

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1049 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Leslie Osborn \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 PROPOSED COMMITTEE

4 SUBSTITUTE

5 FOR

6 HOUSE BILL NO. 1049

By: Roberts (Dustin)

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; amending  
9 63 O.S. 2011, Sections 931, 933, 934, 935.1, 937,  
10 938, 939, 940, 941, 941a, 942, 943, 944, 945, 946,  
11 947, 948, 948.1, 949, 950, 951 and 954, which relate  
12 to the Board of Medicolegal Investigations;  
13 abolishing Board of Medicolegal Investigations;  
14 creating Board of Medical Forensics and Pathology;  
15 establishing Board membership and terms; establishing  
16 Office of Medical Forensics and Pathology; stating  
17 Board duties; directing appointment of State Forensic  
18 Pathologist; updating references; adding type of  
19 deaths to be investigated; repealing 63 O.S. 2011,  
20 Section 932, which relates to rules and regulations;  
21 repealing 63 O.S. 2011, Section 935, which relates to  
22 duties of Chief Medical Examiner; repealing 63 O.S.  
23 Section 936, which relates to the central office and  
24 laboratory; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 931, is  
amended to read as follows:

Section 931. A. The Board of Medicolegal Investigations is  
hereby ~~re-created~~ abolished.

1        B. The Board of Medical Forensics and Pathology is hereby  
2 created. The members of the Board shall be:

3            1. The Director of the State Bureau of Investigation, or a  
4 designee;

5            2. ~~The State Commissioner of Health, or a designee~~ A physician  
6 currently licensed in the state and in good standing;

7            3. The Dean of the College of Medicine of the University of  
8 Oklahoma, or a designee, or the President or Dean of the Oklahoma  
9 State University Center for Health Sciences, or a designee;

10           4. ~~The President or Dean of the Oklahoma State University~~  
11 ~~Center for Health Sciences, or a designee~~ A district attorney while  
12 serving in that capacity;

13           5. ~~The President of the Oklahoma Bar Association, or a designee~~  
14 An attorney that primarily practices criminal defense;

15           6. ~~The President of the Oklahoma Osteopathic Association, or a~~  
16 ~~designee~~ A chief of police or sheriff while serving in that  
17 capacity;

18           7. ~~The President of the Oklahoma State Medical Association, or~~  
19 ~~a designee~~ A citizen that represents victims of homicide and/or  
20 missing persons; and

21           8. A funeral director, as provided by Section 396.3 of Title 59  
22 of the Oklahoma Statutes, appointed by the Oklahoma State Board of  
23 Embalmers and Funeral Directors; and

24           9. A lay citizen representing the public.

1 C. With the exception of the members specified in paragraphs 1,  
2 3, and 8 of subsection B of this section, members of the Board shall  
3 be appointed by the Governor and confirmed by the Senate. Such  
4 members shall serve for terms of four (4) years, except as follows:

5 1. The initial term of two members shall be for one (1) year;

6 2. The initial term of two members shall be for two (2) years;

7 and

8 3. The initial term of two members shall be for three (3)  
9 years.

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

17 SECTION 2. AMENDATORY 63 O.S. 2011, Section 933, is  
18 amended to read as follows:

19 Section 933. A. The Office of ~~the Chief Medical Examiner~~  
20 Medical Forensics and Pathology of the State of Oklahoma is hereby  
21 established to be operated under the control and supervision of the  
22 Board. ~~The Office shall be directed by the Chief Medical Examiner,~~  
23 ~~and the Chief Medical Examiner may employ such other staff members~~

1 ~~as the Board shall specify.~~ The Board shall have the following  
2 duties and responsibilities:

3 1. To appoint a Director of the Office of State Medical  
4 Forensics and Pathology;

5 2. To provide for a central office and see that there is  
6 maintained a laboratory suitably equipped with facilities for  
7 performance of the duties imposed by this act;

8 3. Promulgate rules and regulations necessary to implement  
9 Section 931 et seq. of this title;

10 4. Establish general procedures with regard to assisting the  
11 law enforcement, medical, funeral and victims of violent death  
12 communities; and

13 5. Establish training for investigators utilizing a standard  
14 recognized by national accrediting standards.

15 B. The Office shall be directed by the Director who shall be  
16 responsible for:

17 1. Directing the Office of State Medical Forensics and  
18 Pathology and supervising the activities of the office;

19 2. Designating positions and appointing personnel for the  
20 Office;

21 3. Commissioning a chief investigator who shall be CLEET-  
22 certified and other investigators who may be CLEET-certified;  
23  
24

1        4. Performing other duties as necessary to support the State  
2 Forensic Pathologist, medical staff and investigators in completing  
3 duties as required by law.

4            SECTION 3.        AMENDATORY        63 O.S. 2011, Section 934, is  
5 amended to read as follows:

6            Section 934. The ~~Board of Medicolegal Investigations~~ Director,  
7 upon approval of the Board of Medical Forensics and Pathology, shall  
8 appoint a ~~Chief Medical Examiner~~ State Forensic Pathologist who  
9 shall be a physician licensed to practice in Oklahoma and a  
10 diplomate of the American Board of Pathology or the American  
11 Osteopathic Board of Pathology in forensic pathology. The ~~Chief~~  
12 ~~Medical Examiner~~ State Forensic Pathologist shall serve at the  
13 pleasure of the Board. In addition to the duties prescribed by law,  
14 the ~~Chief Medical Examiner~~ State Forensic Pathologist may teach in  
15 any medical school in this state and conduct special classes for law  
16 enforcement officers.

17            SECTION 4.        AMENDATORY        63 O.S. 2011, Section 935.1, is  
18 amended to read as follows:

19            Section 935.1 A. The Office of ~~the State Medical Examiner~~ and  
20 Medical Forensics and Pathology the Board of ~~Medicolegal~~  
21 ~~Investigations~~ Medical Forensics and Pathology are authorized to  
22 relocate the Office of ~~the State Medical Examiner~~ Medical Forensics  
23 and Pathology to a location immediately adjacent or in close  
24

1 proximity to the University of Central Oklahoma Forensic Science  
2 Institute.

3 B. The Office of ~~the State Medical Examiner~~ Medical Forensics  
4 and Pathology is authorized to take all necessary steps to  
5 effectuate the relocation of the Office of ~~the State Medical~~  
6 ~~Examiner~~ Medical Forensics and Pathology to a location immediately  
7 adjacent or in close proximity to the University of Central Oklahoma  
8 Forensic Science Institute, including, but not limited to, entering  
9 into a lease-purchase agreement.

10 C. The University of Central Oklahoma is authorized to take all  
11 necessary steps to effectuate the relocation of the Office of ~~the~~  
12 ~~State Medical Examiner~~ Medical Forensics and Pathology to a location  
13 immediately adjacent or in close proximity to the University of  
14 Central Oklahoma Forensic Science Institute, including, but not  
15 limited to, constructing a building or buildings and entering into a  
16 lease-purchase agreement.

17 SECTION 5. AMENDATORY 63 O.S. 2011, Section 937, is  
18 amended to read as follows:

19 Section 937. The ~~Chief Medical Examiner~~ Director of the Office  
20 of Medical Forensics and Pathology shall appoint, in consultation  
21 with the State Forensic Pathologist, medical examiners for each  
22 county of the state. Each medical examiner so appointed shall be a  
23 Doctor of Medicine or Osteopathy and Surgery, shall hold a valid  
24 license to practice his or her profession in Oklahoma, and shall

1 hold office at the pleasure of the Board of Medical Forensics and  
2 Pathology. In the event there is no qualified person in the county  
3 or no person willing to serve as a medical examiner, or in the event  
4 the medical examiner is absent from the county in which he serves,  
5 or is ill or disqualified by personal interest, the ~~Chief Medical~~  
6 ~~Examiner~~ Director may ~~in his discretion~~ appoint as a medical  
7 examiner for such county a qualified person from another county, or  
8 may direct a medical examiner from another county to perform the  
9 duties of a medical examiner in both counties. Nothing in this  
10 section or act shall prohibit or restrict the ~~Chief Medical Examiner~~  
11 Board or Director from appointing a medical examiner and directing  
12 him to cross a county line. A medical examiner shall not be  
13 precluded from holding other public offices created by the laws of  
14 the state.

15 SECTION 6. AMENDATORY 63 O.S. 2011, Section 938, is  
16 amended to read as follows:

17 Section 938. A. All human deaths of the types listed herein  
18 shall be investigated as provided by law:

19 1. Violent deaths, whether apparently homicidal, suicidal, or  
20 accidental, including but not limited to, deaths due to thermal,  
21 chemical, electrical, or radiational injury, and deaths due to  
22 criminal abortion, whether apparently self-induced or not;

23 2. Deaths under suspicious, unusual or unnatural circumstances;  
24

1 3. Deaths related to disease which might constitute a threat to  
2 public health;

3 4. Deaths unattended by a licensed medical or osteopathic  
4 physician for a fatal or potentially-fatal illness;

5 5. Deaths of persons after unexplained coma;

6 6. Deaths that are medically unexpected and that occur in the  
7 course of a therapeutic procedure;

8 7. Deaths of any inmates occurring in any place of penal  
9 incarceration; ~~and~~

10 8. Deaths of persons whose bodies are to be cremated, buried at  
11 sea, transported out of the state, or otherwise made ultimately  
12 unavailable for pathological study; and

13 9. An unnatural death when requested in writing by a district  
14 attorney or the Attorney General.

15 B. No autopsy shall be performed on the body of an executed  
16 inmate unless requested by the immediate family of the inmate prior  
17 to the execution or unless directed by the Department of Corrections  
18 or the ~~Chief Medical Examiner~~ State Forensic Pathologist. The ~~Chief~~  
19 ~~Medical Examiner~~ State Forensic Pathologist shall not automatically  
20 authorize or perform an autopsy in conjunction with an investigation  
21 of death of an inmate that resulted from a scheduled execution due  
22 to a death sentence imposed pursuant to Title 21 of the Oklahoma  
23 Statutes. The ~~Chief Medical Examiner~~ State Forensic Pathologist may  
24 authorize or perform such an autopsy only when the public interest

1 requires it. The provisions of this subsection shall not prohibit  
2 an inmate from donating, in writing, his or her body to a teaching  
3 medical institution for scientific or research purposes.

4 C. ~~The Chief Medical Examiner~~ State Forensic Pathologist shall  
5 state on the certificate of death of all persons whose death was  
6 caused by execution pursuant to a lawful court order that the cause  
7 of death was the execution of such order.

8 SECTION 7. AMENDATORY 63 O.S. 2011, Section 939, is  
9 amended to read as follows:

10 Section 939. ~~The Chief Medical Examiner~~ Director and the State  
11 Forensic Pathologist shall prepare and distribute to all medical  
12 examiners appropriate forms to be used in filing reports of  
13 investigation, with instructions as to their use, and detailed  
14 instructions as to the nature, character, and extent of  
15 investigation and examination to be made in each case in which  
16 investigation is required pursuant to Sections 931 through 954 of  
17 this title.

18 Except as otherwise provided by law, the ~~Chief Medical Examiner~~  
19 Director shall produce records, documents, evidence or other  
20 material of any nature only upon the order of a court of competent  
21 jurisdiction. An interested party or litigant in a civil or  
22 criminal action may make application for an order to produce such  
23 materials. The court, after notice to all parties, including the  
24 ~~Chief Medical Examiner~~ Director, and a hearing on the application,

1 may, upon the showing of good cause, direct the release of a copy or  
2 any part of such material. In addition, the court may also direct  
3 the payment of reasonable costs by the requesting party for the  
4 production of the material. The production of such material shall  
5 take place at the Office of the ~~Chief Medical Examiner~~ Board of  
6 Medical Forensics and Pathology unless, upon a showing of good  
7 cause, specifically ordered otherwise by the court.

8 SECTION 8. AMENDATORY 63 O.S. 2011, Section 940, is  
9 amended to read as follows:

10 Section 940. A. All law enforcement officers and other state  
11 and county officials shall cooperate with the ~~Chief Medical Examiner~~  
12 Director, the State Forensic Pathologist, and all other medical  
13 examiners in making investigations required pursuant to the  
14 provisions of ~~Sections~~ Section 931 ~~through 954~~ et seq. of this  
15 title. Said officials and the physician in attendance of the  
16 deceased, or other persons when the deceased was unattended by a  
17 physician, shall promptly notify the ~~medical examiner~~ Office of  
18 Medical Forensics and Pathology of the occurrence of all deaths  
19 coming to their attention which, pursuant to the provisions of  
20 ~~Sections~~ Section 931 ~~through 954~~ et seq. of this title, are subject  
21 to investigation, and shall assist in making dead bodies and related  
22 evidence available for investigation.

23 The scene of a death subject to the provisions of ~~Sections~~  
24 Section 931 ~~through 954~~ et seq. of this title shall not be disturbed

1 until authorized by the ~~Chief Medical Examiner~~ Director, the State  
2 Forensic Pathologist, his or her designee, or a county medical  
3 examiner, and the representative of any law enforcement agency which  
4 has begun an investigation of the cause of death. Said  
5 authorization may be given by telephone. Nothing in ~~Sections~~  
6 Section 931 through 954 et seq. of this title shall prevent the  
7 district attorney or his designee from authorizing the removal of a  
8 body when the removal is determined by him to be in the public  
9 interest and conditions at the scene are adequately documented and  
10 preserved by photographs and measurements.

11 B. The death of any patient, inmate, ward, or veteran in a  
12 state hospital or other institution, except Oklahoma Medical Center  
13 Hospitals and Clinics thereof, shall be reported by the chief  
14 administrative officer of the hospital or institution or his  
15 designee to the Office of ~~the Chief Medical Examiner~~ Medical  
16 Forensics and Pathology at the time of the death and prior to  
17 release of the body.

18 1. Within thirty-six (36) hours, a written report shall be  
19 submitted and shall be accompanied by true and correct copies of all  
20 medical records of the hospital or institution concerning the  
21 deceased patient.

22 2. The ~~Chief Medical Examiner~~ Director shall have the authority  
23 to require production of any records, documents, or equipment or  
24

1 other items regarding the deceased patient deemed necessary to  
2 investigate the death.

3 SECTION 9. AMENDATORY 63 O.S. 2011, Section 941, is  
4 amended to read as follows:

5 Section 941. Upon receipt of notice of death of any person  
6 which under this act is subject to investigation, the medical  
7 examiner shall immediately conduct an investigation into the cause  
8 and manner of death, and shall comply in detail with the  
9 instructions of the ~~Chief Medical Examiner~~ Office of Medical  
10 Forensics and Pathology as provided for in Section 939 of this  
11 title. ~~He~~ The State Forensic Pathologist may have fingerprints and  
12 photographs taken.—~~He~~ and may take charge of any object or writing  
13 found on or near the body which ~~he deems~~ is deemed necessary for the  
14 purpose of establishing the cause and/or manner of death.

15 Upon conclusion of ~~his~~ the investigation and ~~his~~ the  
16 determination that such objects or writings are no longer needed as  
17 evidence, the medical examiner shall deliver them to the district  
18 attorney for disposition. The investigating medical examiner shall  
19 have access at all times to any and all medical and dental records  
20 and history of the deceased, including, but not limited to,  
21 radiographs and electrocardiograms, in the course of ~~his~~ the  
22 official investigation to determine the cause and manner of death.  
23 Such records may not be released to any other person by the medical  
24 examiner, and the custodians of such records shall incur no

1 liability by reason of the release of such records to the medical  
2 examiner. The body of the deceased shall be turned over to the  
3 funeral director designated by the person responsible for burial  
4 within eighteen (18) hours unless a longer period is necessary to  
5 complete the required investigation.

6 SECTION 10. AMENDATORY 63 O.S. 2011, Section 941a, is  
7 amended to read as follows:

8 Section 941a. Within three (3) hours after the death of any  
9 person who is at the time of death attended by a licensed medical or  
10 osteopathic physician, the body of the deceased shall be released,  
11 upon demand, to the person legally entitled to the custody thereof,  
12 or his or her representative, unless:

13 1. A release is signed by the person legally entitled to the  
14 custody of the body; ~~or~~

15 2. The attending physician has notified the ~~Chief Medical~~  
16 ~~Examiner of the State of Oklahoma, or his designee,~~ Office of  
17 Medical Forensics and Pathology of the need for further  
18 investigation into the cause of death, or has notified the  
19 appropriate district attorney of such need; or

20 3. The laws of this state or the regulations of the Board of  
21 ~~Medicolegal Investigations~~ Medical Forensics and Pathology require  
22 additional information or examination that cannot be obtained or  
23 completed within the above period of time.

24

1 SECTION 11. AMENDATORY 63 O.S. 2011, Section 942, is  
2 amended to read as follows:

3 Section 942. A. Upon completion of an investigation, the  
4 medical examiner shall reduce his or her findings to writing upon  
5 the form supplied to the medical examiner which shall be promptly  
6 sent to the ~~Chief Medical Examiner~~ Office of Medical Forensics and  
7 Pathology by mail.

8 B. Copies of reports shall be furnished by the ~~Chief Medical~~  
9 ~~Examiner~~ Office of Medical Forensics and Pathology to investigating  
10 agencies having official interest therein. Copies of reports shall  
11 also be furnished to the spouse of the deceased or any person within  
12 one degree of consanguinity of the deceased upon request and within  
13 five (5) business days of the request once the cause and manner of  
14 death have been determined and the death certificate has been  
15 issued.

16 SECTION 12. AMENDATORY 63 O.S. 2011, Section 943, is  
17 amended to read as follows:

18 Section 943. ~~The Chief Medical Examiner~~ At the request of the  
19 Director or in the discretion of the State Forensic Pathologist, the  
20 State Forensic Pathologist or his designee may, ~~in his discretion,~~  
21 conduct the investigation as herein specified, or relieve the  
22 medical examiner at any stage of the investigation, and the medical  
23 examiner shall thereafter be responsible only for such specific  
24

1 duties as the ~~Chief Medical Examiner~~ State Forensic Pathologist or  
2 his designee may assign.

3 SECTION 13. AMENDATORY 63 O.S. 2011, Section 944, is  
4 amended to read as follows:

5 Section 944. When necessary in connection with an investigation  
6 to determine the cause and/or manner of death and when the public  
7 interest requires it, the ~~Chief Medical Examiner~~ State Forensic  
8 Pathologist, his designee, a medical examiner or a district attorney  
9 shall require and authorize an autopsy to be conducted. In  
10 determining whether the public interest requires an autopsy the  
11 medical examiner or district attorney involved shall take into  
12 account but shall not be bound by request therefor from private  
13 persons or from other public officials.

14 The ~~Chief Medical Examiner~~ State Forensic Pathologist, his  
15 designee or a medical examiner, may collect such blood, fluid or  
16 body waste specimens as he deems necessary to carry out his duties  
17 as specified in this act. No autopsy authorization shall be  
18 required as a prerequisite to the collection of such specimens.

19 SECTION 14. AMENDATORY 63 O.S. 2011, Section 945, is  
20 amended to read as follows:

21 Section 945. When properly authorized, an autopsy shall be  
22 performed by the ~~Chief Medical Examiner~~ Office of Medical Forensics  
23 and Pathology or such person as may be designated by ~~him~~ the Office  
24 for such purpose. The ~~Chief Medical Examiner~~ State Forensic

1 Pathologist or a person designated by him may authorize arterial  
2 embalming of the body prior to the autopsy when such embalming would  
3 in his opinion not interfere with the autopsy. The autopsy shall be  
4 made of such parts of the body as is deemed necessary by the person  
5 performing the autopsy. A full and complete report of the facts  
6 developed by the autopsy together with the findings of the person  
7 making it shall be prepared and filed in the Office of ~~the Chief~~  
8 ~~Medical Examiner~~ Medical Forensics and Pathology without unnecessary  
9 delay. Copies of such reports and findings shall be furnished to  
10 district attorneys and law enforcement officers making a criminal  
11 investigation in connection with the death. The next of kin, or any  
12 one of them if more than one, may designate a physician to be  
13 present when the autopsy is conducted.

14 SECTION 15. AMENDATORY 63 O.S. 2011, Section 946, is  
15 amended to read as follows:

16 Section 946. A. If death occurred under circumstances as  
17 enumerated in Section 938 of this title, and if the body has been  
18 buried without proper certification of death, it shall be the duty  
19 of the medical examiner, upon ascertaining such facts, to notify the  
20 ~~Chief Medical Examiner~~ Office of Medical Forensics and Pathology and  
21 the district attorney of the county in which the body was buried.  
22 The district attorney shall present facts to the judge of the  
23 district court of that county, and the judge, after a hearing, may  
24 by written order require the body to be exhumed and an autopsy

1 performed by the ~~Chief Medical Examiner~~ State Forensic Pathologist  
2 or his designee. A copy of the court order for exhumation shall be  
3 provided to the State Department of Health. A complete report of  
4 the facts developed by the autopsy and the findings of the person  
5 making the same shall be filed with the ~~Chief Medical Examiner~~  
6 Office of Medical Forensics and Pathology without unnecessary delay  
7 and a copy furnished the district attorney of the county within  
8 which the death occurred or within which the body was buried, or  
9 both.

10 B. No order for exhumation, as provided for in subsection A of  
11 this section, shall be made without notice of the hearing being  
12 served upon the decedent's surviving spouse, parents or next of kin,  
13 five (5) days prior to the hearing. The notice shall be served in  
14 the same manner as provided for by law for the service of summons in  
15 a civil action, shall include the date, time and place of the  
16 hearing and shall advise the person so notified that he or she has  
17 the right to appear and be heard by the court at that time.  
18 Provided, that the district attorney may, by affidavit, advise the  
19 court that the identity or whereabouts of any persons required to be  
20 served with notice under this subsection is unknown and cannot be  
21 ascertained with due diligence. Upon finding that the facts stated  
22 in the affidavit are true, the court shall not require notice be  
23 given.

24

1 SECTION 16. AMENDATORY 63 O.S. 2011, Section 947, is  
2 amended to read as follows:

3 Section 947. A. The certification of death of any person whose  
4 death is investigated under this act shall be made by the ~~Chief~~  
5 ~~Medical Examiner~~ State Forensic Pathologist, his designee, or the  
6 medical examiner who conducted the investigation, upon a medical  
7 examiner death certificate provided by the State Registrar of Vital  
8 Statistics. Such death certificates shall be valid only when signed  
9 by a duly appointed medical examiner, the ~~Chief Medical Examiner~~  
10 State Forensic Pathologist, or his designee. Copies of all such  
11 certificates shall be forwarded immediately upon receipt by the  
12 State Registrar of Vital Statistics to the Office of ~~the Chief~~  
13 ~~Medical Examiner~~ Medical Forensics and Pathology.

14 B. Any certification of death by an attending physician may be  
15 referred by the State Registrar of Vital Statistics to the ~~Chief~~  
16 ~~Medical Examiner~~ Office of Medical Forensics and Pathology for  
17 investigation and the amending of the original certificate of death  
18 by the filing of a medical examiner death certificate by the medical  
19 examiner or ~~Chief Medical Examiner~~ State Forensic Pathologist when  
20 the death is determined ~~by the Chief Medical Examiner~~ to be one  
21 properly requiring investigation under Section 938 of this title.

22 C. Medical examiner death certificates will not be required in  
23 cases investigated solely for the purpose of issuing a permit for  
24 transport of a body out of state.

1       ~~D. The Board of Medicolegal Investigations shall not charge a~~  
2 ~~fee for out-of-state shipment of human remains whenever the Office~~  
3 ~~of the Chief Medical Examiner has not been required to conduct an~~  
4 ~~investigation of the death.~~

5       SECTION 17.        AMENDATORY        63 O.S. 2011, Section 948, is  
6 amended to read as follows:

7       Section 948. A. For each investigation or partial  
8 investigation in which the medical examiner is relieved by the ~~Chief~~  
9 ~~Medical Examiner~~ State Forensic Pathologist or a designee, the  
10 medical examiner shall receive compensation for such services as  
11 provided in the rules approved and promulgated by the Board of  
12 ~~Medicolegal Investigations~~ Medical Forensics and Pathology, from  
13 funds appropriated to the Board of ~~Medicolegal Investigations~~  
14 Medical Forensics and Pathology. Where, in the opinion of the ~~Chief~~  
15 ~~Medical Examiner~~ State Forensic Pathologist, it is necessary to  
16 designate a consultant pathologist to perform an autopsy, such  
17 pathologist shall be entitled to a reasonable fee. Such fees shall  
18 be payable from funds appropriated to the Board of ~~Medicolegal~~  
19 ~~Investigations~~ Medical Forensics and Pathology.

20       B. The Office of ~~the Chief Medical Examiner (OCME)~~ Medical  
21 Forensics and Pathology (OMFP) shall store biological specimens in  
22 the control of the ~~OCME~~ OMFP for the potential purpose of  
23 independent analyses in matters of civil law, only upon receipt of a  
24 written request for such storage and payment of a storage fee. The

1 fee shall be paid by the person requesting storage to the Office of  
2 ~~the Chief Medical Examiner~~ Medical Forensics and Pathology. The  
3 Board shall promulgate rules establishing a fee for storage of such  
4 biological specimens which shall not exceed One Hundred Dollars  
5 (\$100.00) per year. All fees collected pursuant to the provisions  
6 of this subsection shall be deposited to the credit of the Office of  
7 ~~the Chief Medical Examiner~~ Medical Forensics and Pathology  
8 Toxicology Laboratory Revolving Fund.

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

15 2. The authorization for drug screens shall apply only to  
16 specimens from cases already within the jurisdiction of the ~~OCME~~  
17 OMFP and only when the analyses are deemed by the ~~Chief Medical~~  
18 ~~Examiner or Deputy Chief Medical Examiner~~ State Forensic Pathologist  
19 or designee not to conflict with any investigation of the case by  
20 the state.

21 3. The Board of ~~Medicolegal Investigations~~ Medical Forensics  
22 and Pathology shall establish a fee for drug screen services by  
23 rule. All fees collected pursuant to the provisions of this  
24 subsection shall be deposited to the ~~Chief Medical Examiner~~ Office

1 of Medical Forensics and Pathology Toxicology Laboratory Revolving  
2 Fund.

3 SECTION 18. AMENDATORY 63 O.S. 2011, Section 948.1, is  
4 amended to read as follows:

5 Section 948.1 A. The Board of ~~Medicolegal Investigations~~  
6 Medical Forensics and Pathology may establish a fee schedule for  
7 forensic services, permits and reports rendered to members of the  
8 public and other agencies.

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

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

- 15 a. permit for cremations that occur within the state:  
16 One Hundred Dollars (\$100.00) to Two Hundred Dollars  
17 (\$200.00),
- 18 b. forensic science service: One Hundred Dollars  
19 (\$100.00) to Three Thousand Dollars (\$3,000.00),
- 20 c. report copies: Ten Dollars (\$10.00) for report of  
21 investigation, including toxicology, and Twenty  
22 Dollars (\$20.00) for an autopsy report, including  
23 toxicology,
- 24 d. x-rays: Fifteen Dollars (\$15.00) each,

- 1 e. microscopic slides, Hematoxilyn and Eosin (H&E): Ten  
2 Dollars (\$10.00) each,  
3 f. special stains: Fifteen Dollars (\$15.00) each, and  
4 g. photographs: Twenty-five Dollars (\$25.00) per  
5 computer diskette (CD).

6 B. The Board shall base the fee schedule for forensic science  
7 services, permits and reports upon reasonable costs of review,  
8 investigation and forensic science service delivery; provided,  
9 however, the fee schedule shall be within the ranges specified in  
10 subsection A of this section. The Board shall continue a system of  
11 basic and continuing educational service and training for all  
12 personnel who render forensic science services in order to ensure  
13 uniform statewide application of the rules of the Board. The Board  
14 shall consider the reasonable costs associated with such training  
15 and continuing education in setting the forensic science service  
16 fees.

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

22 D. All statutory fees currently in effect for permits or  
23 forensic science services administered by the ~~Chief Medical Examiner~~  
24 ~~and the Board of Medicolegal Investigations~~ Office of Medical

1 Forensics and Pathology within the jurisdiction of the Office of ~~the~~  
2 ~~Chief Medical Examiner~~ Medical Forensics and Pathology shall remain  
3 in effect until such time as the Board acts to implement new  
4 schedules pursuant to the provisions of this act.

5 SECTION 19. AMENDATORY 63 O.S. 2011, Section 949, is  
6 amended to read as follows:

7 Section 949.

8 A. 1. a. The Office of ~~the Chief Medical Examiner~~ Medical  
9 Forensics and Pathology shall keep full and complete  
10 records, properly indexed, giving the name, if known,  
11 of every person whose death is investigated, the place  
12 where the body was found, the date, cause, and manner  
13 of death and all other relevant information concerning  
14 the death. The full report and detailed findings of  
15 the autopsy, if any, shall be a part of the record in  
16 each case.

17 b. The ~~Chief Medical Examiner~~ Office of Medical Forensics  
18 and Pathology shall track and forward, within seventy-  
19 two (72) hours after the examination, demographic  
20 information on sudden, unexpected and nontraumatic  
21 infant deaths including, but not limited to, Sudden  
22 Infant Death Syndrome (SIDS), to the Oklahoma SIDS  
23 Coordinator at the State Department of Health and the  
24 SIDS Foundation of Oklahoma. As used in this

1           subparagraph, "Sudden Infant Death Syndrome (SIDS)"  
2           means the sudden, unexpected death of an apparently  
3           healthy infant less than one (1) year of age which  
4           remains unexplained following a complete medicolegal  
5           analysis and death scene investigation. The ~~Chief~~  
6           ~~Medical Examiner~~ Office of Medical Forensics and  
7           Pathology shall follow up with further notification  
8           upon final determination of a cause of death. Such  
9           notification shall be for statistical reporting  
10          purposes only.

11          2. The office shall promptly deliver to each district attorney  
12          having jurisdiction of the case, copies of all records relating to a  
13          death for which further investigation may be advisable. Any  
14          district attorney or other law enforcement official may, upon  
15          request, obtain copies of such records or other information deemed  
16          necessary to the performance of such district attorney's or other  
17          law enforcement official's official duties.

18          B. No report, findings, testimony, or other information of a  
19          medical examiner shall be admitted in evidence in any civil action  
20          in any court in this state, except under the following  
21          circumstances:

22          1. Certified copies of reports pertaining to the factual  
23          determinations of views and examination of or autopsies upon the  
24          bodies of deceased persons by the ~~Chief Medical Examiner~~ State

1 Forensic Pathologist, a medical examiner, consultant pathologist, or  
2 anyone under their supervision or control may be admitted in  
3 evidence in any civil case in a court of competent jurisdiction in  
4 this state by stipulation of all parties in the case;

5 2. If a party refuses to stipulate to admission, the reports  
6 may be requested by any party seeking to admit the records as  
7 evidence. The request shall be made to the Office of ~~the Chief~~  
8 ~~Medical Examiner~~ Medical Forensics and Pathology, who shall furnish  
9 same;

10 3. The party seeking admission of the reports shall then serve  
11 interrogatories concerning the facts to be answered under oath by  
12 the person preparing the records. The interrogatories and answers  
13 thereto shall be subject to the rules of evidence and may be  
14 admissible in evidence in any civil case in a court of competent  
15 jurisdiction. Objections to the interrogatories shall be made by  
16 any party in accordance with law just as if the interrogatories had  
17 been served on the objecting party. Cross interrogatories shall be  
18 submitted and shall be answered and admitted in evidence in the same  
19 manner as interrogatories;

20 4. The taking of depositions shall then be allowed pursuant to  
21 the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;  
22 provided, however, depositions shall take place at the Office of ~~the~~  
23 ~~Chief Medical Examiner~~ Medical Forensics and Pathology, a medical  
24 examiner, consultant pathologist, or anyone under their supervision

1 or control whose testimony is sought, unless all parties, including  
2 the medical examiner, agree the deposition can be taken elsewhere;

3 5. No other testimony of the ~~Chief Medical Examiner~~ State  
4 Forensic Pathologist, a medical examiner, consultant pathologist, or  
5 anyone under their supervision and control shall be admitted in  
6 evidence in any civil action in any court of this state, unless  
7 timely application is made to the court by an interested party or  
8 litigant and timely notice of the application is given to the  
9 medical examiner. After a hearing, the court, for good cause shown,  
10 may order the appearance of the ~~Chief Medical Examiner~~ State  
11 Forensic Pathologist, a medical examiner, consultant pathologist, or  
12 anyone under their supervision and control for the purpose of  
13 testifying and may order that a subpoena be issued for that  
14 appearance; provided, however, that such order by the court shall be  
15 the exception and not the rule; and

16 6. The cost of the records or certified copies thereof shall be  
17 paid by the party requesting same. The reasonable fee charged by  
18 the ~~Chief Medical Examiner~~ State Forensic Pathologist, a medical  
19 examiner, consultant pathologist, or anyone under their supervision  
20 and control for answering interrogatories or cross interrogatories,  
21 submitting to depositions, or providing testimony shall be paid by  
22 the party submitting same. This fee shall be in place of any other  
23 witness fee allowed by law.

24

1 C. Certified copies of reports and findings, exclusive of  
2 hearsay evidence, may be admitted in evidence in preliminary  
3 hearings and criminal trials by stipulation.

4 D. Certified copies of reports of investigations by a medical  
5 examiner, laboratory reports and/or autopsy reports may be furnished  
6 to the next of kin or others having need for them upon written  
7 statement and payment of a reasonable fee set by the Board of  
8 ~~Medicolegal Investigations~~ Medical Forensics and Pathology.

9 E. 1. In a case in which possible SIDS is determined as the  
10 cause of death of an infant less than one (1) year of age, the  
11 medical examiner shall explain to the newly bereaved family that  
12 support services are available and can be rendered more efficiently  
13 if the family signs a waiver to allow release of confidential  
14 information. The medical examiner shall provide such waiver to the  
15 family for signatures.

16 2. The medical examiner shall document receipt of the signed  
17 waiver form and shall forward such documentation to the State  
18 Department of Health and the SIDS Foundation of Oklahoma, along with  
19 information related to the possible SIDS death including, but not  
20 limited to, the infant's name, date of birth, date of death, race,  
21 parents' names, address and phone number.

22 3. As used in this subsection, "possible SIDS" means the sudden  
23 unexpected, nontraumatic death of an apparently healthy infant less  
24 than one (1) year of age.

1 SECTION 20. AMENDATORY 63 O.S. 2011, Section 950, is  
2 amended to read as follows:

3 Section 950. In the event it is necessary or advisable to  
4 perform an autopsy under the provisions of this act in some place  
5 other than the laboratories of the ~~Chief Medical Examiner~~ Office of  
6 Medical Forensics and Pathology, said examiner may authorize payment  
7 of a reasonable fee for the use of an appropriate place for the  
8 performing of an autopsy, which payment shall be made upon a claim  
9 and submitted to the Board of ~~Medicolegal Investigations~~ Medical  
10 Forensics and Pathology.

11 SECTION 21. AMENDATORY 63 O.S. 2011, Section 951, is  
12 amended to read as follows:

13 Section 951. ~~The Chief Medical Examiner, his~~ Director, the  
14 State Forensic Pathologist or their designee, or a medical examiner  
15 shall be authorized to transport bodies of deceased persons of whose  
16 death he is officially informed to an appropriate place for autopsy  
17 or for the performance of scientific tests; provided that, after  
18 said autopsy shall have been performed or such tests made, the  
19 bodies of such deceased persons shall be returned to the county from  
20 which they were brought, or, when so authorized by the district  
21 attorney of said county and upon request of the nearest relative of  
22 the deceased or other person who may be responsible for burial, the  
23 body may be transported to some place other than said county. The  
24 ~~Chief Medical Examiner or his designee~~ Office of Medical Forensics

1 and Pathology may authorize payment for the services in transporting  
2 the body to the place designated for autopsy, which shall be  
3 submitted upon a claim filed with the Board of ~~Medicolegal~~  
4 ~~Investigations~~ Medical Forensics and Pathology.

5 SECTION 22. AMENDATORY 63 O.S. 2011, Section 954, is  
6 amended to read as follows:

7 Section 954. A. The Board of ~~Medicolegal Investigations~~  
8 Medical Forensics and Pathology is authorized to accept grants,  
9 gifts, fees or funds from persons, associations, corporations, or  
10 foundations for any purpose authorized by the Board.

11 B. There is hereby created in the State Treasury a revolving  
12 fund for the Office of ~~the Chief Medical Examiner~~ Medical Forensics  
13 and Pathology to be designated the "~~Chief Medical Examiner~~ Office of  
14 Medical Forensics and Pathology Revolving Fund". The fund shall be  
15 a continuing fund, not subject to fiscal year limitations, and shall  
16 consist of all moneys received from:

17 1. Laboratory analysis fees pursuant to the provisions of  
18 Section 1313.2 of Title 20 of the Oklahoma Statutes;

19 2. Grants, gifts, fees or funds from persons, associations,  
20 corporations or foundations pursuant to this section;

21 3. Document fees pursuant to the Oklahoma Open Records Act,  
22 Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes; and

23 4. Cremation, burial at sea or other recognized means of  
24 dissolution permit fees pursuant to Section 1-329.1 of this title.

1 All monies accruing to the credit of said fund are hereby  
2 appropriated and may be budgeted and expended by the Office of ~~the~~  
3 ~~Chief Medical Examiner~~ Medical Forensics and Pathology for the  
4 duties imposed upon the Board of ~~Medicolegal Investigations~~ Medical  
5 Forensics and Pathology by law. Expenditures from said fund shall  
6 be made upon warrants issued by the State Treasurer against claims  
7 filed as prescribed by law with the Director of the Office of  
8 Management and Enterprise Services for approval and payment.

9 SECTION 23. REPEALER 63 O.S. 2011, Section 932, is  
10 hereby repealed.

11 SECTION 24. REPEALER 63 O.S. 2011, Section 935, is  
12 hereby repealed.

13 SECTION 25. REPEALER 63 O.S. 2011, Section 936, is  
14 hereby repealed.

15 SECTION 26. This act shall become effective November 1, 2013.

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