is considering fiscal administration.

17 (2) The executive board shall:

18 (a) Supervise all services and service personnel of the Legislature
19 and may employ and fix compensation and other terms of employment for
20 such personnel as may be needed to carry out the intent and activities of
21 the Legislature or of the board, unless otherwise directed by the
22 Legislature, including the adoption of policies by the executive board
23 which permit (i) the purchasing of an annuity for an employee who retires
24 or (ii) the crediting of amounts to an employee's deferred compensation
25 account under section 84-1504. The payments to or on behalf of an
26 employee may be staggered to comply with other law; and

27 (b) Appoint persons to fill the positions of Legislative Fiscal
28 Analyst, Director of Research, Revisor of Statutes, ~~and~~ Legislative
29 Auditor, Inspector General of Nebraska Child Welfare, and Inspector
30 General of the Nebraska Correctional System. The persons appointed to
31 these positions shall have training and experience as determined by the

1 executive board and shall serve at the pleasure of the executive board.
2 The Legislative Performance Audit Committee shall recommend the person to
3 be appointed Legislative Auditor. Their respective salaries shall be set
4 by the executive board.

5 (3) Notwithstanding any other provision of law, the executive board
6 may contract to obtain legal, auditing, accounting, actuarial, or other
7 professional services or advice for or on behalf of the executive board,
8 the Legislative Council, the Legislature, or any member of the
9 Legislature. The providers of such services or advice shall meet or
10 exceed the minimum professional standards or requirements established or
11 specified by their respective professional organizations or licensing
12 entities or by federal law. Such contracts, the deliberations of the
13 executive board with respect to such contracts, and the work product
14 resulting from such contracts shall not be subject to review or approval
15 by any other entity of state government.