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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-FIFTH  
SESSION

**HOUSE FILE NO. 923**

February 13, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act  
1.2 relating to mental health; creating a mental health fatality review team;  
1.3 appropriating money.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **MENTAL HEALTH FATALITY REVIEW TEAM.**

1.6 **Subdivision 1. Pilot project authorized; purpose.** The Fourth Judicial District  
1.7 shall establish a mental health fatality review team as a 30-month pilot project to review  
1.8 adult mental health fatalities that have occurred in the district during or after contact with  
1.9 law enforcement, courts, or corrections systems. Cases will be selected for review only  
1.10 after they are closed to any further legal activity, including opportunities for appeal. The  
1.11 purpose of the review team is to analyze adult mental health-related fatalities, review  
1.12 public policies and procedures, and try to prevent future fatalities.

1.13 **Subd. 2. Definition of mental health fatality.** "Mental health fatality" means  
1.14 the unexpected death of a person with a diagnosed mental illness or committed by a  
1.15 person with a diagnosed mental illness, where mental illness was a significant contributing  
1.16 factor in the death.

1.17 **Subd. 3. Selection of cases for review.** Cases for review will be selected by the  
1.18 Mental Health Fatality Advisory Board. The Mental Health Fatality Advisory Board  
1.19 shall be composed of individuals who reflect a commitment to diversity and relevant  
1.20 professional experience. The board must include:

1.21 (1) a county attorney;

1.22 (2) a city attorney;

1.23 (3) a public defender;

1.24 (4) a representative from the Hennepin County District Court;

- 2.1 (5) a representative from the Office of the Ombudsman for Mental Health and  
2.2 Developmental Disabilities;
- 2.3 (6) a representative from the Bureau of Criminal Apprehension;  
2.4 (7) a practicing mental health professional;  
2.5 (8) a practicing psychiatrist;  
2.6 (9) a practicing substance abuse treatment professional;  
2.7 (10) a representative from Hennepin County Medical Center knowledgeable about  
2.8 emergency mental health treatment; and
- 2.9 (11) a representative from a mental health advocacy organization.

2.10 Subd. 4. **Membership.** (a) The chief judge, in consultation with the board, shall  
2.11 appoint members of the mental health fatality review team. The review team members  
2.12 must include:

- 2.13 (1) a representative from the Department of Human Services, Mental Health  
2.14 Division;
- 2.15 (2) a representative from the county mental health authority;  
2.16 (3) the medical examiner;  
2.17 (4) an emergency medicine physician from Hennepin County Medical Center;  
2.18 (5) an emergency room nurse;  
2.19 (6) a representative from the Hennepin County Mental Health Court;  
2.20 (7) a practicing forensic psychiatrist;  
2.21 (8) a practicing private mental health practitioner;  
2.22 (9) a suicide prevention specialist;  
2.23 (10) a domestic violence specialist;  
2.24 (11) a program staff member providing long-term mental health support services;  
2.25 (12) at least one member from each of two mental health consumer advocacy  
2.26 organizations with at least one member representing an organization whose board is made  
2.27 up of a majority of mental health consumers;
- 2.28 (13) a corrections employee from the Hennepin County jail;  
2.29 (14) a licensed peace officer;  
2.30 (15) at least four culturally competent mental health providers from communities  
2.31 of color and immigrant communities; and
- 2.32 (16) a member of the medical review unit from the Office of the Ombudsman for  
2.33 Mental Health and Developmental Disabilities.
- 2.34 (b) Members of the board are members of the review team.

3.1 (c) The review team may also invite other relevant persons to serve on an ad hoc  
3.2 basis and participate as full members of the review team for a particular review. These  
3.3 persons may include, but are not limited to:

3.4 (1) individuals with particular expertise that would be helpful to the review team; or

3.5 (2) representatives of organizations or agencies that had contact with or provided  
3.6 services to the individual who is the subject of the review.

3.7 Subd. 5. **Disclosure of records.** Notwithstanding the data's classification in the  
3.8 possession of any agency, data shall be disclosed to the mental health fatality review team  
3.9 as necessary to carry out the purpose of the team, but data shall retain its data classification  
3.10 and will under no circumstances be disclosed to anyone not a part of the review. No data  
3.11 used or findings arrived at shall be used in a court proceeding. Findings will only be used  
3.12 to recommend institutional reforms to prevent future fatalities.

3.13 Subd. 6. **Immunity.** Members of the mental health fatality review team, when  
3.14 acting within the scope of their duties, are immune from civil and criminal liability.

3.15 Subd. 7. **Evaluation and report.** (a) The Mental Health Fatality Advisory Board  
3.16 shall be convened by the Fourth Judicial District by December 31, 2007, and shall develop  
3.17 a system for evaluating the effectiveness of this pilot project and shall focus on identifiable  
3.18 goals and outcomes. An evaluation must contain data components as well as input from  
3.19 individuals involved in the review process.

3.20 (b) The mental health advisory review team shall be convened by July 1, 2008, and  
3.21 shall issue two annual reports to the legislature during the pilot project, one on or before  
3.22 December 31, 2008, and one on or before December 31, 2009. The reports must consist of  
3.23 the written aggregate recommendations of the review team without reference to specific  
3.24 cases. The December 31, 2009, report must include recommendations for legislation. The  
3.25 reports must be made available upon request. Reports must be distributed to the governor,  
3.26 attorney general, Supreme Court, county board, and the district court.

3.27 **Sec. 2. APPROPRIATION.**

3.28 \$35,000 in fiscal year 2008 and \$35,000 in fiscal year 2009 are appropriated from  
3.29 the general fund to the Supreme Court to fund the mental health fatality review team  
3.30 under section 1.