

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1183

6 By: Standridge of the Senate

7 and

8 Billy of the House

9 COMMITTEE SUBSTITUTE

10 An Act relating to public health; amending 63 O.S.  
11 2011, Section 931, which relates to the Board of  
12 Medicolegal Investigations; requiring certain  
13 election to be held annually; limiting time period of  
14 certain capacities; amending 63 O.S. 2011, Section  
15 934, which relates to qualifications of the Chief  
16 Medical Examiner; permitting Chief Medical Examiner  
17 to teach in any educational capacity; amending 63  
18 O.S. 2011, Section 935, which relates to  
19 responsibilities of the Chief Medical Examiner;  
20 clarifying language; amending 63 O.S. 2011, Section  
21 936, which relates to offices and laboratories;  
22 requiring Board to provide certain facilities;  
23 amending 63 O.S. 2011, Section 937, which relates to  
24 qualifications of medical examiners; directing Chief  
Medical Examiner to appoint Deputy Chief Medical  
Examiner to serve in certain circumstances; amending  
63 O.S. 2011, Section 938, which relates to  
investigations of deaths; removing types of deaths  
from required investigations; clarifying language;  
requiring investigations of bodies donated to  
educational entities; removing restrictions on  
certain autopsies; amending 63 O.S. 2011, Section  
939, which relates to investigation report forms;  
removing requirement for distribution of certain  
forms; amending 63 O.S. 2011, Section 940, which  
relates to notification of deaths; clarifying  
language; removing certain reference to county  
medical examiners; removing certain exceptions;

1 amending 63 O.S. 2011, Section 941, which relates to  
2 investigations by the Chief Medical Examiner;  
3 requiring certain persons to conduct investigations  
4 in certain circumstances; requiring submission of  
5 certain items to the Office of the Chief Medical  
6 Examiner; permitting medical examiners and designees  
7 to deliver certain objects to certain persons;  
8 permitting certain persons to access certain records;  
9 requiring decedent bodies to be turned over to  
10 funeral directors within certain time period;  
11 amending 63 O.S. 2011, Section 941a, which relates to  
12 custody of bodies; removing obsolete language;  
13 amending 63 O.S. 2011, Section 942, which relates to  
14 reports of findings; deleting requirement related to  
15 forms; requiring certain officials to record findings  
16 in certain database; requiring copies of reports to  
17 be furnished to certain persons; amending 63 O.S.  
18 2011, Section 942a, which relates to appeals of  
19 certain findings; permitting certain persons to  
20 appeal certain findings; removing ability of certain  
21 persons to appeal certain reports; amending 63 O.S.  
22 2011, Section 944, which relates to collection of  
23 specimens; removing authority of certain persons to  
24 authorize autopsies; permitting certain persons to  
collect and retain certain specimens; amending 63  
O.S. 2011, Section 945, which relates to autopsies;  
requiring extent of autopsy to be determined by  
certain person; removing ability of certain persons  
to designate physicians to be present at autopsy;  
amending 63 O.S. 2011, Section 946, which relates to  
exhuming of bodies; transferring certain duties to  
certain officials; modifying provisions relating to  
orders of exhumation; amending 63 O.S. 2011, Section  
947, which relates to death certificates; removing  
reference to certain personnel; directing certain  
personnel to conduct certain investigations; removing  
prohibition on certain fees levied by Board of  
Medicolegal Examinations; amending 63 O.S. 2011,  
Section 948, which relates to compensation for  
investigations; removing certain requirements for  
compensation; placing time limit on certain fee;  
amending 63 O.S. 2011, Section 948.1, which relates  
to fee schedule; requiring permits for certain  
circumstances; authorizing certain fee; amending 63  
O.S. 2011, Section 949, which relates to records and  
evidence; modifying definition; requiring Office of  
Chief Medical Examiner to deliver certain cases to

1 district attorneys; removing certain persons from  
2 certain documents, judicial proceedings, and fees;  
3 removing certain requirements of medical examiners;  
4 deleting certain definition; amending 63 O.S. 2011,  
5 Section 951, which relates to transporting of bodies;  
6 removing requirement of certain persons to transport  
7 bodies; requiring Chief Medical Examiner to maintain  
8 certain contract; amending 63 O.S. 2011, Section 952,  
9 which relates to certain exclusions; prohibiting  
10 certain persons from employment with the Office of  
11 the Chief Medical Examiner; making gender neutral;  
12 repealing 63 O.S. 2011, Sections 943, 944.1 and 950,  
13 which relate to the Office of the Chief Medical  
14 Examiner; and providing an effective date.

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

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

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

20 1. The Director of the State Bureau of Investigation, or a  
21 designee;

22 2. The State Commissioner of Health, or a designee;

23 3. The Dean of the College of Medicine of the University of  
24 Oklahoma, or a designee;

1. The President or Dean of the Oklahoma State University  
Center for Health Sciences, or a designee;

2. The President of the Oklahoma Bar Association, or a  
designee;

1           6. The President of the Oklahoma Osteopathic Association, or a  
2 designee;

3           7. The President of the Oklahoma State Medical Association, or  
4 a designee; and

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

8 The Chief Medical Examiner shall be an ex officio nonvoting member  
9 of the Board. The Board shall elect one of its members as chair and  
10 one of its members as vice-chair. Elections of board members shall  
11 be held annually. An elected member shall not serve in the same  
12 capacity for more than two (2) consecutive years. Members of the  
13 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 members shall constitute a quorum.

17           SECTION 2.           AMENDATORY           63 O.S. 2011, Section 934, is  
18 amended to read as follows:

19           Section 934. The Board of Medicolegal Investigations shall  
20 appoint a Chief Medical Examiner who shall be a physician licensed  
21 to practice in Oklahoma and a ~~diplomate~~ Diplomate of the American  
22 Board of Pathology or the American Osteopathic Board of Pathology in  
23 forensic pathology. The Chief Medical Examiner shall serve at the  
24 pleasure of the Board. In addition to the duties prescribed by law,

1 the Chief Medical Examiner may teach in any ~~medical school in this~~  
2 ~~state and conduct special classes for law enforcement officers~~  
3 educational capacity.

4 SECTION 3. AMENDATORY 63 O.S. 2011, Section 935, is  
5 amended to read as follows:

6 Section 935. The Chief Medical Examiner shall be directly  
7 responsible to the Board for the performance of the duties provided  
8 for in this act and for the administration of the office of the  
9 Chief Medical Examiner. The Chief Medical Examiner may, however,  
10 delegate specific duties to competent and qualified ~~deputies~~  
11 personnel who may act for the Chief Medical Examiner within the  
12 scope of the express authority granted by the Chief Medical  
13 Examiner, subject, however, to such rules as the Board may  
14 prescribe.

15 SECTION 4. AMENDATORY 63 O.S. 2011, Section 936, is  
16 amended to read as follows:

17 Section 936. The Board shall provide for ~~a central office and~~  
18 eastern facilities offices and shall see that there is maintained a  
19 laboratory suitably equipped with facilities for performance of the  
20 duties imposed by ~~this act~~ Section 931 et seq. of this title.

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

23 Section 937. The Chief Medical Examiner shall appoint medical  
24 examiners for ~~each county of~~ the state. Each medical examiner so

1 appointed shall be a Doctor of Medicine or Osteopathy and Surgery,  
2 shall hold a valid ~~license~~ board certification to practice ~~his~~  
3 ~~profession~~ forensic pathology in Oklahoma, and shall hold office at  
4 the pleasure of the ~~Board~~ Chief Medical Examiner. ~~In the event there~~  
5 ~~is no qualified person in the county or no person willing to serve~~  
6 ~~as a medical examiner, or in the event the medical examiner is~~  
7 ~~absent from the county in which he serves, or is ill or disqualified~~  
8 ~~by personal interest, the Chief Medical Examiner may in his~~  
9 ~~discretion appoint as a medical examiner for such county a qualified~~  
10 ~~person from another county, or may direct a medical examiner from~~  
11 ~~another county to perform the duties of a medical examiner in both~~  
12 ~~counties. Nothing in this section or act shall prohibit or restrict~~  
13 ~~the Chief Medical Examiner from appointing a medical examiner and~~  
14 ~~directing him to cross a county line. A medical examiner shall not~~  
15 ~~be precluded from holding other public offices created by the laws~~  
16 ~~of the state~~ The Chief Medical Examiner shall appoint a Deputy Chief  
17 Medical Examiner to serve in the capacity of the Chief Medical  
18 Examiner in the event the Chief Medical Examiner is absent, ill, or  
19 disqualified by personal interest.

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

22 Section 938. A. All human deaths of the types listed herein  
23 shall be investigated as provided by law:  
24

1 1. Violent deaths, whether apparently homicidal, suicidal, or  
2 accidental, ~~including but not limited to, deaths due to thermal,~~  
3 ~~chemical, electrical, or radiational injury, and deaths due to~~  
4 ~~criminal abortion, whether apparently self-induced or not;~~

5 2. Deaths under suspicious, unusual or unnatural circumstances;

6 3. Deaths related to disease which might constitute a threat to  
7 public health;

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

10 5. ~~Deaths of persons after unexplained coma;~~

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

13 ~~7.~~ 6. Deaths of any ~~inmates~~ persons detained or occurring in  
14 ~~any place~~ custody of penal incarceration; and

15 ~~8.~~ 7. Deaths of persons whose bodies are to be cremated, ~~buried~~  
16 ~~at sea,~~ transported out of the state, donated to educational  
17 entities, to include limited portions of the body, or otherwise made  
18 ultimately unavailable for pathological study.

19 B. ~~No autopsy shall be performed on the body of an executed~~  
20 ~~inmate unless requested by the immediate family of the inmate prior~~  
21 ~~to the execution or unless directed by the Department of Corrections~~  
22 ~~or the Chief Medical Examiner. The Chief Medical Examiner shall not~~  
23 ~~automatically authorize or perform an autopsy in conjunction with an~~  
24 ~~investigation of death of an inmate that resulted from a scheduled~~

1 ~~execution due to a death sentence imposed pursuant to Title 21 of~~  
2 ~~the Oklahoma Statutes. The Chief Medical Examiner may authorize or~~  
3 ~~perform such an autopsy only when the public interest requires it.~~  
4 ~~The provisions of this subsection shall not prohibit an inmate from~~  
5 ~~donating, in writing, his or her body to a teaching medical~~  
6 ~~institution for scientific or research purposes.~~

7       C. The Chief Medical Examiner shall state on the certificate of  
8 death of all persons whose death was caused by execution pursuant to  
9 a lawful court order that the cause of death was the execution of  
10 such order.

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

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

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

1 after notice to all parties, including the Chief Medical Examiner,  
2 and a hearing on the application, may, upon the showing of good  
3 cause, direct the release of a copy or any part of such material.  
4 In addition, the court may also direct the payment of reasonable  
5 costs by the requesting party for the production of the material.  
6 The production of such material shall take place at the Office of  
7 the Chief Medical Examiner unless, upon a showing of good cause,  
8 specifically ordered otherwise by the court.

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

11 Section 940. A. All law enforcement officers and other state  
12 and county officials shall cooperate with the Chief Medical Examiner  
13 and all other medical examiners in making investigations required  
14 pursuant to the provisions of Sections 931 through 954 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 of the  
18 occurrence of all deaths coming to their attention which, pursuant  
19 to the provisions of Sections 931 through 954 of this title, are  
20 subject to investigation, and shall assist in making dead bodies and  
21 related evidence available for investigation.

22 ~~The scene of a death subject~~ Subject to the provisions of  
23 Sections 931 through 954 of this title, bodies shall not be  
24 disturbed until authorized by the Chief Medical Examiner, or his or

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

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

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

19 2. The Chief Medical Examiner shall have the authority to  
20 require production of any records, documents, or equipment or other  
21 items regarding the deceased patient deemed necessary to investigate  
22 the death.

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

1 Section 941. Upon receipt of notice of death of any person  
2 which under ~~this act~~ Section 931 et seq. of this title is subject to  
3 investigation, the medical examiner and the medical examiner's  
4 designee shall immediately conduct an investigation into the cause  
5 and manner of death, and shall ~~comply~~ document in detail ~~with the~~  
6 ~~instructions of,~~ by the end of their assigned shift, all the facts  
7 of the scene to the database of the Chief Medical Examiner as  
8 ~~provided for in Section 939 of this title. He may have fingerprints~~  
9 ~~and photographs taken. He~~ Decedent specimens, evidence, and  
10 photographs shall all be sent to the Office of the Chief Medical  
11 Examiner. The investigating official of the office of the Chief  
12 Medical Examiner may take charge of any object or writing found on  
13 or near the body which ~~he deems~~ is deemed necessary for the purpose  
14 of establishing the cause and/or manner of death.

15 Upon conclusion of ~~his~~ the investigation and ~~his~~ determination  
16 that such objects or writings are no longer needed as evidence, the  
17 medical examiner ~~shall~~ or the medical examiner's designee may  
18 deliver them to the district attorney, law enforcement agency, or  
19 family for disposition.

20 The investigating medical examiner or the medical examiner's  
21 designee shall have access at all times to any and all medical and  
22 dental records and history of the deceased, including, but not  
23 limited to, radiographs and ~~electrocardiograms~~ medical records, in  
24 the course of his or her official investigation to determine the

1 cause and manner of death. Such records may not be released to any  
2 other person by the medical examiner, and the custodians of such  
3 records shall incur no liability by reason of the release of such  
4 records to the medical examiner. The body of the deceased shall be  
5 turned over to the funeral director designated by the person  
6 responsible for burial within ~~eighteen (18)~~ twenty-four (24) hours  
7 of receipt of the decedent unless a longer period is necessary to  
8 complete the required investigation.

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

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

16 1. A release is signed by the person legally entitled to the  
17 custody of the body; or

18 2. The attending physician has notified the Chief Medical  
19 Examiner of the State of Oklahoma, or his or her designee, of the  
20 need for further investigation into the cause of death, or has  
21 notified the appropriate district attorney of such need; or

22 3. The laws of this state or the regulations of the Board of  
23 Medicolegal Investigations require additional information or  
24

1 examination that cannot be obtained or completed within the above  
2 period of time.

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

5 Section 942. A. Upon completion of an investigation, the  
6 medical examiner or the medical examiner's investigating official  
7 shall reduce his or her findings to ~~writing upon the form supplied~~  
8 ~~to the medical examiner which shall be promptly sent to the Chief~~  
9 ~~Medical Examiner by mail~~ make official record of findings and  
10 conclusions in the Medical Examiner's database.

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

18 SECTION 12. AMENDATORY 63 O.S. 2011, Section 942a, is  
19 amended to read as follows:

20 Section 942a. A. ~~The spouse of the deceased or any person~~  
21 ~~within one degree of consanguinity~~ next of kin of the deceased may  
22 appeal the findings of the medical examiner to the district court of  
23 Oklahoma County under a petition for judicial review within two (2)  
24 years from the completion of the report. Such appeal shall be made

1 in writing, shall state the nature and reasons for the appeal, and  
2 shall be supported by affidavit. The burden of proof shall be on  
3 the petitioner to establish by a preponderance of the evidence that  
4 the death certificate is in error. The petitioner shall notify the  
5 Office of the Chief Medical Examiner in writing upon filing the  
6 petition for judicial review. No jury shall be impaneled and no  
7 monetary damages shall be awarded under a cause of action filed  
8 pursuant to this subsection.

9 B. The court shall conduct an evidentiary hearing. Should the  
10 court find that the findings of the medical examiner are erroneous,  
11 the court shall immediately order the Chief Medical Examiner to  
12 correct the report and transmit the appropriate paperwork to the  
13 State Department of Health for the correction of the death  
14 certificate.

15 ~~C. Reports of the medical examiner made prior to November 1,~~  
16 ~~2011, may be appealed by the spouse of the deceased or any person~~  
17 ~~within one degree of consanguinity of the deceased under the~~  
18 ~~procedures specified in subsection A of this section. Appeals made~~  
19 ~~pursuant to this subsection shall be filed no later than November 1,~~  
20 ~~2013.~~

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

23 Section 944. When necessary in connection with an investigation  
24 to determine the cause and/or manner of death and when the public

1 interest requires it, the Chief Medical Examiner, his or her  
2 designee, ~~a medical examiner~~ or a district attorney shall require  
3 and authorize an autopsy to be conducted. In determining whether  
4 the public interest requires an autopsy the medical examiner or  
5 district attorney involved shall take into account but shall not be  
6 bound by request therefor from private persons or from other public  
7 officials.

8 The Chief Medical Examiner, or his or her designee ~~or a medical~~  
9 ~~examiner,~~ may collect and retain such blood, tissue, bone, fluid or  
10 body waste specimens as ~~he deems~~ is deemed necessary to carry out  
11 his or her duties as specified in ~~this act~~ Section 931 et seq. of  
12 this title. No autopsy authorization shall be required as a  
13 prerequisite to the collection of such specimens.

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

16 Section 945. When properly authorized, an autopsy shall be  
17 performed by the Chief Medical Examiner or such person as may be  
18 designated by him or her for such purpose. The Chief Medical  
19 Examiner or a person designated by him or her may authorize arterial  
20 embalming of the body prior to the autopsy when such embalming would  
21 in his or her opinion not interfere with the autopsy. The extent of  
22 the autopsy shall be made ~~of such parts of the body~~ as is deemed  
23 necessary by the person performing the autopsy. A full and complete  
24 report of the facts developed by the autopsy together with the

1 findings of the person making it shall be prepared and filed in the  
2 Office of the Chief Medical Examiner without unnecessary delay.  
3 Copies of such reports and findings shall be furnished to district  
4 attorneys and law enforcement officers making a criminal  
5 investigation in connection with the death. ~~The next of kin, or any~~  
6 ~~one of them if more than one, may designate a physician to be~~  
7 ~~present when the autopsy is conducted.~~

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

10 Section 946. A. If death occurred under circumstances as  
11 enumerated in Section 938 of this title, and if the body has been  
12 buried without proper certification of death, it shall be the duty  
13 of the ~~medical examiner~~ investigating official, upon ascertaining  
14 such facts, to notify the Chief Medical Examiner and the district  
15 attorney of the county in which the body was buried. The district  
16 attorney shall present facts to the judge of the district court of  
17 that county, and the judge, after a hearing, may by written order  
18 require the body to be exhumed and an autopsy performed by the Chief  
19 Medical Examiner or his or her designee. A copy of the court order  
20 for exhumation shall be provided to the State Department of Health.  
21 A complete report of the facts developed by the autopsy and the  
22 findings of the person making the same shall be filed with the Chief  
23 Medical Examiner without unnecessary delay and a copy furnished the

24

1 district attorney of the county within which the death occurred or  
2 within which the body was buried, or both.

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

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

19 Section 947. A. The certification of death of any person whose  
20 death is investigated under ~~this act~~ Section 931 et seq. of this  
21 title shall be made by the Chief Medical Examiner, or his or her  
22 ~~designee, or the medical examiner who conducted the investigation,~~  
23 upon a medical examiner death certificate provided by the State  
24 Registrar of Vital Statistics. Such death certificates shall be

1 valid only when signed by a ~~duly appointed medical examiner~~, the  
2 Chief Medical Examiner, or his or her designee. Copies of all such  
3 certificates shall be forwarded immediately upon receipt by the  
4 State Registrar of Vital Statistics to the Office of the Chief  
5 Medical Examiner.

6 B. Any certification of death by an attending physician may be  
7 referred by the State Registrar of Vital Statistics to the Chief  
8 Medical Examiner for investigation and the amending of the original  
9 certificate of death by the filing of a medical examiner death  
10 certificate by the ~~medical examiner or~~ Chief Medical Examiner or his  
11 or her designee when the death is determined by the Chief Medical  
12 Examiner to be one properly requiring investigation under Section  
13 938 of this title.

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

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

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

23 Section 948. A. ~~For each investigation or partial~~  
24 ~~investigation in which the medical examiner is relieved by the Chief~~

1 ~~Medical Examiner or a designee, the medical examiner shall receive~~  
2 ~~compensation for such services as provided in the rules approved and~~  
3 ~~promulgated by the Board of Medicolegal Investigations, from funds~~  
4 ~~appropriated to the Board of Medicolegal Investigations. Where, in~~  
5 ~~the opinion of the Chief Medical Examiner, it is necessary to~~  
6 ~~designate a consultant pathologist to perform an autopsy, such~~  
7 ~~pathologist shall be entitled to a reasonable fee. Such fees shall~~  
8 ~~be payable from funds appropriated to the Board of Medicolegal~~  
9 ~~Investigations.~~

10 ~~B.~~ The Office of the Chief Medical Examiner (OCME) shall store  
11 biological specimens in the control of the OCME for the potential  
12 purpose of independent analyses in matters of civil law, only upon  
13 receipt of a written request for such storage and payment of a  
14 storage fee. The fee shall be paid by the person requesting storage  
15 to the Office of the Chief Medical Examiner. The Board shall  
16 promulgate rules establishing a fee for storage of such biological  
17 specimens which shall not exceed One Hundred Dollars (\$100.00) per  
18 year for a period of time not to exceed five (5) years. All fees  
19 collected pursuant to the provisions of this subsection shall be  
20 deposited to the credit of the Office of the Chief Medical Examiner  
21 Toxicology Laboratory Revolving Fund.

22 ~~C.~~ B. 1. The Office of the Chief Medical Examiner (OCME) is  
23 authorized to perform drug screens on specimens in the custody of  
24 the OCME, provided the request is made by an agency or party

1 authorized to receive such information. The OCME may limit drug  
2 screens within the technical and physical capabilities of the OCME.

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

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

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

14 Section 948.1. A. The Board of Medicolegal Investigations may  
15 establish a fee schedule for forensic services, permits and reports  
16 rendered to members of the public and other agencies.

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

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

23

24

1 a. permit for cremations that occur within the state:  
2 One Hundred Dollars (\$100.00) to Two Hundred Dollars  
3 (\$200.00),

4 b. forensic science service: One Hundred Dollars  
5 (\$100.00) to Three Thousand Dollars (\$3,000.00),

6 c. report copies: Ten Dollars (\$10.00) for report of  
7 investigation, including toxicology, and Twenty  
8 Dollars (\$20.00) for an autopsy report, including  
9 toxicology,

10 d. x-rays: Fifteen Dollars (\$15.00) each,

11 e. microscopic slides, Hematoxylyn and Eosin (H&E): Ten  
12 Dollars (\$10.00) each,

13 f. special stains: Fifteen Dollars (\$15.00) each, and

14 g. photographs: Twenty-five Dollars (\$25.00) per  
15 computer diskette (CD).

16 3. Medical Examiner permit certificates shall be required in  
17 cases investigated solely for the purpose of issuing a permit for  
18 transport of a body out of state.

19 4. The Board of Medicolegal Examinations shall charge a fee for  
20 out-of-state shipment of human remains whenever the Office of the  
21 Chief Medical Examiner has not been required to conduct an  
22 investigation of the death.

1        5. An out-of-state transport permit and cremation permit shall  
2 both be required for bodies containing body parts sent out of state  
3 or out of country, while remaining body parts remain unused.

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

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

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

1 pursuant to the provisions of this ~~act~~ section and Section 948 of  
2 this title.

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

5 Section 949.

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

14 b. The Chief Medical Examiner shall track and forward,  
15 within seventy-two (72) hours after the examination,  
16 demographic information on sudden, unexpected and  
17 nontraumatic infant deaths including, but not limited  
18 to, Sudden Infant Death Syndrome (SIDS), to the  
19 Oklahoma SIDS Coordinator at the State Department of  
20 Health and the SIDS Foundation of Oklahoma. As used  
21 in this subparagraph, "~~Sudden Infant Unexpected~~ Death  
22 ~~Syndrome (SIDS)~~" in Infants and Children" (SUDIC)  
23 means the sudden, unexpected death of an apparently  
24 healthy infant less than one (1) year of age which

1 remains unexplained following a complete medicolegal  
2 analysis and death scene investigation. The Chief  
3 Medical Examiner shall follow up with further  
4 notification upon final determination of a cause of  
5 death. Such notification shall be for statistical  
6 reporting purposes only.

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

14 B. No report, findings, testimony, or other information of a  
15 medical examiner shall be admitted in evidence in any civil action  
16 in any court in this state, except under the following  
17 circumstances:

18 1. Certified copies of reports pertaining to the factual  
19 determinations of views and examination of or autopsies upon the  
20 bodies of deceased persons by the Chief Medical Examiner, ~~a medical~~  
21 ~~examiner, consultant pathologist,~~ or anyone under ~~their~~ his or her  
22 supervision or control may be admitted in evidence in any civil case  
23 in a court of competent jurisdiction in this state by stipulation of  
24 all parties in the case;

1           2. If a party refuses to stipulate to admission, the reports  
2 may be requested by any party seeking to admit the records as  
3 evidence. The request shall be made to the Office of the Chief  
4 Medical Examiner, who shall furnish same;

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

15           4. The taking of depositions shall then be allowed pursuant to  
16 the provisions of Section 3230 of Title 12 of the Oklahoma Statutes;  
17 provided, however, depositions shall take place at the Office of the  
18 Chief Medical Examiner, ~~a medical examiner, consultant pathologist,~~  
19 or anyone under ~~their~~ his or her supervision or control whose  
20 testimony is sought, unless all parties, including the medical  
21 examiner, agree the deposition can be taken elsewhere;

22           5. No other testimony of the Chief Medical Examiner, ~~a medical~~  
23 ~~examiner, consultant pathologist,~~ or anyone under ~~their~~ his or her  
24 supervision and control shall be admitted in evidence in any civil

1 action in any court of this state, unless timely application is made  
2 to the court by an interested party or litigant and timely notice of  
3 the application is given to the medical examiner. After a hearing,  
4 the court, for good cause shown, may order the appearance of the  
5 Chief Medical Examiner, ~~a medical examiner, consultant pathologist,~~  
6 or anyone under ~~their~~ his or her supervision and control for the  
7 purpose of testifying and may order that a subpoena be issued for  
8 that appearance; provided, however, that such order by the court  
9 shall be the exception and not the rule; and

10 6. The cost of the records or certified copies thereof shall be  
11 paid by the party requesting same. The reasonable fee charged by  
12 the Chief Medical Examiner, ~~a medical examiner, consultant~~  
13 ~~pathologist,~~ or anyone under ~~their~~ his or her supervision and  
14 control for answering interrogatories or cross interrogatories,  
15 submitting to depositions, or providing testimony shall be paid by  
16 the party submitting same. This fee shall be in place of any other  
17 witness fee allowed by law.

18 C. Certified copies of reports and findings, exclusive of  
19 hearsay evidence, may be admitted in evidence in preliminary  
20 hearings and criminal trials by stipulation.

21 D. Certified copies of reports of investigations by a medical  
22 examiner, laboratory reports and/or autopsy reports may be furnished  
23 to the next of kin or others having need for them upon written  
24

1 statement and payment of a reasonable fee set by the Board of  
2 Medicolegal Investigations.

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

10 ~~2. The medical examiner shall document receipt of the signed~~  
11 ~~waiver form and shall forward such documentation to the State~~  
12 ~~Department of Health and the SIDS Foundation of Oklahoma, along with~~  
13 ~~information related to the possible SIDS death including, but not~~  
14 ~~limited to, the infant's name, date of birth, date of death, race,~~  
15 ~~parents' names, address and phone number.~~

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

19 SECTION 20. AMENDATORY 63 O.S. 2011, Section 951, is  
20 amended to read as follows:

21 Section 951. The Chief Medical Examiner, ~~his designee, or a~~  
22 ~~medical examiner~~ shall ~~be~~ maintain a contract transport service  
23 authorized to transport bodies of deceased persons of whose death he  
24 or she is officially informed to an appropriate place for autopsy or

1 for the performance of scientific tests; provided that, after ~~said~~  
2 the autopsy shall have been performed or such tests made, the bodies  
3 of such deceased persons shall be returned to the county from which  
4 they were brought, or, when so authorized by the district attorney  
5 of ~~said~~ the county and upon request of the nearest relative of the  
6 deceased or other person who may be responsible for burial, the body  
7 may be transported to some place other than ~~said~~ the county. The  
8 Chief Medical Examiner or his or her designee may authorize payment  
9 for the services in transporting the body to the place designated  
10 for autopsy, which shall be submitted upon a claim filed with the  
11 Board of Medicolegal Investigations.

12 SECTION 21. AMENDATORY 63 O.S. 2011, Section 952, is  
13 amended to read as follows:

14 Section 952. It is specifically provided that no embalmer,  
15 funeral director, or employee of a funeral home shall be ~~appointed~~  
16 ~~or serve~~ employed in any capacity ~~as or with a medical examiner or~~  
17 ~~deputy~~ the Office of the Chief Medical Examiner, nor shall any  
18 member of law enforcement including but not limited to peace  
19 officers, deputy sheriffs, and reserve deputies.

20 SECTION 22. REPEALER 63 O.S. 2011, Sections 943, 944.1,  
21 and 950, are hereby repealed.

22 SECTION 23. This act shall become effective November 1, 2014.

23  
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