

**§ 130A-385. Duties of medical examiner upon receipt of notice; reports; copies.**

(a) Upon receipt of a notification under G.S. 130A-383, the medical examiner shall take charge of the body, make inquiries regarding the cause and manner of death, reduce the findings to writing and promptly make a full report to the Chief Medical Examiner on forms prescribed for that purpose. [The following provisions apply:]

- (1) In all cases, the Chief Medical Examiner or the county medical examiner may (i) inspect the decedent's body, (ii) inspect and copy the medical records of the decedent whose death is under investigation, (iii) collect and inspect the decedent's body and personal possessions associated with the death, including clothing on the decedent's body, and (iv) collect tissue and blood samples, cultures, medical images, X-rays, and other medical information obtained through the use of medical equipment.
- (2) In the case of a decedent whose death is not under criminal investigation, the Chief Medical Examiner or the county medical examiner conducting an investigation pursuant to this Article is authorized to inspect all other physical evidence and documents that may be relevant to determining the cause and manner of death of the person whose death is under investigation, and the Chief Medical Examiner or county medical examiner may seek an administrative search warrant pursuant to G.S. 15-27.2 for the purpose of carrying out the duties imposed under this section.
- (3) In the case of a decedent whose death is under criminal investigation, no administrative search warrant shall be issued pursuant to this section, and the Chief Medical Examiner or the county medical examiner is not authorized to inspect other physical evidence or documents at the scene except as permitted by the investigating law enforcement agency. The district attorney or investigating law enforcement agency shall inform the Chief Medical Examiner, the county medical examiner, or the autopsy center, as applicable, that the death is under criminal investigation. Nothing in this subsection prohibits the Chief Medical Examiner or the county medical examiner from being present during the execution of a search warrant by the investigating law enforcement agency.

The Chief Medical Examiner shall provide directions as to the nature, character and extent of an investigation and appropriate forms for the required reports. The facilities of the central and district offices and autopsy centers and their staff services shall be available to the medical examiners and designated pathologists in their investigations.

(a1) The Office of the Chief Medical Examiner shall conduct comprehensive toxicology screening in all child death cases that fall under the jurisdiction of the medical examiner pursuant to G.S. 130A-383 or G.S. 130A-384.

(b) The medical examiner shall complete a certificate of death, stating the name of the disease that, in the opinion of the medical examiner, caused death. If the death was from external causes, the medical examiner shall state on the certificate of death the means of death, and whether, in the medical examiner's opinion, the manner of death was accident, suicide, homicide, execution by the State, or undetermined. The medical examiner shall also furnish any information as may be required by the State Registrar of Vital Statistics in order to properly classify the death.

(c) The Chief Medical Examiner may amend a certificate of death completed by a medical examiner pursuant to subsection (b) of this section.

(d) Upon request by the district attorney, the Office of the Chief Medical Examiner, the local medical examiner, and the autopsy center, as applicable, shall provide a complete copy of the medical examiner investigation file to the appropriate district attorney. For purposes of this subsection, the "medical examiner investigation file" means the finalized toxicology report, the

finalized autopsy report, any autopsy examination notes, any death scene notes, the finalized report of investigation of a medical examiner, the case encounter form, any case comments, any case notes, any autopsy photographs, any scene photographs, and any video or audio recordings of the autopsy examination in the custody and control of the North Carolina Office of the Chief Medical Examiner, a pathologist designated by the Chief Medical Examiner, a county medical examiner appointed under G.S. 130A-382, or an investigating medical examiner in connection with a death under criminal investigation by a public law enforcement agency. Each records custodian shall be responsible for providing the portions of the medical examiner investigation file within its custody and control. This is a continuing disclosure obligation, and any records or other materials responsive to the district attorney's request that are discovered or added to the medical examiner investigation file after the request was made shall also be provided to the district attorney. The district attorney or investigating law enforcement agency shall inform the Chief Medical Examiner, the county medical examiner, or the autopsy center, as applicable, if the death is no longer under criminal investigation and the obligation is terminated.

(e) In cases where death occurred due to an injury received in the course of the decedent's employment, the Chief Medical Examiner shall forward to the Commissioner of Labor a copy of the medical examiner's report of the investigation, including the location of the fatal injury and the name and address of the decedent's employer at the time of the fatal injury. The Chief Medical Examiner shall forward this report within 30 days of receipt of the information from the medical examiner.

(f) If a death occurred in a facility licensed subject to Article 2 or Article 3 of Chapter 122C of the General Statutes, or Articles 1 or 1A of Chapter 131D of the General Statutes, and the deceased was a client or resident of the facility or a recipient of facility services at the time of death, then the Chief Medical Examiner shall forward a copy of the medical examiner's report to the Secretary of Health and Human Services within 30 days of receipt of the report from the medical examiner. (1955, c. 972, s. 1; 1957, c. 1357, s. 1; 1967, c. 1154, s. 1; 1973, c. 476, s. 128; 1977, 2nd Sess., c. 1145; 1983, c. 891, s. 2; 1989, c. 353, s. 2; c. 797; 1991 (Reg. Sess., 1992), c. 894, s. 6; 2000-129, s. 4; 2023-134, s. 9H.7(a); 2024-1, s. 3.5(a); 2024-43, s. 1(b).)