

SENATE BILL NO. 1232

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on _____)

(Patron Prior to Substitute--Senator Dunnivant)

A BILL to amend and reenact § 32.1-283 of the Code of Virginia, relating to death investigations; individuals receiving services in a state hospital or training center.

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-283 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-283. Investigation of deaths; obtaining consent to removal of organs, etc.; fees.

A. Upon the death of any person from trauma, injury, violence, poisoning, accident, suicide, or homicide, or suddenly when in apparent good health, or when unattended by a physician, or in jail, prison, or other correctional institution, or in police custody, or who ~~is~~ was at the time of his death, or immediately prior to admission to another hospital, an individual receiving services in a state hospital or training center operated by the Department of Behavioral Health and Developmental Services whether the death of such individual was expected or unexpected, or suddenly as an apparent result of fire, or in any suspicious, unusual, or unnatural manner, or the sudden death of any infant, the Office of the Chief Medical Examiner shall be notified by the physician in attendance, hospital, law-enforcement officer, funeral director, or any other person having knowledge of such death. Good faith efforts shall be made by any person or institution having initial custody of the dead body to identify and to notify the next of kin of the decedent. Notification shall include informing the person presumed to be the next of kin that he has a right to have identification of the decedent confirmed without due delay and without being held financially responsible for any procedures performed for the purpose of the identification. Identity of the next of kin, if determined, shall be provided to the Office of the Chief Medical Examiner upon transfer of the dead body.

B. Upon being notified of a death as provided in subsection A, the Office of the Chief Medical Examiner shall take charge of the dead body and the Chief Medical Examiner shall cause an investigation

27 into the cause and manner of death to be made and a full report, which shall include written findings, to
28 be prepared. In order to facilitate the investigation, the Office of the Chief Medical Examiner is authorized
29 to inspect and copy the pertinent medical records of the decedent whose death is the subject of the
30 investigation. Full directions as to the nature, character, and extent of the investigation to be made in such
31 cases shall be furnished each medical examiner appointed pursuant to § 32.1-282 by the Office of the
32 Chief Medical Examiner, together with appropriate forms for the required reports and instructions for their
33 use. The facilities and personnel of the Office of the Chief Medical Examiner shall be made available to
34 any medical examiner investigating a death in accordance with this section. Reports and findings of the
35 Office of the Chief Medical Examiner shall be confidential and shall not under any circumstance be
36 disclosed or made available for discovery pursuant to a court subpoena or otherwise, except as provided
37 in this chapter. Nothing in this subsection shall prohibit the Office of the Chief Medical Examiner from
38 releasing the cause or manner of death or prohibit disclosure of reports or findings to the parties in a
39 criminal case.

40 C. A copy of each report pursuant to this section shall be delivered to the appropriate attorney for
41 the Commonwealth and to the appropriate law-enforcement agency investigating the death. A copy of any
42 such report regarding the death of a victim of a traffic accident shall be furnished upon request to the State
43 Police and the Highway Safety Commission. In addition, a copy of any ~~autopsy~~ report concerning an
44 individual who was receiving services, or who immediately prior to admission to another hospital received
45 services, in a state hospital or training center operated by the Department of Behavioral Health and
46 Developmental Services shall be delivered to the Commissioner of Behavioral Health and Developmental
47 Services and to the State Inspector General. A copy of any autopsy report concerning a prisoner committed
48 to the custody of the Director of the Department of Corrections shall, upon request of the Director of the
49 Department of Corrections, be delivered to the Director of the Department of Corrections. A copy of any
50 autopsy report concerning a prisoner committed to any local correctional facility shall be delivered to the
51 local sheriff or superintendent. Upon request, the Office of the Chief Medical Examiner shall release such
52 autopsy report to the decedent's attending physician and to the personal representative or executor of the
53 decedent. At the discretion of the Chief Medical Examiner, an autopsy report may be released to the

54 following persons in the following order of priority: (i) the spouse of the decedent, (ii) an adult son or
55 daughter of the decedent, (iii) either parent of the decedent, (iv) an adult sibling of the decedent, (v) any
56 other adult relative of the decedent in order of blood relationship, or (vi) any appropriate health facility
57 quality assurance program.

58 D. For each investigation under this article, including the making of the required reports, the
59 medical examiner appointed pursuant to § 32.1-282 shall receive a fee established by the Board within the
60 limitations of appropriations for the purpose. Such fee shall be paid by the Commonwealth if the deceased
61 is not a legal resident of the county or city in which his death occurred. In the event the deceased is a legal
62 resident of the county or city in which his death occurred, such county or city shall be responsible for the
63 fee up to \$20. If the deceased is an individual who receives services in a state hospital or training center
64 operated by the Department of Behavioral Health and Developmental Services, the fee shall be paid by
65 the Department of Behavioral Health and Developmental Services.

66 E. Nothing herein shall be construed to interfere with the autopsy procedure or with the routine
67 obtaining of consent for removal of organs as conducted by surgical teams or others.

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