

HOUSE BILL 1282

J1

(4lr1202)

ENROLLED BILL

— Health and Government Operations/Finance —

Introduced by **Delegates Schulz, Afzali, Aumann, Bates, Beitzel, Bromwell, Clagett, DeBoy, Elliott, Frank, George, Hogan, Hough, Kipke, McComas, McDermott, Myers, Olszewski, Pena-Melnyk, Serafini, Stocksdale, ~~and Szeliga~~ Szeliga, A. Kelly, Krebs, Nathan-Pulliam, Ready, and Tarrant**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Health – Drug Overdose Deaths – ~~State and~~ Local Fatality Review**
3 **Teams**

4 FOR the purpose of ~~establishing the State Drug Overdose Fatality Review Team in the~~
5 ~~Department of Health and Mental Hygiene; providing for the composition,~~
6 ~~appointment of members, staff, chair, and meetings of the State Team;~~
7 ~~providing that a member of the State Team may not receive certain~~
8 ~~compensation, but is entitled to certain reimbursement for expenses;~~
9 ~~establishing the purpose and duties of the State Team; requiring the State~~
10 ~~Team to provide the Governor, the public, and the General Assembly with a~~
11 ~~certain annual report; establishing certain confidentiality and disclosure~~
12 ~~requirements for members and staff of the State Team and for information~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 ~~provided to the State Team; providing that certain compilations of data and~~
 2 ~~certain reports are public information; establishing~~ authorizing the
 3 establishment of a certain local drug overdose fatality review teams in certain
 4 ~~counties~~ team in each county; authorizing the establishment of a certain
 5 multicounty local team; providing for the composition, appointment of certain
 6 members, chair, and meetings of a local team; establishing the purpose and
 7 duties of a local team; requiring under certain circumstances that a local team
 8 be provided with access to certain information and records; requiring a health
 9 care provider to disclose a medical record to ~~the State Team or~~ a local team
 10 under certain circumstances, subject to certain additional limitations for certain
 11 records; establishing that meetings of ~~the State Team or of~~ a local team are
 12 closed to the public under certain circumstances; requiring meetings of ~~the~~
 13 ~~State Team or of~~ a local team to be open to the public under certain
 14 circumstances, with certain exceptions for certain information; establishing
 15 certain confidentiality and disclosure requirements for certain information and
 16 records acquired by ~~the State Team or by~~ a local team; establishing that certain
 17 mental health records ~~and substance abuse treatment records~~ are subject to
 18 certain additional limitations on disclosure; establishing that certain substance
 19 abuse treatment records are subject to certain additional limitations on
 20 disclosure or redisclosure; establishing that certain information, documents, or
 21 records are not subject to subpoena, discovery, or introduction into evidence in a
 22 civil or criminal proceeding with a certain exception; establishing certain
 23 immunity from civil liability for certain actions as a member of or participant in
 24 the function of ~~the State Team or~~ a local team; establishing a certain civil
 25 penalty and certain criminal penalties for certain violations; defining a certain
 26 ~~terms~~ term; and generally relating to drug overdose fatality review teams.

27 BY adding to
 28 Article – Courts and Judicial Proceedings
 29 Section 5–637.2
 30 Annotated Code of Maryland
 31 (2013 Replacement Volume and 2013 Supplement)

32 BY repealing and reenacting, with amendments,
 33 Article – Health – General
 34 Section 4–306(b)(9) and (10)
 35 Annotated Code of Maryland
 36 (2009 Replacement Volume and 2013 Supplement)

37 BY adding to
 38 Article – Health – General
 39 Section 4–306(b)(11); and ~~5–910~~ 5–906 to be under the new
 40 subtitle “Subtitle 9. Drug Overdose Fatality Review Teams”
 41 Annotated Code of Maryland
 42 (2009 Replacement Volume and 2013 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Courts and Judicial Proceedings**

4 **5-637.2.**

5 (A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
6 ~~MEANINGS INDICATED.~~

7 ~~(2) “LOCAL, “LOCAL TEAM” MEANS A MULTIDISCIPLINARY AND~~
8 ~~MULTIAGENCY DRUG OVERDOSE FATALITY REVIEW TEAM ESTABLISHED UNDER~~
9 ~~TITLE 5, SUBTITLE 9 OF THE HEALTH – GENERAL ARTICLE.~~

10 ~~(3) “STATE TEAM” MEANS THE STATE DRUG OVERDOSE~~
11 ~~FATALITY REVIEW TEAM ESTABLISHED UNDER TITLE 5, SUBTITLE 9 OF THE~~
12 ~~HEALTH – GENERAL ARTICLE.~~

13 ~~(B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF~~
14 ~~THE JURISDICTION OF THE STATE TEAM IS NOT CIVILLY LIABLE FOR ANY~~
15 ~~ACTION AS A MEMBER OF THE STATE TEAM OR FOR GIVING INFORMATION TO,~~
16 ~~PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE STATE TEAM.~~

17 ~~(C) (B) A PERSON WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE~~
18 ~~OF THE JURISDICTION OF A LOCAL TEAM IS NOT CIVILLY LIABLE FOR ANY~~
19 ~~ACTION AS A MEMBER OF THE LOCAL TEAM OR FOR GIVING INFORMATION TO,~~
20 ~~PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE LOCAL TEAM.~~

21 **Article – Health – General**

22 **4-306.**

23 (b) A health care provider shall disclose a medical record without the
24 authorization of a person in interest:

25 (9) To a State or local child fatality review team established under
26 Title 5, Subtitle 7 of this article as necessary to carry out its official functions; [or]

27 (10) To a local domestic violence fatality review team established under
28 Title 4, Subtitle 7 of the Family Law Article as necessary to carry out its official
29 functions; OR

30 (11) ~~TO THE STATE DRUG OVERDOSE FATALITY REVIEW TEAM OR~~
31 ~~A LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM ESTABLISHED UNDER TITLE~~

1 **5, SUBTITLE 9 OF THIS ARTICLE AS NECESSARY TO CARRY OUT ITS OFFICIAL**
 2 **FUNCTIONS, SUBJECT TO:**

3 (I) **THE ADDITIONAL LIMITATIONS UNDER § 4-307 OF THIS**
 4 **SUBTITLE FOR DISCLOSURE OF A MEDICAL RECORD DEVELOPED PRIMARILY IN**
 5 **CONNECTION WITH THE PROVISION OF MENTAL HEALTH SERVICES; AND**

6 (II) **ANY ADDITIONAL LIMITATIONS FOR DISCLOSURE OR**
 7 **REDISCLASURE OF A MEDICAL RECORD DEVELOPED ~~PRIMARILY~~ IN**
 8 **CONNECTION WITH THE PROVISION OF SUBSTANCE ABUSE TREATMENT**
 9 **SERVICES UNDER STATE ~~OR FEDERAL~~ LAW OR 42 U.S.C. § 290DD-2 AND 42**
 10 **C.F.R. PART 2.**

11 **SUBTITLE 9. DRUG OVERDOSE FATALITY REVIEW TEAMS.**

12 **~~5-901.~~**

13 (A) **IN THIS SUBTITLE ~~THE FOLLOWING WORDS HAVE THE MEANINGS~~**
 14 **~~INDICATED.~~**

15 (B) **~~“LOCAL,”~~ “LOCAL TEAM” MEANS THE MULTIDISCIPLINARY AND**
 16 **MULTIAGENCY DRUG OVERDOSE FATALITY REVIEW TEAM ESTABLISHED FOR A**
 17 **COUNTY.**

18 (C) **~~“STATE TEAM” MEANS THE STATE DRUG OVERDOSE FATALITY~~**
 19 **~~REVIEW TEAM.~~**

20 **~~5-902.~~**

21 (A) **~~THERE IS A STATE DRUG OVERDOSE FATALITY REVIEW TEAM.~~**

22 (B) **~~THE STATE TEAM IS PART OF THE DEPARTMENT FOR BUDGETARY~~**
 23 **~~AND ADMINISTRATIVE PURPOSES.~~**

24 **~~5-903.~~**

25 (A) **~~THE STATE TEAM SHALL BE A MULTIDISCIPLINARY AND~~**
 26 **~~MULTIAGENCY REVIEW TEAM, COMPOSED OF AT LEAST 25 MEMBERS,~~**
 27 **~~INCLUDING:~~**

28 (1) **~~THE ATTORNEY GENERAL;~~**

29 (2) **~~THE CHIEF MEDICAL EXAMINER;~~**

1 ~~(3) THE SECRETARY OF HUMAN RESOURCES;~~

2 ~~(4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE;~~

3 ~~(5) THE STATE SUPERINTENDENT OF SCHOOLS;~~

4 ~~(6) THE SECRETARY OF JUVENILE SERVICES;~~

5 ~~(7) THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE~~
6 ~~FOR CHILDREN;~~

7 ~~(8) THE SECRETARY OF STATE POLICE;~~

8 ~~(9) THE PRESIDENT OF THE STATE'S ATTORNEYS' ASSOCIATION;~~

9 ~~(10) THE CHIEF OF THE DIVISION OF VITAL RECORDS IN THE~~
10 ~~DEPARTMENT;~~

11 ~~(11) THE DIRECTOR OF THE MARYLAND INSTITUTE FOR~~
12 ~~EMERGENCY MEDICAL SERVICES SYSTEMS;~~

13 ~~(12) THE DIRECTOR OF THE ALCOHOL AND DRUG ABUSE~~
14 ~~ADMINISTRATION IN THE DEPARTMENT;~~

15 ~~(13) ONE PHYSICIAN WITH EXPERIENCE IN DIAGNOSING AND~~
16 ~~TREATING SUBSTANCE ABUSE, APPOINTED BY THE GOVERNOR FROM A LIST~~
17 ~~SUBMITTED BY THE STATE CHAPTER OF THE AMERICAN MEDICAL~~
18 ~~ASSOCIATION;~~

19 ~~(14) ONE CERTIFIED PROFESSIONAL COUNSELOR ALCOHOL AND~~
20 ~~DRUG WITH EXPERIENCE IN PREVENTING, DIAGNOSING, AND TREATING~~
21 ~~SUBSTANCE ABUSE, APPOINTED BY THE GOVERNOR; AND~~

22 ~~(15) ELEVEN MEMBERS OF THE GENERAL PUBLIC WITH INTEREST~~
23 ~~OR EXPERTISE IN SUBSTANCE ABUSE PREVENTION AND TREATMENT,~~
24 ~~INCLUDING PARENT ADVOCATES, CERTIFIED RECOVERY COACH VOLUNTEERS,~~
25 ~~AND HEALTH AND BEHAVIORAL HEALTH PROFESSIONALS, APPOINTED BY THE~~
26 ~~GOVERNOR.~~

27 ~~(B) THE MEMBERS DESCRIBED IN SUBSECTION (A)(1) THROUGH (12) OF~~
28 ~~THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THE RESPECTIVE~~
29 ~~DEPARTMENTS OR OFFICES TO REPRESENT THE MEMBERS ON THE STATE~~
30 ~~TEAM.~~

1 ~~(C) (1) THE STATE TEAM MAY EMPLOY A STAFF IN ACCORDANCE~~
2 ~~WITH THE STATE BUDGET.~~

3 ~~(2) EACH MEMBER OF THE STATE TEAM UNDER SUBSECTION~~
4 ~~(A)(1) THROUGH (12) OF THIS SECTION SHALL PROVIDE SUFFICIENT STAFF~~
5 ~~SUPPORT TO COMPLETE THE STATE TEAM'S RESPONSIBILITIES.~~

6 ~~(D) A MEMBER OF THE STATE TEAM:~~

7 ~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE~~
8 ~~STATE TEAM; BUT~~

9 ~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~
10 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE~~
11 ~~BUDGET.~~

12 ~~(E) THE STATE TEAM SHALL ELECT A CHAIR FROM AMONG ITS~~
13 ~~MEMBERS.~~

14 ~~(F) THE STATE TEAM SHALL MEET AT LEAST ONCE EVERY 3 MONTHS.~~

15 ~~5-904.~~

16 ~~(A) THE PURPOSE OF THE STATE TEAM IS TO PREVENT DRUG~~
17 ~~OVERDOSE DEATHS BY:~~

18 ~~(1) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND~~
19 ~~INCIDENCE OF DRUG OVERDOSE DEATHS;~~

20 ~~(2) DEVELOPING PLANS FOR AND IMPLEMENTING CHANGES~~
21 ~~WITHIN THE AGENCIES REPRESENTED ON THE STATE TEAM TO PREVENT DRUG~~
22 ~~OVERDOSE DEATHS; AND~~

23 ~~(3) ADVISING THE GOVERNOR, THE GENERAL ASSEMBLY, AND~~
24 ~~THE PUBLIC ON CHANGES TO LAW, POLICY, OR PRACTICE TO PREVENT DRUG~~
25 ~~OVERDOSE DEATHS.~~

26 ~~(B) TO ACHIEVE ITS PURPOSES, THE STATE TEAM SHALL:~~

27 ~~(1) UNDERTAKE ANNUAL STATISTICAL STUDIES OF THE~~
28 ~~INCIDENCE AND CAUSES OF DRUG OVERDOSE DEATHS IN THE STATE,~~
29 ~~INCLUDING AN ANALYSIS OF COMMUNITY AND PUBLIC AND PRIVATE AGENCY~~
30 ~~INVOLVEMENT WITH THE DECEDENTS AND THEIR FAMILIES BEFORE AND AFTER~~
31 ~~THE DEATHS;~~

1 ~~(2) REVIEW REPORTS FROM LOCAL TEAMS;~~

2 ~~(3) PROVIDE TRAINING AND WRITTEN MATERIALS TO THE LOCAL~~
3 ~~TEAMS TO ASSIST THEM IN CARRYING OUT THE DUTIES OF EACH LOCAL TEAM,~~
4 ~~INCLUDING PROVIDING MODEL PROTOCOLS FOR THE OPERATION OF LOCAL~~
5 ~~TEAMS;~~

6 ~~(4) IN COOPERATION WITH LOCAL TEAMS, DEVELOP A PROTOCOL~~
7 ~~FOR DRUG OVERDOSE DEATH INVESTIGATIONS, INCLUDING PROCEDURES FOR~~
8 ~~LOCAL HEALTH DEPARTMENTS, LAW ENFORCEMENT AGENCIES, LOCAL~~
9 ~~MEDICAL EXAMINERS, AND LOCAL DEPARTMENTS OF SOCIAL SERVICES, USING~~
10 ~~BEST PRACTICES FROM OTHER STATES AND JURISDICTIONS;~~

11 ~~(5) DEVELOP A PROTOCOL FOR THE COLLECTION OF DATA~~
12 ~~REGARDING DRUG OVERDOSE DEATHS AND PROVIDE TRAINING TO LOCAL~~
13 ~~TEAMS AND COUNTY HEALTH DEPARTMENTS ON THE USE OF THE PROTOCOL;~~

14 ~~(6) (i) UNDERTAKE A STUDY OF THE OPERATIONS OF LOCAL~~
15 ~~TEAMS, INCLUDING THE STATE AND LOCAL LAWS, REGULATIONS, AND POLICIES~~
16 ~~OF THE AGENCIES REPRESENTED ON THE LOCAL TEAMS;~~

17 ~~(ii) RECOMMEND APPROPRIATE CHANGES TO THE LAWS,~~
18 ~~REGULATIONS, OR POLICIES NEEDED TO PREVENT DRUG OVERDOSE DEATHS;~~
19 ~~AND~~

20 ~~(iii) INCLUDE ANY PROPOSALS FOR CHANGES TO STATE OR~~
21 ~~LOCAL LAWS, REGULATIONS, OR POLICIES IN THE ANNUAL REPORT REQUIRED~~
22 ~~BY ITEM (11) OF THIS SUBSECTION;~~

23 ~~(7) CONSIDER LOCAL AND STATEWIDE TRAINING NEEDS,~~
24 ~~INCLUDING CROSS-AGENCY TRAINING AND SERVICE GAPS, AND MAKE~~
25 ~~RECOMMENDATIONS TO MEMBER AGENCIES TO DEVELOP AND DELIVER THESE~~
26 ~~TRAINING NEEDS;~~

27 ~~(8) (i) EXAMINE CONFIDENTIALITY LAWS, REGULATIONS, AND~~
28 ~~POLICIES OF AGENCIES WITH RESPONSIBILITIES REGARDING DRUG OVERDOSE~~
29 ~~DEATHS, INCLUDING HEALTH, PUBLIC WELFARE, EDUCATION, SOCIAL~~
30 ~~SERVICES, BEHAVIORAL HEALTH, JUDICIAL, AND LAW ENFORCEMENT~~
31 ~~AGENCIES;~~

32 ~~(ii) RECOMMEND APPROPRIATE CHANGES TO THE LAWS,~~
33 ~~REGULATIONS, OR POLICIES THAT IMPEDE THE EXCHANGE OF INFORMATION~~

1 ~~NECESSARY TO PROTECT INDIVIDUALS FROM PREVENTABLE DRUG OVERDOSE~~
2 ~~DEATHS; AND~~

3 ~~(H) INCLUDE ANY PROPOSALS FOR CHANGES TO THE LAWS,~~
4 ~~REGULATIONS, OR POLICIES IN THE ANNUAL REPORT REQUIRED BY ITEM (11)~~
5 ~~OF THIS SUBSECTION;~~

6 ~~(9) EDUCATE THE PUBLIC ABOUT THE INCIDENCE AND CAUSES~~
7 ~~OF DRUG OVERDOSE DEATHS, THE ROLE OF THE PUBLIC IN PREVENTING DRUG~~
8 ~~OVERDOSE DEATHS, AND SPECIFIC STEPS THE PUBLIC CAN TAKE TO PREVENT~~
9 ~~DRUG OVERDOSE DEATHS;~~

10 ~~(10) RECOMMEND TO THE SECRETARY ANY REGULATIONS~~
11 ~~NECESSARY FOR THE OPERATION OF THE STATE TEAM AND THE OPERATION OF~~
12 ~~THE LOCAL TEAMS;~~

13 ~~(11) PROVIDE THE GOVERNOR, THE PUBLIC, AND, SUBJECT TO §~~
14 ~~2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY WITH~~
15 ~~ANNUAL WRITTEN REPORTS, INCLUDING THE STATE TEAM'S FINDINGS AND~~
16 ~~RECOMMENDATIONS; AND~~

17 ~~(12) IN CONSULTATION WITH LOCAL TEAMS:~~

18 ~~(I) DEFINE "NEAR FATALITY"; AND~~

19 ~~(H) DEVELOP PROCEDURES AND PROTOCOLS THAT LOCAL~~
20 ~~TEAMS AND THE STATE TEAM MAY USE TO REVIEW CASES OF NEAR FATALITY.~~

21 ~~(D) MEMBERS AND STAFF OF THE STATE TEAM:~~

22 ~~(1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT~~
23 ~~OFFICIAL ANY IDENTIFYING INFORMATION ABOUT ANY SPECIFIC CASE ABOUT~~
24 ~~WHICH THE STATE TEAM IS PROVIDED INFORMATION; AND~~

25 ~~(2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS~~
26 ~~PROHIBITED BY LAW.~~

27 ~~(E) IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW, A~~
28 ~~PERSON WHO VIOLATES SUBSECTION (D) OF THIS SECTION IS SUBJECT TO A~~
29 ~~CIVIL PENALTY NOT EXCEEDING \$500 FOR EACH VIOLATION.~~

30 ~~5-905. 5-902.~~

1 (A) (1) ~~EXCEPT AS PROVIDED IN~~ SUBJECT TO PARAGRAPH (2) OF
2 THIS SUBSECTION, THERE ~~SHALL~~ MAY BE A MULTIDISCIPLINARY AND
3 MULTIAGENCY DRUG OVERDOSE FATALITY REVIEW TEAM IN EACH COUNTY.

4 (2) INSTEAD OF A LOCAL TEAM IN EACH COUNTY, TWO OR MORE
5 COUNTIES MAY AGREE TO ESTABLISH A SINGLE MULTICOUNTY LOCAL TEAM.

6 (3) A MULTICOUNTY LOCAL TEAM SHALL EXECUTE A
7 MEMORANDUM OF UNDERSTANDING ON MEMBERSHIP, STAFFING, AND
8 OPERATION.

9 (B) THE LOCAL TEAM MEMBERSHIP SHALL BE DRAWN, IF AVAILABLE,
10 FROM THE FOLLOWING INDIVIDUALS, ORGANIZATIONS, AGENCIES, AND AREAS
11 OF EXPERTISE:

12 (1) THE COUNTY HEALTH OFFICER, OR THE OFFICER'S DESIGNEE;

13 (2) THE DIRECTOR OF THE LOCAL DEPARTMENT OF SOCIAL
14 SERVICES, OR THE DIRECTOR'S DESIGNEE;

15 (3) THE STATE'S ATTORNEY, OR THE STATE'S ATTORNEY'S
16 DESIGNEE;

17 (4) THE SUPERINTENDENT OF SCHOOLS, OR THE
18 SUPERINTENDENT'S DESIGNEE;

19 (5) A STATE, COUNTY, OR MUNICIPAL LAW ENFORCEMENT
20 OFFICER;

21 (6) ~~THE DIRECTOR OF THE COUNTY SUBSTANCE ABUSE~~
22 ~~TREATMENT PROGRAM;~~

23 (7) ~~THE DIRECTOR OF THE COUNTY MENTAL HEALTH AGENCY OR~~
24 ~~CORE SERVICE AGENCY;~~

25 (8) ~~A PHYSICIAN WITH EXPERIENCE IN DIAGNOSING AND~~
26 ~~TREATING SUBSTANCE ABUSE, APPOINTED BY THE COUNTY HEALTH OFFICER;~~

27 (9) ~~A CERTIFIED PROFESSIONAL COUNSELOR ALCOHOL AND~~
28 ~~DRUG WITH EXPERIENCE IN PREVENTING, DIAGNOSING, AND TREATING~~
29 ~~SUBSTANCE ABUSE, APPOINTED BY THE COUNTY HEALTH OFFICER;~~

1 ~~(10) A PSYCHIATRIST OR PSYCHOLOGIST WITH EXPERIENCE IN~~
2 ~~DIAGNOSING AND TREATING SUBSTANCE ABUSE, APPOINTED BY THE DIRECTOR~~
3 ~~OF THE COUNTY MENTAL HEALTH AGENCY OR CORE SERVICE AGENCY;~~

4 ~~(11) THE DIRECTOR OF BEHAVIORAL HEALTH SERVICES IN THE~~
5 ~~COUNTY, OR THE DIRECTOR'S DESIGNEE;~~

6 (7) AN EMERGENCY MEDICAL SERVICES PROVIDER IN THE
7 COUNTY;

8 (8) A REPRESENTATIVE OF A HOSPITAL;

9 (9) A HEALTH CARE PROFESSIONAL WHO SPECIALIZES IN THE
10 PREVENTION, DIAGNOSIS, AND TREATMENT OF SUBSTANCE USE DISORDERS;

11 (10) A REPRESENTATIVE OF A LOCAL JAIL OR DETENTION
12 CENTER;

13 (11) A REPRESENTATIVE FROM PAROLE, PROBATION, AND
14 COMMUNITY CORRECTIONS;

15 (12) THE SECRETARY OF JUVENILE SERVICES, OR THE
16 SECRETARY'S DESIGNEE;

17 (13) A MEMBER OF THE PUBLIC WITH INTEREST OR EXPERTISE IN
18 THE PREVENTION AND TREATMENT OF DRUG OVERDOSE DEATHS, APPOINTED
19 BY THE COUNTY HEALTH OFFICER; AND

20 ~~(12)~~ (14) ANY OTHER INDIVIDUAL NECESSARY FOR THE WORK OF
21 THE LOCAL TEAM, RECOMMENDED BY THE LOCAL TEAM AND APPOINTED BY THE
22 COUNTY HEALTH OFFICER.

23 ~~(C) THE MEMBERS DESCRIBED UNDER SUBSECTION (B)(1) THROUGH~~
24 ~~(7) OF THIS SECTION MAY DESIGNATE REPRESENTATIVES FROM THE~~
25 ~~RESPECTIVE DEPARTMENTS OR OFFICES TO REPRESENT THE MEMBERS ON THE~~
26 ~~LOCAL TEAM.~~

27 ~~(D)~~ (C) EACH LOCAL TEAM SHALL ELECT A CHAIR FROM AMONG ITS
28 MEMBERS.

29 ~~5-906.~~ 5-903.

30 (A) THE PURPOSE OF EACH LOCAL TEAM IS TO PREVENT DRUG
31 OVERDOSE DEATHS BY:

1 (1) PROMOTING COOPERATION AND COORDINATION AMONG
2 AGENCIES INVOLVED IN INVESTIGATIONS OF DRUG OVERDOSE DEATHS OR IN
3 PROVIDING SERVICES TO SURVIVING FAMILY MEMBERS;

4 (2) DEVELOPING AN UNDERSTANDING OF THE CAUSES AND
5 INCIDENCE OF DRUG OVERDOSE DEATHS IN THE COUNTY;

6 (3) DEVELOPING PLANS FOR AND RECOMMENDING CHANGES
7 WITHIN THE AGENCIES REPRESENTED ON THE LOCAL TEAM TO PREVENT DRUG
8 OVERDOSE DEATHS; AND

9 (4) ADVISING THE ~~STATE TEAM~~ DEPARTMENT ON CHANGES TO
10 LAW, POLICY, OR PRACTICE, INCLUDING THE USE OF DEVICES THAT ARE
11 PROGRAMMED TO DISPENSE MEDICATIONS ON A SCHEDULE OR SIMILAR
12 TECHNOLOGY, TO PREVENT DRUG OVERDOSE DEATHS.

13 (B) TO ACHIEVE ITS PURPOSE, EACH LOCAL TEAM SHALL:

14 (1) IN CONSULTATION WITH THE ~~STATE TEAM~~ DEPARTMENT,
15 ESTABLISH AND IMPLEMENT A PROTOCOL FOR THE LOCAL TEAM;

16 (2) SET AS ITS GOAL THE INVESTIGATION OF DRUG OVERDOSE
17 DEATHS IN ACCORDANCE WITH NATIONAL STANDARDS;

18 (3) MEET AT LEAST QUARTERLY TO REVIEW THE STATUS OF
19 DRUG OVERDOSE DEATH CASES, RECOMMEND ACTIONS TO IMPROVE
20 COORDINATION OF SERVICES AND INVESTIGATIONS AMONG MEMBER AGENCIES,
21 AND RECOMMEND ACTIONS WITHIN THE MEMBER AGENCIES TO PREVENT DRUG
22 OVERDOSE DEATHS;

23 (4) COLLECT AND MAINTAIN DATA AS REQUIRED BY THE ~~STATE~~
24 ~~TEAM; DEPARTMENT; AND~~

25 (5) PROVIDE REQUESTED REPORTS TO THE ~~STATE TEAM~~
26 DEPARTMENT, INCLUDING:

27 (i) DISCUSSION OF INDIVIDUAL CASES;

28 (ii) STEPS TAKEN TO IMPROVE COORDINATION OF
29 SERVICES AND INVESTIGATIONS;

30 (iii) STEPS TAKEN TO IMPLEMENT CHANGES
31 RECOMMENDED BY THE LOCAL TEAM WITHIN MEMBER AGENCIES; AND

1 (IV) RECOMMENDATIONS ON NEEDED CHANGES TO STATE
2 AND LOCAL LAWS, POLICIES, OR PRACTICES TO PREVENT DRUG OVERDOSE
3 ~~DEATHS; AND~~

4 ~~(6) IN CONSULTATION WITH THE STATE TEAM;~~

5 ~~(I) DEFINE "NEAR FATALITY"; AND~~

6 ~~(II) DEVELOP PROCEDURES AND PROTOCOLS THAT LOCAL~~
7 ~~TEAMS AND THE STATE TEAM MAY USE TO REVIEW CASES OF NEAR FATALITY~~
8 ~~DEATHS.~~

9 (C) IN ADDITION TO THE DUTIES SPECIFIED IN SUBSECTION (B) OF THIS
10 SECTION, A LOCAL TEAM MAY INVESTIGATE THE INFORMATION AND RECORDS
11 OF AN INDIVIDUAL CONVICTED OF A CRIME OR ADJUDICATED AS HAVING
12 COMMITTED A DELINQUENT ACT THAT CAUSED A DEATH OR NEAR FATALITY
13 DESCRIBED IN ~~§ 5-907~~ § 5-904 OF THIS SUBTITLE.

14 ~~5-907.~~ 5-904.

15 (A) ON REQUEST OF THE CHAIR OF A LOCAL TEAM AND AS NECESSARY
16 TO CARRY OUT THE PURPOSE AND DUTIES OF THE LOCAL TEAM, THE LOCAL
17 TEAM SHALL BE IMMEDIATELY PROVIDED WITH:

18 (1) ACCESS TO INFORMATION AND RECORDS, INCLUDING
19 INFORMATION ABOUT PHYSICAL HEALTH, MENTAL HEALTH, AND TREATMENT
20 FOR SUBSTANCE ABUSE, MAINTAINED BY A HEALTH CARE PROVIDER FOR:

21 (I) AN INDIVIDUAL WHOSE DEATH IS BEING REVIEWED BY
22 THE LOCAL TEAM; OR

23 (II) AN INDIVIDUAL CONVICTED OF A CRIME OR
24 ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A
25 DEATH OR NEAR FATALITY; AND

26 (2) ACCESS TO INFORMATION AND RECORDS MAINTAINED BY A
27 STATE OR LOCAL GOVERNMENT AGENCY, INCLUDING ~~BIRTH~~ DEATH
28 CERTIFICATES, LAW ENFORCEMENT INVESTIGATIVE INFORMATION, MEDICAL
29 EXAMINER INVESTIGATIVE INFORMATION, PAROLE AND PROBATION
30 INFORMATION AND RECORDS, AND INFORMATION AND RECORDS OF A SOCIAL
31 SERVICES AGENCY, IF THE AGENCY PROVIDED SERVICES TO:

1 (I) AN INDIVIDUAL WHOSE DEATH IS BEING REVIEWED BY
2 THE LOCAL TEAM;

3 (II) AN INDIVIDUAL CONVICTED OF A CRIME OR
4 ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A
5 DEATH OR NEAR FATALITY; OR

6 (III) THE FAMILY OF AN INDIVIDUAL DESCRIBED IN ITEM (I)
7 OR (II) OF THIS ITEM.

8 (B) SUBSTANCE ABUSE TREATMENT RECORDS REQUESTED OR
9 PROVIDED UNDER THIS SECTION ARE SUBJECT TO ANY ADDITIONAL
10 LIMITATIONS ON DISCLOSURE OR REDISCLOSURE OF A MEDICAL RECORD
11 DEVELOPED IN CONNECTION WITH THE PROVISION OF SUBSTANCE ABUSE
12 TREATMENT SERVICES UNDER STATE LAW OR 42 U.S.C. § 290DD-2 AND 42
13 C.F.R. PART 2.

14 ~~5-908.~~ 5-905.

15 (A) MEETINGS OF ~~THE STATE TEAM AND OF~~ LOCAL TEAMS SHALL BE
16 CLOSED TO THE PUBLIC AND ARE NOT SUBJECT TO TITLE 10, SUBTITLE 5 OF
17 THE STATE GOVERNMENT ARTICLE WHEN THE ~~STATE TEAM OR~~ LOCAL TEAMS
18 ARE DISCUSSING INDIVIDUAL CASES OF DRUG OVERDOSE DEATHS.

19 (B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
20 MEETINGS OF ~~THE STATE TEAM AND OF~~ LOCAL TEAMS SHALL BE OPEN TO THE
21 PUBLIC AND ARE SUBJECT TO TITLE 10, SUBTITLE 5 OF THE STATE
22 GOVERNMENT ARTICLE WHEN THE ~~STATE TEAM OR~~ LOCAL TEAM IS NOT
23 DISCUSSING INDIVIDUAL CASES OF DRUG OVERDOSE DEATHS.

24 (C) (1) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE
25 DISCLOSED THAT IDENTIFIES:

26 (I) A DECEASED INDIVIDUAL;

27 (II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A
28 DECEASED INDIVIDUAL; OR

29 (III) AN INDIVIDUAL CONVICTED OF A CRIME OR
30 ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A
31 DEATH OR NEAR FATALITY.

32 (2) DURING A PUBLIC MEETING, INFORMATION MAY NOT BE
33 DISCLOSED ABOUT THE INVOLVEMENT OF ANY AGENCY WITH:

1 (I) A DECEASED INDIVIDUAL;

2 (II) A FAMILY MEMBER, GUARDIAN, OR CARETAKER OF A
3 DECEASED INDIVIDUAL; OR

4 (III) AN INDIVIDUAL CONVICTED OF A CRIME OR
5 ADJUDICATED AS HAVING COMMITTED A DELINQUENT ACT THAT CAUSED A
6 DEATH OR NEAR FATALITY.

7 (D) THIS SECTION DOES NOT PROHIBIT ~~THE STATE TEAM OR~~ A LOCAL
8 TEAM FROM REQUESTING THE ATTENDANCE AT A TEAM MEETING OF A PERSON
9 WHO HAS INFORMATION RELEVANT TO THE TEAM'S EXERCISE OF ITS PURPOSE
10 AND DUTIES.

11 (E) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
12 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
13 \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

14 ~~5-909.~~ 5-906.

15 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ALL INFORMATION
16 AND RECORDS ACQUIRED BY ~~THE STATE TEAM OR BY~~ A LOCAL TEAM IN THE
17 EXERCISE OF ITS PURPOSE AND DUTIES UNDER THIS SUBTITLE ARE
18 CONFIDENTIAL, EXEMPT FROM DISCLOSURE UNDER TITLE 10, SUBTITLE 6 OF
19 THE STATE GOVERNMENT ARTICLE, AND MAY BE DISCLOSED ONLY AS
20 NECESSARY TO CARRY OUT THE TEAM'S PURPOSE AND DUTIES.

21 (B) (1) MENTAL HEALTH RECORDS ARE SUBJECT TO THE
22 ADDITIONAL LIMITATIONS UNDER § 4-307 OF THIS ARTICLE FOR DISCLOSURE
23 OF A MEDICAL RECORD DEVELOPED PRIMARILY IN CONNECTION WITH THE
24 PROVISION OF MENTAL HEALTH SERVICES.

25 (2) SUBSTANCE ABUSE TREATMENT RECORDS ARE SUBJECT TO
26 ANY ADDITIONAL LIMITATIONS FOR DISCLOSURE OR REDISCLOSURE OF A
27 MEDICAL RECORD DEVELOPED ~~PRIMARILY~~ IN CONNECTION WITH THE
28 PROVISION OF SUBSTANCE ABUSE TREATMENT SERVICES UNDER STATE ~~OR~~
29 ~~FEDERAL~~ LAW OR 42 U.S.C. § 290DD-2 AND 42 C.F.R. PART 2.

30 (C) STATISTICAL COMPILATIONS OF DATA THAT DO NOT CONTAIN ANY
31 INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY PERSON TO
32 BE ASCERTAINED ARE PUBLIC RECORDS.

1 (D) REPORTS OF ~~THE STATE TEAM AND OF~~ A LOCAL TEAM THAT DO NOT
2 CONTAIN ANY INFORMATION THAT WOULD PERMIT THE IDENTIFICATION OF ANY
3 PERSON TO BE ASCERTAINED ARE PUBLIC INFORMATION.

4 (E) EXCEPT AS NECESSARY TO CARRY OUT ~~THE STATE TEAM'S OR A~~
5 LOCAL TEAM'S PURPOSE AND DUTIES, MEMBERS OF A ~~STATE TEAM OR~~ LOCAL
6 TEAM AND PERSONS ATTENDING A ~~STATE TEAM OR~~ LOCAL TEAM MEETING MAY
7 NOT DISCLOSE:

8 (1) WHAT TRANSPIRED AT A MEETING THAT IS NOT PUBLIC
9 UNDER ~~§ 5-908~~ § 5-905 OF THIS SUBTITLE; OR

10 (2) ANY INFORMATION THE DISCLOSURE OF WHICH IS
11 PROHIBITED BY THIS SECTION.

12 (F) (1) MEMBERS OF ~~THE STATE TEAM OR~~ A LOCAL TEAM, PERSONS
13 ATTENDING A ~~STATE TEAM OR~~ LOCAL TEAM MEETING, AND PERSONS WHO
14 PRESENT INFORMATION TO ~~THE STATE TEAM OR~~ A LOCAL TEAM MAY NOT BE
15 QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING ABOUT INFORMATION
16 PRESENTED IN OR OPINIONS FORMED AS A RESULT OF A MEETING.

17 (2) THIS SUBSECTION DOES NOT PROHIBIT A PERSON FROM
18 TESTIFYING TO INFORMATION THAT IS OBTAINED INDEPENDENTLY OF ~~THE~~
19 ~~STATE TEAM OR~~ A LOCAL TEAM OR THAT IS PUBLIC INFORMATION.

20 (G) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
21 SUBSECTION, INFORMATION, DOCUMENTS, OR RECORDS OF ~~THE STATE TEAM~~
22 ~~OR OF~~ A LOCAL TEAM ARE NOT SUBJECT TO SUBPOENA, DISCOVERY, OR
23 INTRODUCTION INTO EVIDENCE IN ANY CIVIL OR CRIMINAL PROCEEDING.

24 (2) INFORMATION, DOCUMENTS, OR RECORDS OTHERWISE
25 AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA,
26 DISCOVERY, OR INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES
27 SOLELY BECAUSE THEY WERE PRESENTED DURING PROCEEDINGS OF ~~THE~~
28 ~~STATE TEAM OR~~ A LOCAL TEAM OR ARE MAINTAINED BY ~~THE STATE TEAM OR~~ A
29 LOCAL TEAM.

30 (H) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
31 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
32 \$500 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.

33 ~~5-910.~~

1 ~~A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY UNDER § 5-637.2~~
 2 ~~OF THE COURTS ARTICLE FOR ANY ACTION AS A MEMBER OF THE STATE TEAM~~
 3 ~~OR A LOCAL TEAM OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR~~
 4 ~~CONTRIBUTING TO THE FUNCTION OF THE STATE TEAM OR A LOCAL TEAM.~~

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 6 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.