

§63-931. Board of Medicolegal Investigations - Membership - Compensation - Meetings.

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.

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. 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. Added by Laws 1961, p. 604, § 1, eff. Jan. 2, 1962. Amended by Laws 1969, c. 143, § 1, emerg. eff. April 9, 1969; Laws 1972, c. 246, § 1, emerg. eff. April 7, 1972; Laws 1980, c. 112, § 1, emerg. eff. April 10, 1980; Laws 1983, c. 333, § 23, emerg. eff. June 29, 1983; Laws 1987, c. 231, § 7, eff. July 1, 1987; Laws 1996, c. 234, § 1, eff. July 1, 1996; Laws 2005, c. 410, § 1, eff. July 1, 2005.

§63-932. Rules and regulations.

The Board is hereby authorized to promulgate rules and regulations necessary or appropriate to carry out effectively the provisions of this act. Such rules and regulations shall be filed with the Secretary of State and shall not be effective until ten (10) days after the date of filing. The Board shall, on the date of filing, send a copy of the rules and regulations by the United States mail to the state regulatory board the licensees of which are affected thereby.

Laws 1961, p. 605, § 2.

§63-933. Office of Chief Medical Examiner.

The Office of the Chief Medical Examiner of the State of Oklahoma is hereby established to be operated under the control and supervision of the Board. The Office shall be directed by the Chief Medical Examiner, and the Chief Medical Examiner may employ such other staff members as the Board shall specify.

Laws 1961, p. 605, § 3; Laws 1972, c. 246, § 2, emerg. eff. April 7, 1972.

§63-934. Appointment and qualifications of examiner.

The Board of Medicolegal Investigations shall appoint a Chief Medical Examiner who shall be a physician licensed to practice in Oklahoma and a diplomate of the American Board of Pathology or the American Osteopathic Board of Pathology in forensic pathology. The Chief Medical Examiner shall serve at the pleasure of the Board. In addition to the duties prescribed by law, the Chief Medical Examiner may teach in any medical school in this state and conduct special classes for law enforcement officers.

Added by Laws 1961, p. 605, § 4, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 3, emerg. eff. April 7, 1972; Laws 1996, c. 234, § 2, eff. July 1, 1996.

§63-935. Responsibility of Examiner - Delegation of duties.

The Chief Medical Examiner shall be directly responsible to the Board for the performance of the duties provided for in this act and for the administration of the office of the Chief Medical Examiner. The Chief Medical Examiner may, however, delegate specific duties to competent and qualified deputies who may act for the Chief Medical Examiner within the scope of the express authority granted by the Chief Medical Examiner, subject, however, to such rules as the Board may prescribe.

Added by Laws 1961, p. 605, § 5. Amended by Laws 1972, c. 246, § 4, emerg. eff. April 7, 1972; Laws 2006, 2nd Ex.Sess., c. 83, § 9, eff. Oct. 1, 2006; Laws 2008, c. 269, § 5, eff. July 1, 2008.

§63-935.1. Office of the State Medical Examiner relocation.

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 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 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.

Added by Laws 2010, c. 329, § 1, emerg. eff. June 6, 2010.

§63-936. Office and laboratory.

The Board shall provide for a central office and shall see that there is maintained a laboratory suitably equipped with facilities for performance of the duties imposed by this act.

Added by Laws 1961, p. 605, § 6. Amended by Laws 1972, c. 246, § 5, emerg. eff. April 7, 1972.

§63-937. County medical examiners-Qualifications-Appointment of nonresident.

The Chief Medical Examiner shall appoint medical examiners for each county of the state. Each medical examiner so appointed shall be a Doctor of Medicine or Osteopathy and Surgery, shall hold a valid license to practice his profession in Oklahoma, and shall hold office at the pleasure of the Board. In the event there is no qualified person in the county or no person willing to serve as a medical examiner, or in the event the medical examiner is absent from the county in which he serves, or is ill or disqualified by personal interest, the Chief Medical Examiner may in his discretion appoint as a medical examiner for such county a qualified person from another county, or may direct a medical examiner from another county to perform the duties of a medical examiner in both counties. Nothing in this section or act shall prohibit or restrict the Chief Medical Examiner from appointing a medical examiner and directing him to cross a county line. A medical examiner shall not be precluded from holding other public offices created by the laws of the state.

Laws 1961, p. 605, § 7; Laws 1963, c. 302, § 1; Laws 1965, c. 258, § 1, emerg. eff. June 21, 1965; Laws 1972, c. 246, § 6, emerg. eff. April 7, 1972.

§63-938. Types of deaths to be investigated - Autopsies.

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

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

2. Deaths under suspicious, unusual or unnatural circumstances;

3. Deaths related to disease which might constitute a threat to public health;

4. Deaths unattended by a licensed medical or osteopathic physician for a fatal or potentially-fatal illness;

5. Deaths of persons after unexplained coma;

6. Deaths that are medically unexpected and that occur in the course of a therapeutic procedure;

7. Deaths of any inmates occurring in any place of penal incarceration; and

8. Deaths of persons whose bodies are to be cremated, buried at sea, transported out of the state, or otherwise made ultimately unavailable for pathological study.

B. No autopsy shall be performed on the body of an executed inmate unless requested by the immediate family of the inmate prior to the execution or unless directed by the Department of Corrections or the Chief Medical Examiner. The Chief Medical Examiner shall not automatically authorize or perform an autopsy in conjunction with an investigation of death of an inmate that resulted from a scheduled execution due to a death sentence imposed pursuant to Title 21 of the Oklahoma Statutes. The Chief Medical Examiner may authorize or perform such an autopsy only when the public interest requires it. The provisions of this subsection shall not prohibit an inmate from donating, in writing, his or her body to a teaching medical institution for scientific or research purposes.

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

Added by Laws 1961, p. 605, § 8, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 2, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 7, emerg. eff. April 7, 1972; Laws 2000, c. 161, § 1, eff. July 1, 2000.

§63-939. Investigation report forms - Production of records, documents, evidence or other material.

The Chief Medical Examiner shall prepare and distribute to all medical examiners appropriate forms to be used in filing reports of investigation, with instructions as to their use, and detailed instructions as to the nature, character, and extent of

investigation and examination to be made in each case in which investigation is required pursuant to Sections 931 through 954 of this title.

Except as otherwise provided by law, the Chief Medical Examiner shall produce records, documents, evidence or other material of any nature only upon the order of a court of competent jurisdiction. An interested party or litigant in a civil or criminal action may make application for an order to produce such materials. The court, after notice to all parties, including the Chief Medical Examiner, and a hearing on the application, may, upon the showing of good cause, direct the release of a copy or any part of such material. In addition, the court may also direct the payment of reasonable costs by the requesting party for the production of the material. The production of such material shall take place at the Office of the Chief Medical Examiner unless, upon a showing of good cause, specifically ordered otherwise by the court.

Added by Laws 1961, p. 606, § 9, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 8, emerg. eff. April 7, 1972; Laws 1996, c. 234, § 3, eff. July 1, 1996.

§63-940. Cooperation of state and county officials - Notification of deaths.

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

The scene of a death subject to the provisions of Sections 931 through 954 of this title shall not be disturbed until authorized by the Chief Medical Examiner, his designee, or a county medical examiner, and the representative of any law enforcement agency which has begun an investigation of the cause of death. Said authorization may be given by telephone. Nothing in Sections 931 through 954 of this title shall prevent the district attorney or his designee from authorizing the removal of a body when the removal is determined by him to be in the public interest and conditions at the scene are adequately documented and preserved by photographs and measurements.

B. The death of any patient, inmate, ward, or veteran in a state hospital or other institution, except Oklahoma Medical

Center Hospitals and Clinics thereof, shall be reported by the chief administrative officer of the hospital or institution or his designee to the Office of the Chief Medical Examiner at the time of the death and prior to release of the body.

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

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

Amended by Laws 1984, c. 36, § 1, emerg. eff. March 28, 1984; Laws 1988, c. 326, § 34, emerg. eff. July 13, 1988.

§63-940a. Liability for removal of body.

No funeral establishment or its employees shall be liable for the action, per se, of removing a body when ordered to do so by any public official having the authority to order such removal.

Added by Laws 1999, c. 188, § 1, emerg. eff. May 21, 1999.

§63-941. Investigation by county examiner.

Upon receipt of notice of death of any person which under this act is subject to investigation, the medical examiner shall immediately conduct an investigation into the cause and manner of death, and shall comply in detail with the instructions of the Chief Medical Examiner as provided for in Section 939 of this title. He may have fingerprints and photographs taken. He may take charge of any object or writing found on or near the body which he deems necessary for the purpose of establishing the cause and/or manner of death.

Upon conclusion of his investigation and his determination that such objects or writings are no longer needed as evidence, the medical examiner shall deliver them to the district attorney for disposition.

The investigating medical examiner 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 electrocardiograms, in the course of his 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 eighteen (18) hours unless a longer period is necessary to complete the required investigation.

Laws 1961, p. 606, § 11; Laws 1972, c. 246, § 10, emerg. eff. April 7, 1972.

§63-941a. Custody of the body.

Within three (3) hours after the death of any person who is at the time of death attended by a licensed medical or osteopathic physician, the body of the deceased shall be released, upon demand, to the person legally entitled to the custody thereof, or his 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 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.

Added by Laws 1975, c. 174, § 1.

§63-941b. Condition of the body.

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 patient's life.

Added by Laws 1975, c. 174, § 2.

§63-942. Report of findings - Further investigation.

A. Upon completion of an investigation, the medical examiner shall reduce his or her findings to writing upon the form supplied to the medical examiner which shall be promptly sent to the Chief Medical Examiner by mail.

B. Copies of reports shall be furnished by the Chief Medical Examiner to investigating agencies having official interest therein. Copies of reports shall also be furnished to the spouse of the deceased or any person within one degree of consanguinity of the deceased upon request and within five (5)

business days of the request once the cause and manner of death have been determined and the death certificate has been issued. Laws 1961, p. 606, § 12; Laws 1963, c. 302, § 3, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 11, emerg. eff. April 7, 1972; Laws 2011, c. 344, § 2, eff. Nov. 1, 2011.

§63-942a. Appeal of medical examiner's findings.

A. The spouse of the deceased or any person within one degree of consanguinity of the deceased may appeal the findings of the medical examiner to the district court of Oklahoma County under a petition for judicial review within two (2) years from the completion of the report. Such appeal shall be made in writing, shall state the nature and reasons for the appeal, and shall be supported by affidavit. The burden of proof shall be on the petitioner to establish by a preponderance of the evidence that the death certificate is in error. The petitioner shall notify the Office of the Chief Medical Examiner in writing upon filing the petition for judicial review. No jury shall be impaneled and no monetary damages shall be awarded under a cause of action filed pursuant to this subsection.

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

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

Added by Laws 2011, c. 344, § 3, eff. Nov. 1, 2011.

§63-943. Power of Chief Medical Examiner.

The Chief Medical Examiner or his designee may, in his discretion, conduct the investigation as herein specified, or relieve the medical examiner at any stage of the investigation, and the medical examiner shall thereafter be responsible only for such specific duties as the Chief Medical Examiner or his designee may assign.

Added by Laws 1961, p. 606, § 13. Amended by Laws 1972, c. 246, § 12, emerg. eff. April 7, 1972.

§63-944. Autopsy - Public interest - Collection of specimens.

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 designee, a medical examiner 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, his designee or a medical examiner, may collect such blood, fluid or body waste specimens as he deems necessary to carry out his duties as specified in this act. No autopsy authorization shall be required as a prerequisite to the collection of such specimens. Added by Laws 1961, p. 606, § 14. Amended by Laws 1965, c. 258, § 2; Laws 1968, c. 182, § 1; Laws 1972, c. 246, § 13, emerg. eff. April 7, 1972.

§63-944.1. Pituitary glands - Removal - Donation.

A. Any physician licensed in this state, when performing an autopsy, whether by statutory authority or permission of the next of kin, may remove or cause to have removed by a qualified person the pituitary gland from the body of the decedent if a cranial examination is performed. The physician or other qualified person or hospital is further authorized to donate the pituitary gland to the National Hormone and Pituitary Program as established by the National Institute of Health for the preparation of human growth hormone. Said persons and hospital shall not be subject to either criminal or civil liability for such removal or donation.

B. The pituitary gland shall not be donated pursuant to the provisions of this section if the next of kin of the decedent notifies the physician performing the autopsy prior to said autopsy that he objects to such donation.

C. This section is not subject to the provisions of the Uniform Anatomical Gift Act.

Added by Laws 1985, c. 80, § 1, emerg. eff. May 23, 1985.

§63-944.2. Unconstitutional.

NOTE: Editorially renumbered from § 944.1 to avoid a duplication in numbering.

NOTE: Section, derived from Laws 1985, c. 245, § 3, mandating sharing of costs of operation by requiring a fee for autopsies performed by State Medical Examiner, declared unconstitutional by State ex rel, Jordan v. City of Bethany, Okl., 769 P.2d 164(1989).

§63-945. Person to perform autopsy - Extent - Report of findings.

When properly authorized, an autopsy shall be performed by the Chief Medical Examiner or such person as may be designated by him for such purpose. The Chief Medical Examiner or a person designated by him may authorize arterial embalming of the body prior to the autopsy when such embalming would in his opinion not interfere with the autopsy. The autopsy shall be made of such parts of the body as is deemed necessary by the person performing the autopsy. A full and complete report of the facts developed by the autopsy together with the findings of the person making it shall be prepared and filed in the Office of the Chief Medical Examiner without unnecessary delay. Copies of such reports and findings shall be furnished to district attorneys and law enforcement officers making a criminal investigation in connection with the death. The next of kin, or any one of them if more than one, may designate a physician to be present when the autopsy is conducted.

Laws 1961, p. 607, § 15; Laws 1972, c. 246, § 14, emerg. eff. April 7, 1972.

§63-946. Exhuming of bodies - Hearing - Autopsy - Reports.

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

B. No order for exhumation, as provided for in subsection A of this section, shall be made without notice of the hearing being served upon the decedent's surviving spouse, parents or next of kin, five (5) days prior to the hearing. The notice shall be served in the same manner as provided for by law for the service of summons in a civil action, shall include the date, time and place of the hearing and shall advise the person

so notified that he or she has the right to appear and be heard by the court at that time. Provided, that the district attorney may, by affidavit, advise the court that the identity or whereabouts of any persons required to be served with notice under this subsection is unknown and cannot be ascertained with due diligence. Upon finding that the facts stated in the affidavit are true, the court shall not require notice be given. Added by Laws 1961, p. 607, § 16, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 15, emerg. eff. April 7, 1972; Laws 1981, c. 87, § 1, eff. Oct. 1, 1981; Laws 2011, c. 105, § 37, eff. Nov. 1, 2011.

§63-947. Certificate of death.

A. The certification of death of any person whose death is investigated under this act shall be made by the Chief Medical Examiner, his designee, or the medical examiner who conducted the investigation, upon a medical examiner death certificate provided by the State Registrar of Vital Statistics. Such death certificates shall be valid only when signed by a duly appointed medical examiner, the Chief Medical Examiner, or his designee. Copies of all such certificates shall be forwarded immediately upon receipt by the State Registrar of Vital Statistics to the Office of the Chief Medical Examiner.

B. Any certification of death by an attending physician may be referred by the State Registrar of Vital Statistics to the Chief Medical Examiner for investigation and the amending of the original certificate of death by the filing of a medical examiner death certificate by the medical examiner or Chief Medical Examiner when the death is determined by the Chief Medical Examiner to be one properly requiring investigation under Section 938 of this title.

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

D. The Board of Medicolegal Investigations shall not 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.

Laws 1961, p. 607, § 17; Laws 1972, c. 246, § 16, emerg. eff. April 7, 1972.

§63-948. Compensation for investigation or partial investigation - Storage fees - Drug screens.

A. For each investigation or partial investigation in which the medical examiner is relieved by the Chief Medical Examiner or a designee, the medical examiner shall receive compensation

for such services as provided in the rules approved and promulgated by the Board of Medicolegal Investigations, from funds appropriated to the Board of Medicolegal Investigations. Where, in the opinion of the Chief Medical Examiner, it is necessary to designate a consultant pathologist to perform an autopsy, such pathologist shall be entitled to a reasonable fee. Such fees shall be payable from funds appropriated to the Board of Medicolegal Investigations.

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

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

2. The authorization for drug screens shall apply only to specimens from cases already within the jurisdiction of the OCME and only when the analyses are deemed by the Chief Medical Examiner or Deputy Chief Medical Examiner not to conflict with any investigation of the case by the state.

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

Added by Laws 1961, p. 607, § 18, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 4; Laws 1968, c. 182, § 2; Laws 1972, c. 246, § 17, emerg. eff. April 7, 1972; Laws 1996, c. 234, § 4, eff. July 1, 1996; Laws 2004, c. 559, § 1, eff. Nov. 1, 2004.

§63-948.1. Fee schedule - Exemptions.

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, 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 (CD).

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 act.

Added by Laws 2004, c. 559, § 2, eff. Nov. 1, 2004.

§63-949. Records - Evidence - Sudden infant death syndrome.

- A. 1. a. The Office of the Chief Medical Examiner shall keep full and complete records, properly indexed,

giving the name, if known, of every person whose death is investigated, the place where the body was found, the date, cause, and manner of death and all other relevant information concerning the death. The full report and detailed findings of the autopsy, if any, shall be a part of the record in each case.

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

2. The office shall promptly deliver to each district attorney having jurisdiction of the case, copies of all records relating to a death for which further investigation may be advisable. Any district attorney or other law enforcement official may, upon request, obtain copies of such records or other information deemed necessary to the performance of such district attorney's or other law enforcement official's official duties.

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

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

2. If a party refuses to stipulate to admission, the reports may be requested by any party seeking to admit the

records as evidence. The request shall be made to the Office of the Chief Medical Examiner, who shall furnish same;

3. The party seeking admission of the reports shall then serve interrogatories concerning the facts to be answered under oath by the person preparing the records. The interrogatories and answers thereto shall be subject to the rules of evidence and may be admissible in evidence in any civil case in a court of competent jurisdiction. Objections to the interrogatories shall be made by any party in accordance with law just as if the interrogatories had been served on the objecting party. Cross interrogatories shall be submitted and shall be answered and admitted in evidence in the same manner as interrogatories;

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

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

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

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

D. Certified copies of reports of investigations by a medical examiner, laboratory reports and/or autopsy reports may be furnished to the next of kin or others having need for them

upon written statement and payment of a reasonable fee set by the Board of Medicolegal Investigations.

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

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

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

Added by Laws 1961, p. 607, § 19. Amended by Laws 1972, c. 246, § 18, emerg. eff. April 7, 1972; Laws 1974, c. 275, § 1, emerg. eff. May 29, 1974; Laws 1976, c. 63, § 1; Laws 1999, c. 55, § 2, emerg. eff. April 5, 1999; Laws 2004, c. 190, § 1, eff. July 1, 2004.

§63-950. Performance of autopsy at place other than state laboratory - Fees.

In the event it is necessary or advisable to perform an autopsy under the provisions of this act in some place other than the laboratories of the Chief Medical Examiner, said examiner may authorize payment of a reasonable fee for the use of an appropriate place for the performing of an autopsy, which payment shall be made upon a claim and submitted to the Board of Medicolegal Investigations.

Added by Laws 1961, p. 608, § 20. Amended by Laws 1963, c. 302, § 5, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 19, emerg. eff. April 7, 1972.

§63-951. Transporting of bodies for autopsy or scientific tests.

The Chief Medical Examiner, his designee, or a medical examiner shall be authorized to transport bodies of deceased persons of whose death he is officially informed to an appropriate place for autopsy or for the performance of scientific tests; provided that, after said autopsy shall have been performed or such tests made, the bodies of such deceased persons shall be returned to the county from which they were brought, or, when so authorized by the district attorney of said

county and upon request of the nearest relative of the deceased or other person who may be responsible for burial, the body may be transported to some place other than said county. The Chief Medical Examiner or his designee may authorize payment for the services in transporting the body to the place designated for autopsy, which shall be submitted upon a claim filed with the Board of Medicolegal Investigations.

Added by Laws 1961, p. 608, § 21. Amended by Laws 1963, c. 302, § 6, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 20, emerg. eff. April 7, 1972.

§63-952. Persons excluded from serving as examiners or deputies.

It is specifically provided that no embalmer, funeral director, or employee of a funeral home shall be appointed or serve in any capacity as or with a medical examiner or deputy.

Laws 1961, p. 608, § 22.

§63-953. Penalties.

Any person who willfully fails to comply with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed thirty (30) days, or by both such fine and imprisonment.

Laws 1961, p. 608, § 23.

§63-954. Chief Medical Examiner Revolving Fund.

A. The Board of Medicolegal Investigations is authorized to accept grants, gifts, fees or funds from persons, associations, corporations, or foundations for any purpose authorized by the Board.

B. There is hereby created in the State Treasury a revolving fund for the Office of the Chief Medical Examiner to be designated the "Chief Medical Examiner Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all moneys received from:

1. Laboratory analysis fees pursuant to the provisions of Section 1313.2 of Title 20 of the Oklahoma Statutes;
2. Grants, gifts, fees or funds from persons, associations, corporations or foundations pursuant to this section;
3. Document fees pursuant to the Oklahoma Open Records Act, Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes; and

4. Cremation, burial at sea or other recognized means of dissolution permit fees pursuant to Section 1-329.1 of this title.

All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Office of the Chief Medical Examiner for the duties imposed upon the Board of Medicolegal Investigations by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1961, p. 608, § 24, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 7, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 21, emerg. eff. April 7, 1972; Laws 1987, c. 5, § 73, emerg. eff. March 11, 1987; Laws 1987, c. 236, § 121, emerg. eff. July 20, 1987; Laws 1988, c. 74, § 2, eff. Nov. 1, 1988; Laws 1994, c. 382, § 33, eff. Sept. 1, 1994; Laws 2012, c. 304, § 508.