



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Details (With Text)

<b>File #:</b>	20-0626	<b>Version:</b>	1	<b>Name:</b>	AN AMENDMENT TO THE MEDICAL EXAMINER'S ORDINANCE
<b>Type:</b>	Ordinance Amendment	<b>Status:</b>			Approved
<b>File created:</b>	12/9/2019	<b>In control:</b>			Legislation and Intergovernmental Relations Committee
<b>On agenda:</b>	1/16/2020	<b>Final action:</b>			6/18/2020
<b>Title:</b>	PROPOSED SUBSTITUTE TO FILE #20-0626 (Replaces all other versions) (Cook County Board Meeting - New Items Agenda, First Set) Distributed 6-16-2020				

### PROPOSED ORDINANCE AMENDMENT

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 38 - Health and Human Services, Article VI - Medical Examiner, Division 1. - Generally, Sections 38-110, 38-121, 38-124, 38-141, of the Cook County Code, are hereby amended as follows:

#### Sec. 38-110. - Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apparent natural death means the death of any person:

- a. seen by a physician during the six twelve months prior to death; or
- b. who had an active prescriptions in the twelve months prior to their death for a cardiovascular disease risk factor, cancer, or other natural disease capable of causing sudden death.

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#### Sec. 38-121. - Deaths subject to investigation; duty to notify.

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 shall 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.

a. Any law enforcement officer who becomes aware of a death that a reasonable person would conclude may have occurred under any of the circumstances set forth in Section 38-118 shall immediately report such death to the Office of the Medical Examiner. Any physician, nurse, ambulance attendant, hospital director/administrator, nursing home director/administrator, or funeral director, who becomes aware of a death that a reasonable person would conclude may have occurred under any of the circumstances set forth in Section 38-118 shall immediately report such death to the Office of the Medical Examiner or any law enforcement officer.

b. Law enforcement officers, physicians, nurses, ambulance attendants, hospital directors/administrators, nursing home directors/administrators and funeral directors shall report any death of the type described in subsection a. above within one hour of their becoming aware of the death.

c. No person who becomes aware of a death of the type described in subsection a., above, shall remove, cause to be removed, or release for removal, the deceased person from the place of their death without first reporting the death as required by this Section. The deceased person shall not be removed from the place of their death, until the Medical Examiner gives approval for that removal.

d. Law enforcement officers, physicians, nurses, ambulance attendants, hospital directors/administrators, nursing home directors/administrators, and funeral directors are excused from the duty to report a death pursuant to this Section only if they reasonably believe, based upon information presented to them, that the death has already been reported to the Medical Examiner.

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Sec. 38-124. - 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 valuable personal property and deliver the same valuable personal property to the authorized person, or otherwise properly dispose of the same valuable personal property; 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 Medical Examiner shall deduct his or her expenses, and deposit the proceeds, and the money and papers found upon or near the decedent's body, within the County Treasurer Medical Examiner Operation and Administration Fund, taking his/her receipt therefore. These items will remain within the County Treasurer Medical Examiner Operation and Administration Fund 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 the operations and administration of the Office of the Medical Examiner.

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Sec. 38-141. - 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 38-141(b), the members of the Committee appointed under Section 38-141(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 38-141(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 38-141(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.

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Sec. 38-145. - Elimination of Medical Examiner Fee Operation and Administrative 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.

The Cook County Budget Director shall create a Medical Examiner Operation and Administrative Special Purpose Fund, which shall be subject to appropriation by the Board, to be used to offset the costs incurred by the Medical Examiner in performing autopsies under the office's jurisdiction. The Budget Director shall allocate any revenue incurred from:

- (a) the collection of grants received by the Medical Examiner; and/or
- (b) disposition of property of decedents in accordance with Section 38-124;

The Medical Examiner shall be the custodian, ex officio, of this fund and shall use the fund to perform the duties required by the office. Expenditures shall be made from the fund by the Medical Examiner for expenses, including, but not limited to, the operations and administration of the Office of the Medical Examiner.

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

**Sponsors:** TONI PRECKWINKLE (President)

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
6/18/2020	1	Board of Commissioners	discharge from committee	Pass
6/18/2020	1	Board of Commissioners	accept as substituted	Pass
6/18/2020	1	Board of Commissioners	approve as substituted	Pass
2/26/2020	1	Legislation and Intergovernmental Relations Committee	recommend for deferral	Pass
1/16/2020	1	Board of Commissioners	refer	Pass

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**Distributed 6-16-2020**

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- (b) The Medical Examiner or his/her properly authorized subordinate shall take charge of the same valuable personal property and deliver the same valuable personal property to the authorized person, or otherwise properly dispose of the same valuable personal property; 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 Medical Examiner shall deduct his or her expenses, and deposit the proceeds, ~~and the money and papers found upon or near the decedent's body,~~ within the County Treasurer Medical Examiner Operation and Administration Fund, taking his/her receipt therefore. These items will remain within the County Treasurer Medical Examiner Operation and Administration Fund 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 the operations and administration of the Office of the Medical Examiner.

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  - (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;
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  - (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 38-141(b), the members of the Committee appointed under Section 38-141(a) shall be appointed for two years.
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**Effective date:** This ordinance shall be in effect immediately upon adoption