

ASSEMBLY BILL

No. 535

Introduced by Assembly Member Ammiano

February 25, 2009

An act to add Section 102336 to the Health and Safety Code, and to amend Section 11174.8 of the Penal Code, relating to elder death review teams.

LEGISLATIVE COUNSEL'S DIGEST

AB 535, as introduced, Ammiano. Elder death review teams: information requests.

Existing law allows a county to establish an interagency elder death team to assist local agencies in identifying and reviewing suspicious elder deaths. Under existing law, the team may request specified information for their review, subject to prescribed confidentiality requirements.

This bill would allow the elder death team to request and obtain copies of certificates of death from the local registrar of births and deaths, subject to any fee requirements.

Under existing law, deaths are required to be registered with the local registrar of births and deaths in the district in which the death occurs. Existing law requires the State Department of Public Health to enforce the laws pertaining to vital records, including certificates of death. Existing law requires the department to implement an Internet-based electronic death registration system.

This bill would require the registrar of births and deaths in a county that elects to participate in the Internet-based electronic death registration system to provide specified information in a report to the

chair, cochair, or the agent of the chair or cochair upon request of a county death review team.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 102336 is added to the Health and Safety
2 Code, to read:

3 102336. (a) Notwithstanding paragraph (2) of subdivision (b)
4 of Section 11174.8 of the Penal Code, upon request, a local
5 registrar of births and deaths in a county that elects to participate
6 in the Internet-based electronic death registration system
7 established pursuant to Section 102778 shall provide, from
8 information obtained from the death certificates, to the chair,
9 cochair, or any agent of the chair or cochair of a county elder death
10 review team established pursuant to Article 2.7 (commencing with
11 Section 1174.4) of Title 1 of Part 4 of the Penal Code a report
12 containing all the following information, sorted by any one of the
13 factors:

14 (1) Place of death.

15 (2) Name, last name followed by first name.

16 (3) Date of death.

17 (4) Cause of death.

18 (b) A local registrar subject to this section shall comply with
19 the requirements of this section on or before July 1, 2010, or a
20 reasonable time thereafter, but in no case later than December 1,
21 2010.

22 SEC. 2. Section 11174.8 of the Penal Code is amended to read:

23 11174.8. (a) Each organization represented on an elder death
24 review team may share with other members of the team information
25 in its possession concerning the decedent who is the subject of the
26 review or any person who was in contact with the decedent and
27 any other information deemed by the organization to be pertinent
28 to the review. Any information shared by an organization with
29 other members of a team is confidential. The intent of this
30 subdivision is to permit the disclosure to members of the team of
31 any information deemed confidential, privileged, or prohibited
32 from disclosure by any other provision of law.

1 (b) (1) Written and oral information may be disclosed to an
2 elder death review team established pursuant to this section. The
3 team may make a request in writing for the information sought
4 and any person with information of the kind described in paragraph
5 (3) may rely on the request in determining whether information
6 may be disclosed to the team.

7 (2) No individual or agency that has information governed by
8 this subdivision shall be required to disclose information. The
9 intent of this subdivision is to allow the voluntary disclosure of
10 information by the individual or agency that has the information.

11 (3) The following information may be disclosed pursuant to this
12 subdivision:

13 (A) Notwithstanding Section 56.10 of the Civil Code, medical
14 information.

15 (B) Notwithstanding Section 5328 of the Welfare and
16 Institutions Code, mental health information.

17 (C) Notwithstanding Section 15633.5 of the Welfare and
18 Institutions Code, information from elder abuse reports and
19 investigations, except the identity of persons who have made
20 reports, which shall not be disclosed.

21 (D) State summary criminal history information, criminal
22 offender record information, and local summary criminal history
23 information, as defined in Sections 11075, 11105, and 13300.

24 (E) Notwithstanding Section 11163.2, information pertaining
25 to reports by health practitioners of persons suffering from physical
26 injuries inflicted by means of a firearm or of persons suffering
27 physical injury where the injury is a result of assaultive or abusive
28 conduct.

29 (F) Information provided to probation officers in the course of
30 the performance of their duties, including, but not limited to, the
31 duty to prepare reports pursuant to Section 1203.10, as well as the
32 information on which these reports are based.

33 (G) Notwithstanding Section 10825 of the Welfare and
34 Institutions Code, records relating to in-home supportive services,
35 unless disclosure is prohibited by federal law.

36 (H) *Copies of certificates of death from the local registrar of*
37 *births and deaths, subject to any fee requirements.*

38 (c) Written and oral information may be disclosed under this
39 section notwithstanding Sections 2263, 2918, 4982, and 6068 of
40 the Business and Professions Code, the lawyer-client privilege

1 protected by Article 3 (commencing with Section 950) of Chapter
2 4 of Division 8 of the Evidence Code, the physician-patient
3 privilege protected by Article 6 (commencing with Section 990)
4 of Chapter 4 of Division 8 of the Evidence Code, and the
5 psychotherapist-patient privilege protected by Article 7
6 (commencing with Section 1010) of Chapter 4 of Division 8 of
7 the Evidence Code.

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