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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO HEALTH AND SAFETY -- OFFICE OF MEDICAL EXAMINERS

Introduced By: Representatives Bennett, Newberry, McNamara, Shekarchi, and
Marshall

Date Introduced: February 28, 2018

Referred To: House Health, Education & Welfare

(Department of Health)

It is enacted by the General Assembly as follows:

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

3 **23-4-1. Definitions.**

4 (a) "Assistant medical examiner" means a duly licensed doctor of medicine or osteopathy
5 appointed to assist the office of state medical examiners on a part-time basis.

6 (b) "Autopsy" means the dissection of a dead body and the removal and examination of
7 bone, tissue, organs, and foreign objects for the purpose of determining the condition of the body
8 and the cause and the manner of the death.

9 (c) "Cause of death" means the agent that has directly or indirectly resulted in a death.

10 (d) "Inquest" means an official judicial inquiry before a medical examiner and/or medical
11 examiners jury for the purpose of determining the manner of death.

12 (e) "Manner of death" means the means or fatal agency that caused a death.

13 (f) "Postmortem examination" means examination after death and includes an
14 examination of the dead body and surroundings by an agent of the office of state medical
15 examiners but does not include dissection of the body for any purpose.

16 (g) "Work product" means preliminary drafts, notes, impressions, memoranda, working
17 papers, and similar documents of a governmental entity, whether in electronic or other format.

18 **23-4-3. Functions.**

19 The office of state medical examiners shall be responsible for:

- 1 (1) The investigation of deaths within the state that, in its judgment, might reasonably be
2 expected to involve causes of death enumerated in this chapter;
- 3 (2) For the conduct of inquests when requested by the attorney general;
- 4 (3) For the performance of autopsies, including the retention, examination, and
5 appropriate disposal of tissue, when appropriate, for deaths that, in its judgment, might
6 reasonably be expected to involve causes of deaths enumerated in this chapter;
- 7 (4) For the written determination of the causes of death investigated pursuant to this
8 chapter;
- 9 (5) For the presentation to the courts of Rhode Island of expert testimony relating to the
10 cause of death;
- 11 (6) For the keeping of complete records, including names, places, circumstances, and
12 causes of deaths, of deaths investigated and reported, copies of which shall be delivered to the
13 attorney general and of which written determinations of causes of death shall be made available
14 for public inspection;
- 15 (7) For the burial of bodies for which there is no other existing legal responsibility to do
16 so;
- 17 (8) For the development and enforcement of procedures for the pronouncement of death
18 and for the transplantation of organs from bodies of persons who have died within the state;
- 19 (9) For a multi-disciplinary team review of child fatalities with the goal to decrease the
20 prevalence of preventable child deaths and report recommendations for community- and systems-
21 intervention strategies. A child death-review team shall include, but is not limited to,
22 representation from state agencies, health care, child welfare, and law enforcement; ~~and~~
- 23 (10) The department shall work with the department of children, youth and families and
24 the office of the child advocate to develop a process to ensure the timely availability of autopsy
25 reports on child deaths; and
- 26 (11)(i) For a multi-disciplinary team review of drug-related overdose deaths with the goal
27 of reducing the prevalence of such deaths by examining emerging trends in overdose, identifying
28 potential demographic, geographic, and structural points for prevention and other factors. The
29 multi-disciplinary team for review of drug-related overdose deaths may include, as determined by
30 the director, representatives from the department of health; the department of the attorney
31 general; the Rhode Island state police; the department of corrections; the department of
32 behavioral healthcare, developmental disabilities and hospitals; the Rhode Island Police Chiefs
33 Association; the Hospital Association of Rhode Island; an emergency department physician; a
34 primary care physician; an addiction medicine/treatment provider; a mental health clinician; a

1 toxicologist; a recovery coach or other representative of the recovery community; and others as
2 may be determined by the director; and

3 (ii) The work product of the multi-disciplinary team for review of drug-related overdose
4 deaths shall be confidential and protected under all applicable laws, including the federal Health
5 Insurance Portability and Accountability Act of 1996 and the Rhode Island confidentiality of
6 health care information act (chapter 37.3 of title 5), and shall be exempt from the provisions of
7 chapter 2 of title 38, not subject to subpoena, discovery, or introduction into evidence in any civil
8 or criminal proceeding, and not subject to disclosure beyond such team members (except to
9 authorized employees of the department of health as necessary to perform official duties of the
10 department pursuant to § 23-4-3(11)).

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

15 (iv) The provisions of § 23-4-3(11)(i) shall sunset and be repealed effective December
16 31, 2020.

17 SECTION 2. Chapter 23-4 of the General Laws entitled "Office of State Medical
18 Examiners" is hereby amended by adding thereto the following section:

19 **23-4-3.1. Immunity.**
20 No member of the multi-disciplinary team for review of drug-related overdose deaths
21 shall be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege,
22 including, but not limited to, civil penalty or disciplinary action by a business, occupational, or
23 professional licensing board or entity (and, for members who are state employees, termination,
24 loss of employee or pension benefits), for acting in accordance with § 23-4-3.

25 SECTION 3. This act shall take effect upon passage. The provisions amending § 24-4-
26 3(11)(i) shall be repealed effective December 31, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY -- OFFICE OF MEDICAL EXAMINERS

1 This act would provide that the state medical examiner is to conduct a multi-disciplinary
2 team review of drug-related overdose deaths. This team would report annually to the governor
3 and the general assembly on its findings and recommendation. The provisions establishing this
4 team would be repealed effective December 31, 2020.

5 This act would take effect upon passage. The provisions amending § 24-4-3(11)(i) would
6 be repealed effective December 31, 2020.

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