

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1308 Session of 2021

INTRODUCED BY SCHLOSSBERG, FREEMAN, GUENST, HILL-EVANS, HOHENSTEIN, HOWARD, KENYATTA, MADDEN, SAMUELSON AND SANCHEZ, APRIL 30, 2021

AS REPORTED FROM COMMITTEE ON HUMAN SERVICES, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 26, 2021

AN ACT

1 ~~Providing for establishment of overdose fatality review teams, <--~~
2 ~~for duties of Department of Health, for confidentiality of~~
3 ~~overdose fatality review team records and criminal and civil~~
4 ~~liability protections.~~

5 PROVIDING FOR ESTABLISHMENT OF SUICIDE AND OVERDOSE DEATH REVIEW <--
6 TEAMS, FOR DUTIES OF SUICIDE AND OVERDOSE DEATH REVIEW TEAMS,
7 DUTIES OF DEPARTMENT OF HEALTH, FOR CONFIDENTIALITY OF
8 SUICIDE AND OVERDOSE DEATH REVIEW TEAM RECORDS AND FOR
9 CRIMINAL AND CIVIL LIABILITY PROTECTIONS.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Short title. <--~~

13 ~~This act shall be known and may be cited as the Overdose~~
14 ~~Fatality Review Act.~~

15 ~~Section 2. Declaration of purpose.~~

16 ~~The General Assembly finds and declares that the purpose of~~
17 ~~this act is to authorize local communities to establish overdose~~
18 ~~fatality review teams as multidisciplinary teams assembled to~~
19 ~~conduct confidential reviews of overdose death cases in~~
20 ~~compliance with all applicable Federal and State laws regarding~~

1 ~~confidentiality.~~

2 ~~Section 3. Definitions.~~

3 ~~The following words and phrases when used in this act shall~~
4 ~~have the meanings given to them in this section unless the~~
5 ~~context clearly indicates otherwise:~~

6 ~~"County." A county of the first class, second class, second~~
7 ~~class A, third class, fourth class, fifth class, sixth class,~~
8 ~~seventh class and eighth class.~~

9 ~~"Deceased individual." An individual who died from a drug~~
10 ~~overdose event.~~

11 ~~"Department." The Department of Health of the Commonwealth.~~

12 ~~"Local department of health." Any of the following:~~

13 ~~(1) A local department of health established by a~~
14 ~~municipality.~~

15 ~~(2) A single county department of health or joint county~~
16 ~~department of health established under the act of August 24,~~
17 ~~1951 (P.L.1304, No.315), known as the Local Health~~
18 ~~Administration Law.~~

19 ~~"Municipality." A county, city, borough, incorporated town~~
20 ~~or township.~~

21 ~~"Overdose." A drug or alcohol overdose.~~

22 ~~"Overdose fatality review team." An overdose fatality review~~
23 ~~team established under section 4(a).~~

24 ~~Section 4. Establishment of overdose fatality review teams.~~

25 ~~(a) Establishment. A local department of health shall~~
26 ~~establish an overdose fatality review team for the purposes~~
27 ~~specified under this act. The overdose fatality review team~~
28 ~~shall consist of the following individuals selected by the local~~
29 ~~department of health:~~

30 ~~(1) An individual licensed as a physician or an~~

1 ~~osteopathic physician who practices as a psychiatrist.~~

2 ~~(2) An individual licensed as a psychologist.~~

3 ~~(3) A county coroner or medical examiner.~~

4 ~~(4) A health care provider who specializes in the~~
5 ~~prevention, diagnosis and treatment of substance abuse~~
6 ~~disorders.~~

7 ~~(5) A local behavioral health director or designee.~~

8 ~~(6) A local representative of an emergency medical~~
9 ~~services provider.~~

10 ~~(7) An individual with a background in prescription drug~~
11 ~~misuse and diversion.~~

12 ~~(8) An individual who is a member of the education~~
13 ~~community with experience related to existing and potential~~
14 ~~substance abuse disorders and overdose prevention efforts for~~
15 ~~students in primary and secondary schools.~~

16 ~~(9) An individual who is a member of the law enforcement~~
17 ~~community with experience related to existing and potential~~
18 ~~substance abuse disorders and overdose prevention efforts for~~
19 ~~individuals who are involved with the law enforcement system.~~

20 ~~(10) A representative of an organization that advocates~~
21 ~~for individuals with substance abuse disorders and their~~
22 ~~family members.~~

23 ~~(11) Any other individual deemed necessary by the local~~
24 ~~department of health to administer the overdose fatality~~
25 ~~review team's duties under this act, including an individual~~
26 ~~with experience and knowledge regarding health, social~~
27 ~~services, law enforcement, education, emergency medicine,~~
28 ~~mental health, juvenile delinquency, adult and juvenile~~
29 ~~probation or drug and alcohol abuse.~~

30 ~~(b) Duties. An overdose fatality review team shall have all~~

1 ~~of the following duties:~~

2 ~~(1) Upon receipt of a report of an overdose death that~~
3 ~~has been forwarded to the overdose fatality review team,~~
4 ~~conduct a multidisciplinary review of all available~~
5 ~~information on the deceased individual.~~

6 ~~(2) Establish policies and procedures for pooling all~~
7 ~~available information on overdose deaths from State, county~~
8 ~~and local agencies, law enforcement and private entities that~~
9 ~~comply with all applicable Federal and State laws regarding~~
10 ~~confidentiality.~~

11 ~~(3) Identify points of contact between the deceased~~
12 ~~individual and health care systems, social services systems,~~
13 ~~criminal justice systems and other systems involved with the~~
14 ~~deceased individual.~~

15 ~~(4) Identify the risk factors that put individuals at~~
16 ~~risk for an overdose within the overdose fatality review~~
17 ~~team's jurisdiction.~~

18 ~~(5) Promote cooperation and coordination across State,~~
19 ~~county and local agencies involved in overdose~~
20 ~~investigations.~~

21 ~~(6) Recommend improvements in sources of information~~
22 ~~relating to investigating reported overdose deaths, including~~
23 ~~standards for the uniform and consistent reporting of~~
24 ~~overdose deaths by law enforcement or other emergency service~~
25 ~~responders within the overdose fatality review team's~~
26 ~~jurisdiction.~~

27 ~~(7) Recommend improvements to State laws and local~~
28 ~~partnerships, policies and practices to prevent overdose~~
29 ~~deaths.~~

30 ~~(c) Chair, vacancies and meetings. An overdose fatality~~

1 ~~review team shall select a chair by a majority vote of a quorum~~
2 ~~of the overdose fatality review team's members. A majority of~~
3 ~~the overdose fatality review team's members shall constitute a~~
4 ~~quorum. The overdose fatality review team shall meet at least~~
5 ~~quarterly to conduct business and review overdose fatality cases~~
6 ~~transmitted to the overdose fatality review team. A vacancy in~~
7 ~~the overdose fatality review team shall be filled in accordance~~
8 ~~with subsection (a).~~

9 ~~(d) Interviews. If an overdose fatality review team opts to~~
10 ~~contact a family member or caregiver of the deceased individual~~
11 ~~to conduct an interview with the family member or caregiver, the~~
12 ~~overdose fatality review team shall develop protocols for~~
13 ~~initiating the contact and conducting the interview. The~~
14 ~~protocols shall be based on trauma informed care principles and~~
15 ~~address all of the following:~~

16 ~~(1) The overdose fatality review team's collection, use~~
17 ~~and disclosure of information and records to the family~~
18 ~~member or caregiver.~~

19 ~~(2) Providing notice to the family member or caregiver~~
20 ~~that the interview is voluntary.~~

21 ~~(3) Ensuring that information attained from the~~
22 ~~interview is confidential.~~

23 ~~(e) Annual report. An overdose fatality review team shall~~
24 ~~summarize and share priority recommendations and aggregated,~~
25 ~~nonindividually identifiable findings in an annual report. A~~
26 ~~local department of health shall publish the annual report under~~
27 ~~this subsection on the local department of health's publicly~~
28 ~~accessible Internet website for use by staff for a variety of~~
29 ~~purposes, including evaluations, policy considerations and~~
30 ~~health care program enhancements. The annual report under this~~

1 ~~section shall comply with confidentiality requirements under~~
2 ~~section 6(b).~~

3 ~~Section 5. Duties of department.~~

4 ~~The department, in collaboration with the Department of Drug~~
5 ~~and Alcohol Programs, shall have all of the following duties:~~

6 ~~(1) Assist in collecting the reports of an overdose~~
7 ~~fatality review team.~~

8 ~~(2) Provide technical assistance to an overdose fatality~~
9 ~~review team in conducting overdose death reviews.~~

10 ~~(3) Facilitate communication among overdose fatality~~
11 ~~review teams.~~

12 ~~(4) Transmit available information to an appropriate~~
13 ~~overdose fatality review team regarding an overdose death in~~
14 ~~the overdose fatality review team's jurisdiction, including~~
15 ~~all of the following information:~~

16 ~~(i) The deceased individual's age, race, gender,~~
17 ~~county of residence and county of death.~~

18 ~~(ii) The date, manner, cause and specific~~
19 ~~circumstances of the overdose death as recorded on the~~
20 ~~deceased individual's completed death certificate.~~

21 ~~(5) Provide an overdose fatality review team access to~~
22 ~~all of the following:~~

23 ~~(i) Information and records maintained by a health~~
24 ~~care provider related to the deceased individual's~~
25 ~~physical health, mental health and substance abuse~~
26 ~~disorder treatment.~~

27 ~~(ii) Any relevant information and records maintained~~
28 ~~by a State or local agency, including any of the~~
29 ~~following:~~

30 ~~(A) The deceased individual's criminal history~~

1 ~~records and records of probation and parole if the~~
2 ~~transmission of the records does not affect an~~
3 ~~ongoing criminal investigation.~~

4 ~~(B) The deceased individual's access to various~~
5 ~~lethal means, social service records, school records~~
6 ~~and educational histories and coroner or medical~~
7 ~~examiner records, including autopsy and toxicology~~
8 ~~reports.~~

9 ~~(6) Promulgate regulations necessary to implement this~~
10 ~~act.~~

11 ~~Section 6. Confidentiality of overdose fatality review team~~
12 ~~records.~~

13 ~~(a) Meetings. An overdose fatality review team meeting~~
14 ~~shall be closed to the public and information discussed at the~~
15 ~~meeting shall be deemed confidential.~~

16 ~~(b) Records. The proceedings, records and opinions reviewed~~
17 ~~by an overdose fatality review team shall remain confidential~~
18 ~~and may not be disclosed under the act of February 14, 2008~~
19 ~~(P.L.6, No.3), known as the Right to Know Law. The proceedings,~~
20 ~~records and opinions of an overdose fatality review team shall~~
21 ~~be confidential and may not be subject to discovery, subpoena or~~
22 ~~introduction into evidence in a criminal or civil proceeding. A~~
23 ~~member of an overdose fatality review team may not be questioned~~
24 ~~in a criminal or civil proceeding regarding information~~
25 ~~presented in or opinions formed as a result of a meeting of the~~
26 ~~overdose fatality review team. Nothing in this subsection shall~~
27 ~~be construed to prevent a member of an overdose fatality review~~
28 ~~team from testifying in a criminal or civil proceeding to~~
29 ~~information obtained independently of the overdose fatality~~
30 ~~review team or which is public information.~~

1 ~~Section 7. Criminal and civil liability protections.~~

2 ~~An individual who, in good faith, participates as a member of~~
3 ~~an overdose fatality review team or provides information to~~
4 ~~achieve the duties of an overdose fatality review team may not~~
5 ~~be subject to criminal or civil liability as a result of the~~
6 ~~participation or information.~~

7 ~~Section 8. Effective date.~~

8 ~~This act shall take effect in 30 days.~~

9 SECTION 1. SHORT TITLE.

<--

10 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE SUICIDE AND
11 OVERDOSE DEATH REVIEW ACT.

12 SECTION 2. DEFINITIONS.

13 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
14 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
15 CONTEXT CLEARLY INDICATES OTHERWISE:

16 "COUNTY." A COUNTY OF THE FIRST CLASS, SECOND CLASS, SECOND
17 CLASS A, THIRD CLASS, FOURTH CLASS, FIFTH CLASS, SIXTH CLASS,
18 SEVENTH CLASS AND EIGHTH CLASS.

19 "DECEASED INDIVIDUAL." AN INDIVIDUAL WHO DIED BY SUICIDE OR
20 FATAL OVERDOSE.

21 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

22 "LOCAL DEPARTMENT OF HEALTH." ANY OF THE FOLLOWING:

23 (1) A LOCAL DEPARTMENT OF HEALTH ESTABLISHED BY A
24 MUNICIPALITY.

25 (2) A SINGLE-COUNTY DEPARTMENT OF HEALTH OR JOINT-COUNTY
26 DEPARTMENT OF HEALTH ESTABLISHED UNDER THE ACT OF AUGUST 24,
27 1951 (P.L.1304, NO.315), KNOWN AS THE LOCAL HEALTH
28 ADMINISTRATION LAW.

29 "MUNICIPALITY." A COUNTY, CITY, BOROUGH, INCORPORATED TOWN
30 OR TOWNSHIP.

1 "OVERDOSE." A DRUG OR ALCOHOL OVERDOSE.

2 "SUICIDE AND OVERDOSE DEATH REVIEW TEAM." A SUICIDE AND
3 OVERDOSE DEATH REVIEW TEAM ESTABLISHED UNDER SECTION 3(A).
4 SECTION 3. ESTABLISHMENT OF SUICIDE AND OVERDOSE DEATH REVIEW
5 TEAMS.

6 (A) ESTABLISHMENT.--A LOCAL DEPARTMENT OF HEALTH MAY
7 ESTABLISH A SUICIDE AND OVERDOSE DEATH REVIEW TEAM FOR THE
8 PURPOSE OF GATHERING INFORMATION CONCERNING SUICIDES AND
9 OVERDOSE FATALITIES AND TO USE THE INFORMATION GATHERED TO
10 IMPROVE COMMUNITY RESOURCES AND SYSTEMS OF CARE TO REDUCE
11 SUICIDES AND OVERDOSE FATALITIES. THE FOLLOWING SHALL APPLY:

12 (1) A SUICIDE AND OVERDOSE DEATH REVIEW TEAM MAY BE
13 ESTABLISHED IN A COUNTY OR MULTIPLE COUNTIES IN THIS
14 COMMONWEALTH.

15 (2) UPON THE ESTABLISHMENT OF A SUICIDE AND OVERDOSE
16 DEATH REVIEW TEAM, THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM
17 SHALL NOTIFY THE DEPARTMENT OF THE ESTABLISHMENT OF THE
18 SUICIDE AND OVERDOSE DEATH REVIEW TEAM.

19 (3) A SUICIDE AND OVERDOSE DEATH REVIEW TEAM SHALL BE
20 MULTIDISCIPLINARY AND CULTURALLY DIVERSE AND INCLUDE
21 PROFESSIONALS AND REPRESENTATIVES FROM ORGANIZATIONS THAT
22 PROVIDE SERVICES OR COMMUNITY RESOURCES FOR FAMILIES IN THE
23 COMMUNITY SERVED BY THE SUICIDE AND OVERDOSE DEATH REVIEW
24 TEAM.

25 (B) MEMBERSHIP.--

26 (1) A LOCAL DEPARTMENT OF HEALTH SHALL SELECT THE
27 FOLLOWING MEMBERS FOR A SUICIDE AND OVERDOSE DEATH REVIEW
28 TEAM:

29 (I) A CORONER OR MEDICAL EXAMINER.

30 (II) A PATHOLOGIST.

1 (III) A LICENSED PSYCHOLOGIST UNDER THE ACT OF MARCH
2 23, 1972 (P.L.136, NO.52), KNOWN AS THE PROFESSIONAL
3 PSYCHOLOGISTS PRACTICE ACT.

4 (IV) A LICENSED PHYSICIAN UNDER THE ACT OF DECEMBER
5 20, 1985 (P.L.457, NO.112), KNOWN AS THE MEDICAL PRACTICE
6 ACT OF 1985, OR A LICENSED PHYSICIAN UNDER THE ACT OF
7 OCTOBER 5, 1978 (P.L.1109, NO.261), KNOWN AS THE
8 OSTEOPATHIC MEDICAL PRACTICE ACT, WHO PRACTICES AS A
9 PSYCHIATRIST.

10 (V) A LOCAL BEHAVIORAL HEALTH DIRECTOR OR A
11 DESIGNEE.

12 (VI) AN INDIVIDUAL WHO IS A MEMBER OF THE EDUCATION
13 COMMUNITY WITH EXPERIENCE REGARDING EXISTING AND
14 POTENTIAL SUICIDE AND OVERDOSE PREVENTION EFFORTS FOR
15 STUDENTS IN PRIMARY AND SECONDARY SCHOOLS.

16 (VII) AN INDIVIDUAL WHO IS A MEMBER OF THE LAW
17 ENFORCEMENT COMMUNITY WITH EXPERIENCE REGARDING EXISTING
18 AND POTENTIAL SUICIDE AND OVERDOSE PREVENTION EFFORTS FOR
19 INDIVIDUALS WHO ARE INVOLVED WITH THE LAW ENFORCEMENT
20 SYSTEM.

21 (VIII) A REPRESENTATIVE OF AN ORGANIZATION THAT
22 ADVOCATES FOR INDIVIDUALS WITH MENTAL ILLNESSES AND THEIR
23 FAMILY MEMBERS.

24 (IX) A REPRESENTATIVE OF AN ORGANIZATION THAT
25 ADVOCATES FOR INDIVIDUALS WITH SUBSTANCE ABUSE DISORDERS
26 AND THEIR FAMILY MEMBERS.

27 (X) A REPRESENTATIVE FROM A SINGLE COUNTY AUTHORITY.

28 (2) IN ADDITION TO THE MEMBERS SELECTED UNDER PARAGRAPH
29 (1), A LOCAL DEPARTMENT OF HEALTH MAY SELECT MEMBERS FOR A
30 SUICIDE AND OVERDOSE DEATH REVIEW TEAM AS DEEMED NECESSARY BY

1 THE LOCAL DEPARTMENT OF HEALTH TO ADMINISTER THE SUICIDE AND
2 OVERDOSE DEATH REVIEW TEAM'S DUTIES UNDER SECTION 4,
3 INCLUDING AN INDIVIDUAL WITH EXPERIENCE AND KNOWLEDGE
4 REGARDING HEALTH, SOCIAL SERVICES, LAW ENFORCEMENT,
5 EDUCATION, EMERGENCY MEDICINE, MENTAL HEALTH, JUVENILE
6 DELINQUENCY, ADULT AND JUVENILE PROBATION OR DRUG AND ALCOHOL
7 ABUSE.

8 (C) CHAIR, VACANCIES AND MEETINGS.--A SUICIDE AND OVERDOSE
9 DEATH REVIEW TEAM SHALL SELECT A CHAIR BY A MAJORITY VOTE OF A
10 QUORUM OF THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM'S MEMBERS.
11 A MAJORITY OF THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM'S
12 MEMBERS SHALL CONSTITUTE A QUORUM. THE SUICIDE AND OVERDOSE
13 DEATH REVIEW TEAM SHALL MEET AT LEAST QUARTERLY TO CONDUCT
14 BUSINESS AND REVIEW QUALIFYING DEATHS UNDER SECTION 4(B). A
15 VACANCY IN THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM SHALL BE
16 FILLED IN ACCORDANCE WITH SUBSECTION (B).
17 SECTION 4. DUTIES OF SUICIDE AND OVERDOSE DEATH REVIEW TEAMS.

18 (A) DUTIES.--UPON RECEIPT OF A REPORT OF A QUALIFYING DEATH
19 UNDER SUBSECTION (B), A SUICIDE AND OVERDOSE DEATH REVIEW TEAM
20 SHALL CONDUCT A MULTI-DISCIPLINARY REVIEW OF ALL AVAILABLE
21 INFORMATION ON THE DECEASED INDIVIDUAL. THE SUICIDE AND OVERDOSE
22 DEATH REVIEW TEAM SHALL HAVE ALL OF THE FOLLOWING DUTIES:

23 (1) IDENTIFY THE FACTORS THAT CONTRIBUTED TO THE DEATH
24 OF THE DECEASED INDIVIDUAL.

25 (2) DETERMINE WHETHER SIMILAR FATALITIES MAY BE
26 PREVENTED IN THE FUTURE.

27 (3) IF APPLICABLE, IDENTIFY ANY OF THE FOLLOWING:

28 (I) POINTS OF CONTACT BETWEEN THE DECEASED
29 INDIVIDUAL AND HEALTH CARE SYSTEMS, SOCIAL SERVICES
30 SYSTEMS, CRIMINAL JUSTICE SYSTEMS AND OTHER SYSTEMS

1 INVOLVED WITH THE DECEASED INDIVIDUAL.

2 (II) RESOURCES THAT MAY BE USED TO ASSIST IN THE
3 PREVENTION OF A SIMILAR DEATH.

4 (4) IF APPLICABLE, IDENTIFY SOLUTIONS FOR THE PURPOSE OF
5 ANY OF THE FOLLOWING:

6 (I) IMPROVING PRACTICE AND POLICY.

7 (II) PROMOTING COORDINATION BETWEEN STATE, COUNTY
8 AND LOCAL AGENCIES, LAW ENFORCEMENT, PRIVATE ENTITIES AND
9 RESOURCES IDENTIFIED UNDER PARAGRAPH (3) (II).

10 (III) CONSOLIDATING ALL AVAILABLE INFORMATION ON
11 SUICIDE AND OVERDOSE FATALITIES FROM STATE, COUNTY AND
12 LOCAL AGENCIES, LAW ENFORCEMENT AND PRIVATE ENTITIES IN
13 ACCORDANCE WITH ALL APPLICABLE FEDERAL AND STATE LAWS
14 REGARDING CONFIDENTIALITY.

15 (B) QUALIFYING DEATHS.--A SUICIDE AND OVERDOSE DEATH REVIEW
16 TEAM SHALL REVIEW THE DEATH OF AN INDIVIDUAL WHOSE DEATH
17 OCCURRED IN THE AREA SERVED BY THE SUICIDE AND OVERDOSE DEATH
18 REVIEW TEAM IF ANY OF THE FOLLOWING CONDITIONS ARE MET:

19 (1) THE INDIVIDUAL'S CAUSE OF DEATH IS LISTED AS ANY OF
20 THE FOLLOWING:

21 (I) POISONING.

22 (II) INTOXICATION.

23 (III) TOXICITY.

24 (IV) INHALATION.

25 (V) INGESTION.

26 (VI) OVERDOSE.

27 (VII) EXPOSURE.

28 (VIII) CHEMICAL USE.

29 (IX) NEONATAL ABSTINENCE SYNDROME EFFECTS.

30 (2) THE INDIVIDUAL'S MANNER OF DEATH IS CLASSIFIED AS

1 ANY OF THE FOLLOWING:

2 (I) ACCIDENT.

3 (II) SUICIDE.

4 (III) UNDETERMINED.

5 (3) THE INDIVIDUAL'S MANNER OF DEATH IS CLASSIFIED AS
6 NATURAL, BUT DRUG INTOXICATION OR EXPOSURE IS LISTED AS A
7 CONTRIBUTING FACTOR.

8 (C) INTERVIEWS.--IF A SUICIDE AND OVERDOSE DEATH REVIEW TEAM
9 OPTS TO CONTACT A FAMILY MEMBER OR CAREGIVER OF A DECEASED
10 INDIVIDUAL TO CONDUCT AN INTERVIEW WITH THE FAMILY MEMBER OR
11 CAREGIVER, THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM SHALL
12 DEVELOP PROTOCOLS FOR INITIATING THE CONTACT AND CONDUCTING THE
13 INTERVIEW. THE PROTOCOLS SHALL BE BASED ON TRAUMA-INFORMED CARE
14 PRINCIPLES AND ADDRESS ALL OF THE FOLLOWING:

15 (1) THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM'S
16 COLLECTION, USE AND DISCLOSURE OF INFORMATION AND RECORDS TO
17 THE FAMILY MEMBER OR CAREGIVER.

18 (2) PROVIDING NOTICE TO THE FAMILY MEMBER OR CAREGIVER
19 THAT THE INTERVIEW IS VOLUNTARY.

20 (3) ENSURING THAT INFORMATION ATTAINED FROM THE
21 INTERVIEW IS CONFIDENTIAL.

22 (D) ANNUAL REPORT.--A SUICIDE AND OVERDOSE DEATH REVIEW TEAM
23 SHALL PREPARE AN ANNUAL REPORT. THE LOCAL DEPARTMENT OF HEALTH
24 SHALL POST THE ANNUAL REPORT UNDER THIS SUBSECTION ON THE LOCAL
25 DEPARTMENT OF HEALTH'S PUBLICLY ACCESSIBLE INTERNET WEBSITE FOR
26 THE PURPOSE OF EVALUATIONS, POLICY CONSIDERATIONS AND HEALTH
27 CARE PROGRAM ENHANCEMENTS. THE ANNUAL REPORT UNDER THIS
28 SUBSECTION SHALL COMPLY WITH CONFIDENTIALITY REQUIREMENTS UNDER
29 SECTION 6(B). THE ANNUAL REPORT UNDER THIS SUBSECTION SHALL
30 INCLUDE ALL THE FOLLOWING INFORMATION:

1 (1) A SUMMARY OF THE AGGREGATED, NONINDIVIDUALLY
2 IDENTIFIABLE FINDINGS OF THE SUICIDE AND OVERDOSE DEATH
3 REVIEW TEAM FOR THE PREVIOUS YEAR.

4 (2) RECOMMENDATIONS TO IMPROVE SYSTEMS OF CARE AND
5 COMMUNITY RESOURCES TO REDUCE FATAL SUICIDES AND OVERDOSES IN
6 THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM'S JURISDICTION.

7 (3) PROPOSED SOLUTIONS FOR INADEQUACIES IN THE SYSTEMS
8 OF CARE.

9 (4) RECOMMENDATIONS TO IMPROVE SOURCES OF INFORMATION
10 REGARDING THE INVESTIGATION OF REPORTED SUICIDES AND OVERDOSE
11 FATALITIES, INCLUDING STANDARDS FOR THE UNIFORM AND
12 CONSISTENT REPORTING OF FATAL SUICIDES AND OVERDOSES BY LAW
13 ENFORCEMENT OR OTHER EMERGENCY SERVICE RESPONDERS WITHIN THE
14 SUICIDE AND OVERDOSE DEATH REVIEW TEAM'S JURISDICTION.

15 (5) RECOMMENDATIONS FOR IMPROVEMENTS TO STATE LAWS AND
16 LOCAL PARTNERSHIPS, POLICIES AND PRACTICES TO PREVENT SUICIDE
17 AND OVERDOSE FATALITIES.

18 SECTION 5. DUTIES OF DEPARTMENT.

19 THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF HUMAN
20 SERVICES AND THE DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS, SHALL
21 HAVE ALL OF THE FOLLOWING DUTIES:

22 (1) ASSIST IN COLLECTING THE REPORTS OF A SUICIDE AND
23 OVERDOSE DEATH REVIEW TEAM.

24 (2) PROVIDE TECHNICAL ASSISTANCE TO A SUICIDE AND
25 OVERDOSE DEATH REVIEW TEAM IN CONDUCTING SUICIDE AND OVERDOSE
26 DEATH REVIEWS.

27 (3) FACILITATE COMMUNICATION AMONG SUICIDE AND OVERDOSE
28 DEATH REVIEW TEAMS.

29 (4) TRANSMIT AVAILABLE INFORMATION TO AN APPROPRIATE
30 SUICIDE AND OVERDOSE DEATH REVIEW TEAM REGARDING A FATAL

1 SUICIDE OR OVERDOSE IN THE SUICIDE AND OVERDOSE DEATH REVIEW
2 TEAM'S JURISDICTION, INCLUDING ALL OF THE FOLLOWING
3 INFORMATION:

4 (I) THE DECEASED INDIVIDUAL'S AGE, RACE, GENDER,
5 COUNTY OF RESIDENCE AND COUNTY OF DEATH.

6 (II) THE DATE, MANNER, CAUSE AND SPECIFIC
7 CIRCUMSTANCES OF THE SUICIDE OR OVERDOSE DEATH AS
8 RECORDED ON THE DECEASED INDIVIDUAL'S COMPLETED DEATH
9 CERTIFICATE.

10 (5) PROVIDE A SUICIDE AND OVERDOSE DEATH REVIEW TEAM
11 ACCESS TO ALL OF THE FOLLOWING:

12 (I) INFORMATION AND RECORDS MAINTAINED BY A HEALTH
13 CARE PROVIDER REGARDING A DECEASED INDIVIDUAL'S PHYSICAL
14 HEALTH, MENTAL HEALTH AND SUBSTANCE USE DISORDER
15 TREATMENT.

16 (II) ANY RELEVANT INFORMATION AND RECORDS MAINTAINED
17 BY A STATE OR LOCAL AGENCY, INCLUDING ANY OF THE
18 FOLLOWING:

19 (A) A DECEASED INDIVIDUAL'S CRIMINAL HISTORY
20 RECORDS AND RECORDS OF PROBATION AND PAROLE IF THE
21 TRANSMISSION OF THE RECORDS DOES NOT AFFECT AN
22 ONGOING CRIMINAL INVESTIGATION.

23 (B) A DECEASED INDIVIDUAL'S ACCESS TO VARIOUS
24 LETHAL MEANS, SOCIAL SERVICE RECORDS, SCHOOL RECORDS,
25 EDUCATIONAL HISTORIES AND DISCIPLINARY OR HEALTH
26 RECORDS GENERATED BY A LOCAL SCHOOL SYSTEM, AND
27 CORONER OR MEDICAL EXAMINER RECORDS, INCLUDING
28 AUTOPSY AND TOXICOLOGY REPORTS.

29 (C) ANY OTHER RECORD CONCERNING THE ASSESSMENT,
30 CARE, DIAGNOSIS, NEAR DEATH OR TREATMENT OF A

1 DECEASED INDIVIDUAL.

2 (6) PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THIS
3 ACT.

4 SECTION 6. CONFIDENTIALITY OF SUICIDE AND OVERDOSE DEATH REVIEW
5 TEAM RECORDS.

6 (A) MEETINGS.--A SUICIDE AND OVERDOSE DEATH REVIEW TEAM
7 MEETING SHALL BE CLOSED TO THE PUBLIC AND INFORMATION DISCUSSED
8 AT THE MEETING SHALL BE CONFIDENTIAL.

9 (B) RECORDS.--THE PROCEEDING, RECORDS AND OPINIONS OF A
10 SUICIDE AND OVERDOSE DEATH REVIEW TEAM MAY NOT BE DISCLOSED
11 UNDER THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS THE
12 RIGHT-TO-KNOW LAW. THE PROCEEDINGS, RECORDS AND OPINIONS OF A
13 SUICIDE AND OVERDOSE DEATH REVIEW TEAM SHALL BE CONFIDENTIAL AND
14 MAY NOT BE SUBJECT TO DISCOVERY, SUBPOENA OR INTRODUCTION INTO
15 EVIDENCE IN A CRIMINAL OR CIVIL PROCEEDING. A MEMBER OF A
16 SUICIDE AND OVERDOSE DEATH REVIEW TEAM MAY NOT BE QUESTIONED IN
17 A CRIMINAL OR CIVIL PROCEEDING REGARDING INFORMATION PRESENTED
18 IN OR OPINIONS FORMED AS A RESULT OF A MEETING OF THE SUICIDE
19 AND OVERDOSE DEATH REVIEW TEAM. NOTHING IN THIS SUBSECTION SHALL
20 BE CONSTRUED TO PREVENT A MEMBER OF A SUICIDE AND OVERDOSE DEATH
21 REVIEW TEAM FROM TESTIFYING IN A CRIMINAL OR CIVIL PROCEEDING TO
22 INFORMATION OBTAINED INDEPENDENTLY OF THE SUICIDE AND OVERDOSE
23 DEATH REVIEW TEAM OR TO INFORMATION WHICH IS PUBLICLY AVAILABLE.

24 SECTION 7. CRIMINAL AND CIVIL LIABILITY PROTECTIONS.

25 (A) CONFIDENTIALITY.--A MEMBER OF A SUICIDE AND OVERDOSE
26 DEATH REVIEW TEAM MAY DISCUSS CONFIDENTIAL MATTERS DURING A
27 MEETING OF THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM. THE
28 FOLLOWING SHALL APPLY:

29 (1) A MEMBER OF A SUICIDE AND OVERDOSE DEATH REVIEW TEAM
30 SHALL COMPLY WITH APPLICABLE FEDERAL AND STATE LAWS REGARDING

1 CONFIDENTIALITY DURING A MEETING OF THE SUICIDE AND OVERDOSE
2 DEATH REVIEW TEAM.

3 (2) EXCEPT AS PROVIDED UNDER SUBSECTION (B), A MEMBER OF
4 A SUICIDE AND OVERDOSE DEATH REVIEW MAY NOT BE DISCIPLINED,
5 CRIMINALLY PROSECUTED OR HELD ADMINISTRATIVELY OR CIVILLY
6 LIABLE FOR SHARING OR DISCUSSING CONFIDENTIAL MATTERS DURING
7 A MEETING OF THE SUICIDE AND OVERDOSE DEATH REVIEW TEAM.

8 (B) LIABILITY.--THE IMMUNITY SPECIFIED UNDER SUBSECTION (A)
9 (2) SHALL NOT APPLY TO A MEMBER OF A SUICIDE AND OVERDOSE DEATH
10 REVIEW TEAM OR AN INVITEE OF A SUICIDE AND OVERDOSE DEATH REVIEW
11 TEAM WHO DISCLOSES CONFIDENTIAL INFORMATION WITH MALICE, IN BAD
12 FAITH OR IN A NEGLIGENT MANNER.

13 SECTION 8. EFFECTIVE DATE.

14 THIS ACT SHALL TAKE EFFECT IN 30 DAYS.