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**SUBSTITUTE HOUSE BILL 1074**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Peterson, Rude, Leavitt, Wylie, Kloba, Ortiz-Self, Callan, Riccelli, Davis, and Pollet)

READ FIRST TIME 01/22/21.

1 AN ACT Relating to overdose and suicide fatality reviews; and  
2 adding a new section to chapter 70.05 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.05  
5 RCW to read as follows:

6 (1) The legislature finds that the mortality rate in Washington  
7 state due to overdose and suicide is unacceptably high and that such  
8 mortality may be preventable. The legislature further finds that,  
9 through the performance of overdose or suicide fatality reviews,  
10 preventable causes of mortality can be identified and addressed,  
11 thereby reducing the number of overdose and suicide fatalities in  
12 Washington state.

13 (2)(a) A local health department may establish multidisciplinary  
14 overdose and suicide fatality review teams to review overdose or  
15 suicide deaths and to develop strategies for the prevention of  
16 overdose and suicide fatalities.

17 (b) The department shall assist local health departments to  
18 collect the reports of any suicide or overdose fatality reviews  
19 conducted by local health departments and assist with entering the  
20 reports into a database to the extent that the data is not protected  
21 under subsection (3) of this section. Notwithstanding subsection (3)

1 of this section, the department shall respond to any requests for  
2 data from the database to the extent permitted for health care  
3 information under chapters 70.02 and 70.225 RCW. In addition, the  
4 department shall provide technical assistance to local health  
5 departments and suicide and overdose fatality review teams conducting  
6 suicide or overdose fatality reviews and encourage communication  
7 among suicide and overdose fatality review teams.

8 (3)(a) All health care information collected as part of an  
9 overdose or suicide fatality review is confidential, subject to the  
10 restrictions on disclosure provided for in chapter 70.02 RCW. When  
11 documents are collected as part of an overdose or suicide fatality  
12 review, the records may be used solely by local health departments  
13 for the purposes of the review.

14 (b) Information, documents, proceedings, records, and opinions  
15 created, collected, or maintained by the overdose and suicide  
16 fatality review team or the local health department in support of the  
17 review team are confidential and are not subject to public inspection  
18 or copying under chapter 42.56 RCW and are not subject to discovery  
19 or introduction into evidence in any civil or criminal action.

20 (c) Any person who was in attendance at a meeting of the review  
21 team or who participated in the creation, collection, or maintenance  
22 of the review team's information, documents, proceedings, records, or  
23 opinions may not be permitted or required to testify in any civil or  
24 criminal action as to the content of such proceedings, or the review  
25 team's information, documents, records, or opinions. This subsection  
26 does not prevent a member of the review team from testifying in a  
27 civil or criminal action concerning facts which form the basis for  
28 the overdose and suicide fatality review team's proceedings of which  
29 the review team member had personal knowledge acquired independently  
30 of the overdose and suicide fatality review team or which is public  
31 information.

32 (d) Any person who, in substantial good faith, participates as a  
33 member of the review team or provides information to further the  
34 purposes of the review team may not be subject to an action for civil  
35 damages or other relief as a result of the activity or its  
36 consequences.

37 (e) All meetings, proceedings, and deliberations of the overdose  
38 and suicide fatality review team must be confidential and may be  
39 conducted in executive session.

1 (4) This section does not prevent a local health department from  
2 publishing statistical compilations and reports related to the  
3 overdose or suicide fatality review. Any portions of such  
4 compilations and reports that identify individual cases and sources  
5 of information must be redacted.

6 (5) To aid in an overdose or suicide fatality review, the local  
7 health department has the authority to:

8 (a) Request and receive data for specific overdose or suicide  
9 fatalities including, but not limited to, all medical records related  
10 to the overdose or suicide, autopsy reports, medical examiner  
11 reports, coroner reports, schools, criminal justice, law enforcement,  
12 and social services records; and

13 (b) Request and receive data as described in (a) of this  
14 subsection from health care providers, health care facilities,  
15 clinics, schools, criminal justice, law enforcement, laboratories,  
16 medical examiners, coroners, professions and facilities licensed by  
17 the department of health, local health jurisdictions, the health care  
18 authority and its licensees and providers, the department of health  
19 and its licensees, the department of social and health services and  
20 its licensees and providers, and the department of children, youth,  
21 and families and its licensees and providers.

22 (6) Upon request by the local health department, health care  
23 providers, health care facilities, clinics, schools, criminal  
24 justice, law enforcement, laboratories, medical examiners, coroners,  
25 professions and facilities licensed by the department of health,  
26 local health jurisdictions, the health care authority and its  
27 licensees and providers, the department of health and its licensees,  
28 the department of social and health services and its licensees and  
29 providers, and the department of children, youth, and families and  
30 its licensees and providers must provide all medical records related  
31 to the overdose or suicide, autopsy reports, medical examiner  
32 reports, coroner reports, social services records, and other data  
33 requested for specific overdose or suicide fatalities to perform an  
34 overdose or suicide fatality review to the local health department.

35 (7) For the purposes of this section, "overdose or suicide  
36 fatality review" means a confidential process to review minor or  
37 adult suicide or overdose deaths as identified through a death  
38 certificate; by a medical examiner or coroner; or by a process  
39 defined by the local department of health. The process may include a  
40 systematic review of medical, clinical, and hospital records related

1 to the overdose or suicide; confidential interviews conducted with  
2 the protections established in subsection (3) of this section;  
3 analysis of individual case information; and review of this  
4 information by a team of professionals in order to identify  
5 modifiable medical, socioeconomic, public health, behavioral,  
6 administrative, educational, and environmental factors associated  
7 with each death.

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