

REFERENCE TITLE: **medical examiner; pathologist assistant; autopsies**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2197

Introduced by
Representatives Osborne: John, Udall

AN ACT

AMENDING SECTIONS 11-591 AND 11-594, ARIZONA REVISED STATUTES; RELATING TO COUNTY MEDICAL EXAMINER.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 11-591, Arizona Revised Statutes, is amended to
3 read:

4 11-591. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Alternate medical examiner" means a physician who has training
7 and competence in the principles of death investigation and who performs
8 or directs the conduct of death investigations.

9 2. "Autopsy" means a surgical procedure in which internal organs
10 are exposed, removed or examined for the identification of trauma or
11 natural disease.

12 3. "Death investigation" means the investigation directed by a
13 county medical examiner or alternate medical examiner into the
14 circumstances surrounding a death occurring as prescribed in section
15 11-593.

16 4. "External examination" means an external inspection of a body.

17 5. "Forensic pathologist" means a physician who has successfully
18 completed a pathology residency and a forensic fellowship or has extensive
19 experience performing forensic autopsies in an official capacity.

20 6. "Investigative information" means information received by a
21 medical examiner or alternate medical examiner from law enforcement,
22 witnesses, family members, health care personnel or medical death
23 investigators concerning cause and manner of death.

24 7. "Medical death investigator" means a person trained in the
25 principles of death investigation.

26 8. "Medical examiner" means a forensic pathologist who performs or
27 directs the conduct of death investigations.

28 ~~9. "Medical information" means information received by a medical
29 examiner or alternate medical examiner concerning the condition of a
30 near-death patient or decedent including medical records, reports of an
31 attending or primary care physician, nurse practitioner, medical death
32 investigator, or organ procurement organizations and physical exams by a
33 medical examiner or alternate medical examiner.~~

34 ~~10.~~ 9. "Nurse practitioner" means a person licensed and certified
35 pursuant to title 32, chapter 15.

36 ~~11.~~ 10. "Organ procurement organization" means an organization
37 located within this state that meets the requirements of ~~section 371 of~~ 42
38 United States Code section 273.

39 11. "PATHOLOGIST ASSISTANT" MEANS A PERSON CERTIFIED AS A
40 PATHOLOGIST ASSISTANT WHO HAS GRADUATED FROM A PATHOLOGIST ASSISTANT
41 TRAINING PROGRAM APPROVED BY A NATIONAL ACCREDITING AGENCY FOR CLINICAL
42 LABORATORY SCIENCES.

43 12. "Physician" means a person licensed pursuant to title 32,
44 chapter 13 or 17.

1 13. "Tissue bank" means a person that is licensed or regulated under
2 federal or state law or accredited by a nationally recognized accrediting
3 organization to engage in the recovery, screening, testing, processing,
4 storage or distribution of tissue.

5 Sec. 2. Section 11-594, Arizona Revised Statutes, is amended to
6 read:

7 11-594. Powers and duties of county medical examiner

8 A. The county medical examiner or alternate medical examiner shall
9 direct a death investigation and, on a determination that the
10 circumstances of the death provide jurisdiction pursuant to section
11 11-593, subsection B, shall:

12 1. Take charge of the dead body.

13 2. Determine if an autopsy is required.

14 3. Certify to the cause and manner of death following completion of
15 the death investigation, reduce the findings to writing and promptly make
16 a full report on forms prescribed for that purpose.

17 4. Have subpoena authority for all documents, records and papers
18 deemed useful in the death investigation.

19 5. Execute a death certificate provided by the state registrar of
20 vital statistics indicating the cause and the manner of death for those
21 bodies for which a death investigation has been conducted and jurisdiction
22 is assumed.

23 6. Give approval for cremation of a dead body after a death
24 investigation and record the approval on the death certificate.

25 7. Notify the county attorney or other law enforcement authority
26 when death is found to be from nonnatural causes.

27 8. Carry out the duties specified under section 28-668.

28 9. Carry out the duties specified under title 36, chapter 7,
29 article 3.

30 10. Provide a blood sample from a deceased person for the purpose
31 of communicable disease testing pursuant to sections 13-1210 and 36-670 if
32 the blood is available and the collection or release will not interfere
33 with a medical examination, autopsy or certification of death.

34 11. Observe all policies adopted by the board of supervisors
35 regarding conflicts of interest and disclosure of noncounty employment.

36 B. The county medical examiner or alternate medical examiner may:

37 1. Assign to a medical death investigator or other qualified
38 personnel all aspects of a death investigation except ~~the performance of~~
39 **PERFORMING** autopsies.

40 2. Authorize forensic pathologists to perform examinations and
41 autopsies. The medical examiner or alternate medical examiner may
42 authorize medical students or residents and fellows in pathology training
43 to perform autopsies under the supervision of a licensed physician who is
44 board certified in forensic pathology, pursuant to procedures adopted by
45 the county medical examiner or alternate medical examiner. Authorization

1 and the amount to be paid by the county for pathology services are subject
2 to approval of the board of supervisors.

3 3. AUTHORIZE PATHOLOGIST ASSISTANTS TO ASSIST WITH PERFORMING
4 AUTOPSIES UNDER THE DIRECT SUPERVISION OF A LICENSED PHYSICIAN WHO IS
5 BOARD CERTIFIED IN FORENSIC PATHOLOGY, PURSUANT TO PROCEDURES ADOPTED BY
6 THE COUNTY MEDICAL EXAMINER OR ALTERNATE MEDICAL EXAMINER. A PATHOLOGIST
7 ASSISTANT MAY NOT CERTIFY A CAUSE OF DEATH OR INDEPENDENTLY PERFORM AN
8 AUTOPSY.

9 ~~3.~~ 4. Delegate any power, duty or function, whether ministerial or
10 discretionary, vested by this chapter in the medical examiner or alternate
11 medical examiner to a person meeting the qualifications prescribed in this
12 chapter who is employed by or who has contracted with the county to
13 provide death investigation services. The medical examiner or alternate
14 medical examiner shall be responsible for the official acts of the person
15 designated pursuant to this section and shall act under the name and
16 authority of the medical examiner or alternate medical examiner.

17 ~~4.~~ 5. Authorize the taking of organs and tissues as they prove to
18 be usable for transplants, other treatment, therapy, education or research
19 if all of the requirements of title 36, chapter 7, article 3 are met. The
20 medical examiner or alternate medical examiner shall give this
21 authorization within a time period that ~~permits~~ **ALLOWS** a medically viable
22 donation.

23 ~~5.~~ 6. Authorize licensed physicians, surgeons or trained
24 technicians to remove parts of bodies provided they follow an established
25 protocol approved by the medical examiner or alternate medical examiner.

26 ~~6.~~ 7. Limit the removal of organs or tissues for transplants or
27 other therapy or treatment if, based on a review of available medical and
28 investigative information within a time that ~~permits~~ **ALLOWS** a medically
29 viable donation, the medical examiner or alternate medical examiner makes
30 an initial determination that their removal would interfere with a medical
31 examination, autopsy or certification of death. Before making a final
32 decision to limit the removal of organs, the medical examiner or alternate
33 medical examiner shall consult with the organ procurement organization.
34 After the consultation and when the organ procurement organization
35 provides information that the organ procurement organization reasonably
36 believes could alter the initial decision and at the request of the organ
37 procurement organization, the medical examiner or alternate medical
38 examiner shall conduct a physical examination of the body. If the medical
39 examiner or alternate medical examiner limits the removal of organs, the
40 medical examiner or alternate medical examiner shall maintain
41 documentation of this decision and shall make the documentation available
42 to the organ procurement organization.

1 C. A county medical examiner or alternate medical examiner shall
2 not be held civilly or criminally liable for any acts performed in good
3 faith pursuant to subsection A, paragraph 10 and subsection B, paragraphs
4 ~~4~~, 5, ~~and~~ 6 AND 7 of this section.
5 D. If a dispute arises over the findings of the medical examiner's
6 report, the medical examiner, on an order of the superior court, shall
7 make available all evidence and documentation to a court-designated
8 licensed forensic pathologist for review, and the results of the review
9 shall be reported to the superior court in the county issuing the order.
10 E. For providing external examinations and autopsies pursuant to
11 this section, the medical examiner may charge a fee established by the
12 board of supervisors pursuant to section 11-251.08.
13 F. The county medical examiner or alternate medical examiner is
14 entitled to all medical records and related records of a person for whom
15 the medical examiner is required to certify cause of death.