



Putting People First

Memorandum

To: DDSO Directors
Executive Directors, Voluntary Agencies

From: Fred Wetzel, Ph.D. ^{FW/BB}
Barbara Brundage ^{BB}
Co-chairs of OPWDD Statewide Committee on Incident Review (SCIR)

Date: July 22, 2010

Re: Requesting Autopsy Reports

Suggested Distribution:

DDSO Incident Coordinators
Quality Assurance Directors

Purpose:

An autopsy report includes information that may be useful to agencies when investigating a death of an individual. However, agencies may encounter difficulties obtaining an autopsy report. The purpose of this memorandum is to inform agencies that New York State law requires that a coroner, coroner's physician or medical examiner provide copies of autopsy reports to the Executive Director (or designee) upon written request. The requested reports are those that concern individuals who were residents of facilities certified by OPWDD. It is not necessary for the DDSO to act as an intermediary for such requests.

New York State Law

New York County Law Section 677 (7) (a) states:

"Upon the written request of the commissioner of mental health, the commissioner of mental retardation and developmental disabilities, the director of the mental hygiene legal service, the chairman of the commission on quality of care for the mentally disabled or the director of a mental hygiene facility, as defined in section 45.01 of the mental hygiene law, at which the deceased was a patient or resident, the coroner, coroner's physician or medical examiner shall provide such person with a copy of all reports and records, including, but not limited to, autopsy reports and toxicological reports related to the deceased prepared by a person, partnership, corporation or governmental agency pursuant to any agreement or contract with the coroner or medical examiner with respect to the death of a patient or resident receiving services for a mental disability at such a mental hygiene facility."

Memo: Requesting Autopsy Reports

July 22, 2010

Page 2

Please contact SCIR with any questions related to this guidance via email at omrdd.scir@omr.state.ny.us.

Thank you.

cc: SCIR membership

Ref: 7-5-10