CHAPTER 44 - DIVISION OF POSTMORTEM MEDICOLEGAL EXAMINATION

SECTION .0100 - FILING OF REPORTS

10A NCAC 44 .0101  FILING OF MEDICAL EXAMINER'S REPORT
The local medical examiner shall complete a Report of Investigation Form promptly. He shall provide such additional information with the Report of Investigation Form as is reasonably required to document the case fully. The completed report shall be mailed by the local medical examiner to the state Office of the Chief Medical Examiner within 14 days of the time the local medical examiner assumes jurisdiction of a dead body. Payment of the medical examiner fee shall be authorized only when the report is postmarked within 14 days after the local medical examiner assumed jurisdiction of the dead body, unless the Chief Medical Examiner determines that the delay was beyond the control of the local medical examiner.

History Note: Authority G.S. 130A-383; 130A-387; 130A-393; Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. November 1, 1978;
Transferred and Recodified from 10 NCAC 11 .0402 Eff. April 4, 1990;
Amended Eff. September 1, 1990;

SECTION .0200 - FEES

10A NCAC 44 .0201  MEDICAL EXAMINER FEE
For each investigation including the making of the required reports, the medical examiner shall receive a fee as established in G.S. 130A-387 to be paid by the state unless the decedent is a legal resident of the county in which death or fatal injury occurred, in which event such county shall be responsible for the fee.

History Note: Authority G.S. 130A-381; 130A-387; 130A-393; Eff. July 1, 1979;
Transferred and Recodified from 10 NCAC 11 .0701 Eff. April 4, 1990;
Amended Eff. August 1, 2000;

10A NCAC 44 .0202  PATHOLOGY FEE
For each autopsy ordered by a county medical examiner or the chief medical examiner, the pathologist shall receive a fee as established in G.S. 130A-389 when the autopsy report is received at the Office of the Chief Medical Examiner. There will be no fee for reports received after the 180 day period, unless the Chief Medical Examiner determines that the delay was beyond the control of the pathologist. The fee shall be paid by the state unless the decedent is a legal resident of the county in which death or fatal injury occurred, in which event the county of residence shall be responsible for the fee.

History Note: Authority G.S. 130A-389; 130A-393; Eff. July 1, 1979;
Amended Eff. July 1, 1986; July 1, 1984; July 1, 1982;
Transferred and Recodified from 10 NCAC 11 .0702 Eff. April 4, 1990;
Amended Eff. September 1, 1990;
Temporary Amendment Eff. February 24, 1999;
Amended Eff. August 1, 2000;

10A NCAC 44 .0203  RADIOLOGY FEE
Radiology services shall be paid for by the state. Rates and methods used in the Medicaid program shall be used in computing the amounts of radiology fees.

10A NCAC 44 .0204  HOSPITAL FEE
A fee of forty dollars ($40.00) is paid by the state to a hospital when a county medical examiner orders a body taken to the hospital and later examines the body in that facility. No payment is due a hospital when an autopsy is performed in that facility. No payment is due when the county medical examiner utilizes a hospital emergency room or other hospital facility for examination of a body transported to the hospital for examination.

10A NCAC 44 .0301  DEFINITIONS

SECTION .0300 - MIGRANT WORKER BODY DISPOSITION

10A NCAC 44 .0302  RESERVED FOR FUTURE CODIFICATION

10A NCAC 44 .0303  SOCIAL SERVICES NOTIFICATION
10A NCAC 44 .0304  IDENTITY OF DECEDENT AND NEXT OF KIN
10A NCAC 44 .0305  TIME LIMIT TO CLAIM BODY
10A NCAC 44 .0306  TRANSPORTATION COSTS
10A NCAC 44 .0307  CREMATION
10A NCAC 44 .0308  BODY REMAINS UNCLAIMED
10A NCAC 44 .0309  CLAIMS MADE AFTER TRANSPORTATION
10A NCAC 44 .0310  RESPONSIBILITY FOR TRANSPORT AND DISPOSITION

10A NCAC 44 .0401  UNCLAIMED BODIES
The chief medical examiner shall retain charge or control of an unclaimed body for a period of ten days. During this period, reasonable effort shall be made to locate relatives of the decedent. After the search for relatives has been completed and the required ten day period has passed, each unclaimed body shall be disposed of by cremation. The
ashes shall be retained in the control of the chief medical examiner for a period of three years. During this time appropriate family members of the decedent may claim and receive the ashes. At the end of the three years any unclaimed ashes shall be disposed of in an appropriate manner.

**History Note:** Authority G.S. 130A-381; 130A-393;
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. January 1, 1984;
Transferred and Recodified from 10 NCAC 11 .0309 Eff. April 4, 1990;
Amended Eff. September 1, 1990;

**SECTION .0500 - MEDICAL EXAMINER'S INVESTIGATION**

**10A NCAC 44 .0501 INVESTIGATION BEFORE CREMATION OR BURIAL AT SEA**

(a) Before a dead body may be cremated or buried at sea, a medical examiner must certify that the medical examiner has investigated the cause and manner of death and determined that no further examination is necessary. Such certification is not required if the death falls under one of the exceptions in G.S. 130A-388 or under one of the following exceptions:

1. a death that is medically attended, is determined to result from natural disease, and occurs in a nursing home or while under the care of a licensed hospice; or
2. a body that is donated to the Commission of Anatomy or to any of the schools of medicine in accordance with G.S. 130A-402 et seq.

(b) When a medical examiner makes a certification pursuant to this Rule, the person requesting the certification shall pay a fee of fifty dollars ($50.00) to the medical examiner. However, no fee shall be charged for the investigation of a death that comes within the jurisdiction of the Chief Medical Examiner pursuant to G.S. 130A-383 or G.S. 130A-384. For the purposes of this Section, deaths in association with medically unattended deliveries, or delivery by a midwife who is approved pursuant to G.S. 90-178.1 et seq., are considered to fall within the jurisdiction of the Chief Medical Examiner pursuant to G.S. 130A-383 and G.S. 130A-384.

**History Note:** Authority G.S. 130A-388; 130A-393;
Eff. July 1, 1979;
Amended Eff. October 1, 1989; October 1, 1986; October 1, 1984; January 1, 1984;
Transferred and Recodified from 10 NCAC 11 .0705 Eff. April 4, 1990;
Amended Eff. August 1, 2000;