

**2023 -- S 0721 SUBSTITUTE A**

LC001642/SUB A

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2023**

**A N A C T**

**RELATING TO HEALTH AND SAFETY -- OFFICE OF STATE MEDICAL EXAMINERS**

Introduced By: Senator Joshua Miller

Date Introduced: March 22, 2023

Referred To: Senate Health & Human Services

(Dept. of Health)

It is enacted by the General Assembly as follows:

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

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

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

- 5 (1) The investigation of deaths within the state that, in its judgment, might reasonably be  
6 expected to involve causes of death enumerated in this chapter;
- 7 (2) For the conduct of inquests when requested by the attorney general;
- 8 (3) For the performance of autopsies, including the retention, examination, and appropriate  
9 disposal of tissue, when appropriate, for deaths that, in its judgment, might reasonably be expected  
10 to involve causes of deaths enumerated in this chapter;
- 11 (4) For the written determination of the causes of death investigated pursuant to this  
12 chapter;
- 13 (5) For the presentation to the courts of Rhode Island of expert testimony relating to the  
14 cause of death;
- 15 (6) For the keeping of complete records, including names, places, circumstances, and  
16 causes of deaths, of deaths investigated and reported, copies of which shall be delivered to the  
17 attorney general and of which written determinations of causes of death shall be made available for  
18 public inspection;
- 19 (7) For the burial of bodies for which there is no other existing legal responsibility to do

1 so;

2 (8) For the development and enforcement of procedures for the pronouncement of death  
3 and for the transplantation of organs from bodies of persons who have died within the state;

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

8 (ii) The work product of the child death-review team shall be confidential and protected  
9 under all applicable laws, including the federal Health Insurance Portability and Accountability Act  
10 of 1996 and the Rhode Island confidentiality of health care information act (chapter 37.3 of title 5)  
11 and shall be exempt from the provisions of chapter 2 of title 38 and shall be deemed privileged  
12 pursuant to § 23-17.21-8;

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

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

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

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

5 (iv) [Deleted by P.L. 2021, ch. 21, § 1 and P.L. 2021, ch. 22, § 1.]

6 (v) The multidisciplinary team, or Rhode Island department of health state employees  
7 appointed by the director of the department of health shall, as relatives of the deceased are willing,  
8 be empowered to gather information from such consenting relatives regarding the circumstances of  
9 the decedent's death. The information gathered shall remain confidential and publicly released as  
10 aggregate de-identified information. The information gathered will be utilized to help identify  
11 specific prevention and intervention strategies to prevent further deaths. The information gathered  
12 shall not be subject to subpoena, discovery, or introduction into evidence in any civil or criminal  
13 proceeding, and shall not be subject to disclosure beyond the team members except to authorized  
14 employees of the department of health as necessary to perform its official duties pursuant to  
15 subsection (11) of this section, and except as aggregate de-identified information.

16 (12)(i) For a multidisciplinary maternal mortality review committee for review of maternal  
17 deaths of women that occur during pregnancy, delivery, or within one year of the end of pregnancy  
18 with the goal of reducing the prevalence of such deaths by examining emerging trends in such  
19 deaths, identifying potential demographic, geographic, and structural points for prevention, and  
20 other factors. This committee has the authority to request and receive data from vital records,  
21 healthcare providers, healthcare facilities, pharmacy records, and any other agencies or officials  
22 having information that is necessary for the committee to carry out its duties under this section.  
23 The multidisciplinary maternal mortality review committee shall include, but not be limited to, as  
24 determined by the director of the department of health, representation from state agencies; an  
25 obstetric provider from each hospital that delivers obstetrical care; a neonatal specialist; individuals  
26 or organizations that represent the populations that are most affected by pregnancy-related deaths  
27 or pregnancy-associated deaths and lack of access to maternal healthcare services; a perinatal  
28 pathologist; and a maternal fetal medicine specialist. This committee shall develop  
29 recommendations for the prevention of maternal deaths and disseminate findings and  
30 recommendations to policy makers, healthcare providers, healthcare facilities, and the general  
31 public.

32 (ii) The work product of the maternal mortality review committee shall be confidential and  
33 protected under all applicable laws, including the federal Health Insurance Portability and  
34 Accountability Act of 1996 and the Rhode Island confidentiality of health care information act

1 (chapter 37.3 of title 5) and shall be exempt from the provisions of chapter 2 of title 38 and shall  
2 be deemed privileged pursuant to § 23-17.21-8.

3 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would provide that the multidisciplinary team for review of drug overdose deaths  
2 or the department of health employees may gather information on the circumstances of a decedent's  
3 death when the relatives of the deceased are willing to provide the information to be utilized to help  
4 identify prevention and intervention strategies.

5           This act would take effect upon passage.

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