

REVENUE: No revenue impact

FISCAL: No fiscal impact

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Action:	Do Pass
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	5/12

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**WHAT THE MEASURE DOES:** Requires health care provider to notify appropriate county medical examiner of a death and provide medical records, tissue samples and other necessary material if requested to do so. Clarifies that anyone who cooperates with medical examiner does not waive any claim of privilege or confidentiality. Clarifies that except for parent, child, spouse or suspect in a murder investigation, medical records can only be released by court order. Allows siblings to obtain copy of medical report. Declares an emergency; effective upon passage.

**ISSUES DISCUSSED:**

- Scope of medical examiner's authority
- Exemptions to public records law
- Limiting access to medical examiner reports

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Currently, all peace officers, physicians, embalmers, supervisors of penal institutions and supervisors of hospitals or institutions that care for the ill or helpless must cooperate with the county medical examiner and provide medical records, tissue samples and other necessary material needed to conduct a death investigation. These persons must also notify the county medical examiner of a death. The recent Oregon Court of Appeals case, *Colby v. Gunson*, A1333979, (December 24, 2008), found that state medical examiner records are public records subject to disclosure.