

DIVISION 3 COMMISSION ON POST MORTEM EXAMINATIONS

CHAPTER 20 COMMISSION ON POST-MORTEM EXAMINATIONS

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NOTE: Rule-making authority for formulation of regulations by the Commission on Post-mortem Examinations, 10 GCA §§81102 & 81109. These Rules and Regulations were filed with the Legislative Secretary on May 18, 1981.

The rules and regulations relating to Post-mortem Examinations are reprinted here in form as exact as possible to those filed with the Legislative Secretary. The substance of the regulations has not been changed. However, for the purpose of uniformity and ease of use, a new system of numbering has been adopted by the Editor.

§20101. Commission Meeting. The Chairman and Vice-Chairman shall be elected at the first Commission meeting for each calendar year and their terms shall extend through the end of the calendar year. Three (3) members of the Commission shall constitute a quorum for the meeting. The Commission shall meet as often as their duties require and upon call of the Chief Medical Examiner, who shall serve as Secretary to the Commission.

§20102. Appointment of Chief Medical Examiner and Other Officers. Appointment of the Chief Medical Examiner and his deputies is made by the Commission according to the specified qualifications and experience required for each position. Staff members other than the Chief Medical Examiner shall be subject to such rules as the Commission may prescribe.

Qualifications required by the Commission for Chief Medical Examiner and his Deputies are as follows:

(a) **Chief Medical Examiner.** He must be a physician duly licensed to practice medicine and surgery in Guam

with high professional and ethical standards. In addition, he must be a citizen or permanent resident of the United States. He must also be a diplomate of the American Board of Pathology certified in Forensic Pathology with a minimum of two (2) years of practice as medical examiner. He shall be appointed by the Commission to serve for such term at such salary as the Commission may fix.

(b) **Deputy Chief Medical Examiner or Medical Examiner.** He must be a duly licensed physician in the territory of Guam with high professional and ethical standards. In addition, he must be either "Board Certified" or "Eligible" in Anatomical Pathology with a good deal of experience in handling the medical examiner cases. The appointment of the Deputy Chief Medical Examiner shall be made by the Chief Medical Examiner with the approval of the Commission.

(c) Staff members other than medical examiner may be employed as the Commission may specify and/or in accordance with the Civil Service rules.

§20103. Office of Post-Mortem Examinations. The Office of Post-Mortem Examinations shall be directed by the Chief Medical Examiner with the assistance of the Deputy Chief Medical Examiner, Morgue Attendant, Secretaries, Histology Technicians, Toxicology and the Crime Laboratory of the Department of Public Safety, with the support of the Guam Memorial Hospital Authority.

The Office of Post-Mortem Examinations shall conduct a medico-legal investigation and autopsy whenever a death occurring in the territory of Guam comes within the jurisdiction of the medical examiner as specified in the Post-Mortem Examinations Act. The medical examiner shall prepare reports of those cases investigated on the prescribed forms, and the copies shall be filed with the Office of Post-Mortem Examinations.

All Medical Examiner cases involving the death of active military servicemen and their dependents shall be investigated and autopsied if necessary by a Medical Examiner, usually a pathologist of the U.S. Naval Regional Medical Center, appointed by the Commission.

§20104. Deaths to Be Investigated. The Office of the Post-Mortem Examinations shall investigate all human deaths providing such deaths in the opinion of the Medical Examiner arose from the following causes:

(a) Violent, unusual or unnatural deaths: This category covers any death attributed to accident, suicide, homicide, criminal abortion, physical, mechanical, electrical, chemical, radiational, thermal or related means. A Medical Examiner investigation and report is required irrespective of the period of survival following injury and medical attendance at the time of injury or during a period of survival;

(b) All deaths under suspicious circumstances;

(c) Sudden deaths in apparent health without obvious cause;

(d) Death without medical attendance. This classification shall be reserved for the following situations:

(1) Found dead without obvious or probable cause.

(2) Unattended at any time by a licensed physician.

(3) Unattended by a physician during a terminal illness, particularly if such illness appears unrelated to a disease previously diagnosed and treated.

(4) Fetal deaths attended by mid-wife.

(5) Death in prison, lock-up, penitentiary or juvenile justice facility.

(6) Deaths during or following an unexplained syncope or coma.

(7) Death during an acute or unexplained rapidly fatal illness which may be contagious to the public.

(8) All hospital DOA (dead on arrival) and those dying within twenty-four (24) hours after admission.

(e) Bodies to be cremated, buried at sea or shipped off-island.

§20105. Autopsies. An autopsy may be ordered and conducted by the duly appointed Medical Examiner whenever deemed necessary in their opinion to determine the cause and manner of death in those cases listed in §1104 of these Rules and Regulations. The Office of Post-Mortem Examinations shall further conduct autopsies whenever so ordered

by the Attorney General or his deputies or a court of competent jurisdiction.

The Medical Examiner shall write memorandum to the Attorney General, Director of Public Safety and Guam Memorial Hospital Administrator advising them of the autopsy findings, giving name of decedent, age, sex, date of death, place of death and above all, cause of death and manner of death. At the same time, he shall indicate whether further retention of the remains is necessary or not.

§20106. Jurisdiction. (a) Non-violent death occurring within twenty-four (24) hours after admission or patient dying shortly after entering the Emergency Room or OPD are not necessarily deaths coming within the jurisdiction of the Medical Examiner.

The probable cause of death can be arrived at from the history and physical examination, and if the cause of death can be said to be "natural," a Medical Examiner's investigation is unnecessary. However, the Medical Examiner should be notified of all hospital DOA's and deaths occurring within twenty-four (24) hours after admission. In addition, a death occurring after twenty-four hours (24) following hospital admission may come within the jurisdiction of the Medical Examiner provided the death is related to previous injury.

(b) Remains that are embalmed arriving from off-island to Guam will be sent directly to a funeral director who has the capability of providing care and custody of the remains. This applies to arrival by air and/or sea transport.

(c) The jurisdiction of the Office of Post-Mortem Examinations is determined by the place where the death occurred. Therefore, deaths occurring in or over International Waters do not come within the jurisdiction of the Office of Post-Mortem Examinations, with the exception of communicable disease cases. Investigation of such deaths and autopsy on such remains may be performed only upon proper authorization from the next of kin or captain of the vessel or any other person who has the power of disposition of the remains. The Medical Examiner who performs investigation and autopsy on such remains

shall be entitled to reasonable compensation for services rendered from the private parties concerned.

§20107. Cooperative Action. All law enforcement officers, prosecuting attorneys, physicians, undertakers or embalmers, nurses and other officers shall fully cooperate with the Office of Post-Mortem Examinations in making the investigation and conducting the autopsies herein provided for. Such persons shall promptly notify the Office of the occurrence of all deaths coming to their attention which under this Rule are subject to investigation by the Office, and further assist in making dead bodies and the related evidence available to the Office for investigations and autopsies. The deceased's medical records shall be made available for review by the Medical Examiner in order that the Medical Examiner may be able to evaluate the medical history of the decedent. Any physician, undertaker or embalmer who willfully fails to comply with this Regulation shall be guilty of a violation.

§20108. Medical Examiner's Death Certificate. Only the Medical Examiner may issue a valid death certificate in cases falling within the purview of the Post-Mortem Examinations Act, Certificates signed by other than the Medical Examiner have no legal significance. It shall be unlawful for other physicians to sign the death certificate in Medical Examiner cases. After the death certificate is signed by the Medical Examiner, a copy will be filed with the Guam Memorial Hospital Medical Records Department and an original copy shall be forwarded to the Registrar of the Vital Statistics, Division of the Department of Public Health and Social Services. Certified copies of the certificate may be obtained from the Registrar of the Vital Statistics.

§20109. Release of Remains. All the human remains coming within the Medical Examiner's jurisdiction may be released upon certification of death to the family or their designated funeral directors by the Medical Examiner after completion of investigation and/or autopsy. However, the Deputy or Acting Medical Examiner shall retain the body as long as the Chief Medical Examiner deems necessary in complex cases.

§20110. Permits. No dead human body or fetus having attained twenty (20) weeks of gestation shall be buried, deposited in a crypt, cremated, removed from Guam or otherwise disposed of, unless a burial-transit permit has been issued by the Office of Vital Statistics. The burial-transit permit, however, will be issued only upon completion and filing of a death certificate by the attending physician or the Chief Medical Examiner when applicable.

A disinterment permit shall be issued by the Office of Vital Statistics of the Department of Public Health and Social Services only upon receipt of a written application signed by the next of kin or an order from a court of competent jurisdiction directing such disinterment. Once the disinterment permit is received by the Medical Examiner, he may proceed with autopsy.

§20111. Unclaimed Dead Bodies. If there is no one to claim a body within thirty (30) days after diligent search for the next of kin, upon written request of the Medical Examiner and approval of the Attorney General, the body shall be disposed of by the Department of Public Health and Social Services at Government expense.

§20112. Records and Reports. The Office of Post-Mortem Examinations shall keep full and complete records of medico-legal investigations and autopsies in each case. The Attorney General or Director of Public Safety may, upon request, secure copies of such reports or other information deemed necessary by him to the performance of his official duties. Private persons may obtain copies of records for legitimate purposes except in criminal cases which require clearance from the Attorney General.