



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

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PROPOSED ORDINANCE AMENDMENT

COOK COUNTY MEDICAL EXAMINER'S 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. 38-109 through 38-148 of the Cook County Code, is hereby amended as follows:

DIVISION 1. - GENERALLY

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

The office of Coroner of Cook County is hereby eliminated. This article shall be known and may be cited as the Cook County Medical Examiner's Ordinance.

Sec. 38-110. - Definitions.

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

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 and/or a scene examination will be performed. ~~The necessity of aAn~~ autopsy and/or a scene examination will be ~~determined by~~ conducted at the Medical Examiner's discretion 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, the 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. - 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 ~~may~~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.

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

Upon receipt of a report pursuant to Section 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 except when permission for removal has been approved pursuant to Section 38-123 or removal is otherwise authorized under 38-123 to preserve such body from damage or destruction, or to protect life, safety, or health. Any such removal of the body pursuant to Section 38-123 shall not preclude the Medical Examiner or his/her appointed representative from examining the scene.

Sec. 38-123. - Deaths subject to investigation; permission 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, 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 or as otherwise permitted in this Section.

Sec. 38-125. - 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~~2448 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 38-148.~~

Sec. 38-131. - 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 person or other authorized person, as the case may be, for proper disposition.

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

Notwithstanding other provisions in this ~~Article~~ ordinance, 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. 38-141. - Advisory committee.

(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 [~~Article~~] is enacted.

Sec. 38-144. - Fees.

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

(18) Conference room use fee. Fee charged for use of the Medical Examiner's Conference Room located in the basement of the Office of the Cook County Medical Examiner. Conference room use fees shall be paid to the Cook County Medical Examiner in advance, unless special circumstances warrant a fee waiver which may be granted at the discretion of the Medical Examiner.

Sec. 38-148. - Penalty for violation.

Any person who knowingly violates any provision of this ~~Ordinance~~ [~~Article~~] may be fined not more than \$1,000.00 and imprisoned not more than six months per violation.

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

38-144(1)	Autopsy report	50.00
38-144(2)	Toxicology report	25.00
38-144(3)	Miscellaneous reports, including artist's drawings, but not including police reports	25.00
38-144(4)	Permit to cremate a dead human body	<u>100.00</u> 50.00
38-144(5)	Return fee	300.00
38-144(6)	Death certificate amendment fee	20.00
38-144(7)	Storage fee	500.00
38-144(8)	Photographs, radiographs, histology slides	actual cost or \$3.00 whichever is greater
38-144(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
38-144(10)	Confirmation of death letter, per letter	5.00
38-144(11)	Tissue procurement morgue use fee, per case	250.00
38-144(12)	Student and resident rotation fees, per month	500.00
38-144(13)	Staff supervision of external experts fee, per hour, one hour minimum	100.00
38-144(14)	Toxicology send-out fee	100.00
38-144(15)	Laboratory use fee, per day (subject to waiver)	250.00
38-144(16)	Expert witness fee, Chief Medical Examiner, per hour, one hour minimum (subject to waiver)	600.00
38-144(16)	Expert witness fee, Assistant Chief Medical Examiner, per hour, one hour minimum (subject to waiver)	550.00
38-144(16)	Expert witness fee, Assistant Medical Examiners, per hour, one hour minimum (subject to waiver)	500.00
38-144(17)	Cremation fee (subject to waiver)	250.00

<u>38-144(18)</u>	<u>Conference Room (basement) use fee</u> <u>per hour, two hour minimum</u> <u>(subject to waiver)</u>	<u>100.00</u>
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Effective date: This ordinance shall be in effect immediately in relation to the Ordinance Amendments provided in Chapter 38, Sections 38-109 through 38-148; the fee Ordinance Amendments provided in Chapter 32 Fees, Section 32-1 in regards to Section 38-144 shall take effect on December 1, 2018