



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1308

PRINTERS NO. 2423

PRIME SPONSOR: Schlossberg

### COST / (SAVINGS)

| FUND         | FY 2021/22 | FY 2022/23 |
|--------------|------------|------------|
| General Fund | \$0        | \$0        |

**SUMMARY:** House Bill 1308, Printer's Number 2423, establishes the Suicide and Overdose Death Review Act to provide for the establishment of suicide and/or overdose fatality review teams. This legislation is effective in 30 days.

**ANALYSIS:** HB 1308 authorizes a county or counties to establish a death review team for the purpose of gathering information concerning suicides and overdose deaths in order to improve community resources and systems of care. The bill provides for membership, selection of a chair, and meeting requirements of a death review team.

Upon the report of a qualifying death, a death review team shall have the following duties:

- Inquire into the cause of death;
- Conduct a multidisciplinary review of available information collected regarding a deceased individual;
- Establish policies and procedures for collecting and reviewing available information and records regarding the deceased individual from state, county, and local agencies, law enforcement, and private entities;
- Identify points of contact between the deceased individual and health care systems, social services systems, criminal justice systems, and other systems involved with the deceased individual;
- Identify the risk factors that put individuals at risk for an overdose or suicide within the death review team's jurisdiction;
- Promote cooperation and coordination across state, county, and local agencies involved in overdose or suicide investigations;
- Recommend improvements in sources of information relating to investigating reported overdose or suicide deaths, including standards for the uniform and consistent reporting of overdose or suicide deaths by law enforcement or other emergency service responders within the death review team's jurisdiction; and
- Recommend improvements to state laws and local partnerships, policies, and practices to prevent overdose and suicide deaths.

The bill includes provisions regarding how a team may conduct an interview with a family member or caregiver of a deceased individual.

A team shall prepare an annual report, which shall be available online and include the following:

- A summary of the aggregated, non-individually identifiable findings of the team;
- Recommendations to improve systems of care and community resources;
- Proposed solutions for inadequacies in the systems of care;
- Recommendations to improve sources of information regarding the investigation of reported suicides and overdose deaths; and
- Recommendations to improve state laws and local partnerships, policies, and practices to prevent suicide and overdose deaths.

The bill assigns the following duties to the Department of Health (DOH), in consultation with state or local government agencies:

- Provide technical assistance to a death review team in conducting a death review;
- Facilitate communication between death review teams;
- Transmit information to the appropriate death review team regarding a deceased individual;
- Promulgate regulations as necessary to implement the provisions of the bill; and
- Submit an annual report to the Governor and General Assembly that includes a summary of reports from local death review teams and recommendations relating to the reduction of risk of death by suicide or overdose.

The bill provides that a death review team may review records and files related to a deceased individual under certain conditions for the purposes of conducting a review. A person or entity subject to a record request by a death review team may charge a reasonable fee for duplicating records.

The bill provides that a suicide and overdose death review team's meetings shall be closed to the public and information discussed at a meeting shall be confidential. The proceedings, records, and opinions of a team shall not be subject to the Right-to-Know Law and shall not be subject to discovery, subpoena, or introduction into evidence in a criminal or civil procedure. A member of a team may not be questioned in a criminal or civil proceeding regarding information presented in or opinions formed as a result of a meeting of a team.

A member of a suicide and overdose death review team may discuss confidential matters during a meeting and may not be disciplined, criminally prosecuted, or held administratively liable for doing so. Immunity from discipline or prosecution does not apply when a team member discloses confidential information with malice, in bad faith, or in a negligent manner.

**FISCAL IMPACT:** Enactment of this legislation will have no adverse fiscal impact on Commonwealth funds. Any additional costs incurred by DOH to provide assistance and information to suicide and overdose death review teams should be accommodated within existing funds.

**PREPARED BY:** Nick McClure  
House Appropriations Committee (R)

**DATE:** November 17, 2021

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*