Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023

HOUSE BILL NO. 1390
(Representatives Hanson, Beltz, Nelson, Weisz)
(Senators Cleary, Hogan, Lee)

AN ACT to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to the creation of a suicide fatality review commission; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 23-07 of the North Dakota Century Code is created and enacted as follows:

Suicide fatality review commission.

1. The commissioner of the department of health and human services shall appoint the members of the suicide fatality review commission and select the presiding officer from the membership. Members serve at the pleasure of the commissioner. The commissioner may invite a temporary member based on the member's relevant expertise for a particular case. Commission membership may include representatives of the following:

   a. A mental health practitioner from the public sector;

   b. A mental health practitioner from the private sector;

   c. A county coroner;

   d. A public health epidemiologist;

   e. The state forensic examiner;

   f. The forensic pathology department at the university of North Dakota school of medicine and health sciences;

   g. An emergency medical services provider;

   h. A crisis line;

   i. A public elementary or secondary school;

   j. A veterans organization;

   k. A national suicide prevention organization;

   l. The faith community;

   m. Law enforcement; and

   n. One or more tribal nations in the state.

2. The commission shall review suicide deaths that have occurred in the state with the goal of:

   a. Identifying the risk factors, protective factors, systems, and services involved in each case;

   b. Recommending policies, protocols, and other actions to improve community, service, and system responses to individuals at risk of suicide; and

c. Providing consultation and coordination for agencies involved in the prevention and investigation of suicide.

3. In conducting the duties of the commission, the commission may investigate and review the facts and circumstances of all deaths that occur in the state as a result of suicide, focusing on system and process issues not the performance of individuals. All deaths by suicide may be reviewed; however, all deaths may not be reviewed with the same level of intensity.

   a. The review may include necessary and appropriate information the commission determines to be relevant to the review, including laws and policies, actions taken by persons related to or involved with the incident, and confidential and other appropriate records of an organization related to the suicide.

   b. Upon the written request of the presiding officer of the commission, a health care facility and health care provider shall disclose all patient records of the facility or provider which are requested by the commission and pertain to an identified suicide fatality, as permitted under federal law. The presiding officer may request records from the most recent thirty-six month period. The commission may access relevant autopsy records, police records, school records, child protective services records, and adult protective services records as needed for a case review.

   c. The determinations, conclusions, and recommendations of the commission are not admissible in a civil or criminal proceeding.

4. The department of health and human services shall notify the commission of suicide deaths for which the investigation of a county coroner or law enforcement has been completed. Notwithstanding confidentiality provisions of chapter 23-07, the department of health and human services shall disclose to the commission records regarding suicide fatalities in the state.

5. Notwithstanding section 50-25.1-04.5, the commission may coordinate with the child fatality review panel in conducting the duties of the commission.

6. The commission shall meet at least two times per year. Notwithstanding section 44-04-19, all meetings of the commission are closed to the public. Notwithstanding section 44-04-18, all records of the commission are confidential, except for annual reports. The commission and each member of the commission shall preserve the confidentiality of each record examined.

7. Before January thirty-first of each year, the commission shall provide the commissioner of the department of health and human services with an annual report from the previous calendar year of the commission's findings and recommendations. The report may not disclose personally identifiable information regarding suicide fatalities. The department shall post the report on the department's website.

8. The department of health and human services shall provide or arrange for administrative services to assist the commission in performing the duties of the commission which may include collecting and managing case review files, maintaining records and data, training on confidentiality and the suicide critical risk assessment process, and issuing the annual report of the commission.

9. A state employee who is a member of the commission is entitled to receive that employee's regular salary while performing official duties of the commission and is entitled to mileage and expense reimbursement as provided for under sections 44-08-04 and 54-06-09, to be paid by the employing entity. A member of the commission who is not a state employee is entitled to mileage and expense reimbursement as provided for under sections 44-08-04 and 54-06-09, to be paid by the department of health and human services. The department may provide per diem to a member who is not a state employee.

SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - SUICIDE FATALITY REVIEW COMMISSION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $15,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of funding the activities of the suicide fatality review commission, for the biennium beginning July 1, 2023, and ending June 30, 2025.

_____	_____
Speaker of the House	President of the Senate
_____	_____
Chief Clerk of the House	Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1390.

House Vote:	Yeas 73	Nays 16	Absent 5
Senate Vote:	Yeas 42	Nays 4	Absent 1

_____
Chief Clerk of the House

Received by the Governor at _____M. on _____, 2023.

Approved at _____M. on _____, 2023.

_____
Governor

Filed in this office this _____day of _____, 2023,

at _____ o'clock _____M.

_____
Secretary of State