
WAUKESHA COUNTY OVERDOSE FATALITY REVIEW COOPERATIVE AGREEMENT

This Cooperative Agreement is made and entered by and between the signatories to this Agreement (collectively referred to as the "Parties"). The execution of this Agreement will create the Waukesha County Overdose Fatality Review ("OFR") Team. This Agreement is not intended to and should not be construed to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the Parties, their parent agency, or the officers, employees, agents, or other representatives thereof.

Statement of Purpose

As overdose fatalities continue to impact Waukesha County, the Parties agree the establishment of a multi-agency, multi-professional OFR Team will assist in promoting and protecting the public health and safety and in providing services which will improve the well-being of individuals and their families by identifying risk factors, potential gaps in service, barriers to care, and recommendations for intervention and prevention strategies. The Parties further agree the objectives of an OFR Team are:

1. Accurate and comprehensive information gathering and sharing on overdose deaths with special emphasis on those features that relate to potential preventability.
2. Improved communication and coordination of responses to overdose deaths in the investigation and delivery of services.
3. Design and implementation of cooperative, standardized guidelines for the review process of overdose deaths.
4. Identification of needed changes in legislation, policy, and practices, and expanded efforts to prevent overdose deaths.

OFR Team

The OFR Team will be comprised of representatives from each Party to this Agreement. The OFR Team will meet bimonthly, or as otherwise determined by the OFR Team bylaws, for case reviews and to discuss ways in which the Parties may more effectively target the overdose epidemic in Waukesha County. At the first meeting of the OFR Team, the OFR Team should adopt bylaws governing the OFR Team.

Waukesha County Department of Health and Human Services will be responsible for administrative functions of the OFR Team, including selecting the OFR Team Facilitator, and recruiting new OFR Team members when vacancies or other needs arise.

OFR Team meetings may be attended by members of the public. Meetings should go into closed session prior to commencing a Case Review if the information to be shared would allow members of the public to identify the decedent, who is the subject of the Case Review, or the decedent's family members.

The OFR Team will make any recommendations to the OFR Steering Committee, Heroin Taskforce, or Waukesha County HHS, which will determine what recommendations, if any, are acted upon.

A quorum is required to carry out the purposes of this Agreement and the OFR Team. A quorum is present when a representative from half of the total signatories plus one is present.

Case Reviews

Case Reviews are a formal process for the exchange of information, including confidential information, among OFR Team members regarding a particular case in order to compile information and data, compare notes, and discuss possible intervention and prevention strategies. Certain Case Reviews will require the participation of individuals and entities that are not part of the OFR Team and signatories to this Agreement. To participate in a Case Review, all participants, including each OFR Team member, will sign the Confidentiality Agreement prior to participation.

For a case to be considered for a Case Review, the manner of death, as indicated by the death certificate, should be accident, suicide or undetermined. Under no circumstances should a Case Review involve a case deemed a homicide by a prosecutor or law enforcement official according to Wis. Stats. Chapter 940, without the express prior consent of the law enforcement agency and the District Attorney. Cases subject to Case Review should not be subject to criminal proceedings or have the potential to be subject to criminal proceedings unless there is express prior consent of the law enforcement agency and the District Attorney.

Information shared in Case Reviews shall be deidentified to protect the identity of the decedent subject to the Case Review. No case-specific information will be shared or discussed outside of the Case Review.

Information will be shared to the extent allowed by law. Each OFR Team member and agency is responsible for maintaining confidentiality as required by law, resolution, and accepted practice. Each member of the OFR Team is bound by his or her professional ethics to maintain confidentiality.

Express Reservations

The Parties acknowledge this Agreement is not intended to, nor should be construed to, create any right or benefit, substantive or procedural, enforceable at law or otherwise between the Parties, their parent agencies, or the officers, employees, agents, or representatives thereof.

Term

This Agreement is effective upon signature and ongoing until terminated pursuant to this Agreement.

Termination

Any Party may terminate their involvement in this Agreement and the OFR Team at any time upon written notice to the OFR Team Facilitator.

This Agreement shall terminate in its entirety, and the OFR Team disbanded, upon written notice by the Director of the Waukesha County Department of Health and Human Services to each signatory at the time of termination.

Execution

This Agreement may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The copied signature of a party to this Agreement shall be considered as if it was an original signature.

By signing this Agreement, the following signatories represent they have the authority to bind their respective department, agency, or business and agree to be bound by the terms of this Agreement:

**Waukesha County, Department of
Health and Human Services**

Department/Agency/Business

Elizabeth Aldred, Director

Signature

Date

Printed Name

Title

Date