



Information Bulletin 04-22

Ellen DiDomenico
Deputy Secretary
Department of Drug and Alcohol Programs

A handwritten signature in blue ink that reads "Ellen DiDomenico".

January 6, 2023

Effective Date: Immediately

Subject: Act 101 of 2022, Suicide and overdose death review teams

On November 3, 2022, Governor Wolf signed Act 101 of 2022 ([Act 101](#)) into law. Act 101 adds Sections 2127 through 2134 to The Administrative Code of 1929, 71 P.S. §§ 551 – 557.7. The new sections allow counties to establish suicide death review teams, overdose death review teams, or both (death review teams) and outline the powers and duties of the Department of Health (DOH) and its Departmental Administrative and Advisory Boards. The purpose of this Information Bulletin is to make Single County Authorities, substance use disorder (SUD) treatment providers, and other SUD-related organizations aware that they may be asked to serve on a death review team, and that they may be asked to provide records as part of a death review team's duties.

Overdose death review team membership

Act 101 outlines categories of individuals who may be selected as a member of a death review team by its "lead organization." This list includes "A representative from a single county authority," as well as "A representative of an organization that advocates for individuals with substance use disorders and their family members." Additional members "with experience and knowledge" in "drug and alcohol substance use disorder" may also be selected by the lead organization to assist in the death review team's duties.

Accessing records of the deceased

Act 101 lists SUD treatment providers as an entity that "shall comply with a records request by a death review team" for "the records of a deceased individual under review without need for authorization." DDAP will not cite licensed SUD treatment providers for violations if they comply with a request from a death review team for a decedent's records. Confidentiality regulations applicable to federally-assisted SUD programs "do not restrict the disclosure of patient identifying information relating to the cause of death of a patient under laws requiring the collection of death or other vital statistics or permitting inquiry into the cause of death." 42 CFR 2.15(b)(1). Similarly, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule permits disclosures without consent if they are required by law, 45 CFR § 164.512(a)(1), for public health activities, 45 CFR § 164.512(b), or for health oversight activities, 45 CFR § 164.512(d).

Act 101 provides that an SUD treatment provider or another organization receiving a records request from the lead organization or chair of the death review team shall provide the records

within five business days of receipt of the request unless an extension is granted. An extension may be requested via e-mail or fax to the lead organization or chair of the death review team. Records may not be released if doing so would hinder the progress of an active investigation or criminal proceeding.

Act 101 provides immunity from civil and criminal liability for providing information to death review teams in good faith.

Act 101 went into effect on December 2, 2022. Additional information and frequently asked questions about Act 101 can be found on DOH's website:

<https://www.health.pa.gov/topics/programs/Pages/Suicide-Overdose-Death-Review.aspx>

Questions regarding this Information Bulletin can be sent to RA-DHODSdeathreview@pa.gov.