

By: Senator(s) Posey

To: Judiciary

SENATE BILL NO. 2589  
(As Passed the Senate)

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.