

**G.S. 150B-21.3A Report for 10A NCAC 44, DIVISION OF POSTMORTEM MEDICOLEGAL EXAMINATION**

Agency - Commission for Public Health

Comment Period - February 17, 2017 - April 18, 2017

Date Submitted to APO - October 23, 2017

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	<b>SECTION .0100 - FILING OF REPORTS</b>	10A NCAC 44 .0101	FILING OF MEDICAL EXAMINER'S REPORT	Amended Eff. September 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0200 - FEES</b>	10A NCAC 44 .0201	MEDICAL EXAMINER FEE	Amended Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 44 .0202	PATHOLOGY FEE	Amended Eff. August 1, 2000	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 44 .0203	RADIOLOGY FEE	Transferred and Recodified from 10 NCAC 11 .0703 Eff. April 4, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
		10A NCAC 44 .0204	HOSPITAL FEE	Amended Eff. August 1, 2000	Necessary without substantive public interest	No		Yes	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0300 - MIGRANT WORKER BODY DISPOSITION</b>	10A NCAC 44 .0301	DEFINITIONS	Amended Eff. September 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 44 .0303	SOCIAL SERVICES NOTIFICATION	Transferred and Recodified from 10 NCAC 11 .0803 Eff. April 4, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 44 .0304	IDENTITY OF DECEDENT AND NEXT OF KIN	Transferred and Recodified from 10 NCAC 11 .0804 Eff. April 4, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 44 .0305	TIME LIMIT TO CLAIM BODY	Transferred and Recodified from 10 NCAC 11 .0805 Eff. April 4, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 44 .0306	TRANSPORTATION COSTS	Transferred and Recodified from 10 NCAC 11 .0806 Eff. April 4, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 44 .0307	CREMATION	Amended Eff. September 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 44 .0308	BODY REMAINS UNCLAIMED	Transferred and Recodified from 10 NCAC 11 .0808 Eff. April 4, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		0A NCAC 44 .0309	CLAIMS MADE AFTER TRANSPORTATION	Amended Eff. September 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
		10A NCAC 44 .0310	RESPONSIBILITY FOR TRANSPORT AND DISPOSITION	Amended Eff. September 1, 1990	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	<b>SECTION .0400 - INVESTIGATIONAL PROCEDURES</b>	10A NCAC 44 .0401	UNCLAIMED BODIES	Amended Eff. September 1, 1990	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	<b>SECTION .0500 - MEDICAL EXAMINER'S INVESTIGATION</b>	10A NCAC 44 .0501	INVESTIGATION BEFORE CREMATION OR BURIAL AT SEA	Amended Eff. August 1, 2000	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note

Agency	Rule	Name	Type of Comment	Comment	Agency Response
Commission for Public Health	10A NCAC 44 .0202	PATHOLOGY FEE	Public Coment as defined in G.S. 150B-21.3A(a)(5)	The increased Pathology fee is long overdue and is not high enough to cover the expense of performing a medico-legal autopsy, and is below market price e.g. see price of prtivate autopsy at Duke University Hospital .	The pathology fee is set by statute and not by rule.

**Commission for Public Health**

10A NCAC 44 .0204

HOSPITAL FEE

Public Coment as defined in G.S. 150B-21.3A(a)(5)

The \$40 fee is inadequate to cover the cost to the hospital for taking care of the remains and properly releasing them the next of kin. Furthermore, the limitation that, ' No payment is due a hospital when an autopsy is performed in that facility. ' is inappropriate since the hospital has the same duties if not more if an autopsy is performed. The fee should be substantially increased.

While the comment has merit, increasing the fee would require legislative action to appropriate additional funds.