

AMENDED IN SENATE AUGUST 28, 2000  
AMENDED IN SENATE AUGUST 25, 2000  
AMENDED IN SENATE JULY 6, 2000  
AMENDED IN ASSEMBLY MAY 22, 2000  
AMENDED IN ASSEMBLY MAY 2, 2000  
AMENDED IN ASSEMBLY APRIL 24, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1836**

---

---

**Introduced by Assembly Members Bates, Cox, Longville,  
Oller, Robert Pacheco, and Zettel**  
(Coauthor: Senator Rainey)

February 3, 2000

---

---

An act to ~~amend, repeal, and add Section 56.10~~ *add and repeal Section 56.102* of the Civil Code, and to amend Section 27491.1 of, and to amend, repeal, and add Section 27491.8 of, the Government Code, relating to coroners.

LEGISLATIVE COUNSEL'S DIGEST

AB 1836, as amended, Bates. Coroner's reports.

(1) Under existing law, a provider of health care, health care service plan, or contractor, as defined, may disclose medical information, as defined, to the county coroner in the course of an investigation by the coroner's office.

This bill instead would require the disclosure when requested by a coroner in the course of an investigation by the

coroner’s office, in specified circumstances, and would authorize disclosure in other circumstances.

(2) Existing law requires the coroner, when seeking a confidential communication of a deceased person concerning medical information that is privileged, as specified, to provide notice to the decedent’s personal representative to provide the records to the presiding judge of the superior court. If the personal representative objects in writing to the disclosure, the presiding judge is required to examine the records in camera to determine whether the records must be disclosed as provided.

This bill would require that the coroner seeking those confidential communications give notice to the person who has the right to control disposition of the decedent’s remains if there is no personal representative.

(3) This bill would repeal the new provisions described above on January 1, 2003.

(4) Existing law requires the coroner, in all cases in which a person has died under circumstances that afford a reasonable ground to suspect that the death has been occasioned by criminal means, to notify the law enforcement agency having jurisdiction over the criminal investigation. The report is required to state all information received by the coroner relating to the death.

This bill would specify that the information in the report shall include all medical information that is directly related to the death, as specified.

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

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

1 SECTION 1. ~~Section 56.10 of the Civil Code is Section~~  
2 *56.102 is added to the Civil Code, to read:*  
3 *56.102. (a) Notwithstanding subdivision (a) of*  
4 *Section 56.10, a provider of health care, a health care*  
5 *service plan, or a contractor shall disclose medical*  
6 *information if the disclosure is compelled by a coroner,*  
7 *when requested in the course of an investigation by the*  
8 *coroner’s office for the purpose of identifying the*



1 decedent or locating next of kin, or when investigating  
2 deaths that may involve public health concerns, organ or  
3 tissue donation, child abuse, elder abuse, suicides,  
4 poisonings, accidents, sudden infant deaths, unknown  
5 deaths, or criminal deaths, or when otherwise authorized  
6 by the decedent's representative. Medical information  
7 requested by the coroner under this subdivision shall be  
8 limited to information regarding the patient who is the  
9 decedent and who is the subject of the investigation and  
10 shall be disclosed to the coroner without delay upon  
11 request.

12 (b) Notwithstanding paragraph (6) of subdivision (c)  
13 of Section 56.10, a provider of health care or a health care  
14 service plan may disclose medical information to the  
15 county coroner in the course of an investigation by the  
16 coroner's office when requested for all purposes not  
17 included in subdivision (a).

18 (c) This section shall remain in effect only until  
19 January 1, 2003, and as of that date is repealed, unless a  
20 later enacted statute, that is enacted before January 1,  
21 2003, deletes or extends that date.

22 amended to read:

23 ~~56.10. (a) No provider of health care, or health care~~  
24 ~~service plan, or contractor shall disclose medical~~  
25 ~~information regarding a patient of the provider of health~~  
26 ~~care or an enrollee or subscriber of a health care service~~  
27 ~~plan without first obtaining an authorization, except as~~  
28 ~~provided in subdivision (b) or (c).~~

29 (b) ~~A provider of health care, a health care service~~  
30 ~~plan, or a contractor shall disclose medical information if~~  
31 ~~the disclosure is compelled by any of the following:~~

32 (1) ~~By a court pursuant to an order of that court.~~

33 (2) ~~By a board, commission, or administrative agency~~  
34 ~~for purposes of adjudication pursuant to its lawful~~  
35 ~~authority.~~

36 (3) ~~By a party to a proceeding before a court or~~  
37 ~~administrative agency pursuant to a subpoena, subpoena~~  
38 ~~duces tecum, notice to appear served pursuant to Section~~  
39 ~~1987 of the Code of Civil Procedure, or any provision~~



1 ~~authorizing discovery in a proceeding before a court or~~  
2 ~~administrative agency.~~

3 ~~(4) By a board, commission, or administrative agency~~  
4 ~~pursuant to an investigative subpoena issued under~~  
5 ~~Article 2 (commencing with Section 11180) of Chapter 2~~  
6 ~~of Part 1 of Division 3 of Title 2 of the Government Code.~~

7 ~~(5) By an arbitrator or arbitration panel, when~~  
8 ~~arbitration is lawfully requested by either party, pursuant~~  
9 ~~to a subpoena duces tecum issued under Section 1282.6 of~~  
10 ~~the Code of Civil Procedure, or any other provision~~  
11 ~~authorizing discovery in a proceeding before an~~  
12 ~~arbitrator or arbitration panel.~~

13 ~~(6) By a search warrant lawfully issued to a~~  
14 ~~governmental law enforcement agency.~~

15 ~~(7) By the patient or the patient's representative~~  
16 ~~pursuant to Chapter 1 (commencing with Section~~  
17 ~~123100) of Part 1 of Division 106 of the Health and Safety~~  
18 ~~Code.~~

19 ~~(8) By a coroner, when requested in the course of an~~  
20 ~~investigation by the coroner's office for the purpose of~~  
21 ~~identifying the decedent or locating next of kin, or when~~  
22 ~~investigating deaths that may involve public health~~  
23 ~~concerns, organ or tissue donation, child abuse, elder~~  
24 ~~abuse, suicides, poisonings, accidents, sudden infant~~  
25 ~~death, suspicious deaths, unknown deaths, or criminal~~  
26 ~~deaths, or when otherwise authorized by the decedent's~~  
27 ~~representative. Medical information requested by the~~  
28 ~~coroner under this paragraph shall be limited to~~  
29 ~~information regarding the patient who is the decedent~~  
30 ~~and who is the subject of the investigation and shall be~~  
31 ~~disclosed to the coroner without delay upon request.~~

32 ~~(9) When otherwise specifically required by law.~~

33 ~~(c) A provider of health care, or a health care service~~  
34 ~~plan may disclose medical information as follows:~~

35 ~~(1) The information may be disclosed to providers of~~  
36 ~~health care, health care service plans, or other health care~~  
37 ~~professionals or facilities for purposes of diagnosis or~~  
38 ~~treatment of the patient. This includes, in an emergency~~  
39 ~~situation, the communication of patient information by~~  
40 ~~radio transmission between emergency medical~~



1 ~~personnel at the scene of an emergency, or in an~~  
2 ~~emergency medical transport vehicle, and emergency~~  
3 ~~medical personnel at a health facility licensed pursuant to~~  
4 ~~Chapter 2 (commencing with Section 1200) of Division~~  
5 ~~2 of the Health and Safety Code.~~

6 ~~(2) The information may be disclosed to an insurer,~~  
7 ~~employer, health care service plan, hospital service plan,~~  
8 ~~employee benefit plan, governmental authority, or any~~  
9 ~~other person or entity responsible for paying for health~~  
10 ~~care services rendered to the patient, to the extent~~  
11 ~~necessary to allow responsibility for payment to be~~  
12 ~~determined and payment to be made. If (A) the patient~~  
13 ~~is, by reason of a comatose or other disabling medical~~  
14 ~~condition, unable to consent to the disclosure of medical~~  
15 ~~information and (B) no other arrangements have been~~  
16 ~~made to pay for the health care services being rendered~~  
17 ~~to the patient, the information may be disclosed to a~~  
18 ~~governmental authority to the extent necessary to~~  
19 ~~determine the patient's eligibility for, and to obtain,~~  
20 ~~payment under a governmental program for health care~~  
21 ~~services provided to the patient. The information may~~  
22 ~~also be disclosed to another provider of health care or~~  
23 ~~health care service plan as necessary to assist the other~~  
24 ~~provider or health care service plan in obtaining payment~~  
25 ~~for health care services rendered by that provider of~~  
26 ~~health care or health care service plan to the patient.~~

27 ~~(3) The information may be disclosed to any person or~~  
28 ~~entity that provides billing, claims management, medical~~  
29 ~~data processing, or other administrative services for~~  
30 ~~providers of health care or health care service plans or for~~  
31 ~~any of the persons or entities specified in paragraph (2).~~  
32 ~~However, no information so disclosed shall be further~~  
33 ~~disclosed by the recipient in any way that would be~~  
34 ~~violative of this part.~~

35 ~~(4) The information may be disclosed to organized~~  
36 ~~committees and agents of professional societies or of~~  
37 ~~medical staffs of licensed hospitals, licensed health care~~  
38 ~~service plans, professional standards review~~  
39 ~~organizations, utilization and quality control peer review~~  
40 ~~organizations as established by Congress in Public Law~~



1 97-248 in 1982, or persons or organizations insuring,  
2 responsible for, or defending professional liability that a  
3 provider may incur, if the committees, agents, plans,  
4 organizations, or persons are engaged in reviewing the  
5 competence or qualifications of health care professionals  
6 or in reviewing health care services with respect to  
7 medical necessity, level of care, quality of care, or  
8 justification of charges.

9 (5) The information in the possession of any provider  
10 of health care or health care service plan may be  
11 reviewed by any private or public body responsible for  
12 licensing or accrediting the provider of health care or  
13 health care service plan. However, no patient identifying  
14 medical information may be removed from the premises  
15 except as expressly permitted or required elsewhere by  
16 law.

17 (6) The information may be disclosed to the county  
18 coroner in the course of an investigation by the coroner's  
19 office when requested for all purposes not included in  
20 paragraph (8) of subdivision (b).

21 (7) The information may be disclosed to public  
22 agencies, clinical investigators, including investigators  
23 conducting epidemiologic studies, health care research  
24 organizations, and accredited public or private nonprofit  
25 educational or health care institutions for bona fide  
26 research purposes. However, no information so disclosed  
27 shall be further disclosed by the recipient in any way that  
28 would disclose the identity of any patient or be violative  
29 of this part.

30 (8) A provider of health care or health care service  
31 plan that has created medical information as a result of  
32 employment-related health care services to an employee  
33 conducted at the specific prior written request and  
34 expense of the employer may disclose to the employee's  
35 employer that part of the information that:

36 (A) Is relevant in a law suit, arbitration, grievance, or  
37 other claim or challenge to which the employer and the  
38 employee are parties and in which the patient has placed  
39 in issue his or her medical history, mental or physical  
40 condition, or treatment, provided that information may



1 ~~only be used or disclosed in connection with that~~  
2 ~~proceeding.~~

3 ~~(B) Describes functional limitations of the patient that~~  
4 ~~may entitle the patient to leave from work for medical~~  
5 ~~reasons or limit the patient's fitness to perform his or her~~  
6 ~~present employment, provided that no statement of~~  
7 ~~medical cause is included in the information disclosed.~~

8 ~~(9) Unless the provider of health care or health care~~  
9 ~~service plan is notified in writing of an agreement by the~~  
10 ~~sponsor, insurer, or administrator to the contrary, the~~  
11 ~~information may be disclosed to a sponsor, insurer, or~~  
12 ~~administrator of a group or individual insured or~~  
13 ~~uninsured plan or policy that the patient seeks coverage~~  
14 ~~by or benefits from, if the information was created by the~~  
15 ~~provider of health care or health care service plan as the~~  
16 ~~result of services conducted at the specific prior written~~  
17 ~~request and expense of the sponsor, insurer, or~~  
18 ~~administrator for the purpose of evaluating the~~  
19 ~~application for coverage or benefits.~~

20 ~~(10) The information may be disclosed to a health care~~  
21 ~~service plan by providers of health care that contract with~~  
22 ~~the health care service plan and may be transferred~~  
23 ~~among providers of health care that contract with the~~  
24 ~~health care service plan, for the purpose of administering~~  
25 ~~the health care service plan. Medical information may not~~  
26 ~~otherwise be disclosed by a health care service plan~~  
27 ~~except in accordance with the provisions of this part.~~

28 ~~(11) Nothing in this part shall prevent the disclosure~~  
29 ~~by a provider of health care or a health care service plan~~  
30 ~~to an insurance institution, agent, or support~~  
31 ~~organization, subject to Article 6.6 (commencing with~~  
32 ~~Section 791) of Part 2 of Division 1 of the Insurance Code,~~  
33 ~~of medical information if the insurance institution, agent,~~  
34 ~~or support organization has complied with all~~  
35 ~~requirements for obtaining the information pursuant to~~  
36 ~~Article 6.6 (commencing with Section 791) of Part 2 of~~  
37 ~~Division 1 of the Insurance Code.~~

38 ~~(12) The information relevant to the patient's~~  
39 ~~condition and care and treatment provided may be~~  
40 ~~disclosed to a probate court investigator engaged in~~



~~1 determining the need for an initial conservatorship or  
2 continuation of an existent conservatorship, if the patient  
3 is unable to give informed consent, or to a probate court  
4 investigator, probation officer, or domestic relations  
5 investigator engaged in determining the need for an  
6 initial guardianship or continuation of an existent  
7 guardianship.~~

~~8 (13) The information may be disclosed to an organ  
9 procurement organization or a tissue bank processing the  
10 tissue of a decedent for transplantation into the body of  
11 another person, but only with respect to the donating  
12 decedent, for the purpose of aiding the transplant. For  
13 the purpose of this paragraph, the terms “tissue bank”  
14 and “tissue” have the same meaning as defined in Section  
15 1635 of the Health and Safety Code.~~

~~16 (14) The information may be disclosed when the  
17 disclosure is otherwise specifically authorized by law,  
18 such as the voluntary reporting, either directly or  
19 indirectly, to the federal Food and Drug Administration  
20 of adverse events related to drug products or medical  
21 device problems.~~

~~22 (15) Basic information including the patient’s name,  
23 city of residence, age, sex, and general condition may be  
24 disclosed to a state or federally recognized disaster relief  
25 organization for the purpose of responding to disaster  
26 welfare inquiries.~~

~~27 (16) The information may be disclosed to a third party  
28 for purposes of encoding, encrypting, or otherwise  
29 anonymizing data. However, no information so disclosed  
30 shall be further disclosed by the recipient in any way that  
31 would be violative of this part, including the  
32 unauthorized manipulation of coded or encrypted  
33 medical information that reveals individually identifiable  
34 medical information.~~

~~35 (17) For purposes of chronic disease management  
36 programs, information may be disclosed to any entity  
37 contracting with a health care service plan to monitor or  
38 administer care of enrollees for a covered benefit,  
39 provided that the disease management services and care  
40 are authorized by a treating physician.~~



1 ~~(d) Except to the extent expressly authorized by the~~  
2 ~~patient or enrollee or subscriber or as provided by~~  
3 ~~subdivisions (b) and (c), no provider of health care,~~  
4 ~~health care service plan, or contractor shall intentionally~~  
5 ~~share, sell, or otherwise use any medical information for~~  
6 ~~any purpose not necessary to provide health care services~~  
7 ~~to the patient.~~

8 ~~(e) Except to the extent expressly authorized by the~~  
9 ~~patient or enrollee or subscriber or as provided by~~  
10 ~~subdivisions (b) and (c), no contractor shall further~~  
11 ~~disclose medical information regarding a patient of the~~  
12 ~~provider of health care or an enrollee or subscriber of a~~  
13 ~~health care service plan or insurer or self-insured~~  
14 ~~employer received under this section to any person or~~  
15 ~~entity that is not engaged in providing direct health care~~  
16 ~~services to the patient or his or her provider of health care~~  
17 ~~or health care service plan or insurer or self-insured~~  
18 ~~employer.~~

19 ~~(f) This section shall remain in effect only until~~  
20 ~~January 1, 2003, and as of that date is repealed, unless a~~  
21 ~~later enacted statute, that is enacted before January 1,~~  
22 ~~2003, deletes or extends that date.~~

23 ~~SEC. 2. Section 56.10 is added to the Civil Code, to~~  
24 ~~read:~~

25 ~~56.10. (a) No provider of health care, or health care~~  
26 ~~service plan, or contractor shall disclose medical~~  
27 ~~information regarding a patient of the provider of health~~  
28 ~~care or an enrollee or subscriber of a health care service~~  
29 ~~plan without first obtaining an authorization, except as~~  
30 ~~provided in subdivision (b) or (c).~~

31 ~~(b) A provider of health care, a health care service~~  
32 ~~plan, or a contractor shall disclose medical information if~~  
33 ~~the disclosure is compelled by any of the following:~~

34 ~~(1) By a court pursuant to an order of that court.~~

35 ~~(2) By a board, commission, or administrative agency~~  
36 ~~for purposes of adjudication pursuant to its lawful~~  
37 ~~authority.~~

38 ~~(3) By a party to a proceeding before a court or~~  
39 ~~administrative agency pursuant to a subpoena, subpoena~~  
40 ~~duces tecum, notice to appear served pursuant to Section~~



1 ~~1987 of the Code of Civil Procedure, or any provision~~  
2 ~~authorizing discovery in a proceeding before a court or~~  
3 ~~administrative agency.~~

4 ~~(4) By a board, commission, or administrative agency~~  
5 ~~pursuant to an investigative subpoena issued under~~  
6 ~~Article 2 (commencing with Section 11180) of Chapter 2~~  
7 ~~of Part 1 of Division 3 of Title 2 of the Government Code.~~

8 ~~(5) By an arbitrator or arbitration panel, when~~  
9 ~~arbitration is lawfully requested by either party, pursuant~~  
10 ~~to a subpoena duces tecum issued under Section 1282.6 of~~  
11 ~~the Code of Civil Procedure, or any other provision~~  
12 ~~authorizing discovery in a proceeding before an~~  
13 ~~arbitrator or arbitration panel.~~

14 ~~(6) By a search warrant lawfully issued to a~~  
15 ~~governmental law enforcement agency.~~

16 ~~(7) By the patient or the patient's representative~~  
17 ~~pursuant to Chapter 1 (commencing with Section~~  
18 ~~123100) of Part 1 of Division 106 of the Health and Safety~~  
19 ~~Code.~~

20 ~~(8) When otherwise specifically required by law.~~

21 ~~(e) A provider of health care, or a health care service~~  
22 ~~plan may disclose medical information as follows:~~

23 ~~(1) The information may be disclosed to providers of~~  
24 ~~health care, health care service plans, or other health care~~  
25 ~~professionals or facilities for purposes of diagnosis or~~  
26 ~~treatment of the patient. This includes, in an emergency~~  
27 ~~situation, the communication of patient information by~~  
28 ~~radio transmission between emergency medical~~  
29 ~~personnel at the scene of an emergency, or in an~~  
30 ~~emergency medical transport vehicle, and emergency~~  
31 ~~medical personnel at a health facility licensed pursuant to~~  
32 ~~Chapter 2 (commencing with Section 1200) of Division~~  
33 ~~2 of the Health and Safety Code.~~

34 ~~(2) The information may be disclosed to an insurer,~~  
35 ~~employer, health care service plan, hospital service plan,~~  
36 ~~employee benefit plan, governmental authority, or any~~  
37 ~~other person or entity responsible for paying for health~~  
38 ~~care services rendered to the patient, to the extent~~  
39 ~~necessary to allow responsibility for payment to be~~  
40 ~~determined and payment to be made. If (A) the patient~~



1 is, by reason of a comatose or other disabling medical  
2 condition, unable to consent to the disclosure of medical  
3 information and (B) no other arrangements have been  
4 made to pay for the health care services being rendered  
5 to the patient, the information may be disclosed to a  
6 governmental authority to the extent necessary to  
7 determine the patient's eligibility for, and to obtain,  
8 payment under a governmental program for health care  
9 services provided to the patient. The information may  
10 also be disclosed to another provider of health care or  
11 health care service plan as necessary to assist the other  
12 provider or health care service plan in obtaining payment  
13 for health care services rendered by that provider of  
14 health care or health care service plan to the patient.

15 (3) The information may be disclosed to any person or  
16 entity that provides billing, claims management, medical  
17 data processing, or other administrative services for  
18 providers of health care or health care service plans or for  
19 any of the persons or entities specified in paragraph (2).  
20 However, no information so disclosed shall be further  
21 disclosed by the recipient in any way that would be  
22 violative of this part.

23 (4) The information may be disclosed to organized  
24 committees and agents of professional societies or of  
25 medical staffs of licensed hospitals, licensed health care  
26 service plans, professional standards review  
27 organizations, utilization and quality control peer review  
28 organizations as established by Congress in Public Law  
29 97-248 in 1982, or persons or organizations insuring,  
30 responsible for, or defending professional liability that a  
31 provider may incur, if the committees, agents, plans,  
32 organizations, or persons are engaged in reviewing the  
33 competence or qualifications of health care professionals  
34 or in reviewing health care services with respect to  
35 medical necessity, level of care, quality of care, or  
36 justification of charges.

37 (5) The information in the possession of any provider  
38 of health care or health care service plan may be  
39 reviewed by any private or public body responsible for  
40 licensing or accrediting the provider of health care or



1 ~~health care service plan. However, no patient identifying~~  
2 ~~medical information may be removed from the premises~~  
3 ~~except as expressly permitted or required elsewhere by~~  
4 ~~law.~~

5 ~~(6) The information may be disclosed to the county~~  
6 ~~coroner in the course of an investigation by the coroner's~~  
7 ~~office.~~

8 ~~(7) The information may be disclosed to public~~  
9 ~~agencies, clinical investigators, including investigators~~  
10 ~~conducting epidemiologic studies, health care research~~  
11 ~~organizations, and accredited public or private nonprofit~~  
12 ~~educational or health care institutions for bona fide~~  
13 ~~research purposes. However, no information so disclosed~~  
14 ~~shall be further disclosed by the recipient in any way that~~  
15 ~~would disclose the identity of any patient or be violative~~  
16 ~~of this part.~~

17 ~~(8) A provider of health care or health care service~~  
18 ~~plan that has created medical information as a result of~~  
19 ~~employment-related health care services to an employee~~  
20 ~~conducted at the specific prior written request and~~  
21 ~~expense of the employer may disclose to the employee's~~  
22 ~~employer that part of the information that:~~

23 ~~(A) Is relevant in a law suit, arbitration, grievance, or~~  
24 ~~other claim or challenge to which the employer and the~~  
25 ~~employee are parties and in which the patient has placed~~  
26 ~~in issue his or her medical history, mental or physical~~  
27 ~~condition, or treatment, provided that information may~~  
28 ~~only be used or disclosed in connection with that~~  
29 ~~proceeding.~~

30 ~~(B) Describes functional limitations of the patient that~~  
31 ~~may entitle the patient to leave from work for medical~~  
32 ~~reasons or limit the patient's fitness to perform his or her~~  
33 ~~present employment, provided that no statement of~~  
34 ~~medical cause is included in the information disclosed.~~

35 ~~(9) Unless the provider of health care or health care~~  
36 ~~service plan is notified in writing of an agreement by the~~  
37 ~~sponsor, insurer, or administrator to the contrary, the~~  
38 ~~information may be disclosed to a sponsor, insurer, or~~  
39 ~~administrator of a group or individual insured or~~  
40 ~~uninsured plan or policy that the patient seeks coverage~~



1 by or benefits from, if the information was created by the  
2 provider of health care or health care service plan as the  
3 result of services conducted at the specific prior written  
4 request and expense of the sponsor, insurer, or  
5 administrator for the purpose of evaluating the  
6 application for coverage or benefits.

7 (10) The information may be disclosed to a health care  
8 service plan by providers of health care that contract with  
9 the health care service plan and may be transferred  
10 among providers of health care that contract with the  
11 health care service plan, for the purpose of administering  
12 the health care service plan. Medical information may not  
13 otherwise be disclosed by a health care service plan  
14 except in accordance with the provisions of this part.

15 (11) Nothing in this part shall prevent the disclosure  
16 by a provider of health care or a health care service plan  
17 to an insurance institution, agent, or support  
18 organization, subject to Article 6.6 (commencing with  
19 Section 791) of Part 2 of Division 1 of the Insurance Code,  
20 of medical information if the insurance institution, agent,  
21 or support organization has complied with all  
22 requirements for obtaining the information pursuant to  
23 Article 6.6 (commencing with Section 791) of Part 2 of  
24 Division 1 of the Insurance Code.

25 (12) The information relevant to the patient's  
26 condition and care and treatment provided may be  
27 disclosed to a probate court investigator engaged in  
28 determining the need for an initial conservatorship or  
29 continuation of an existent conservatorship, if the patient  
30 is unable to give informed consent, or to a probate court  
31 investigator, probation officer, or domestic relations  
32 investigator engaged in determining the need for an  
33 initial guardianship or continuation of an existent  
34 guardianship.

35 (13) The information may be disclosed to an organ  
36 procurement organization or a tissue bank processing the  
37 tissue of a decedent for transplantation into the body of  
38 another person, but only with respect to the donating  
39 decedent, for the purpose of aiding the transplant. For  
40 the purpose of this paragraph, the terms "tissue bank"



1 and “tissue” have the same meaning as defined in Section  
2 1635 of the Health and Safety Code.

3 (14) The information may be disclosed when the  
4 disclosure is otherwise specifically authorized by law,  
5 such as the voluntary reporting, either directly or  
6 indirectly, to the federal Food and Drug Administration  
7 of adverse events related to drug products or medical  
8 device problems.

9 (15) Basic information including the patient’s name,  
10 city of residence, age, sex, and general condition may be  
11 disclosed to a state or federally recognized disaster relief  
12 organization for the purpose of responding to disaster  
13 welfare inquiries.

14 (16) The information may be disclosed to a third party  
15 for purposes of encoding, encrypting, or otherwise  
16 anonymizing data. However, no information so disclosed  
17 shall be further disclosed by the recipient in any way that  
18 would be violative of this part, including the  
19 unauthorized manipulation of coded or encrypted  
20 medical information that reveals individually identifiable  
21 medical information.

22 (17) For purposes of chronic disease management  
23 programs, information may be disclosed to any entity  
24 contracting with a health care service plan to monitor or  
25 administer care of enrollees for a covered benefit,  
26 provided that the disease management services and care  
27 are authorized by a treating physician.

28 (d) Except to the extent expressly authorized by the  
29 patient or enrollee or subscriber or as provided by  
30 subdivisions (b) and (e), no provider of health care,  
31 health care service plan, or contractor shall intentionally  
32 share, sell, or otherwise use any medical information for  
33 any purpose not necessary to provide health care services  
34 to the patient.

35 (e) Except to the extent expressly authorized by the  
36 patient or enrollee or subscriber or as provided by  
37 subdivisions (b) and (e), no contractor shall further  
38 disclose medical information regarding a patient of the  
39 provider of health care or an enrollee or subscriber of a  
40 health care service plan or insurer or self-insured



1 ~~employer received under this section to any person or~~  
2 ~~entity that is not engaged in providing direct health care~~  
3 ~~services to the patient or his or her provider of health care~~  
4 ~~or health care service plan or insurer or self-insured~~  
5 ~~employer.~~

6 ~~(f) This section shall become operative on January 1,~~  
7 ~~2004.~~

8 ~~SEC. 3.~~

9 *SEC. 2.* Section 27491.1 of the Government Code is  
10 amended to read:

11 27491.1. In all cases in which a person has died under  
12 circumstances that afford a reasonable ground to suspect  
13 that the person's death has been occasioned by the act of  
14 another by criminal means, the coroner, upon  
15 determining that those reasonable grounds exist, shall  
16 immediately notify the law enforcement agency having  
17 jurisdiction over the criminal investigation. Notification  
18 shall be made by the most direct communication  
19 available. The report shall state the name of the deceased  
20 person, if known, the location of the remains, and other  
21 information received by the coroner relating to the  
22 death, including any medical information of the decedent  
23 that is directly related to the death. The report shall not  
24 include any information contained in the decedent's  
25 medical records regarding any other person unless that  
26 information is relevant and directly related to the  
27 decedent's death.

28 ~~SEC. 4.~~

29 *SEC. 3.* Section 27491.8 of the Government Code is  
30 amended to read:

31 27491.8. (a) When the coroner seeks a confidential  
32 communication of a deceased person that is privileged  
33 under Article 6 (commencing with Section 990) or  
34 Article 7 (commencing with Section 1010) of Chapter 4  
35 of Division 8 of the Evidence Code, by means of a  
36 subpoena or subpoena duces tecum, for the purpose of  
37 inquiry into, and determination of, the circumstances,  
38 manner, and cause of death as set forth in Section 27491,  
39 or for the sole purpose of being introduced as evidence at  
40 a coroner's inquest proceeding, the coroner shall provide



1 notice to the decedent's personal representative,  
2 appointed by the court, if any personally or at his or her  
3 last known address, not less than seven days prior to the  
4 date the records are to be delivered to the presiding judge  
5 of the superior court. If no personal representative has  
6 been appointed by the court, the coroner shall provide  
7 notice to the person who has the right to control  
8 disposition of the decedent's remains, as defined in  
9 paragraphs (1) to (4), inclusive, of subdivision (a) of, and  
10 paragraphs (1) and (2) of subdivision (b) of Section 7100  
11 of the Health and Safety Code, to the extent known. The  
12 notice shall inform the personal representative or the  
13 person with the right to control disposition of the  
14 decedent's remains that he or she may provide to the  
15 court a written objection to the disclosure or to any part  
16 thereof, on or before the date for delivery thereof to the  
17 court. The custodian shall deliver the records to the  
18 presiding judge of the superior court in a confidential  
19 manner. The presiding judge shall examine the records in  
20 camera. If there is good cause, the presiding judge shall  
21 direct the custodian to disclose to the coroner those  
22 portions of the records which the judge determines are  
23 relevant to the coroner's inquiry or inquest.

24 (b) A communication made available to the coroner  
25 pursuant to this section is confidential, and shall not be  
26 distributed or made available to any other person,  
27 agency, firm, or corporation, except as follows:

28 (1) When introduced into evidence at a coroner's  
29 inquest proceeding.

30 (2) When included in a coroner's official report for the  
31 purpose of establishing the cause, manner, and  
32 circumstances of death.

33 (3) When otherwise required by law.

34 (c) This communication shall not be admissible as  
35 former testimony pursuant to Article 9 (commencing  
36 with Section 1290) of Chapter 2 of Division 10 of the  
37 Evidence Code unless otherwise admissible by law.

38 (d) After the investigation or inquest has terminated,  
39 the court shall order the records produced to the coroner  
40 containing the confidential communication to be sealed



1 or destroyed if necessary to protect the confidentiality of  
2 the decedent's medical or mental health information.

3 (e) This section shall remain in effect only until  
4 January 1, ~~2004~~ 2003, and as of that date is repealed, unless  
5 a later enacted statute, that is enacted before January 1,  
6 ~~2004~~ 2003, deletes or extends that date.

7 ~~SEC. 5.~~

8 SEC. 4. Section 27491.8 is added to the Government  
9 Code, to read:

10 27491.8. (a) When the coroner seeks a confidential  
11 communication of a deceased person that is privileged  
12 under Article 6 (commencing with Section 990) or  
13 Article 7 (commencing with Section 1010) of Chapter 4  
14 of Division 8 of the Evidence Code, by means of a  
15 subpoena or subpoena duces tecum, for the purpose of  
16 inquiry into, and determination of, the circumstances,  
17 manner, and cause of death as set forth in Section 27491,  
18 or for the sole purpose of being introduced as evidence at  
19 a coroner's inquest proceeding, the coroner shall provide  
20 notice to the decedent's personal representative  
21 personally or at his or her last known address, not less than  
22 15 days prior to the date the records are to be delivered  
23 to the presiding judge of the superior court. The notice  
24 shall inform the personal representative that he or she  
25 may provide to the court a written objection to the  
26 disclosure or to any part thereof, on or before the date for  
27 delivery thereof to the court. The custodian shall deliver  
28 the records to the presiding judge of the superior court  
29 in a confidential manner. The presiding judge shall  
30 examine the records in camera. If there is good cause, the  
31 presiding judge shall direct the custodian to disclose to  
32 the coroner those portions of the records which the judge  
33 determines are relevant to the coroner's inquiry or  
34 inquest.

35 (b) A communication made available to the coroner  
36 pursuant to this section is confidential, except insofar as  
37 it is introduced into evidence at a coroner's inquest  
38 proceeding, and shall not be distributed or made  
39 available to any other person, agency, firm, or  
40 corporation.



1 (c) This communication shall not be admissible as  
2 former testimony pursuant to Article 9 (commencing  
3 with Section 1290) of Chapter 2 of Division 10 of the  
4 Evidence Code.

5 (d) After the investigation or inquest has terminated,  
6 the court shall order the records thereof to be sealed as  
7 necessary to protect the confidentiality of the decedent's  
8 medical or mental health information.

9 (e) This section shall become operative on January 1,  
10 ~~2004~~ 2003.

