

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 62**

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**Introduced by Senator Price**

January 8, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

SB 62, as amended, 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. Existing law requires the report to be followed, within 90 days, by copies of the coroner's report, autopsy protocol, and all other relevant information.

This bill would expand those provisions to require a coroner to make a report when he or she receives information that indicates *that a contributing factor in a cause of death may be the result of prescription drug use is related to the toxicity from a Schedule II, III, or IV drug*, and to require the coroner to additionally file the report with the Medical Board of California. The bill would also extend the time during which the coroner's report and other information may follow the report to as soon as possible once the coroner's final report of investigation is complete. By increasing the duties of county officers, this bill ~~creates~~ *would create* 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  
5 by, a board-certified or California licensed pathologist indicating  
6 that a death may be the result of a physician and surgeon's,  
7 podiatrist's, or physician assistant's gross negligence or  
8 incompetence, a report shall be filed with the Medical Board of  
9 California, the Osteopathic Medical Board of California, the  
10 California Board of Podiatric Medicine, or the Physician Assistant  
11 Board. The initial report shall include the name of the decedent,  
12 date and place of death, attending physicians, podiatrists, or  
13 physician assistants, and all other relevant information available.  
14 The initial report shall be followed, within 90 days or as soon as  
15 possible once the coroner's final report of investigation is complete,  
16 by copies of the coroner's report, autopsy protocol, and all other  
17 relevant information.

18 (b) A report required by this section shall be confidential. No  
19 coroner, physician and surgeon, or medical examiner, nor any  
20 authorized agent, shall be liable for damages in any civil action as  
21 a result of his or her acting in compliance with this section. No  
22 board-certified or California licensed pathologist, nor any  
23 authorized agent, shall be liable for damages in any civil action as  
24 a result of his or her providing information under subdivision (a)  
25 or (c).

26 (c) When a coroner receives information that is based on  
27 findings that were reached by, or documented and approved by, a  
28 board-certified or California licensed pathologist indicating that

1 *a contributing factor in the cause of death is ~~determined to be the~~*  
2 *~~result of prescription drug use related to toxicity from a Schedule~~*  
3 *~~II, III, or IV drug,~~ a report shall be filed with the Medical Board*  
4 *of California. The initial report shall include, when known, the*  
5 *name of the decedent, date and place of death, attending physicians,*  
6 *podiatrists, or physician assistants, and all other relevant*  
7 *information, including, but not limited to, any information available*  
8 *to identify the prescription drugs, prescribing physicians, and*  
9 *dispensing pharmacy. The initial report shall be followed, within*  
10 *90 days or as soon as possible once the coroner's final report of*  
11 *investigation is complete, by copies of the coroner's report, autopsy*  
12 *protocol, and all other relevant information.*

13 SEC. 2. If the Commission on State Mandates determines that  
14 this act contains costs mandated by the state, reimbursement to  
15 local agencies and school districts for those costs shall be made  
16 pursuant to Part 7 (commencing with Section 17500) of Division  
17 4 of Title 2 of the Government Code.