

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Bonamici, Boquist, Dingfelder, Whitsett, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Bill Taylor, Counsel
<b>Meeting Dates:</b>	1/29, 2/23, 3/17, 4/6, 4/10

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**WHAT THE MEASURE DOES:** Requires a health care provider to notify the 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 the medical examiner does not waive any claim of privilege or the confidentiality of the materials and records provided. Clarifies that except for a parent, child, spouse or a suspect in a murder investigation medical records can only otherwise be released by court order. Allows siblings to obtain a copy of the medical report. Declares an emergency clause; effective upon passage.

**ISSUES DISCUSSED:**

- Tied into the public records laws
- Need for health care providers to provide information to the medical examiner
- Makes the bill applicable to all “health care providers,” not just “mental health care providers”

**EFFECT OF COMMITTEE AMENDMENT:** Clarifies that anyone who cooperates with the medical examiner does not waive any claim of privilege or the confidentiality of the materials and records provided. Clarifies that except for a parent, child, spouse or a suspect in a murder investigation medical records can only otherwise be released by court order. Makes the bill applicable to all “health care providers,” not just “mental health care providers.” Allows a sibling or siblings to obtain a copy of the medical report. Adds an emergency clause.

**BACKGROUND:** Currently, all peace officers, physicians, embalmers, supervisors of penal institutions and supervisors of hospitals or institutions for caring of 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 and must 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.

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