



# Senate Public Health and Welfare Committee

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## Summary HB 140 PN 1057

This legislation establishes the Methadone Death and Incident Review Act.

A team is established in the Department of Health to review all deaths where methadone was either a primary or secondary cause. The team shall be comprised of:

- The Secretary of Health or a designee, who shall be the chairperson
- The Director of the Bureau of Drug and Alcohol Programs
- An appointee by the Secretary of Health representing the:
  - Narcotic treatment programs
  - Licensed drug and alcohol addiction treatment programs not defined as narcotic treatment programs
  - Law enforcement
  - Medical community
  - District Attorneys
  - Coroners or medical examiners
  - Public
  - Patients or family advocates

The team shall review the circumstances surrounding methadone-related deaths for the purpose of determining the role methadone played in the death, promoting safety and reducing occurrences. Members shall also help to facilitate communication throughout the provider system and collaborate with the coroners and medical examiners to develop a form for transmitting information regarding methadone-related deaths. The team shall collect and store data on these deaths and incidents and act as a repository for complaints and problems regarding opiate treatment programs.

Best practices should be developed by the team and promulgated by the department through regulation. Aggregate statistics shall also be posted on the website along with an annual report detailing the number and causes of methadone-related deaths and incidents, five year trends on use and abuse, recommendations to prevent future deaths and incidents, recommendations on statutory or regulatory change, and any concerns regarding narcotic treatment programs. The annual report must be sent to the majority and minority chairs of the House and Senate Judiciary Committees, the House Human Services Committee, and the Senate Public Health and Welfare Committee. The website shall list all meetings for each year.

The team may review the following information in gathering data:

- Coroner's reports or postmortem examination records, unless prohibited by law
- Death and birth certificates
- Law enforcement records and interviews with law enforcement officials as long as it will not jeopardize an ongoing investigation or proceeding
- Medical records
- Information and reports made available by the county children and youth agency
- Information from firefighters or emergency services personnel
- Reports and records made available by the court, including juvenile records
- EMS records
- Traffic fatality reports
- Facility licensure surveys

Consistent with HIPAA, the review team shall have access to medical records of individuals under review without the authorization of the person of interest to the team. The team shall have access to other records open to inspection as permitted by law.

Any identifying information related to the death or incident shall remain confidential. Team members must sign a confidentiality agreement and violations will be a misdemeanor of the third degree.

An initial meeting shall be held within 90 days of the effective date of the act where the team shall develop a work and reporting schedule. Meetings where a specific death is discussed shall be closed to the public. However, nothing prevents the team from allowing someone with information relevant to the review of a specific death from attending a review meeting. Proceedings are not subject to discovery and any individual or agency sharing information in good faith shall not be subject to civil or criminal liability. Members will not be compensated for meetings but shall be reimbursed for travel and other expenses.

On July 1, 2011, all powers and duties of the Department of Health under this act are transferred to the Department of Drug and Alcohol Programs.

### **Effective Date**

This act shall take effect in 90 days.

### **Amendment A02635**

- Defines methadone-related incident ,
- Requires the team to develop a form for the submission of methadone-related incidents by a concerned party,
- Deletes the transfer of all powers and duties to the Department of Drug and Alcohol Programs and
- Makes other technical and clarifying changes.