

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 814

Short Title: The William C. Lindley, Jr. SUDEP Law. (Public)

Sponsors: Representatives Riddell and Ross (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Health.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING THE CHIEF MEDICAL EXAMINER TO ESTABLISH A MEDICAL
3 EXAMINER TRAINING PROGRAM AND STANDARD PROTOCOLS GOVERNING
4 THE INVESTIGATION OF SUDDEN UNEXPLAINED DEATH IN EPILEPSY
5 DURING MEDICOLEGAL DEATH INVESTIGATIONS.

6 Whereas, sudden, unexpected death in epilepsy (SUDEP) is a mysterious, rare
7 condition in which typically young or middle-aged individuals with epilepsy die without a clear
8 cause, and is generally defined by the medical community as a sudden, unexpected,
9 nontraumatic, nondrowning death in an otherwise healthy individual with epilepsy, where the
10 postmortem examination does not reveal an anatomic or toxicologic cause of the death; and

11 Whereas, SUDEP is believed to account for up to 17 percent of deaths in individuals
12 with epilepsy; and

13 Whereas, autopsy plays a key role in determining the diagnosis of SUDEP, yet the
14 Institute of Medicine has found that SUDEP may be underreported for several reasons,
15 including, but not limited to, a lack of awareness about SUDEP among medical examiners; and

16 Whereas, the cause of SUDEP is not known, and opportunities for its prevention
17 have been hindered by the lack of a systematic effort to collect information about individuals
18 who have died from SUDEP, as is done with many other disorders; and

19 Whereas, it is appropriate to raise awareness of SUDEP among medical examiners
20 by developing a SUDEP awareness program and by facilitating research into the causes and
21 prevention of SUDEP; Now, therefore,
22 The General Assembly of North Carolina enacts:

23 **SECTION 1.** G.S. 130A-379 reads as rewritten:

24 "**§ 130A-379. ~~Duties~~ Powers and duties of the Chief Medical Examiner.**

25 (a) The Chief Medical Examiner shall ~~perform~~do all of the following:

26 (1) Perform postmortem medicolegal examinations as provided in this Part.

27 (2) Establish a training program to educate medical examiners about sudden
28 unexplained death in epilepsy; and standard protocols governing
29 medicolegal death investigations involving seizure disorders in order to
30 identify sudden unexplained death in epilepsy as a known or suspected cause
31 of death.

32 (b) The Chief Medical Examiner may, upon request, provide instruction in health
33 science, legal medicine and other subjects related to his duties at The University of North
34 Carolina, the North Carolina Justice Academy and other institutions of higher learning."

35 **SECTION 2.** G.S. 130A-385 reads as rewritten:



1 **"§ 130A-385. Duties of medical examiner upon receipt of notice; reports; copies.**

2 (a) Upon receipt of a notification under G.S. 130A-383, the medical examiner shall take
3 charge of the body, make inquiries regarding the cause and manner of death, reduce the
4 findings to writing and promptly make a full report to the Chief Medical Examiner on forms
5 prescribed for that purpose.

6 (a1) For each death under investigation, the Chief Medical Examiner's inquiries
7 regarding the cause and manner of death shall include an inquiry to determine whether the
8 death was a direct result of a seizure or epilepsy. If the findings of an autopsy are consistent
9 with the definition of known or suspected sudden unexplained death in epilepsy, the Chief
10 Medical Examiner shall do all of the following:

11 (1) Indicate on the death certificate that sudden unexplained death in epilepsy is
12 the cause or suspected cause of death.

13 (2) Retain and track information about the number of deaths determined to be a
14 direct result of a seizure or epilepsy and make unidentifiable data concerning
15 these deaths available upon request to the public.

16 (3) Work with relevant organizations in this State to assist in requesting that the
17 decedent's authorized representative submit relevant medical information
18 about the decedent, consistent with the federal Health Insurance Portability
19 and Accountability Act, Privacy Rule and Security Rule, 45 C.F.R. §§ 160,
20 164, to a sudden unexplained death in epilepsy registry for research
21 purposes.

22 (4) Work with relevant organizations in the State in requesting that a person
23 authorized to make an anatomical gift of the decedent's body or body part
24 under G.S. 130A-412.11 consider making an anatomical gift of the
25 decedent's brain to maximize the opportunity for research or education on
26 sudden unexplained death in epilepsy.

27 (a2) The Chief Medical Examiner or the county medical examiner is authorized to
28 inspect and copy the medical records of the decedent whose death is under investigation. In
29 addition, in an investigation conducted pursuant to this Article, the Chief Medical Examiner or
30 the county medical examiner is authorized to inspect all physical evidence and documents
31 which may be relevant to determining the cause and manner of death of the person whose death
32 is under investigation, including decedent's personal possessions associated with the death,
33 clothing, weapons, tissue and blood samples, cultures, medical equipment, X rays and other
34 medical images. The Chief Medical Examiner or county medical examiner is further authorized
35 to seek an administrative search warrant pursuant to G.S. 15-27.2 for the purpose of carrying
36 out the duties imposed under this Article. In addition to the requirements of G.S. 15-27.2, no
37 administrative search warrant shall be issued pursuant to this section unless the Chief Medical
38 Examiner or county medical examiner submits an affidavit from the office of the district
39 attorney in the district in which death occurred stating that the death in question is not under
40 criminal investigation.

41 (a3) The Chief Medical Examiner shall provide directions as to the nature, character and
42 extent of an investigation and appropriate forms for the required reports. The facilities of the
43 central and district offices and their staff services shall be available to the medical examiners
44 and designated pathologists in their investigations.

45 (b) The medical examiner shall complete a certificate of death, stating the name of the
46 disease which in ~~his~~ the medical examiner's opinion caused death. If the death was from
47 external causes, the medical examiner shall state on the certificate of death the means of death,
48 and whether, in the medical examiner's opinion, the manner of death was accident, suicide,
49 homicide, execution by the State, or undetermined. The medical examiner shall also furnish any
50 information as may be required by the State Registrar of Vital Statistics in order to properly
51 classify the death.

1 (c) The Chief Medical Examiner shall have authority to amend a medical examiner
2 death certificate.

3 (d) A copy of the report of the medical examiner investigation may be forwarded to the
4 appropriate district attorney.

5 (e) In cases where death occurred due to an injury received in the course of the
6 decedent's employment, the Chief Medical Examiner shall forward to the Commissioner of
7 Labor a copy of the medical examiner's report of the investigation, including the location of the
8 fatal injury and the name and address of the decedent's employer at the time of the fatal injury.
9 The Chief Medical Examiner shall forward this report within 30 days of receipt of the
10 information from the medical examiner.

11 (f) If a death occurred in a facility licensed subject to Article 2 or Article 3 of Chapter
12 122C of the General Statutes, or Articles 1 or 1A of Chapter 131D of the General Statutes, and
13 the deceased was a client or resident of the facility or a recipient of facility services at the time
14 of death, then the Chief Medical Examiner shall forward a copy of the medical examiner's
15 report to the Secretary of Health and Human Services within 30 days of receipt of the report
16 from the medical examiner."

17 **SECTION 3.** This act becomes effective October 1, 2015.