

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE
5 BILL NO. 150

 By: Yen and Standridge of the
 Senate

6 and

7 Billy of the House

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9
10 An Act relating to the Board of Medicolegal
11 Investigations; amending 63 O.S. 2011, Section 931,
12 as amended by Section 1, Chapter 293, O.S.L. 2014 (63
13 O.S. Supp. 2014, Section 931), which relates to Board
14 membership; updating reference; prohibiting Board
15 members from certain service; amending 63 O.S. 2011,
16 Section 935.1, which relates to the relocation of the
17 Office of the State Medical Examiner; clarifying
18 reference to certain office; amending 63 O.S. 2011,
19 Section 936, as amended by Section 4, Chapter 293,
20 O.S.L. 2014 (63 O.S. Supp. 2014, Section 936), which
21 relates to the office and laboratory of the Board;
22 requiring provision of certain office; amending 63
23 O.S. 2011, Section 937, as amended by Section 5,
24 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

1 relates to condition of bodies; amending 63 O.S.
2 2011, Section 944, as amended by Section 13, Chapter
3 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section 944),
4 which relates to autopsies; amending 63 O.S. 2011,
5 Section 948.1, as amended by Section 18, Chapter 293,
6 O.S.L. 2014 (63 O.S. Supp. 2014, Section 948.1),
7 which relates to fee schedule and exemptions;
8 clarifying certain references to medical examiners
9 and the Board of Medicolegal Investigations;
10 clarifying language; making language gender-neutral;
11 and providing an effective date.

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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;

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~~ Funeral Board.

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 as chair or vice-chair for more than two (2) consecutive
13 years. Members of the Board shall receive no compensation for their
14 services on this Board. Regular meetings of the Board shall be held
15 at such times as determined by its members, and special meetings may
16 be called by the chair. Four members shall constitute a quorum.

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

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

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

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

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

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

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

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1 Section 937. The Chief Medical Examiner shall appoint medical
2 examiners for the state. Each medical examiner so appointed shall
3 be a Doctor of Medicine or ~~Osteopathy and Surgery~~ Osteopathic
4 Medicine, shall hold a valid board certification to practice
5 forensic pathology in Oklahoma, and shall hold office at the
6 pleasure of the Chief Medical Examiner. The Chief Medical Examiner
7 shall appoint a Deputy Chief Medical Examiner to serve in the
8 capacity of the Chief Medical Examiner in the event the Chief
9 Medical Examiner is absent, ill, or disqualified by personal
10 interest.

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

14 Section 941. Upon receipt of notice of death of any person
15 which under Section 931 et seq. of this title is subject to
16 investigation, ~~the medical examiner and the medical examiner's~~
17 ~~designee~~ a representative Death Investigator from the Office of the
18 Chief Medical Examiner shall immediately ~~conduct an~~ initiate an
19 investigation ~~into the cause and manner of death,~~ and shall document
20 in detail, by the end of ~~their~~ his or her assigned shift, all the
21 known and available facts of the death scene ~~to~~ in the electronic
22 database of the Chief Medical Examiner. Decedent specimens,
23 evidence, and photographs shall be sent to the Office of the Chief
24 Medical Examiner. The investigating official of the Office of the

1 Chief Medical Examiner may take charge of any object or writing
2 found on or near the body which is deemed necessary for the purpose
3 of establishing the cause and/or manner of death.

4 Upon conclusion of the investigation and determination that such
5 objects or writings are no longer needed as evidence, the medical
6 examiner or the medical examiner's designee may deliver them to the
7 district attorney, law enforcement agency, or family for
8 disposition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 a. permit for cremations that occur within the state:

8 One Hundred Dollars (\$100.00) to Two Hundred Dollars
9 (\$200.00),

10 b. forensic science service: One Hundred Dollars

11 (\$100.00) to Three Thousand Dollars (\$3,000.00),

12 c. report copies: Ten Dollars (\$10.00) for report of

13 investigation, including toxicology, and Twenty

14 Dollars (\$20.00) for an autopsy report, including

15 toxicology,

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

17 e. microscopic slides, ~~Hematoxilyn~~ Hematoxylin, and Eosin

18 (H&E): Ten Dollars (\$10.00) each,

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

20 g. photographs: Twenty-five Dollars (\$25.00) per

21 ~~computer diskette~~ compact disc (CD) or other suitable
22 digital storage media.

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

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

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

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

22 C. The Board may exempt by rule any agency or class of
23 individuals from the requirements of the fee schedule if the Board
24 determines that the fees would cause an unreasonable economic

1 hardship or would otherwise hinder or conflict with an agency's
2 responsibilities.

3 D. All statutory fees currently in effect for permits or
4 forensic science services administered by the Chief Medical Examiner
5 and the Board of Medicolegal Investigations within the jurisdiction
6 of the Office of the Chief Medical Examiner shall remain in effect
7 until such time as the Board acts to implement new schedules
8 pursuant to the provisions of this section and Section 948 of this
9 title.

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

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12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/02/2015 -
13 DO PASS.

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