STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 150 By: Standridge

AS INTRODUCED

An Act relating to the Board of Medicolegal Investigations; amending 63 O.S. 2011, Section 931, as amended by Section 1, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 931), which relates to Board membership; updating reference; prohibiting Board members from certain service; amending 63 O.S. 2011, Section 935.1, which relates to the relocation of the Office of the State Medical Examiner; clarifying reference to certain office; amending 63 O.S. 2011, Section 936, as amended by Section 4, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 936), which relates to the office and laboratory of the Board; requiring provision of certain office; amending 63 O.S. 2011, Section 937, as amended by Section 5, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 937), which relates to qualifications of examiners; updating reference; amending 63 O.S. 2011, Section 941, as amended by Section 9, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 941), which relates to investigations of county examiners; clarifying reference to personnel performing certain investigations; amending 63 O.S. 2011, Section 941a, as amended by Section 10, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 941a), which relates to custody of bodies; removing certain time limit for transferring custody of bodies; requiring completion of certain investigation prior to transfers of bodies; removing certain condition for release of custody; amending 63 O.S. 2011, Section 941b, which relates to condition of bodies; amending 63 O.S. 2011, Section 944, as amended by Section 13, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 944), which relates to autopsies; amending 63 O.S. 2011, Section 948.1, as amended by Section 18, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 948.1),

which relates to fee schedule and exemptions; clarifying certain references to medical examiners and the Board of Medicolegal Investigations; clarifying language; making language gender-neutral; 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, as amended by Section 1, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 931), is amended to read as follows:

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

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

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

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

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

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

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

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

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

The Chief Medical Examiner shall be an ex officio nonvoting member of the Board. The Board shall elect one of its members as chair and one of its members as vice-chair. Elections of board members shall be held annually. An elected member shall not serve in the same capacity as chair or vice-chair for more than two (2) consecutive years. Members of the Board shall receive no compensation for their services on this Board. Regular meetings of the Board shall be held at such times as determined by its members, and special meetings may be called by the chair. Four members shall constitute a quorum.

SECTION 2. AMENDATORY 63 O.S. 2011, Section 935.1, is amended to read as follows:

Section 935.1. A. The Office of the State Medical Examiner and the Board of Medicolegal Investigations are authorized to relocate the Office of the State Medical Examiner central office to a location immediately adjacent or in close proximity to the University of Central Oklahoma Forensic Science Institute.

B. The Office of the State Medical Examiner is authorized to take all necessary steps to effectuate the relocation of the Office of the State Medical Examiner to a location immediately adjacent or in close proximity to the University of Central Oklahoma Forensic

Science Institute, including, but not limited to, entering into a lease-purchase agreement.

C. The University of Central Oklahoma is authorized to take all necessary steps to effectuate the relocation of the Office of the State Medical Examiner central office to a location immediately adjacent or in close proximity to the University of Central Oklahoma Forensic Science Institute, including, but not limited to, constructing a building or buildings and entering into a lease-purchase agreement.

SECTION 3. AMENDATORY 63 O.S. 2011, Section 936, as amended by Section 4, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 936), is amended to read as follows:

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

SECTION 4. AMENDATORY 63 O.S. 2011, Section 937, as amended by Section 5, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 937), is amended to read as follows:

Section 937. The Chief Medical Examiner shall appoint medical examiners for the state. Each medical examiner so appointed shall be a Doctor of Medicine or ~~Osteopathy and Surgery~~ Osteopathic Medicine, shall hold a valid board certification to practice forensic pathology in Oklahoma, and shall hold office at the

pleasure of the Chief Medical Examiner. The Chief Medical Examiner shall appoint a Deputy Chief Medical Examiner to serve in the capacity of the Chief Medical Examiner in the event the Chief Medical Examiner is absent, ill, or disqualified by personal interest.

SECTION 5. AMENDATORY 63 O.S. 2011, Section 941, as amended by Section 9, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 941), is amended to read as follows:

Section 941. Upon receipt of notice of death of any person which under Section 931 et seq. of this title is subject to investigation, ~~the medical examiner and the medical examiner's designee~~ a representative Death Investigator from the Office of the Chief Medical Examiner shall immediately ~~conduct an~~ initiate an investigation ~~into the cause and manner of death,~~ and shall document in detail, by the end of ~~their~~ his or her assigned shift, all the known and available facts of the death scene ~~to~~ in the electronic database of the Chief Medical Examiner. Decedent specimens, evidence, and photographs shall be sent to the Office of the Chief Medical Examiner. The investigating official of the Office of the Chief Medical Examiner may take charge of any object or writing found on or near the body which is deemed necessary for the purpose of establishing the cause and/or manner of death.

Upon conclusion of the investigation and determination that such objects or writings are no longer needed as evidence, the medical

examiner or the medical examiner's designee may deliver them to the district attorney, law enforcement agency, or family for disposition.

The investigating medical examiner or the medical examiner's designee shall have access at all times to any and all medical and dental records and history of the deceased, including, but not limited to, radiographs and medical records, in the course of his or her official investigation to determine the cause and manner of death. Such records may not be released to any other person by the medical examiner, and the custodians of such records shall incur no liability by reason of the release of such records to the medical examiner. The body of the deceased shall be turned over to the funeral director designated by the person responsible for burial within twenty-four (24) hours of receipt of the decedent unless a longer period is necessary to complete the required investigation.

SECTION 6. AMENDATORY 63 O.S. 2011, Section 941a, as amended by Section 10, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 941a), is amended to read as follows:

Section 941a. ~~Within three (3) hours after the death of any person who is at the time of death attended by a licensed physician~~ Upon completion of an investigation by the Office of the Chief Medical Examiner, the body of the deceased shall be released~~, upon demand,~~ to the person legally entitled to the custody thereof, or his or her representative, unless:

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

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

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

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

Section 941b. When attending a patient at time of death, physicians shall take care that the remains of the deceased are left in such a state that will not hinder or unnecessarily complicate the preparation for burial or other disposition, provided that nothing herein shall interfere with or restrict a physician's sworn duty to do all things necessary to save ~~his~~ the patient's life.

SECTION 8. AMENDATORY 63 O.S. 2011, Section 944, as amended by Section 13, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 944), is amended to read as follows:

Section 944. When necessary in connection with an investigation to determine the cause and/or manner of death and when the public interest requires it, the Chief Medical Examiner, his or her

designee or a district attorney shall require and authorize an autopsy to be conducted. In determining whether the public interest requires an autopsy the medical examiner or district attorney involved shall take into account but shall not be bound by request therefor from private persons or from other public officials.

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

SECTION 9. AMENDATORY 63 O.S. 2011, Section 948.1, as amended by Section 18, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 948.1), is amended to read as follows:

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

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

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

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

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

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

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

e. microscopic slides, ~~Hematoxilyn~~ Hematoxylin, and Eosin (H&E): Ten Dollars ($10.00) each,

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

g. photographs: Twenty-five Dollars ($25.00) per ~~computer diskette~~ compact disc (CD) or other suitable digital storage media.

3. Medical examiner permit certificates shall be required in cases investigated solely for the purpose of issuing a permit for transporting a body out of state.

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

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

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

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

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

pursuant to the provisions of this section and Section 948 of this title.

SECTION 10. This act shall become effective November 1, 2015.

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