

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1503

Citations Affected: IC 16-35-7; IC 16-37-1-9; IC 25-22.5-2-7; IC 31-33; IC 36-2-14.

Synopsis: Child deaths and coroners. Conference committee report for EHB 1503. Requires the state department of health to adopt rules for hospitals and physicians to identify suspicious deaths of children. Provides that the medical licensing board may certify certain physicians as a child death pathologist. Provides that the medical licensing board may approve an annual training program for pathologists concerning procedures for child death investigations. Requires a hospital, physician, coroner, or mental health professional to provide certain records requested by a local child fatality review team or the statewide child fatality review committee. Provides that a pathologist appointed to a local child fatality review team or the statewide child fatality review committee shall be certified in forensic pathology. Provides that data collected regarding an investigation by a local child fatality review team or the statewide child fatality review committee shall be provided to the appropriate coroner or pathologist who performed an autopsy. Requires a child death pathologist (CCDP) to: (1) consult with the coroner; (2) conduct certain autopsies; and (3) perform certain duties. Requires a coroner to notify a local child fatality review team or the statewide child fatality review committee of: (1) certain deaths of children; and (2) a possible SIDS death. Provides procedures to be followed if a coroner and a CCDP do not agree on whether an autopsy of a person less than 18 years of age is necessary. Increases the coroners continuing education fee to \$1.75 and raises the fee by \$0.25 in 2013 and every five years thereafter. Provides that a coroner shall file a certificate of death with a county health department within a specified time frame. Removes a provision allowing a coroner to employ the services of the medical examiner system. Provides that a parent or guardian of a child who died shall receive a copy of the autopsy report upon request. Provides that an autopsy report provided to the department of child services, a local child fatality review team, or the statewide child fatality review team is confidential. Provides that if a local child fatality review team or the statewide child fatality review committee requests certain records from a hospital, physician, coroner, or mental health professional, the requested records are subject to laws concerning privileged communications of health care provider peer review committees. Provides that, upon request, a hospital shall provide to a coroner a blood or tissue sample of an individual who is admitted or was admitted to the hospital and on whom the coroner performs a death investigation. Removes requirement that a coroner shall request the state police to ensure that persons entering certain data into certain databases have appropriate training to understand the information being entered. Requires a coroner to follow the Uniform Anatomical Gift Act concerning organ and

tissue procurement. Changes knowingly or intentionally failing to notify a coroner or law enforcement agency of the discovery of the body of a person who died from violence or in an apparently suspicious, unusual, or unnatural manner from a Class B infraction to a Class A misdemeanor if it is done with intent to hinder a criminal investigation. Makes it a Class D felony for a person, with intent to hinder a criminal investigation and without the permission of a coroner or a law enforcement officer, to knowingly or intentionally alter the scene of death of a person who has died from violence or in an apparently suspicious, unusual, or unnatural manner. (Current law provides that it is a Class D felony if a person moves or transports the body.) Makes it a Class B infraction for a person to knowingly or intentionally fail to notify a coroner or law enforcement agency of the discovery of the body of a child less than 3 years old who has died. Makes conforming amendments. Repeals provisions: (1) allowing a coroner to issue a warrant for the arrest of an individual whom the coroner is charging with a felony; and (2) requiring a coroner or a coroner's representative to attend meetings of the commission on forensic sciences when invited. **(This conference committee report: (1) provides that the medical licensing board may certify child death pathologists, including certain physicians certified by the American Board of Pathology or another certifying organization; (2) removes language providing that a forensic pathologist is considered qualified as a child death pathologist; (3) removes language allowing a local child fatality review team or the statewide child fatality review team to subpoena certain documents and instead requires a hospital, physician, coroner, or mental health professional to provide certain documents requested by a local child fatality review team or the statewide child fatality review committee; (4) removes language requiring a coroner to obtain court approval to make an autopsy report confidential; (5) allows a parent or guardian of a child who died to receive a copy of the autopsy report upon request; (6) provides that an autopsy report provided to the department of child services, a local child fatality review team, or the statewide child fatality review committee is confidential; (7) specifies the certification necessary to be a child death pathologist; (8) provides that a pathologist appointed to a local child fatality review team or the statewide child fatality review committee shall be certified in forensic pathology; (9) provides that data collected regarding an investigation by a local child fatality review team or the statewide child fatality review committee shall be provided to the appropriate coroner or pathologist who performed an autopsy; (10) provides that a person who fails to immediately notify a coroner or law enforcement of the discovery of a child less than 3 years of age commits a Class B infraction; (11) provides that the medical licensing board shall consult with certain pathologists regarding annual training programs for pathologists; (12) provides that if a local child fatality review team or the statewide child fatality review committee requests certain records from a hospital, physician, coroner, or mental health professional, the requested records are subject to laws concerning privileged communications of health care provider peer review committees; (13) provides that, upon request, a hospital shall provide to a coroner a blood or tissue sample of an individual who is admitted or was admitted to the hospital and on whom the coroner performs a death investigation; and (14) removes language from HEA 1306 concerning the requirement that a coroner shall request the state police to ensure that person entering certain data into certain databases have appropriate training to understand the information being entered.)**

Effective: July 1, 2007.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1503 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 16-35-7 IS ADDED TO THE INDIANA CODE AS
- 3 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2007]:
- 5 **Chapter 7. Deaths of Children**
- 6 **Sec. 1. The state department may receive funds from any source**
- 7 **and expend the funds for the administration of this chapter.**
- 8 **Sec. 2. The state department shall adopt rules under IC 4-22-2**
- 9 **requiring hospitals and physicians to identify suspicious deaths of**
- 10 **children who are less than eighteen (18) years of age.**
- 11 **Sec. 3. (a) The medical licensing board may adopt rules under**
- 12 **IC 4-22-2 to certify a child death pathologist and to require special**
- 13 **training to conduct autopsies on child fatalities.**
- 14 **(b) A child death pathologist must be a physician:**
- 15 **(1) who is certified by the American Board of Pathology in**
- 16 **forensic pathology;**
- 17 **(2) who is certified in anatomic pathology by:**
- 18 **(A) the American Board of Pathology; or**
- 19 **(B) another certifying organization that:**
- 20 **(i) is comparable to the American Board of Pathology in**
- 21 **its adherence to nationally or internationally recognized**
- 22 **certification standards; and**

- 1 (ii) has been approved and recognized by the medical
2 licensing board;
3 and has received special training in the area of child fatalities
4 that has been approved by the medical licensing board; or
5 (3) who has received certification in the area of forensic
6 pathology or child death pathology by a certifying
7 organization that:
8 (A) is comparable to the American Board of Pathology in
9 its adherence to nationally or internationally recognized
10 certification standards; and
11 (B) that has been approved and recognized by the medical
12 licensing board.
- 13 (c) The medical licensing board may approve an annual training
14 program or provide a training program for pathologists
15 concerning new procedures for child death investigations for
16 physicians who want to become child death pathologists under
17 subsection (b)(2). In approving or providing a training program,
18 the medical licensing board shall consult and coordinate with
19 pathologists who have received:
- 20 (1) certification in forensic pathology by the American Board
21 of Pathology; or
22 (2) a comparable certification in forensic pathology.
- 23 SECTION 2. IC 16-37-1-9 IS AMENDED TO READ AS
24 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A local health
25 department may make a charge under IC 16-20-1-27 for each certificate
26 of birth, death, or stillbirth registration.
- 27 (b) If the local department of health makes a charge for a certificate
28 of death under subsection (a), ~~a one dollar (\$1)~~ the coroners continuing
29 education fee **described in subsection (d)** must be added to the rate
30 established under IC 16-20-1-27. The local department of health shall
31 deposit any coroners continuing education fees with the county auditor
32 within thirty (30) days after collection. The county auditor shall
33 transfer semiannually any coroners continuing education fees to the
34 treasurer of state.
- 35 (c) Notwithstanding IC 16-20-1-27, a charge may not be made for
36 furnishing a certificate of birth, death, or stillbirth registration to a
37 person or to a member of the family of a person who needs the
38 certificate for one (1) of the following purposes:
- 39 (1) To establish the person's age or the dependency of a member
40 of the person's family in connection with:
41 (A) the person's service in the armed forces of the United
42 States; or
43 (B) a death pension or disability pension of a person who is
44 serving or has served in the armed forces of the United States.
45 (2) To establish or to verify the age of a child in school who
46 desires to secure a work permit.
- 47 **(d) The coroners continuing education fee is:**
48 (1) **one dollar and seventy-five cents (\$1.75) after June 30,**
49 **2007, and before July 1, 2013;**
50 (2) **two dollars (\$2) after June 30, 2013, and before July 1,**
51 **2018;**

- 1 **(3) two dollars and twenty-five cents (\$2.25) after June 30,**
 2 **2018, and before July 1, 2023;**
 3 **(4) two dollars and fifty cents (\$2.50) after June 30, 2023, and**
 4 **before July 1, 2028;**
 5 **(5) two dollars and seventy-five cents (\$2.75) after June 30,**
 6 **2028, and before July 1, 2033;**
 7 **(6) three dollars (\$3) after June 30, 2033, and before July 1,**
 8 **2038;**
 9 **(7) three dollars and twenty-five cents (\$3.25) after June 30,**
 10 **2038, and before July 1, 2043; and**
 11 **(8) three dollars and fifty cents (\$3.50) after June 30, 2043.**

12 SECTION 3. IC 25-22.5-2-7, AS AMENDED BY P.L.1-2006,
 13 SECTION 447, IS AMENDED TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2007]: Sec. 7. **(a)** The board shall do the
 15 following:

- 16 (1) Adopt rules and forms necessary to implement this article that
 17 concern, but are not limited to, the following areas:
 18 (A) Qualification by education, residence, citizenship,
 19 training, and character for admission to an examination for
 20 licensure or by endorsement for licensure.
 21 (B) The examination for licensure.
 22 (C) The license or permit.
 23 (D) Fees for examination, permit, licensure, and registration.
 24 (E) Reinstatement of licenses and permits.
 25 (F) Payment of costs in disciplinary proceedings conducted by
 26 the board.
 27 (2) Administer oaths in matters relating to the discharge of its
 28 official duties.
 29 (3) Enforce this article and assign to the personnel of the agency
 30 duties as may be necessary in the discharge of the board's duty.
 31 (4) Maintain, through the agency, full and complete records of all
 32 applicants for licensure or permit and of all licenses and permits
 33 issued.
 34 (5) Make available, upon request, the complete schedule of
 35 minimum requirements for licensure or permit.
 36 (6) Issue, at the board's discretion, a temporary permit to an
 37 applicant for the interim from the date of application until the
 38 next regular meeting of the board.
 39 (7) Issue an unlimited license, a limited license, or a temporary
 40 medical permit, depending upon the qualifications of the
 41 applicant, to any applicant who successfully fulfills all of the
 42 requirements of this article.
 43 (8) Adopt rules establishing standards for the competent practice
 44 of medicine, osteopathic medicine, or any other form of practice
 45 regulated by a limited license or permit issued under this article.
 46 (9) Adopt rules regarding the appropriate prescribing of Schedule
 47 III or Schedule IV controlled substances for the purpose of weight
 48 reduction or to control obesity.
 49 (10) Adopt rules establishing standards for office based
 50 procedures that require moderate sedation, deep sedation, or
 51 general anesthesia.

1 **(b) The board may adopt rules that establish:**

- 2 **(1) certification requirements for child death pathologists;**
 3 **(2) an annual training program for child death pathologists**
 4 **under IC 16-35-7-3(b)(2); and**
 5 **(3) a process to certify a qualified child death pathologist.**

6 SECTION 4. IC 31-33-24-7, AS ADDED BY P.L.145-2006,
 7 SECTION 287, IS AMENDED TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A child fatality review
 9 consists of determining:

- 10 (1) whether similar future deaths could be prevented; and
 11 (2) agencies or resources that should be involved to adequately
 12 prevent future deaths of children.

13 (b) In conducting the child fatality review under subsection (a), the
 14 local child fatality review team shall review every record concerning
 15 the deceased child that is held by the department.

16 **(c) If a local child fatality review team requests records from a**
 17 **hospital, physician, coroner, or mental health professional**
 18 **regarding a death that the local child fatality review team is**
 19 **investigating, the hospital, physician, coroner, or mental health**
 20 **professional shall provide the requested records, subject to**
 21 **IC 34-30-15, to the child fatality review team.**

22 SECTION 5. IC 31-33-24-9, AS ADDED BY P.L.145-2006,
 23 SECTION 287, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) A local child fatality review
 25 team consists of the following members:

- 26 (1) A coroner or deputy coroner from the area served by the local
 27 child fatality review team.
 28 (2) A representative from:
 29 (A) the health and hospital corporation of Marion County as
 30 set forth in IC 16-22-8;
 31 (B) a local health department established under IC 16-20-2; or
 32 (C) a multiple county health department established under
 33 IC 16-20-3;

34 from the area served by the local child fatality review team.

35 (3) A physician residing or practicing medicine in the area served
 36 by the local child fatality review team.

37 (4) A representative of law enforcement from the area served by
 38 the local child fatality review team.

39 (5) A representative from an emergency medical services provider
 40 doing business in the area served by the local child fatality review
 41 team.

42 (6) A director or manager of a local or regional office of the
 43 department from the area served by the local child fatality review
 44 team.

45 (7) A representative of the prosecuting attorney from the area
 46 served by the local child fatality review team.

47 (8) A pathologist with forensic experience who is licensed to
 48 practice medicine in Indiana **and who, if feasible, is certified by**
 49 **the American Board of Pathology in forensic pathology.**

50 (9) A representative from a fire department or volunteer fire
 51 department (as defined in IC 36-8-12-2) from the area served by

- 1 the local child fatality review team.
- 2 (b) If a local child fatality review team is established in one (1)
- 3 county, the legislative body that voted to establish the local child
- 4 fatality review team under section 6 of this chapter shall:
- 5 (1) adopt an ordinance for the appointment and reappointment of
- 6 members of the local child fatality review team; and
- 7 (2) appoint members to the local child fatality review team under
- 8 the ordinance adopted.
- 9 (c) If a local child fatality review team is established in a region, the
- 10 county legislative bodies that voted to establish the local child fatality
- 11 review team under section 6 of this chapter shall:
- 12 (1) each adopt substantially similar ordinances for the
- 13 appointment and reappointment of members of the local child
- 14 fatality review team; and
- 15 (2) appoint members to the local child fatality review team under
- 16 the ordinances adopted.
- 17 SECTION 6. IC 31-33-24-15, AS ADDED BY P.L.145-2006,
- 18 SECTION 287, IS AMENDED TO READ AS FOLLOWS
- 19 [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) The department shall collect
- 20 and document information surrounding the deaths of children reviewed
- 21 by local child fatality review teams. The department shall develop a
- 22 data collection form that includes:
- 23 (1) identifying and nonidentifying information;
- 24 (2) information regarding the circumstances surrounding a death;
- 25 (3) factors contributing to a death; and
- 26 (4) findings and recommendations.
- 27 (b) The data collection form developed under this section must also
- 28 be provided to:
- 29 (1) the appropriate community child protection team; ~~and~~
- 30 (2) as appropriate:
- 31 (A) the health and hospital corporation of Marion County as
- 32 set forth in IC 16-22-8;
- 33 (B) the local health department established under IC 16-20-2;
- 34 or
- 35 (C) the multiple county health department established under
- 36 IC 16-20-3; **and**
- 37 **(3) the appropriate coroner and the pathologist who**
- 38 **performed the autopsy on the child.**
- 39 SECTION 7. IC 31-33-25-7, AS ADDED BY P.L.145-2006,
- 40 SECTION 288, IS AMENDED TO READ AS FOLLOWS
- 41 [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) A child fatality review
- 42 conducted by the statewide child fatality review committee under this
- 43 chapter must consist of determining:
- 44 (1) whether similar future deaths could be prevented; and
- 45 (2) agencies or resources that should be involved to adequately
- 46 prevent future deaths of children.
- 47 (b) In conducting the child fatality review under subsection (a), the
- 48 statewide child fatality review committee shall review every record
- 49 concerning the deceased child that is held by:
- 50 (1) the department of child services; or
- 51 (2) a local child fatality review team.

1 (c) If the statewide child fatality review committee requests
2 records from a hospital, physician, coroner, or mental health
3 professional regarding a death that the statewide child fatality
4 review committee is investigating, the hospital, physician, coroner,
5 or mental health professional shall provide the requested records,
6 subject to IC 34-30-15, to the statewide child fatality review
7 committee.

8 SECTION 8. IC 31-33-25-8, AS ADDED BY P.L.145-2006,
9 SECTION 288, IS AMENDED TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2007]: Sec. 8. The statewide child fatality
11 review committee consists of the following members appointed by the
12 governor:

- 13 (1) a coroner or deputy coroner;
- 14 (2) a representative from:
 - 15 (A) the state department of health established by IC 16-19-1-1;
 - 16 (B) a local health department established under IC 16-20-2; or
 - 17 (C) a multiple county health department established under
18 IC 16-20-3;
- 19 (3) a pediatrician;
- 20 (4) a representative of law enforcement;
- 21 (5) a representative from an emergency medical services provider;
- 22 (6) the director or a representative of the department;
- 23 (7) a representative of a prosecuting attorney;
- 24 (8) a pathologist with forensic experience who is:
 - 25 (A) **certified by the American Board of Pathology in**
26 **forensic pathology; and**
 - 27 (B) licensed to practice medicine in Indiana;
- 28 (9) a mental health provider;
- 29 (10) a representative of a child abuse prevention program; and
- 30 (11) a representative of the department of education.

31 SECTION 9. IC 31-33-25-13, AS ADDED BY P.L.145-2006,
32 SECTION 288, IS AMENDED TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) The department shall collect
34 and document information surrounding the deaths of children reviewed
35 by the statewide child fatality review committee. The department shall
36 develop a data collection form that includes:

- 37 (1) identifying and nonidentifying information;
- 38 (2) information regarding the circumstances surrounding a death;
- 39 (3) factors contributing to a death; and
- 40 (4) findings and recommendations.

41 (b) The data collection form developed under this section must also
42 be provided to:

- 43 (1) the appropriate community child protection team established
44 under IC 31-33-3; ~~and~~
- 45 (2) the appropriate:
 - 46 (A) local health department established under IC 16-20-2; or
 - 47 (B) multiple county health department established under
48 IC 16-20-3; **and**
 - 49 (3) **the appropriate coroner and the pathologist who**
50 **performed the autopsy on the child.**

51 SECTION 10. IC 36-2-14-1.5 IS ADDED TO THE INDIANA

1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. As used in this chapter,**
 3 **"child death pathologist" means a physician described in**
 4 **IC 16-35-7-3(b).**

5 SECTION 11. IC 36-2-14-5.5 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2007]: **Sec. 5.5. A child death pathologist**
 8 **shall:**

9 **(1) consult with a coroner concerning a death described in**
 10 **section 6.3(b) of this chapter;**

11 **(2) conduct an autopsy of a child as described in sections**
 12 **6.3(c) and 6.7(b) of this chapter; and**

13 **(3) perform duties described in section 6.7(e) of this chapter.**

14 SECTION 12. IC 36-2-14-6, AS AMENDED BY SEA 271-2007,
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2007]: Sec. 6. (a) Whenever the coroner is notified that a
 17 person in the county:

18 (1) has died from violence;

19 (2) has died by casualty;

20 (3) has died when apparently in good health;

21 (4) has died in an apparently suspicious, unusual, or unnatural
 22 manner; or

23 (5) has been found dead;

24 the coroner shall, before the scene of the death is disturbed, notify a
 25 law enforcement agency having jurisdiction in that area. The agency
 26 shall assist the coroner in conducting an investigation of how the
 27 person died and a medical investigation of the cause of death. The
 28 coroner may hold the remains of the decedent until the investigation of
 29 how the person died and the medical investigation of the cause of death
 30 are concluded.

31 (b) The coroner:

32 **(1) shall file with the person in charge of interment a coroner's**
 33 **certificate of death within seventy-two (72) hours after being**
 34 **notified of the death. If the cause of death is not established with**
 35 **reasonable certainty within seventy-two (72) hours, the coroner**
 36 **shall file with the person in charge of interment a coroner's**
 37 **certificate of death, with the cause of death designated as**
 38 **"deferred pending further action". As soon as the coroner**
 39 **determines the cause of death, the coroner shall file a**
 40 **supplemental report indicating the exact findings with the local**
 41 **health officer having jurisdiction, who shall make it part of the**
 42 **official records: a certificate of death with the county health**
 43 **department, or, if applicable, a multiple county health**
 44 **department, of the county in which the individual died, within**
 45 **seventy-two (72) hours after the completion of the death**
 46 **investigation;**

47 **(2) shall complete the certificate of death utilizing all**
 48 **verifiable information establishing the time and date of death;**
 49 **and**

50 **(3) may file a pending investigation certificate of death before**
 51 **completing the certificate of death, if necessary.**

1 (c) If this section applies, the body and the scene of death may not
 2 be disturbed until the coroner has photographed them in the manner
 3 that most fully discloses how the person died. However, a coroner or
 4 law enforcement officer may order a body to be moved before
 5 photographs are taken if the position or location of the body unduly
 6 interferes with activities carried on where the body is found, but the
 7 body may not be moved from the immediate area and must be moved
 8 without substantially destroying or altering the evidence present.

9 (d) When acting under this section, if the coroner considers it
 10 necessary to have an autopsy performed, is required to perform an
 11 autopsy under subsection (f), or is requested by the prosecuting
 12 attorney of the county to perform an autopsy, the coroner shall employ
 13 a: ~~physician:~~

- 14 (1) **physician** certified by the American board of pathology; or
 15 (2) ~~holding an unlimited license to practice medicine in Indiana~~
 16 ~~and pathology resident~~ acting under the ~~direction~~ **direct**
 17 **supervision** of a physician certified **in anatomic pathology** by
 18 the American board of pathology;

19 to perform the autopsy. The physician performing the autopsy shall be
 20 paid a fee of at least fifty dollars (\$50) from the county treasury. ~~A~~
 21 ~~coroner may employ the services of the medical examiner system;~~
 22 ~~provided for in IC 4-23-6-6, when an autopsy is required, as long as~~
 23 ~~this subsection is met.~~

24 (e) If:

25 (1) at the request of:

- 26 (A) the decedent's spouse;
 27 (B) a child of the decedent, if the decedent does not have a
 28 spouse;
 29 (C) a parent of the decedent, if the decedent does not have a
 30 spouse or children;
 31 (D) a brother or sister of the decedent, if the decedent does not
 32 have a spouse, children, or parents; or
 33 (E) a grandparent of the decedent, if the decedent does not
 34 have a spouse, children, parents, brothers, or sisters;

- 35 (2) in any death, ~~where~~ two (2) or more witnesses who
 36 corroborate the circumstances surrounding death are present; and
 37 (3) two (2) physicians who are licensed to practice medicine in
 38 the state and who have made separate examinations of the
 39 decedent certify the same cause of death in an affidavit within
 40 twenty-four (24) hours after death;

41 an autopsy need not be performed. The affidavits shall be filed with the
 42 circuit court clerk.

43 (f) A county coroner may not certify the cause of death in the case
 44 of the sudden and unexpected death of a child who is ~~at least one (1)~~
 45 ~~week old and not more less~~ than three (3) years old unless an autopsy
 46 is performed at county expense. However, a coroner may certify the
 47 cause of death of a child described in this subsection without the
 48 performance of an autopsy if subsection (e) applies to the death of the
 49 child.

50 (g) After consultation with the law enforcement agency
 51 investigating the death of a decedent, the coroner shall do the

1 following:

2 (1) Inform a crematory authority if a person is barred under
3 IC 23-14-31-26(c) from serving as the authorizing agent with
4 respect to the cremation of the decedent's body because the
5 coroner made the determination under IC 23-14-31-26(c)(2) in
6 connection with the death of the decedent.

7 (2) Inform a cemetery owner if a person is barred under
8 IC 23-14-55-2(d) from authorizing the disposition of the body or
9 cremated remains of the decedent because the coroner made the
10 determination under IC 23-14-55-2(d)(2) in connection with the
11 death of the decedent.

12 (3) Inform a seller of prepaid services or merchandise if a person's
13 contract is unenforceable under IC 30-2-13-23(b) because the
14 coroner made the determination under IC 30-2-13-23(b)(4) in
15 connection with the death of the decedent.

16 SECTION 13. IC 36-2-14-6.3 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2007]: **Sec. 6.3. (a) A coroner shall notify:**

19 **(1) the local child fatality review team; or**
20 **(2) if the county does not have a local child fatality review**
21 **team, the statewide child fatality review committee;**
22 **of each death of a person who is less than eighteen (18) years of**
23 **age, or appears to be less than eighteen (18) years of age, and who**
24 **has died in an apparently suspicious, unusual, or unnatural**
25 **manner.**

26 **(b) If a child less than eighteen (18) years of age dies in an**
27 **apparently suspicious, unusual, or unnatural manner, the coroner**
28 **shall consult with a child death pathologist to determine whether**
29 **an autopsy is necessary. If the coroner and the child death**
30 **pathologist disagree over the need for an autopsy, the county**
31 **prosecutor shall determine whether an autopsy is necessary. If the**
32 **autopsy is considered necessary, a child death pathologist or a**
33 **pathology resident acting under the direct supervision of a child**
34 **death pathologist shall conduct the autopsy within twenty-four (24)**
35 **hours. If the autopsy is not considered necessary, the autopsy shall**
36 **not be conducted.**

37 **(c) If a child death pathologist and coroner agree under**
38 **subsection (b) that an autopsy is necessary, the child death**
39 **pathologist or a pathology resident acting under the direct**
40 **supervision of a child death pathologist shall conduct the autopsy**
41 **of the child.**

42 SECTION 14. IC 36-2-14-6.7 IS ADDED TO THE INDIANA
43 CODE AS A NEW SECTION TO READ AS FOLLOWS
44 [EFFECTIVE JULY 1, 2007]: **Sec. 6.7. (a) This section applies to a**
45 **child who:**

46 **(1) died suddenly and unexpectedly;**
47 **(2) was less than three (3) years of age at the time of death;**
48 **and**
49 **(3) was in apparent good health before dying.**

50 **(b) A child death pathologist or a pathology resident acting**
51 **under the direct supervision of a child death pathologist shall**

1 **conduct an autopsy of a child described in subsection (a).**

2 **(c) A county coroner may not certify the cause of death of a**
 3 **child described in subsection (a) until an autopsy is performed at**
 4 **county expense.**

5 **(d) The county coroner shall contact the parent or guardian of**
 6 **a child described in subsection (a) and notify the parent or**
 7 **guardian that an autopsy will be conducted at county expense.**

8 **(e) The child death pathologist shall:**

9 **(1) ensure that a tangible summary of the autopsy results is**
 10 **provided;**

11 **(2) provide informational material concerning sudden infant**
 12 **death syndrome; and**

13 **(3) unless the release of autopsy results would jeopardize a**
 14 **law enforcement investigation, provide notice that a parent or**
 15 **guardian has the right to receive the preliminary autopsy**
 16 **results;**

17 **to the parents or guardian of the child within one (1) week after the**
 18 **autopsy.**

19 **(f) If a parent or guardian of a child described in subsection (a)**
 20 **requests the autopsy report of the child, the coroner shall provide**
 21 **the autopsy report to the parent or guardian within thirty (30) days**
 22 **after the:**

23 **(1) request; or**

24 **(2) completion of the autopsy report;**

25 **whichever is later, at no cost.**

26 **(g) A coroner shall notify:**

27 **(1) a local child fatality review team; or**

28 **(2) if the county does not have a local child fatality review**
 29 **team, the statewide child fatality review committee;**

30 **of the death of a child described in subsection (a).**

31 SECTION 15. IC 36-2-14-12.5, AS ADDED BY HEA 1306-2007,
 32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2007]: Sec. 12.5. (a) A coroner shall make all reasonable
 34 attempts to promptly identify human remains, including taking the
 35 following steps:

36 **(1) Photograph the human remains before an autopsy is**
 37 **conducted.**

38 **(2) X-ray the human remains.**

39 **(3) Photograph items found with the human remains.**

40 **(4) Fingerprint the remains, if possible.**

41 **(5) Obtain tissue, bone, or hair samples suitable for DNA typing,**
 42 **if possible.**

43 **(6) Collect any other information relevant to identification efforts.**

44 **(b) A coroner may not dispose of unidentified human remains or**
 45 **take any other action that will materially affect the condition of the**
 46 **remains until the coroner has taken the steps described in subsection**
 47 **(a).**

48 **(c) If human remains have not been identified after thirty (30) days,**
 49 **the coroner or other person having custody of the remains shall request**
 50 **the state police to do the following:**

51 **(1) Enter information that may assist in the identification of the**

- 1 remains into:
- 2 (A) the National Crime Information Center (NCIC) data base;
- 3 and
- 4 (B) any other appropriate data base.
- 5 (2) Upload relevant DNA profiles from the remains to the missing
- 6 persons data base of the State DNA Index System (SDIS) and the
- 7 National DNA Index System (NDIS) after completion of the DNA
- 8 analysis and other procedures required for data base entry.
- 9 ~~(3) Ensure that a person who enters data relating to medical or~~
- 10 ~~dental records in a data base has the appropriate training to~~
- 11 ~~understand and correctly enter the information.~~
- 12 (d) If unidentified human remains are identified as belonging to a
- 13 missing person, the coroner shall:
- 14 (1) notify the law enforcement agency handling the missing
- 15 persons case that the missing person is deceased; and
- 16 (2) instruct the law enforcement agency to make documented
- 17 efforts to contact family members of the missing person.
- 18 (e) No person may order the cremation of unidentified human
- 19 remains.

20 SECTION 16. IC 36-2-14-17 IS AMENDED TO READ AS

21 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) A person who

22 knowingly or intentionally fails to immediately notify the coroner or a

23 law enforcement agency of the discovery of the body of a person who:

24 ~~has died:~~

- 25 (1) ~~has died~~ from violence; ~~or~~
- 26 (2) ~~has died~~ in an apparently suspicious, unusual, or unnatural
- 27 manner; ~~or~~
- 28 (3) ~~has died at less than three (3) years of age;~~

29 commits a Class B infraction. **However, the failure to immediately**

30 **notify under this subsection is a Class A misdemeanor if the person**

31 **fails to immediately notify with the intent to hinder a criminal**

32 **investigation.**

33 (b) A person who, **with the intent to hinder a criminal**

34 **investigation and** without the permission of the coroner or a law

35 enforcement officer, knowingly or intentionally ~~moves or transports~~

36 ~~from~~ **alters** the scene of death ~~the body~~ of a person who has died:

- 37 (1) from violence; or
- 38 (2) in an apparently suspicious, unusual, or unnatural manner;

39 commits a Class D felony.

40 SECTION 17. IC 36-2-14-18, AS AMENDED BY P.L.141-2006,

41 SECTION 113, IS AMENDED TO READ AS FOLLOWS

42 [EFFECTIVE JULY 1, 2007]: Sec. 18. (a) Notwithstanding

43 IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the

44 coroner is required to make available for public inspection and copying

45 the following:

- 46 (1) The name, age, address, sex, and race of the deceased.
- 47 (2) The address where the dead body was found, or if there is no
- 48 address the location where the dead body was found and, if
- 49 different, the address where the death occurred, or if there is no
- 50 address the location where the death occurred.
- 51 (3) The name of the agency to which the death was reported and

- 1 the name of the person reporting the death.
- 2 (4) The name of any public official or governmental employee
- 3 present at the scene of the death and the name of the person
- 4 certifying or pronouncing the death.
- 5 (5) Information regarding an autopsy (requested or performed)
- 6 limited to the date, the person who performed the autopsy, where
- 7 the autopsy was performed, and a conclusion as to:
- 8 (A) the probable cause of death;
- 9 (B) the probable manner of death; and
- 10 (C) the probable mechanism of death.
- 11 (6) The location to which the body was removed, the person
- 12 determining the location to which the body was removed, and the
- 13 authority under which the decision to remove the body was made.
- 14 (7) The records required to be filed by a coroner under section 6
- 15 of this chapter and the verdict and the written report required
- 16 under section 10 of this chapter.
- 17 (b) A county coroner or a coroner's deputy who receives an
- 18 investigatory record from a law enforcement agency shall treat the
- 19 investigatory record with the same confidentiality as the law
- 20 enforcement agency would treat the investigatory record.
- 21 (c) Notwithstanding any other provision of this section, a coroner
- 22 shall make available a full copy of an autopsy report, other than a
- 23 photograph, a video recording, or an audio recording of the autopsy,
- 24 upon the written request of the next of kin of the decedent or of an
- 25 insurance company investigating a claim arising from the death of the
- 26 individual upon whom the autopsy was performed. The insurance
- 27 company is prohibited from publicly disclosing any information
- 28 contained in the report beyond that information that may otherwise be
- 29 disclosed by a coroner under this section. This prohibition does not
- 30 apply to information disclosed in communications in conjunction with
- 31 the investigation, settlement, or payment of the claim.
- 32 (d) Notwithstanding any other provision of this section, a coroner
- 33 shall make available a full copy of an autopsy report, other than a
- 34 photograph, a video recording, or an audio recording of the autopsy,
- 35 upon the written request of:
- 36 (1) the director of the division of disability and rehabilitative
- 37 services established by IC 12-9-1-1;
- 38 (2) the director of the division of mental health and addiction
- 39 established by IC 12-21-1-1; or
- 40 (3) the director of the division of aging established by
- 41 IC 12-9.1-1-1;
- 42 in connection with a division's review of the circumstances surrounding
- 43 the death of an individual who received services from a division or
- 44 through a division at the time of the individual's death.
- 45 **(e) Notwithstanding any other provision of this section, a**
- 46 **coroner shall make available a full copy of an autopsy report,**
- 47 **including a photograph, a video recording, or an audio recording**
- 48 **of the autopsy, to:**
- 49 **(1) the department of child services established by**
- 50 **IC 31-25-1-1, including an office of the department located in**
- 51 **the county where the death occurred;**

1 **(2) the statewide child fatality review committee established**
 2 **by IC 31-33-25-6; or**

3 **(3) a county child fatality review team or regional child**
 4 **fatality review team established under IC 31-33-24-6 by the**
 5 **county or for the county where the death occurred;**

6 **for purposes of an entity described in subdivisions (1) through (3)**
 7 **conducting a review or an investigation of the circumstances**
 8 **surrounding the death of a child (as defined in IC 31-9-2-13(d)(1))**
 9 **and making a determination as to whether the death of the child**
 10 **was a result of abuse, abandonment, or neglect.**

11 **(f) An autopsy report made available under subsection (e) is**
 12 **confidential and shall not be disclosed to another individual or**
 13 **agency, unless otherwise authorized or required by law.**

14 SECTION 18. IC 36-2-14-20 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) **As used in this**
 16 **section, "autopsy" means the external and surgical internal**
 17 **examination of all body systems of a decedent, including toxicology**
 18 **and histology.**

19 **(b) Except as provided in subsection (b) and IC 4-24-4-1, if an**
 20 **Indiana resident:**

21 (1) dies in an Indiana county as a result of an incident that
 22 occurred in another Indiana county; and

23 (2) is the subject of an autopsy performed under the authority and
 24 duties of the county coroner of the county where the death
 25 occurred;

26 the county coroner shall bill the county in which the incident occurred
 27 for the cost of the autopsy, including the physician fee under section
 28 6(d) of this chapter.

29 ~~(b)~~ **(c) Except as provided in subsection ~~(a)~~ (b) and IC 4-24-4-1,**
 30 **payment for the costs of an autopsy requested by a party other than the:**

31 (1) county prosecutor; or

32 (2) county coroner;

33 of the county in which the individual died must be made by the party
 34 requesting the autopsy.

35 ~~(c)~~ **(d) This section does not preclude the coroner of a county in**
 36 **which a death occurs from attempting to recover autopsy costs from the**
 37 **jurisdiction outside Indiana where the incident that caused the death**
 38 **occurred.**

39 SECTION 19. IC 36-2-14-22 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2007]: **Sec. 22. (a) Upon the request of a**
 42 **coroner who is conducting or will conduct a death investigation on**
 43 **an individual who is admitted or was admitted to a hospital, the**
 44 **hospital shall provide a sample of the individual's blood or tissue**
 45 **to the coroner.**

46 **(b) A coroner does not need to obtain a warrant to request a**
 47 **blood or tissue sample under this section.**

48 SECTION 20. IC 36-2-14-22.2 IS ADDED TO THE INDIANA
 49 CODE AS A NEW SECTION TO READ AS FOLLOWS
 50 [EFFECTIVE JULY 1, 2007]: **Sec. 22.2. A coroner shall follow the**
 51 **procedures set forth in IC 29-2-16.1 concerning organ and tissue**

1 **procurement.**
2 SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE
3 JULY 1, 2007]: IC 36-2-14-12; IC 36-2-14-14.
 (Reference is to EHB 1503 as reprinted April 11, 2007.)

Conference Committee Report
on
Engrossed House Bill 1503

Signed by:

Representative Orentlicher
Chairperson

Senator Lawson C

Representative Summers

Senator Simpson

House Conferees

Senate Conferees