



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details

File #:	15-5145	Version:	1	Name:	AMENDMENT TO MEDICAL EXAMINER'S ORDINANCE
Type:	Ordinance Amendment	Status:			Approved
File created:	8/25/2015	In control:			Finance Committee
On agenda:	10/7/2015	Final action:			10/28/2015
Title:	PROPOSED ORDINANCE AMENDMENT				

AMENDMENT TO MEDICAL EXAMINER'S ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 38 Health and Human Services, Article VI. Medical Examiner, Division 1. Generally, Sec. 38-109 through Sec. 38-149 of the Cook County Code is hereby amended as follows:

ARTICLE VI. MEDICAL EXAMINER

DIVISION 1, GENERALLY

Sec. 38-109. - Office of coroner eliminated.

The office of Coroner of Cook County is hereby eliminated.

Sec. 38-110. - Definitions.

Apparent natural death means the death of any person seen by a physician during the six months prior to death or who had active prescriptions for a cardiovascular disease risk factor, cancer, or other natural disease capable of causing sudden death.

Authorized person means a person listed in the Disposition of Remains Act, 755 ILCS 65/5, in the priority listed, who has the right to control the disposition, including cremation, of a decedent's remains and is liable for the reasonable costs of the disposition.

Cremation means the final disposition of human remains by means other than burial as defined in the Cremation Regulatory Act, 410 ILCS 18/1 et seq.

Disclaimed body means an identified body who has known next-of-kin that choose not to take responsibility for burial of the body.

Indigent means body that is either unclaimed or disclaimed and an individual that is without sufficient assets for burial, including private assets, public funds or Veteran's Assistance ("VA") benefits, and that will be entitled to final disposition at the expense of the public.

Public disposition means the final disposal of a dead human body in the custody of the Office of the Medical Examiner by (i) the delivery of any such body to any physician or surgeon licensed in Illinois, or to any medical college or school, or other institution of higher science education or school of mortuary science pursuant to the Cadaver Act, 410 ILCS 510, or (ii) a cremation or burial at public expense.

Unclaimed body means an identified decedent in the custody of the Medical Examiner who has no known advance directives, next-of-kin or authorized person, other than the Medical Examiner, willing to assume financial responsibility for the disposition of the body.

Unidentified human remains means deceased individuals in the custody of the Medical Examiner, either fleshed or skeletonized, for whom the Medical Examiner cannot determine the identity identify after exhausting all reasonable scientific means. All unidentified decedents will also be unclaimed by definition.

Sec. 38-111. - Office created.

There is hereby created the Office of the Medical Examiner.

Sec. 38-112. - Qualifications and appointment.

(a) The Medical Examiner must be a physician licensed by the State of Illinois to practice medicine in all its branches and must hold a certificate from the American Board of Pathology in both Forensic Pathology and Anatomic Pathology.

(b) The Medical Examiner shall be appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. The Medical Examiner, once so approved by the Board, shall serve for a term of five years. This notwithstanding, the Medical

Examiner may be removed by a written request of the President to the Board of Commissioners upon a claim of negligence, malfeasance, misfeasance, immoral, illegal or unethical conduct or failure to properly execute the duties of such position, accompanied by a certification that such request is not being made pursuant to any considerations prohibited by the Shakman Consent Decree and subject to a hearing and an affirmative vote of a majority of the members of the Board of Commissioners. Upon expiration of said term, the President may reappoint the Medical Examiner to a subsequent term in the manner set forth aforesaid. For purposes of this section, the term of office of the current Medical Examiner shall be deemed to have commenced on December 6, 2010. In case of a vacancy in the Medical Examiner position, the vacancy shall be filled in the manner set forth aforesaid.

Sec. 38-113. - Duties.

The Medical Examiner has and shall exercise the powers, duties, responsibilities, functions and authority provided by ordinance for those purposes and functions. Any abuse by the Medical Examiner of the authority contained in this ordinance shall be deemed cause for removal.

Sec. 38-114. - Academic appointments.

Upon the approval of the President of the Cook County Board of Commissioners, the Medical Examiner and various personnel of his/her staff may accept academic appointments consistent with their primary responsibilities to the Office of the Medical Examiner.

Sec. 38-115. - Employees.

All employees of the Office of the Medical Examiner shall be County employees and subject to the rules and regulations established by the Board of Commissioners.

Sec. 38-116. - Yearly budget.

The Medical Examiner of Cook County shall submit to the President of the Cook County Board of Commissioners a yearly budget requesting funds to operate and maintain the Office of the Medical Examiner.

Sec. 38-117. - Cooperative agreements.

The Medical Examiner shall have the authority to negotiate and execute cooperative agreements with other agencies having laboratory facilities; consultants; medical schools and other institutions of higher learning; organ/tissue donation agencies; and county medical societies and anatomical associations subject to the approval of the Board of Commissioners of Cook County. The Medical Examiner shall provide a report of all Medical Examiner executed cooperative agreements to the Board of Commissioners on a quarterly basis.

Sec. 38-118. - Deaths subject to investigation.

The Medical Examiner shall investigate any human death that falls within any of the following categories:

- (a) Criminal violence.
- (b) Suicide.
- (c) Accident.
- (d) Suddenly when in apparent good health.
- (e) Unattended by a practicing, licensed physician, other than apparent natural deaths.
- (f) Suspicious or unusual circumstances.
- (g) Criminal abortion.
- (h) Poisoning or attributable to an adverse reaction to drugs and/or alcohol.
- (i) Diseases constituting a threat to public health.
- (j) Disease, injury or toxic agent resulting from employment.
- (k) During medical diagnostic or therapeutic procedures that do not include death as a reasonable possible outcome.
- (l) In any prison or penal institution.
- (m) When involuntarily confined in jail, prison, hospitals or other institutions or in Police custody.
- (n) When any human body is to be cremated, dissected or buried at sea.
- (o) Unidentified human remains.
- (p) When a dead body is brought into a new medico-legal jurisdiction without proper medical certification.

Sec. 38-119. - Deaths subject to investigation; Establishing manner and cause of death.

Where a death has occurred under any of the circumstances enumerated in Section 38-118, then an investigation, including autopsy if necessary, shall be conducted sufficient to establish manner and cause of death, and the Medical Examiner shall recover and retain any and all evidence for use in the investigation. The Medical Examiner shall obtain specimens necessary to determine the cause and manner of death and retain them in accordance with nationally established practice guidelines for forensic pathology. The Medical Examiner shall have the authority to retain tissue specimen

necessary to determine the cause and manner of death without notification or family permission and will have the authority to retain such body parts as the Medical Examiner deems necessary in the public interest with notification to any identified next-of-kin. The Medical Examiner shall have the authority to dispose of retained body parts or tissue specimen in an appropriate manner consistent with law, including using anonymized tissue samples for research in lieu of destruction.

An investigation into a death does not necessarily imply that an autopsy will be performed. The necessity of an autopsy will be determined by the Medical Examiner based on the criteria specified in [Section] 38-118 and generally accepted guidelines for conducting medico-legal death investigations. Sec. 38-120. - Deaths subject to investigation; death certificate.

In deaths subject to investigation under Section 38-118, Tthe Medical Examiner, upon completion of his/her investigation and examination, shall cause a death certificate to be issued specifically setting forth the cause, circumstances and manner of death, if determinable, or if undeterminable, so state. Sec. 38-121. - Death from criminal conduct; procedure.

(a) If it is the Medical Examiner's opinion that any death may have resulted from the criminal conduct of persons other than the deceased, he/she shall immediately notify the Office of the State's Attorney or police agency charged with conducting the investigation.

(b) The Medical Examiner shall notify the proper governmental agency where, in his/her opinion, a death resulted from an industrial hazard, from an infectious disease process, poison or toxin potentially hazardous to the general public, from a traffic hazard or from a common public practice which carries hazards to life or health.

Sec. 38-122. - Deaths subject to investigation,; duty to notify.

(a) Any person, including, but not limited to, any law enforcement officer, physician, nurse, ambulance attendant, hospital director or administrator, or funeral director who may become aware of a death subject to investigation under Section 38-118 may immediately report such death to the Office of the Medical Examiner or to any law enforcement officer; any such report to a law enforcement officer shall be immediately transmitted to the Medical Examiner.

Sec. 38-122. - Deaths subject to investigation; examination of scene.

(b) Upon receipt of such a report pursuant to Sec. 38-121, the Medical Examiner or his/her appointed representative shall go to the location of the body and take charge of same, and shall begin his/her investigation with an examination of the scene.

(c) No person shall disturb the scene of such death, nor shall any person handle, move, disturb, undress, embalm, or remove the body from the position in which it is found, until authorized by the Medical Examiner or his/her appointed representative, except for the purpose of preserving such body from damage or destruction, or in such cases as may be authorized by the Medical Examiner.

Whenever the Medical Examiner shall lawfully assume jurisdiction of a body, it shall not be removed or released from his/her jurisdiction except upon his/her direction and consent.

Sec. 38-123. - Order to disinter.

The Medical Examiner may petition the Circuit Court for an order to disinter for the purpose of investigation or autopsy or both.

Sec. 38-124. - Deaths subject to investigation; Ppermission required for removal.

No dead human body whose death may be subject to investigation under Section 38-118, or the personal property of such a deceased person, shall be handled, removed, disturbed, embalmed or removed from the place of death by any person except with the permission of the Medical Examiner, unless the same shall be necessary to preserve such body from damage or destruction, or to protect life, safety, or health.

Whenever the Medical Examiner shall lawfully assume jurisdiction of a body, it shall not be removed or released from his/her jurisdiction except upon his/her direction and consent.

Sec. 38-1254. - Deaths subject to investigation; decedent's personal property.

(a) The Medical Examiner shall cause an inventory to be taken whenever any valuable personal property, money or papers are found upon or near a dead human body whose death may be subject to investigation under Section 38-118.

(b) The Medical Examiner or his/her properly authorized subordinate shall take charge of the same and deliver the same to the authorized person those entitled to its care and possession, or otherwise properly dispose of the same; but if not claimed, the Medical Examiner after retention of said personal property for one year and after giving ten calendar days' notice of the time and place of sale, shall sell such property,. After such sale, the and after deducting Medical Examiner's shall deduct his or her expenses, and deposit the proceeds thereof, and the money and papers so found upon or near the decedent's body, with the County Treasurer, taking his/her receipt therefore,. These items will there to remain with the County Treasurer subject to the order of the legal representatives of

the deceased, if claimed within five years thereafter, or, if not claimed within that time, to be used to offset the costs for indigent burials.

Sec. 38-1265. - Procedures and powers in investigation into cause of death.

(a) The Medical Examiner shall have the power to establish and supervise the procedures to be utilized in the conduct of investigations necessary to establish the cause and manner of death. The Medical Examiner, at his/her option, shall have the power to call and conduct public hearings in cases of public interest.

(b) The Medical Examiner shall have the power to issue subpoenas requiring persons to give information under oath and to produce books, records, papers or such other documents or objects the Medical Examiner shall deem necessary to establish the cause or manner of death. The Medical Examiner or a hearing officer acting in his/her behalf shall have the power to administer the necessary oath or affirmation to such witness. Any witness appearing at an investigation or public hearing shall have the right to be represented by counsel.

(c) The Medical Examiner shall have the power to request and obtain medical and/or mental health records within 24 hours of the first day of business operations of a hospital or physician's office that has treated a decedent under investigation by the Medical Examiner.

(d) The Medical Examiner shall have the power to request and obtain hospital admission blood samples on any in-hospital death under investigation by the Medical Examiner. Hospitals shall retain admission blood samples for 24 hours following the death of a patient who will fall under investigation by the Medical Examiner as described in Section 38-118.

(e) Violation of the terms of this Section will be subject to the terms delineated in Section 38-13848.

Sec. 38-1276. - Decedent under spiritual treatment.

The Medical Examiner shall not be precluded, in making his/her investigation, from consulting with the decedent's next-of-kin, personal representative, friends, or the person designated in writing by the decedent, where the decedent was under treatment by prayer or spiritual means alone in accordance with the tenets and practices of a well-recognized church or religious denomination, nor shall this ordinance be construed to require an autopsy solely by reason of the fact that the decedent was under treatment by prayer or spiritual means alone.

Sec. 38-127. - Deaths from criminal conduct; procedure.

(a) If it is the Medical Examiner's opinion that any death may have resulted from the criminal conduct of persons other than the deceased, he/she shall immediately notify the Office of the State's Attorney or police law enforcement agency charged with conducting the investigation.

(b) The Medical Examiner shall notify the proper governmental agency where, in his/her opinion, a death resulted from an industrial hazard, from an infectious disease process, poison or toxin potentially hazardous to the general public, from a traffic hazard or from a common public practice which carries hazards to life or health.

Sec. 38-128. Apparent natural deaths.

The Medical Examiner will not investigate cases of apparent natural death, and it will be the responsibility of the decedent's attending physician to complete the death certificate in cases of apparent natural death. However, when the decedent's attending physician fails to complete such death certificate, the Medical Examiner shall have the authority to complete the death certificate but will not be obligated to do so.

Sec. 38-129. Order to disinter.

The Medical Examiner may petition the Circuit Court for an order to disinter for the purpose of investigation or autopsy or both.

Sec. 38-130. - Identified body; notice of possession to next of kin.

(a) Whenever the Cook County Medical Examiner's Office takes possession of an identified body or the remains of a body, the Medical Examiner's Office is hereby required to request that the investigating police agency notify the decedent's next-of-kin that the body is in the possession of the Medical Examiner's Office.

(b) In the event that the appropriate law enforcement authority is unable to locate or notify the next-of-kin within 72 hours of the body arriving at the Medical Examiner's Office, the Medical Examiner may seek the assistance of the Chicago Police Department, Cook County Sheriff's Office, Public Administrator, or any other relevant authority.

Sec. 38-128. - Permit required for disposition of body; fee.

No person shall cause the remains of any dead human body within Cook County to be cremated, dissected or buried at sea without first obtaining a permit from the Medical Examiner. The cost of the permit shall be \$50.00.

Sec. 38-129. - Permit to cremate.

Where the remains of any dead human body are to be cremated, dissected or buried at sea, thus becoming unavailable for later examination; it shall be the duty of the funeral director or person having custody of the dead human body to obtain from the Medical Examiner a permit. The Medical Examiner's Permit shall be presented to the local registrar in applying for the permit for disposition of a dead human body provided for in 410 ILCS 535/21 of the "Vital Records Act," as heretofore or hereafter amended, and the local registrar shall attach the Medical Examiner's permit to cremate to the permit for disposition of a dead human body which is issued. No crematory shall cremate a dead human body unless a permit for disposition of a dead human body with an attached Medical Examiner's Permit has been furnished to authorize the cremation.

Sec. 38-1301. - Deaths subject to investigation; Release of the body.

Upon completion of the Medical Examiner's investigation and examination, the Medical Examiner shall release the body of the decedent to the decedent's next-of-kin, personal representative, friends, or to the person designated in writing by the decedent or to the funeral director selected by such persons or other authorized person, as the case may be, for proper disposition. and none of the duties or powers of the Medical Examiner enumerated in this ordinance shall be construed to interfere with or control the right of such persons to the custody and proper disposition of the decedent upon completion of the Medical Examiner's investigation. If there are no such persons, the Medical Examiner, in his/her sole discretion, shall cause the unclaimed body or the remains to be decently buried, cremated, or donated for medical science purposes. The Medical Examiner shall have the power to dispose of any body in accordance with the "Cadaver Act," 410 ILCS 510 et seq.

Sec. 38-131. - Records to be kept.

(a) The Medical Examiner shall keep full and complete records properly indexed, giving the name, if known, of every person whose death is investigated, the place where and the date when the body was found and the date of death, if known. In case the name of the decedent is not known, the Medical Examiner shall prepare a description [of the] person and enter the same upon his/her records, together with all facts and circumstances of the death which may be known, and which may later lead to the identification of the dead person.

(b) It shall be the duty of the Medical Examiner to keep on file in his/her office full and complete records of all deaths coming under his/her jurisdiction, together with his/her conclusions therein.

(c) Upon completion of investigation and any related criminal proceeding, the official report of the Medical Examiner's investigation shall be made available for inspection to any person with substantial or important interest upon written request. A copy of the official report may be obtained upon payment of the duplication fee. This shall not foreclose access to other records where appropriate.

Sec. 38-132. - Identified body; Public Disposition.

Where the Medical Examiner has no legal reason for retaining a body and an authorized person cannot or will not assume responsibility for final disposition of the decedent within thirty days of the death of the decedent, the Medical Examiner shall have the authority to dispose of a the body by public disposition. Notwithstanding the above, where the decedent's next of kin objects to public disposition by donation to science prior to transfer of the body, the Medical Examiner's Office shall have the authority to dispose of the body by cremation. Disposition of fetal remains may be by burial when available or by cremation.

Sec. 38-133. - Veterans; Disposition

Where the Medical Examiner has reason to believe that the decedent may be a veteran of the U.S. Armed Forces, the Medical Examiner is authorized to seek verification that the decedent is a veteran of the U.S. Armed Forces. In the event such verification is obtained, the Medical Examiner has no legal reason for retaining the body; and an authorized person cannot or will not assume responsibility for final disposition of the decedent within 60 days of the death of the decedent, the Medical Examiner shall have the authority to cremate the body and shall authorize release of the cremated remains to Lincoln National Cemetery (or other national cemetery) for interment.

Sec. 38-134. Decedents donated to science.

Any decedent that is to be used for the advancement of medical, anatomical, biological or mortuary science pursuant to the Cadaver Act, 410 ILCS 510/0.01 et seq. shall be held by the recipient for a period of 60 days prior to distribution of any tissues, and surrendered to any authorized person who requests it for cremation or burial within that time.

Sec. 38-135. Unidentified body; disposition.

Unidentified remains will be buried once all reasonable investigative and scientific efforts have been made to identify the body. Unidentified remains shall not be cremated or otherwise rendered non-recoverable.

Sec. 38-136. - Permission to embalm.

In the interest of public health and hygiene and the preservation of the dignity of the deceased, any body that is stored in the facility more than three days after death may be embalmed at the discretion of the Medical Examiner without the permission of the deceased person's next-of-kin.

Sec. 38-137. - Retention of human remains.

Notwithstanding other provisions in this Article, if the Medical Examiner determines that a body needs to be retained greater than 90 days then the Medical Examiner shall provide a written report to the Advisory Committee and County Board stating the reason for retention. The Medical Examiner shall report to Advisory Committee and County Board on this matter quarterly.

Sec. 38-138. - Decedents disposed at public expense.

To qualify for public disposition the decedent must be indigent. Any decedent in the custody of the Office of the Medical Examiner who has not been claimed by the decedent's next-of-kin or other authorized person, if any, within 30 days shall be subject to final disposition by the Medical Examiner by any means authorized by this Chapter 38.

Sec. 38-139. - Permit required for cremation.

(a) Where the remains of any dead human body are to be cremated, thus becoming unavailable for later examination, it shall be the duty of the funeral director or person having custody of the dead human body to obtain from the Medical Examiner a pPermit to Cremate.

(b) The Medical Examiner may deny a Permit to Cremate if it is necessary to preserve the body for law enforcement purposes.

(c) The Medical Examiner's Permit shall be presented to the local registrar in applying for the permit for disposition of a dead human body provided for in 410 ILCS 535/21 of the "Vital Records Act," as heretofore or hereafter amended.

(d) No crematory shall cremate a dead human body unless a permit for disposition of a dead human body with an attached Medical Examiner's Permit to Cremate has been furnished to authorize the cremation.

Sec. 38-140. Records to be kept; furnished

The Medical Examiner shall keep full and complete records in accordance with the Illinois Local Records Act, 50 ILCS 205, including:

(a) Properly indexed records, giving the name, if known, of every person whose death is investigated, the place where and the date when the body was found and the date of death, if known. In case the name of the decedent is not known, the Medical Examiner shall prepare a description of the person and enter the same upon his/her records, together with all facts and circumstances of the death which may be known, and which may later lead to the identification of the dead person.

(b) Records of all deaths coming under his/her jurisdiction, together with his/her conclusions therein.

(c) Records of requests that the investigating police agency notify the decedent's next of kin that the body is in the possession of the Medical Examiner's Officer per Section 38-130, above. Such records shall include the date and time of the request(s), the date and time of the notification, the name and contact information of the next-of-kin, and the date and time of the receipt of the body.

Sec. 38-13241. - Advisory committee.

(a) [Created.] There shall be created a Medical Examiner's Advisory Committee ("Committee") made up of 11 members appointed by the President of the Cook County Board of Commissioners with the advice and consent of the Board of Commissioners. The Committee shall act in an advisory capacity to the Cook County Board of Commissioners regarding the handling, storage and final disposition of decedents under the jurisdiction of the Cook County Medical Examiner and may formulate recommendations to bring about improvement in this regard. The Committee shall keep the dignity of the deceased at the forefront of their recommendations. Members shall include, but are not limited to, at least one person from each of the following categories:

(1) A member of the medical profession;

(2) A clergyperson;

(3) A funeral director;

(4) An attorney from the Cook County State's Attorney Office;

(5) One Cook County Commissioner to serve as an Ex officio Member with voting rights. The Ex officio Member shall serve as a liaison between the County Board and the Committee;

(6) A member of the Chicago Police Department;

(7) A representative from the Cook County Sheriff's Office; and

(8) A member of the public.

(b) Term and conditions of Office. Except as otherwise provided in Section 38-13241(b), the

members of the Committee appointed under Section 38-13241(a) shall be appointed for two years.

(1) Ex officio member. The ex officio member shall be the appointed Cook County Commissioner who shall serve as the ex officio member for the length of the Commissioner's term.

(2) The remaining members. The remaining ten members of the Committee shall serve terms as follows:

a. For the initial members whose appointments became effective July 10, 2012, or March 12, 2014:

1. Members appointed from the medical profession, funeral director profession, Chicago Police Department and Cook County Sheriff's Office categories noted in Section 38-13241(a) whose term appointment became effective on July 10, 2012, shall serve a term that expires on April 1, 2015.

2. Members appointed from the clergy, State's Attorney Office and public categories noted in Section 38-13241(a) whose term appointment became effective on July 10, 2012, or March 12, 2014, shall serve a term that expires on April 1, 2016.

b. Thereafter, the members other than the ex officio member appointed shall serve a term of two years.

1. Each member, whether initial or subsequent, shall serve until a successor is appointed.

2. Any member who is appointed to fill a vacancy, other than a vacancy caused by the expiration of the predecessor's term, shall serve until the expiration of his or her predecessor's term.

c. Other than the Ex Officio Commissioner, a member may not serve more than two consecutive full terms unless authorized by the Board of Commissioners.

(c) [Compensation.] The members of this Committee shall serve without pay.

(d) [Attendance.] The members of this Committee shall attend meetings to be held at the Medical Examiner's Office on a quarterly basis, beginning with the third quarter of the fiscal year in which this Ordinance is enacted.

(e) The Committee shall prepare an annual report. The report shall be distributed to the individual members of the Board of Commissioners and the President's Office before January 31 of each year. The report shall include minutes of meetings of the Advisory Committee over the past year, including a list of attendees at each meeting, a description of the matters considered during the year and any recommendations made by the Committee for improving the handling, storage and final disposition of decedents brought to the Medical Examiner's Office and the Medical Examiner's service to the residents of Cook County. The Medical Examiner's Office shall provide administrative support as necessary.

Sec. 38-13342. - Death caused by wrongful act; liability for expenses incurred.

Any person, individual, partnership, corporation, firm, company, trust, estate, political subdivision, state agency, or any other legal entity who causes the death of a decedent by a wrongful act, carelessness, or negligence which shall be subject to a Medical Examiner's investigation shall be liable to pay any and all expenses incurred by such investigation and the associated burial expenses. The same shall be recoverable by the county.

Sec. 38-13443. - Transportation costs.

All transportation costs of the body incident to the Medical Examiner's investigation shall be recoverable from the estate of the deceased. The Medical Examiner shall have no responsibility or obligation to arrange for transportation of bodies to the Medical Examiner's facility.

Sec. 38-13544. - Fees.

The Medical Examiner shall charge the following fees with the amounts as set in Section 32-1 of this Code.

(1) Autopsy report.

(2) Toxicology report.

(3) Miscellaneous reports, including artist's drawings, but not including police reports.

(4) Permit to cCremate a dead human body obtained from the Office of the Medical Examiner, by facsimile or electronic filing, unless the Medical Examiner determines that the decedent and the authorized person is indigent and unable to pay the permit fee, or other special circumstances warrant fee waiver in the Medical Examiner's discretion.

(5) Return fee. The return fee is charged to funeral homes that pick up bodies from the Medical Examiner's Office and then request to return them to the Office after determining that the family has no funds for burial. This cost would include the cost of the burial shell and the burial cost.

(6) Death certificate amendment fee. Fee is charged if the amendment is made later than one year of the person's death (due to a return by Funeral Home). The Office of the Medical Examiner is charged by the Illinois Department of Vital Records for amendments made to a death certificate after one year of the death.

(7) Storage fee. This fee covers bodies returned (by funeral homes) to the Office of the Medical Examiner for storage while families secure funds for burial services and bodies brought to the Medical Examiner's Office from hospice, nursing homes, and hospitals for cases not falling under Medical Examiner jurisdiction as defined in Section 38-118. The ability to accept cases for storage will be at the discretion of the Medical Examiner and will depend on the current and anticipated morgue census. This "storage fee" discourages the use of the Office of the Medical Examiner as a storage location for non-Medical Examiner cases or cases that have been discharged from the Medical Examiner's Office to funeral homes and encourages funeral directors to verify that families have funds for burial prior to removing a body from the Office of the Medical Examiner. In the cases of funeral homes, this "storage fee" would replace the "return fee" if a funeral home returns a body and picks it up again within ten days. If the body is not picked up within ten days, the body will be held and buried by the County according to the standard operating procedures of the Medical Examiner.

(8) Photographs, radiographs, and histology slides.

(9) Charge to non-County owned hospitals for the acceptance of fetal remains not falling under the jurisdiction of the Medical Examiner.

(10) Confirmation of death letter.

(11) Tissue procurement morgue use fee. Fee charged to a certified facility or program seeking to procure tissue from bodies located at the Medical Examiner's Office. The fee covers tissue procurement per body by a tissue procurement facility or program authorized by the Medical Examiner.

(12) Student and resident rotation fee. Fee charged to institutions outside of Cook County providing student and resident rotations at the Medical Examiner's Office to offset the County's costs for disposable supplies as well as the staff time supervising the student rotation.

(13) Staff supervision of external experts. Fee charged to individuals requesting to review slides, images and/or records at the Medical Examiner's Office to offset staff costs for supervising such review.

(14) Toxicology send-out fees. Fee charged for processing, packaging and shipping specimens to reference labs at the request of the decedent's next-of-kin for testing.

(15) Lab use fee. Fee charged to institutions authorized by the Medical Examiner and County Board to use the Medical Examiner's Office and supplies for teaching purposes.

(16) Expert witness fees. Fees will be charged to attorneys for case review, expert consultation and trial/deposition time for the Chief Medical Examiner, Assistant Chief Medical Examiner Assistant Medical Examiners, and Toxicologists as well as their travel time and case review time for Medical Examiner cases leading to civil litigation. The Chief Medical Examiner shall be authorized to waive or reduce said fees where warranted and shall be authorized to issue regulations regarding expert witness fees. Such fees will not apply to criminal proceedings related to Medical Examiner cases.

(17) Cremation Fee. Fee charged for cremation and storage of decedents cremated and stored by Cook County. Cremation fees shall be paid to the Cook County Medical Examiner prior to the release of the cremated remains, unless the Medical Examiner determines that the decedent and the authorized person is indigent and unable to pay the cremation fee, or other special circumstances warrant fee waiver in the Medical Examiner's discretion.

Sec. 38-145. - Elimination of Medical Examiner Fee Fund.

Effective December 1, 2012, the Medical Examiner Fees Fund established on March 1, 2011 is hereby eliminated and all fees in the Medical Examiner Fee Fund on or before November 30, 2012 and all of the various fees of the Office of the Medical Examiner received on or after December 1, 2012 shall be transferred or deposited into the County's general fund and placed into an account designated for use by the Office of the Medical Examiner as noted by the Budget Director. All of the various fees collected by the Office of the Medical Examiner will continue to be used solely for the purchase of electronic and forensic identification equipment or other related supplies and operating expenses of the Medical Examiner's Office.

Sec. 38-13646. - Debt due County.

All fees and expense reimbursements shall constitute a debt due the County of Cook and be paid to the Medical Examiner who shall deposit the same with the County Treasurer on the last day of every month.

Sec. 38-13747. - Impersonation unlawful.

It shall be unlawful for any individual to impersonate the Medical Examiner and/or any Medical Examiner investigator.

Sec. 38-13848. - Penalty for violation.

Any person who knowingly violates any provision of this Ordinance shall be fined not more than

\$1,000.00 and imprisoned not more than six months per violation.

Sec. 38-13949. - Annual report.

The Medical Examiner shall prepare and submit to the Cook County Board of Commissioners an annual report of the activities of his/her office.

Sec. 38-140. - Medical examiner fees.

Effective December 1, 2012, the Medical Examiner Fees Fund established on March 1, 2011 is hereby eliminated and all fees in the Medical Examiner Fee Fund on or before November 30, 2012 and all of the various fees of the Office of the Medical Examiner received on or after December 1, 2012 shall be transferred or deposited into the County's general fund and placed into an account designated for use by the Office of the Medical Examiner as noted by the Budget Director. All of the various fees collected by the Office of the Medical Examiner will continue to be used solely for the purchase of electronic and forensic identification equipment or other related supplies and operating expenses of the Medical Examiner's Office.

Sec. 38-141. - Notice of possession of an identified body.

(a) Whenever the Cook County Medical Examiner's Office takes possession of an identified body or the remains of a body the Medical Examiner's Office is hereby required to request verification from the investigating police agency that the decedent's next-of-kin has been notified that the body is in the possession of the Medical Examiner's Office. The Medical Examiner's Office shall keep a detailed record of such requests for verification of notifications, the date and time of notification, the name and contact information of the next-of-kin, and the date and time of the receipt of the body. In the event that the appropriate law enforcement authority is unable to locate the next-of-kin within 72 hours of the body arriving at the Medical Examiner's Office, the Medical Examiner's Office shall obtain verification that the next-of-kin cannot be initially located but shall continue to work with the investigating agency to verify notification of next-of-kin and shall log these efforts. The Medical Examiner's Office shall retain such records in the case file for a period of at least two years. As described in Section 38-125 all personal possessions of the decedent shall be recorded.

(b) In the event the Medical Examiner's Office cannot obtain verification that next-of-kin has been notified that the decedent's body is in the possession of the Medical Examiner's Office, the Medical Examiner's Office may seek the assistance of the Chicago Police Department, Cook County Sheriffs Office, Public Administrator, or any other relevant agency and will keep a log of identification efforts.

Sec. 38-142. - Retention of an identified decedent.

(a) Where the Medical Examiner has no legal reason for retaining a body and no person(s) can or will take responsibility for the final disposition of the decedent, the Medical Examiner shall have the authority to properly dispose of a body through burial or cremation within 60 days of notifying the next-of-kin (if known), unless there is reason to believe that the deceased may be a veteran of the U.S. Armed Forces. Where the Medical Examiner's Office has reason to believe that the decedent may be a veteran of the U.S. Armed Forces, the Medical Examiner's Office shall have up to 90 days to properly dispose of the body.

(b) The Medical Examiner's Office is hereby authorized to seek certification from the decedent's next-of-kin (if known) that the decedent is not a veteran of the U.S. Armed Forces. In the event that such certification is obtained and the next-of-kin cannot or will not assume responsibility for final disposition, the Medical Examiner's Office shall properly dispose of the body within 60 days.

(c) Notwithstanding other provisions in this section, if the Medical Examiner determines that an identified body needs to be retained longer than permitted then the Medical Examiner shall provide a written report to the Advisory Committee and to the Board of Commissioners stating the reason for retention. The Medical Examiner shall report to the Cook County Board on this matter quarterly.

(d) An identified body will be considered potentially "indigent" (either unclaimed or disclaimed) if, after 14 days, there are no apparent funds for burial. At that point the body will be eligible for donation or educational purposes in accordance with the Illinois Compiled Statutes 410 ILCS 510 Cadaver Act. Prior to releasing the body for donation or educational purposes, an additional three known) and confirming that the decedent is not eligible for a non-County funded burial or VA benefits.

(e) Indigent remains will be buried or cremated at County expense as soon as practical provided that there are no funds for burial, the next-of-kin has refused to take responsibility for final disposition of the remains, and that the decedent is not entitled to burial through non-County funds or VA benefits.

(f) Unidentified remains will be buried once all reasonable investigative and scientific efforts have been made to identify the body. Unidentified remains will not be cremated.

Sec. 38-143. - Decedents disposed at public expense.

(a) Indigent decedents. If a decedent's next-of-kin is financially unable to cover the costs related to final disposition, the decedent may be buried or cremated at public expense. To qualify for final

disposition at public expense, both the decedent and the person legally responsible for the disposition of the remains must be legally indigent and not eligible to receive any funds to cover the cost of the burial from any federal or state source, e.g., Veterans Assistance, Public Aid. Any decedent in the custody of the Office of the Medical Examiner who has not been claimed by the decedent's next-of-kin or known personal representative, if any, within 14 days shall be subject to final disposition by the Medical Examiner by any means authorized by this Chapter 38. An additional three days will be taken to contact the next-of-kin, if known, and other appropriate agencies to determine whether alternative burial funds are available prior to release of the body for medical science purposes.

Secs. 38-144-38-149. - Reserved.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 38 Health and Human Services, Article VI. Medical Examiner, Division 2. Disposition by Burial or Cremation of Indigent and Unidentified Bodies, Sec. 38-150 through Sec. 38-156 of the Cook County Code is hereby amended as follows

DIVISION 2. - DISPOSITION BY BURIAL OR CREMATION OF INDIGENT AND UNIDENTIFIED BODIES

Sec. 38-150. - Contracts with cemeteries.

The Medical Examiner, subject to County Board approval, shall only contract with cemeteries for the burial of indigent, unclaimed and unidentified bodies in accordance with the provisions of the Resolution Requiring for Certain Bid and Contract Specifications Relating to the Burial of Indigent, Unclaimed, Disclaimed and Unidentified Decedents.

Sec. 38-151. - DNA collection from unidentified decedents.

The Office of the Medical Examiner shall collect and retain a sufficient DNA sample from unidentified decedents and unidentified skeletal remains. Within 90 days of DNA sample collection, such samples shall be forwarded to the Illinois State Police to be handled in accordance with relevant policies and procedures for such samples, as determined by the Illinois State Police. At the discretion of the Medical Examiner and after consultation with the Illinois State Police, tissues for DNA analysis may be routed to an alternate accredited laboratory for analysis.

Sec. 38-152. - Number of bodies or cremated remains per casket.

Each coffin or burial shell sent by the Medical Examiner to a contracting cemetery authority shall contain the remains of only one indigent, unclaimed or unknown decedent. In the case of infants, cremated remains and fetuses, the Medical Examiner shall be permitted to place multiple infants, cremated remains and fetuses in a single burial shell, provided that there shall exist a physical barrier separating each set of remains within each such burial shell. No other tissues or skeletal remains, human or otherwise, shall be permitted in such shell.

Sec. 38-153. - Unique personal identifiers.

Prior to the burial or interment of an indigent, unclaimed or unidentified individual, the Office of the Medical Examiner shall affix one nonbiodegradable Unique Personal Identifier tag to the outside of the burial shell. Such tag shall be stamped or inscribed with the decedent's name, age and year of death, if known. The Office of the Medical Examiner shall additionally affix at least one nonbiodegradable Unique Personal Identifier tag to the individual deceased person's physical remains.

Sec. 38-154. - Documentation to be released to contracting cemetery.

Upon the release of indigent, unclaimed and unknown individuals to the contracting cemetery authority, the Office of the Medical Examiner shall provide information for the cemetery's interment book as provided in the Resolution Requiring for Certain Bid and Contract Specifications Relating to the Burial of Indigent, Unclaimed, Disclaimed and Unidentified Decedents. The information provided by the Office of the Medical Examiner to the contracting cemetery for record shall include the decedent's name, if known. If the decedent's name is unknown, as much information as possible regarding the gender, race and distinguishing characteristics of the decedent shall be listed.

Sec. 38-155. - Medical examiner burial oversight and affidavit form.

Upon the release of decedents from the Office of the Medical Examiner for burial under this Division 2, an administrator or investigator from The Office of the Medical Examiner shall accompany the vehicle transporting such decedents from the location of pickup of such decedents to the contracting cemetery site. Said individual shall also be present to oversee the burial process in its entirety and shall be required to complete a sworn affidavit to be established by the Office of the Medical Examiner. The affidavit shall delineate each of the elements to be complied with pursuant to the Resolution Requiring for Certain Bid and Contract Specifications Relating to the Burial of Indigent, Unclaimed and Unknown Decedents and shall attest that the contracting cemetery authority is in compliance with the specifications for burial as provided therein. The Office of the Medical Examiner

shall retain all such completed affidavits along with the accompanying death record.
 Sec. 38-156. - Disposition by burial or cremation.

In addition to burial at public expense, subject to the authorization of the County Board of Commissioners, the Medical Examiner may enter into contracts or agreements for providing alternative means of final disposition for unclaimed and disclaimed human remains, such as cremation. Unidentified remains shall not be cremated or otherwise rendered non-recoverable. Cremated remains will be individually stored at the Medical Examiner's Office for a period of two years one year during which time the next-of-kin may claim the remains and pay any applicable cremation fees. Unclaimed cremated remains will be disposed of in accordance with applicable laws and regulations.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 32 Fees, Sec. 32-1 of the Cook County Code is hereby amended as follows:

Sec. 32-1. Fee schedule.

The fees or charges provided for or required by the below-listed sections shall be as shown below:

CHAPTER 38, HEALTH AND HUMAN SERVICES

- 38- 135(a)144(1) Autopsy report 50.00
- 38- 135(a)144(2) Toxicology report 25.00
- 38- 135(a)144(3) Miscellaneous reports, including artist's drawings, but not including police reports 25.00
- 38- 135(a)144(4) Permit to cremate a dead human body 50.00
- 38- 135(a)144(5) Return fee 300.00
- 38- 135(a)144(6) Death certificate amendment fee 20.00
- 38- 135(a)144(7) Storage fee, per day (not to exceed \$500.00) 50.00
- 38- 135(a)144(8) Photographs, radiographs, histology slides actual cost or \$3.00
whichever is greater
- 38- 135(a)144(9) Charge to non-county owned hospitals for the acceptance of fetal remains not falling under the jurisdiction of the medical examiner, per fetus 100.00
- 38- 135(a)144(10) Confirmation of death letter, per letter 5.00
- 38- 135(a)144(11) Tissue procurement morgue use fee, per case 250.00
- 38- 135(a)144(12) Student and resident rotation fee, per month 500.00
- 38- 135(a)144(13) Staff supervision of external experts fee, per hour, one hour minimum 100.00
- 38- 135(a)144(14) Toxicology send-out fee 100.00
- 38- 135(a)144(15) Laboratory use fee, per week (subject to waiver) 100.00
- 38- 135(a)144(16) Expert witness fee, Chief Medical Examiner, per hour, one hour minimum (subject to waiver) 500.00
- 38- 135(a)144(16) Expert witness fee, Assistant Chief Medical Examiner, per hour, one hour minimum (subject to waiver) 450.00
- 38- 135(a)144(16) Expert witness fee, Assistant Medical Examiners and Toxicologists, per hour, one hour minimum (subject to waiver) 400.00
- 38-144(17) Cremation fee (subject to waiver) 100.00

Effective date: This ordinance shall be in effect immediately upon adoption.

Sponsors: TONI PRECKWINKLE (President), SEAN M. MORRISON, JOAN PATRICIA MURPHY, JEFFREY R. TOBOLSKI, PETER N. SILVESTRI

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
10/28/2015	1	Finance Committee		
10/28/2015	1	Board of Commissioners	approve	Pass

10/7/2015	1	Board of Commissioners	refer	Pass
-----------	---	------------------------	-------	------