

By: Senator(s) Posey

To: Judiciary

SENATE BILL NO. 2589

1 AN ACT TO AMEND SECTIONS 41-61-53, 41-61-55 AND 41-61-77
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IN THE ABSENCE OF A
3 STATE MEDICAL EXAMINER, THE COMMISSIONER OF PUBLIC SAFETY MAY
4 APPOINT AN ADMINISTRATOR OF THE OFFICE OF STATE MEDICAL EXAMINER
5 TO ASSUME ALL NON-PHYSICIAN DUTIES OF THE OFFICE; AND FOR RELATED
6 PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 SECTION 1. Section 41-61-53, Mississippi Code of 1972, is
9 amended as follows:

10 41-61-53. For the purposes of Sections 41-61-51 through
11 41-61-79, the following definitions shall apply:

12 (a) "Certification of death" means signing the death
13 certificate.

14 (b) "Coroner" means the elected county official
15 provided for in Sections 19-21-101 through 19-21-107.

16 (c) "County medical examiner investigator" means a
17 non-physician trained and appointed to investigate and certify
18 deaths affecting the public interest.

19 (d) "County medical examiner" means a licensed physician
20 appointed to investigate and certify deaths affecting the public
21 interest.

22 (e) "Death affecting the public interest" means any
23 death of a human being where the circumstances are sudden,
24 unexpected, violent, suspicious or unattended.

25 (f) "Medical examiner" means the State Medical
26 Examiner, county medical examiners and county medical examiner
27 investigators collectively, unless otherwise specified.

28 (g) "Pronouncement of death" means the statement of

29 opinion that life has ceased for an individual.

30 (h) "State medical examiner" means the board certified
31 forensic pathologist/physician appointed by the Commissioner of
32 Public Safety to investigate and certify deaths which affect the
33 public interest. Provided, however, that in the absence of a
34 State Medical Examiner, the Commissioner of Public Safety may
35 appoint an administrator/director to assume all non-physician
36 duties of the office.

37 SECTION 2. Section 41-61-55, Mississippi Code of 1972, is
38 amended as follows:

39 41-61-55. There is hereby created the position of State
40 Medical Examiner, to be established as herein provided under the
41 appointment by and supervision of the Commissioner of Public
42 Safety. Provided, however, that in the absence of a State Medical
43 Examiner, the Commissioner of Public Safety may appoint an
44 administrator/director to assume all non-physician duties of the
45 office.

46 Each applicant for the position of State Medical Examiner
47 shall, as a minimum, be a physician who is eligible for a license
48 to practice medicine in Mississippi and be certified in forensic
49 pathology by the American Board of Pathology.

50 The State Medical Examiner may be removed by the commissioner
51 only for inefficiency or other good cause, after written notice
52 and a hearing complying with due process of law.

53 SECTION 3. Section 41-61-77, Mississippi Code of 1972, is
54 amended as follows:

55 41-61-77. (1) The Department of Public Safety shall
56 establish and maintain a central office for the Mississippi Crime
57 Laboratory and the State Medical Examiner with appropriate
58 facilities and personnel for postmortem medicolegal examinations.

59 District offices, with appropriate facilities and personnel, may
60 also be established and maintained if considered necessary by the
61 department for the proper management of postmortem examinations.

62 The facilities of the central and district offices and their
63 staff services may be available to the medical examiners and
64 designated pathologists in their investigations.

65 (2) In order to provide proper facilities for investigating
66 deaths as authorized in Sections 41-61-51 through 41-61-79, the
67 State Medical Examiner may arrange for the use of existing public
68 or private laboratory facilities. The State Medical Examiner may
69 contract with qualified persons to perform or to provide support
70 services for autopsies, studies and investigations not
71 inconsistent with other applicable laws. Such laboratory
72 facilities may be located at the University of Mississippi Medical
73 Center or any other suitable location. The State Medical Examiner
74 may also serve as a member of the faculty at the University of
75 Mississippi Medical Center and other institutions of higher
76 learning. He shall be authorized to employ, with the approval of
77 the Commissioner of Public Safety, such additional scientific,
78 technical, administrative and clerical assistants as are necessary
79 for performance of his duties. Such employees in the office of
80 the State Medical Examiner shall be subject to the rules,
81 regulations and policies of the state personnel system in their
82 employment.

83 (3) The State Medical Examiner or the Administrator/Director
84 of the Office of State Medical Examiner shall be authorized to
85 appoint and/or employ qualified pathologists as additional
86 associate and assistant state medical examiners as are necessary
87 to carry out the duties of his office. The associate and
88 assistant state medical examiners shall be licensed to practice
89 medicine in Mississippi and, insofar as practicable, shall be
90 trained in the field of forensic pathology. The State Medical
91 Examiner may delegate specific duties to competent and qualified
92 medical examiners within the scope of the express authority
93 granted to him by law or regulation. Employees of the office of
94 the State Medical Examiner shall have the authority to enter any

95 political subdivisions of this state for the purpose of carrying
96 out medical investigations.

97 (4) The board of supervisors of any two (2) or more adjacent
98 counties may enter into written agreements with one another, in
99 accordance with Section 17-13-1 et seq., to establish regional
100 medical examiner districts for the purposes of providing and
101 coordinating medical examiner services on a regional basis,
102 establishing central forensic facilities for the counties
103 involved, and employing or contracting with one or more
104 pathologists to serve as medical examiners of the district, who
105 will perform postmortem examinations and autopsies for the
106 counties involved. Any powers which may be exercised under this
107 chapter by an individual county, county medical examiner or county
108 medical examiner investigator may be exercised jointly with any
109 other county or with the county medical examiner or county medical
110 examiner investigator of such other county, in accordance with the
111 terms of the agreement between the counties involved. Any county
112 entering into such an agreement shall be authorized to expend any
113 funds necessary to carry out the purposes of such agreement. Any
114 municipality located within any such district is hereby authorized
115 and empowered to contribute funds to such district. For any such
116 district established, the counties involved shall attempt to
117 coordinate the operation of the district and any district
118 facilities with the operation of any district office or offices
119 established by the State Medical Examiner under subsection (1) of
120 this section which include such counties. The medical examiners
121 authorized in this subsection shall have the same authority within
122 a medical examiner district and the counties served by such
123 district as does the State Medical Examiner.

124 SECTION 4. This act shall take effect and be in force from
125 and after July 1, 1999.