The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 976.

As amended by the committee, this bill, designated as the “Revised State Medical Examiner Act,” repeals the “State Medical Examiner Act” P.L.1967, c.234 (N.J.S.A.52:17B-78 et seq.), and establishes the Office of the Chief State Medical Examiner in, but not of, the Department of Health to replace the Office of the State Medical Examiner in the Department of Law and Public Safety.

Office of the Chief State Medical Examiner. The bill establishes the Office of the Chief State Medical Examiner in the Executive Branch of State Government and allocates the office, in but not of, the Department of Health. The bill specifies that the office is to be independent of any supervision or control by the department or by any board or officer of the department.

The bill abolishes the existing Office of the State Medical Examiner in the Department of Law and Public Safety and transfers all of its functions, powers, and duties to the newly established Office of the Chief State Medical Examiner. The bill specifies that this transfer will be conducted in accordance with all applicable State laws governing the transfer of State agencies.

The bill provides that the Office of the Chief State Medical Examiner is under the direct supervision of a Chief State Medical Examiner, who (as with the current State Medical Examiner) is required to be a State-licensed physician and a qualified forensic pathologist. The bill specifies that the Chief State Medical Examiner will be appointed by the Governor, with the advice and consent of the Senate, for a term of five years, and may be removed from office by the Governor for certain enumerated causes.

The bill provides that the Chief State Medical Examiner is to report directly to the Commissioner of Health and is to function independently within the Department of Health with respect to the medical examiner system and the conducting of medicolegal death investigations.
The bill provides that the Chief State Medical Examiner is responsible for ensuring that the entire medical examiner system is adequately equipped and staffed to deliver medicolegal death investigation services throughout the State, including the establishment of advisory standards of funding for staff, equipment, and facilities for all medical examiner offices.

The bill empowers the Chief State Medical Examiner to: appoint persons to the position of Deputy Chief State Medical Examiner and to appoint and to prescribe the duties of such other employees as may be necessary; provide advice to the governing body of a county or counties concerning the appointment of county or intercounty medical examiners; establish minimum training and experiential requirements of eligibility for those persons appointed as Deputy Chief State Medical Examiner or as a county or intercounty medical examiner or assistant county or intercounty medical examiner; retain supervisory power over personnel employed by the Office of the Chief State Medical Examiner; provide direct supervision and oversight, in most cases, of a county or intercounty medical examiner facility that the Chief State Medical Examiner reasonably determines is experiencing problems that preclude its effective functioning; require county and intercounty medical examiners to timely enter case information into the State’s Case Management System, and to complete any training offered on the proper use of the system; establish a forensic pathology fellowship program; and provide professional oversight concerning the operations of the county and intercounty medical examiner offices as they relate specifically to the conduct of medicolegal death investigations and the performance of autopsies.

The bill requires the Chief State Medical Examiner to adopt certain rules and regulations. Under the bill, these rules and regulations include the establishment of uniform procedures for conducting medicolegal death investigations, and minimum performance and operating standards for, and standards of professional conduct for personnel of, the Office of the Chief State Medical Examiner and the office of each county or intercounty medical examiner.

The bill provides the Chief State Medical Examiner with direct supervision and oversight authority over any medical examiner facility operating under State jurisdiction.

The bill authorizes the Chief State Medical Examiner to intervene in, and to assume control over, any ongoing medicolegal death investigation in the State, regardless of whether the Chief State Medical Examiner has received permission from, or a request for intervention by, a county or an intercounty medical examiner performing the investigation.

The bill further authorizes the Chief State Medical Examiner to enter into agreements with various entities to share facilities and equipment, and to make assistant medical examiners available to
educational institutions for the teaching of legal medicine and other closely related subjects.

**County / Intercounty Medical Examiner Offices.** The bill requires each county to establish and maintain an office of the county medical examiner, and permits the governing bodies of two or more counties to jointly establish and maintain an intercounty medical examiner office. The bill requires two or more counties seeking to jointly maintain an intercounty medical examiner office on a cooperative or regional basis to seek the advice of the Chief State Medical Examiner concerning such an arrangement before establishing and maintaining a joint office.

The bill provides that each county or intercounty medical examiner office will continue to be directed by a county or intercounty medical examiner, who (as with current county medical examiners) will be appointed by the governing body of the county or counties for a term of five years. The bill specifies that in appointing persons to the position of county or intercounty medical examiner, the governing body of a county or counties must seek the advice of the Chief State Medical Examiner regarding the appointment. The bill requires that each county or intercounty medical examiners’ office is to have at least one licensed physician on staff who is certified in forensic pathology.

The bill provides that the Chief State Medical Examiner may remove a county or intercounty medical examiner from office for certain enumerated causes, in consultation with the governing body of the county or counties that appointed the county or intercounty medical examiner.

The bill requires the governing body of a county or counties that appointed a county or intercounty medical examiner to consult the advisory funding standards adopted by the Chief State Medical Examiner when establishing county budgets for medical examiner services. The bill specifies that the budgets for and spending by each county and intercounty medical examiner office are to be made available for review by the Chief State Medical Examiner, are required to be published and made available to the public as part of the county budget, and are required to detail certain costs associated with the operation of the office.

**Medicolegal Investigations of a Death.** The bill enumerates certain instances in which a medical examiner is required to conduct a medicolegal investigation of a death in this State. The investigation may be performed by a medical examiner, or by a certified medicolegal death investigator. The instances in which an investigation must be conducted include:

-- death where criminal violence appears to have taken place;
-- death by accident or unintentional injury;
-- death under suspicious or unusual circumstances;
-- death from causes that might constitute a threat to public health or safety;
-- death not caused by readily recognizable diseases, disability, or infirmity;
-- sudden death when the decedent was in apparent good health;
-- suicide;
-- death of a child under 18 years of age from any cause;
-- sudden or unexpected death of an infant or child under three years of age or a fetal death occurring without medical attendance;
-- death due to criminal abortion;
-- death where suspicion of abuse of a child, family or household member, or elderly or disabled person exists;
-- death within 24 hours of admission to a hospital or a nursing home;
-- death in custody, in a jail or correctional facility, or in a State or county psychiatric hospital, State developmental center, or other public or private institution or facility for persons with mental illness, developmental disabilities, or brain injury;
-- death related to occupational illness or injury;
-- death due to thermal, chemical, electrical, or radiation injury;
-- death due to toxins, poisons, medicinal or recreational drugs, or a combination thereof;
-- known or suspected non-natural death;
-- any person found dead under unexplained circumstances;
-- the discovery of skeletal remains;
-- death for which investigation is in the public interest; or
-- a death occurring under such other circumstances as may be prescribed by regulation of the Chief State Medical Examiner.

Medical Examiner Review Team. The bill establishes a Medical Examiner Review Team. The bill specifies that this team is responsible for reviewing and issuing recommendations regarding: disputed medicolegal death investigation findings that are the subject of a dispute between the Chief State Medical Examiner and any county or intercounty medical examiner; and any removal of the Chief State Medical Examiner or any county or intercounty medical examiner.

The bill specifies that the team is comprised of nine members, including: the Commissioner of Health, the Commissioner of Human Services, the Attorney General, and the Chief State Medical Examiner, or their designees, who shall serve ex officio; a board certified pathologist; the Chair of Pathology from a medical school in the State; and three public members appointed by the Governor.

The bill specifies that the team must meet at least once annually and must meet within 45 days after receiving a report of a dispute or notification of a removal from office. The bill specifies that team members will not receive compensation, but will be reimbursed for expenses incurred, within the limits of funds appropriated or otherwise made available to the team for its purposes.

Issuance of an Annual Report. The bill requires the Office of the Chief State Medical Examiner, in conjunction with the Medical
Examiner Review Team, to issue an annual report and to make that report available to the public.

The bill specifies that the annual report must, at a minimum, contain the following: the budget and expenditures for each medical examiner office in this State; the total number of cases received, reviewed, accepted, and investigated by each medical examiner office; statistics of determined causes of death; and an evaluation of the performance of each medical examiner office and the medical examiner system.

*Sudden Child Death Autopsy Protocol Committee.* The bill requires the development of standardized protocols for autopsies performed in those cases in which the suspected cause of death is sudden infant death syndrome, and in which the death of a child under the age of three is sudden and unexpected. The bill establishes a Sudden Child Death Autopsy Protocol Committee, and provides certain guidance on the development of the protocol.

*Research Oversight Committee.* The bill requires the Chief State Medical Examiner to establish a Research Oversight Committee to assist in developing and reviewing research protocols to yield new information about the specific causes of death and sudden death, including in the areas of sudden infant death syndrome, and sudden, unexpected death in epilepsy (SUDEP). It further requires the Chief State Medical Examiner to develop awareness programs to educate medical examiners about various causes of death.

*New Jersey State Medical Examiner Toxicology Laboratory.* The bill requires the Office of the Chief State Medical Examiner to maintain and supervise a State toxicology laboratory. The bill specifies that the laboratory will provide necessary toxicology services to the Chief State Medical Examiner, Deputy Chief State Medical Examiner, each county or intercounty medical examiner, and each assistant county or assistant intercounty medical examiner in the performance of medicolegal death investigations in this State.

The bill specifies that the Chief State Medical Examiner, Deputy Chief State Medical Examiner, county or intercounty medical examiner, and assistant county or assistant intercounty medical examiner requiring the services of a toxicology laboratory must enlist the services of the State laboratory unless the Chief State Medical Examiner provides permission for use of another. The bill requires the Chief State Medical Examiner to adopt rules and regulations for the operations and use of the State laboratory.

*Appeal Process for Persons in Interest.* The bill establishes an appeal process for a “person in interest” (as defined by the bill) to request a correction of a medical examiner’s findings and conclusions on the cause and manner of death recorded on a death certificate. The bill specifies that such a request cannot be made in a case in which there is a finding of a homicide, and specifies that those requests that are made must be initiated by the person in interest within 60 days.
after the Chief State Medical Examiner, Deputy Chief State Medical Examiner, county or intercounty medical examiner, or assistant county or assistant intercounty medical examiner files the findings and conclusions on the cause and manner of death recorded on a death certificate.

Immunity Provisions. The bill specifies that the Chief State Medical Examiner, a Deputy Chief State Medical Examiner, an Assistant Medical Examiner, their employees, the members of any committees established pursuant to the bill, and any other persons who are authorized to undertake actions pursuant to the bill, will be immune from civil or criminal liability, and from professional disciplinary action, for any acts or omissions that are undertaken thereby, in good faith, in accordance with the bill’s provisions.

Repeals and Recodifications. The bill repeals certain statutes and repeals and recodifies the provisions of certain others. In particular, the bill repeals the following statutes, which are obviated by its provisions:

-- P.L.1967, c.234 (N.J.S.A.52:17B-78 et seq.), the “State Medical Examiner Act,” concerning the establishment and operation of the Office of the State Medical Examiner; and
-- Sections 2 and 3 of P.L.1972, c.13 (N.J.S.A.52:17B-79.1 et seq.), concerning a prior transfer of power, duties, and functions of the State Medical Examiner within the Department of Law and Public Safety.

The bill repeals the following statutes and recodifies their provisions in Title 26 of the Revised Statutes:

-- N.J.S.40A:9-50, concerning the disinterment of dead bodies;
-- P.L.1983, c.535 (N.J.S.A.52:17B-88.1 et seq.), concerning the performance of a dissection or autopsy by a medical examiner;
-- P.L.1993, c.276 (N.J.S.A.52:17B-88.7 et seq.), concerning organ and tissue analysis and transplantation from a donor whose death is under investigation;
-- Section 2 of P.L.2000, c.24 (N.J.S.A.52:17B-88.10), concerning standardized protocols for sudden child death autopsies;
-- Section 2 of P.L.2005, c.227 (N.J.S.A.52:17B-88.11), concerning the participation of medical examiners in research activities with respect to children three years of age and younger;
-- P.L.2009, c.151 (N.J.S.A.52:17B-88a), concerning notification to medical examiners of deaths occurring in certain facilities; and

Effective Date. The bill takes effect on the first day of the second month next following the date of enactment.

The committee amended the bill to:

1) add a definition of “medicolegal death investigator,” and authorize medicolegal death investigators to respond to the scene of a death for investigation purposes;
2) provide that existing contracts between the Office of the Attorney General and the Northern or Southern Regional Offices of the State Medical Examiner are to be transferred to the Office of the Chief State Medical Examiner in the Department of Health, and continued as if that office was the original party to the contract;

3) add references to “osteopathic medical school or college” in every place where the bill references “medical school or college,” and add references to the “American Osteopathic Board of Pathology” in every place where the bill references the “American Board of Pathology;”

4) clarify that the Chief State Medical Examiner may not take over direct supervision and oversight of a county or intercounty medical examiner facility in the event of subpar performance, if that facility is accredited by the National Association of Medical Examiners (NAME);

5) provide for county and intercounty medical examiners to timely input data into the State’s Case Management System, and complete associated training;

6) require the Chief State Medical Examiner to establish a forensic pathology fellowship program;

7) permit the Chief State Medical Examiner to enter into agreements with certain other entities and teach at certain educational institutions;

8) make certain requirements of the county, if the State assumes the duties of the county or intercounty medical examiners;

9) add “a death for which investigation is in the public interest” to the instances in which a medical examiner is required to conduct a medicolegal investigations;

10) require that the individual investigating the death is provided with an Originating Agency Identification Number and access to the State’s motor vehicle registries and fingerprint registries;

11) require the Chief State Medical Examiner to provide the legal representative or person in control of the funeral, upon request, with all available documentation related to the decedent’s autopsy and the medical investigation of the decedent’s death;

12) remove “other law enforcement official” from the list of individuals who may deem an autopsy necessary after a preliminary death investigation is performed;

13) require the Chief State Medical Examiner to establish and consult with the Sudden Child Death Autopsy Protocol Committee to develop standardized protocols for autopsies performed in those cases in which the suspected cause of death of a child under one year of age is sudden infant death syndrome and in which the child is between one and three years of age and the death is sudden and unexpected;

14) remove the section of the bill that specifically establishes requirements and protocols for sudden, unexpected death in epilepsy (SUDEP); and replace it with a section that establishes a Research
Oversight Committee to assist in developing and reviewing and expanding awareness to identify actual causes of death in cases of SUDEP, as well as in other various cases of death;

15) add two more members to the Medical Examiner Review Team, including the Chair of the Department of Pathology from one of the medical schools or colleges or osteopathic medical schools or colleges in New Jersey, to be appointed by the Governor; and one public member, to be appointed by the Governor, who is to be certified in forensic pathology by the American Board of Pathology or the American Osteopathic Board of Pathology;

16) remove the section of the bill that concerned the disposition of unclaimed remains;

17) provide that toxicology laboratories, other than the State Toxicology Laboratory, may be used for a medical examiner’s purposes, provided that such labs meet national accreditation standards; and

18) provide that the Chief State Medical Examiner, a Deputy Chief State Medical Examiner, an Assistant Medical Examiner, their employees, the members of any committees established pursuant to this bill, and any other persons who are authorized to undertake actions pursuant to this bill will be immune from criminal or civil liability, and from professional disciplinary action, for actions or omissions undertaken, in good faith, in accordance with the bill’s provisions.