

Part 2 Fatality Review

62A-16-201 Initial review.

- (1) Within seven days after the day on which the department knows that a qualified individual has died, a person designated by the department shall:
 - (a) complete a deceased client report form, created by the department; and
 - (b) forward the completed client report form to the director of the office or division that has jurisdiction over the region or facility.
- (2) The director of the office or division described in Subsection (1) shall, upon receipt of a deceased client report form, immediately provide a copy of the form to:
 - (a) the executive director; and
 - (b) the fatality review coordinator or the fatality review coordinator's designee.
- (3) Within 10 days after the day on which the fatality review coordinator or the fatality review coordinator's designee receives a copy of the deceased client report form, the fatality review coordinator or the fatality review coordinator's designee shall request a copy of all relevant department case records regarding the individual who is the subject of the deceased client report form.
- (4) Each person who receives a request for a record described in Subsection (3) shall provide a copy of the record to the fatality review coordinator or the fatality review coordinator's designee, by a secure method, within seven days after the day on which the request is made.
- (5) Within 30 days after the day on which the fatality review coordinator or the fatality review coordinator's designee receives the case records requested under Subsection (3), the fatality review coordinator, or the fatality review coordinator's designee, shall:
 - (a) review the deceased client report form, the case files, and other relevant information received by the fatality review coordinator; and
 - (b) make a recommendation to the director of the Office of Services Review regarding whether a formal fatality review should be conducted.
- (6)
 - (a) In accordance with Subsection (6)(b), within seven days after the day on which the fatality review coordinator or the fatality review coordinator's designee makes the recommendation described in Subsection (5)(b), the director of the Office of Services Review or the director's designee shall determine whether to order that a formal fatality review be conducted.
 - (b) The director of the Office of Services Review or the director's designee shall order that a formal fatality review be conducted if:
 - (i) at the time of death, the qualified individual is:
 - (A) an individual described in Subsection 62A-16-102(2)(a) or (b), unless:
 - (I) the death is due to a natural cause; or
 - (II) the director of the Office of Services Review or the director's designee determines that the death was not in any way related to services that were provided by, or under the direction of, the department or a division of the department; or
 - (B) a child in foster care or substitute care, unless the death is due to:
 - (I) a natural cause; or
 - (II) an accident;
 - (ii) it appears, based on the information provided to the director of the Office of Services Review or the director's designee, that:

- (A) a provision of law, rule, policy, or procedure relating to the deceased individual or the deceased individual's family may not have been complied with;
- (B) the fatality was not responded to properly;
- (C) a law, rule, policy, or procedure may need to be changed; or
- (D) additional training is needed;
- (iii) the death is caused by suicide; or
- (iv) the director of the Office of Services Review or the director's designee determines that another reason exists to order that a formal fatality review be conducted.

Amended by Chapter 343, 2011 General Session

62A-16-202 Fatality Review Committee for a deceased individual who was not a resident of the Utah State Hospital or the Utah State Developmental Center.

- (1) Except for a fatality review committee described in Section 62A-16-203, the fatality review coordinator shall organize a fatality review committee for each formal fatality review that is ordered to be conducted under Subsection 62A-16-201(6).
- (2) Except as provided in Subsection (5), a committee described in Subsection (1):
 - (a) shall include the following members:
 - (i) the department's fatality review coordinator, who shall designate a member of the committee to serve as chair of the committee;
 - (ii) a member of the board, if there is a board, of the relevant division or office;
 - (iii) the attorney general or the attorney general's designee;
 - (iv)
 - (A) a member of the management staff of the relevant division or office; or
 - (B) a person who is a supervisor, or a higher level position, from a region that did not have jurisdiction over the qualified individual; and
 - (v) a member of the department's risk management services; and
 - (b) may include the following members:
 - (i) a health care professional;
 - (ii) a law enforcement officer; or
 - (iii) a representative of the Office of Public Guardian.
- (3) If a death that is subject to formal review involves a qualified individual described in Subsection 62A-16-102(2)(c) or (d), the committee may also include:
 - (a) a health care professional;
 - (b) a law enforcement officer;
 - (c) the director of the Office of Guardian ad Litem;
 - (d) an employee of the division who may be able to provide information or expertise that would be helpful to the formal review; or
 - (e) a professional whose knowledge or expertise may significantly contribute to the formal review.
- (4) A committee described in Subsection (1) may also include a person whose knowledge or expertise may significantly contribute to the formal review.
- (5) A committee described in this section may not include an individual who was involved in, or who supervises a person who was involved in, the fatality.
- (6) Each member of a committee described in this section who is not an employee of the department shall sign a form, created by the department, indicating that the member agrees to:
 - (a) keep all information relating to a fatality review confidential; and
 - (b) not release any information relating to a fatality review, unless required or permitted by law to release the information.

Enacted by Chapter 239, 2010 General Session

62A-16-203 Fatality Review Committees for a deceased resident of the Utah State Hospital or the Utah State Developmental Center.

- (1) If a qualified individual who is the subject of a formal fatality review that is ordered to be conducted under Subsection 62A-16-201(6) was a resident of the Utah State Hospital or the Utah State Developmental Center, the fatality review coordinator of that facility shall organize a fatality review committee to review the fatality.
- (2) Except as provided in Subsection (4), a committee described in Subsection (1) shall include the following members:
 - (a) the fatality review coordinator for the facility, who shall serve as chair of the committee;
 - (b) a member of the management staff of the facility;
 - (c) a supervisor of a unit other than the one in which the qualified individual resided;
 - (d) a physician;
 - (e) a representative from the administration of the division that oversees the facility;
 - (f) the department's fatality review coordinator;
 - (g) a member of the department's risk management services; and
 - (h) a citizen who is not an employee of the department.
- (3) A committee described in Subsection (1) may also include a person whose knowledge or expertise may significantly contribute to the formal review.
- (4) A committee described in this section may not include an individual who:
 - (a) was involved in, or who supervises a person who was involved in, the fatality; or
 - (b) has a conflict with the fatality review.

Enacted by Chapter 239, 2010 General Session

62A-16-204 Fatality Review Committee Proceedings.

- (1) A majority vote of committee members present constitutes the action of the committee.
- (2) The department shall give the committee access to all reports, records, and other documents that are relevant to the fatality under investigation, including:
 - (a) narrative reports;
 - (b) case files;
 - (c) autopsy reports; and
 - (d) police reports, unless the report is protected from disclosure under Subsection 63G-2-305(10) or (11).
- (3) The Utah State Hospital and the Utah State Developmental Center shall provide protected health information to the committee if requested by a fatality review coordinator.
- (4) A committee shall convene its first meeting within 14 days after the day on which a formal fatality review is ordered under Subsection 62A-16-201(6), unless this time is extended, for good cause, by the director of the Office of Services Review.
- (5) A committee may interview a staff member, a provider, or any other person who may have knowledge or expertise that is relevant to the fatality review.
- (6) A committee shall render an advisory opinion regarding:
 - (a) whether the provisions of law, rule, policy, and procedure relating to the deceased individual and the deceased individual's family were complied with;
 - (b) whether the fatality was responded to properly;
 - (c) whether to recommend that a law, rule, policy, or procedure be changed; and

(d) whether additional training is needed.

Amended by Chapter 445, 2013 General Session