STATE OF NEW YORK

6846

2019-2020 Regular Sessions

IN SENATE

November 8, 2019

Introduced by Sen. AKSHAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to authorizing local or regional accidental fatality review teams

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Article 2 of the public health law is amended by adding a new title 8 to read as follows:

TITLE 8

LOCAL OR REGIONAL ACCIDENTAL FATALITY REVIEW TEAMS

Section 269. Local or regional accidental fatality review teams.

§ 269. Local or regional accidental fatality review teams. 1. An accidental fatality review team may be established at a local or regional level, with the approval of the department, for the purpose of investigating the unexpected or unexplained death of any person including but not limited to deaths suspected to be caused by overdose or suicide.

2. For the purposes of this section, a local or regional accidental fatality review team shall include, but need not be limited to, representatives from the department, county department of health, or, should the locality not have a county department of health, the local health commissioner or his or her designee or the local public health director or his or her designee, office of mental health, office of alcoholism and substance abuse, county department of mental health, office of the medical examiner, or, should the locality not have a medical examiner, office of the coroner, office of the district attorney, office of the county attorney, local and state law enforcement, emergency medical services, a physician or comparable medical professional, preferably with expertise in the areas of substance abuse or mental health, and a substance abuse program provider. A local or regional accidental fatality review team may also include representatives from medical facilities,

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13895-01-9

including hospitals or other appropriate agencies or institutions, domestic violence agencies, and substance abuse programs.

3. A local or regional accidental fatality review team established pursuant to this section shall have access to all records, except those protected by statutory privilege, within twenty-one days of receipt of a request.

4. Members of a local or regional accidental fatality review team, persons attending a meeting of a local or regional accidental fatality review team, and persons who present information to a local or regional accidental fatality review team shall have immunity from civil and criminal liability for all reasonable and good faith actions taken pursuant to this section, and shall not be questioned in any civil or criminal proceeding regarding any opinions formed as a result of a meeting of a local or regional accidental fatality review team. Nothing in this section shall be construed to prevent a person from testifying as to information obtained independently of a local or regional accidental fatality review team or which is public information.

5. (a) All meetings conducted and all reports and records made and maintained, and books and papers obtained, by a local or regional accidental fatality review team shall be confidential and not open to the general public except by court order and except for an annual report or a fatality report, if the fatality review team chooses to complete such an annual report or fatality report. Any such annual report or fatality report shall not contain any individually identifiable information and shall be provided to the department upon completion. The department shall forward copies of any such report to all other local or regional accidental fatality review teams established pursuant to this section, and to the governor, the temporary president of the senate and the speaker of the assembly.

(b) Any fatality report completed pursuant to this section shall include (i) the cause of death, whether from natural or other causes, (ii) identification of any services provided or actions taken regarding such person and his or her family including prior to such person's death, (iii) any extraordinary or pertinent information concerning the circumstances of such person's death, (iv) any action or further investigation undertaken by the department since the death of the person, and (v) as appropriate, recommendations for local or state administrative or policy changes.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.