

Representative Raymond P. Ward proposes the following substitute bill:

OVERDOSE AND SUICIDE FATALITY REVIEW

MODIFICATIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses reviews of an overdose or suicide-related fatality.

Highlighted Provisions:

This bill:

- ▶ requires certain health care facilities and treatment programs to conduct an internal review of a patient's overdose or suicide that occurs within a certain time period after discharge;
- ▶ requires the overdose fatality examiner and psychological autopsy examiner to provide notice to, and request information from, the health care facilities and treatment programs; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 [26-4-28.5](#), as enacted by Laws of Utah 2017, Chapter 346

27 [26-4-30](#), as enacted by Laws of Utah 2020, Chapter 201

28 ENACTS:

29 [26-21-36](#), Utah Code Annotated 1953

30 [62A-2-126](#), Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section [26-4-28.5](#) is amended to read:

34 **[26-4-28.5. Psychological autopsy examiner.](#)**

35 (1) [~~With~~] Within funds appropriated by the Legislature for this purpose, the
36 department shall provide compensation, at a standard rate determined by the department, to a
37 psychological autopsy examiner.

38 (2) The psychological autopsy examiner shall:

39 (a) work with the medical examiner to compile data regarding suicide related deaths;

40 (b) as relatives of the deceased are willing, gather information from relatives of the
41 deceased regarding the psychological reasons for the [~~decedent's~~] deceased's death;

42 (c) maintain a database of information described in Subsections (2)(a) and (b);

43 (d) in accordance with all applicable privacy laws subject to approval by the
44 department, share the database described in Subsection (2)(c) with the University of Utah
45 Department of Psychiatry or other university-based departments conducting research on
46 suicide;

47 (e) coordinate no less than monthly with the suicide prevention coordinator described
48 in Subsection [62A-15-1101\(2\)](#); [~~and~~]

49 (f) coordinate no less than quarterly with the state suicide prevention coalition[-]; and

50 (g) if the psychological autopsy examiner determines the deceased was discharged
51 from a health care facility or mental health treatment program within 30 days before the day on
52 which the deceased died, notify the facility or program of the deceased's death and request the
53 facility or program conduct a review, and provide written confirmation of completion of the
54 review, under Section [26-21-36](#) or [62A-2-626](#).

55 Section 2. Section [26-4-30](#) is amended to read:

56 **[26-4-30. Overdose fatality examiner.](#)**

57 (1) Within funds appropriated by the Legislature, the department shall provide
58 compensation, at a standard rate determined by the department, to an overdose fatality
59 examiner.

60 (2) The overdose fatality examiner shall:

61 (a) work with the medical examiner to compile data regarding overdose and opioid
62 related deaths, including:

63 (i) toxicology information;

64 (ii) demographics; and

65 (iii) the source of opioids or drugs;

66 (b) as relatives of the deceased are willing, gather information from relatives of the
67 deceased regarding the circumstances of the decedent's death;

68 (c) maintain a database of information described in Subsections (2)(a) and (b);

69 (d) coordinate no less than monthly with the suicide prevention coordinator described
70 in Section [62A-15-1101](#); ~~and~~

71 (e) coordinate no less than quarterly with the Opioid and Overdose Fatality Review
72 Committee created in Section [26-7-13](#)~~[-]~~; and

73 (f) if the overdose fatality examiner determines the deceased was discharged from a
74 health care facility or substance use treatment program within 30 days before the day on which
75 the deceased died, notify the facility or program of the deceased's death and request the facility
76 or program conduct a review, and provide written confirmation of completion of the review,
77 under Section [26-21-36](#) or [62A-2-626](#).

78 Section 3. Section **26-21-36** is enacted to read:

79 **26-21-36. Review of overdose or suicide -- Notice from overdose fatality examiner**
80 **or psychological autopsy examiner.**

81 (1) A health care facility shall conduct a review of the care provided to a patient if the
82 health care facility determines the patient died by overdose or suicide within 30 days after the
83 day on which the patient was discharged from:

84 (a) the health care facility's emergency room; or

85 (b) an inpatient mental health or substance use treatment program provided by the
86 health care facility.

87 (2) The review described in Subsection (1) shall evaluate:

- 88 (a) the patient's discharge plan;
- 89 (b) whether follow-up health care or treatment was arranged for the patient after
- 90 discharge;
- 91 (c) whether the patient completed the discharge plan and follow-up care or treatment;
- 92 (d) whether the health care facility followed the health care facility's policy for creation
- 93 and execution of the discharge plan; and
- 94 (e) whether a change to the health care facility's policy is necessary to improve positive
- 95 outcomes for patients after discharge.

96 (3) A health care facility shall provide the psychological autopsy examiner or overdose
97 fatality examiner written confirmation of completion of the review under Subsection (1) within
98 30 days after the day on which the psychological autopsy examiner or overdose fatality
99 examiner requests the confirmation under Subsection [26-4-28.5\(2\)\(g\)](#) or [26-4-30\(2\)\(f\)](#).

100 Section 4. Section **62A-2-126** is enacted to read:

101 **62A-2-126. Review of overdose or suicide -- Notice from overdose fatality**
102 **examiner or psychological autopsy examiner.**

103 (1) As used in this section, "treatment provider" means a public or private agency that:

- 104 (a) provides mental health or substance use treatment; and
- 105 (b) is licensed under this chapter or under contract with the department to provide the
- 106 mental health or substance use treatment.

107 (2) A treatment provider shall conduct a review of the care provided to a patient if the
108 provider determines the patient died by overdose or suicide within 30 days after the day on
109 which the patient was discharged from inpatient mental health or substance use treatment
110 provided by the treatment provider.

111 (3) The review described in Subsection (2) shall evaluate:

- 112 (a) the patient's discharge plan;
- 113 (b) whether follow-up health care or treatment was arranged for the patient after
- 114 discharge;
- 115 (c) whether the patient completed the discharge plan and follow-up care or treatment;
- 116 (d) whether the treatment provider followed the treatment provider's policy for creation
- 117 and execution of the discharge plan; and
- 118 (e) whether a change to the treatment provider's policy is necessary to improve positive

119 outcomes for patients after discharge.

120 (4) A treatment provider shall provide the psychological autopsy examiner or overdose

121 fatality examiner written confirmation of completion of the review under Subsection (2) within

122 30 days after the day on which the psychological autopsy examiner or overdose fatality

123 examiner requests the confirmation under Subsection [26-4-28.5\(2\)\(g\)](#) or [26-4-30\(2\)\(f\)](#).