

**SHB 1074** - S COMM AMD

By Subcommittee on Behavioral Health

**ADOPTED 03/01/2022**

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

17 (b) The department shall assist local health departments to  
18 collect the reports of any overdose, withdrawal, and suicide fatality  
19 reviews conducted by local health departments and assist with  
20 entering the reports into a database to the extent that the data is  
21 not protected under subsection (3) of this section. Notwithstanding  
22 subsection (3) of this section, the department shall respond to any  
23 requests for data from the database to the extent permitted for  
24 health care information under chapters 70.02 and 70.225 RCW. In  
25 addition, the department shall provide technical assistance to local  
26 health departments and overdose, withdrawal, and suicide fatality  
27 review teams conducting overdose, withdrawal, and suicide fatality  
28 reviews and encourage communication among overdose, withdrawal, and  
29 suicide fatality review teams.

30 (c) All overdose, withdrawal, or suicide fatality reviews  
31 undertaken under this section shall be shared with the department,

1 subject to the same confidentiality restrictions described in this  
2 section.

3 (3) (a) All health care information collected as part of an  
4 overdose, withdrawal, and suicide fatality review is confidential,  
5 subject to the restrictions on disclosure provided for in chapter  
6 70.02 RCW. When documents are collected as part of an overdose,  
7 withdrawal, and suicide fatality review, the records may be used  
8 solely by local health departments for the purposes of the review.

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

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

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

33 (e) All meetings, proceedings, and deliberations of the overdose,  
34 withdrawal, and suicide fatality review team must be confidential and  
35 may be conducted in executive session.

36 (4) This section does not prevent a local health department from  
37 publishing statistical compilations and reports related to the  
38 overdose, withdrawal, and suicide fatality review. Any portions of  
39 such compilations and reports that identify individual cases and  
40 sources of information must be redacted.

1 (5) To aid in an overdose, withdrawal, and suicide fatality  
2 review, the local health department has the authority to:

3 (a) Request and receive data for specific overdose, withdrawal,  
4 and suicide fatalities including, but not limited to, all medical  
5 records related to the overdose, withdrawal, and suicide, autopsy  
6 reports, medical examiner reports, coroner reports, schools, criminal  
7 justice, law enforcement, and social services records; and

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

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

31 (7) For the purposes of this section, "overdose, withdrawal, and  
32 suicide fatality review" means a confidential process to review minor  
33 or adult overdose, withdrawal, and suicide deaths as identified  
34 through a death certificate; by a medical examiner or coroner; or by  
35 a process defined by the local department of health. The process may  
36 include a systematic review of medical, clinical, and hospital  
37 records related to the overdose, withdrawal, and suicide;  
38 confidential interviews conducted with the protections established in  
39 subsection (3) of this section; analysis of individual case  
40 information; and review of this information by a team of

1 professionals in order to identify modifiable medical, socioeconomic,  
2 public health, behavioral, administrative, educational, and  
3 environmental factors associated with each death."

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4 On page 1, line 1 of the title, after "Relating to" strike the  
5 remainder of the title and insert "overdose, withdrawal, and suicide  
6 fatality reviews; and adding a new section to chapter 70.05 RCW."

EFFECT: Expands the overdose and suicide fatality reviews to include reviews of fatalities due to withdrawal related to substances of abuse such as opiates, benzodiazepines, and alcohol. Requires the reviews to be shared with the Department of Health, subject to the confidentiality restrictions.

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