
A BILL FOR AN ACT

RELATING TO MORTALITY REVIEW OF DEATHS OF PERSONS WITH
DEVELOPMENTAL OR INTELLECTUAL DISABILITIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . MORTALITY REVIEW OF DEATHS OF PERSONS WITH**
5 **DEVELOPMENTAL OR INTELLECTUAL DISABILITIES**

6 **§321- Multidisciplinary and multiagency mortality**
7 **reviews.** The department may conduct multidisciplinary and
8 multiagency mortality reviews of deaths of persons with
9 developmental or intellectual disabilities in order to reduce
10 the incidence of preventable deaths to persons with
11 developmental or intellectual disabilities.

12 **§321- Definitions.** As used in this part:

13 "Adult" means a person eighteen years of age or older.

14 "Adult death review information" means information
15 regarding the adult person and person's family, including but
16 not limited to:

17 (1) Social, medical, and legal histories;



- 1 (2) Death and birth certificates;
- 2 (3) Law enforcement investigative data;
- 3 (4) Medical examiner or coroner investigative data;
- 4 (5) Parole and probation information and records;
- 5 (6) Information and records of social service agencies;
- 6 (7) Educational records; and
- 7 (8) Health care institution information.

8 "Department" means the department of health.

9 "Developmental disability" means a severe, chronic
10 disability of a person that:

- 11 (1) Is attributable to a mental or physical impairment or
12 combination of mental and physical impairments;
- 13 (2) Is manifested before the person attains age twenty-
14 two;
- 15 (3) Is likely to continue indefinitely;
- 16 (4) Results in substantial functional limitations in three
17 or more of the following areas of major life activity:
18 self-care, receptive and expressive language,
19 learning, mobility, self-direction, capacity for
20 independent living, and economic self-sufficiency; and
- 21 (5) Reflects the person's need for a combination and
22 sequence of special, interdisciplinary, or generic



1 care, treatment, or other services which are of
2 lifelong or extended duration and are individually
3 planned and coordinated.

4 "Director" means the director of health or the director's
5 designated representative.

6 "Disabled person" means an adult with a developmental or
7 intellectual disability.

8 "Intellectual Disability" means significantly sub-average
9 general intellectual functioning resulting in or associated with
10 concurrent moderate, severe, or profound impairments in adaptive
11 behavior and manifested during the developmental period.

12 "Preventable death" means a death that reasonable medical,
13 social, legal, psychological, or educational intervention may
14 have prevented.

15 "Provider of medical care" means any health care
16 practitioner who provides, or a facility through which is
17 provided, any medical evaluation or treatment, including dental
18 and mental health evaluation or treatment.

19 **§321- Access to information.** (a) Upon written request
20 by the director, all providers of medical care or other services
21 and state and county agencies shall disclose to the department
22 and those individuals appointed by the director to participate



1 in the mortality review of a death of a person with
2 developmental or intellectual disabilities, adult death review
3 information regarding the circumstances of a death of a person
4 with developmental or intellectual disabilities so that the
5 department may conduct multidisciplinary and multiagency
6 mortality reviews of deaths of persons with developmental or
7 intellectual disabilities pursuant to section 321-31 and this
8 part.

9 (b) To the extent that this section conflicts with other
10 state confidentiality laws, this section shall prevail.

11 **§321- Exception.** Information regarding an ongoing civil
12 or criminal investigation shall be disclosed at the discretion
13 of the applicable state, county, or federal law enforcement
14 agency.

15 **§321- Use of information and records from mortality**
16 **reviews of deaths of persons with developmental or intellectual**
17 **disabilities.** (a) Except as otherwise provided in this part,
18 all information and records acquired by the department during
19 its multidisciplinary and multiagency mortality reviews of
20 deaths of persons with developmental or intellectual
21 disabilities pursuant to this part is confidential and may be



1 disclosed only as necessary to carry out the purposes of this
2 part.

3 (b) Information and statistical compilations of data from
4 the multidisciplinary and multiagency mortality reviews of
5 deaths of persons with developmental or intellectual
6 disabilities that do not contain any information that would
7 permit the identification of any person shall be public records.

8 (c) No individual participating in the department's
9 multidisciplinary and multiagency mortality review of a death of
10 a person with developmental or intellectual disabilities may be
11 questioned in any civil or criminal proceeding regarding
12 information presented in or opinions formed as a result of a
13 meeting of the multidisciplinary and multiagency mortality
14 review of deaths of persons with developmental or intellectual
15 disabilities. Nothing in this subsection shall be construed to
16 prevent a person from testifying to information obtained
17 independently of the department's multidisciplinary and
18 multiagency mortality review of deaths of persons with
19 developmental or intellectual disabilities, or which is public
20 information, or where disclosure is required by law or court
21 order.



1 (d) Information held by the department as a result of a
2 multidisciplinary and multiagency mortality review of a death of
3 a person with developmental or intellectual disabilities
4 conducted under this part shall not be subject to subpoena,
5 discovery, or introduction into evidence in any civil or
6 criminal proceeding, except that information otherwise available
7 from other sources is not immune from subpoena, discovery, or
8 introduction into evidence through those sources solely because
9 they were provided as required by this part.

10 **§321- Immunity from liability.** All agencies and
11 individuals participating in multidisciplinary and multiagency
12 mortality reviews of deaths of persons with developmental or
13 intellectual disabilities pursuant to this part shall not be
14 held civilly or criminally liable for providing the information
15 required under this part."

16 SECTION 2. This Act shall take effect upon its approval.



Report Title:

Mortality Review for Persons with Developmental or Intellectual Disabilities

Description:

Creates a new part in chapter 321, Hawaii Revised Statutes, giving the Department of Health the authority to obtain all records for death review for persons with developmental or intellectual disabilities. (HB2559 HD1)

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