

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2196

Introduced by

Senators Anderson, J. Lee

Representative Tveit

1 A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century
2 Code, relating to creation of a drug fatalities review panel.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 23 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Drug fatalities review panel.**

- 7 1. The ~~state health officer~~ forensic pathology department of the university of North Dakota
8 school of medicine and health sciences shall appoint individuals to serve as members
9 on the drug fatalities review panel and shall designate the presiding officer. To
10 encompass disciplines needed for evaluation and balance of members' viewpoints,
11 panel membership must include representation from multiple disciplines and services.
12 Membership may include a forensic pathologist, a pharmacist with knowledge in
13 pharmacogenomics, representatives of rural and urban healthcare facilities, a licensed
14 addiction counselor, a physician, and representatives of nonregulatory divisions of the
15 state department of health and department of human services.
- 16 2. ~~Other than initial appointments designed to stagger the expiration of terms, a panel~~
17 ~~member shall serve a term of two years. The state health officer may remove a panel~~
18 ~~member for cause, such as violation of confidentiality, violation of a professional code~~
19 ~~of ethics, and chronic absenteeism.~~
- 20 ~~3.~~ The state department of health and the university of North Dakota school of medicine
21 and health sciences shall provide for or arrange for administrative services to assist
22 the panel in performing official duties, including collection and management of case
23 review files, the maintenance of records, data collection and analysis, and the
24 issuance of a state report on drug-related fatalities. The department is and the

1 university of North Dakota school of medicine and health sciences are responsible for
2 the confidentiality and security of data on the sharing site on which the documents are
3 stored.

4 **Powers and duties.**

5 1. The panel may:

- 6 a. Provide outcome data on drug-related fatalities in the state as a basis for policy,
7 intervention, and other program effectiveness.
- 8 b. Promote the identification of circumstances that may contribute to drug-related
9 fatalities.
- 10 c. Promote the identification of public health issues related to drug-related fatalities.
- 11 d. Promote training for individuals and agencies that share a responsibility in
12 responding to or preventing drug-related fatalities.
- 13 e. Promote interagency communication for the management of pharmaceutical and
14 nonpharmaceutical drug-related fatalities and for the management of future
15 nonfatal cases.
- 16 f. Promote evaluation of the impact of specific drug-related fatality risk factors,
17 including substance abuse, domestic violence, and behavioral or mental health
18 issues.
- 19 g. Promote the use of intervention and education programs to prevent drug-related
20 fatalities.
- 21 h. Provide data regarding use and potential expansion of drug-related rescue
22 programs and referral services.

23 2. The panel shall review the deaths of individuals which are identified as prescription
24 drug, illicit drug, or alcohol overdoses or which pertain to a trend or pattern of drug-
25 related deaths identified as drug or alcohol overdoses. ~~Based on legislative~~
26 ~~appropriation, the~~ The panel shall prioritize the reviews conducted under this
27 subsection. In conducting a review under this subsection, the panel:

- 28 a. May utilize case-specific consultants on a case-by-case basis.
- 29 b. Shall identify factors that may have contributed to a preventable fatality, gaps in
30 the system, and community areas of need.

1 c. Shall make recommendations or observations to identify whether a fatality was
2 preventable; whether additional information is needed for a more complete
3 review; whether it is appropriate to make a referral to an agency requesting
4 services; and any systemic issues raised by the circumstances of the fatality.

5 **Confidentiality.**

6 Notwithstanding section 44-04-19, all portions of a meeting of the panel which reviews drug
7 fatalities are closed to the public. Notwithstanding section 44-04-18, all documentation and
8 reports of the panel which are related to panel review of drug fatalities are confidential, except
9 for the annual state report, which may not disclose personally identifiable information of
10 decedents. The confidential records are not discoverable as evidence ~~and may not be used by~~
11 ~~the panel for research.~~

12 **Access to records.**

13 Upon the written request of the presiding officer of the panel, a health care facility and
14 health care provider shall disclose all patient records of the facility or provider which are
15 requested by the panel and pertain to an identified drug fatality. The presiding officer may
16 request records from the most recent thirty-six-month period.

17 **State report.**

18 Annually the panel shall compile a state report of fatalities reviewed. The report must
19 include identification of patterns, trends, and policy issues related to drug fatalities, but may not
20 disclose personally identifiable information.