

Introduced by Senator PriceJanuary 8, 2013

An act to amend Section 802.5 of the Business and Professions Code, relating to coroners.

LEGISLATIVE COUNSEL'S DIGEST

SB 62, as introduced, Price. Coroners: reporting requirements: prescription drug use.

Existing law requires a coroner to make a report, as specified, when he or she receives information that indicates that a death may be the result of a physician and surgeon's, podiatrist's, or physician assistant's gross negligence or incompetence.

This bill would expand those provisions to require a coroner to make a report when he or she receives information that indicates a death may be the result of prescription drug use and to require the coroner to additionally file the report with the California State Board of Pharmacy. By increasing the duties of county officers, this bill creates a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 802.5 of the Business and Professions
2 Code is amended to read:

3 802.5. (a) When a coroner receives information that is based
4 on findings that were reached by, or documented and approved by
5 a board-certified or board-eligible pathologist indicating that a
6 death may be the result of a physician and surgeon's, podiatrist's,
7 or physician assistant's gross negligence or incompetence, a report
8 shall be filed with the Medical Board of California, the Osteopathic
9 Medical Board of California, the California Board of Podiatric
10 Medicine, or the Physician Assistant Board. The initial report shall
11 include the name of the decedent, date and place of death, attending
12 physicians ~~or~~, podiatrists, *or physician assistants*, and all other
13 relevant information available. The initial report shall be followed,
14 within 90 days, by copies of the coroner's report, autopsy protocol,
15 and all other relevant information.

16 (b) *When a coroner receives information that is based on*
17 *findings that were reached by, or documented and approved by a*
18 *board-certified or board-eligible pathologist indicating that a*
19 *death may be the result of prescription drug use, a report shall be*
20 *filed with the Medical Board of California, the Osteopathic Medical*
21 *Board of California, the California Board of Podiatric Medicine,*
22 *or the Physician Assistant Board, and shall also be filed with the*
23 *California State Board of Pharmacy. The initial report shall*
24 *include the name of the decedent, date and place of death,*
25 *attending physicians, podiatrists, or physician assistants, and all*
26 *other relevant information available. The initial report shall be*
27 *followed, within 90 days, by copies of the coroner's report, autopsy*
28 *protocol, and all other relevant information.*

29 ~~(b) The~~

30 (c) A report required by this section shall be confidential. No
31 coroner, physician and surgeon, or medical examiner, nor any
32 authorized agent, shall be liable for damages in any civil action as
33 a result of his or her acting in compliance with this section. No
34 board-certified or board-eligible pathologist, nor any authorized
35 agent, shall be liable for damages in any civil action as a result of
36 his or her providing information under subdivision (a) *or (b)*.

37 SEC. 2. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

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