CHAPTER 82

HOUSE BILL 2197

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

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

11-591. Definitions

In this article, unless the context otherwise requires:

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

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

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


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

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

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

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

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

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

11. "Organ procurement organization" means an organization located within this state that meets the requirements of section 371 of United States Code section 273.

12. "Pathologist assistant" means a person certified as a pathologist assistant who has graduated from a pathologist assistant training program approved by a national accrediting agency for clinical laboratory sciences.

13. "Physician" means a person licensed pursuant to title 32, chapter 13 or 17.
13. "Tissue bank" means a person that is licensed or regulated under federal or state law or accredited by a nationally recognized accrediting organization to engage in the recovery, screening, testing, processing, storage or distribution of tissue.

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

11-594. Powers and duties of county medical examiner

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

1. Take charge of the dead body.
2. Determine if an autopsy is required.
3. Certify to the cause and manner of death following completion of the death investigation, reduce the findings to writing and promptly make a full report on forms prescribed for that purpose.
4. Have subpoena authority for all documents, records and papers deemed useful in the death investigation.
5. Execute a death certificate provided by the state registrar of vital statistics indicating the cause and the manner of death for those bodies for which a death investigation has been conducted and jurisdiction is assumed.
6. Give approval for cremation of a dead body after a death investigation and record the approval on the death certificate.
7. Notify the county attorney or other law enforcement authority when death is found to be from nonnatural causes.
8. Carry out the duties specified under section 28-668.
9. Carry out the duties specified under title 36, chapter 7, article 3.
10. Provide a blood sample from a deceased person for the purpose of communicable disease testing pursuant to sections 13-1210 and 36-670 if the blood is available and the collection or release will not interfere with a medical examination, autopsy or certification of death.
11. Observe all policies adopted by the board of supervisors regarding conflicts of interest and disclosure of noncounty employment.

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

1. Assign to a medical death investigator or other qualified personnel all aspects of a death investigation except the performance of autopsies.
2. Authorize forensic pathologists to perform examinations and autopsies. The medical examiner or alternate medical examiner may authorize medical students or residents and fellows in pathology training to perform autopsies under the supervision of a licensed physician who is board certified in forensic pathology, pursuant to procedures adopted by the county medical examiner or alternate medical examiner. Authorization
and the amount to be paid by the county for pathology services are subject to approval of the board of supervisors.

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

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

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

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

7. Limit the removal of organs or tissues for transplants or other therapy or treatment if, based on a review of available medical and investigative information within a time that permits a medically viable donation, the medical examiner or alternate medical examiner makes an initial determination that their removal would interfere with a medical examination, autopsy or certification of death. Before making a final decision to limit the removal of organs, the medical examiner or alternate medical examiner shall consult with the organ procurement organization. After the consultation and when the organ procurement organization provides information that the organ procurement organization reasonably believes could alter the initial decision and at the request of the organ procurement organization, the medical examiner or alternate medical examiner shall conduct a physical examination of the body. If the medical examiner or alternate medical examiner limits the removal of organs, the medical examiner or alternate medical examiner shall maintain documentation of this decision and shall make the documentation available to the organ procurement organization.
C. A county medical examiner or alternate medical examiner shall not be held civilly or criminally liable for any acts performed in good faith pursuant to subsection A, paragraph 10 and subsection B, paragraphs 4, 5, and 6 AND 7 of this section.

D. If a dispute arises over the findings of the medical examiner's report, the medical examiner, on an order of the superior court, shall make available all evidence and documentation to a court-designated licensed forensic pathologist for review, and the results of the review shall be reported to the superior court in the county issuing the order.

E. For providing external examinations and autopsies pursuant to this section, the medical examiner may charge a fee established by the board of supervisors pursuant to section 11-251.08.

F. The county medical examiner or alternate medical examiner is entitled to all medical records and related records of a person for whom the medical examiner is required to certify cause of death.

APPROVED BY THE GOVERNOR MARCH 29, 2022.