

AMENDED IN ASSEMBLY SEPTEMBER 3, 2013

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN ASSEMBLY JUNE 14, 2013

AMENDED IN SENATE APRIL 22, 2013

AMENDED IN SENATE APRIL 9, 2013

**SENATE BILL**

**No. 62**

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**Introduced by ~~Senators Price and Lieu~~ Senator Lieu**

January 8, 2013

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An act to amend, *repeal, and add* Section 802.5 of, *and to add and repeal Section 2220.09 of*, the Business and Professions Code, relating to coroners.

LEGISLATIVE COUNSEL'S DIGEST

SB 62, as amended, ~~Price Lieu~~. 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 require the coroner's report and other information to follow the report within 90 days or as soon as possible once the coroner's final report of investigation is complete. The bill, *until January 1, 2018*, would additionally require a ~~coroner to file a report with the Medical Board of California~~ coroner, when he or she receives information that indicates that the cause of death is due to a Schedule

II, III, or IV drug, to provide that information, including whether the decedent was undergoing treatment for a terminal illness or chronic condition, if known, to the Medical Board of California on a form provided by the board and developed in consultation with the California State Coroners' Association. The bill would require that this form be submitted within 90 days, or as soon as possible, once the coroner's investigation is complete, and would provide that this form is confidential. By increasing the duties of county officers, this bill would create a state-mandated local program.

*Existing law requires that any complaint against a physician and surgeon that is determined to involve quality of care meet certain criteria before it is referred to a field office for further investigation, except as specified.*

*This bill, until January 1, 2018, would require that any information received from a coroner pursuant to the provisions of this bill, that may be treated as a complaint against a physician and surgeon and may be determined to involve quality of care, meet these criteria before referral to a field office for further investigation.*

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 pathologist indicating that a death may be the result of a  
6 physician and surgeon's, podiatrist's, or physician assistant's gross  
7 negligence or incompetence, a report shall be filed with the Medical  
8 Board of California, the Osteopathic Medical Board of California,  
9 the California Board of Podiatric Medicine, or the Physician  
10 Assistant Board. The initial report shall include the name of the

1 decedent, date and place of death, attending physicians, podiatrists,  
2 or physician assistants, and all other relevant information available.  
3 The initial report shall be followed, within 90 days or as soon as  
4 possible once the coroner's final report of investigation is complete,  
5 by copies of the coroner's report, autopsy protocol, and all other  
6 relevant information.

7 ~~(b) A report required by subdivision (a) shall be confidential.~~  
8 ~~No coroner, physician and surgeon, or medical examiner, nor any~~  
9 ~~authorized agent, shall be liable for damages in any civil action as~~  
10 ~~a result of his or her acting in compliance with this section. No~~  
11 ~~pathologist, nor any authorized agent, shall be liable for damages~~  
12 ~~in any civil action as a result of his or her providing information~~  
13 ~~under subdivision (a).~~

14 (e)

15 (b) When a coroner receives information that is based on  
16 findings that were reached by, or documented and approved by, a  
17 pathologist indicating that the cause of death is due to a Schedule  
18 II, III, or IV drug, ~~a report shall be filed with the information~~  
19 ~~regarding the death of the decedent, including whether the decedent~~  
20 ~~was undergoing treatment for a terminal illness or chronic~~  
21 ~~condition, if known, shall be provided by the coroner to the Medical~~  
22 ~~Board of California. The initial report shall include, when known,~~  
23 ~~the name of the decedent, date and place of death, attending~~  
24 ~~physicians, podiatrists, or physician assistants, and all other~~  
25 ~~relevant information, including, but not limited to, any information~~  
26 ~~available to identify the prescription drugs, prescribing physicians,~~  
27 ~~and dispensing pharmacy. The initial report shall be followed,~~  
28 ~~within 90 days or as soon as possible once the coroner's final report~~  
29 ~~of investigation is complete, by copies of the coroner's report,~~  
30 ~~autopsy protocol, and all other relevant information. The~~  
31 ~~information shall be submitted on a form provided by the board,~~  
32 ~~which shall be developed in consultation with the California State~~  
33 ~~Coroners' Association. The form shall be submitted within 90 days,~~  
34 ~~or as soon as possible, once the coroner's investigation is complete.~~  
35 ~~The form may be submitted electronically.~~

36 (c) *A report required by subdivision (a), and the form provided*  
37 *by the coroner pursuant to subdivision (b), shall be confidential.*  
38 *No coroner, physician and surgeon, or medical examiner, nor any*  
39 *authorized agent, shall be liable for damages in any civil action*  
40 *as a result of his or her acting in compliance with subdivision (a)*

1 or (b). No pathologist, nor any authorized agent, shall be liable  
2 for damages in any civil action as a result of his or her providing  
3 information under subdivision (a) or (b).

4 (d) This section shall remain in effect only until January 1, 2018,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before January 1, 2018, deletes or extends that date.

7 SEC. 2. Section 802.5 is added to the Business and Professions  
8 Code, to read:

9 802.5. (a) When a coroner receives information that is based  
10 on findings that were reached by, or documented and approved  
11 by, a pathologist indicating that a death may be the result of a  
12 physician and surgeon's, podiatrist's, or physician assistant's  
13 gross negligence or incompetence, a report shall be filed with the  
14 Medical Board of California, the Osteopathic Medical Board of  
15 California, the California Board of Podiatric Medicine, or the  
16 Physician Assistant Board. The initial report shall include the  
17 name of the decedent, date and place of death, attending  
18 physicians, podiatrists, or physician assistants, and all other  
19 relevant information available. The initial report shall be followed,  
20 within 90 days or as soon as possible once the coroner's final  
21 report of investigation is complete, by copies of the coroner's  
22 report, autopsy protocol, and all other relevant information.

23 (b) A report required by subdivision (a) shall be confidential.  
24 No coroner, physician and surgeon, or medical examiner, nor any  
25 authorized agent, shall be liable for damages in any civil action  
26 as a result of his or her acting in compliance with subdivision (a).  
27 No pathologist, nor any authorized agent, shall be liable for  
28 damages in any civil action as a result of his or her providing  
29 information under subdivision (a).

30 (c) This section shall be operative on January 1, 2018.

31 SEC. 3. Section 2220.09 is added to the Business and  
32 Professions Code, to read:

33 2220.09. (a) In the case of information received from a coroner  
34 pursuant to subdivision (b) of Section 802.5 that may be treated  
35 as a complaint and may be determined to involve quality of care,  
36 the board shall follow the criteria provided in Section 2220.08 for  
37 the information that involves quality of care before referral to a  
38 field office for further investigation.

1     **(b)** *This section shall remain in effect only until January 1, 2018,*  
2 *and as of that date is repealed, unless a later enacted statute, that*  
3 *is enacted before January 1, 2018, deletes or extends that date.*

4     ~~SEC. 2.~~

5     **SEC. 4.** If the Commission on State Mandates determines that  
6 this act contains costs mandated by the state, reimbursement to  
7 local agencies and school districts for those costs shall be made  
8 pursuant to Part 7 (commencing with Section 17500) of Division  
9 4 of Title 2 of the Government Code.