

SENATE CS FOR HOUSE BILL NO. 225(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 4/28/05

Referred: Finance

Sponsor(s): REPRESENTATIVES MCGUIRE, Dahlstrom, Hawker, Anderson, Neuman

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to medical examiners and medical death examinations."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 12.65.015(a) is amended to read:

4 (a) The commissioner of health and social services shall appoint a state
5 medical examiner to perform the duties set out in AS 12.65.015 - 12.65.025. The
6 commissioner **shall** [MAY] also appoint a deputy medical examiner, and **may**
7 **appoint** assistant medical examiners, to perform or assist the state medical examiner
8 in performing these duties. To be eligible for the position of medical examiner, deputy
9 medical examiner, or assistant medical examiner, a person must be a physician
10 licensed to practice in this state or, if the physician is licensed in another jurisdiction,
11 the physician must be employed by the state or by an agency of the United States
12 government within the state. The state medical examiner, deputy medical examiner,
13 and assistant medical examiners are in the exempt service under AS 39.25.110.

14 * **Sec. 2.** AS 12.65.015(b) is amended to read:

15 (b) The state medical examiner **and the deputy medical examiner** must be

1 **physicians** [A PHYSICIAN] licensed to practice in the state who **have** [HAS]
2 education and experience in forensic pathology.

3 * **Sec. 3.** AS 12.65.015(c) is amended to read:

4 (c) The state medical examiner **and deputy medical examiner** shall perform
5 the duties assigned **to the medical examiner and deputy medical examiner** under
6 AS 12.65.020 and regulations implementing that section, and other duties as assigned
7 by the commissioner of health and social services.

8 * **Sec. 4.** AS 12.65.020(a) is amended to read:

9 (a) When a death is reported to the state medical examiner under
10 AS 12.65.005, **the state medical examiner or the deputy medical examiner shall**
11 **perform a medical death investigation. When** [OR WHEN] a person dies under
12 circumstances that, in the opinion of the state medical examiner, warrant an
13 investigation, the state medical examiner **or the deputy medical examiner** may
14 perform a medical death investigation. In performing the investigation, the state
15 medical examiner **or the deputy medical examiner** may

16 (1) order that the body of the person who has died not be moved or
17 otherwise disturbed without the permission of the medical examiner;

18 (2) request a peace officer to secure the scene and perform an on-scene
19 investigation;

20 (3) view the remains of the deceased person;

21 (4) order the remains of the deceased to be transported to another
22 location;

23 (5) perform a post mortem examination;

24 (6) perform an autopsy;

25 (7) take possession of property considered necessary for the
26 investigation;

27 (8) subpoena and examine a person or record necessary in the opinion
28 of the medical examiner to determine the material facts relating to the death; and

29 (9) take other actions appropriate under the circumstances to determine
30 the cause and manner of death.

31 * **Sec. 5.** AS 12.65.020(b) is amended to read:

1 (b) When the state medical examiner or deputy medical examiner has
 2 completed an investigation or made the inquiry considered appropriate by the
 3 examiner, the examiner shall prepare a report of the examiner's findings and
 4 conclusions. If the findings and conclusions indicate that the death may have been
 5 caused by criminal means, the state medical examiner or the deputy medical
 6 examiner shall submit a copy of the report to the district attorney responsible for
 7 prosecutions in the location where the death occurred. The [STATE MEDICAL
 8 EXAMINER'S] investigative report is a privileged and confidential document, not
 9 subject to public disclosure under AS 40.25. It may be disclosed to public officers and
 10 employees for a public purpose and, when doing so will not interfere with an ongoing
 11 investigation or prosecution, to a person who is related to the deceased or who has a
 12 financial or personal interest in the estate of the deceased person.

13 * **Sec. 6.** AS 12.65.020(c) is amended to read:

14 (c) The state medical examiner, the deputy medical examiner, or a
 15 prosecuting attorney may petition the court to hold a death inquest under
 16 AS 09.55.062 if the findings and conclusions of the state medical examiner or the
 17 deputy medical examiner, in the opinion of the state medical examiner, the deputy
 18 medical examiner, or prosecuting attorney, warrant the inquest. Otherwise, the state
 19 medical examiner or the deputy medical examiner shall cause a certificate of death
 20 for the deceased person to be completed and filed as prescribed by law.

21 * **Sec. 7.** AS 12.65.020(d) is amended to read:

22 (d) The state medical examiner or the deputy medical examiner may direct
 23 the state registrar of vital statistics to amend a death certificate when, in the opinion of
 24 the state medical examiner or the deputy medical examiner, the death certificate is
 25 incomplete or inaccurate.

26 * **Sec. 8.** AS 12.65.020(e) is amended to read:

27 (e) The state medical examiner may enter into agreements for services to be
 28 performed by persons in the course of medical investigations, and the state medical
 29 examiner or the deputy medical examiner may call upon public employees,
 30 including a peace officer or a village public safety officer, to perform or assist in
 31 performing the duties specified in this section.

1 * **Sec. 9.** AS 12.65.020(f) is amended to read:

2 (f) The state medical examiner, **the deputy medical examiner,** and
3 individuals who perform or assist the state medical examiner **or the deputy medical**
4 **examiner** in performing the duties of the state medical examiner **or the deputy**
5 **medical examiner** under this section are immune from civil liability based on
6 determining the cause and manner of a person's death.