

1 ENGROSSED SENATE  
2 BILL NO. 1183

By: Standridge of the Senate

3 and

4 Billy of the House

5  
6 An Act relating to public health; amending 63 O.S.  
7 2011, Section 931, which relates to the Board of  
8 Medicolegal Investigations; requiring certain  
9 election to be held annually; limiting time period of  
10 certain capacities; amending 63 O.S. 2011, Section  
11 934, which relates to qualifications of the Chief  
12 Medical Examiner; permitting Chief Medical Examiner  
13 to teach in any educational capacity; amending 63  
14 O.S. 2011, Section 935, which relates to  
15 responsibilities of the Chief Medical Examiner;  
16 clarifying language; amending 63 O.S. 2011, Section  
17 936, which relates to offices and laboratories;  
18 requiring Board to provide certain facilities;  
19 amending 63 O.S. 2011, Section 937, which relates to  
20 qualifications of medical examiners; directing Chief  
21 Medical Examiner to appoint Deputy Chief Medical  
22 Examiner to serve in certain circumstances; amending  
23 63 O.S. 2011, Section 938, which relates to  
24 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;  
amending 63 O.S. 2011, Section 941, which relates to  
investigations by the Chief Medical Examiner;  
requiring certain persons to conduct investigations  
in certain circumstances; requiring submission of  
certain items to the Office of the Chief Medical  
Examiner; permitting medical examiners and designees  
to deliver certain objects to certain persons;  
permitting certain persons to access certain records;

1 requiring decedent bodies to be turned over to  
2 funeral directors within certain time period;  
3 amending 63 O.S. 2011, Section 941a, which relates to  
4 custody of bodies; removing obsolete language;  
5 amending 63 O.S. 2011, Section 942, which relates to  
6 reports of findings; deleting requirement related to  
7 forms; requiring certain officials to record findings  
8 in certain database; requiring copies of reports to  
9 be furnished to certain persons; amending 63 O.S.  
10 2011, Section 942a, which relates to appeals of  
11 certain findings; permitting certain persons to  
12 appeal certain findings; removing ability of certain  
13 persons to appeal certain reports; amending 63 O.S.  
14 2011, Section 944, which relates to collection of  
15 specimens; removing authority of certain persons to  
16 authorize autopsies; permitting certain persons to  
17 collect and retain certain specimens; amending 63  
18 O.S. 2011, Section 945, which relates to autopsies;  
19 requiring extent of autopsy to be determined by  
20 certain person; removing ability of certain persons  
21 to designate physicians to be present at autopsy;  
22 amending 63 O.S. 2011, Section 946, which relates to  
23 exhuming of bodies; transferring certain duties to  
24 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  
district attorneys; removing certain persons from  
certain documents, judicial proceedings, and fees;  
removing certain requirements of medical examiners;  
deleting certain definition; amending 63 O.S. 2011,  
Section 951, which relates to transporting of bodies;  
removing requirement of certain persons to transport  
bodies; requiring Chief Medical Examiner to maintain  
certain contract; amending 63 O.S. 2011, Section 952,

1           which relates to certain exclusions; prohibiting  
2           certain persons from employment with the Office of  
3           the Chief Medical Examiner; making gender neutral;  
4           repealing 63 O.S. 2011, Sections 943, 944.1 and 950,  
5           which relate to the Office of the Chief Medical  
6           Examiner; and providing an effective date.

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

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

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

11           1. The Director of the State Bureau of Investigation, or a  
12 designee;

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

14           3. The Dean of the College of Medicine of the University of  
15 Oklahoma, or a designee;

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

18           5. The President of the Oklahoma Bar Association, or a  
19 designee;

20           6. The President of the Oklahoma Osteopathic Association, or a  
21 designee;

22           7. The President of the Oklahoma State Medical Association, or  
23 a designee; and  
24

1           8. A funeral director, as provided by Section 396.3 of Title 59  
2 of the Oklahoma Statutes, appointed by the Oklahoma State Board of  
3 Embalmers and Funeral Directors.  
4 The Chief Medical Examiner shall be an ex officio nonvoting member  
5 of the Board. The Board shall elect one of its members as chair and  
6 one of its members as vice-chair. Elections of board members shall  
7 be held annually. An elected member shall not serve in the same  
8 capacity for more than two (2) consecutive years. Members of the  
9 Board shall receive no compensation for their services on this  
10 Board. Regular meetings of the Board shall be held at such times as  
11 determined by its members, and special meetings may be called by the  
12 chair. Four members shall constitute a quorum.

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

15           Section 934. The Board of Medicolegal Investigations shall  
16 appoint a Chief Medical Examiner who shall be a physician licensed  
17 to practice in Oklahoma and a ~~diplomate~~ Diplomate of the American  
18 Board of Pathology or the American Osteopathic Board of Pathology in  
19 forensic pathology. The Chief Medical Examiner shall serve at the  
20 pleasure of the Board. In addition to the duties prescribed by law,  
21 the Chief Medical Examiner may teach in any ~~medical school in this~~  
22 ~~state and conduct special classes for law enforcement officers~~  
23 educational capacity.

24

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

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

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

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

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

20 Section 937. The Chief Medical Examiner shall appoint medical  
21 examiners for ~~each county of~~ the state. Each medical examiner so  
22 appointed shall be a Doctor of Medicine or Osteopathy and Surgery,  
23 shall hold a valid ~~license~~ board certification to practice ~~his~~  
24 ~~profession~~ forensic pathology in Oklahoma, and shall hold office at

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

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

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

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

- 1        2. Deaths under suspicious, unusual or unnatural circumstances;
- 2        3. Deaths related to disease which might constitute a threat to
- 3 public health;
- 4        4. Deaths unattended by a licensed ~~medical or osteopathic~~
- 5 physician for a fatal or potentially-fatal illness;
- 6        5. ~~Deaths of persons after unexplained coma;~~
- 7        ~~6.~~ Deaths that are medically unexpected and that occur in the
- 8 course of a therapeutic procedure;
- 9        ~~7.~~ 6. Deaths of any ~~inmates~~ persons detained or occurring in
- 10 ~~any place~~ custody of penal incarceration; and
- 11        ~~8.~~ 7. Deaths of persons whose bodies are to be cremated, ~~buried~~
- 12 ~~at sea,~~ transported out of the state, donated to educational
- 13 entities, to include limited portions of the body, or otherwise made
- 14 ultimately unavailable for pathological study.

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. The Chief Medical Examiner shall not~~

19 ~~automatically authorize or perform an autopsy in conjunction with an~~

20 ~~investigation of death of an inmate that resulted from a scheduled~~

21 ~~execution due to a death sentence imposed pursuant to Title 21 of~~

22 ~~the Oklahoma Statutes. The Chief Medical Examiner may authorize or~~

23 ~~perform such an autopsy only when the public interest requires it.~~

24 ~~The provisions of this subsection shall not prohibit an inmate from~~

1 ~~donating, in writing, his or her body to a teaching medical~~  
2 ~~institution for scientific or research purposes.~~

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

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

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

16 Except as otherwise provided by law, the Chief Medical Examiner  
17 shall produce records, documents, evidence or other material of any  
18 nature only upon the order of a court of competent jurisdiction. An  
19 interested party or litigant in a civil or criminal action may make  
20 application for an order to produce such materials. The court,  
21 after notice to all parties, including the Chief Medical Examiner,  
22 and a hearing on the application, may, upon the showing of good  
23 cause, direct the release of a copy or any part of such material.  
24 In addition, the court may also direct the payment of reasonable

1 costs by the requesting party for the production of the material.  
2 The production of such material shall take place at the Office of  
3 the Chief Medical Examiner unless, upon a showing of good cause,  
4 specifically ordered otherwise by the court.

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

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

18 ~~The scene of a death subject~~ Subject to the provisions of  
19 Sections 931 through 954 of this title, bodies shall not be  
20 disturbed until authorized by the Chief Medical Examiner, or his or  
21 her designee, ~~or a county medical examiner,~~ and the representative  
22 of any law enforcement agency which has begun an investigation of  
23 the cause of death. Said authorization may be given by telephone.  
24 Nothing in Sections 931 through 954 of this title shall prevent the

1 district attorney or his or her designee from authorizing the  
2 removal of a body when the removal is determined ~~by him~~ to be in the  
3 public interest and conditions at the scene are adequately  
4 documented and preserved by photographs and measurements.

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

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

15 2. The Chief Medical Examiner shall have the authority to  
16 require production of any records, documents, or equipment or other  
17 items regarding the deceased patient deemed necessary to investigate  
18 the death.

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

21 Section 941. Upon receipt of notice of death of any person  
22 which under ~~this act~~ Section 931 et seq. of this title is subject to  
23 investigation, the medical examiner and the medical examiner's  
24 designee shall immediately conduct an investigation into the cause

1 and manner of death, and shall ~~comply~~ document in detail ~~with the~~  
2 ~~instructions of,~~ by the end of their assigned shift, all the facts  
3 of the scene to the database of the Chief Medical Examiner as  
4 ~~provided for in Section 939 of this title. He may have fingerprints~~  
5 ~~and photographs taken. He~~ Decedent specimens, evidence, and  
6 photographs shall all be sent to the Office of the Chief Medical  
7 Examiner. The investigating official of the office of the Chief  
8 Medical Examiner may take charge of any object or writing found on  
9 or near the body which ~~he deems~~ is deemed necessary for the purpose  
10 of establishing the cause and/or manner of death.

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

16       The investigating medical examiner or the medical examiner's  
17 designee shall have access at all times to any and all medical and  
18 dental records and history of the deceased, including, but not  
19 limited to, radiographs and ~~electrocardiograms~~ medical records, in  
20 the course of his or her official investigation to determine the  
21 cause and manner of death. Such records may not be released to any  
22 other person by the medical examiner, and the custodians of such  
23 records shall incur no liability by reason of the release of such  
24 records to the medical examiner. The body of the deceased shall be

1 turned over to the funeral director designated by the person  
2 responsible for burial within ~~eighteen (18)~~ twenty-four (24) hours  
3 of receipt of the decedent unless a longer period is necessary to  
4 complete the required investigation.

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

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

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

14 2. The attending physician has notified the Chief Medical  
15 Examiner of the State of Oklahoma, or his or her designee, of the  
16 need for further investigation into the cause of death, or has  
17 notified the appropriate district attorney of such need; or

18 3. The laws of this state or the regulations of the Board of  
19 Medicolegal Investigations require additional information or  
20 examination that cannot be obtained or completed within the above  
21 period of time.

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

24

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

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

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

16 Section 942a. A. The ~~spouse of the deceased or any person~~  
17 ~~within one degree of consanguinity~~ next of kin of the deceased may  
18 appeal the findings of the medical examiner to the district court of  
19 Oklahoma County under a petition for judicial review within two (2)  
20 years from the completion of the report. Such appeal shall be made  
21 in writing, shall state the nature and reasons for the appeal, and  
22 shall be supported by affidavit. The burden of proof shall be on  
23 the petitioner to establish by a preponderance of the evidence that  
24 the death certificate is in error. The petitioner shall notify the

1 Office of the Chief Medical Examiner in writing upon filing the  
2 petition for judicial review. No jury shall be impaneled and no  
3 monetary damages shall be awarded under a cause of action filed  
4 pursuant to this subsection.

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

11 ~~C. Reports of the medical examiner made prior to November 1,~~  
12 ~~2011, may be appealed by the spouse of the deceased or any person~~  
13 ~~within one degree of consanguinity of the deceased under the~~  
14 ~~procedures specified in subsection A of this section. Appeals made~~  
15 ~~pursuant to this subsection shall be filed no later than November 1,~~  
16 ~~2013.~~

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

19 Section 944. When necessary in connection with an investigation  
20 to determine the cause and/or manner of death and when the public  
21 interest requires it, the Chief Medical Examiner, his or her  
22 ~~designee, a medical examiner~~ or a district attorney shall require  
23 and authorize an autopsy to be conducted. In determining whether  
24 the public interest requires an autopsy the medical examiner or

1 district attorney involved shall take into account but shall not be  
2 bound by request therefor from private persons or from other public  
3 officials.

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

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

12 Section 945. When properly authorized, an autopsy shall be  
13 performed by the Chief Medical Examiner or such person as may be  
14 designated by him or her for such purpose. The Chief Medical  
15 Examiner or a person designated by him or her may authorize arterial  
16 embalming of the body prior to the autopsy when such embalming would  
17 in his or her opinion not interfere with the autopsy. The extent of  
18 the autopsy shall be made ~~of such parts of the body~~ as is deemed  
19 necessary by the person performing the autopsy. A full and complete  
20 report of the facts developed by the autopsy together with the  
21 findings of the person making it shall be prepared and filed in the  
22 Office of the Chief Medical Examiner without unnecessary delay.  
23 Copies of such reports and findings shall be furnished to district  
24 attorneys and law enforcement officers making a criminal

1 investigation in connection with the death. ~~The next of kin, or any~~  
2 ~~one of them if more than one, may designate a physician to be~~  
3 ~~present when the autopsy is conducted.~~

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

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

22 B. No order for exhumation, as provided for in subsection A of  
23 this section, shall be made without notice of the hearing being  
24 served upon the decedent's ~~surviving spouse, parents or~~ next of kin,

1 five (5) days prior to the hearing. The notice shall be served in  
2 the same manner as provided for by law for the service of summons in  
3 a civil action, shall include the date, time and place of the  
4 hearing and shall advise the person so notified that he or she has  
5 the right to appear and be heard by the court at that time.  
6 Provided, that the district attorney may, by affidavit, advise the  
7 court that the identity or whereabouts of any persons required to be  
8 served with notice under this subsection is unknown and cannot be  
9 ascertained with due diligence. Upon finding that the facts stated  
10 in the affidavit are true, the court shall not require notice be  
11 given.

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

14 Section 947. A. The certification of death of any person whose  
15 death is investigated under ~~this act~~ Section 931 et seq. of this  
16 title shall be made by the Chief Medical Examiner, or his or her  
17 ~~designee, or the medical examiner who conducted the investigation,~~  
18 upon a medical examiner death certificate provided by the State  
19 Registrar of Vital Statistics. Such death certificates shall be  
20 valid only when signed by a ~~duly appointed medical examiner,~~ the  
21 Chief Medical Examiner, or his or her designee. Copies of all such  
22 certificates shall be forwarded immediately upon receipt by the  
23 State Registrar of Vital Statistics to the Office of the Chief  
24 Medical Examiner.

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

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

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

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

18 Section 948. A. ~~For each investigation or partial~~  
19 ~~investigation in which the medical examiner is relieved by the Chief~~  
20 ~~Medical Examiner or a designee, the medical examiner shall receive~~  
21 ~~compensation for such services as provided in the rules approved and~~  
22 ~~promulgated by the Board of Medicolegal Investigations, from funds~~  
23 ~~appropriated to the Board of Medicolegal Investigations. Where, in~~  
24 ~~the opinion of the Chief Medical Examiner, it is necessary to~~

1 ~~designate a consultant pathologist to perform an autopsy, such~~  
2 ~~pathologist shall be entitled to a reasonable fee. Such fees shall~~  
3 ~~be payable from funds appropriated to the Board of Medicolegal~~  
4 ~~Investigations.~~

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

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

22 2. The authorization for drug screens shall apply only to  
23 specimens from cases already within the jurisdiction of the OCME and  
24 only when the analyses are deemed by the Chief Medical Examiner or

1 Deputy Chief Medical Examiner not to conflict with any investigation  
2 of the case by the state.

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

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

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

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

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

18 a. permit for cremations that occur within the state:  
19 One Hundred Dollars (\$100.00) to Two Hundred Dollars  
20 (\$200.00),

21 b. forensic science service: One Hundred Dollars  
22 (\$100.00) to Three Thousand Dollars (\$3,000.00),

23 c. report copies: Ten Dollars (\$10.00) for report of  
24 investigation, including toxicology, and Twenty

1 Dollars (\$20.00) for an autopsy report, including  
2 toxicology,

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

4 e. microscopic slides, Hematoxilyn and Eosin (H&E): Ten  
5 Dollars (\$10.00) each,

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

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

9 3. Medical Examiner permit certificates shall be required in  
10 cases investigated solely for the purpose of issuing a permit for  
11 transport of a body out of state.

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

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

19 B. The Board shall base the fee schedule for forensic science  
20 services, permits and reports upon reasonable costs of review,  
21 investigation and forensic science service delivery; provided,  
22 however, the fee schedule shall be within the ranges specified in  
23 subsection A of this section. The Board shall continue a system of  
24 basic and continuing educational service and training for all

1 personnel who render forensic science services in order to ensure  
2 uniform statewide application of the rules of the Board. The Board  
3 shall consider the reasonable costs associated with such training  
4 and continuing education in setting the forensic science service  
5 fees.

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

11 D. All statutory fees currently in effect for permits or  
12 forensic science services administered by the Chief Medical Examiner  
13 and the Board of Medicolegal Investigations within the jurisdiction  
14 of the Office of the Chief Medical Examiner shall remain in effect  
15 until such time as the Board acts to implement new schedules  
16 pursuant to the provisions of this ~~act~~ section and Section 948 of  
17 this title.

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

20 Section 949.

21 A. 1. a. The Office of the Chief Medical Examiner shall keep  
22 full and complete records, properly indexed, giving  
23 the name, if known, of every person whose death is  
24 investigated, the place where the body was found, the

1 date, cause, and manner of death and all other  
2 relevant information concerning the death. The full  
3 report and detailed findings of the autopsy, if any,  
4 shall be a part of the record in each case.

5 b. The Chief Medical Examiner shall track and forward,  
6 within seventy-two (72) hours after the examination,  
7 demographic information on sudden, unexpected and  
8 nontraumatic infant deaths including, but not limited  
9 to, Sudden Infant Death Syndrome (SIDS), to the  
10 Oklahoma SIDS Coordinator at the State Department of  
11 Health and the SIDS Foundation of Oklahoma. As used  
12 in this subparagraph, "~~Sudden Infant Unexpected~~ Death  
13 ~~Syndrome (SIDS)~~" in Infants and Children" (SUDIC)  
14 means the sudden, unexpected death of an apparently  
15 healthy infant less than one (1) year of age which  
16 remains unexplained following a complete medicolegal  
17 analysis and death scene investigation. The Chief  
18 Medical Examiner shall follow up with further  
19 notification upon final determination of a cause of  
20 death. Such notification shall be for statistical  
21 reporting purposes only.

22 2. The office shall promptly deliver to each district attorney  
23 having jurisdiction of the case, copies of all ~~records~~ cases  
24 relating to a death for which further investigation may be

1 | advisable. Any district attorney or other law enforcement official  
2 | may, upon request, obtain copies of such records or other  
3 | information deemed necessary to the performance of such district  
4 | attorney's or other law enforcement official's official duties.

5 | B. No report, findings, testimony, or other information of a  
6 | medical examiner shall be admitted in evidence in any civil action  
7 | in any court in this state, except under the following  
8 | circumstances:

9 | 1. Certified copies of reports pertaining to the factual  
10 | determinations of views and examination of or autopsies upon the  
11 | bodies of deceased persons by the Chief Medical Examiner, ~~a medical~~  
12 | ~~examiner, consultant pathologist,~~ or anyone under ~~their~~ his or her  
13 | supervision or control may be admitted in evidence in any civil case  
14 | in a court of competent jurisdiction in this state by stipulation of  
15 | all parties in the case;

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

20 | 3. The party seeking admission of the reports shall then serve  
21 | interrogatories concerning the facts to be answered under oath by  
22 | the person preparing the records. The interrogatories and answers  
23 | thereto shall be subject to the rules of evidence and may be  
24 | admissible in evidence in any civil case in a court of competent

1 jurisdiction. Objections to the interrogatories shall be made by  
2 any party in accordance with law just as if the interrogatories had  
3 been served on the objecting party. Cross interrogatories shall be  
4 submitted and shall be answered and admitted in evidence in the same  
5 manner as interrogatories;

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

13 5. No other testimony of the Chief Medical Examiner, ~~a medical~~  
14 ~~examiner, consultant pathologist,~~ or anyone under ~~their~~ his or her  
15 supervision and control shall be admitted in evidence in any civil  
16 action in any court of this state, unless timely application is made  
17 to the court by an interested party or litigant and timely notice of  
18 the application is given to the medical examiner. After a hearing,  
19 the court, for good cause shown, may order the appearance of the  
20 Chief Medical Examiner, ~~a medical examiner, consultant pathologist,~~  
21 or anyone under ~~their~~ his or her supervision and control for the  
22 purpose of testifying and may order that a subpoena be issued for  
23 that appearance; provided, however, that such order by the court  
24 shall be the exception and not the rule; and

1           6. The cost of the records or certified copies thereof shall be  
2 paid by the party requesting same. The reasonable fee charged by  
3 the Chief Medical Examiner, ~~a medical examiner, consultant~~  
4 ~~pathologist,~~ or anyone under ~~their~~ his or her supervision and  
5 control for answering interrogatories or cross interrogatories,  
6 submitting to depositions, or providing testimony shall be paid by  
7 the party submitting same. This fee shall be in place of any other  
8 witness fee allowed by law.

9           C. Certified copies of reports and findings, exclusive of  
10 hearsay evidence, may be admitted in evidence in preliminary  
11 hearings and criminal trials by stipulation.

12           D. Certified copies of reports of investigations by a medical  
13 examiner, laboratory reports and/or autopsy reports may be furnished  
14 to the next of kin or others having need for them upon written  
15 statement and payment of a reasonable fee set by the Board of  
16 Medicolegal Investigations.

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

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

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

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

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

1 for autopsy, which shall be submitted upon a claim filed with the  
2 Board of Medicolegal Investigations.

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

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

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

13 SECTION 23. This act shall become effective November 1, 2014.  
14 Passed the Senate the 11th day of March, 2014.

15  
16 \_\_\_\_\_  
17 Presiding Officer of the Senate

18 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
19 2014.

20  
21 \_\_\_\_\_  
22 Presiding Officer of the House  
23 of Representatives  
24