



Opioid Fatality Review Boards: State Laws

December 2019

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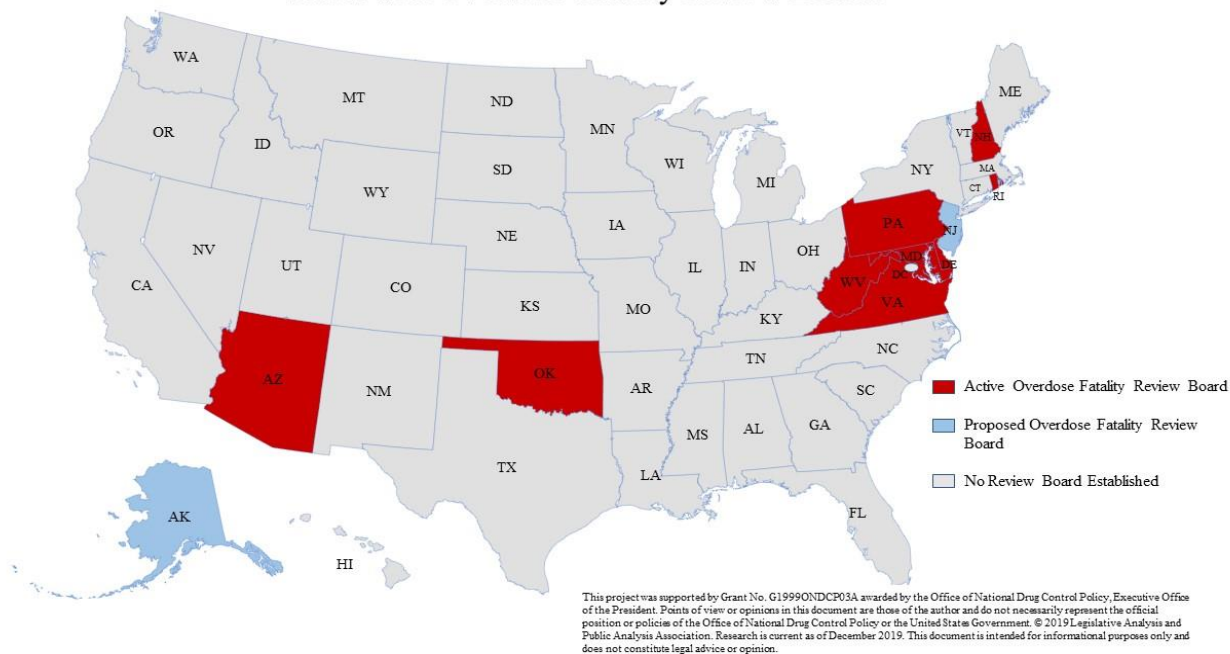
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SUMMARY

Overdose fatality review boards are multidisciplinary teams that are established on the state, city, or county level “to examine and understand the circumstances surrounding fatal drug overdoses.”¹ These teams review fatal drug overdose cases within their jurisdictions in order to determine what factors and characteristics may lead to a possible overdose. By understanding what influences a fatal overdose, the review board can recommend changes in law and policy that will better allow the state, city, or county to prevent future overdose deaths. As of this writing, nine states have authorized overdose fatality review boards. Moreover, two bills that would establish an overdose fatality review board in the state have been proposed in the New Jersey.² Lastly, in October 2018, Alaska received a federal grant to establish an overdose death review panel in the state, but as of this writing the panel has yet to be formally established.³

The goal of this research document is to provide accurate and complete information that is free of omissions. If you believe that this document contains misinformation or errors, please email LAPPa at info@thelappa.org.

States with Overdose Fatality Review Boards



¹ “More States Authorizing the Use of Overdose Fatality Review Teams,” *Association of State and Territorial Health Officials*, August 23, 2018, <https://www.astho.org/StatePublicHealth/More-States-Authorizing-the-Use-of-Overdose-Fatality-Review-Teams/08-23-18/>.

² Assembly bill 5059, 218th Leg., 2018-2019 Regular Sess. (N.J. 2019) and Senate bill 2929, 218th Leg., 2018-2019 Regular Sess. (N.J. 2019).

³ “Press release: State receives federal grant for overdoses death review panel,” *State of Alaska-Department of Law*, October 11, 2018, <http://www.law.state.ak.us/press/releases/2018/101118-ReviewPanel.html>.

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<u>ARIZONA</u>	
Created by	Legislation
Statute(s) and/or regulation(s)	A.R.S. §§ 36-198 and 36-198.01
Effective date	August 9, 2017
Drugs or substances of focus	Not specified
Team members	<p>The Arizona Drug Overdose Fatality Review Team is composed of representatives from the following entities or that person's designee: (1) the Office of the Attorney General; (2) the Department of Health Services; (3) the Arizona Health Care Cost Containment System; (4) the Department of Economic Security; (5) the Governor's Office of Youth, Faith, and Family; (6) the Administrative Office of the Courts; (7) the State Department of Corrections; (8) the Arizona Council of Human Services Providers; and (9) the Department of Public Safety.</p> <p>The Director of the Department of Health Services will also appoint the following members to serve on the review team: (1) a medical examiner who is a rural forensic pathologist; (2) a medical examiner who is a metropolitan forensic pathologist; (3) a representative of a tribal government; (4) a public member; (5) a representative of a professional emergency management system association; (6) a health care professional from a statewide association representing nurses; (7) a health care professional from a statewide association representing physicians; (8) a representative of an association of county health officers; (9) a representative of an association representing hospitals; (10) a health care professional who specializes in the prevention, diagnosis, and treatment of substance use disorders; and (11) a county sheriff, who represents a county with a population of less than 500,000 persons and a county sheriff, or the sheriff's designee, who represents a county with a population of more than 5,000 persons.</p>
Duties, tasks, and objectives	<p>The review team is responsible for developing a drug overdose fatalities data collection system and conducting an annual analysis on the incidence and causes of drug overdose deaths in the state that occurred the preceding year. Additionally, the review team works to encourage and assist the development of local drug overdose fatality review teams by developing standards and protocols for these local teams, as well as providing training and technical assistance. Moreover, the team develops protocols for drug overdose investigations and studies the adequacy of statutes, ordinances, rules, training, and services to determine what changes are needed to</p>

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<u>ARIZONA</u>	
	decrease the incidence of preventable drug overdose fatalities. Finally, the team has the task of educating the public about the incidence and causes of drug overdose deaths and what the public can do to prevent these deaths.
Access to information	The chairperson of the team may request, as necessary to carry out the team's duties, information and records from: (1) a provider of medical, dental, or mental health care, and (2) the state or a political subdivision of the state that might assist the team in reviewing the fatality. Access to the information requested is to be provided to the chairperson within five days.

<u>DELAWARE</u>	
Created by	Legislation
Statute(s) and/or regulation(s)	16 Del.C. §§ 4799A through 4799D
Effective date	April 21, 2016
Drugs or substances of focus	Opiates, fentanyl, and/or heroin
Team members	<p>The Delaware Drug Overdose Fatality Review Commission is composed of the: (1) the Delaware Attorney General; (2) the Secretary of the State Department of Health and Social Services; (3) the Director of the Delaware Division of Forensic Science; (4) the Secretary of Safety and Homeland Security; (5) the Director of the Delaware Division of Public Health; and (6) the Commissioner of the Delaware Department of Correction.</p> <p>Additionally, the Governor appoints the following members to the Commission: (1) two representatives of the Medical Society of Delaware; (2) a representative of the Delaware Nurses Association; (3) a representative of the Police Chiefs Council of Delaware who is an active law enforcement officer; (4) a representative of the Delaware Fraternal Order of Police who is an active law enforcement officer; (5) two advocates from statewide nonprofit organizations; and (6) a representative of the Delaware Healthcare Association.</p>
Duties, tasks, and objectives	The Commission is tasked with investigating and reviewing the facts and circumstances of all overdose deaths involving opiates, fentanyl or heroin that occur in the state. At least annually, the Commission is to make recommendations to the Governor and General Assembly regarding practices or conditions that impact the frequency of overdose deaths and steps that can be taken to reduce the number of those deaths.

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<u>DELAWARE</u>	
Access to information	The Commission has access to the medical records of the deceased. Additionally, the Commission can compel the production of any records related to the death or that are pertinent to the Commission's investigation.

<u>MARYLAND</u>	
Created by	Legislation
Statute(s) and/or regulation(s)	MD Code, Health - General, §§ 5-901 through 5-906
Effective date	October 1, 2014
Drugs or substances of focus	Not specified
Team members	Maryland counties can establish Local Overdose Fatality Review Teams. State law requires the teams to include the following members or their designee: (1) the county health officer; (2) the Director of the local Department of Social Services; (3) the State's Attorney; (4) the Superintendent of Schools; (5) a state, county, or municipal law enforcement officer; (6) the Director of Behavioral Health Services in the county; (7) an emergency medical services provider in the county; (8) a representative of a hospital; (9) a health care professional who specializes in the prevention, diagnosis, and treatment of substance use disorders; (10) a representative of a local jail or detention center; (11) a representative from parole, probation, and community corrections; (12) the Secretary of Juvenile Services; (13) a member of the public with interest or expertise in the prevention and treatment of drug overdose deaths, appointed by the County Health Officer; and (14) any other individual necessary for the work of the local team, recommended by the local team and appointed by the County Health Officer.
Duties, tasks, and objectives	The teams are required to meet at least quarterly to review drug overdose death cases and to recommend actions to improve coordination of services and investigations among the member agencies, as well as recommend actions to prevent drug overdose deaths. Teams will also provide recommendations to the state Department of Hygiene and Mental Health on needed changes to state and local laws, policies, or practices.
Access to information	The chair of the local team may request, as necessary, the following information: <ol style="list-style-type: none"> 1. Health care records, including information about physical health, mental health, and treatment for substance use disorder for

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<u>MARYLAND</u>	
	<ol style="list-style-type: none"> a. An individual whose death or near fatality is being reviewed; or b. An individual convicted of a crime that caused a death or near fatality; <ol style="list-style-type: none"> 2. Records maintained by the state or local government agency, including death certificates, law enforcement investigative information, medical examiner investigative information, parole and probation information and records, and information and records of a social services agency for <ol style="list-style-type: none"> a. An individual whose death or near fatality is being reviewed; b. An individual convicted of a crime that caused a death or near fatality; or c. The family of an individual described in (a) or (b). <p>Once a record is requested by the team, the team should be immediately provided with the information.</p>

<u>NEW HAMPSHIRE</u>	
Created by	Executive order (N.H. Exec. Order No. 2016-05)
Statute(s) and/or regulation(s)	N/A
Effective date	October 12, 2016
Drugs or substances of focus	Not specified
Team members	The New Hampshire Drug Overdose Fatality Review Committee is composed of the following people or their designee: (1) the Attorney General; (2) the Chief Medical Examiner; (3) the Commissioner of the Department of Health and Human Services; (4) representatives from the Department of Safety's Forensic Laboratory, Bureau of Emergency Medical Services, and Information and Analysis Center, Drug Monitoring Initiative, appointed by the Commissioner of the Department of Safety; (5) the chair of the Governor's Commission on Alcohol and Drug Abuse, Prevention, Treatment, and Recovery; (6) a representative of the New Hampshire Association of Chiefs of Police; (7) a representative of the New Hampshire Association of Fire Chiefs; (8) a victim/witness advocate; (9) a representative of the New Hampshire Hospital Association; (10) a representative of the recovery community; (11) a representative of the treatment community; (12) a representative of the prevention community; (13) a representative from an organization that advocates on substance use issues; (14) a

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<u>NEW HAMPSHIRE</u>	
	representative of the Drug Enforcement Administration; and (15) the Governor's Advisor on Addiction and Behavioral Health.
Duties, tasks, and objectives	The Committee is tasked with describing the trends and patterns associated with overdose-related fatalities in the state and recommending how the state can efficiently use state resources to combat overdose deaths. Additionally, the Committee identifies high-risk factors and gaps in responses, and recommends changes to policies, practices, and services that will encourage collaboration and reduce overdose fatalities. Moreover, the Committee also has the job of educating the public, policy makers, and funders about overdose-related deaths and about strategies for intervention and effective prevention, treatment, and recovery.
Access to information	The Committee has access to existing records on overdose-related fatalities that will advance the goals of the committee and are legally accessible. These records include social service reports, court documents, police records, medical examiner and autopsy reports, mental health records, methadone and intervention resources, hospital and medical-related data, and any other information that may have a bearing on examining trends and patterns of overdose-related deaths.

<u>OKLAHOMA</u>	
Created by	Legislation
Statute(s) and/or regulation(s)	63 Okl.St. Ann. §§ 2-1001 through 2-1003
Effective date	November 1, 2018
Drugs or substances of focus	Opioids
Team members	<p>The Oklahoma Opioid Overdose Fatality Review Board is composed of the following people or their designees: (1) the Attorney General; (2) the Chief Medical Examiner; (3) the State Commissioner of Health; (4) the Chief of Injury Prevention Services of the State Department of Health; (5) the President of the Oklahoma State Medical Association; (6) the Director of the Oklahoma Bureau of Narcotics and Dangerous Drugs Control; (7) the Commissioner of the Department of Mental Health and Substance Abuse Services; (8) the President of the Oklahoma Osteopathic Association; (9) the Director of the Department of Human Services; and (10) the Director of the Oklahoma State Bureau of Investigation.</p> <p>Additionally, the Attorney General will appoint the following people to the Board: (1) a county sheriff selected from a list of three names</p>

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<u>OKLAHOMA</u>	
	submitted by the executive board of the Oklahoma Sheriffs' Association; (2) a chief of a municipal police department selected from a list of three names submitted by the Oklahoma Association of Chiefs of Police; (3) a licensed attorney who is in private practice selected from a list of three names submitted by the Board of Governors of the Oklahoma Bar Association; (4) a district attorney selected from a list of three names submitted by the District Attorneys Council; (5) a physician with emergency medical training selected from a list of three names submitted by the Oklahoma State Medical Association; (6) a physician with experience in substance use disorder treatment and recovery selected from a list of three names submitted by the Oklahoma Osteopathic Association; (7) a nurse selected from a list of three names submitted by the Oklahoma Nurses Association; (8) two individuals, at least one of whom currently receives or formerly has been a consumer of recovery services related to opioid use, selected from a list of three names submitted by the Oklahoma Department of Mental Health and Substance Abuse Services; and (9) a member of the judiciary selected from a list of three names submitted by the Oklahoma Supreme Court.
Duties, tasks, and objectives	The Board is tasked with coordinating and integrating state and local efforts to address overdose death. The Board is to conduct case reviews of opioid overdose deaths of persons 18 years or older in the state and to collect, analyze, and interpret state and local data on opioid overdose deaths. Additionally, the Board makes recommendations on how to improve policies, procedures, and practices within the agencies to prevent fatal opioid overdoses. Each year, the Board is required to submit an annual statistical report on the incidence and causes of opioid overdose deaths in the state for which the Board has completed its review during the past calendar year.
Access to information	The Board can request and obtain a copy of all records and reports pertaining to an adult whose case is under review including: (1) the report of the medical examiner; (2) hospital records; (3) school records; (4) court records; (5) prosecutorial records; (6) local, state, and federal law enforcement records including the Oklahoma State Bureau of Investigations and Oklahoma Bureau of Narcotics and Dangerous Drug Control; (7) fire department records; (8) State Department of Health records; (8) medical and dental records; (9) Department of Mental Health and Substance Abuse Services and other mental health records; (10) emergency medical service records; (11) files of the Department of Human Services, and (12) records in the possession of the Child Death Review Board when conducting a joint review.

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<u>PENNSYLVANIA</u>	
Created by	Legislation
Statute(s) and/or regulation(s)	71 P.S. §§ 1691.1 through 1691.9
Effective date	January 22, 2013
Drugs or substances of focus	Methadone
Team members	The Pennsylvania Methadone Death and Incident Review Team is composed of the following people or their designee: (1) the Secretary of Drug and Alcohol Programs; (2) the Director of the Bureau of Drug and Alcohol Programs; (3) a representative from a narcotic treatment program; (4) a representative from a licensed drug and alcohol treatment program that is not defined as a narcotic treatment program; (5) a representative from law enforcement recommended by a statewide association representing members of law enforcement; (6) a representative from the medical community recommended by a statewide association representing physicians; (7) a district attorney recommended by a statewide association representing district attorneys; (8) a coroner or medical examiner recommended by a statewide association representing county coroners and medical examiners; (9) a member of the public; and (10) a patient or family advocate.
Duties, tasks, and objectives	The team is tasked with reviewing each death where methadone was either the primary or secondary cause of death and determining what role methadone played in each of those deaths. Additionally, the team communicates concerns to regulators and helps to facilitate communication between health care and the legal system about health and public safety issues. Moreover, the team develops best practices to prevent future methadone-related deaths.
Access to information	When necessary, the team may review and inspect the following information: (1) coroner's reports or postmortem examination records; (2) death certificates and birth certificates; (3) law enforcement records and interviews with law enforcement officials; (4) medical records from hospitals, other health care providers, and narcotic treatment programs; (5) information and reports made available by the county children and youth agency; (6) information made available by firefighters or emergency services personnel; (7) reports and records made available by the court; (8) EMS records; (9) traffic fatality reports; (10) narcotic treatment program incident reports; (11) narcotic treatment program licensure surveys from the program licensure division; and (12) any other records necessary to conduct the review.

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<u>RHODE ISLAND</u>	
Created by	Legislation
Statute(s) and/or regulation(s)	Gen.Laws 1956, § 23-4-3
Effective date	June 28, 2018
Drugs or substances of focus	Not specified
Team members	Rhode Island’s multidisciplinary team review of drug-related overdose deaths may include, as determined by the Director of the Department of Health, the following individuals: (1) a representative from the Department of Health; (2) a representative from the Office of the Attorney General; (3) a representative from the Rhode Island state police; (4) a representative from the Department of Corrections; (5) a representative from the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals; (6) a representative from the Rhode Island Police Chiefs Association; (7) a representative from the Hospital Association of Rhode Island; (8) an emergency department physician; (9) a primary care physician; (10) an substance use disorder medicine/treatment provider; (11) a mental health clinician; (12) a toxicologist; (13) a recovery coach or other representative of the recovery community; (14) and others as may be determined by the Director of the Department of Health.
Duties, tasks, and objectives	The Team is tasked with the goal of reducing the prevalence of overdose deaths by examining emerging trends in overdoses, identifying potential demographic, geographic, and structural points for prevention, and other factors. Each year the Team is to report a summary of its activities, as well as its findings, progress towards reaching its goals, and recommendations for any needed changes in legislation or otherwise.
Access to information	Details about what records and information the team can request or access is not addressed by the statute.

<u>VIRGINIA</u>	
Created by	Legislation
Statute(s) and/or regulation(s)	VA Code Ann. § 32.1-283.7
Effective date	July 1, 2018
Drugs or substances of focus	Not specified
Team members	Any county or city may establish a local or regional overdose fatality review team. The teams may be composed of the following persons

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<u>VIRGINIA</u>	
	<p>from the localities represented on a particular board or their designees: (1) a medical examiner; (2) a local social services official; (3) a director of the relevant local or district health department; (4) a chief law-enforcement officer; (5) an attorney for the Commonwealth; (6) an executive director of the local community services board or other local mental health agency; (7) a local judge; (8) the local school division superintendent; (9) a representative of a local jail or detention center.</p> <p>Additional members that can be appointed by the chair of the team may include: (1) representatives of local human services agencies; (2) local health care professionals who specialize in the prevention and treatment of substance abuse disorders; (3) local emergency medical services personnel; (4) a representative of a hospital; (5) experts in forensic medicine and pathology; (6) local funeral services providers; and (7) representatives of the local bar.</p>
Duties, tasks, and objectives	The Team is tasked with reviewing the death of any person who lives in the commonwealth and whose death was or is suspected to be due to overdose. Additionally, the Team promotes cooperation and coordination among agencies involved in investigations of overdose deaths or providing services to surviving family members. Moreover, the Team recommends changes within the agencies represented on the local team and advises the state agencies on changes to law, policy, or practice to prevent overdose deaths.
Access to information	Details about what records and information the team can request or access is not addressed by the statute.

<u>WEST VIRGINIA</u>	
Created by	Legislation
Statute(s) and/or regulation(s)	W. Va. Code St. R. § 64-29-7
Effective date	July 12, 2013
Drugs or substances of focus	Prescription drugs
Team members	West Virginia's Unintentional Pharmaceutical Drug Overdose Fatality Review Panel consists of the following members or their designees: (1) the Chief Medical Examiner in the Bureau for Public Health; (2) the Director of the West Virginia State Board of Pharmacy; (3) the Commissioner of the Bureau for Public Health; (4) the Director of the Division of Vital Statistics; (5) the Superintendent of the West Virginia State Police; (6) one representative who is a physician nominated by the West Virginia State Medical Association; (7) one representative

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<u>WEST VIRGINIA</u>	
	<p>who is a registered nurse nominated by the West Virginia Nurses Association; (8) one representative who is a doctor of osteopathy nominated by the West Virginia Society of Osteopathic Medicine; (9) one licensed physician or doctor of osteopathy who practices pain management as a principal part of his or her practice; (10) one representative who is a Doctor of Pharmacy, with a background in prescription drug abuse and diversion, selected by the West Virginia Pharmacists Association; (11) one representative who is a licensed counselor selected by the West Virginia Association of Alcoholism and Drug Abuse Counselors; (12) one representative of the United States Drug Enforcement Administration; (13) one representative who is a prosecuting attorney selected by the West Virginia Prosecuting Attorneys Institute; (14) a person who is considered an expert in bioethics training; (15) one representative who is a licensed dentist recommended by the Board of Dental Examiners; and (16) any additional persons that the chairperson of the panel determines is needed in the review and consideration of a particular case.</p>
Duties, tasks, and objectives	<p>The Panel is tasked with reviewing and analyzing all deaths occurring within the state where the cause of death was determined to be due to an unintentional pharmaceutical drug overdose and determining what trends, patterns, and risk factors are related to unintentional pharmaceutical drug overdose fatalities. Additionally, the Panel develops and implements standards for the uniform and consistent reporting of unintentional pharmaceutical drug overdose deaths by law enforcement or other emergency service responders and provides statistical information and analysis regarding the causes of unintentional pharmaceutical drug overdose fatalities.</p>
Access to Information	<p>The panel may request the following information and records as necessary to carry out its responsibilities: (1) medical, dental, and mental health records; (2) substance abuse records; and (3) information and records maintained by any state, county, and local government agency.</p>