

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1308 Session of 2021

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, NOVEMBER 16, 2021

AN ACT

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

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

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

9 ~~This act shall be known and may be cited as the Suicide and~~
10 ~~Overdose Death Review Act.~~

11 ~~Section 2. Definitions.~~

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

15 ~~"County." A county of the first class, second class, second~~
16 ~~class A, third class, fourth class, fifth class, sixth class,~~
17 ~~seventh class and eighth class.~~

18 ~~"Deceased individual." An individual who died by suicide or~~

1 ~~fatal overdose.~~

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

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

4 ~~(1) A local department of health established by a~~
5 ~~municipality.~~

6 ~~(2) A single county department of health or joint county~~
7 ~~department of health established under the act of August 24,~~
8 ~~1951 (P.L.1304, No.315), known as the Local Health~~
9 ~~Administration Law.~~

10 ~~"Municipality." A county, city, borough, incorporated town~~
11 ~~or township.~~

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

13 ~~"Suicide and overdose death review team." A suicide and~~
14 ~~overdose death review team established under section 3(a).~~

15 ~~Section 3. Establishment of suicide and overdose death review~~
16 ~~teams.~~

17 ~~(a) Establishment. A local department of health may~~
18 ~~establish a suicide and overdose death review team for the~~
19 ~~purpose of gathering information concerning suicides and~~
20 ~~overdose fatalities and to use the information gathered to~~
21 ~~improve community resources and systems of care to reduce~~
22 ~~suicides and overdose fatalities. The following shall apply:~~

23 ~~(1) A suicide and overdose death review team may be~~
24 ~~established in a county or multiple counties in this~~
25 ~~Commonwealth.~~

26 ~~(2) Upon the establishment of a suicide and overdose~~
27 ~~death review team, the suicide and overdose death review team~~
28 ~~shall notify the department of the establishment of the~~
29 ~~suicide and overdose death review team.~~

30 ~~(3) A suicide and overdose death review team shall be~~

1 ~~multidisciplinary and culturally diverse and include~~
2 ~~professionals and representatives from organizations that~~
3 ~~provide services or community resources for families in the~~
4 ~~community served by the suicide and overdose death review~~
5 ~~team.~~

6 ~~(b) Membership.~~

7 ~~(1) A local department of health shall select the~~
8 ~~following members for a suicide and overdose death review~~
9 ~~team:~~

10 ~~(i) A coroner or medical examiner.~~

11 ~~(ii) A pathologist.~~

12 ~~(iii) A licensed psychologist under the act of March~~
13 ~~23, 1972 (P.L.136, No.52), known as the Professional~~
14 ~~Psychologists Practice Act.~~

15 ~~(iv) A licensed physician under the act of December~~
16 ~~20, 1985 (P.L.457, No.112), known as the Medical Practice~~
17 ~~Act of 1985, or a licensed physician under the act of~~
18 ~~October 5, 1978 (P.L.1109, No.261), known as the~~
19 ~~Osteopathic Medical Practice Act, who practices as a~~
20 ~~psychiatrist.~~

21 ~~(v) A local behavioral health director or a~~
22 ~~designee.~~

23 ~~(vi) An individual who is a member of the education~~
24 ~~community with experience regarding existing and~~
25 ~~potential suicide and overdose prevention efforts for~~
26 ~~students in primary and secondary schools.~~

27 ~~(vii) An individual who is a member of the law~~
28 ~~enforcement community with experience regarding existing~~
29 ~~and potential suicide and overdose prevention efforts for~~
30 ~~individuals who are involved with the law enforcement~~

1 system.

2 ~~(viii) A representative of an organization that~~
3 ~~advocates for individuals with mental illnesses and their~~
4 ~~family members.~~

5 ~~(ix) A representative of an organization that~~
6 ~~advocates for individuals with substance abuse disorders~~
7 ~~and their family members.~~

8 ~~(x) A representative from a single county authority.~~

9 ~~(2) In addition to the members selected under paragraph~~
10 ~~(1), a local department of health may select members for a~~
11 ~~suicide and overdose death review team as deemed necessary by~~
12 ~~the local department of health to administer the suicide and~~
13 ~~overdose death review team's duties under section 4,~~
14 ~~including an individual with experience and knowledge~~
15 ~~regarding health, social services, law enforcement,~~
16 ~~education, emergency medicine, mental health, juvenile~~
17 ~~delinquency, adult and juvenile probation or drug and alcohol~~
18 ~~abuse.~~

19 ~~(c) Chair, vacancies and meetings. A suicide and overdose~~
20 ~~death review team shall select a chair by a majority vote of a~~
21 ~~quorum of the suicide and overdose death review team's members.~~
22 ~~A majority of the suicide and overdose death review team's~~
23 ~~members shall constitute a quorum. The suicide and overdose~~
24 ~~death review team shall meet at least quarterly to conduct~~
25 ~~business and review qualifying deaths under section 4(b). A~~
26 ~~vacancy in the suicide and overdose death review team shall be~~
27 ~~filled in accordance with subsection (b).~~

28 ~~Section 4. Duties of suicide and overdose death review teams.~~

29 ~~(a) Duties. Upon receipt of a report of a qualifying death~~
30 ~~under subsection (b), a suicide and overdose death review team~~

1 ~~shall conduct a multi-disciplinary review of all available~~
2 ~~information on the deceased individual. The suicide and overdose~~
3 ~~death review team shall have all of the following duties:~~

4 ~~(1) Identify the factors that contributed to the death~~
5 ~~of the deceased individual.~~

6 ~~(2) Determine whether similar fatalities may be~~
7 ~~prevented in the future.~~

8 ~~(3) If applicable, identify any of the following:~~

9 ~~(i) Points of contact between the deceased~~
10 ~~individual and health care systems, social services~~
11 ~~systems, criminal justice systems and other systems~~
12 ~~involved with the deceased individual.~~

13 ~~(ii) Resources that may be used to assist in the~~
14 ~~prevention of a similar death.~~

15 ~~(4) If applicable, identify solutions for the purpose of~~
16 ~~any of the following:~~

17 ~~(i) Improving practice and policy.~~

18 ~~(ii) Promoting coordination between State, county~~
19 ~~and local agencies, law enforcement, private entities and~~
20 ~~resources identified under paragraph (3)(ii).~~

21 ~~(iii) Consolidating all available information on~~
22 ~~suicide and overdose fatalities from State, county and~~
23 ~~local agencies, law enforcement and private entities in~~
24 ~~accordance with all applicable Federal and State laws~~
25 ~~regarding confidentiality.~~

26 ~~(b) Qualifying deaths. A suicide and overdose death review~~
27 ~~team shall review the death of an individual whose death~~
28 ~~occurred in the area served by the suicide and overdose death~~
29 ~~review team if any of the following conditions are met:~~

30 ~~(1) The individual's cause of death is listed as any of~~

1 ~~the following:~~

2 ~~(i) Poisoning.~~

3 ~~(ii) Intoxication.~~

4 ~~(iii) Toxicity.~~

5 ~~(iv) Inhalation.~~

6 ~~(v) Ingestion.~~

7 ~~(vi) Overdose.~~

8 ~~(vii) Exposure.~~

9 ~~(viii) Chemical use.~~

10 ~~(ix) Neonatal abstinence syndrome effects.~~

11 ~~(2) The individual's manner of death is classified as~~
12 ~~any of the following:~~

13 ~~(i) Accident.~~

14 ~~(ii) Suicide.~~

15 ~~(iii) Undetermined.~~

16 ~~(3) The individual's manner of death is classified as~~
17 ~~natural, but drug intoxication or exposure is listed as a~~
18 ~~contributing factor.~~

19 ~~(c) Interviews. If a suicide and overdose death review team~~
20 ~~opts to contact a family member or caregiver of a deceased~~
21 ~~individual to conduct an interview with the family member or~~
22 ~~caregiver, the suicide and overdose death review team shall~~
23 ~~develop protocols for initiating the contact and conducting the~~
24 ~~interview. The protocols shall be based on trauma informed care~~
25 ~~principles and address all of the following:~~

26 ~~(1) The suicide and overdose death review team's~~
27 ~~collection, use and disclosure of information and records to~~
28 ~~the family member or caregiver.~~

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

1 ~~(3) Ensuring that information attained from the~~
2 ~~interview is confidential.~~

3 ~~(d) Annual report. A suicide and overdose death review team~~
4 ~~shall prepare an annual report. The local department of health~~
5 ~~shall post the annual report under this subsection on the local~~
6 ~~department of health's publicly accessible Internet website for~~
7 ~~the purpose of evaluations, policy considerations and health~~
8 ~~care program enhancements. The annual report under this~~
9 ~~subsection shall comply with confidentiality requirements under~~
10 ~~section 6(b). The annual report under this subsection shall~~
11 ~~include all the following information:~~

12 ~~(1) A summary of the aggregated, nonindividually~~
13 ~~identifiable findings of the suicide and overdose death~~
14 ~~review team for the previous year.~~

15 ~~(2) Recommendations to improve systems of care and~~
16 ~~community resources to reduce fatal suicides and overdoses in~~
17 ~~the suicide and overdose death review team's jurisdiction.~~

18 ~~(3) Proposed solutions for inadequacies in the systems~~
19 ~~of care.~~

20 ~~(4) Recommendations to improve sources of information~~
21 ~~regarding the investigation of reported suicides and overdose~~
22 ~~fatalities, including standards for the uniform and~~
23 ~~consistent reporting of fatal suicides and overdoses by law~~
24 ~~enforcement or other emergency service responders within the~~
25 ~~suicide and overdose death review team's jurisdiction.~~

26 ~~(5) Recommendations for improvements to State laws and~~
27 ~~local partnerships, policies and practices to prevent suicide~~
28 ~~and overdose fatalities.~~

29 ~~Section 5. Duties of department.~~

30 ~~The department, in collaboration with the Department of Human~~

1 ~~Services and the Department of Drug and Alcohol Programs, shall~~
2 ~~have all of the following duties:~~

3 ~~(1) Assist in collecting the reports of a suicide and~~
4 ~~overdose death review team.~~

5 ~~(2) Provide technical assistance to a suicide and~~
6 ~~overdose death review team in conducting suicide and overdose~~
7 ~~death reviews.~~

8 ~~(3) Facilitate communication among suicide and overdose~~
9 ~~death review teams.~~

10 ~~(4) Transmit available information to an appropriate~~
11 ~~suicide and overdose death review team regarding a fatal~~
12 ~~suicide or overdose in the suicide and overdose death review~~
13 ~~team's jurisdiction, including all of the following~~
14 ~~information:~~

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

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

21 ~~(5) Provide a suicide and overdose death review team~~
22 ~~access to all of the following:~~

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

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

30 ~~(A) A 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) A deceased individual's access to various~~
5 ~~lethal means, social service records, school records,~~
6 ~~educational histories and disciplinary or health~~
7 ~~records generated by a local school system, and~~
8 ~~coroner or medical examiner records, including~~
9 ~~autopsy and toxicology reports.~~

10 ~~(C) Any other record concerning the assessment,~~
11 ~~care, diagnosis, near death or treatment of a~~
12 ~~deceased individual.~~

13 ~~(6) Promulgate regulations necessary to implement this~~
14 ~~act.~~

15 ~~Section 6. Confidentiality of suicide and overdose death review~~
16 ~~team records.~~

17 ~~(a) Meetings. A suicide and overdose death review team~~
18 ~~meeting shall be closed to the public and information discussed~~
19 ~~at the meeting shall be confidential.~~

20 ~~(b) Records. The proceeding, records and opinions of a~~
21 ~~suicide and overdose death review team may not be disclosed~~
22 ~~under the act of February 14, 2008 (P.L.6, No.3), known as the~~
23 ~~Right to Know Law. The proceedings, records and opinions of a~~
24 ~~suicide and overdose death review team shall be confidential and~~
25 ~~may not be subject to discovery, subpoena or introduction into~~
26 ~~evidence in a criminal or civil proceeding. A member of a~~
27 ~~suicide and overdose death review team may not be questioned in~~
28 ~~a criminal or civil proceeding regarding information presented~~
29 ~~in or opinions formed as a result of a meeting of the suicide~~
30 ~~and overdose death review team. Nothing in this subsection shall~~

1 ~~be construed to prevent a member of a suicide and overdose death~~
2 ~~review team from testifying in a criminal or civil proceeding to~~
3 ~~information obtained independently of the suicide and overdose~~
4 ~~death review team or to information which is publicly available.~~

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

6 ~~(a) Confidentiality. A member of a suicide and overdose~~
7 ~~death review team may discuss confidential matters during a~~
8 ~~meeting of the suicide and overdose death review team. The~~
9 ~~following shall apply:~~

10 ~~(1) A member of a suicide and overdose death review team~~
11 ~~shall comply with applicable Federal and State laws regarding~~
12 ~~confidentiality during a meeting of the suicide and overdose~~
13 ~~death review team.~~

14 ~~(2) Except as provided under subsection (b), a member of~~
15 ~~a suicide and overdose death review may not be disciplined,~~
16 ~~criminally prosecuted or held administratively or civilly~~
17 ~~liable for sharing or discussing confidential matters during~~
18 ~~a meeting of the suicide and overdose death review team.~~

19 ~~(b) Liability. The immunity specified under subsection (a)~~
20 ~~(2) shall not apply to a member of a suicide and overdose death~~
21 ~~review team or an invitee of a suicide and overdose death review~~
22 ~~team who discloses confidential information with malice, in bad~~
23 ~~faith or in a negligent manner.~~

24 ~~Section 8. Effective date.~~

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

26 SECTION 1. SHORT TITLE.

<--

27 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE SUICIDE AND
28 OVERDOSE DEATH REVIEW ACT.

29 SECTION 2. DEFINITIONS.

30 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL

1 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
2 CONTEXT CLEARLY INDICATES OTHERWISE:

3 "COUNTY." A COUNTY OF THE FIRST CLASS, SECOND CLASS, SECOND
4 CLASS A, THIRD CLASS, FOURTH CLASS, FIFTH CLASS, SIXTH CLASS,
5 SEVENTH CLASS AND EIGHTH CLASS.

6 "DEATH REVIEW TEAM." A SUICIDE OR OVERDOSE DEATH REVIEW TEAM
7 ESTABLISHED UNDER SECTION 3.

8 "DECEASED INDIVIDUAL." AN INDIVIDUAL WHO DIED BY SUICIDE OR
9 FATAL OVERDOSE.

10 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

11 "DRUG." A SUBSTANCE WHICH PRODUCES A PHYSIOLOGICAL EFFECT
12 WHEN INGESTED OR INTRODUCED INTO THE BODY. THE TERM INCLUDES AN
13 ILLICIT OR LEGAL SUBSTANCE.

14 "EMS PROVIDER." THE TERM INCLUDES THE FOLLOWING:

15 (1) AN EMERGENCY MEDICAL RESPONDER.

16 (2) AN EMERGENCY MEDICAL TECHNICIAN.

17 (3) AN ADVANCED EMERGENCY MEDICAL TECHNICIAN.

18 (4) A PARAMEDIC.

19 (5) A PREHOSPITAL REGISTERED NURSE.

20 (6) A PREHOSPITAL PHYSICIAN EXTENDER.

21 (7) A PREHOSPITAL EMS PHYSICIAN.

22 (8) AN INDIVIDUAL PRESCRIBED BY REGULATION OF THE
23 DEPARTMENT TO PROVIDE SPECIALIZED EMS.

24 "HEALTH CARE PROVIDER." A PHYSICIAN, ADVANCED PRACTICE NURSE
25 PRACTITIONER OR PHYSICIAN ASSISTANT WHO IS LICENSED TO PRACTICE
26 MEDICINE IN THIS COMMONWEALTH.

27 "HOSPITAL." AN INSTITUTION HAVING AN ORGANIZED MEDICAL STAFF
28 ESTABLISHED FOR THE PURPOSE OF PROVIDING TO INPATIENTS, BY OR
29 UNDER THE SUPERVISION OF PHYSICIANS, DIAGNOSTIC AND THERAPEUTIC
30 SERVICES FOR THE CARE OF INDIVIDUALS WHO ARE INJURED, DISABLED,

1 PREGNANT, DISEASED, SICK OR MENTALLY ILL OR REHABILITATION
2 SERVICES FOR THE REHABILITATION OF INDIVIDUALS WHO ARE INJURED,
3 DISABLED, PREGNANT, DISEASED, SICK OR MENTALLY ILL. THE TERM
4 INCLUDES FACILITIES FOR THE DIAGNOSIS AND TREATMENT OF DISORDERS
5 WITHIN THE SCOPE OF SPECIFIC MEDICAL SPECIALTIES.

6 "LAW ENFORCEMENT AGENCY." THE PENNSYLVANIA STATE POLICE, A
7 LOCAL LAW ENFORCEMENT AGENCY OR THE OFFICE OF ATTORNEY GENERAL.

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

9 (1) A LOCAL DEPARTMENT OF HEALTH ESTABLISHED BY A
10 MUNICIPALITY UNDER THE ACT OF AUGUST 24, 1951 (P.L.1304,
11 NO.315), KNOWN AS THE LOCAL HEALTH ADMINISTRATION LAW.

12 (2) A SINGLE-COUNTY DEPARTMENT OF HEALTH OR JOINT-COUNTY
13 DEPARTMENT OF HEALTH ESTABLISHED UNDER THE LOCAL HEALTH
14 ADMINISTRATION LAW.

15 "LOCAL LAW ENFORCEMENT AGENCY." A POLICE DEPARTMENT OF A
16 CITY, BOROUGH, INCORPORATED TOWN OR TOWNSHIP.

17 "MENTAL HEALTH PROVIDER." A PSYCHIATRIST, PSYCHOLOGIST,
18 ADVANCED PRACTICE NURSE PRACTITIONER WITH A SPECIALTY IN
19 PSYCHIATRIC MENTAL HEALTH, CLINICAL SOCIAL WORKER, PROFESSIONAL
20 CLINICAL COUNSELOR OR MARRIAGE AND FAMILY THERAPIST WHO IS
21 LICENSED TO PRACTICE IN THIS COMMONWEALTH.

22 "MULTICOUNTY TEAM." A MULTIDISCIPLINARY AND MULTIAGENCY
23 SUICIDE OR OVERDOSE DEATH REVIEW TEAM JOINTLY CREATED BY TWO OR
24 MORE COUNTIES IN THIS COMMONWEALTH.

25 "MUNICIPALITY." A COUNTY, CITY, BOROUGH, INCORPORATED TOWN
26 OR TOWNSHIP.

27 "OVERDOSE." AN ALCOHOL OR SUBSTANCE OVERDOSE.

28 "OVERDOSE DEATH." A FATALITY RESULTING FROM ONE OR MORE
29 SUBSTANCES TAKEN IN EXCESSIVE AMOUNTS.

30 "OVERDOSE DEATH REVIEW." A PROCESS IN WHICH A MULTIAGENCY,

1 MULTIDISCIPLINARY TEAM PERFORMS A SERIES OF INDIVIDUAL OVERDOSE
2 DEATH REVIEWS TO EFFECTIVELY IDENTIFY SYSTEM GAPS AND INNOVATIVE
3 COMMUNITY-SPECIFIC OVERDOSE PREVENTION AND INTERVENTION
4 STRATEGIES.

5 "SCHOOL." A FACILITY PROVIDING ELEMENTARY, SECONDARY OR
6 POSTSECONDARY EDUCATIONAL SERVICES. THE TERM INCLUDES THE
7 FOLLOWING:

8 (1) A SCHOOL OF A SCHOOL DISTRICT.

9 (2) AN AREA CAREER AND TECHNICAL SCHOOL.

10 (3) A JOINT SCHOOL.

11 (4) AN INTERMEDIATE UNIT.

12 (5) A CHARTER SCHOOL OR REGIONAL CHARTER SCHOOL.

13 (6) A CYBER CHARTER SCHOOL.

14 (7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF JANUARY
15 28, 1988 (P.L.24, NO.11), KNOWN AS THE PRIVATE ACADEMIC
16 SCHOOLS ACT.

17 (8) A PRIVATE SCHOOL ACCREDITED BY AN ACCREDITING
18 ASSOCIATION APPROVED BY THE STATE BOARD OF EDUCATION.

19 (9) A NONPUBLIC SCHOOL.

20 (10) AN INSTITUTION OF HIGHER EDUCATION.

21 (11) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER
22 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED
23 SCHOOLS ACT.

24 (12) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION AS
25 DEFINED IN SECTION 914.1-A(C) OF THE ACT OF MARCH 10, 1949
26 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

27 "SUBSTANCE USE DISORDER." A PATTERN OF USE OF ALCOHOL OR
28 OTHER DRUGS LEADING TO CLINICAL OR FUNCTIONAL IMPAIRMENT.

29 "SUBSTANCE USE DISORDER TREATMENT PROVIDER." AN INDIVIDUAL
30 OR ENTITY WHO IS LICENSED, REGISTERED OR CERTIFIED WITHIN THIS

1 COMMONWEALTH TO TREAT SUBSTANCE USE DISORDERS OR WHO HAS A DRUG
2 ADDICTION TREATMENT WAIVER UNDER SECTION 303(G) OF THE
3 CONTROLLED SUBSTANCES ACT (PUBLIC LAW 91-513, 84 STAT. 1236)
4 FROM THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
5 ADMINISTRATION TO TREAT INDIVIDUALS WITH SUBSTANCE USE DISORDER
6 USING MEDICATIONS APPROVED FOR THAT INDICATION BY THE UNITED
7 STATES FOOD AND DRUG ADMINISTRATION.

8 "SUICIDE DEATH." A FATALITY CAUSED BY INJURING ONESELF WITH
9 THE INTENT TO DIE.

10 SECTION 3. SUICIDE OR OVERDOSE DEATH REVIEW TEAMS.

11 (A) ESTABLISHMENT.--A COUNTY, OR TWO OR MORE COUNTIES, MAY
12 ESTABLISH A SUICIDE DEATH REVIEW TEAM, AN OVERDOSE DEATH REVIEW
13 TEAM, OR BOTH, FOR THE PURPOSES OF COLLECTING AND EXAMINING
14 INFORMATION AND RECORDS CONCERNING SUICIDE OR OVERDOSE
15 FATALITIES IN THIS COMMONWEALTH TO IMPROVE COMMUNITY RESOURCES
16 AND SYSTEMS OF CARE TO REDUCE SUICIDE OR OVERDOSE FATALITIES.
17 THE FOLLOWING SHALL APPLY:

18 (1) A COUNTY MAY ESTABLISH AN INDEPENDENT COUNTY DEATH
19 REVIEW TEAM OR JOINTLY WITH OTHER COUNTIES. IF A JOINT COUNTY
20 DEATH REVIEW TEAM IS ESTABLISHED, THE MULTICOUNTY TEAM
21 MEMBERS SHALL EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN
22 PARTICIPATING COUNTIES REGARDING TEAM MEMBERSHIP, STAFFING
23 AND OPERATIONS.

24 (2) UPON THE ESTABLISHMENT OF A DEATH REVIEW TEAM, THE
25 DEATH REVIEW TEAM SHALL NOTIFY THE DEPARTMENT OF THE
26 ESTABLISHMENT OF THE TEAM.

27 (3) A DEATH REVIEW TEAM SHALL BE MULTIDISCIPLINARY AND
28 CULTURALLY DIVERSE AND INCLUDE PROFESSIONALS AND
29 REPRESENTATIVES FROM ORGANIZATIONS THAT PROVIDE SERVICES OR
30 COMMUNITY RESOURCES FOR FAMILIES IN THE COMMUNITY SERVED BY

1 THE DEATH REVIEW TEAM.

2 (B) MEMBERSHIP.--

3 (1) IN COUNTIES WHERE THERE IS A LOCAL HEALTH
4 DEPARTMENT, THE LOCAL HEALTH DEPARTMENT SHALL BE THE LEAD
5 ORGANIZATION TO OVERSEE AND COORDINATE THE DEATH REVIEW TEAM
6 IN A FORM AND MANNER AS PRESCRIBED BY THE DEPARTMENT. IN
7 COUNTIES CHOOSING TO ESTABLISH A DEATH REVIEW TEAM, IF THERE
8 IS NOT A LOCAL HEALTH DEPARTMENT, AN ORGANIZATION INTERESTED
9 IN BEING SELECTED AS THE LEAD ORGANIZATION SHALL SUBMIT AN
10 APPLICATION, IN A FORM AND MANNER AS PRESCRIBED BY THE
11 DEPARTMENT, FOR REVIEW AND APPROVAL. PRIOR TO SUBMITTING AN
12 APPLICATION, A COUNTY'S COMMISSIONERS SHALL APPROVE THE
13 SUBMISSION OF AN ORGANIZATION AS A LEAD ORGANIZATION.

14 (2) THE LEAD ORGANIZATION SHALL SELECT THE MEMBERSHIP OF
15 THE DEATH REVIEW TEAM. THE FOLLOWING SHALL APPLY:

16 (I) MEMBERS OF THE OVERDOSE DEATH REVIEW TEAM SHALL
17 BE SELECTED FROM ANY OF THE FOLLOWING CATEGORIES:

18 (A) A CORONER OR MEDICAL EXAMINER.

19 (B) A PATHOLOGIST.

20 (C) A PSYCHOLOGIST LICENSED UNDER THE ACT OF
21 MARCH 23, 1972 (P.L.136, NO.52), KNOWN AS THE
22 PROFESSIONAL PSYCHOLOGISTS PRACTICE ACT.

23 (D) A PHYSICIAN LICENSED UNDER THE ACT OF
24 DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE
25 MEDICAL PRACTICE ACT OF 1985, OR A PHYSICIAN LICENSED
26 UNDER THE ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261),
27 KNOWN AS THE OSTEOPATHIC MEDICAL PRACTICE ACT, WHO
28 PRACTICES AS A PSYCHIATRIST.

29 (E) A LOCAL BEHAVIORAL HEALTH REPRESENTATIVE.

30 (F) AN INDIVIDUAL WHO IS A MEMBER OF THE

1 EDUCATION COMMUNITY WITH EXPERIENCE REGARDING
2 EXISTING AND POTENTIAL OVERDOSE PREVENTION EFFORTS
3 FOR STUDENTS IN PRIMARY AND SECONDARY SCHOOLS.

4 (G) AN INDIVIDUAL WHO IS A MEMBER OF THE LAW
5 ENFORCEMENT COMMUNITY WITH EXPERIENCE REGARDING
6 EXISTING AND POTENTIAL OVERDOSE PREVENTION EFFORTS
7 FOR INDIVIDUALS WHO ARE INVOLVED WITH THE LAW
8 ENFORCEMENT SYSTEM.

9 (H) A REPRESENTATIVE OF AN ORGANIZATION THAT
10 ADVOCATES FOR INDIVIDUALS WITH BEHAVIORAL HEALTH
11 ISSUES AND THEIR FAMILY MEMBERS.

12 (I) A REPRESENTATIVE OF AN ORGANIZATION THAT
13 ADVOCATES FOR INDIVIDUALS WITH SUBSTANCE USE
14 DISORDERS AND THEIR FAMILY MEMBERS.

15 (J) A REPRESENTATIVE FROM A SINGLE COUNTY
16 AUTHORITY.

17 (K) THE COUNTY HEALTH OFFICER, OR THE OFFICER'S
18 DESIGNEE, IF APPLICABLE.

19 (L) THE DIRECTOR OF THE LOCAL OFFICE RESPONSIBLE
20 FOR HUMAN SERVICES OR THE DIRECTOR'S DESIGNEE.

21 (M) THE LOCAL DISTRICT ATTORNEY OR THE DISTRICT
22 ATTORNEY'S DESIGNEE.

23 (II) MEMBERS OF THE SUICIDE DEATH REVIEW TEAM SHALL
24 BE SELECTED FROM ANY OF THE FOLLOWING CATEGORIES:

25 (A) AT LEAST THREE MENTAL HEALTH PROVIDERS
26 SPECIALIZING IN TRAUMA, YOUTH MENTAL HEALTH, VETERAN
27 AND MILITARY MENTAL HEALTH, OR OTHER RELEVANT
28 SPECIALTY.

29 (B) A CRISIS COUNSELOR SPECIALIZING IN SUICIDE
30 PREVENTION.

1 (C) AN ADVOCATE FOR THE PREVENTION OF SUICIDE
2 FATALITIES.

3 (D) A MEDICAL EXAMINER OR CORONER RESPONSIBLE
4 FOR RECORDING FATALITIES.

5 (E) A FAMILY MEDICINE SPECIALIST OR OTHER
6 RELEVANT MEDICAL SPECIALTY.

7 (F) AN INDIVIDUAL WHO IS A MEMBER OF THE
8 EDUCATION COMMUNITY WITH EXPERIENCE REGARDING
9 EXISTING AND POTENTIAL SUICIDE PREVENTION EFFORTS FOR
10 STUDENTS IN PRIMARY AND SECONDARY SCHOOLS.

11 (G) AN INDIVIDUAL WHO IS A MEMBER OF THE LAW
12 ENFORCEMENT COMMUNITY WITH EXPERIENCE REGARDING
13 EXISTING AND POTENTIAL SUICIDE PREVENTION EFFORTS FOR
14 INDIVIDUALS WHO ARE INVOLVED WITH THE LAW ENFORCEMENT
15 SYSTEM.

16 (H) THE COUNTY HEALTH OFFICER OR THE OFFICER'S
17 DESIGNEE, IF APPLICABLE.

18 (I) THE DIRECTOR OF THE LOCAL OFFICE RESPONSIBLE
19 FOR HUMAN SERVICES OR THE DIRECTOR'S DESIGNEE.

20 (3) IN ADDITION TO THE MEMBERS SELECTED UNDER PARAGRAPH
21 (2), THE LEAD ORGANIZATION MAY SELECT ADDITIONAL MEMBERS FOR
22 A DEATH REVIEW TEAM AS DEEMED NECESSARY BY THE LEAD
23 ORGANIZATION TO ADMINISTER THE DEATH REVIEW TEAM'S DUTIES
24 UNDER SECTION 4, INCLUDING INDIVIDUALS WITH EXPERIENCE AND
25 KNOWLEDGE IN THE FOLLOWING AREAS:

26 (I) PHYSICAL HEALTH SERVICES.

27 (II) SOCIAL SERVICES.

28 (III) LAW ENFORCEMENT.

29 (IV) EDUCATION.

30 (V) EMERGENCY MEDICINE.

1 (VI) BEHAVIORAL HEALTH SERVICES.

2 (VII) JUVENILE DELINQUENCY.

3 (VIII) ADULT OR JUVENILE PROBATION.

4 (IX) DRUG AND ALCOHOL SUBSTANCE USE DISORDER.

5 (C) CHAIR, VACANCIES AND MEETINGS.--A DEATH REVIEW TEAM
6 SHALL SELECT A CHAIR BY A MAJORITY VOTE OF A QUORUM OF THE DEATH
7 REVIEW TEAM'S MEMBERS. A MAJORITY OF A DEATH REVIEW TEAM'S
8 SELECTED MEMBERS SHALL CONSTITUTE A QUORUM. THE DEATH REVIEW
9 TEAM SHALL MEET AT LEAST QUARTERLY TO CONDUCT BUSINESS AND
10 REVIEW QUALIFYING DEATHS UNDER SECTION 4(B). A VACANCY ON THE
11 DEATH REVIEW TEAM SHALL BE FILLED IN ACCORDANCE WITH SECTION
12 3(B).

13 SECTION 4. DUTIES OF DEATH REVIEW TEAM.

14 (A) AUTHORIZATION.--UPON RECEIPT OF A REPORT OF A QUALIFYING
15 DEATH UNDER SUBSECTION (B), A DEATH REVIEW TEAM MAY PERFORM THE
16 FOLLOWING:

17 (1) INQUIRE INTO CAUSE OF DEATH UPON RECEIPT OF A REPORT
18 OF A QUALIFYING DEATH.

19 (2) CONDUCT A MULTIDISCIPLINARY REVIEW OF AVAILABLE
20 INFORMATION COLLECTED REGARDING A DECEASED INDIVIDUAL.

21 (3) ESTABLISH POLICIES AND PROCEDURES FOR COLLECTING AND
22 REVIEWING AVAILABLE INFORMATION AND RECORDS UNDER SECTION 6
23 REGARDING THE DECEASED INDIVIDUAL FROM STATE, COUNTY AND
24 LOCAL AGENCIES, LAW ENFORCEMENT AND PRIVATE ENTITIES.

25 (4) IDENTIFY POINTS OF CONTACT BETWEEN THE DECEASED
26 INDIVIDUAL AND HEALTH CARE SYSTEMS, SOCIAL SERVICES SYSTEMS,
27 CRIMINAL JUSTICE SYSTEMS AND OTHER SYSTEMS INVOLVED WITH THE
28 DECEASED INDIVIDUAL.

29 (5) IDENTIFY THE RISK FACTORS THAT PUT INDIVIDUALS AT
30 RISK FOR AN OVERDOSE OR SUICIDE WITHIN THE DEATH REVIEW

1 TEAM'S JURISDICTION.

2 (6) PROMOTE COOPERATION AND COORDINATION ACROSS STATE,
3 COUNTY AND LOCAL AGENCIES INVOLVED IN OVERDOSE OR SUICIDE
4 INVESTIGATIONS.

5 (7) RECOMMEND IMPROVEMENTS IN SOURCES OF INFORMATION
6 RELATING TO INVESTIGATING REPORTED OVERDOSE OR SUICIDE
7 DEATHS, INCLUDING STANDARDS FOR THE UNIFORM AND CONSISTENT
8 REPORTING OF OVERDOSE OR SUICIDE DEATHS BY LAW ENFORCEMENT OR
9 OTHER EMERGENCY SERVICE RESPONDERS WITHIN THE DEATH REVIEW
10 TEAM'S JURISDICTION.

11 (8) RECOMMEND IMPROVEMENTS TO STATE LAWS AND LOCAL
12 PARTNERSHIPS, POLICIES AND PRACTICES TO PREVENT OVERDOSE AND
13 SUICIDE DEATHS.

14 (B) INTERVIEWS.--IF A DEATH REVIEW TEAM OPTS TO CONTACT A
15 FAMILY MEMBER OR CAREGIVER OF A DECEASED INDIVIDUAL TO CONDUCT
16 AN INTERVIEW, THE DEATH REVIEW TEAM SHALL DEVELOP PROTOCOLS FOR
17 INITIATING THE CONTACT AND CONDUCTING THE INTERVIEW. THE
18 PROTOCOLS SHALL BE BASED ON TRAUMA-INFORMED CARE PRINCIPLES AND
19 SHALL ADDRESS ALL OF THE FOLLOWING:

20 (1) THE DEATH REVIEW TEAM'S COLLECTION, USE AND
21 DISCLOSURE OF INFORMATION AND RECORDS FROM THE FAMILY MEMBER
22 OR CAREGIVER.

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

25 (3) ENSURING THAT INFORMATION AND RECORDS ATTAINED FROM
26 THE INTERVIEW IS CONFIDENTIAL.

27 (C) ANNUAL REPORT.--A DEATH REVIEW TEAM SHALL PREPARE AND
28 SUBMIT TO THE DEPARTMENT AN ANNUAL REPORT. THE TEAM SHALL
29 PUBLISH THE ANNUAL REPORT ON THE LOCAL DEPARTMENT OF HEALTH'S OR
30 LOCAL GOVERNMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE FOR THE

1 PURPOSE OF EVALUATIONS, POLICY CONSIDERATIONS AND HEALTH CARE
2 PROGRAM ENHANCEMENTS. THE ANNUAL REPORT SHALL COMPLY WITH
3 CONFIDENTIALITY REQUIREMENTS UNDER THIS ACT AND SHALL INCLUDE
4 ALL OF THE FOLLOWING INFORMATION:

5 (1) A SUMMARY OF THE AGGREGATED, NONINDIVIDUALLY
6 IDENTIFIABLE FINDINGS OF THE DEATH REVIEW TEAM FOR THE
7 PREVIOUS YEAR.

8 (2) RECOMMENDATIONS TO IMPROVE SYSTEMS OF CARE AND
9 COMMUNITY RESOURCES TO REDUCE FATAL SUICIDES OR OVERDOSES IN
10 THE DEATH REVIEW TEAM'S JURISDICTION.

11 (3) PROPOSED SOLUTIONS FOR INADEQUACIES IN THE SYSTEMS
12 OF CARE.

13 (4) RECOMMENDATIONS TO IMPROVE SOURCES OF INFORMATION
14 REGARDING THE INVESTIGATION OF REPORTED SUICIDES AND OVERDOSE
15 DEATHS, INCLUDING STANDARDS FOR THE UNIFORM AND CONSISTENT
16 REPORTING OF FATAL SUICIDES AND OVERDOSES BY LAW ENFORCEMENT
17 OR OTHER EMERGENCY SERVICE RESPONDERS WITHIN THE DEATH REVIEW
18 TEAM'S JURISDICTION.

19 (5) RECOMMENDATIONS FOR IMPROVEMENTS TO STATE LAWS AND
20 LOCAL PARTNERSHIPS, POLICIES AND PRACTICES TO PREVENT SUICIDE
21 AND OVERDOSE FATALITIES.

22 SECTION 5. DUTIES OF DEPARTMENT.

23 THE DEPARTMENT, IN CONSULTATION WITH STATE OR LOCAL
24 GOVERNMENT AGENCIES, SHALL HAVE ALL OF THE FOLLOWING DUTIES:

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

27 (2) FACILITATE COMMUNICATION BETWEEN DEATH REVIEW TEAMS.

28 (3) TRANSMIT AVAILABLE INFORMATION TO THE APPROPRIATE
29 DEATH REVIEW TEAM REGARDING A FATAL SUICIDE OR OVERDOSE IN
30 THE DEATH REVIEW TEAM'S JURISDICTION, INCLUDING ALL OF THE

1 FOLLOWING INFORMATION:

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

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

8 (4) PROMULGATE REGULATIONS AS NECESSARY TO IMPLEMENT
9 THIS ACT.

10 (5) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND THE
11 GENERAL ASSEMBLY BY SEPTEMBER OF EACH YEAR WHICH INCLUDES A
12 SUMMARY OF REPORTS RECEIVED FROM LOCAL DEATH REVIEW TEAMS AND
13 RECOMMENDATIONS RELATING TO THE REDUCTION OF RISK OF DEATH BY
14 SUICIDE AND OVERDOSE.

15 SECTION 6. AUTHORITY TO ACCESS RECORDS.

16 TO THE EXTENT PERMITTED BY FEDERAL LAW, A DEATH REVIEW TEAM
17 MAY ACCESS RECORDS AS FOLLOWS:

18 (1) IF DEEMED NECESSARY FOR ITS REVIEW, THE DEATH REVIEW
19 TEAM MAY PETITION THE COURT FOR LEAVE TO REVIEW AND INSPECT
20 ALL FILES AND RECORDS OF THE COURT RELATING TO A DECEASED
21 INDIVIDUAL PURSUANT TO A PROCEEDING UNDER 42 PA.C.S. CH. 63
22 (RELATING TO JUVENILE MATTERS) IN ACCORDANCE WITH 42 PA.C.S.
23 § 6307 (RELATING TO INSPECTION OF COURT FILES AND RECORDS).
24 THIS PARAGRAPH SHALL NOT APPLY TO A FILE AND RECORD OF THE
25 COURT SUBJECT TO A CHILD FATALITY OR NEAR FATALITY REVIEW
26 UNDER 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE
27 SERVICES).

28 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND
29 CONSISTENT WITH THE HEALTH INSURANCE PORTABILITY AND
30 ACCOUNTABILITY ACT OF 1996 (PUBLIC LAW 104-191, 110 STAT.

1 1936) AND 42 CFR PT. 2 (RELATING TO CONFIDENTIALITY OF
2 SUBSTANCE USE DISORDER PATIENT RECORDS), PERSONS OR ENTITIES
3 THAT PROVIDE SUBSTANCE USE DISORDER TREATMENT SERVICES SHALL
4 PROVIDE TO AN OVERDOSE DEATH REVIEW TEAM THE RECORDS OF A
5 DECEASED INDIVIDUAL UNDER REVIEW WITHOUT NEED FOR
6 AUTHORIZATION OF ANY PERSON, INCLUDING THE EXECUTOR,
7 ADMINISTRATOR OR PERSONAL REPRESENTATIVE OF THE DECEASED
8 INDIVIDUAL FOR PURPOSES OF REVIEW UNDER THIS ACT.

9 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND
10 CONSISTENT WITH THE HEALTH INSURANCE PORTABILITY AND
11 ACCOUNTABILITY ACT, THE TEAM MAY REVIEW AND INSPECT MENTAL
12 HEALTH CARE SERVICE FILES AND RECORDS OF A DECEASED
13 INDIVIDUAL UNDER REVIEW WITHOUT THE NEED FOR AUTHORIZATION OF
14 ANY PERSON, INCLUDING THE EXECUTOR, ADMINISTRATOR OR PERSONAL
15 REPRESENTATIVE OF THE DECEASED INDIVIDUAL FOR PURPOSES OF
16 REVIEW UNDER THIS ACT.

17 (4) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND
18 CONSISTENT WITH THE HEALTH INSURANCE PORTABILITY AND
19 ACCOUNTABILITY ACT, HEALTH CARE FACILITIES AND HEALTH CARE
20 PROVIDERS, PHARMACIES AND MENTAL HEALTH CARE PROVIDERS SHALL
21 PROVIDE MEDICAL RECORDS OF A DECEASED INDIVIDUAL UNDER REVIEW
22 WITHOUT THE NEED FOR AUTHORIZATION OF ANY PERSON, INCLUDING
23 THE EXECUTOR, ADMINISTRATOR OR PERSONAL REPRESENTATIVE OF THE
24 DECEASED INDIVIDUAL FOR PURPOSES OF REVIEW UNDER THIS ACT.

25 (5) OTHER RECORDS PERTAINING TO THE DECEASED UNDER
26 REVIEW FOR THE PURPOSES OF THIS ACT SHALL BE OPEN TO
27 INSPECTION AS PERMITTED BY LAW.

28 SECTION 7. REQUESTS FOR RECORDS.

29 (A) REQUEST FOR INFORMATION AND RECORDS BY A DEATH REVIEW
30 TEAM.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING

1 SHALL BE PROVIDED TO A DEATH REVIEW TEAM ON WRITTEN REQUEST OF
2 THE LEAD ORGANIZATION OR CHAIR OF A DEATH REVIEW TEAM:

3 (1) RECORDS REGARDING THE TREATMENT FOR SUBSTANCE USE
4 DISORDER, MAINTAINED BY A FEDERALLY ASSISTED SUBSTANCE USE
5 DISORDER TREATMENT PROVIDER, FOR A DECEASED INDIVIDUAL UNDER
6 REVIEW BY A DEATH REVIEW TEAM, AS PERMITTED TO BE SHARED IN
7 ACCORDANCE WITH FEDERAL LAW, INCLUDING 42 CFR PT. 2 (RELATING
8 TO CONFIDENTIALITY OF SUBSTANCE USE DISORDER PATIENT
9 RECORDS).

10 (2) RECORDS REGARDING THE PHYSICAL HEALTH AND MENTAL
11 HEALTH, MAINTAINED BY A HEALTH CARE PROVIDER, HOSPITAL OR
12 HEALTH SYSTEM, FOR A DECEASED INDIVIDUAL UNDER REVIEW BY A
13 DEATH REVIEW TEAM.

14 (3) RECORDS MAINTAINED BY A STATE OR LOCAL GOVERNMENT
15 AGENCY OR ENTITY, INCLUDING DEATH INVESTIGATIVE INFORMATION,
16 MEDICAL EXAMINER INVESTIGATIVE INFORMATION, LAW ENFORCEMENT
17 INVESTIGATIVE INFORMATION, EMERGENCY MEDICAL SERVICES
18 REPORTS, FIRE DEPARTMENT RECORDS, PROSECUTORIAL RECORDS,
19 PAROLE AND PROBATION INFORMATION AND RECORDS, COURT RECORDS,
20 SCHOOL RECORDS AND INFORMATION AND RECORDS OF A SOCIAL
21 SERVICES AGENCY, INCLUDING THE DEPARTMENT OF HUMAN SERVICES,
22 IF THE AGENCY OR ENTITY PREVIOUSLY PROVIDED SERVICES TO THE
23 DECEASED INDIVIDUAL UNDER REVIEW BY A DEATH REVIEW TEAM.

24 (4) THE FOLLOWING SHALL COMPLY WITH A RECORDS REQUEST BY
25 A DEATH REVIEW TEAM MADE UNDER THIS SUBSECTION:

26 (I) CORONER OR MEDICAL EXAMINER.

27 (II) FIRE DEPARTMENT.

28 (III) HEALTH SYSTEM.

29 (IV) HOSPITAL.

30 (V) LAW ENFORCEMENT AGENCY.

1 (VI) STATE OR LOCAL GOVERNMENTAL AGENCY, INCLUDING
2 THE DEPARTMENT, DEPARTMENT OF HUMAN SERVICES AND THE
3 DEPARTMENT OF CORRECTIONS.

4 (VII) MENTAL HEALTH PROVIDER.

5 (VIII) HEALTH CARE PROVIDER.

6 (IX) SUBSTANCE USE DISORDER TREATMENT PROVIDER.

7 (X) SCHOOL.

8 (XI) EMS PROVIDER.

9 (XII) SOCIAL SERVICES PROVIDER.

10 (XIII) PRESCRIPTION DRUG MONITORING PROGRAM
11 REPRESENTATIVE.

12 (XIV) ANY OTHER PERSON OR ENTITY WHO IS IN
13 POSSESSION OF RECORDS PERTINENT TO THE OVERDOSE DEATH
14 REVIEW TEAM INVESTIGATION OF AN OVERDOSE DEATH.

15 (B) COST TO PROVIDE RECORDS.--A PERSON OR ENTITY SUBJECT TO
16 A RECORDS REQUEST BY A DEATH REVIEW TEAM UNDER SUBSECTION (A)
17 MAY CHARGE THE DEATH REVIEW TEAM A REASONABLE FEE FOR THE
18 SERVICE OF DUPLICATING ANY RECORDS REQUESTED BY THE DEATH REVIEW
19 TEAM FOR WHICH DUPLICATION IS REQUIRED.

20 (C) DISCLOSURE OF SUBSTANCE USE DISORDER RECORDS.--THE
21 DISCLOSURE OR REDISCLOSURE OF A MEDICAL RECORD DEVELOPED IN
22 CONNECTION WITH THE PROVISION OF SUBSTANCE USE TREATMENT
23 SERVICES, WITHOUT THE AUTHORIZATION OF A PERSON IN INTEREST,
24 SHALL BE SUBJECT TO ANY LIMITATIONS THAT EXIST UNDER SECTION 8
25 OF THE ACT OF APRIL 14, 1972 (P.L.221, NO.63), KNOWN AS THE
26 PENNSYLVANIA DRUG AND ALCOHOL ABUSE CONTROL ACT, SECTION 543 OF
27 THE PUBLIC HEALTH SERVICE ACT (58 STAT. 682, 42 U.S.C. 290DD-2)
28 OR 42 CFR PT. 2.

29 (D) PROVISION OF INFORMATION.--INFORMATION, IF REQUESTED BY
30 THE LEAD ORGANIZATION OR CHAIR OF THE DEATH REVIEW TEAM, SHALL

1 BE PROVIDED WITHIN FIVE BUSINESS DAYS OF RECEIPT OF THE WRITTEN
2 REQUEST, EXCLUDING WEEKENDS AND HOLIDAYS, UNLESS AN EXTENSION IS
3 GRANTED BY THE LEAD ORGANIZATION OR CHAIR. WRITTEN REQUESTS MAY
4 INCLUDE A REQUEST SUBMITTED VIA EMAIL OR FACSIMILE TRANSMISSION.

5 (E) ADMINISTRATIVE SUBPOENA.--NOTWITHSTANDING ANY OTHER
6 PROVISION OF LAW, A DEATH REVIEW TEAM SHALL NOT NEED AN
7 ADMINISTRATIVE SUBPOENA OR OTHER FORM OF LEGAL COMPULSION TO
8 RECEIVE REQUESTED RECORDS UNDER THIS ACT. THIS SUBSECTION SHALL
9 NOT NEGATE ANY RIGHT THE DEATH REVIEW TEAM HAS TO OBTAIN AN
10 ADMINISTRATIVE SUBPOENA OR OTHER FORM OF LEGAL COMPULSION.

11 (F) SHARING OF INFORMATION.--INFORMATION RECEIVED BY THE
12 LEAD ORGANIZATION OR CHAIR IN RESPONSE TO A REQUEST UNDER THIS
13 SECTION MAY BE SHARED AT A DEATH REVIEW TEAM MEETING IN
14 ACCORDANCE WITH SECTION 8.

15 (G) PROHIBITION.--A RECORD MAY NOT BE RELEASED:

16 (1) DURING THE PENDENCY OF AN INVESTIGATION.

17 (2) WITHOUT THE APPROPRIATE WRITTEN CONSENT IN
18 ACCORDANCE WITH THE HEALTH INSURANCE PORTABILITY AND
19 ACCOUNTABILITY ACT OF 1996 (PUBLIC LAW 104-191, 110 STAT.
20 1936).

21 (H) APPLICABILITY.--THIS SECTION SHALL APPLY TO THE EXTENT
22 PERMITTED BY FEDERAL LAW.

23 SECTION 8. CONFIDENTIALITY OF DEATH REVIEW TEAM RECORDS AND
24 MEETINGS.

25 (A) MEETINGS.--A DEATH REVIEW TEAM MEETING SHALL BE CLOSED
26 TO THE PUBLIC AND INFORMATION DISCUSSED AT THE MEETING SHALL BE
27 CONFIDENTIAL.

28 (B) RECORDS.--

29 (1) THE PROCEEDINGS, RECORDS AND INFORMATION MAINTAINED
30 BY AND SHARED WITH A DEATH REVIEW TEAM MAY NOT BE:

1 (I) DISCLOSED UNDER THE ACT OF FEBRUARY 14, 2008
2 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

3 (II) SUBJECT TO DISCOVERY, SUBPOENA OR INTRODUCTION
4 INTO EVIDENCE IN A CRIMINAL OR CIVIL PROCEEDING.

5 (2) INFORMATION PRESENTED IN OR OPINIONS FORMED AS A
6 RESULT OF A MEETING OF A DEATH REVIEW TEAM MAY NOT BE SUBJECT
7 TO SUBPOENA, DISCOVERY OR ADMISSIBLE IN EVIDENCE IN A CIVIL
8 OR CRIMINAL ACTION. NOTHING UNDER THIS SUBSECTION SHALL BE
9 CONSTRUED TO PREVENT A MEMBER OF A DEATH REVIEW TEAM FROM
10 TESTIFYING IN A CRIMINAL OR CIVIL PROCEEDING TO INFORMATION
11 OBTAINED INDEPENDENTLY OF PARTICIPATION IN THE DEATH REVIEW
12 TEAM OR TO INFORMATION WHICH IS PUBLICLY AVAILABLE.

13 SECTION 9. CRIMINAL AND CIVIL LIABILITY PROTECTIONS.

14 (A) CONFIDENTIALITY.--AN INDIVIDUAL NOT A MEMBER OF A DEATH
15 REVIEW TEAM MAY, IN GOOD FAITH, PROVIDE INFORMATION TO A DEATH
16 REVIEW TEAM FOR THE PURPOSES OF THIS ACT. A MEMBER OF A DEATH
17 REVIEW TEAM MAY DISCUSS CONFIDENTIAL MATTERS DURING A MEETING OF
18 THE DEATH REVIEW TEAM. THE FOLLOWING SHALL APPLY:

19 (1) A MEMBER OF A DEATH REVIEW TEAM SHALL COMPLY WITH
20 APPLICABLE FEDERAL AND STATE LAWS REGARDING CONFIDENTIALITY.

21 (2) EXCEPT AS PROVIDED UNDER SUBSECTION (B), A MEMBER OF
22 A DEATH REVIEW TEAM OR AN INDIVIDUAL WHO, IN GOOD FAITH,
23 PROVIDES INFORMATION TO A DEATH REVIEW TEAM MAY NOT BE
24 DISCIPLINED, CRIMINALLY PROSECUTED OR HELD ADMINISTRATIVELY
25 OR CIVILLY LIABLE FOR COMPLYING WITH THE PROVISIONS OF THIS
26 ACT.

27 (B) LIABILITY.--THE IMMUNITY SPECIFIED UNDER SUBSECTION (A)
28 (2) SHALL NOT APPLY TO A MEMBER OF A DEATH REVIEW TEAM OR AN
29 INDIVIDUAL PROVIDING INFORMATION TO A DEATH REVIEW TEAM BY
30 INVITATION WHO EITHER REDISCLOSES CONFIDENTIAL INFORMATION IN A

1 MANNER NOT IN ACCORDANCE WITH FEDERAL OR STATE LAW, OR WHO
2 DISCLOSES CONFIDENTIAL INFORMATION TO THE DEATH REVIEW TEAM WITH
3 MALICE, IN BAD FAITH OR IN A NEGLIGENT MANNER.

4 SECTION 10. SEVERABILITY.

5 THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY PROVISION OF
6 THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS
7 HELD INVALID, THE INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS
8 OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN EFFECT WITHOUT
9 THE INVALID PROVISION OR APPLICATION.

10 SECTION 11. EFFECTIVE DATE.

11 THIS ACT SHALL TAKE EFFECT IN 30 DAYS.