

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL 1589

By: Wilkerson of the Senate

and

Plunk of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S., Section 948, which relates to medicolegal investigations; authorizing performance of drug screens on certain specimens under certain circumstances; specifying applicability of authorization; limiting certain drug screens; establishing certain fee by rule; providing for deposit of certain fee; authorizing establishment of certain fee schedule; stating when certain fee schedules may be established; specifying procedure to establish certain fee schedules; specifying ranges of certain fees; providing for determination of fees; stating parameters upon which fees shall be based; requiring continuation of certain training and education for certain personnel; allowing Board to exempt by rule certain agencies or classes of individuals for certain purposes; continuing statutory fees currently in effect until certain time; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 948, is amended to read as follows:

Section 948. A. For each investigation or partial investigation in which the medical examiner is relieved by the Chief Medical Examiner or a designee, the medical examiner shall receive compensation for such services as provided in the rules approved and promulgated by the 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 an autopsy, 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 (OCME) shall store biological specimens in the control of the ~~Office~~ OCME for the potential purpose of independent analyses in matters of civil law, only upon receipt of a written request for such storage and payment of a storage fee. The fee shall be paid by the person requesting storage to the Office of the Chief Medical Examiner. The Board shall promulgate rules establishing a fee for storage of such biological specimens which 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.

C. 1. The Office of the Chief Medical Examiner (OCME) is authorized to perform drug screens on specimens in the custody of the OCME, provided the request is made by an agency or party authorized to receive such information. The OCME may limit drug screens within the technical and physical capabilities of the OCME.

2. The authorization for drug screens shall apply only to specimens from cases already within the jurisdiction of the OCME and only when the analyses are deemed by the Chief Medical Examiner or Deputy Chief Medical Examiner not to conflict with any investigation of the case by the state.

3. The Board of Medicolegal Investigations shall establish a fee for drug screen services by rule. All fees collected pursuant to the provisions of this subsection shall be deposited to the Chief Medical Examiner Toxicology Laboratory Revolving Fund.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 948.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Board of Medicolegal Investigations may establish a fee schedule for forensic services, permits and reports rendered to members of the public and other agencies.

1. No fee schedule may be established or amended by the Board except during a regular legislative session. The Board shall comply with the Administrative Procedures Act for adoption of rules and establishing or amending any such fee schedule.

2. Except as otherwise specified in this section, the Board shall charge fees only within the following ranges:

- a. permit for cremations that occur within the state:  
One Hundred Dollars (\$100.00) to Two Hundred Dollars (\$200.00),
- b. forensic science service: One Hundred Dollars (\$100.00) to Three Thousand Dollars (\$3,000.00),
- c. report copies: Ten Dollars (\$10.00) for report of investigation, including toxicology, and Twenty Dollars (\$20.00) for an autopsy report, including toxicology,
- d. x-rays: Fifteen Dollars (\$15.00) each,
- e. microscopic slides, Hematoxylyn and Eosin (H&E): Ten Dollars (\$10.00) each,
- f. special stains: Fifteen Dollars (\$15.00) each, and
- g. photographs: Twenty-five Dollars (\$25.00) per computer diskette (CD).

B. The Board shall base the fee schedule for forensic science services, permits and reports upon reasonable costs of review, investigation and forensic science service delivery; provided, however, the fee schedule shall be within the ranges specified in subsection A of this section. The Board shall continue a system of basic and continuing educational service and training for all personnel who render forensic science services in order to ensure uniform statewide application of the rules of the Board. The Board

shall consider the reasonable costs associated with such training and continuing education in setting the forensic science service fees.

C. The Board may exempt by rule any agency or class of individuals from the requirements of the fee schedule if the Board determines that the fees would cause an unreasonable economic hardship or would otherwise hinder or conflict with an agency's responsibilities.

D. All statutory fees currently in effect for permits or forensic science services administered by the Chief Medical Examiner and the Board of Medicolegal Investigations within the jurisdiction of the Office of the Chief Medical Examiner shall remain in effect until such time as the Board acts to implement new schedules pursuant to the provisions of this act.

SECTION 3. This act shall become effective November 1, 2004.

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