

DEPARTMENT OF HEALTH & SOCIAL SERVICES



PROPOSED CHANGES TO REGULATIONS

7 AAC 35.500 - .590. Embalming and Other Post-Mortem Services; Medicolegal Death Investigation, State Medical Examiner Office.



PUBLIC REVIEW DRAFT

January 22, 2020

COMMENT PERIOD ENDS: March 24, 2020

Please see the public notice for details about how to
comment on these proposed changes.

Notes to reader:

1. Except as discussed in note 2, new text that amends an existing regulation is **bolded and underlined**.
2. If the lead-in line above the text of each section of the regulations states that a new section, subsection, paragraph, or subparagraph is being added, or that an existing section, subsection, paragraph, or subparagraph is being repealed and readopted (replaced), *the new or replaced text is not bolded or underlined*.
3. [ALL-CAPS TEXT WITHIN BRACKETS] indicates text that is to be deleted.
4. When the word “including” is used, Alaska Statutes provide that it means “including, but not limited to.”
5. Only the text that is being changed within a section of the current regulations is included in this draft. Refer to the text of that whole section, published in the current Alaska Administrative Code, to determine how a proposed change relates within the context of the whole section and the whole chapter.

**Title 7 Health and Social Services.
Chapter 35. Embalming and Other Post-Mortem Services.**

Article

1. Disposition of Human Remains (7 AAC 35.010 - 7 AAC 35.130)
2. Cost of Post-Mortem Examinations, Autopsies, Embalming and Related Services (7 AAC 35.140 - 7 AAC 35.150)
3. General Provisions. (7 AAC 35.200 - 7 AAC 35.290)
- 4. Medicolegal Death Investigation, State Medical Examiner Office (7 AAC 35.500 – 7 AAC 35.590)**

7 AAC 35 is amended by adding a new article to read:

Article 4. Medicolegal Death Investigation, State Medical Examiner Office.

Section

510. Investigating reported deaths.
520. Assuming jurisdiction.
540. Transportation.

550. Personal property.

560. Release of remains.

580. Viewing of remains.

590. Definitions.

7 AAC 35.510. Investigating reported deaths. (a) The department shall perform a medicolegal death investigation on every reported death.

(b) The department, after evaluating all available information gathered during the initial medicolegal death investigation, may:

- (1) assume or decline jurisdiction;
- (2) determine whether to transport the body to the office for an examination;
- (3) determine manner and cause of death;
- (4) determine or confirm identity. (Eff. ____/____/____, Register _____)

Authority: AS 12.65.015 AS 12.65.020 AS 18.05.040

7 AAC 35.520. Assuming jurisdiction. (a) Only the department will have the authority to determine jurisdiction after evaluating all the available information gathered during the medicolegal death investigation.

(b) The department will decline jurisdiction on a case after a medicolegal death investigation has been performed, if, in the opinion of the medicolegal death investigator or medical examiner, the death does not warrant further investigation.

(c) The department's jurisdiction will include apparent homicide, and the remains of the deceased person shall be transported to its office for examination.

(d) The department's jurisdiction will include the following and the remains of the deceased may be transported to the office for examination:

- (1) apparent accident;
- (2) apparent suicide.

(e) The department may take jurisdiction, and the remains of the deceased person may be transported to the office for examination in the following circumstances:

- (1) a stillborn infant;
- (2) a death in state custody;
- (3) a possible contagious disease that may be a threat to public health;
- (4) a death related to a complication of medical therapy or a surgical procedure;
- (5) a sudden, unexpected, or unattended apparent natural death.

(Eff. ____/____/____, Register _____)

Authority: AS 12.65.015 AS 12.65.020 AS 18.05.040

7 AAC 35.540. Transportation. (a) The department is responsible for transportation of the remains as defined in AS 12.65.025.

(b) The department will determine the mode of transportation to the applicable department office and back to the community closest to the location of the death.

(c) Remains transported directly from the department office following examination, will be shipped in a container that is appropriate for human remains and complies with the requirements in 7 AAC 35.100. (Eff. ____/____/____, Register _____)

Authority: AS 12.65.015 AS 12.65.020 AS 18.05.040

7 AAC 35.550. Personal property. (a) A medicolegal death investigator has the primary responsibility for gathering, safeguarding and transferring personal property of the decedent.

(b) Any item present at the scene and relevant to the medical death investigation shall remain at the scene and shall be made available to the medicolegal death investigator to examine and photograph before the investigating agency removes it.

(c) If the remains need to be transported to the state medical examiner office, then the personal effects on or about the remains or another item at the scene may be brought to the office if the item may be evidence.

(d) A medicolegal death investigator may release directly to the family a personal item that is not evidence.

(e) The personal property that the state medical examiner office releases may be picked up directly from the office, released to a funeral home, or shipped by the office.

(Eff. ____/____/____, Register _____)

Authority: AS 12.65.015 AS 12.65.020 AS 18.05.040

7 AAC 35.560. Release of remains. (a) The department shall release remains after it receives a signed *Authorization for Release of Remains* form, dated April 7, 2014, adopted by reference, completed by a person authorized under AS 13.75.020.

(b) Remains may be placed on hold at a funeral home, hospital, or another site approved by the department if the medicolegal death investigator was unable to answer some investigative questions when the investigator completed the initial death report.

(c) If the state medical examiner office declines jurisdiction, and the remains will be released directly from the scene, then the following applies:

(1) if the person died at home, and the family was present, then the remains will be released directly to the family;

(2) if the person died at home, and no family was present, then the remains will be released to the investigating agency;

(3) if the person died in a hospital, then the remains will be released to that hospital.

(Eff. ____/____/____, Register _____)

Authority: AS 12.65.015 AS 13.75.020 AS 18.05.040

AS 12.65.020

Editor's note: The *Authorization for Release of Remains* form is available at the State Medical Examiner's Office at 5455 Dr. Martin Luther King Jr. Avenue, Anchorage, AK 99507; or by calling telephone number (907) 334-2200, faxing facsimile number (907) 334-2216, e-mailing medical.examiner@alaska.gov, or on the state website at <http://dhss.alaska.gov/dph/MedicalExaminer/Pages/default.aspx>.

7 AAC 35.580. Viewing the remains. The remains shall not be viewed while in the custody of the department as part of a medicolegal death investigation. (Eff. ____/____/____, Register _____)

Authority: AS 12.65.020 AS 18.05.040

7 AAC 35.590. Definitions. In this chapter, unless the context requires otherwise,

(1) "department" means the Department of Health and Social Services, State of Alaska.

(2) “family” means persons authorized to control disposition of a decedent’s remains under AS 13.75.020;

(3) “jurisdiction” means the department is responsible for conducting a medicolegal death investigation, determining the manner and cause of death, and verifying the decedent’s identity;

(4) “medicolegal death investigation” means the process to assess each death reported to the department, as defined by AS 12.65.005, and determine whether the death is under the department’s jurisdiction and requires a more comprehensive medical death investigation, as defined in AS 12.65.020. Also referred to as a “medical death investigation”;

(5) “medicolegal death investigator” means an individual who performs a medicolegal death investigation when a death is reported to the department;

(6) “personal property” means clothing and personal items;

(7) “remains” means a body or any part of a body;

(8) “scene response” means an investigation at the site of death, performed by a medicolegal death investigator;

(9) “unattended death” means the death of a person who has not been examined, or has not been prescribed medication by a physician, physician’s assistant or nurse practitioner within the year before death;

(10) “unexpected death” means the death of a person in apparent good health.

(Eff. ____/____/____, Register _____)

Authority: AS 12.65.005 AS 13.75.020 AS 18.05.040

AS 12.65.020