

SENATE BILL NO. 70

BY SENATOR MIZELL AND REPRESENTATIVES CHASSION AND KNOX

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 requirements; 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.**

18 **(2) Overdoses caused by heroin, fentanyl, other opioids, stimulants,**
19 **controlled substance analogs, novel psychoactive substances, and other legal and**
20 **illegal drugs are a public health crisis that stress and strain the financial, public**
21 **health, healthcare, and public safety resources in Louisiana.**

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

25 **(4) Through a comprehensive and multidisciplinary review, overdose**
26 **fatality review panels can better understand the individual and population**
27 **factors and characteristics of potential overdose victims.**

1 **§2025.2. Definitions**

2 **For purposes of this Part, the following terms shall have the following**
3 **meanings:**

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

6 **(2) "Overdose fatality review" means a process in which a**
7 **multidisciplinary panel performs a series of individual overdose fatality reviews**
8 **to effectively identify system gaps and innovative community-specific overdose**
9 **prevention and intervention strategies.**

10 **§2025.3. Local overdose fatality review panels; membership**

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

14 **(2) Two or more parishes may agree to jointly establish a multiparish**
15 **overdose fatality review panel. Multiparish review panel members shall execute**
16 **a memorandum of understanding between the parishes regarding membership,**
17 **staffing, and operations.**

18 **B. The local overdose review panel shall be comprised of the following**
19 **members. However, any of the following persons who declines, in writing, to**
20 **participate shall not be counted toward the total membership of the panel nor**
21 **toward calculating a quorum. The members provided in Paragraphs 8 through**
22 **13 of this Subsection shall be appointed by the chief executive of the parish**
23 **governing authority.**

24 **(1) The coroner or his designee.**

25 **(2) The director of the regional human services district in which the**
26 **parish is located or his designee.**

27 **(3) The regional director of the Department of Children and Family**
28 **Services, child welfare division for the region in which the parish is located or**
29 **his designee.**

30 **(4) The regional medical director for the office of public health,**

1 Louisiana Department of Health for the region in which the parish is located or
2 his designee.

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

4 (6) The sheriff or his designee.

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

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

7 (9) A healthcare provider who specializes in the prevention, diagnosis,
8 and treatment of substance use disorders.

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

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

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

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

16 (14) The director of the local health department if the parish has a local
17 health department or his designee.

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

22 D. The members of the review panel shall elect a chairman. The
23 chairman may appoint additional persons to the review panel who are
24 determined to have relevant knowledge regarding overdose fatalities and would
25 aid the panel in fulfilling its duties.

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

29 F. Meetings of a review panel shall be exempt from the provisions of R.S.
30 42:11 et seq.

1 **§2025.4. Functions; duties of the review panel**

2 **A. Each overdose fatality review panel shall:**

3 **(1) Promote cooperation and coordination among agencies involved in**
4 **the investigation of drug overdose fatalities.**

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

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

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

11 **(5) Establish and implement protocols and procedures.**

12 **(6) Conduct a multidisciplinary review of information received pursuant**
13 **to this Part regarding a decedent, which shall include but not be limited to:**

14 **(a) Consideration of the decedent's points of contact with healthcare**
15 **systems, social services, educational institutions, child and family services, the**
16 **criminal justice system, including law enforcement, and any other systems with**
17 **which the decedent had contact prior to his death.**

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

20 **(7) Recommend prevention and intervention strategies to improve**
21 **coordination of services and investigations among member agencies to reduce**
22 **overdose deaths.**

23 **(8) Collect, analyze, interpret, and maintain local data on overdose**
24 **deaths.**

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

27 **§2025.5. Access to information; confidentiality**

28 **A. Notwithstanding any other provision of law to the contrary, on**
29 **written request of the chair of an overdose fatality review panel and as**
30 **necessary to carry out the purpose and duties of the review panel, the panel**

1 shall be authorized to have access to the following information:

2 (1) Information and records regarding the physical health, mental
3 health, and treatment for substance use disorder, maintained by a healthcare
4 provider, substance use disorder treatment provider, hospital, or health system
5 for an individual whose death or near death is being reviewed by the review
6 panel.

7 (2) Information and records maintained by a state or local government
8 agency or entity, including but not limited to death investigative information,
9 medical examiner investigative information, law enforcement investigative
10 information, emergency medical services reports, fire department records,
11 prosecutorial records, parole and probation information and records, court
12 records, school records, and information and records of the Department of
13 Children and Family Services if the agency or entity provided services to:

14 (a) An individual whose death or near death is being reviewed by the
15 review panel.

16 (b) The family of the decedent being investigated.

17 B. A person or entity subject to a records request by a review panel
18 pursuant to this Section may charge the review panel a reasonable fee for the
19 service of duplicating any records requested by the panel.

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

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

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

30 F. Information and records obtained by the review panel in accordance

1 with the provisions of this Section and the results of any overdose fatality review
2 report shall be confidential and shall not be available for subpoena nor shall the
3 information be disclosed, discoverable, or compelled to be produced in any civil,
4 criminal, administrative, or other proceeding, nor shall the records be deemed
5 admissible as evidence in any civil, criminal, administrative, or other tribunal
6 or court of any reason. Information and records presented to the review panel
7 shall not be immune from subpoena, discovery, or prohibited from being
8 introduced into evidence solely because they were presented to or reviewed by
9 the review panel if the information and records have been obtained from other
10 sources.

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

16 H. A member of the review panel shall not disclose any information that
17 is confidential under this Section. A person who appears before, participates in,
18 or provides information to the review panel shall sign a confidentiality notice
19 to acknowledge that any information he provides to the review panel shall be
20 confidential. Information identifying an overdose victim whose case is being
21 reviewed, or that victim's family members, or regarding the involvement of any
22 agency with the victim or victim's family members, shall not be disclosed in any
23 report that is available to the public. Nothing in this Section shall prohibit the
24 publishing by the review panel of statistical compilations relating to overdose
25 fatalities which do not identify a person's case or a person's healthcare
26 provider, law enforcement agency, or organization who provides services to
27 victims.

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

1 the information.

2 §2025.6. Reporting requirements

3 A. Each overdose fatality review panel shall submit no later than
 4 November first of each year an annual report to the human services district for
 5 the parish or parishes served by the review panel. The annual report shall
 6 include but not be limited to the following information:

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

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

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

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

16 B. Each human services district shall compile the reports submitted to
 17 it from the review panels and submit the compiled report to the Louisiana
 18 Department of Health no later than December thirty-first of each year. The
 19 compiled report shall also include any additional recommendations from the
 20 human services district based on the data received for the region.

21 C. The Louisiana Department of Health shall analyze each annual report
 22 and shall create a single report containing an aggregate of the data received
 23 pursuant to this Section and shall submit the report to the governor and
 24 legislature no later than March fifteenth of each year.

25 D. Reports submitted pursuant to this Section are not confidential and
 26 are subject to the Public Records Law.

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

28 §4. Applicability

29 This Chapter shall not apply:

30 * * *

1 (64) To any information, documents, or records received by an overdose
2 fatality review panel defined as confidential under the provisions of R.S.
3 40:2025.5.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____