

Roberts
DeBoef
Tremmel

HSB 596

HUMAN RESOURCES

S.
SF 0 2453

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the offices of the state and county medical
2 examiners, establishing fees, and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 22.7, subsection 41, Code Supplement
2 2001, is amended by striking the subsection and inserting in
3 lieu thereof the following:

4 41. Medical examiner records and reports, including
5 preliminary reports, investigative reports, and autopsy
6 reports. However, medical examiner records and reports may be
7 released to a law enforcement agency and to the decedent's
8 immediate next of kin. Information regarding the cause and
9 manner of death shall not be kept confidential under this
10 subsection unless disclosure would jeopardize an investigation
11 or pose a clear and present danger to the public safety or the
12 safety of an individual.

13 Sec. 2. Section 144.28, subsection 1, Code 2001, is
14 amended to read as follows:

15 1. The medical certification shall be completed and signed
16 ~~within-twenty-four-hours-after-death~~ by the physician in
17 charge of the patient's care for the illness or condition
18 which resulted in death within seventy-two hours after receipt
19 of the death certificate from the funeral director or
20 individual who initially assumes custody of the body, except
21 when inquiry is required by the county medical examiner. When
22 inquiry is required by the county medical examiner, the
23 medical examiner shall investigate the cause of death and
24 shall complete and sign the medical certification within
25 ~~twenty-four~~ seventy-two hours after ~~taking-charge-of-the-case~~
26 determination of the cause of death.

27 Sec. 3. Section 331.802, subsection 3, paragraph g, Code
28 2001, is amended to read as follows:

29 g. Death of a person ~~if~~ who was not under the care of a
30 ~~physician was-not-in-attendance-within-thirty-six-hours~~
31 ~~preceding-death,~~ excluding at the time of death and who was a
32 ~~prediagnosed terminal or bedfast cases-for-which-the-time~~
33 ~~period-is-extended-to-thirty-days,~~ and-excluding case and
34 death of a terminally ill patient who was admitted to and had
35 received services from a hospice program, as defined in

1 section 135J.1, if a physician or registered nurse employed by
2 the program was not in attendance within thirty days preceding
3 death.

4 Sec. 4. Section 331.804, subsection 1, Code 2001, is
5 amended to read as follows:

6 1. After an investigation has been completed, including an
7 autopsy if one is made performed, the body shall be delivered
8 to prepared for transportation. The body shall be transported
9 by a funeral director, if chosen by a relative or friend of
10 the deceased person, for burial or other appropriate
11 disposition. A medical examiner shall not use influence in
12 favor of a particular funeral director. However, if a person
13 other than a funeral director assumes custody of a dead body,
14 the person shall secure a burial-transit permit pursuant to
15 section 144.32. If no one claims a body, it shall be disposed
16 of as provided in chapter 142.

17 Sec. 5. Section 331.805, subsection 3, paragraph b, Code
18 2001, is amended to read as follows:

19 b. If the next of kin, guardian, or other person
20 authorized to act on behalf of a deceased person has requested
21 that the body of the deceased person be cremated, a permit for
22 cremation must be obtained from a medical examiner. ~~However,~~
23 ~~a-permit-is-not-required-if-the-deceased-person-was-a-member~~
24 ~~of-an-established-religion-whose-tenets-are-opposed-to-the~~
25 ~~inspection-or-examination-of-the-body-of-a-deceased-person.~~
26 Cremation permits by the medical examiner must be made on the
27 most current forms prepared at the direction of and approved
28 by the state medical examiner, with copies forwarded to the
29 state medical examiner's office. Costs for the cremation
30 permit issued by a medical examiner shall not exceed thirty-
31 five seventy-five dollars. The costs shall be borne by the
32 family, next of kin, guardian of the decedent, or other
33 person.

34 Sec. 6. Section 691.5, Code Supplement 2001, is amended to
35 read as follows:

1 691.5 STATE MEDICAL EXAMINER.

2 1. The office and position of state medical examiner is
3 established for administrative purposes within the Iowa
4 department of public health. Other state agencies shall
5 cooperate with the state medical examiner in the use of state-
6 owned facilities when appropriate for the performance of
7 nonadministrative duties of the state medical examiner. The
8 state medical examiner shall be a physician and surgeon or
9 osteopathic physician and surgeon, be licensed to practice
10 medicine in the state of Iowa, and be board certified or
11 eligible to be board certified in anatomic and forensic
12 pathology by the American board of pathology. The state
13 medical examiner shall be appointed by and serve at the
14 pleasure of the director of public health upon the advice of
15 and in consultation with the director of public safety and the
16 governor. The state medical examiner, in consultation with
17 the director of public health, shall be responsible for
18 developing and administering the medical examiner's budget and
19 for employment of medical examiner staff and assistants. The
20 state medical examiner may be a faculty member of the
21 university of Iowa college of medicine or the college of law
22 at the university of Iowa, and any of the examiner's
23 assistants or staff may be members of the faculty or staff of
24 the university of Iowa college of medicine or the college of
25 law at the university of Iowa.

26 2. Notwithstanding section 23A.2, the office of the state
27 medical examiner may perform private consultation autopsies.
28 Requests for consultation autopsies shall be referred to the
29 director of public health and may be approved by the director
30 if it is determined that the performance of the private
31 consultation autopsy is not in direct competition with private
32 pathology entities. The Iowa department of public health
33 shall adopt rules pursuant to chapter 17A to establish fees
34 and charges for private consultation autopsies performed by
35 the state medical examiner.

EXPLANATION

1
 2 This bill includes provisions relating to the office of the
 3 state medical examiner. The bill provides that medical
 4 examiner records and reports are confidential, but may be
 5 released to a law enforcement agency and to the decedent's
 6 immediate next of kin. Information relating to the cause and
 7 manner of death is not confidential information, unless
 8 disclosure would jeopardize an investigation or pose a clear
 9 and present danger to the public safety or the safety of an
 10 individual. The current law provides that preliminary
 11 findings and reports of the findings and investigative reports
 12 of the state medical examiner resulting from an autopsy are
 13 confidential. Current law also provides that specifics such
 14 as the date, time, specific location and immediate facts and
 15 circumstances of a crime or incident related to a death that
 16 affects the public interest are not confidential unless
 17 disclosure would jeopardize an investigation or pose a clear
 18 and present danger to the public safety or the safety of an
 19 individual.

20 The bill provides that medical certification of death is to
 21 be completed within 72 hours after receipt of the death
 22 certificate from the funeral director or individual who
 23 initially assumes custody of the body by the physician in
 24 charge of the patient's care, except when inquiry is required
 25 by the county medical examiner. If inquiry is required by the
 26 county medical examiner, the medical certification is to be
 27 completed and signed by the county medical examiner within 72
 28 hours after determination of the cause of death. Current law
 29 requires medical certification of death within 24 hours after
 30 death or if the county medical examiner requires an inquiry,
 31 within 24 hours of the medical examiner taking charge of the
 32 case.

33 The bill provides that a death affecting the public
 34 interest includes the death of a person who was not under the
 35 care of a physician at the time of death and who was a

1 prediagnosed terminal or bedfast case, and death of a
2 terminally ill patient who was admitted to and received
3 services from a hospice program if a physician or registered
4 nurse was not in attendance within 30 days preceding death.
5 Current law provides that a death in the public interest
6 includes death of a person if a physician was not in
7 attendance within 36 hours preceding death, death of a person
8 who is a prediagnosed terminal or bedfast case if a physician
9 was not in attendance within 30 days of the death, and death
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11 hospice program if a physician or registered nurse was not in
12 attendance within 30 days preceding death.

13 The bill provides that in the disposition of a body
14 following an investigation by the county medical examiner, the
15 body is to be prepared for transportation and transported by a
16 funeral director, if one is chosen by a relative or friend of
17 the deceased person, for burial or disposition. If a person
18 other than a funeral director assumes custody of the body, the
19 person must secure a burial-transit permit.

20 The bill eliminates the exemption from the obtaining of a
21 cremation permit for any deceased person who was a member of
22 an established religion whose tenets are opposed to the
23 inspection or examination of a body of a deceased person, and
24 increases the fee for a cremation permit from \$35 to \$75. A
25 person who violates the provision requiring a cremation permit
26 is guilty of a serious misdemeanor.

27 The bill authorizes the office of the state medical
28 examiner to perform private consultation autopsies if the
29 performance of the autopsy is not in direct competition with
30 private pathology entities. The bill directs the Iowa
31 department of public health to adopt rules to establish fees
32 and charges for such private consultation autopsies.

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S - 3/6/02 Human Res.
S. 3/3/02 Do Pass

FEB 20 2002
Place On Calendar

HOUSE FILE 2453
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 596)

Passed House, ^(P. 643) Date 3-6-02 Passed Senate, ^(P. 662) Date 3-18-02
Vote: Ayes 95 Nays 0 Vote: Ayes 45 Nays 0
Approved April 9, 2002

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15 and in consultation with the director of public safety and the
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16 funeral director, if one is chosen by a relative or friend of
17 the deceased person, for burial or disposition. If a person
18 other than a funeral director assumes custody of the body, the
19 person must secure a burial-transit permit.

20 The bill eliminates the exemption from the obtaining of a
21 cremation permit for any deceased person who was a member of
22 an established religion whose tenets are opposed to the
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32 and charges for such private consultation autopsies.

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HOUSE FILE 2453

-8123

- 1 Amend House File 2453 as follows:
 2 1. Page 1, by inserting before line 1, the
 3 following:
 4 "Section 1. NEW SECTION. 21.12 OPEN MEETINGS
 5 EXCEPTION -- NOTATION IN LEGISLATION.
 6 When a bill or joint resolution is requested, the
 7 legislative service bureau shall make an initial
 8 determination as to whether the bill or joint
 9 resolution may create an exception to the requirement
 10 that meetings of a governmental body be open to the
 11 public. If a determination is made that an exception
 12 to the open meetings requirements of this chapter is
 13 created as a result of the bill or joint resolution,
 14 that fact shall be included in the explanation of the
 15 bill or joint resolution."
 16 2. Page 1, by inserting after line 12, the
 17 following:
 18 "Sec. ____ . NEW SECTION. 22.15 OPEN RECORDS
 19 EXCEPTION -- NOTATION IN LEGISLATION.
 20 When a bill or joint resolution is requested, the
 21 legislative service bureau shall make an initial
 22 determination as to whether the bill or joint
 23 resolution may create an exception to the requirement
 24 that records of a governmental body be subject to
 25 examination and copying by the public. If a
 26 determination is made that an exception to the
 27 examination and copying records requirements of this
 28 chapter is created as a result of the bill or joint
 29 resolution, that fact shall be included in the
 30 explanation of the bill or joint resolution."
 31 3. Title page, line 1, by inserting after the
 32 word "to" the following: "public entities, by
 33 providing notice of proposed legislation that may
 34 contain an exception to open governmental meeting and
 35 record requirements, and concerning".
 36 4. By renumbering as necessary.

By JOHNSON of Osceola

H-8123 FILED FEBRUARY 27, 2002

3-6-02

(p. 642)

HOUSE FILE 2453

H-8115

- 1 Amend House File 2453 as follows:
 2 1. Page 3, line 2, by striking the figure "1.".
 3 2. Page 3, by striking lines 26 through 35.
 4 3. By renumbering as necessary.

By HORBACH of Tama

adapted

3-6-02

(p. 643)

HOUSE FILE 2453**h-8176**

1 Amend House File 2453 as follows:
2 1. Page 1, by striking lines 6 through 8, and
3 inserting the following: "reports. However, medical
4 examiner records and reports shall be released to a
5 law enforcement agency that is investigating the
6 death, upon the request of the law enforcement agency,
7 and autopsy reports shall be released to the
8 decedent's immediate next of kin upon the request of
9 the decedent's immediate next of kin unless disclosure
10 to the decedent's immediate next of kin would
11 jeopardize an investigation or pose a clear and
12 present danger to the public safety or the safety of
13 an individual. Information regarding the cause and".
14 2. By striking page 1, line 27 through page 2,
15 line 3, and inserting the following:
16 "Sec. ____ . Section 331.802, subsection 3,
17 paragraph g, Code 2001, is amended by striking the
18 paragraph and inserting in lieu thereof the following:
19 g. Death of a person who was not under the care of
20 a physician, who did not have a physician or
21 registered nurse in attendance within thirty days at
22 the time of death, and who was a prediagnosed terminal
23 or bedfast case; and death of a terminally ill patient
24 who was admitted to and had received services from a
25 hospice program as defined in section 135J.1, if a
26 physician or registered nurse employed by the program
27 was not in attendance within thirty days preceding
28 death."

By ROBERTS of Carroll
TREMMELE of Wapello
KREIMAN of Davis

h-8176 FILED MARCH 4, 2002

Adopted
3-6-02 (p. 643)

HOUSE FILE 2453**H-8192**

1 Amend the amendment, H-8176, to House File 2453 as
2 follows:
3 1. Page 1, by striking lines 19 through 28, and
4 inserting the following:
5 "g. Death of a person who was prediagnosed as a
6 terminal or bedfast case who did not have a physician
7 in attendance within the preceding thirty days; or
8 death of a person who was admitted to and had received
9 services from a hospice program as defined in section
10 135J.1, if a physician or registered nurse employed by
11 the program was not in attendance within thirty days
12 preceding death.""

By ROBERTS of Carroll

H-8192 FILED MARCH 5, 2002

Adopted 3/6/02 (p. 643)

HOUSE FILE 2453

AN ACT
RELATING TO THE OFFICES OF THE STATE AND COUNTY MEDICAL
EXAMINERS, ESTABLISHING FEES, AND MAKING PENALTIES
APPLICABLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 22.7, subsection 41, Code Supplement 2001, is amended by striking the subsection and inserting in lieu thereof the following:

41. Medical examiner records and reports, including preliminary reports, investigative reports, and autopsy reports. However, medical examiner records and reports shall be released to a law enforcement agency that is investigating the death, upon the request of the law enforcement agency, and autopsy reports shall be released to the decedent's immediate next of kin upon the request of the decedent's immediate next of kin unless disclosure to the decedent's immediate next of kin would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual. Information regarding the cause and manner of death shall not be kept confidential under this subsection unless disclosure would jeopardize an investigation or pose a clear and present danger to the public safety or the safety of an individual.

Sec. 2. Section 144.28, subsection 1, Code 2001, is amended to read as follows:

1. The medical certification shall be completed and signed within twenty-four hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death within seventy-two hours after receipt of the death certificate from the funeral director or individual who initially assumes custody of the body, except

when inquiry is required by the county medical examiner. When inquiry is required by the county medical examiner, the medical examiner shall investigate the cause of death and shall complete and sign the medical certification within twenty-four seventy-two hours after taking-charge-of-the-case determination of the cause of death.

Sec. 3. Section 331.802, subsection 3, paragraph g, Code 2001, is amended by striking the paragraph and inserting in lieu thereof the following:

g. Death of a person who was prediagnosed as a terminal or bedfast case who did not have a physician in attendance within the preceding thirty days; or death of a person who was admitted to and had received services from a hospice program as defined in section 135J.1, if a physician or registered nurse employed by the program was not in attendance within thirty days preceding death.

Sec. 4. Section 331.804, subsection 1, Code 2001, is amended to read as follows:

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Sec. 5. Section 331.805, subsection 3, paragraph b, Code 2001, is amended to read as follows:

b. If the next of kin, guardian, or other person authorized to act on behalf of a deceased person has requested that the body of the deceased person be cremated, a permit for cremation must be obtained from a medical examiner. However,

~~a permit is not required if the deceased person was a member of an established religion whose tenets are opposed to the inspection or examination of the body of a deceased person.~~ Cremation permits by the medical examiner must be made on the most current forms prepared at the direction of and approved by the state medical examiner, with copies forwarded to the state medical examiner's office. Costs for the cremation permit issued by a medical examiner shall not exceed thirty-five seventy-five dollars. The costs shall be borne by the family, next of kin, guardian of the decedent, or other person.

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assistants or staff may be members of the faculty or staff of the university of Iowa college of medicine or the college of law at the university of Iowa.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2453, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/9, 2002

THOMAS J. VILSACK
Governor