

1 STATE OF OKLAHOMA

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

3 SENATE BILL 540

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to the Chief Medical Examiner;
8 amending 63 O.S. 2011, Section 942a, which relates to
9 appeal of findings; providing for procedures to
10 appeal certain findings; creating a Medical Examiner
11 Review Committee; stating purpose of the committee;
12 providing for committee membership; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 942a, is
16 amended to read as follows:

17 Section 942a. A. The spouse of the deceased or any person
18 within one degree of consanguinity of the deceased ~~may~~ who wants to
19 challenge the findings of the medical examiner shall appeal the
20 those findings of the medical examiner to the Medical Examiner
21 Review Committee. If the Committee's findings are not satisfactory,
22 the inquiring party may then appeal the findings of the Medical
23 Examiner Review Committee to the district court of Oklahoma County
24 under a petition for judicial review within two (2) years from the
completion of the report. Such appeal of the Medical Examiner

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

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

16 C. Reports of the medical examiner made prior to November 1,
17 2011, may be appealed by the spouse of the deceased or any person
18 within one degree of consanguinity of the deceased under the
19 procedures specified in subsection A of this section. Appeals made
20 pursuant to this subsection shall be filed no later than November 1,
21 2013.

22 D. The Medical Examiner Review Committee is hereby created.
23 The Committee shall consist of at least three (3) forensic
24 pathologists as designated by the Chief Medical Examiner, and shall

1 exclude the original forensic pathologist. The Review Committee
2 shall publish findings within one hundred eighty (180) days of the
3 submission of appeals described in subsection A.

4 SECTION 2. This act shall become effective November 1, 2013.

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