SHORT TITLE: Public health and safety; modifying procedures related to unexplained deaths; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1178 By: Robinson

AS INTRODUCED

An Act relating to public health and safety; amending 63 O.S. 1991, Sections 931, 934, 939 and 948, which relate to unexplained deaths; clarifying language; designating certain member of the Board of Medicolegal Investigations as nonvoting; modifying qualifications of the Chief Medical Examiner; providing that the Chief Medical Examiner shall serve at the pleasure of the Board; establishing procedures for production of certain materials; authorizing fee for storage of biological specimens in certain situations; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 1991, Section 931, is amended to read as follows:

Section 931. The Board of Medicolegal Investigations is hereby re-created. The members of the Board shall be ~~the~~:

1. The Director of the State Bureau of Investigation, or ~~his~~ a designee; ~~the~~

2. The State Commissioner of Health, or ~~his~~ a designee; ~~the~~

3. The Dean of the College of Medicine of the University of Oklahoma, ~~University of Oklahoma Health Sciences Center, Oklahoma City,~~ or ~~his~~ a designee; ~~the~~

4. The President of the Oklahoma Bar Association, or ~~his~~ a designee; ~~the~~

5. The President of the Oklahoma Osteopathic Association, or ~~his~~ a designee; ~~the~~

6. The President of the Oklahoma State Medical Association, or ~~his~~ a designee; and ~~a~~

7. A funeral director, as provided by Section ~~369.3~~ 396.3 of Title 59 of the Oklahoma Statutes, appointed by the Oklahoma State Board of Embalmers and Funeral Directors.

The Chief Medical Examiner shall be an ex officio nonvoting member of the Board. The Board shall elect one of its members as ~~chairman~~ chair and one of its members as ~~vice-chairman~~ vice-chair. Members of the Board shall receive no compensation for their services on this Board. Regular meetings of the Board shall be held at such times as determined by its members, and special meetings may be called by the ~~chairman~~ chair. Four members shall constitute a quorum.

SECTION 2. AMENDATORY 63 O.S. 1991, Section 934, is amended to read as follows:

Section 934. The Board of Medicolegal Investigations shall appoint a Chief Medical Examiner who shall be ~~a citizen of the United States and~~ a physician licensed to practice in Oklahoma~~,~~ and ~~who is~~ a diplomate of the American Board of Pathology or the American Osteopathic Board of Pathology in forensic pathology. ~~He~~ The Chief Medical Examiner shall serve ~~for such term as~~ at the pleasure of the Board ~~may fix~~. In addition to the duties ~~herein~~ prescribed by law, the Chief Medical Examiner may teach in ~~the~~ any medical school in this state and conduct special classes for law enforcement officers.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 939, is amended to read as follows:

Section 939. The Chief Medical Examiner shall prepare and distribute to all medical examiners appropriate forms to be used in filing reports of investigation, with instructions as to their use,

and detailed instructions as to the nature, character, and extent of investigation and examination to be made in each case in which investigation is required ~~by this act~~ pursuant to Sections 931 through 954 of this title.

Except as otherwise provided in Sections 931 through 954 of this title, the Chief Medical Examiner shall produce records, documents, evidence or other material of any nature only upon the order of a court of competent jurisdiction. An interested party or litigant in a civil or criminal action may make application for an order to produce such materials. The court, after notice to all parties, including the Chief Medical Examiner, and a hearing on the application, may, upon the showing of good cause, direct the release of a copy or any part of such material. In addition, the court may also direct the payment of reasonable costs for the production of the material by the requesting party. The production of such material shall take place at the Office of the Chief Medical Examiner unless, upon a showing of good cause, specifically ordered otherwise by the court.

SECTION 4. AMENDATORY 63 O.S. 1991, Section 948, is amended to read as follows:

Section 948. A. For each investigation or partial investigation in which the medical examiner ~~was~~ is relieved by the Chief Medical Examiner or ~~his~~ a designee, the medical examiner shall receive compensation for ~~his~~ such services as provided in the rules ~~and regulations~~ approved and promulgated by the ~~State~~ Board of Medicolegal Investigations, from funds appropriated to the Board of Medicolegal Investigations. Where, in the opinion of the Chief Medical Examiner, it is necessary to designate a consultant pathologist to perform ~~the~~ an autopsy, ~~this~~ such pathologist shall

be entitled to a reasonable fee. Such fees shall be payable from funds appropriated to the Board of Medicolegal Investigations.

B. The Office of the Chief Medical Examiner shall store biological specimens in the control of the Office for the potential purpose of independent analyses in matters of civil law, upon receipt of a written request and payment of a storage fee. The fee shall be paid by the person requesting storage and shall not exceed One Hundred Dollars ($100.00) per year. All fees collected pursuant to the provisions of this subsection shall be deposited to the credit of the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund.

SECTION 5. This act shall become effective July 1, 1996.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-2-2011 CJ