

OFFICE OF THE CHIEF MEDICAL EXAMINER

NOTICE OF FINAL RULEMAKING

The Chief Medical Examiner ("CME"), District of Columbia Office of the Chief Medical Examiner ("OCME"), pursuant to the authority set forth in Title XXIX of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172), D.C. Official Code §5-1401 *et seq.* and Mayor's Order 2001-04 dated January 5, 2001, hereby gives notice of the adoption of the following rulemaking which repeals Chapter 24 of Title 22 of the DCMR and amends Title 28 (Corrections, Courts & Criminal Justice)(August 2004) of the DCMR by adding a new Chapter 50. The proposed rules were published in the *D. C. Register* at 52 DCR 6846 on July 22, 2005. No comments have been received and no changes, other than typographical, have been made to the text of the proposal. These rules shall become effective upon publication in the *D. C. Register*.

(a) Chapter 24 (Medical Examiner) of Title 22 (Public Health and Medicine)(August 1986) of the D.C. Municipal Regulations (DCMR) is repealed in its entirety.

(b) Title 28 (Corrections, Courts, & Criminal Justice)(May 1987) is amended by adding Chapter 50 (Medical Examiner) as follows:

5000 GENERAL PROVISIONS

- 5000.1 There is established as a subordinate agency in the executive branch of the government of the District of Columbia, the Office of the Chief Medical Examiner ("OCME").
- 5000.2 The Mayor shall nominate, with the advice and consent of the Council, a person to serve as the Chief Medical Examiner ("CME") within the OCME pursuant to §1-523.01(a).
- 5000.3 The CME shall be responsible for the management and operation of the OCME. The CME shall appoint a Deputy CME and any other medical examiners the CME finds necessary to carry out the duties of the OCME.

- 5001 DUTIES OF THE CHIEF MEDICAL EXAMINER'S OFFICE
- 5001.1 The CME and such other medical examiners as may be appointed, may administer oaths and affirmations and take affidavits in connection with the performance of their duties.
- 5001.2 The CME, other medical examiners, and such other medical examiners as may be appointed, medicolegal investigators and toxicologists as he or she may appoint, may be authorized by the CME to teach medical and law school classes, to conduct special classes for law enforcement personnel and to engage in other activities related to their work.
- 5001.3 The CME, other medical examiners, and medicolegal investigators (physician assistants or advanced practice registered nurses) licensed under subchapter V of Chapter 12 of Title 3, are authorized to make determinations of death.
- 5001.4 The OCME shall investigate the types of human deaths enumerated in D.C. Official Code §5-1405(b) (2001), which include the following:
- (a) Violent deaths whether apparently homicidal, suicidal or accidental including deaths due to thermal, chemical, electrical or radiation injury and deaths due to criminal abortion, whether apparently self-induced or not;
 - (b) Sudden, unexpected or unexplained deaths not caused by readily recognizable disease, including sudden infant deaths or apparent sudden infant death syndrome (SIDS);
 - (c) Deaths under suspicious circumstances;
 - (d) Deaths of persons whose bodies are to be cremated, dissected, buried at sea or otherwise disposed of so as to be thereafter unavailable for examination;
 - (e) Deaths related to disease resulting from employment or on-the-job injury or illness;
 - (f) Deaths related to disease which might constitute a threat to public health;
 - (g) Deaths of persons who are wards of the District of Columbia government;

- (h) Deaths related to medical or surgical intervention, including operative, peri-operative, anesthesia, medication reactions or deaths associated with diagnostic or therapeutic procedures;
- (i) Deaths of persons while in legal custody of the District;
- (j) Fetal deaths related to maternal trauma including substance abuse, and extra-mural deliveries;
- (k) Deaths for which the Metropolitan Police Department, or other law enforcement agency, or the United States Attorney's Office requests, or a court orders investigation; and
- (l) Dead bodies brought within the District of Columbia without proper medical certification.

5002 DEATHS -- NOTIFICATION; PENALTIES FOR NONCOMPLIANCE

- 5002.1 For all deaths described in subsection 5001.4, the CME shall take charge of the body upon the mandatory and direct notification of the death required by subsection 5002.2. The CME, or duly authorized representatives of the CME, shall have authority to respond to the scene of the death. The body of the decedent shall not be disturbed unless the CME, or the CME's designee, grants permission to do so.
- 5002.2 All law enforcement officers, emergency medical service (EMS) personnel, physicians, nurses, health care institutions, nursing homes, community residential facilities, prisons and jails, funeral directors, Embalmers and other persons shall promptly notify the OCME of the occurrence of all deaths coming to their attention which are subject to investigation under subsection 5001.4 and shall assist in making the bodies and related evidence available to a medical examiner for investigation and autopsy.
- 5002.3 Any person subject to the reporting requirements in subsection 5002.2 of this section who willfully fails to comply with this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 nor more than \$1,000.

5003 POSSESSION OF EVIDENCE AND PROPERTY

- 5003.1 At the scene of any death subject to investigation under subsection 5001.4, the medical examiner, a medicolegal investigator, or a law enforcement officer shall take possession of any objects or articles which, in his or her opinion, may be useful in establishing the cause and manner of death or the identity of the decedent and shall hold them as evidence.

- 5003.2 In the absence of the next of kin, a police officer, a medical examiner or a Medicolegal investigator may take possession of all property of value found on or in the custody of the decedent. If possession is taken of the property, the police officer, medical examiner or Medicolegal investigator shall make an exact inventory of it and deliver the property to the Property Clerk of the Metropolitan Police Department.
- 5004 DELIVERY OF BODY; EXPENSES
- 5004.1 Following investigation or autopsy, the CME shall release the body of the decedent to the person having the right to the body for the purpose of burial or other disposition pursuant to law.
- 5004.2 Bodies which are unidentified or unclaimed after a period of thirty (30) days following reception at the Office of the Chief Medical Examiner shall be released to the Anatomical Board pursuant to law or shall be cremated, or otherwise disposed of according to law.
- 5004.3 Only the CME shall dispose of unclaimed bodies in the District without a next of kin or other means of disposition.
- 5004.4 Clearances by the CME shall be required for all deaths occurring in the District of Columbia for which cremations are requested regardless of where the cremation will occur.
- 5005 ACCESS TO DOCUMENTS AND RECORD RETENTION
- 5005.1 The CME shall be responsible for maintaining full and complete records and files, properly indexed, which provide the following information:
- (a) The name, if known, of every person whose death is investigated;
 - (b) The place where the body was found;
 - (c) The date the body was found;
 - (d) The cause and manner of death; and
 - (e) All other relevant information and reports of the medical examiner concerning the death.

- 5005.2 The CME shall promptly deliver copies of records relating to deaths as to which further investigation may be advisable, and the records and files maintained under the provisions of subsection 5005.1 of this section shall be open to inspection by the following:
- (a) The Mayor;
 - (b) The Mayor's authorized representative;
 - (c) The United States Attorney;
 - (d) The United States Attorney's Assistants;
 - (e) The Metropolitan Police Department; or
 - (f) Any other law enforcement agency or official.
- 5005.3 Any other person with a legitimate interest in the records and files maintained under the provisions of subsection 5005.1 may obtain copies of such records and files upon such conditions and payment of such fees as may be prescribed by these rules and applicable privacy laws. If such person fails to meet the prescribed conditions, such person may obtain copies of such records by doing one of the following:
- (a) Providing written authorization of the next of kin for release of the records;
 - (b) Serving a subpoena on the custodian of records, Office of the Chief Medical Examiner; or
 - (c) Pursuant to a court order if the court is satisfied that such person has a legitimate interest.
- 5005.4 Information obtained by the OCME from the Homicide Section of the Metropolitan Police Department pursuant to subsection 5005.1 of these regulations shall not be available to those individuals covered under subsection 5005.3.
- 5005.6 Records and files maintained pursuant to subsection 5005.1 shall be preserved by the Chief Medical Examiner for a period of 30 years except that records and files related to an open investigation of a homicide shall be retained for 65 years from the date the CME initiates its investigation of the homicide.

- 5005.7 In accordance with the accreditation requirements of the National Association of Medical Examiners, Toxicology specimens shall be preserved for a minimum of 12 months and Histology specimens shall be preserved for a minimum of three months.
- 5006 FEES FOR COPIES OF RECORDS, REPORTS, AND SERVICES
- 5006.1 The following fee schedule shall apply to copies of records and reports and for other services provided to private parties by the Office of the Chief Medical Examiner:
- (a) Autopsy Reports
- | | |
|---------------------------|----------|
| (1) Family members | \$ 15.00 |
| (2) Insurance Companies | 50.00 |
| (3) Other Private Parties | 50.00 |
- (b) External Examination Report (Certified Copy) 25.00
- (c) Proof of Death 25.00
- (d) Photographs (produced on site)
- | | |
|-------------------|------------|
| (1) Laser Prints | 10.00 each |
| (2) Glossy Prints | 10.00 each |
| (3) 35mm Slides | 15.50 each |
- (e) Histology
- | | |
|---------------------------|------------|
| (1) Unstained | 15.00 each |
| (2) Hematoxylin and Eosin | 15.00 each |
- (f) Cremation Approval 75.00
- (g) Still Births 75.00
- (h) Investigation Reports 6.50 per page
- (i) Body Storage 150.00
- (j) Expert Testimony and Depositions 300.00 per hour

- 5006.2 If in the opinion of the Chief Medical Examiner or the United States Attorney, further investigation is required as to the cause and manner of death, the Chief Medical Examiner may appoint a qualified private pathologist to perform an autopsy and to retain tissues and biological specimens as deemed necessary.
- 5006.3 A pathologist, other than a medical examiner, who performs an autopsy at the request of the CME shall be compensated in accordance with the fees set forth in subsection 5006.1 of those rules.
- 5006.4 The payments required by these rules shall be made by check or money order made payable to the D.C. Treasurer and shall reflect the medical examiner case number of the decedent for whom records and information are being requested.
- 5007 DEFINITIONS
- 5007.1 For the purposes of this chapter, the following terms shall have the meanings ascribed:
- (a) "CME" - the Chief Medical Examiner.
 - (b) "Death investigation" - an investigation conducted by the Office of the Chief Medical Examiner into the cause and manner of death of an individual who died in the District of Columbia.
 - (c) "District"- the District of Columbia.
 - (d) "Legal custody"- imprisonment, jail, or detention.
 - (e) "Legitimate interest," - a direct interest in obtaining medical, scientific information, or other information maintained by the Office of the Chief Medical Examiner.
 - (f) "Medical Examiner Case" - a case for which OCME has accepted jurisdiction to investigate pursuant to D.C. Official Code §5-1405 (2001).
 - (g) "Medicolegal Investigator" or "MLI" - a physician assistant or advanced practice registered nurse licensed under the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code §3-1201 *et seq.* (2001) and employed by OCME, who conducts death investigations including the use of scene investigations, body examinations and medical history documentation to support forensic investigations and death certifications by OCME.

- (h) "OCME" - the office of the Chief Medical Examiner.
- (i) "Open investigation" - the same meaning as provided in section 101(10) of the Millicent Allewelt Amendment Act of 2004, passed on 2nd reading on March 2, 2004 (Enrolled version of Bill 15-34).
- (j) "Public disposition"-the burial or cremation of an unclaimed human body that is paid for by the District of Columbia.
- (k) "Ready for Release"- following investigation or autopsy, the CME shall relinquish the decedent's body to the person having the right to the body for the purpose of burial or other disposition pursuant to law.
- (l) "Ward" - any person in the official custody of the District government, on a temporary or permanent basis, because of neglect, abuse, mental illness or mental retardation.
- (m) "Forensic Investigator" - an individual who gathers information related to the application of scientific knowledge to legal problems.

PUBLIC SERVICE COMMISSION OF THE DISTRICT OF COLUMBIA
1333 H STREET, N.W., SUITE 200, WEST TOWER
WASHINGTON, D.C. 20005

NOTICE OF FINAL RULEMAKING

FORMAL CASE NO. 1042, IN THE MATTER OF THE APPLICATION OF
WASHINGTON GAS LIGHT COMPANY FOR A CERTIFICATE OF
AUTHORITY AUTHORIZING IT TO ISSUE DEBT SECURITIES AND
PREFERRED STOCK

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of final rulemaking action taken in Order No. 13770, issued on September 28, 2005, approving the Application filed by Washington Gas Light Company ("WGL") for authority to issue debt securities.

2. On July 29, 2005, WGL filed an Application with the Commission requesting authority to issue long term debt or preferred stock, and any combination thereof in the amount not to exceed \$377,600,000.¹ WGL made this filing under the expedited review process pursuant to 15 D.C.M.R. § 3501. A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 19, 2005 at 52 D.C. Reg. 8022-8023. No comments were filed. By Commission Order No. 13770, released September 28, 2005, the Commission granted WGL the authority to issue up to \$377,600,000 in long-term debt preferred stock, and any combination thereof, during a period of three years (beginning October 1, 2005 and ending September 30, 2008), effective and commencing upon publication of this Notice in the *D.C. Register*.

¹ *Formal Case No. 1042, In the Matter of the Application of Washington Gas Light Company for a Certificate of Authority Authorizing it to Issue Debt Securities and Preferred Stock ("F.C. 1042")*, filed July 29, 2005 ("WGL Application").