

CALIFORNIA CODES
PENAL CODE
SECTION 11174.4-11174.9

11174.4. The following definitions shall govern the construction of this article, unless the context requires otherwise:

- (a) "**Elder**" means any person who is 65 years of age or older.
- (b) (1) "Abuse" means any of the conduct described in Article 2 (commencing with Section 15610) of Chapter 11 of Part 3 of Division 9 of the Welfare and Institutions Code.
 - (2) Abuse does not include the use of any reasonable and necessary force that may result in an injury used by a peace officer acting within the course of his or her employment as a peace officer.

11174.5. (a) Each county may establish an interagency **elder death team** to assist local agencies in identifying and reviewing suspicious **elder** deaths and facilitating communication among persons who perform autopsies and the various persons and agencies involved in **elder** abuse or neglect cases.

(b) Each county may develop a protocol that may be used as a guideline by persons performing autopsies on **elder** adults to assist coroners and other persons who perform autopsies in the identification of **elder** abuse, in the determination of whether **elder** abuse or neglect contributed to **death** or whether **elder** abuse or neglect had occurred prior to but was not the actual cause of **death**, and in the proper written reporting procedures for **elder** abuse or neglect, including the designation of the cause and mode of **death**.

11174.6. County **elder death review** teams may be comprised of, but not limited to, the following:

- (a) Experts in the field of forensic pathology.
- (b) Medical personnel with expertise in **elder** abuse and neglect.
- (c) Coroners and medical examiners.
- (d) District attorneys and city attorneys.
- (e) County or local staff including, but not limited to:
 - (1) Adult protective services staff.
 - (2) Public administrator, guardian, and conservator staff.
 - (3) County health department staff who deal with **elder** health issues.
- (4) County counsel.
- (f) County and state law enforcement personnel.
- (g) Local long-term care ombudsman.
- (h) Community care licensing staff and investigators.
- (i) Geriatric mental health experts.
- (j) Criminologists.
- (k) Representatives of local agencies that are involved with oversight of adult protective services and reporting **elder** abuse or neglect.

(l) Local professional associations of persons described in subdivisions (a) to (k), inclusive.

11174.7. (a) An oral or written communication or a document shared within or produced by an **elder death review team** related to an **elder death review** is confidential and not subject to disclosure or discoverable by another third party.

(b) An oral or written communication or a document provided by a third party to an **elder death review team**, or between a third party and an **elder death review team**, is confidential and not subject to disclosure or discoverable by a third party.

(c) Notwithstanding subdivisions (a) and (b), recommendations of an **elder death review team** upon the completion of a **review** may be disclosed at the discretion of a majority of the members of the **elder death review team**.

11174.8. (a) Each organization represented on an **elder death review team** may share with other members of the **team** information in its possession concerning the decedent who is the subject of the **review** or any person who was in contact with the decedent and any other information deemed by the organization to be pertinent to the **review**.

Any information shared by an organization with other members of a **team** is confidential. The intent of this subdivision is to permit the disclosure to members of the **team** of any information deemed confidential, privileged, or prohibited from disclosure by any other provision of law.

(b) (1) Written and oral information may be disclosed to an **elder death review team** established pursuant to this section. The **team** may make a request in writing for the information sought and any person with information of the kind described in paragraph (3) may rely on the request in determining whether information may be disclosed to the **team**.

(2) No individual or agency that has information governed by this subdivision shall be required to disclose information. The intent of this subdivision is to allow the voluntary disclosure of information by the individual or agency that has the information.

(3) The following information may be disclosed pursuant to this subdivision:

(A) Notwithstanding Section 56.10 of the Civil Code, medical information.

(B) Notwithstanding Section 5328 of the Welfare and Institutions Code, mental health information.

(C) Notwithstanding Section 15633.5 of the Welfare and Institutions Code, information from **elder** abuse reports and investigations, except the identity of persons who have made reports, which shall not be disclosed.

(D) State summary criminal history information, criminal offender record information, and local summary criminal history information, as defined in Sections 11075, 11105, and 13300.

(E) Notwithstanding Section 11163.2, information pertaining to reports by health practitioners of persons suffering from physical injuries inflicted by means of a firearm or of persons suffering physical injury where the injury is a result of assaultive or abusive conduct.

(F) Information provided to probation officers in the course of the performance of their duties, including, but not limited to, the duty to prepare reports pursuant to Section 1203.10, as well as the information on which these reports are based.

(G) Notwithstanding Section 10825 of the Welfare and Institutions Code, records relating to in-home supportive services, unless disclosure is prohibited by federal law.

(c) Written and oral information may be disclosed under this section notwithstanding Sections 2263, 2918, 4982, and 6068 of the Business and Professions Code, the lawyer-client privilege protected by Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code, the physician-patient privilege protected by Article 6 (commencing with Section 990) of Chapter 4 of Division 8 of the Evidence Code, and the psychotherapist-patient privilege protected by Article 7 (commencing with Section 1010) of Chapter 4 of Division 8 of the Evidence Code.

11174.9. Information gathered by the **elder death review team** and any recommendations made by the **team** shall be used by the county to develop education, prevention, and if necessary, prosecution strategies that will lead to improved coordination of services for families and the **elder** population.