



RI Department of Health
Three Capitol Hill
Providence, RI 02908-5097

TTY: 771
www.health.ri.gov

March 12, 2026

The Honorable Melissa A. Murray, Chair
Senate Committee on Health and Human Services
State House
82 Smith St.
Providence, RI 02903

RE: S 2891 – An Act Relating to Health and Safety -- Office of State Medical Examiners

Dear Chair Murray:

Please accept this letter regarding S 2891, legislation that would clarify and update language in the Rhode Island Department of Health's (RIDOH) Office of State Medical Examiners (OSME) statute to address outdated or ambiguous language, outdated practices, outdated position titles/qualifications, and ensure compliance with federal Health Insurance Portability and Accountability Act (HIPAA) requirements. This legislation was introduced at the request of RIDOH.

These amendments are needed as there are many sections of [R.I. Gen. Law 23-4 \(OSME\)](#) that need updates or clarifications to language due to outdated or ambiguous language, outdated practices, or outdated position titles/qualifications. Additionally, decedents are protected by HIPAA for 50 years after death, and there are sections where clarifications need to be included about what entities can receive information and under what conditions. This statute was never updated to align with HIPAA requirements.

With rare exception, this statute has not been updated in more than 50 years, and many of the sections are laden with outdated or ambiguous language and extremely out of date with current medicolegal death investigation practice. An example of ambiguous language would be with regards to "cause of death" investigations being "open to public inspection".

A summary of proposed amendments is as follows:

§ 23-4-1 Definitions

- Updated existing definition language (a)-(c) and (e)-(g) for completeness and clarity and to reflect current definitions
- Added definitions for *External Inspection* and *Death Investigation* to define terms added in other sections of the document

§ 23-4-2 Establishment of Office

- Name of the field in which accreditation is given was updated from "forensic medicine and pathology" to "medical examiner death investigation systems" to be consistent with current accrediting bodies language.

§ 23-4-3 Functions

- (5) Minor additions to existing language for clarity and consistency
- (6) Minor language changes for clarity and elimination of language that could be interpreted as a violation of HIPAA

- (7) Deleted existing language: OSME is not responsible for the burial of bodies for which there is no other existing legal responsibility to do so as that responsibility falls to DHS-GPA.
- (8) Deleted existing language: OSME neither develops or enforces procedures for the pronouncement of death or the transplantation of organs from bodies who have died within the State.
- Added new (7) OSME role in approving organ and tissue donation for decedents whose death is being investigated by OSME
- Added new (8) to clarify OSME making information available to the death review teams
- (9) (11) (12) (13) Inserted “supporting” to reflect the fact that OSME supports the teams but is not responsible for the teams.

§ 23-4-4 Jurisdiction

- Language updated throughout for consistency and clarity
- Language added to reflect additional deaths investigated, including those related to drugs, chemical substances, and toxicants
- Language added to include unexpected sudden deaths of persons in seemingly good health
- Language added to reflect deaths occurring in circumstances that are reportable to OSME as outlined in regulation

§ 23-4-4.1 Procedure for performance of autopsies against a family’s religious beliefs

- No changes; History of section has last date of 1990

§ 23-4-5 Chief Medical Examiner- Assistants and other staff

- a. Clarified language to be consistent with position requirements
- b. No change
- c. Deleted – (special circumstance language)

§ 23-4-6 State Medical Examiners Commission

- The amendments update the existing statutory language to better reflect mission and purpose of the Commission to focus on clinical matters. The existing wording dates to a time when medical examiner agencies were under prosecutorial agencies. As forensic science evolved, medical examiner agencies across the country became aligned under either public health authorities, forensic science entities, or public safety agencies rather than being under prosecutorial agencies.

§ 23-4-7 Reporting of certain deaths required – Violations - Penalties

- Updated language for completeness and clarity throughout
- Removed specific language as to particular circumstances and manner and replaced with “manner or circumstances enumerated in within 23-4-4 (a)(1) and (c)”
- Changed “shall be guilty of a misdemeanor” to “shall be reported to appropriate law enforcement” (a)(2) and (b) and (c)
- Added detail to not disturbing a body (a)(2)
- Added that “death in custody” is “defined by the US Department of Justice”
- Deleted (d) (HIPAA violation). The person’s attorney can subpoena OSME records.
- (e) Added hyperthermia, changed “Department of Elderly Affairs” to “Office of Healthy aging”
- (f) Replaced “physician” with “medical professional” and shortened pediatric death reporting from 24 hours to 6 hours to ensure a timely postmortem examination when necessary

§ 23-4-8 Procedure for the Investigation of Deaths

- Updated to reflect current practices; History of section has last date of 1988
- (b) Added additional facilities that need to release relevant records to assist OSME with determination of cause/manner of death

§ 23-4-9 Deaths in Public Places

- Updated and clarified language

§ 23-4-10 Disposition of deceased bodies

- Added (c) which gives OSME authorization to order the cremation of comingled remains from multiple fatality/mass fatality incidents that were not linked genetically to any identified single decedent

§ 23-4-11 Effects and Property of Deceased

- Updated for clarification and to reflect practice; History of section has a last date of 1973
 - Personal effects are signed for and released to the funeral home with the decedents body.
 - Reiterates the role of funeral homes responsibility to physically inspect the body to ensure all personal items are removed prior to final disposition
 - Securing decedent possessions if they die at a hotel or in a public place is the responsibility of the responding law enforcement agency.

§ 23-4-12 Compensation for recovery of body from water

- Deleted

§ 23-4-13 Establishment of Fees

- Updated language: The statute currently authorizes RIDOH to establish fees for autopsy reports, cremation, certificates, and statistics. The proposed amendments just updates current wording to authorize RIDOH to establish fees for documents “such as postmortem reports and authorization of cremations”. The proposed changes do not have a budgetary impact since the statute already authorizes RIDOH to establish fees through the regulatory process.

§ 23-4-14 Preservation of Tabular Reports

- Updated and added clarifying language; History of section has a last date of 1973
 - Changed 23-4-14 title to “Annual Reports”
 - Added description of annual statistical report and that it will be publicly posted and eliminated language referring to bound volumes of indexed tabular results
 - Added retention of reports in alignment with the State’s record retention schedule.

§ 23-4-14.1 (previously repealed)

§ 23-4-15 Morgue

- History of section has a last date of 1992; Updated language to reflect the minimum needs of a modern accredited medical examiner’s office/morgue

§ 23-4-16 Uniform determination of death

- No changes

RIDOH believes that these changes are needed to ensure that OSME can fully achieve its statutory responsibility to determine both the cause and manner of death related to deaths due to, or suspected of being due to, infectious disease or suspected infectious diseases that may represent a bioterrorism event or emerging infection; natural, nuclear, biological, chemical, or other mass casualty event; and homicidal,

suicidal, accidental or undetermined causes. I encourage the Committee members' favorable consideration of this important public health legislation.

Sincerely,

A handwritten signature in black ink that reads "Jerome M. Larkin". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Jerome M. Larkin, MD
Director

CC: The Honorable Members of the Senate Committee on Health and Human Services
The Honorable Lori Urso
Kristen Silvia, Director of Legislation and Deputy Chief of Staff
Patricia Resende, Director of Senate Policy