

REFERENCE TITLE: drug overdose review teams; records

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2038

Introduced by
Representative Carter

AN ACT

AMENDING SECTION 36-198, ARIZONA REVISED STATUTES; RELATING TO DRUG
OVERDOSE FATALITY REVIEW TEAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-198, Arizona Revised Statutes, is amended to
3 read:

4 36-198. Drug overdose fatality review team; members; duties;
5 local drug overdose fatality review teams

6 A. The drug overdose fatality review team is established in the
7 department of health services. The head of each of the following entities
8 or that person's designee shall serve on the review team:

- 9 1. The attorney general.
- 10 2. The department of health services.
- 11 3. The Arizona health care cost containment system.
- 12 4. The department of economic security.
- 13 5. The governor's office of youth, faith and family.
- 14 6. The administrative office of the courts.
- 15 7. The state department of corrections.
- 16 8. The Arizona council of human services providers.
- 17 9. The department of public safety.

18 B. The director of the department of health services shall appoint
19 the following members to serve on the review team:

- 20 1. A medical examiner who is a rural forensic pathologist.
- 21 2. A medical examiner who is a metropolitan forensic pathologist.
- 22 3. A representative of a tribal government.
- 23 4. A public member.
- 24 5. A representative of a professional emergency management system
25 association.
- 26 6. A health care professional from a statewide association
27 representing nurses.
- 28 7. A health care professional from a statewide association
29 representing physicians.
- 30 8. A representative of an association of county health officers.
- 31 9. A representative of an association representing hospitals.
- 32 10. A health care professional who specializes in the prevention,
33 diagnosis and treatment of substance use disorders.
- 34 11. A county sheriff, or the sheriff's designee, who represents a
35 county with a population of less than five hundred thousand persons and a
36 county sheriff, or the sheriff's designee, who represents a county with a
37 population of more than five thousand persons.

38 C. The review team shall:

- 39 1. Develop a drug overdose fatalities data collection system.
- 40 2. Conduct an annual analysis on the incidence and causes of drug
41 overdose fatalities in this state during the preceding fiscal year.
- 42 3. Encourage and assist in the development of local drug overdose
43 fatality review teams.
- 44 4. Develop standards and protocols for local drug overdose fatality
45 review teams and provide training and technical assistance to these teams.

1 5. Develop protocols for drug overdose investigations, including
2 protocols for law enforcement agencies, prosecutors, medical examiners,
3 health care facilities and social service agencies.

4 6. Study the adequacy of statutes, ordinances, rules, training and
5 services to determine what changes are needed to decrease the incidence of
6 preventable drug overdose fatalities and, as appropriate, take steps to
7 implement these changes.

8 7. Educate the public regarding the incidence and causes of drug
9 overdose fatalities as well as the public's role in preventing these
10 deaths.

11 8. Designate a member of the review team to serve as chairperson.

12 D. Team members are not eligible to receive compensation, but
13 members appointed pursuant to subsection B of this section are eligible
14 for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

15 E. The department of health services shall provide professional and
16 administrative support to the team.

17 F. LAW ENFORCEMENT AGENCIES SHALL PROVIDE UNREDACTED DEPARTMENT
18 REPORTS TO THE CHAIRPERSON OF A LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM
19 ON REQUEST. ALL INFORMATION AND RECORDS ACQUIRED BY A LOCAL DRUG OVERDOSE
20 FATALITY REVIEW TEAM ARE CONFIDENTIAL AND ARE NOT SUBJECT TO SUBPOENA,
21 DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL OR CRIMINAL PROCEEDING
22 OR DISCIPLINARY ACTION. INFORMATION AND RECORDS THAT ARE OTHERWISE
23 AVAILABLE FROM OTHER SOURCES ARE NOT IMMUNE FROM SUBPOENA, DISCOVERY OR
24 INTRODUCTION INTO EVIDENCE THROUGH THOSE SOURCES SOLELY BECAUSE THE
25 INFORMATION OR RECORD WAS PRESENTED TO OR REVIEWED BY A LOCAL DRUG
26 OVERDOSE FATALITY REVIEW TEAM.

27 G. A MEMBER OF A LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM OR ANY
28 PERSON WHO PRESENTS INFORMATION TO A LOCAL DRUG OVERDOSE FATALITY REVIEW
29 TEAM MAY NOT BE QUESTIONED IN ANY CIVIL OR CRIMINAL PROCEEDING OR
30 DISCIPLINARY ACTION REGARDING THE INFORMATION PRESENTED. THIS SUBSECTION
31 DOES NOT PREVENT A PERSON FROM TESTIFYING REGARDING INFORMATION OBTAINED
32 INDEPENDENTLY OF THE LOCAL DRUG OVERDOSE FATALITY REVIEW TEAM OR AS TO
33 PUBLIC INFORMATION.