



SB 2355 - HB 2495

March 16, 2020

SUMMARY OF ORIGINAL BILL: Requires a records custodian to ensure that the public disclosure of any report of the county medical examiner, toxicological report, or autopsy report complies with HIPAA in accordance with guidance developed by the Department of Health (DOH) by rule, unless the document is subject to a subpoena or court order to the contrary.

CORRECTED FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$66,000/FY20-21
\$61,700/FY21-22 and Subsequent Years

SUMMARY OF AMENDMENT (017160): Deletes all language after the enacting clause. Adds an exception that allows a county medical examiner to obtain the mental health records of a deceased person who is suspected to have committed suicide. Adds exceptions for a report of the county medical examiner, toxicological report, or autopsy report to be released if it is pursuant to a subpoena or court order, upon a request by the decedent's next of kin or a legal representative of the next of kin, or upon request by an insurance company or its agent in relation to the investigation of an insurance claim.

Prohibits a records custodian from releasing a report until the applicant has provided sufficient information to allow the records custodian to locate the requested report and establish the applicant's identity as qualifying next of kin who is authorized to receive a report under this section. Allows the records custodian to require proof of identification or a sworn statement as to the identity of the applicant and the applicant's relationship to the decedent.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumption for the bill as amended:

- The DOH can accommodate the proposed legislation utilizing existing resources; therefore, any fiscal impact is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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