

HOUSE BILL NO. 1390
with Senate Amendments
HOUSE BILL NO. 1390

Sixty-eighth
Legislative Assembly
of North Dakota

Introduced by

Representatives Hanson, Beltz, Nelson, Weisz

Senators Cleary, Hogan, Lee

1 A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota
2 Century Code, relating to the creation of a suicide fatality review commission; and to provide an
3 appropriation.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 **Suicide fatality review commission.**

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

14 a. A mental health practitioner from the public sector;

15 b. A mental health practitioner from the private sector;

16 c. A county coroner;

17 d. A public health epidemiologist;

18 e. The state forensic examiner;

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

21 g. An emergency medical services provider;

22 h. A crisis line;

23 i. A public elementary or secondary school;

24 j. A veterans organization;

- 1 k. A national suicide prevention organization;
2 l. The faith community;
3 m. Law enforcement; and
4 n. One or more tribal nations in the state.
- 5 2. The commission shall review suicide deaths that have occurred in the state with the
6 goal of:
- 7 a. Identifying the risk factors, protective factors, systems, and services involved in
8 each case;
9 b. Recommending policies, protocols, and other actions to improve community,
10 service, and system responses to individuals at risk of suicide; and
11 c. Providing consultation and coordination for agencies involved in the prevention
12 and investigation of suicide.
- 13 3. In conducting the duties of the commission, the commission may investigate and
14 review the facts and circumstances of all deaths that occur in the state as a result of
15 suicide, focusing on system and process issues not the performance of individuals. All
16 deaths by suicide may be reviewed; however, all deaths may not be reviewed with the
17 same level of intensity.
- 18 a. The review may include necessary and appropriate information the commission
19 determines to be relevant to the review, including laws and policies, actions taken
20 by persons related to or involved with the incident, and confidential and other
21 appropriate records of an organization related to the suicide.
- 22 b. Upon the written request of the presiding officer of the commission, a health care
23 facility and health care provider shall disclose all patient records of the facility or
24 provider which are requested by the commission and pertain to an identified
25 suicide fatality, as permitted under federal law. The presiding officer may request
26 records from the most recent thirty-six-month period. The commission may
27 access relevant autopsy records, police records, school records, child protective
28 services records, and adult protective services records as needed for a case
29 review.
- 30 c. The determinations, conclusions, and recommendations of the commission are
31 not admissible in a civil or criminal proceeding.

- 1 4. The department of health and human services shall notify the commission of suicide
2 deaths for which the investigation of a county coroner or law enforcement has been
3 completed. Notwithstanding confidentiality provisions of chapter 23-07, the department
4 of health and human services shall disclose to the commission records regarding
5 suicide fatalities in the state.
- 6 5. Notwithstanding section 50-25.1-04.5, the commission may coordinate with the child
7 fatality review panel in conducting the duties of the commission.
- 8 6. The commission shall meet at least two times per year. Notwithstanding section
9 44-04-19, all meetings of the commission are closed to the public. Notwithstanding
10 section 44-04-18, all records of the commission are confidential, except for annual
11 reports. The commission and each member of the commission shall preserve the
12 confidentiality of each record examined.
- 13 7. Before January thirty-first of each year, the commission shall provide the
14 commissioner of the department of health and human services with an annual report
15 from the previous calendar year of the commission's findings and recommendations.
16 The report may not disclose personally identifiable information regarding suicide
17 fatalities. The department shall post the report on the department's website.
- 18 8. The department of health and human services shall provide or arrange for
19 administrative services to assist the commission in performing the duties of the
20 commission which may include collecting and managing case review files, maintaining
21 records and data, training on confidentiality and the suicide critical risk assessment
22 process, and issuing the annual report of the commission.
- 23 9. A state employee who is a member of the commission is entitled to receive that
24 employee's regular salary while performing official duties of the commission and is
25 entitled to mileage and expense reimbursement as provided for under sections
26 44-08-04 and 54-06-09, to be paid by the employing entity. A member of the
27 commission who is not a state employee is entitled to mileage and expense
28 reimbursement as provided for under sections 44-08-04 and 54-06-09, to be paid by
29 the department of health and human services. The department may provide per diem
30 to a member who is not a state employee.

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