

2024 Regular Session

SENATE BILL NO. 70

BY SENATOR MIZELL

HEALTH DEPARTMENT. Provides for parish overdose fatality review panels. (8/1/24)

1 AN ACT

2 To enact Part I-B of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:2025.1 through 2025.6, and to enact R.S. 44:4(64), relative to
4 local overdose fatality review panels; to authorize parishes to establish an overdose
5 fatality review panel; to provide for membership of a review panel; to provide for
6 functions and duties of a review panel; to provide relative to access to information
7 and confidentiality; to provide for reporting requirement; to provide an exemption
8 to the Public Records Law; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part I-B of Chapter 11 of Title 40 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 40:2025.1 through 2025.6, is hereby enacted to read as follows:

12 **PART I-B. LOCAL OVERDOSE FATALITY REVIEW PANELS**

13 **§2025.1. Legislative findings**

14 **A. The legislature hereby finds and declares the following:**

15 **(1) Substance use disorder and drug overdose are major health problems**
16 **that affect the lives of many people, multiple services systems, and lead to**
17 **profound consequences, including permanent injury and death.**

1 (2) Overdoses caused by heroin, fentanyl, other opioids, stimulants,
2 controlled substance analogs, novel psychoactive substances, and other legal and
3 illegal drugs are a public health crisis that stress and strain the financial, public
4 health, health care, and public safety resources in Louisiana.

5 (3) Overdose fatality reviews, which are designed to uncover the who,
6 what, when, where, why, and how a fatal overdose occurs, allow jurisdictions
7 to examine and understand the circumstances leading to a fatal drug overdose.

8 (4) Through a comprehensive and multidisciplinary review, overdose
9 fatality review panels can better understand the individual and population
10 factors and characteristics of potential overdose victims.

11 §2025.2. Definitions

12 For purposes of this Part, the following terms shall have the following
13 meanings:

14 (1) "Next of kin" means the person or persons most closely related to a
15 decedent by blood or affinity.

16 (2) "Overdose fatality review" means a process in which a
17 multidisciplinary panel performs a series of individual overdose fatality reviews
18 to effectively identify system gaps and innovative community-specific overdose
19 prevention and intervention strategies.

20 §2025.3. Local overdose fatality review panels; membership

21 A.(1) Each parish within Louisiana may establish a local overdose
22 fatality review panel. Any review panel that is created shall operate in
23 accordance with the provisions of this Part.

24 (2) Two or more parishes may agree to jointly establish a multiparish
25 overdose fatality review panel. Multiparish review panel members shall execute
26 a memorandum of understanding between the parishes regarding membership,
27 staffing, and operations.

28 B. If a local overdose fatality review panel is established, the review
29 panel shall be comprised of the following members. However, any member who

1 declines to participate shall do so in writing and total membership shall be the
2 number of members that participate. Failure of a member to participate shall
3 not preclude the functions of the panel.

4 (1) The coroner or his designee.

5 (2) The director of the regional human services district or his designee.

6 (3) The regional director of the Department of Children and Family
7 Services, child welfare division or his designee.

8 (4) The regional medical director for the office of public health,
9 Louisiana Department of Health or his designee.

10 (5) The parish district attorney or his designee.

11 (6) The sheriff or his designee.

12 (7) The chief of police or his designee.

13 (8) A representative of a local jail or detention center.

14 (9) A health care provider who specializes in the prevention, diagnosis,
15 and treatment of substance use disorders.

16 (10) A mental health provider who specializes in substance use disorders.

17 (11) A representative of an emergency medical services provider in the
18 parish.

19 (12) A representative from parole, probation, and community
20 corrections.

21 (13) A representative of the judicial district court or drug court if the
22 parish has a drug court.

23 (14) A representative of the local health department if the parish has a
24 local health department.

25 C. Any review panel established pursuant to this Part shall submit notice
26 of formation to the secretary of the Louisiana Department of Health through
27 the human services district member represented on the panel. The department
28 shall maintain a registry of active overdose fatality review panels in the state.

29 D. The members of the review panel shall elect a chairman. The

1 chairman may appoint additional persons to the review panel who are
2 determined to have relevant knowledge regarding overdose fatalities and would
3 aid the panel in fulfilling its duties.

4 E. Panel members shall not receive compensation or a per diem for their
5 services or attendance at panel meetings, except for those travel-related
6 expenses already provided for by their agency.

7 F. Meetings of a review panel may be conducted in person, by telephone,
8 or virtually using a secure web-based platform as authorized by law.

9 §2025.4. Functions; duties of the review panel

10 A. Each overdose fatality review panel shall be responsible for the
11 following:

12 (1) Promote cooperation and coordination among agencies involved in
13 the investigation of drug overdose fatalities.

14 (2) Develop an understanding of the causes and incidence of drug
15 overdose fatalities in the jurisdiction where the review panel operates.

16 (3) Plan for and recommend changes within the agencies represented on
17 the panel to prevent drug overdose fatalities.

18 (4) Advise local, regional, and state policymakers about potential changes
19 to law, policy, funding, or practice to prevent drug overdoses.

20 B. To achieve its purpose, each review panel shall:

21 (1) Establish and implement protocols and procedures.

22 (2) Conduct a multidisciplinary review of information received pursuant
23 to this Part regarding a decedent, which shall include but not be limited to:

24 (a) Consideration of the decedent's points of contact with health care
25 systems, social services, educational institutions, child and family services, the
26 criminal justice system, including law enforcement, and any other systems with
27 which the decedent had contact prior to his death.

28 (b) Identification of the specific factors and social determinants of health
29 that put the decedent at risk for an overdose.

1 **(3) Recommend prevention and intervention strategies to improve**
2 **coordination of services and investigations among member agencies to reduce**
3 **overdose deaths.**

4 **(4) Collect, analyze, interpret, and maintain local data on overdose**
5 **deaths.**

6 **C. In addition to the duties specified in this Section, a review panel may**
7 **investigate nonfatal overdose cases that occur within the panel's jurisdiction.**

8 **§2025.5. Access to information; confidentiality**

9 **A. Notwithstanding any other provision of law to the contrary, on**
10 **written request of the chair of an overdose fatality review panel and as**
11 **necessary to carry out the purpose and duties of the review panel, the panel**
12 **shall be authorized to have access to the following information:**

13 **(1) Information and records regarding the physical health, mental**
14 **health, and treatment for substance use disorder, maintained by a health care**
15 **provider, substance use disorder treatment provider, hospital, or health system**
16 **for an individual whose death or near death is being reviewed by the review**
17 **panel.**

18 **(2) Information and records maintained by a state or local government**
19 **agency or entity, including but not limited to death investigative information,**
20 **medical examiner investigative information, law enforcement investigative**
21 **information, emergency medical services reports, fire department records,**
22 **prosecutorial records, parole and probation information and records, court**
23 **records, school records, and information and records of the Department of**
24 **Children and Family Services if the agency or entity provided services to:**

25 **(a) An individual whose death or near death is being reviewed by the**
26 **review panel.**

27 **(b) The family of the decedent being investigated.**

28 **B. A person or entity subject to a records request by a review panel**
29 **pursuant to this Section may charge the review panel a reasonable fee for the**

1 service of duplicating any records requested by the panel.

2 C. The chair of the review panel, or the chair's designee, may request the
3 individual whose overdose is under review or, if deceased, the individual's next
4 of kin, to sign a consent form for the release of confidential information.

5 D. An individual, entity, or local or state agency that in good faith
6 provides information or records to the local panel shall not be subject to civil
7 or criminal liability or any professional disciplinary action as a result of
8 providing the information or record.

9 E. A member of a review panel may contact, interview, or obtain
10 information by request from a family member or friend of an individual whose
11 death is being reviewed by the panel.

12 F. Information and records obtained by the review panel in accordance
13 with the provisions of this Section and the results of any overdose fatality review
14 report shall be confidential and shall not be available for subpoena nor shall the
15 information be disclosed, discoverable, or compelled to be produced in any civil,
16 criminal, administrative, or other proceeding, nor shall the records be deemed
17 admissible as evidence in any civil, criminal, administrative, or other tribunal
18 or court of any reason. Information and records presented to the review panel
19 shall not be immune from subpoena, discovery, or prohibited from being
20 introduced into evidence solely because they were presented to or reviewed by
21 the review panel if the information and records have been obtained from other
22 sources.

23 G. Any person, agency, or entity furnishing information, documents, and
24 reports in accordance with this Section shall not be liable for the disclosure and
25 shall not be considered in violation of any privileged or confidential
26 relationship, if the person, agency, or entity has acted in good faith in the
27 reporting pursuant to this Section.

28 H. A member of the review panel shall not disclose any information that
29 is confidential under this Section. A person who appears before, participates in,

1 or provides information to the review panel shall sign a confidentiality notice
2 to acknowledge that any information he provides to the review panel shall be
3 confidential. Information identifying an overdose victim whose case is being
4 reviewed, or that victim's family members, or regarding the involvement of any
5 agency with the victim or victim's family members, shall not be disclosed in any
6 report that is available to the public. Nothing in this Section shall prohibit the
7 publishing by the review panel of statistical compilations relating to overdose
8 fatalities which do not identify a person's case or a person's healthcare
9 provider, law enforcement agency, or organization who provides services to
10 victims.

11 I. When the review panel concludes a review of an overdose fatality or
12 other review, it shall return all information and records that concern a victim
13 or the victim's family members to the person, agency, or entity that furnished
14 the information.

15 §2025.6. Reporting requirements

16 A. Each overdose fatality review panel shall submit an annual
17 de-identified report to the human services district for the parish or parishes
18 served by the review panel. The annual report shall include but not be limited
19 to the following information:

20 (1) The total number of fatal overdoses that occurred within the
21 jurisdiction of the overdose fatality review panel.

22 (2) The number of fatal overdose cases investigated by the overdose
23 fatality review panel.

24 (3) Any recommendations for state and local agencies or the state
25 legislature to assist in preventing fatal and nonfatal overdoses in the state.

26 (4) Assessable results of any recommendations made by the overdose
27 fatality review panel, including but not limited to changes in local or state law,
28 policy, or funding made as a result of the panel's recommendations.

29 B. Each human services district shall compile the reports submitted to

1 it from the review panels and submit the compiled report to the Louisiana
 2 Department of Health. The compiled report shall also include any additional
 3 recommendations from the human services district based on the data received
 4 for the region.

5 C. The Louisiana Department of Health shall analyze each annual report
 6 and shall create a single report containing an aggregate of the data submitted
 7 and shall submit the report to the governor and legislature.

8 D. Reports submitted pursuant to this Section are not confidential and
 9 may be shared with the public.

10 Section 2. R.S. 44:4(64) is hereby enacted to read as follows:

11 §4. Applicability

12 This Chapter shall not apply:

13 * * *

14 (64) To any information, documents, or records received by a local
 15 overdose fatality review panel defined as confidential under the provisions of
 16 R.S. 40:2025.5.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Amanda Trapp.

DIGEST

SB 70 Original 2024 Regular Session Mizell

Proposed law authorizes any parish to establish a local overdose fatality review panel to provide for cooperation among relevant agencies in order to develop an understanding of causes and incidences of overdoses within the parish and make recommendations regarding policy changes to prevent drug overdoses.

Proposed law provides for required membership for the overdose fatality review panel if a parish decides to establish a panel.

Proposed law provides that a member may decline to participate and failure of a member to participate does not preclude the functions of the panel.

Proposed law requires each review panel to submit notice of formation to the secretary of the Louisiana Department of Health and requires the department to maintain a registry of all active overdose fatality review panels in the state.

Proposed law authorizes the review panel to access certain information.

Proposed law provides for confidentiality of certain information accessed by the panel.

Proposed law requires each local overdose fatality review panel to report annually to the appropriate human services district.

Proposed law further requires the human services district to compile information received from review panels in its jurisdiction and submit the compiled report to the Louisiana Department of Health.

Proposed law requires the Louisiana Department of Health to aggregate the data and recommendations received from the human services districts and report annually to the governor and legislature.

Effective August 1, 2024.

(Adds R.S. 40:2025.1-2025.6 and R.S. 44:4(64))