


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: January 26, 2021

SUBJECT: Fiscal Impact Statement – Medical Examiner Records Privacy
Amendment Act of 2021

REFERENCE: Draft Committee Print as provided to the Office of Revenue Analysis on
January 22, 2021

Conclusion

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill.

Background

The Office of the Chief Medical Examiner (OCME) performs investigations for violent, unexpected, suspicious, and other deaths¹ and produces all death-related reports for those persons. Current law restricts access to an OCME report, such as an external examination or autopsy, to certain law enforcement entities, the Child Fatality Review Committee, and other persons with a legitimate interest in the decedent.²

The bill expands the list of official entities eligible to receive OCME death reports to include a government health or safety organization³ and any fatality review committee.

¹ Establishment of the Office of the Chief Medical Examiner Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 5-1405).

² D.C. Official Code § 5-1412.

³ For example, the Centers for Disease Control and Prevention, the Consumer Product Safety Commission, the Federal Aviation Administration, the National Transportation Safety Board, and the Occupational Safety and Health Administration.

The Honorable Phil Mendelson

FIS: "Medical Examiner Records Privacy Amendment Act of 2021," Draft Committee Print as provided to the Office of Revenue Analysis on January 22, 2021

The bill establishes increased specificity around the release of death records to non-law enforcement or non-government related entities. The decedent's records can be released to a person with the right to control the decedent's remains. If the requestor does not have a right to the decedent's remains, then they must obtain written authorization from a person that does, they must be requesting under a properly issued subpoena, or are a healthcare provider or medical peer review committee undertaking a review of the decedent's care. The bill establishes what the courts should consider when evaluating a petition to release OCME death records, including if the public disclosure of the information outweighs the survivors'⁴ privacy rights. The bill restricts the disclosure of photographic evidence, videos, or other images; disclosure is only permitted for criminal proceedings, civil proceedings, or for medical or scientific education and research.

The bill also exempts OCME death records from freedom of information disclosures.

Financial Plan Impact

Funds are sufficient in the fiscal year 2021 through fiscal year 2024 budget and financial plan to implement the bill. The bill expands and clarifies the eligible recipients and disclosure requirements for the release of death related OCME documents. The bill's changes are consistent with existing OCME practices and will have no impact on OCME's budget.

⁴ Survivors include a decedent's spouse, spouse's parents, domestic partner, children, grandchildren, parents, grandparents, stepparents, uncles, aunts, nieces, nephews, siblings, or half-siblings.