
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:

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

17 (2) Death and birth certificates;



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

7 "Department" means the department of health.

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

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



1 lifelong or extended duration and are individually
2 planned and coordinated.

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

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

7 "Intellectual disability" means significantly subaverage
8 general intellectual functioning resulting in or associated with
9 concurrent moderate, severe, or profound impairments in adaptive
10 behavior and manifested during the developmental period.

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

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

18 **§321- Access to information.** (a) Upon written request
19 of the director, all providers of medical care or other services
20 and state and county agencies shall disclose to the department
21 and to those individuals appointed by the director to
22 participate in the mortality review of a death of a person with



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

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

10 **§321- Exception.** Information regarding an ongoing civil
11 or criminal investigation shall be disclosed at the discretion
12 of the applicable state, county, or federal law enforcement
13 agency.

14 **§321- Use of information and records from mortality**
15 **reviews of deaths of persons with developmental or intellectual**
16 **disabilities.** (a) Except as otherwise provided in this part,
17 all information and records acquired by the department during
18 its multidisciplinary and multiagency mortality reviews of
19 deaths of persons with developmental or intellectual
20 disabilities pursuant to this part shall be kept confidential
21 and may be disclosed only as necessary to carry out the purposes
22 of this part.



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

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

20 (d) Information held by the department as a result of a
21 multidisciplinary and multiagency mortality review of a death of
22 a person with developmental or intellectual disabilities



1 conducted under this part shall not be subject to subpoena,
2 discovery, or introduction into evidence in any civil or
3 criminal proceeding, except that information otherwise available
4 from other sources shall not be immune from subpoena, discovery,
5 or introduction into evidence through those sources solely
6 because they were provided as required by this part.

7 **§321- Immunity from liability.** All agencies and
8 individuals participating in multidisciplinary and multiagency
9 mortality reviews of deaths of persons with developmental or
10 intellectual disabilities pursuant to this part shall not be
11 held civilly or criminally liable for providing the information
12 required under this part."

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



Report Title:

Mortality Review; Persons with Developmental or Intellectual Disabilities

Description:

Authorizes the Department of Health to conduct multidisciplinary and multiagency mortality reviews of deaths of persons with developmental or intellectual disabilities. Upon written request of the Director of Health, requires all providers of medical care or other services and state and country agencies to disclose adult death review information to the Department of Health and to those individuals appointed by the Director of Health to participate in the mortality review being conducted.
(SB2821 HD1)

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