

## 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.

*History Note:* Authority G.S. 130A-381; 130A-393;  
Eff. July 1, 1979;  
Transferred and Recodified from 10 NCAC 11 .0703 Eff. April 4, 1990.

#### 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.

*History Note:* Authority G.S. 130A-381; 130A-393;  
Eff. July 1, 1979;  
Amended Eff. January 1, 1984;  
Transferred and Recodified from 10 NCAC 11 .0704 Eff. April 4, 1990;  
Amended Eff. August 1, 2000.

## **SECTION .0300 - MIGRANT WORKER BODY DISPOSITION**

### **10A NCAC 44 .0301 DEFINITIONS**

- (a) "Migrant farm worker" shall mean a migrant farm worker as defined in G.S. 130A-417.
- (b) "Dependent" shall mean a dependent as defined in G.S. 130A-417.

*History Note:* Authority G.S. 130A-417; 130A-418;  
Eff. March 31, 1980;  
Transferred and Recodified from 10 NCAC 11 .0801 Eff. April 4, 1990;  
Amended Eff. September 1, 1990.

### **10A NCAC 44 .0302 RESERVED FOR FUTURE CODIFICATION**

### **10A NCAC 44 .0303 SOCIAL SERVICES NOTIFICATION**

The Department of Social Services in the county where the body of a migrant farm worker or dependent is found shall notify the Office of the Chief Medical Examiner of the death and furnish any information respecting the deceased including:

- (1) place of employment;
- (2) name of crew leader;
- (3) social security number;
- (4) permanent residence;
- (5) name, address and telephone number of any relative or interested person.

*History Note:* Authority G.S. 130A-418;  
Eff. March 31, 1980;  
Transferred and Recodified from 10 NCAC 11 .0803 Eff. April 4, 1990.

### **10A NCAC 44 .0304 IDENTITY OF DECEDENT AND NEXT OF KIN**

Upon notice from the Department of Social Services, the Office of the Chief Medical Examiner shall take such steps as are necessary to ascertain or confirm the identity of the deceased and locate any relative or interested person who may be willing to assume responsibility for final disposition. The Office of the Chief Medical Examiner shall attempt to contact the nearest relatives and any interested person and send them an information packet outlining alternatives in regard to final disposition.

*History Note:* Authority G.S. 130A-417; 130A-418;  
Eff. March 31, 1980;  
Transferred and Recodified from 10 NCAC 11 .0804 Eff. April 4, 1990.

### **10A NCAC 44 .0305 TIME LIMIT TO CLAIM BODY**

Within 30 days after receipt of notification, next-of-kin or any interested person willing to assume responsibility for final disposition must:

- (1) notify the Office of the Chief Medical Examiner of their intentions;
- (2) take possession of the body.

*History Note:* Authority G.S. 130A-418;  
Eff. March 31, 1980;

*Transferred and Recodified from 10 NCAC 11 .0805 Eff. April 4, 1990.*

**10A NCAC 44 .0306 TRANSPORTATION COSTS**

- (a) An itemized list of funeral expenses and a signed statement that the party is unable to meet transportation costs shall be submitted to the Office of the Chief Medical Examiner before any payment shall be made.
- (b) All payments shall be made jointly to any party assuming responsibility for final disposition and to the firm handling the disposition of the body.

*History Note: Authority G.S. 130A-417; 130A-418;  
Eff. March 31, 1980;  
Amended Eff. January 1, 1984;  
Transferred and Recodified from 10 NCAC 11 .0806 Eff. April 4, 1990;  
September 1, 1990.*

**10A NCAC 44 .0307 CREMATION**

- (a) In the event relatives or other interested persons claim the body but are unable to provide transportation or final disposition, the Office of the Chief Medical Examiner shall arrange for the cremation of the body and for the mailing of the ashes to the relatives or other interested persons without charge.
- (b) All arrangements for the cremation of bodies shall conform to Department of Administration purchase and contract rules, 1 NCAC 5.

*History Note: Authority G.S. 130A-417; 130A-418;  
Eff. March 31, 1980;  
Transferred and Recodified from 10 NCAC 11 .0807 Eff. April 4, 1990;  
Amended Eff. September 1, 1990.*

**10A NCAC 44 .0308 BODY REMAINS UNCLAIMED**

If, after 10 days, a body of a migrant farm worker or dependent remains unidentified or no relatives or interested parties can be identified to assume responsibility for final disposition, the body may be offered to the Commission of Anatomy. If the Commission of Anatomy will not accept the body, then the Office of the Chief Medical Examiner shall arrange for final disposition as provided in 10A NCAC 44 .0401.

*History Note: Authority G.S. 130A-418;  
Eff. March 31, 1980;  
Transferred and Recodified from 10 NCAC 11 .0808 Eff. April 4, 1990.*

**10A NCAC 44 .0309 CLAIMS MADE AFTER TRANSPORTATION**

- (a) If upon death of a migrant farm worker or dependent, the next-of-kin or interested persons claim the body and make their arrangements for transportation and disposition prior to notification of the Office of the Chief Medical Examiner, they may claim defrayment of transportation expenses up to two hundred dollars (\$200.00) in the following manner:
  - (1) They must supply the Office of the Chief Medical Examiner with details of their case;
  - (2) An information packet will be sent to them;
  - (3) They will in writing indicate their inability to pay transportation expenses, and will enclose an itemized list of funeral expenses.
- (b) Any ensuing payment shall be made in accordance with Rule .0306 of this Section.

*History Note: Authority G.S. 130A-417; 130A-418;  
Eff. March 31, 1980;  
Transferred and Recodified from 10 NCAC 11 .0809 Eff. April 4, 1990;  
Amended Eff. September 1, 1990.*

**10A NCAC 44 .0310 RESPONSIBILITY FOR TRANSPORT AND DISPOSITION**

All arrangements for transportation and disposition shall be made by those next-of-kin or interested persons who have assumed responsibility for final disposition.

*History Note:* Authority G.S. 130A-417; 130A-418;  
Eff. March 31, 1980;  
Transferred and Recodified from 10 NCAC 11 .0810 Eff. April 4, 1990;  
Amended Eff. September 1, 1990.

## **SECTION .0400 - INVESTIGATIONAL PROCEDURES**

### **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.