

MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY

TITLE 31: PUBLIC SAFETY

PART 501: RULES AND REGULATIONS FOR MISSISSIPPI BOARD OF MEDICOLEGAL DEATH INVESTIGATIONS

Part 501 Chapter 1 Scope and Purpose

Introduction The rules and regulations herewith filed replace and supersede all preceding rules and regulations governing medical examiner cases filed with the Mississippi Secretary of State.

Rule 1.1 Definitions

All definitions set forth in *Miss. Code Ann.* § 41-61-53 shall apply in these Rules and Regulations. When used in these Regulations, the term Medical Examiner Case means any human death required by *Miss. Code Ann.* § 41-61-59 to be investigated and certified by the Medical Examiner.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 2 Delayed Deaths

Rule 2.1 Delayed Deaths

Where death is related to injury of any type as defined in *Miss. Code Ann.* § 41-61-59, such death is subject to the jurisdiction of the Medical Examiner irrespective of the period of survival following the injury and whether or not there was medical attendance at the time of the injury or during the period of survival.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 3 Unattended Deaths

Rule 3.1 Unattended Deaths

1. Deaths due to natural causes are Medical Examiner cases unless the decedent is under the care of a medical or osteopathic physician for the natural disease process to which the decedent has succumbed. As provided in *Miss. Code Ann.* § 41-61-59, medical attendance must be within thirty-six (36) hours preceding death, or in a pre-diagnosed or bedfast cases within thirty (30) days preceding death. Documentation of medical attendance must be in writing and the medical or osteopathic physician in attendance must be licensed to practice in the State of Mississippi.
2. A physician need not have physically examined the deceased nor been personally and physically present within the aforementioned time limits in order to be considered in

attendance. Medical records or other written documentation of prescriptions, telephone consultations or other evidence that the physician has continuously assumed responsibility for the care and treatment of the decedent shall suffice as evidence for medical attendance.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 4 Hospital Deaths

Rule 4.1 Hospital Deaths - Autopsies

1. *Miss. Code Ann.* § 41-61-59 is specific as to which human deaths are subject to the investigation of the Medical Examiner. When such deaths occur in a hospital, clinic, doctor's office or other health care facility, the attending physician is responsible for notification of the Medical Examiner. The attending physician must not request permission for autopsy from the next-of-kin until the Medical Examiner has been notified and has made a decision as to whether or not an autopsy is required in accord with provisions of *Miss. Code Ann.* § 41-61-65. If the Medical Examiner case is not to be subjected to autopsy in accord with these provisions, the attending physician may then request permission for a private autopsy from the appropriate individual. The Medical Examiner still has responsibility for investigation and certification of such cases and copies of findings and interpretations of any such private autopsy shall be submitted as provided in *Miss. Code Ann.* § 41-61-65.
2. If, during performance of an autopsy on a case which is not under the jurisdiction of the Medical Examiner, the findings, e.g., evidence of trauma or poisoning, indicate that the death should properly be by a medical examiner case, the Pathologist performing the autopsy shall immediately discontinue the procedure and notify the Medical Examiner of the findings.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 5 Deaths During Medical Procedures

Rule 5.1 Deaths During Medical Procedures

In order for a death occurring during a therapeutic procedure to be a Medical Examiner case, the death must be medically unexpected. So that proper investigation can be made in Medical Examiner Cases, the attending physician must immediately notify the Medical Examiner when death is pronounced. In such Medical Examiner cases, all apparatus of any type which was utilized in the therapy of the patient at the time of death, including but not limited to intravenous set-ups and medications, electrical equipment, anesthesia machines and their connections and gas cylinders, must remain in place as they existed at the time of death and may not be disturbed or removed until and unless permission from the Medical Examiner is obtained.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 6 Toxicology Specimens

Rule 6.1 Specimens for Toxicologic Examinations

In all Medical Examiner cases, the investigating Medical Examiner shall obtain specimens of blood, urine and/or vitreous humor as the condition of the body permits. If the patient has been treated in a hospital, emergency room, or other health care facility immediately prior to death, such specimens should be taken into custody by the investigating Medical Examiner. With the exception of motor vehicle fatalities (see below), specimens obtained as noted above may be submitted immediately for toxicologic examination or may be retained in refrigerated storage for examination at a later time, at the discretion of the investigating Medical Examiner. In all instances of motor vehicle fatalities, including operators, passengers and pedestrians, specimens shall be submitted to the Mississippi Crime Laboratory for toxicologic examination. If toxicologic examination is deemed necessary, and the condition of the body prohibits recovery of urine, blood or vitreous humor, specimens of brain, lung, kidney, spleen and/or other tissues should be submitted for analysis.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 7 Embalming

Rule 7.1 Embalming of Medical Examiner Cases

Since the chemical compounds used in embalming may alter the characteristics of body tissues, make toxicologic procedures difficult and more costly, or render toxic agents undetectable, the Medical Examiner must completely examine the body of the deceased and obtain appropriate specimens for toxicologic examinations prior to any embalming procedure, in all Medical Examiner cases. Any Medical Examiner case to be subjected to autopsy under the provisions of *Miss. Code Ann.* § 41-61-65 not under any circumstances be embalmed prior to autopsy unless permission is given for such procedure by the Medical Examiner.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 8 Training and Continuing Education Program

Rule 8.1 Certification

All death investigation training, including continuing education, for Mississippi Coroner Medical Examiners (Chief and Deputy County Medical Examiners and County Medical Examiner Investigators) shall be certified by the State Medical Examiner's Office in accordance with Mississippi Statutes and the Rules and Regulations.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Rule 8.2 Basic Training

All individuals who are elected or appointed as Medical Examiner Investigator or Deputy Medical Examiner Investigator, before taking the oath of Office, must attend the Death Investigation Training School provided by the Mississippi Crime Laboratory and the State Medical Examiner. The school will be offered approximately once every two years and will ordinarily be a five day school conducted primarily at the Mississippi Law Enforcement Officers Academy in Jackson.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Rule 8.3 Interim Training

If an occasion arises requiring appointment of a Deputy or Chief Medical Examiner Investigator during that period of time between scheduled Basic Death Investigation courses, individuals thus appointed may be permitted to take Office upon completion of the Interim Medicolegal Death Investigation Course offered by the State Medical Examiner's Office. This ordinarily will be a one day course and can be scheduled with the State Medical Examiner's Office on an as needed basis. Individuals successfully completing the Interim Course must then additionally complete the five day Basic Death Investigation Training School on the next occasion of its offering and must also fulfill the continuing education requirements as certified by the State Medical Examiner's Office.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Rule 8.4 Advanced Training

All individuals who have attended the Basic Death Investigation Training School must, at least once every four years, attend the Advanced Death Investigation Training School provided by the Mississippi Crime Laboratory and State Medical Examiner. This ordinarily will be a one or two day Advanced Refresher Course offered in conjunction with the Mississippi Law Enforcement Officers' Training Academy.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Rule 8.5 Substitute Training

No substitutions can be made for the five day Basic Death Investigation Training School. If attendance at the school becomes difficult or impossible due to illness or other emergencies, the candidate should contact the State Medical Examiner immediately regarding alternative arrangements. Other courses, schools or additional forms of training may, however, be substituted for either the Interim or Advanced courses if candidates or Medical Examiners wish to make their own arrangements, or if they have special expertise at the time of their appointment. Such substitution is at the discretion of the State Medical Examiner who should be contacted well in advance.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Rule 8.6 Testing

All individuals completing the Basic, Interim and Advanced Training Courses must successfully complete testing on the subject material by the State Medical Examiner. This includes those individuals who have substituted alternate forms of training for either the Interim or Advanced Courses.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Rule 8.7 Continuing Education

Every Medical Examiner is required to complete a minimum of twenty-four (24) hours of continuing education as certified by the State Medical Examiner, during each successive twelve (12) month period following election or appointment. Acceptable continuing education activities include, but are not restricted to the following:

1. District Meetings – Two (2) hours credit will be allowed for attendance at each District Meeting of the Mississippi Coroner/Medical Examiner Association, up to a maximum of twelve (12) hours credit per twelve (12) month period.
2. Autopsies – Two (2) hours will be allowed for attendance at an autopsy, up to a maximum of six (6) hours per each twelve (12) month period. The Coroner/Medical Examiner should actually be present at the entire autopsy, and the continuing education documentation form should be co-signed by the attending Pathologist.
3. Department of Public Safety – Continuing education credit will be allowed for attendance at schools, seminars or other activities conducted by various agencies of the Department of Public Safety, insofar as such activities pertain to medicolegal investigations. Examples would be seminars conducted by the Mississippi Crime Laboratory, the State Medical Examiner's Office, or the Mississippi Law Enforcement Officer's Training Academy. The hours allowed will be designated by the specific agency involved for the specific training program which is being offered.
4. Other – Continuing education credits will be allowed for virtually any training course, seminar or other similar activity insofar as that activity pertains directly to medicolegal death investigation. This includes courses of seminars offered by schools or colleges, law enforcement agencies and others, as well as training courses offered outside the State of Mississippi. Prior approval before credit should be obtained by contacting the State Medical Examiner's Office.
5. Documentation – Documentation of all continuing education activities will be by means of forms provided for the purpose of the State Medical Examiner's Office. A separate signed form should be submitted for each particular continuing education program or activity for which a Medical Examiner is seeking credit. If the activity is a group activity,

all individuals attending the activity may submit their signatures on one form. Upon successful certification with respect to training and continuing education requirements, every Coroner/Medical Examiner will receive, during every successive twelve (12) month period within their term of office, a wallet size card issued by the State Medical Examiner, and attesting to completion of the requirements.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 9 Designated Pathologist Program

Rule 9.1 Designated Pathologist Program

The purpose of the Designated Pathologist Program is to identify, recruit and assist qualified Pathologists to perform consultations and to provide autopsy service in support of the Mississippi Medicolegal Death Investigation System. Pathologists so designated should have adequate training and experience in anatomic pathology with a special interest in forensic pathology. They will assist the County Coroner/Medical Examiner's Office and the State Medical Examiner's Office in the investigation of "deaths affecting the public interest" as defined by Mississippi Statutes. The Designated Pathologists will conform to all Mississippi Statutes concerning Medicolegal Death Investigations, and will abide by Rules and Regulations promulgated by the State Medical Examiner's Office and the State Board of Medicolegal Death Investigations.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Rule 9.2 General Standards

1. All Designated Pathologists will be physicians (M.D. or D.O.) licensed to practice medicine in the State of Mississippi, and will be Board Certified or Board Eligible in Anatomic Pathology and have a special interest in Forensic Pathology.
2. All autopsy reports will be completed in a timely manner (normally within thirty (30) days for routine cases and ninety (90) days for complex cases). Complete autopsy reports, including all findings and interpretations will be submitted promptly to the State Medical Examiner's Office, with copies furnished to the authorizing Medical Examiner's Office, District Attorney and Court Clerk, as required by Mississippi Statutes.
3. Pathology residents at University of Mississippi Medical Center will be allowed to perform post-mortem examinations under the supervision of a Designated Pathologist in accordance with procedures established by the State Medical Examiner and the UMC Department of Pathology.
4. The Designated Pathologist Review Committee will develop and maintain a Quality Assurance – Enhancement Program concerning performance of autopsies and other activities of Designated Pathologists within the medicolegal death investigation system. If the standard and quality of performance by any pathologist on the designated list does not meet minimal

requirements as determined by the Designated Pathologist Review Committee, that pathologist may be removed from the designated list by a majority vote of the Committee, in accordance with procedures to be established by the Committee.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Rule 9.3 Designated Pathologist Review Committee

1. The purpose of the Committee is to assist the State Medical Examiner's Office in the selection and supervision of qualified Designated Pathologists and to develop and maintain a Quality Assurance – Enhancement Program concerning the activities of those Designated Pathologists. The Quality Assurance – Enhancement Program will involve review and selected examples of post-mortem examinations, and other documents so as to recommend selection, retention, probation or dismissal of pathologists from the designated list.
2. Membership – The membership of the Committee shall consist of the Mississippi State Medical Examiner, the President of the Mississippi Association of Pathologists, or his designee and the President of the Mississippi State Medical Association or his designee. The State Medical Examiner shall act as Chairman of the Committee.
3. Meetings – The meetings of the Committee shall be held at least on an annual basis at the time of the Mississippi State Medical Association's annual meeting. Additional special meetings may be called by the Chairman of the Committee and such special meetings may be conducted by telephone conference or other means.
4. Administrative Support – Administrative support for the committee, including secretarial support and maintenance of records, will be provided by the State Medical Examiner's Office.
5. Records – The State Medical Examiner's Office will maintain records of the Committee including a file for each Designated Pathologist that file to include a Curriculum Vitae as well as records of recommendations or actions of the Committee. Also included in each file will be representative examples of post-mortem examination reports and other pertinent data. These files will be confidential and access to the files will be limited to the Commissioner of Public Safety, the three members of the committee and the individual Pathologist involved. Except as otherwise provided in this section, these files are not public records as defined and addressed by the Mississippi Public Records Act of 1983 and access to such may only be had as provided in this Section.
6. Annual Report – A general summary report from the Committee will be prepared on an annual basis and submitted to the Department of Public Safety. A copy of this report may be made available on request to any interested party.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 10 Appeals of Death Ruling

Rule 10.1 Appeals of Death Ruling

Miss. Code Ann. § 41-61-65 provide that family members or others who disagree with a Medical Examiner's determination as to cause and manner of death shall be able to petition and present written argument to the State Medical Examiner for further review. If the petitioner still disagrees, they may petition the Circuit Court which may, in its discretion, hold a formal hearing. All costs of the petitioning and hearing shall be borne by the petitioner. The procedure for petitioning the State Medical Examiner's Office for purposes of appealing a death ruling shall be as follows:

1. Upon receipt of a petition regarding disagreement with any County Medical Examiner's ruling, the State Medical Examiner will immediately contact the County Medical Examiner in question and discuss the case. Medical Examiners themselves may contact the State Medical Examiner if they know that such a petition is going to be submitted. Medical Examiners should submit any additional documentation, photographs or other material as may be deemed necessary, in order to adequately review the case.
2. The State Medical Examiner will conduct an investigation and review of the case which, in his/her discretion, may involve consultation with Crime Laboratory personnel, Attorneys, Firearm experts, Anthropologists and other individuals or agencies who might be able to provide helpful analysis and information.
3. Upon completion of his/her investigation and review, the State Medical Examiner will submit a detailed conclusion in writing with copies both to the Medical Examiner in whose jurisdiction and death occurred and to the petitioner. If a change in the Death Certificate is deemed warranted by the State Medical Examiner, on the basis of his investigation, such change will not be submitted to the State Board of Health for a period of no less than thirty (30) days, during which all parties involved will have an opportunity to submit additional information or points for discussion.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, *et al.*

Part 501 Chapter 11 Description of Organization

Rule 11.1 Description of Organization

Members of the public may obtain information or make submissions or requests concerning activities of the State Board of Medicolegal Death Investigations by contacting the State Medical Examiner's Office. Membership and activities of the Board are set forth in *Miss. Code Ann.* § 41-61-59(5): "A body composed of the State Medical Examiner, whether appointed on a permanent or interim basis, the Director of the State Board of Health or his designee, the Attorney General or his designee, the President of the Mississippi Coroners' Association (or successor organization) or his designee, and a certified pathologist, appointed by the Mississippi State Medical Association shall adopt, promulgate, amend and repeal rules and regulations as

may be deemed necessary by them from time to time for the proper enforcement, interpretation and administration of *Miss. Code Ann.* § 41-61-51 through 41-61-79, in accordance with the provisions of the Mississippi Administrative Procedure Law, being *Miss. Code Ann.* § 25-43-1, et seq.”

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, et al.

Part 501 Chapter 12 Deaths in Other Countries

Rule 12.1 Deaths from Injuries in Other Counties

An individual who sustains fatal injuries may, prior to death, be transported to a hospital in a county other than that in which injuries occurred. Such deaths must be reported to the Medical Examiner of the county in which the death occurs as required by *Miss. Code Ann.* § 41-61-61. However, the death may subsequently be investigated and certified by the Medical Examiner of the county in which the fatal injuries occurred. In the event of a death of this type, the Medical Examiner of the county in which the death occurred will immediately contact the Medical Examiner of the county in which the fatal injuries occurred. Said Medical Examiners of the respective counties may then, at their discretion, make arrangements to either transfer or not transfer jurisdiction for further investigation and certification of the death, depending upon the specific circumstances and requirements of each individual case.

Source: *Miss. Code Ann.* § 45-1-3 and § 41-61-51, et al.