


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: June 17, 2019

SUBJECT: Fiscal Impact Statement – Office of the Chief Medical Examiner Access to Documents and Records Retention Rulemaking Approval Resolution of 2019

REFERENCE: Draft Proposed Resolution as shared with the Office of Revenue Analysis on June 12, 2019

Conclusion

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the proposed resolution.

Background

The Office of the Chief Medical Examiner (OCME) investigates all deaths that occur in the District resulting from violence, occur unexpectedly, or pose a public health threat. OCME must keep records of every death it investigates and deliver those documents – in cases where further investigation is advised – or make available to the Mayor, the United States Attorney, the Metropolitan Police Department, and any other law enforcement agency or official. OCME also allows persons with a legitimate interest in death records to obtain copies of the records. If a person does not have a legitimate interest, she or he can get authorization from the next-of-kin, serve a subpoena, or obtain a court order to access the records.

The Honorable Phil Mendelson

FIS: "Office of the Chief Medical Examiner Access to Documents and Records Retention Rulemaking Approval Resolution of 2019," Draft Proposed Resolution as shared with the Office of Revenue Analysis on June 12, 2019

The proposed resolution approves rules that expand who is automatically authorized to receive or inspect records to include the Child Fatality Review Committee.¹ The rules also clarify the definition of legitimate interest,² expand how a person can claim legitimate interest, and require that a person without legitimate interest must obtain a court order to access records.

Financial Plan Impact

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the proposed resolution. OCME can absorb any costs associated with clarifying or enhancing OCME's recordkeeping and document release practices within its existing budgeted resources.

¹ Child Fatality Review Committee Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 4-1371.01 et seq.).

² A person with legitimate interest is the next-of-kin or her or his designee, one who needs records for government oversight, an entity in an agreement with OCME, a decedent survivor benefits payor, a medical service provider, or any of the automatic recipients of records pursuant to 28 DCMR § 5005.2.