

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 2429\*  
Committee Substitute Favorable 6/18/08

Short Title: Expand Medical Examiner Jurisdiction/Funds.

(Public)

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Sponsors:

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Referred to:

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May 26, 2008

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL DEATHS OCCURRING IN CERTAIN STATE FACILITIES BE REPORTED, TO EXPAND THE JURISDICTION OF MEDICAL EXAMINERS TO INCLUDE THESE DEATHS, TO STUDY DEATH REPORTING REQUIREMENTS, AND TO APPROPRIATE FUNDS FOR IMPLEMENTATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 122C-31 is amended by adding the following subsection to read:

**"§ 122C-31. Report required upon death of client.**

...

(g) In addition to the reporting requirements specified in subsections (a) through (e) of this section, and pursuant to G.S. 130A-383, every State facility shall report the death of any client of the facility, regardless of the manner of death, to the medical examiner of the county in which the body of the deceased is found."

**SECTION 2.** G.S. 130A-383(a) reads as rewritten:

**"§ 130A-383. Medical examiner jurisdiction.**

(a) Upon the death of any person resulting from violence, poisoning, accident, suicide or homicide; occurring suddenly when the deceased had been in apparent good health or when unattended by a physician; occurring in a jail, prison, correctional institution or in police custody; occurring in State facilities operated in accordance with Part 5 of Article 4 of Chapter 122C of the General Statutes; occurring pursuant to Article 19 of Chapter 15 of the General Statutes; or occurring under any suspicious, unusual or unnatural circumstance, the medical examiner of the county in which the body of the deceased is found shall be notified by a physician in attendance, hospital employee, law-enforcement officer, funeral home employee, emergency medical technician, relative or by any other person having suspicion of such a death. No person shall disturb the body at the scene of such a death until authorized by the medical examiner unless in the unavailability of the medical examiner it is determined by the

1 appropriate law enforcement agency that the presence of the body at the scene would  
2 risk the integrity of the body or provide a hazard to the safety of others. For the limited  
3 purposes of this Part, expression of opinion that death has occurred may be made by a  
4 nurse, an emergency medical technician or any other competent person in the absence of  
5 a physician."

6 **SECTION 3.** There is appropriated from the General Fund to the Division of  
7 Mental Health, Developmental Disabilities, and Substance Abuse Services of the  
8 Department of Health and Human Services the sum of one hundred fifty-eight thousand  
9 three hundred fifty-one dollars (\$158,351) in recurring funds for the 2008-2009 fiscal  
10 year to implement this act.

11 **SECTION 3.1.** The Commission for Mental Health, Developmental  
12 Disabilities, and Substance Abuse Services shall study the current death reporting  
13 requirements under G.S. 122C-26(5)c. and assess the need for any additional reporting  
14 requirements or modifications to existing rules or procedures. The Commission shall  
15 report its findings to the Joint Legislative Oversight Committee on Mental Health,  
16 Developmental Disabilities, and Substance Abuse Services not later than November 1,  
17 2008.

18 **SECTION 4.** This act becomes effective July 1, 2008.