

Office of the Chief Medical Examiner Statutes - 11/1/2022

Title 63 § 931-954

§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 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.

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; Laws 2014, c. 293, § 1, eff. Nov. 1, 2014; Laws 2015, c. 85, § 1, eff. Nov. 1, 2015.

§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 Chief Medical 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 educational capacity.

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; Laws 2014, c. 293, § 2, eff. Nov. 1, 2014.

§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 personnel 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, eff. Jan. 2, 1962. 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; Laws 2014, c. 293, § 3, eff. Nov. 1, 2014.

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

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 determined by the Board as provided by law.

Added by Laws 2010, c. 329, § 1, emerg. eff. June 6, 2010. Amended by Laws 2015, c. 85, § 2, eff. Nov. 1, 2015; Laws 2016, c. 94, § 1, emerg. eff. Apr. 19, 2016.

§63-936. Office and laboratory.

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.

Added by Laws 1961, p. 605, § 6, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 5, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 4, eff. Nov. 1, 2014; Laws 2015, c. 85, § 3, eff. Nov. 1, 2015.

§63-937. Appointment and qualifications of county medical examiners.

The Chief Medical Examiner shall appoint medical examiners for the state. Each medical examiner so appointed shall be a Doctor of Medicine or 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.

Added by Laws 1961, p. 605, § 7, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 1, emerg. eff. June 19, 1963; Laws 1965, c. 258, § 1, emerg. eff. June 21, 1965; Laws 1972, c. 246, § 6, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 5, eff. Nov. 1, 2014; Laws 2015, c. 85, § 4, eff. Nov. 1, 2015.

§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;
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 physician for a fatal or potentially-fatal illness;
5. Deaths that are medically unexpected and that occur in the course of a therapeutic procedure;
6. Deaths of any persons detained or occurring in custody of penal incarceration; and
7. Deaths of persons whose bodies are to be cremated, transported out of the state, donated to educational entities, to include limited portions of the body, or otherwise made ultimately unavailable for pathological study.

B. 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; Laws 2014, c. 293, § 6, eff. Nov. 1, 2014.

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

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; Laws 2014, c. 293, § 7, eff. Nov. 1, 2014.

§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. The 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.

Subject to the provisions of Sections 931 through 954 of this title, bodies shall not be disturbed until authorized by the Chief Medical Examiner or his or her designee and the representative of any law enforcement agency which has begun an investigation of the cause of death. The authorization may be given by telephone. Nothing in Sections 931 through 954 of this title shall prevent the district attorney, or his or her designee, or the responding law enforcement officer from authorizing the removal of a body when the removal is determined 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 shall be reported by the chief administrative officer of the hospital or institution or his or her 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.

Added by Laws 1961, p. 606, § 10, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 9, emerg. eff. April 7, 1972; Laws 1978, c. 114, § 1, emerg. eff. March 31, 1978; Laws 1980, c. 178, § 1, emerg. eff. May 14, 1980; Laws 1984, c. 36, § 1, emerg. eff. March 28, 1984; Laws 1988, c. 326, § 34, emerg. eff. July 13, 1988; Laws 2014, c. 293, § 8, eff. Nov. 1, 2014; Laws 2022, c. 176, § 1, eff. Nov. 1, 2022.

§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 Section 931 et seq. of this title is subject to investigation, a representative Death Investigator from the Office of the Chief Medical Examiner shall immediately initiate an investigation and shall document in detail, by the end of his or her assigned shift, all the known and available facts of the death scene 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.

Added by Laws 1961, p. 606, § 11, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 10, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 9, eff. Nov. 1, 2014; Laws 2015, c. 85, § 5, eff. Nov. 1, 2015.

§63-941a. Custody of the body.

Upon completion of an investigation by the Office of the Chief Medical Examiner, the body of the deceased shall be released 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.

Added by Laws 1975, c. 174, § 1. Amended by Laws 2014, c. 293, § 10, eff. Nov. 1, 2014; Laws 2015, c. 85, § 6, eff. Nov. 1, 2015.

§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 the patient's life.

Added by Laws 1975, c. 174, § 2. Amended by Laws 2015, c. 85, § 7, eff. Nov. 1, 2015.

§63-942. Report of findings.

A. 1. 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.

2. If the medical examiner finds that the deceased had illicit, prescription or nonprescription drugs in his or her system at the time of death, the medical examiner shall document in his or her findings if the death was:

a. a natural or accidental death with drug involvement,

b. a homicide by drugs,

c. a suicide by drug overdose, or

d. a death with drug involvement, but the manner of death could not be determined.

3. A fatality shall not be considered a drug-related death unless the medical examiner determines that the drug or drugs present in the deceased materially contributed to the death.

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.

Added by Laws 1961, p. 606, § 12, eff. Jan. 2, 1962. Amended by 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; Laws 2014, c. 293, § 11, eff. Nov. 1, 2014.

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

A. The next of kin 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.

Added by Laws 2011, c. 344, § 3, eff. Nov. 1, 2011. Amended by Laws 2014, c. 293, § 12, eff. Nov. 1, 2014.

§63-943. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.

§63-944. Autopsy - Public interest – Deceased children - Collection of samples.

A. 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.

B. Except as provided by subsections C and D of this section, a parent of a deceased child is entitled to view and to hold the child's body before the medical examiner for the county in which the death occurred assumes custody of the body pursuant to Section 938 of this title. If the child's death occurred at a hospital or other health care facility, the viewing may be conducted at the hospital or facility.

C. A parent of a deceased child may not view nor hold the child's body after a medical examiner assumes custody of the body pursuant to Section 941 of this title unless the parent first obtains the consent of the district judge or medical examiner or a person acting on behalf of the district judge or medical examiner.

D. A viewing or holding of the body of a deceased child whose death is determined to be subject to an investigation under Section 938 of this title must be conducted in compliance with the following conditions:

1. The viewing or holding must be supervised by:

a. a peace officer or, with the officer's consent, a person described by subparagraph b of this paragraph, if law enforcement has assumed custody of the body at the time of the viewing or holding, or

b. a physician, registered nurse, licensed vocational nurse, the medical examiner, or a person acting on behalf of the medical examiner;

2. A parent of the deceased child may not have contact with the child's body unless the parent first obtains the consent of the medical examiner or his or her designee; and

3. A person may not remove a medical device from the child's body or otherwise alter the condition of the body for purposes of conducting the viewing or holding unless the person first obtains the consent of the medical examiner or his or her designee.

E. The 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.

Added by Laws 1961, p. 606, § 14, eff. Jan. 2, 1962. Amended by Laws 1965, c. 258, § 2, emerg. eff. June 21, 1965; Laws 1968, c. 182, § 1; Laws 1972, c. 246, § 13, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 13, eff. Nov. 1, 2014; Laws 2015, c. 85, § 8, eff. Nov. 1, 2015; Laws 2022, c. 35, § 1, eff. Nov. 1, 2022.

§63-944.1. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.

§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.

A. When properly authorized, an autopsy shall be performed by the Chief Medical Examiner or such person as may be designated by him or her for such purpose. The Chief Medical Examiner or a person designated by him or her may authorize arterial embalming of the body prior to the autopsy when such embalming would in his or her opinion not interfere with the autopsy. The extent of the autopsy shall be made as is deemed necessary by the person performing the autopsy.

B. 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.

C. Upon receiving a written, signed and dated records request, a copy of the full and complete report of the facts developed by the autopsy, together with the findings of the person making the report, shall be released by the Office of the Chief Medical Examiner to the public in the most expedient manner available or as requested by the records requester and, under the following conditions, shall be furnished to:

1. District attorneys and any law enforcement agency with authority to make a criminal investigation in connection with the death; provided, such copies shall not be shared with any other entity unless otherwise provided by law;

2. The spouse of the deceased or any person related within two (2) degrees of consanguinity to the deceased, unless the district attorney or law enforcement agency making a criminal investigation objects to the release of documents to any family member. District attorneys and law enforcement agencies shall be prohibited from objecting to the release of the full and complete autopsy report to the family if the decedent was in state custody, in custody of law enforcement or is deceased due to lethal action of a law enforcement officer; and

3. Any insurance company conducting an insurer's investigation of any insurance claim arising from the death of the individual upon whom the autopsy was performed.

D. The full and complete report of the facts developed by the autopsy, together with the findings of the person making the report, shall be withheld from public inspection and copying for ten (10) business days following the date the report is generated by the Office of the Chief Medical Examiner, except as provided for in subsection C of this section.

E. The Office of the Chief Medical Examiner shall produce a summary report of investigation by the medical examiner at the same time the full and complete report of the facts developed by the autopsy, together with the findings of the person making the report, is released to the parties listed in subsection C of this section. The summary report of investigation shall be made available for public inspection and copying without delay. Any person may obtain a copy of the summary report of investigation in the most expedient manner available or as requested by the records requester.

F. The summary report of investigation shall include, but not be limited to the following information, if known:

1. Decedent name, age, birth date, race, sex, home address, examiner notified by name and title and including date and time, location where decedent was injured or became ill, including name of facility, address, city, county, type of premises, date and time; location of death including name of facility, city, county, type of premises, date and time, and location body was viewed by medical examiner including address, city, county, type of premises and date and time;

2. If the death was a motor vehicle accident, whether the decedent was the driver, passenger or pedestrian, and the type of vehicle involved in the accident;

3. A description of the body, including but not limited to the external physical examination, rigor, livor, external observations including hair, eye color, body length and weight, and other external observations, as well as the presence and location of blood; and

4. The probable cause of death, other significant conditions contributing to the death but not resulting in the underlying cause given, manner of death, case disposition, case number, and name and contact information of the medical examiner performing the autopsy, including a signature and certification statement that the facts contained in the report are true and correct to the best of their knowledge and the date the report was signed and generated.

G. At the conclusion of the ten (10) business-day-period, the full and complete report shall be made available as a public record except when a district attorney or law enforcement agency with authority to make a criminal investigation in connection with the death declares that the full and complete report contains information that would materially compromise an ongoing criminal investigation. Such declaration shall be in writing to the Office of the Medical Examiner and be an open record available from the Office of Medical Examiner.

1. Upon such declaration, the district attorney or law enforcement agency shall request from the appropriate district court a hearing for an extension of time during which the full and complete autopsy report, not including information in the summary report, may be withheld.

2. When a request for an extension of time has been filed with the court, the full and complete autopsy report in question may be withheld until the court has issued a ruling on the requested extension of time to release the autopsy report. Such requests for an extension of time during which the autopsy may be withheld shall be made on the grounds that release of the full and complete autopsy report will materially compromise an ongoing criminal investigation.

3. Courts considering such requests shall conduct a hearing and consider whether the interests of the public outweigh the interests asserted by the district attorney or law enforcement agency.

4. If an extension of time is granted by the court, the initial extension shall be ordered by the court for a period of six (6) months. Subsequent extensions shall only be ordered after a hearing by the court for an additional one year and cumulative time extensions shall not exceed more than four (4) years and six (6) months; provided, under no circumstance shall an extension of time be granted by the court if the deceased person was in state custody, in custody of law enforcement or was deceased due to lethal action of a law enforcement officer.

5. In the event that six (6) months have expired from the date of the initial release of the autopsy report without any person being criminally charged in the case in question and release of the autopsy or portions of the autopsy have been denied on the grounds of materially compromising a criminal investigation, an appeal of such denial may be made to the appropriate district court. Courts considering appeals for temporarily withholding an autopsy report shall conduct a hearing and consider whether the interests of the public outweigh the interests asserted by the district attorney or law enforcement agency. In response to such appeals, the district court shall order that the autopsy report be made available for public inspection and copying with no redaction, or shall order an extension of time during which the autopsy report may be withheld under the provisions of this section.

6. Any court order obtained pursuant to this subsection shall be served upon the Office of the Chief Medical Examiner by the party requesting or granted the extension by the court.

H. An order granting an extension of time shall be applicable to the autopsy report for the duration of the extension; provided, each subsequent time extension shall only be ordered by the district court for an additional twelve-month period of time or less and cumulative time extensions shall not exceed four (4) years and six (6) months; provided, charges being filed against a person in the case in question or an autopsy report being entered into evidence as part of a criminal prosecution nullifies any granted extension of time.

I. The opportunities to withhold an autopsy report or portions of an autopsy report provided in this section shall expire in totality four (4) years and six (6) months after the date the autopsy report was generated, at which time the autopsy report previously withheld on the grounds provided for in this section shall be made available for public inspection and copying.

J. Nothing in this section shall prohibit a district attorney or law enforcement agency with authority to make a criminal investigation in connection with the death from immediately releasing portions of information contained in the full and complete autopsy report for the purposes of assisting with the criminal investigation or apprehension of any person involved in a criminal act that resulted in the death of another person.

K. After ten (10) business days from the release of the full and complete report, nothing in this section shall prohibit the spouse of the deceased or any person related within two (2) degrees of consanguinity to the deceased who has received a copy of the full and complete autopsy report from the Office of the Chief Medical Examiner from authorizing the Office of the Chief Medical Examiner's office to release the full and complete autopsy report to any other person subject to approval by the court.

Added by Laws 1961, p. 607, § 15, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 14, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 14, eff. Nov. 1, 2014; Laws 2017, c. 385, § 1, eff. Nov. 1, 2017.

§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 investigating official, 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 or her 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 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; Laws 2014, c. 293, § 15, eff. Nov. 1, 2014.

§63-947. Certificate of death.

A. The certification of death of any person whose death is investigated under Section 931 et seq. of this title shall be made by the Chief Medical Examiner or his or her designee upon a medical examiner death certificate provided by the State Registrar of Vital Statistics. Such death certificates shall be valid only when

signed by the Chief Medical Examiner or his or her 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 Chief Medical Examiner or his or her designee 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.

Added by Laws 1961, p. 607, § 17, eff. Jan. 2, 1962. Amended by Laws 1972, c. 246, § 16, emerg. eff. April 7, 1972; Laws 1989, c. 163, § 1, emerg. eff. May 8, 1989; Laws 2014, c. 293, § 16, eff. Nov. 1, 2014.

§63-948. Storage of biological specimens - Storage fees - Drug screens.

A. 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 for a period of time not to exceed five (5) years. All fees collected pursuant to the provisions of this subsection shall be deposited to the credit of the Chief Medical Examiner Revolving Fund.

B. 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 Revolving Fund.

Added by Laws 1961, p. 607, § 18, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 4, emerg. eff. June 19, 1963; 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; Laws 2014, c. 293, § 17, eff. Nov. 1, 2014; Laws 2017, c. 343, § 2.

§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, the following was added by OCME as a note (\$15 per image) – (\$150 per CT scan - \$15 for the first 10 scans the remainder at no charge)

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 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 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.

Added by Laws 2004, c. 559, § 2, eff. Nov. 1, 2004. Amended by Laws 2014, c. 293, § 18, eff. Nov. 1, 2014; Laws 2015, c. 85, § 9, eff. Nov. 1, 2015.

§63-949. Records - Evidence - Sudden Unexpected Death in Infants and Children.

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 Unexpected Death in Infants and Children" (SUDIC) 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 cases 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 or anyone under his or her 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 or anyone under his or her 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 or anyone under his or her 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 or anyone under his or her 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 or anyone under his or her 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.

Added by Laws 1961, p. 607, § 19, eff. Jan. 2, 1962. 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; Laws 2014, c. 293, § 19, eff. Nov. 1, 2014.

§63-950. Repealed by Laws 2014, c. 293, § 23, eff. Nov. 1, 2014.

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

The Chief Medical Examiner shall maintain a contract transport service authorized to transport bodies of deceased persons of whose death he or she is officially informed to an appropriate place for autopsy or for the performance of scientific tests; provided that, after the 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 the 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 the county. The Chief Medical Examiner or his or her 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, eff. Jan. 2, 1962. Amended by Laws 1963, c. 302, § 6, emerg. eff. June 19, 1963; Laws 1972, c. 246, § 20, emerg. eff. April 7, 1972; Laws 2014, c. 293, § 20, eff. Nov. 1, 2014.

§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 employed in any capacity with the Office of the Chief Medical Examiner, nor shall any member of law enforcement including but not limited to peace officers, deputy sheriffs, and reserve deputies.

Added by Laws 1961, p. 608, § 22, eff. Jan. 2, 1962. Amended by Laws 2014, c. 293, § 21, eff. Nov. 1, 2014.

§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;
4. Specimen storage and drug screen service fees pursuant to the provisions of Section 948 of Title 63; and
5. 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; Laws 2017, c. 343, § 3.