

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 150

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to the Board of Medicolegal
8 Investigations; amending 63 O.S. 2011, Section 931,
9 as amended by Section 1, Chapter 293, O.S.L. 2014 (63
10 O.S. Supp. 2014, Section 931), which relates to Board
11 membership; updating reference; prohibiting Board
12 members from certain service; amending 63 O.S. 2011,
13 Section 935.1, which relates to the relocation of the
14 Office of the State Medical Examiner; clarifying
15 reference to certain office; amending 63 O.S. 2011,
16 Section 936, as amended by Section 4, Chapter 293,
17 O.S.L. 2014 (63 O.S. Supp. 2014, Section 936), which
18 relates to the office and laboratory of the Board;
19 requiring provision of certain office; amending 63
20 O.S. 2011, Section 937, as amended by Section 5,
21 Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2014, Section
22 937), which relates to qualifications of examiners;
23 updating reference; amending 63 O.S. 2011, Section
24 941, 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),

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

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

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

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

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

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

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

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

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

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~~ Funeral Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- 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, ~~Hematoxilyn~~ Hematoxylin, and Eosin
12 (H&E): Ten 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~~ compact disc (CD) or other suitable
16 digital storage media.

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

20 4. The Board of Medicolegal ~~Examinations~~ Investigations shall
21 charge a fee for out-of-state shipment of human remains whenever the
22 Office of the Chief Medical Examiner has not been required to
23 conduct an investigation of the death.
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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 section and Section 948 of this
2 title.

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