

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 220 Session of
2021

INTRODUCED BY RADER, HOHENSTEIN, MILLARD, GUENST, STRUZZI,
NEILSON, BURGOS, R. BROWN, N. NELSON, SIMS, KENYATTA, HILL-
EVANS, CIRESI, JOZWIAK, ROWE, ZIMMERMAN, FREEMAN, O'MARA,
HERSHEY, TOMLINSON, C. WILLIAMS, LABS, BONNER, QUINN AND
SCHLOSSBERG, JANUARY 25, 2021

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 26, 2022

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; providing for judicial administration; and
18 prescribing the manner in which the number and compensation
19 of the deputies and all other assistants and employes of
20 certain departments, boards and commissions shall be
21 determined," in powers and duties of the Department of Drug
22 and Alcohol Programs, further providing for powers and
23 duties; IN POWERS AND DUTIES OF THE DEPARTMENT OF HEALTH AND <--
24 ITS DEPARTMENTAL ADMINISTRATIVE AND ADVISORY BOARDS,
25 PROVIDING FOR DEATH REVIEW TEAMS; IMPOSING DUTIES ON THE
26 DEPARTMENT OF HEALTH; AND MAKING AN EDITORIAL CHANGE.

27 The General Assembly of the Commonwealth of Pennsylvania
28 hereby enacts as follows:

1 Section 1. Section 2301-A(1) (xviii) of the act of April 9,
2 1929 (P.L.177, No.175), known as The Administrative Code of
3 1929, is amended to read:

4 Section 2301-A. Powers and duties.

5 The Department of Drug and Alcohol Programs shall have the
6 power and its duty shall be:

7 (1) To develop and adopt a State plan for the control,
8 prevention, intervention, treatment, rehabilitation,
9 research, education and training aspects of drug and alcohol
10 abuse and dependence problems. The State plan shall include,
11 but not be limited to, provisions for:

12 * * *

13 (xviii) Providing standards for the approval by the
14 relevant State agency for all private and public
15 treatment and rehabilitative facilities, which may
16 include, but are not limited to, State hospitals and
17 institutions, public and private general hospitals,
18 community mental health centers or their contracting
19 agencies and public and private drug or alcohol
20 dependence and drug and alcohol abuse and dependence
21 treatment and rehabilitation centers. The standards
22 shall prohibit private and public treatment and
23 rehabilitation facilities from denying addiction
24 treatment to an individual solely due to a negative
25 result on a drug test.

26 * * *

27 ~~Section 2. This act shall take effect in 60 days.~~

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28 SECTION 2. ARTICLE XXI OF THE ACT IS AMENDED BY ADDING A
29 SUBARTICLE HEADING TO READ:

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30 (A) GENERAL PROVISIONS

1 SECTION 3. ARTICLE XXI OF THE ACT IS AMENDED BY ADDING A
2 SUBARTICLE TO READ:

3 (B) DEATH REVIEW TEAMS

4 SECTION 2127. DEFINITIONS.

5 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBARTICLE
6 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
7 CONTEXT CLEARLY INDICATES OTHERWISE:

8 "COUNTY." A COUNTY OF THE FIRST CLASS, SECOND CLASS, SECOND
9 CLASS A, THIRD CLASS, FOURTH CLASS, FIFTH CLASS, SIXTH CLASS,
10 SEVENTH CLASS AND EIGHTH CLASS.

11 "DEATH REVIEW TEAM." A SUICIDE OR OVERDOSE DEATH REVIEW TEAM
12 ESTABLISHED UNDER SECTION 2128.

13 "DECEASED INDIVIDUAL." AN INDIVIDUAL WHO DIED BY SUICIDE OR
14 FATAL OVERDOSE.

15 "DEPARTMENT." THE DEPARTMENT OF HEALTH OF THE COMMONWEALTH.

16 "DRUG." A SUBSTANCE WHICH PRODUCES A PHYSIOLOGICAL EFFECT
17 WHEN INGESTED OR INTRODUCED INTO THE BODY. THE TERM INCLUDES AN
18 ILLICIT OR LEGAL SUBSTANCE.

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

20 (1) AN EMERGENCY MEDICAL RESPONDER.

21 (2) AN EMERGENCY MEDICAL TECHNICIAN.

22 (3) AN ADVANCED EMERGENCY MEDICAL TECHNICIAN.

23 (4) A PARAMEDIC.

24 (5) A PREHOSPITAL REGISTERED NURSE.

25 (6) A PREHOSPITAL PHYSICIAN EXTENDER.

26 (7) A PREHOSPITAL EMS PHYSICIAN.

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

29 "HEALTH CARE PROVIDER." A PHYSICIAN, ADVANCED PRACTICE NURSE
30 PRACTITIONER OR PHYSICIAN ASSISTANT WHO IS LICENSED TO PRACTICE

1 MEDICINE IN THIS COMMONWEALTH.

2 "HOSPITAL." AN INSTITUTION HAVING AN ORGANIZED MEDICAL STAFF
3 ESTABLISHED FOR THE PURPOSE OF PROVIDING TO INPATIENTS, BY OR
4 UNDER THE SUPERVISION OF PHYSICIANS, DIAGNOSTIC AND THERAPEUTIC
5 SERVICES FOR THE CARE OF INDIVIDUALS WHO ARE INJURED, DISABLED,
6 PREGNANT, DISEASED, SICK OR MENTALLY ILL OR REHABILITATION
7 SERVICES FOR THE REHABILITATION OF INDIVIDUALS WHO ARE INJURED,
8 DISABLED, PREGNANT, DISEASED, SICK OR MENTALLY ILL. THE TERM
9 INCLUDES FACILITIES FOR THE DIAGNOSIS AND TREATMENT OF DISORDERS
10 WITHIN THE SCOPE OF SPECIFIC MEDICAL SPECIALTIES.

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

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

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

17 (2) A SINGLE-COUNTY DEPARTMENT OF HEALTH OR JOINT-COUNTY
18 DEPARTMENT OF HEALTH ESTABLISHED UNDER THE LOCAL HEALTH
19 ADMINISTRATION LAW.

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

22 "MENTAL HEALTH PROVIDER." A PSYCHIATRIST, PSYCHOLOGIST,
23 ADVANCED PRACTICE NURSE PRACTITIONER WITH A SPECIALTY IN
24 PSYCHIATRIC MENTAL HEALTH, CLINICAL SOCIAL WORKER, PROFESSIONAL
25 CLINICAL COUNSELOR OR MARRIAGE AND FAMILY THERAPIST WHO IS
26 LICENSED TO PRACTICE IN THIS COMMONWEALTH.

27 "MULTICOUNTY TEAM." A MULTIDISCIPLINARY AND MULTIAGENCY
28 SUICIDE OR OVERDOSE DEATH REVIEW TEAM JOINTLY CREATED BY TWO OR
29 MORE COUNTIES IN THIS COMMONWEALTH.

30 "MUNICIPALITY." A COUNTY, CITY, BOROUGH, INCORPORATED TOWN

1 OR TOWNSHIP.

2 "OVERDOSE." AN ALCOHOL OR SUBSTANCE OVERDOSE.

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

5 "OVERDOSE DEATH REVIEW." A PROCESS IN WHICH A MULTIAGENCY,
6 MULTIDISCIPLINARY TEAM PERFORMS A SERIES OF INDIVIDUAL OVERDOSE
7 DEATH REVIEWS TO EFFECTIVELY IDENTIFY SYSTEM GAPS AND INNOVATIVE
8 COMMUNITY-SPECIFIC OVERDOSE PREVENTION AND INTERVENTION
9 STRATEGIES.

10 "SCHOOL." A FACILITY PROVIDING ELEMENTARY, SECONDARY OR
11 POSTSECONDARY EDUCATIONAL SERVICES. THE TERM INCLUDES THE
12 FOLLOWING:

13 (1) A SCHOOL OF A SCHOOL DISTRICT.

14 (2) AN AREA CAREER AND TECHNICAL SCHOOL.

15 (3) A JOINT SCHOOL.

16 (4) AN INTERMEDIATE UNIT.

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

18 (6) A CYBER CHARTER SCHOOL.

19 (7) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF JANUARY
20 28, 1988 (P.L.24, NO.11), KNOWN AS THE PRIVATE ACADEMIC
21 SCHOOLS ACT.

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

24 (9) A NONPUBLIC SCHOOL.

25 (10) AN INSTITUTION OF HIGHER EDUCATION.

26 (11) A PRIVATE SCHOOL LICENSED UNDER THE ACT OF DECEMBER
27 15, 1986 (P.L.1585, NO.174), KNOWN AS THE PRIVATE LICENSED
28 SCHOOLS ACT.

29 (12) A PRIVATE RESIDENTIAL REHABILITATIVE INSTITUTION AS
30 DEFINED IN SECTION 914.1-A(C) OF THE ACT OF MARCH 10, 1949

1 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949.

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

4 "SUBSTANCE USE DISORDER TREATMENT PROVIDER." AN INDIVIDUAL
5 OR ENTITY WHO IS LICENSED, REGISTERED OR CERTIFIED WITHIN THIS
6 COMMONWEALTH TO TREAT SUBSTANCE USE DISORDERS OR WHO HAS A DRUG
7 ADDICTION TREATMENT WAIVER UNDER SECTION 303(G) OF THE
8 CONTROLLED SUBSTANCES ACT (PUBLIC LAW 91-513, 84 STAT. 1236)
9 FROM THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
10 ADMINISTRATION TO TREAT INDIVIDUALS WITH SUBSTANCE USE DISORDER
11 USING MEDICATIONS APPROVED FOR THAT INDICATION BY THE UNITED
12 STATES FOOD AND DRUG ADMINISTRATION.

13 "SUICIDE DEATH." A FATALITY CAUSED BY INJURING ONESELF WITH
14 THE INTENT TO DIE.
15 SECTION 2128. SUICIDE OR OVERDOSE DEATH REVIEW TEAMS.

16 (A) ESTABLISHMENT.--A COUNTY, OR TWO OR MORE COUNTIES, MAY
17 ESTABLISH A SUICIDE DEATH REVIEW TEAM, AN OVERDOSE DEATH REVIEW
18 TEAM, OR BOTH, FOR THE PURPOSES OF COLLECTING AND EXAMINING
19 INFORMATION AND RECORDS CONCERNING SUICIDE OR OVERDOSE
20 FATALITIES IN THIS COMMONWEALTH TO IMPROVE COMMUNITY RESOURCES
21 AND SYSTEMS OF CARE TO REDUCE SUICIDE OR OVERDOSE FATALITIES.

22 THE FOLLOWING SHALL APPLY:

23 (1) A COUNTY MAY ESTABLISH AN INDEPENDENT COUNTY DEATH
24 REVIEW TEAM OR JOINTLY WITH OTHER COUNTIES. IF A JOINT COUNTY
25 DEATH REVIEW TEAM IS ESTABLISHED, THE MULTICOUNTY TEAM
26 MEMBERS SHALL EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN
27 PARTICIPATING COUNTIES REGARDING TEAM MEMBERSHIP, STAFFING
28 AND OPERATIONS.

29 (2) UPON THE ESTABLISHMENT OF A DEATH REVIEW TEAM, THE
30 DEATH REVIEW TEAM SHALL NOTIFY THE DEPARTMENT OF THE

1 ESTABLISHMENT OF THE TEAM.

2 (3) A DEATH REVIEW TEAM SHALL BE MULTIDISCIPLINARY AND
3 CULTURALLY DIVERSE AND INCLUDE PROFESSIONALS AND
4 REPRESENTATIVES FROM ORGANIZATIONS THAT PROVIDE SERVICES OR
5 COMMUNITY RESOURCES FOR FAMILIES IN THE COMMUNITY SERVED BY
6 THE DEATH REVIEW TEAM.

7 (B) MEMBERSHIP.--

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

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

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

23 (A) A CORONER OR MEDICAL EXAMINER.

24 (B) A PATHOLOGIST.

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

28 (D) A PHYSICIAN LICENSED UNDER THE ACT OF
29 DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE
30 MEDICAL PRACTICE ACT OF 1985, OR A PHYSICIAN LICENSED

1 UNDER THE ACT OF OCTOBER 5, 1978 (P.L.1109, NO.261),
2 KNOWN AS THE OSTEOPATHIC MEDICAL PRACTICE ACT, WHO
3 PRACTICES AS A PSYCHIATRIST.

4 (E) A LOCAL BEHAVIORAL HEALTH REPRESENTATIVE.

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

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

14 (H) A REPRESENTATIVE OF AN ORGANIZATION THAT
15 ADVOCATES FOR INDIVIDUALS WITH BEHAVIORAL HEALTH
16 ISSUES AND THEIR FAMILY MEMBERS.

17 (I) A REPRESENTATIVE OF AN ORGANIZATION THAT
18 ADVOCATES FOR INDIVIDUALS WITH SUBSTANCE USE
19 DISORDERS AND THEIR FAMILY MEMBERS.

20 (J) A REPRESENTATIVE FROM A SINGLE COUNTY
21 AUTHORITY.

22 (K) THE COUNTY HEALTH OFFICER, OR THE OFFICER'S
23 DESIGNEE, IF APPLICABLE.

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

26 (M) THE LOCAL DISTRICT ATTORNEY OR THE DISTRICT
27 ATTORNEY'S DESIGNEE.

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

30 (A) AT LEAST THREE MENTAL HEALTH PROVIDERS

1 SPECIALIZING IN TRAUMA, YOUTH MENTAL HEALTH, VETERAN
2 AND MILITARY MENTAL HEALTH, OR OTHER RELEVANT
3 SPECIALTY.

4 (B) A CRISIS COUNSELOR SPECIALIZING IN SUICIDE
5 PREVENTION.

6 (C) AN ADVOCATE FOR THE PREVENTION OF SUICIDE
7 FATALITIES.

8 (D) A MEDICAL EXAMINER OR CORONER RESPONSIBLE
9 FOR RECORDING FATALITIES.

10 (E) A FAMILY MEDICINE SPECIALIST OR OTHER
11 RELEVANT MEDICAL SPECIALTY.

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

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

21 (H) THE COUNTY HEALTH OFFICER OR THE OFFICER'S
22 DESIGNEE, IF APPLICABLE.

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

25 (3) IN ADDITION TO THE MEMBERS SELECTED UNDER PARAGRAPH
26 (2), THE LEAD ORGANIZATION MAY SELECT ADDITIONAL MEMBERS FOR
27 A DEATH REVIEW TEAM AS DEEMED NECESSARY BY THE LEAD
28 ORGANIZATION TO ADMINISTER THE DEATH REVIEW TEAM'S DUTIES
29 UNDER SECTION 2129, INCLUDING INDIVIDUALS WITH EXPERIENCE AND
30 KNOWLEDGE IN THE FOLLOWING AREAS:

1 (I) PHYSICAL HEALTH SERVICES.

2 (II) SOCIAL SERVICES.

3 (III) LAW ENFORCEMENT.

4 (IV) EDUCATION.

5 (V) EMERGENCY MEDICINE.

6 (VI) BEHAVIORAL HEALTH SERVICES.

7 (VII) JUVENILE DELINQUENCY.

8 (VIII) ADULT OR JUVENILE PROBATION.

9 (IX) DRUG AND ALCOHOL SUBSTANCE USE DISORDER.

10 (C) CHAIR, VACANCIES AND MEETINGS.--A DEATH REVIEW TEAM

11 SHALL SELECT A CHAIR BY A MAJORITY VOTE OF A QUORUM OF THE DEATH

12 REVIEW TEAM'S MEMBERS. A MAJORITY OF A DEATH REVIEW TEAM'S

13 SELECTED MEMBERS SHALL CONSTITUTE A QUORUM. THE DEATH REVIEW

14 TEAM SHALL MEET AT LEAST QUARTERLY TO CONDUCT BUSINESS AND

15 REVIEW SUICIDE DEATHS AND OVERDOSE DEATHS. A VACANCY ON THE

16 DEATH REVIEW TEAM SHALL BE FILLED IN ACCORDANCE WITH SUBSECTION

17 (B).

18 SECTION 2129. DUTIES OF DEATH REVIEW TEAM.

19 (A) AUTHORIZATION.--UPON RECEIPT OF A REPORT OF A SUICIDE

20 DEATH OR OVERDOSE DEATH, A DEATH REVIEW TEAM MAY PERFORM THE

21 FOLLOWING:

22 (1) INQUIRE INTO CAUSE OF DEATH UPON RECEIPT OF A REPORT
23 OF A QUALIFYING DEATH.

24 (2) CONDUCT A MULTIDISCIPLINARY REVIEW OF AVAILABLE
25 INFORMATION COLLECTED REGARDING A DECEASED INDIVIDUAL.

26 (3) ESTABLISH POLICIES AND PROCEDURES FOR COLLECTING AND
27 REVIEWING AVAILABLE INFORMATION AND RECORDS UNDER SECTION
28 2131 REGARDING THE DECEASED INDIVIDUAL FROM STATE, COUNTY AND
29 LOCAL AGENCIES, LAW ENFORCEMENT AND PRIVATE ENTITIES.

30 (4) IDENTIFY POINTS OF CONTACT BETWEEN THE DECEASED

1 INDIVIDUAL AND HEALTH CARE SYSTEMS, SOCIAL SERVICES SYSTEMS,
2 CRIMINAL JUSTICE SYSTEMS AND OTHER SYSTEMS INVOLVED WITH THE
3 DECEASED INDIVIDUAL.

4 (5) IDENTIFY THE RISK FACTORS THAT PUT INDIVIDUALS AT
5 RISK FOR AN OVERDOSE OR SUICIDE WITHIN THE DEATH REVIEW
6 TEAM'S JURISDICTION.

7 (6) PROMOTE COOPERATION AND COORDINATION ACROSS STATE,
8 COUNTY AND LOCAL AGENCIES INVOLVED IN OVERDOSE OR SUICIDE
9 INVESTIGATIONS.

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

16 (8) RECOMMEND IMPROVEMENTS TO STATE LAWS AND LOCAL
17 PARTNERSHIPS, POLICIES AND PRACTICES TO PREVENT OVERDOSE AND
18 SUICIDE DEATHS.

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

25 (1) THE DEATH REVIEW TEAM'S COLLECTION, USE AND
26 DISCLOSURE OF INFORMATION AND RECORDS FROM THE FAMILY MEMBER
27 OR CAREGIVER.

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

30 (3) ENSURING THAT INFORMATION AND RECORDS ATTAINED FROM

1 THE INTERVIEW IS CONFIDENTIAL.

2 (C) ANNUAL REPORT.--A DEATH REVIEW TEAM SHALL PREPARE AND
3 SUBMIT TO THE DEPARTMENT AN ANNUAL REPORT. THE TEAM SHALL
4 PUBLISH THE ANNUAL REPORT ON THE LOCAL DEPARTMENT OF HEALTH'S OR
5 LOCAL GOVERNMENT'S PUBLICLY ACCESSIBLE INTERNET WEBSITE FOR THE
6 PURPOSE OF EVALUATIONS, POLICY CONSIDERATIONS AND HEALTH CARE
7 PROGRAM ENHANCEMENTS. THE ANNUAL REPORT SHALL COMPLY WITH
8 CONFIDENTIALITY REQUIREMENTS UNDER SUBARTICLE AND SHALL INCLUDE
9 ALL OF THE FOLLOWING INFORMATION:

10 (1) A SUMMARY OF THE AGGREGATED, NONINDIVIDUALLY
11 IDENTIFIABLE FINDINGS OF THE DEATH REVIEW TEAM FOR THE
12 PREVIOUS YEAR.

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

16 (3) PROPOSED SOLUTIONS FOR INADEQUACIES IN THE SYSTEMS
17 OF CARE.

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

24 (5) RECOMMENDATIONS FOR IMPROVEMENTS TO STATE LAWS AND
25 LOCAL PARTNERSHIPS, POLICIES AND PRACTICES TO PREVENT SUICIDE
26 AND OVERDOSE FATALITIES.

27 SECTION 2130. DUTIES OF DEPARTMENT.

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

30 (1) PROVIDE TECHNICAL ASSISTANCE TO A DEATH REVIEW TEAM

1 IN CONDUCTING SUICIDE AND OVERDOSE DEATH REVIEWS.

2 (2) FACILITATE COMMUNICATION BETWEEN DEATH REVIEW TEAMS.

3 (3) TRANSMIT AVAILABLE INFORMATION TO THE APPROPRIATE
4 DEATH REVIEW TEAM REGARDING A FATAL SUICIDE OR OVERDOSE IN
5 THE DEATH REVIEW TEAM'S JURISDICTION, INCLUDING ALL OF THE
6 FOLLOWING INFORMATION:

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

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

13 (4) PROMULGATE REGULATIONS AS NECESSARY TO IMPLEMENT
14 THIS SUBARTICLE.

15 (5) SUBMIT AN ANNUAL REPORT TO THE GOVERNOR AND THE
16 GENERAL ASSEMBLY BY SEPTEMBER OF EACH YEAR WHICH INCLUDES A
17 SUMMARY OF REPORTS RECEIVED FROM LOCAL DEATH REVIEW TEAMS AND
18 RECOMMENDATIONS RELATING TO THE REDUCTION OF RISK OF DEATH BY
19 SUICIDE AND OVERDOSE.

20 SECTION 2131. AUTHORITY TO ACCESS RECORDS.

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

23 (1) IF DEEMED NECESSARY FOR ITS REVIEW, THE DEATH REVIEW
24 TEAM MAY PETITION THE COURT FOR LEAVE TO REVIEW AND INSPECT
25 ALL FILES AND RECORDS OF THE COURT RELATING TO A DECEASED
26 INDIVIDUAL PURSUANT TO A PROCEEDING UNDER 42 PA.C.S. CH. 63
27 (RELATING TO JUVENILE MATTERS) IN ACCORDANCE WITH 42 PA.C.S.
28 § 6307 (RELATING TO INSPECTION OF COURT FILES AND RECORDS).
29 THIS PARAGRAPH SHALL NOT APPLY TO A FILE AND RECORD OF THE
30 COURT SUBJECT TO A CHILD FATALITY OR NEAR FATALITY REVIEW

1 UNDER 23 PA.C.S. CH. 63 (RELATING TO CHILD PROTECTIVE
2 SERVICES).

3 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND
4 CONSISTENT WITH THE HEALTH INSURANCE PORTABILITY AND
5 ACCOUNTABILITY ACT OF 1996 (PUBLIC LAW 104-191, 110 STAT.
6 1936) AND 42 CFR PT. 2 (RELATING TO CONFIDENTIALITY OF
7 SUBSTANCE USE DISORDER PATIENT RECORDS), PERSONS OR ENTITIES
8 THAT PROVIDE SUBSTANCE USE DISORDER TREATMENT SERVICES SHALL
9 PROVIDE TO AN OVERDOSE DEATH REVIEW TEAM THE RECORDS OF A
10 DECEASED INDIVIDUAL UNDER REVIEW WITHOUT NEED FOR
11 AUTHORIZATION OF ANY PERSON, INCLUDING THE EXECUTOR,
12 ADMINISTRATOR OR PERSONAL REPRESENTATIVE OF THE DECEASED
13 INDIVIDUAL FOR PURPOSES OF REVIEW UNDER THIS SUBARTICLE.

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

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

1 (5) OTHER RECORDS PERTAINING TO THE DECEASED UNDER
2 REVIEW FOR THE PURPOSES OF THIS SUBARTICLE SHALL BE OPEN TO
3 INSPECTION AS PERMITTED BY LAW.

4 SECTION 2132. REQUESTS FOR RECORDS.

5 (A) REQUEST FOR INFORMATION AND RECORDS BY A DEATH REVIEW
6 TEAM.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING
7 SHALL BE PROVIDED TO A DEATH REVIEW TEAM ON WRITTEN REQUEST OF
8 THE LEAD ORGANIZATION OR CHAIR OF A DEATH REVIEW TEAM:

9 (1) RECORDS REGARDING THE TREATMENT FOR SUBSTANCE USE
10 DISORDER, MAINTAINED BY A FEDERALLY ASSISTED SUBSTANCE USE
11 DISORDER TREATMENT PROVIDER, FOR A DECEASED INDIVIDUAL UNDER
12 REVIEW BY A DEATH REVIEW TEAM, AS PERMITTED TO BE SHARED IN
13 ACCORDANCE WITH FEDERAL LAW, INCLUDING 42 CFR PT. 2 (RELATING
14 TO CONFIDENTIALITY OF SUBSTANCE USE DISORDER PATIENT
15 RECORDS).

16 (2) RECORDS REGARDING THE PHYSICAL HEALTH AND MENTAL
17 HEALTH, MAINTAINED BY A HEALTH CARE PROVIDER, HOSPITAL OR
18 HEALTH SYSTEM, FOR A DECEASED INDIVIDUAL UNDER REVIEW BY A
19 DEATH REVIEW TEAM.

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

30 (4) THE FOLLOWING SHALL COMPLY WITH A RECORDS REQUEST BY

1 A DEATH REVIEW TEAM MADE UNDER THIS SUBSECTION:

2 (I) CORONER OR MEDICAL EXAMINER.

3 (II) FIRE DEPARTMENT.

4 (III) HEALTH SYSTEM.

5 (IV) HOSPITAL.

6 (V) LAW ENFORCEMENT AGENCY.

7 (VI) STATE OR LOCAL GOVERNMENTAL AGENCY, INCLUDING
8 THE DEPARTMENT, DEPARTMENT OF HUMAN SERVICES AND THE
9 DEPARTMENT OF CORRECTIONS.

10 (VII) MENTAL HEALTH PROVIDER.

11 (VIII) HEALTH CARE PROVIDER.

12 (IX) SUBSTANCE USE DISORDER TREATMENT PROVIDER.

13 (X) SCHOOL.

14 (XI) EMS PROVIDER.

15 (XII) SOCIAL SERVICES PROVIDER.

16 (XIII) PRESCRIPTION DRUG MONITORING PROGRAM
17 REPRESENTATIVE.

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

21 (B) COST TO PROVIDE RECORDS.--A PERSON OR ENTITY SUBJECT TO
22 A RECORDS REQUEST BY A DEATH REVIEW TEAM UNDER SUBSECTION (A)
23 MAY CHARGE THE DEATH REVIEW TEAM A REASONABLE FEE FOR THE
24 SERVICE OF DUPLICATING ANY RECORDS REQUESTED BY THE DEATH REVIEW
25 TEAM FOR WHICH DUPLICATION IS REQUIRED.

26 (C) DISCLOSURE OF SUBSTANCE USE DISORDER RECORDS.--THE
27 DISCLOSURE OR REDISCLOSURE OF A MEDICAL RECORD DEVELOPED IN
28 CONNECTION WITH THE PROVISION OF SUBSTANCE USE TREATMENT
29 SERVICES, WITHOUT THE AUTHORIZATION OF A PERSON IN INTEREST,
30 SHALL BE SUBJECT TO ANY LIMITATIONS THAT EXIST UNDER SECTION 8

1 OF THE ACT OF APRIL 14, 1972 (P.L.221, NO.63), KNOWN AS THE
2 PENNSYLVANIA DRUG AND ALCOHOL ABUSE CONTROL ACT, SECTION 543 OF
3 THE PUBLIC HEALTH SERVICE ACT (58 STAT. 682, 42 U.S.C. 290DD-2)
4 OR 42 CFR PT. 2.

5 (D) PROVISION OF INFORMATION.--INFORMATION, IF REQUESTED BY
6 THE LEAD ORGANIZATION OR CHAIR OF THE DEATH REVIEW TEAM, SHALL
7 BE PROVIDED WITHIN FIVE BUSINESS DAYS OF RECEIPT OF THE WRITTEN
8 REQUEST, EXCLUDING WEEKENDS AND HOLIDAYS, UNLESS AN EXTENSION IS
9 GRANTED BY THE LEAD ORGANIZATION OR CHAIR. WRITTEN REQUESTS MAY
10 INCLUDE A REQUEST SUBMITTED VIA EMAIL OR FACSIMILE TRANSMISSION.

11 (E) ADMINISTRATIVE SUBPOENA.--NOTWITHSTANDING ANY OTHER
12 PROVISION OF LAW, A DEATH REVIEW TEAM SHALL NOT NEED AN
13 ADMINISTRATIVE SUBPOENA OR OTHER FORM OF LEGAL COMPULSION TO
14 RECEIVE REQUESTED RECORDS UNDER THIS SUBARTICLE. THIS SUBSECTION
15 SHALL NOT NEGATE ANY RIGHT THE DEATH REVIEW TEAM HAS TO OBTAIN
16 AN ADMINISTRATIVE SUBPOENA OR OTHER FORM OF LEGAL COMPULSION.

17 (F) SHARING OF INFORMATION.--INFORMATION RECEIVED BY THE
18 LEAD ORGANIZATION OR CHAIR IN RESPONSE TO A REQUEST UNDER THIS
19 SECTION MAY BE SHARED AT A DEATH REVIEW TEAM MEETING IN
20 ACCORDANCE WITH SECTION 2133.

21 (G) PROHIBITION.--A RECORD MAY NOT BE RELEASED DURING THE
22 PENDENCY OF AN INVESTIGATION IF THE RELEASE OF THE RECORD WOULD
23 HINDER THE PROGRESS OF AN ACTIVE INVESTIGATION OR CRIMINAL
24 PROCEEDING.

25 (H) APPLICABILITY.--THIS SECTION SHALL APPLY TO THE EXTENT
26 PERMITTED BY FEDERAL LAW.
27 SECTION 2133. CONFIDENTIALITY OF DEATH REVIEW TEAM RECORDS AND
28 MEETINGS.

29 (A) MEETINGS.--A DEATH REVIEW TEAM MEETING SHALL BE CLOSED
30 TO THE PUBLIC AND INFORMATION DISCUSSED AT THE MEETING SHALL BE

1 CONFIDENTIAL.

2 (B) RECORDS.--

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

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

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

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

17 SECTION 2134. CRIMINAL AND CIVIL LIABILITY PROTECTIONS.

18 (A) CONFIDENTIALITY.--AN INDIVIDUAL NOT A MEMBER OF A DEATH
19 REVIEW TEAM MAY, IN GOOD FAITH, PROVIDE INFORMATION TO A DEATH
20 REVIEW TEAM FOR THE PURPOSES OF THIS SUBARTICLE. A MEMBER OF A
21 DEATH REVIEW TEAM MAY DISCUSS CONFIDENTIAL MATTERS DURING A
22 MEETING OF THE DEATH REVIEW TEAM. THE FOLLOWING SHALL APPLY:

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

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

1 (B) LIABILITY.--THE IMMUNITY SPECIFIED UNDER SUBSECTION (A)
2 (2) SHALL NOT APPLY TO A MEMBER OF A DEATH REVIEW TEAM OR AN
3 INDIVIDUAL PROVIDING INFORMATION TO A DEATH REVIEW TEAM BY
4 INVITATION WHO EITHER REDISCLOSES CONFIDENTIAL INFORMATION IN A
5 MANNER NOT IN ACCORDANCE WITH FEDERAL OR STATE LAW, OR WHO
6 DISCLOSES CONFIDENTIAL INFORMATION TO THE DEATH REVIEW TEAM WITH
7 MALICE, IN BAD FAITH OR IN A NEGLIGENT MANNER.

8 SECTION 4. THE PROVISIONS OF THIS ACT ARE SEVERABLE. IF ANY
9 PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR
10 CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT
11 OTHER PROVISIONS OR APPLICATIONS OF THIS ACT WHICH CAN BE GIVEN
12 EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION.

13 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

14 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

15 (2) THE AMENDMENT OF SECTION 2301-A(1) (XVIII) SHALL TAKE
16 EFFECT IN 60 DAYS.

17 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 30
18 DAYS.