

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 521\***

Short Title: Medical Examiner Study.

(Public)

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Sponsors: Senators Odom, Purcell; Albertson, Allran, Berger, Bingham, Carpenter, Carrington, Carter, Clodfelter, Dalton, Dannelly, Forrester, Foxx, Garrou, Gulley, Harris, Hartsell, Horton, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Moore, Rand, Robinson, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, Weinstein, and Wellons.

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Referred to: Rules and Operations of the Senate.

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March 19, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO ESTABLISH THE NORTH CAROLINA STUDY COMMISSION ON  
3 MEDICAL EXAMINERS.

4           Whereas, every year hundreds of suspicious, accidental, and violent deaths  
5 are not reported to North Carolina's medical examiners; and

6           Whereas, hundreds of North Carolina death certificates are filled out  
7 improperly each year; and

8           Whereas, medical researchers estimate that as many as 40% of death  
9 certificates nationwide have inaccurate or incomplete cause-of-death information; and

10           Whereas, errors in death certificates skew death statistics, which are used to  
11 study disease, leave families with misleading information, and leave researchers without  
12 the ability to spot dangerous health trends; and

13           Whereas, failure to adequately investigate suspicious deaths can result in  
14 criminal behavior going unpunished; and

15           Whereas, failure to accurately determine the cause of death can result in loss  
16 of insurance benefits or other compensation that would have paid had a different cause  
17 been attributed to the death; and

18           Whereas, inadequate funding for staff, investigation, and training have  
19 contributed to overburdened medical examiner offices and mistakes in cause-of-death  
20 determinations; Now, therefore,

21 The General Assembly of North Carolina enacts:

22           **SECTION 1.(a)** There is established the North Carolina Study Commission  
23 on Medical Examiners. The Study Commission shall study the effectiveness of the  
24 current State medical examiner system, including the Chief Medical Examiner and

1 county medical examiners in carrying out their duties under State law. In conducting the  
2 study, the Study Commission shall consider whether the current system should be  
3 restructured to make more effective and efficient use of available resources for the  
4 system. The Study Commission shall also consider the following:

- 5 (1) The extent to which suspicious deaths are unreported or underreported  
6 and the reasons therefor;
- 7 (2) The extent to which certification of the causes of natural deaths is  
8 inaccurate or incomplete;
- 9 (3) Whether investigations are conducted when the cause of death is  
10 unknown or has occurred under suspicious circumstances, and the  
11 adequacy of investigations;
- 12 (4) Whether county medical examiners are adequately trained in  
13 conducting postmortem examinations and investigations;
- 14 (5) Whether funding of the State and county medical examiner offices is  
15 adequate to carry out statutory duties and serve the public interest;
- 16 (6) The consequences to the public interest when vital statistics records  
17 are inaccurate or provide insufficient information on the cause of  
18 death;
- 19 (7) The consequences to the community and family members when there  
20 are errors in accurately determining and reporting the cause of death;  
21 and
- 22 (8) Other matters relevant to determining the efficiency and effectiveness  
23 in the operation of the State's medical examiner system.

24 **SECTION 1.(b)** The Study Commission shall consist of 13 members, 11  
25 members appointed as follows:

- 26 (1) Five members appointed by the President Pro Tempore of the Senate,  
27 three of whom shall be members of the Senate at the time of  
28 appointment, one individual nominated by the Association of County  
29 Commissioners, and one individual who is a county medical examiner  
30 or a physician licensed to practice medicine in this State.
- 31 (2) Five members appointed by the Speaker of the House of  
32 Representatives, three of whom shall be members of the House of  
33 Representatives at the time of appointment, one individual nominated  
34 by the North Carolina Public Health Association, and one individual  
35 nominated by the North Carolina Child Fatality Task Force.
- 36 (3) One member appointed by the Governor who is a member of the  
37 general public.

38 The Chief Medical Examiner and the State Health Director shall be ex officio members  
39 of the Commission. Appointed and ex officio members shall be voting members.

40 **SECTION 1.(c)** The President Pro Tempore of the Senate and the Speaker  
41 of the House of Representatives shall each designate a cochair of the Study Commission  
42 from their appointees.

43 **SECTION 1.(d)** With the prior approval of the Legislative Services  
44 Commission, the Legislative Services Officer shall assign professional staff to assist in

1 the work of the Study Commission on Medical Examiners. With the prior approval of  
2 the Legislative Services Commission, the Study Commission may hold its meetings in  
3 the State Legislative Building or the Legislative Office Building.

4 **SECTION 1.(e)** The Study Commission shall submit a final written report of  
5 its findings and recommendations on or before the convening of the 2003 Session of the  
6 General Assembly and may submit a report to the 2002 Regular Session of the 2001  
7 General Assembly. All reports shall be filed with the President Pro Tempore of the  
8 Senate, the Speaker of the House of Representatives, and the Legislative Librarian.  
9 Upon filing its final report the Study Commission shall terminate.

10 **SECTION 1.(f)** Members of the Study Commission shall be paid per diem,  
11 subsistence, and travel allowances as follows:

- 12 (1) Study Commission members who are also members of the General  
13 Assembly, at the rate established in G.S. 120-3.1;
- 14 (2) Study Commission members who are officials or employees of the  
15 State or local government agencies, at the rate established in G.S.  
16 138-6;
- 17 (3) All other Study Commission members, at the rate established in G.S.  
18 138-5.

19 **SECTION 1.(g)** All State departments and agencies, local boards of health,  
20 and local governments and their subdivisions shall cooperate with the Study  
21 Commission and, upon request, shall furnish to the Study Commission and its staff any  
22 information in their possession or available to them.

23 **SECTION 2.** From funds appropriated to the General Assembly for the  
24 2001-2003 fiscal biennium, the Legislative Services Commission shall allocate funds  
25 for the expenses of the Study Commission on Medical Examiners.

26 **SECTION 3.** This act is effective when it becomes law.