

STATE OF NEW YORK

2032

2021-2022 Regular Sessions

IN SENATE

January 19, 2021

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

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:

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

TITLE 8

LOCAL OR REGIONAL ACCIDENTAL FATALITY REVIEW TEAMS

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4
5 Section 269. Local or regional accidental fatality review teams.

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

11 2. For the purposes of this section, a local or regional accidental
12 fatality review team shall include, but need not be limited to, repre-
13 sentatives from the department, county department of health, or, should
14 the locality not have a county department of health, the local health
15 commissioner or his or her designee or the local public health director
16 or his or her designee, office of mental health, office of alcoholism
17 and substance abuse, county department of mental health, office of the
18 medical examiner, or, should the locality not have a medical examiner,
19 office of the coroner, office of the district attorney, office of the
20 county attorney, local and state law enforcement, emergency medical
21 services, a physician or comparable medical professional, preferably
22 with expertise in the areas of substance abuse or mental health, and a
23 substance abuse program provider. A local or regional accidental fatali-
24 ty 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.

LBD04313-01-1

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

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

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

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

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

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