2019 -- S 0574 SUBSTITUTE A

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, A.D. 2019

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 death 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
so;

(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 and shall be deemed privileged pursuant to § 23-17.21-8.

(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:


(12)(i) For a multidisciplinary 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 shall include, but not be limited to, as determined by the director of the department of health, representation from state agencies, an obstetrician from each hospital that delivers obstetrical care, a neonatal specialist, individuals or organizations that represent the populations that are most affected by pregnancy-related deaths or pregnancy-associated deaths and lack of access to maternal health care services, a perinatal pathologist and a maternal fetal medicine specialist. 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 and shall be deemed privileged pursuant to § 23-17.21-8.

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.
This act would provide that the multi-disciplinary maternal mortality review committee be placed under the review of the office of state medical examiners and would provide that the work product of the multi-disciplinary maternal mortality review committee and the child death review team be considered confidential and would extend the immunity's for criminal and civil action to all multi-disciplinary teams. It would also provide that the committee would include representation from state agencies, an obstetric provider, a neonatal specialist, perinatal pathologist and maternal fetal medicine specialist.

This act would take effect upon passage.