AN ACT
RELATING TO HEALTH AND SAFETY - OFFICE OF STATE MEDICAL EXAMINERS

Introduced By: Senators Goldin, Valverde, Satchell, Crowley, and Lawson

Date Introduced: March 14, 2019

Referred To: Senate Health & Human Services
(Dept. of Health)

It is enacted by the General Assembly as follows:

SECTION 1. Sections 23-4-3 and 23-4-3.1 of the General Laws in Chapter 23-4 entitled "Office of State Medical Examiners" are hereby amended to read as follows:

23-4-3. Functions.

The office of state medical examiners shall be responsible for:

(1) The investigation of deaths within the state that, in its judgment, might reasonably be expected to involve causes of death enumerated in this chapter;

(2) For the conduct of inquests when requested by the attorney general;

(3) For the performance of autopsies, including the retention, examination, and appropriate disposal of tissue, when appropriate, for deaths that, in its judgment, might reasonably be expected to involve causes of deaths enumerated in this chapter;

(4) For the written determination of the causes of death investigated pursuant to this chapter;

(5) For the presentation to the courts of Rhode Island of expert testimony relating to the cause of death;

(6) For the keeping of complete records, including names, places, circumstances, and causes of deaths, of deaths investigated and reported, copies of which shall be delivered to the attorney general and of which written determinations of causes of death shall be made available for public inspection;

(7) For the burial of bodies for which there is no other existing legal responsibility to do
(8) For the development and enforcement of procedures for the pronouncement of death
and for the transplantation of organs from bodies of persons who have died within the state;

(9)(i) For a multi-disciplinary team review of child fatalities with the goal to decrease the
prevalence of preventable child deaths and report recommendations for community- and systems-
intervention strategies. A child death-review team shall include, but is not limited to,
representation from state agencies, health care, child welfare, and law enforcement; and

(ii) The work product of the child death review team shall be confidential and protected
under all applicable laws, including the federal Health Insurance Portability and Accountability
Act of 1996 and the Rhode Island confidentiality of health care information act (chapter 37.3 of
title 5) and shall be exempt from the provisions of chapter 2 of title 38, not subject to subpoena,
discovery, or introduction into evidence in any civil or criminal proceeding, and not subject to
disclosure beyond such team members (except to authorized employees of the department of
health as necessary to perform its official duties.

(10) The department of health shall work with the department of children, youth and
families and the office of the child advocate to develop a process to ensure the timely availability
of autopsy reports on child deaths; and

(11)(i) For a multi-disciplinary team review of drug-related overdose deaths with the goal
of reducing the prevalence of these deaths by examining emerging trends in overdose, identifying
potential demographic, geographic, and structural points for prevention and other factors. The
multi-disciplinary team for review of drug-related overdose deaths may include, as determined by
the director of the department of health, representatives from the department of health; the
department of the attorney general; the Rhode Island state police; the department of corrections;
the department of behavioral healthcare, developmental disabilities and hospitals; the Rhode
Island Police Chiefs Association; the Hospital Association of Rhode Island; an emergency
department physician; a primary care physician; an addiction medicine/treatment provider; a
mental health clinician; a toxicologist; a recovery coach or other representative of the recovery
community; and others as may be determined by the director of the department of health; and

(ii) The work product of the multi-disciplinary team for review of drug-related overdose
deaths shall be confidential and protected under all applicable laws, including the federal Health
Insurance Portability and Accountability Act of 1996 and the Rhode Island confidentiality of
health care information act (chapter 37.3 of title 5), and shall be exempt from the provisions of
chapter 2 of title 38, not subject to subpoena, discovery, or introduction into evidence in any civil
or criminal proceeding, and not subject to disclosure beyond the team members (except to
authorized employees of the department of health as necessary to perform its official duties of the
department pursuant to this subsection (11).  

(iii) The multidisciplinary team shall report on or before December 1 of each year to the
governor, the speaker of the house, and president of the senate, which report shall summarize the
activities of the team, as well as the team's findings, progress towards reaching its goals, and
recommendations for any needed changes in legislation or otherwise.  

(iv) The provisions of subsection (11)(ii) shall sunset and be repealed effective December

(12)  

(i) For a multi-disciplinary maternal mortality review committee for review of
maternal deaths of women that occur during pregnancy, delivery, or within one year of the end of
pregnancy with the goal of reducing the prevalence of such deaths by examining emerging trends
in such deaths, identifying potential demographic, geographic, and structural points for
prevention and other factors. This committee has the authority to request and receive data from
vital records, health care providers, health care facilities, pharmacy records, and any other
agencies or officials having information that is necessary for the committee to carry out its duties
under this section. The multi-disciplinary maternal mortality review committee may include, but
not be limited to, as determined by the director of the department of health, representation from
state agencies, health care, and maternal and child health specialists. This committee shall
develop recommendations for the prevention of maternal deaths and disseminate findings and
recommendations to policy makers, health care providers, health care facilities, and the general
public.  

(ii) The work product of the maternal mortality review committee shall be confidential
and protected under all applicable laws, including the federal Health Insurance Portability and
Accountability Act of 1996 and the Rhode Island confidentiality of health care information act
(chapter 37.3 of title 5) and shall be exempt from the provisions of chapter 2 of title 38, not
subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding,
and not subject to disclosure beyond such team members (except to authorized employees of the
department of health as necessary to perform its official duties).  

23-4-3.1. Immunity.  

No member of the multi-disciplinary teams for review of drug-related overdose
deaths shall be subject to arrest, prosecution, or penalty in any manner, or denied any right or
privilege, including, but not limited to, civil penalty or disciplinary action by a business,
occupational, or professional licensing board or entity (and, for members who are state
employees, termination, loss of employee or pension benefits), for acting in accordance with §
23-4-3.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY - OFFICE OF STATE MEDICAL EXAMINERS

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1  This act would provide that the multi-disciplinary maternal mortality review committee
2  be placed under the review of the office of state medical examiners and would provide that the
3  work product of the multi-disciplinary maternal mortality review committee and the child death
4  review team be considered confidential and would extend the immunity's for criminal and civil
5  action to all multi-disciplinary teams.
6  This act would take effect upon passage.

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