

121 Improvement regarding whether a formal review of the death or near fatality should be
122 conducted.

123 ~~[(6)]~~ (5) (a) In accordance with Subsection ~~[(6)(b)]~~ (5)(b), within ~~[seven]~~ 14 days after
124 the day on which the fatality review coordinator or the fatality review coordinator's designee
125 makes the recommendation described in Subsection ~~[(5)(b)]~~ (4)(b), the director of the Division
126 of Continuous Quality and Improvement or the director's designee shall determine whether to
127 order that a review of the death or near fatality be conducted.

128 (b) The director of the Division of Continuous Quality and Improvement or the
129 director's designee shall order that a formal review of the death or near fatality be conducted if:

130 (i) at the time of the near fatality or the death, the qualified individual is:

131 (A) an individual described in ~~H→~~ [Subsection] ~~←H~~ ~~[26B-1-501(6)(a) or (b)]~~ Subsections
132 26B-1-501(7)(a) through (h), unless:

133 (I) the near fatality or the death is due to a natural cause; or

134 (II) the director of the Division of Continuous Quality and Improvement or the
135 director's designee determines that the near fatality or the death was not in any way related to
136 services that were provided by, or under the direction of, the department or a division of the
137 department; or

138 (B) a child in foster care or substitute care, unless the near fatality or the death is due
139 to:

140 (I) a natural cause; or

141 (II) an accident;

142 (ii) it appears, based on the information provided to the director of the Division of
143 Continuous Quality and Improvement or the director's designee, that:

144 (A) a provision of law, rule, policy, or procedure relating to the qualified individual or
145 the individual's family may not have been complied with;

146 (B) the near fatality or the fatality was not responded to properly;

147 (C) a law, rule, policy, or procedure may need to be changed; or

148 (D) additional training is needed;

149 (iii) (A) the death is caused by suicide; or

150 (B) the near fatality is caused by attempted suicide; or

151 (iv) the director of the Division of Continuous Quality and Improvement or the