

NEW JERSEY ADMINISTRATIVE CODE

**TITLE 13. LAW AND PUBLIC SAFETY
CHAPTER 49. STATE MEDICAL EXAMINER**

Current through May 16, 2005; 37 N.J. Reg. No. 10

AUTHORITY

[N.J.S.A. 52:17B-80.](#)

SOURCE AND EFFECTIVE DATE

R.2004 d.204, effective May 4, 2004.
See: 36 N.J.R. 14(a), 36 N.J.R. 2788(b).

CHAPTER EXPIRATION DATE

Chapter 49, State Medical Examiner, expires on May 4, 2009.

CHAPTER HISTORICAL NOTE

Chapter 49, State Medical Examiner, was filed and became effective prior to September 1, 1969.

1983 Revisions: Amendments became effective December 19, 1983 as R.1983 d.589. See: 15 N.J.R. 135(a), 15 N.J.R. 2172(d).

Pursuant to Executive Order No. 66(1978), Chapter 49, State Medical Examiner, was readopted as R.1989 d.35, effective December 16, 1988. See: 20 N.J.R. 2687(a), 21 N.J.R. 171(b).

Pursuant to Executive Order No. 66(1978), Chapter 49, State Medical Examiner, was readopted as R.1994 d.30, effective December 16, 1993. See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).

Pursuant to Executive Order No. 66(1978), Chapter 49, State Medical Examiner, was readopted as R.1998 d.596, effective November 25, 1998. See: 30 N.J.R. 3606(a), 30 N.J.R. 4385(a).

Chapter 49, State Medical Examiner, was readopted as R.2004 d.204, effective May 4, 2004. See: Source and Effective Date.

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N.J.A.C. T. 13, Ch. 49, Refs & Annos
N.J. Admin. Code T. 13, Ch. 49, Refs & Annos

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NEW JERSEY ADMINISTRATIVE CODE
TITLE 13. LAW AND PUBLIC SAFETY
CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 1. AUTOPSIES

Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-1.1 Mandatory autopsies

(a) In the absence of an objection based on the religious beliefs of the decedent, autopsies shall be performed in all cases of human death occurring in the following circumstances; however, the autopsy should be the least intrusive procedure consistent with proper forensic practice (as defined in [N.J.A.C. 13:49-1.8](#)) and the duty to preserve organs for transplant:

1. All cases of apparent homicidal deaths;
2. All deaths occurring under suspicious or unusual circumstances;
3. All deaths from causes which might constitute a threat to public health;
4. All deaths of inmates of jail, prison, or penitentiary and all prisoners and suspects who were in the process of being detained, arrested or transported by guards, police and law enforcement or court officers unless the suspected cause of death is a known condition for which the inmate, prisoner or suspect is hospitalized and being treated at the time of death, and the medical examiner's investigation, review of hospital records, and examination of the decedent's body permit him or her to determine the cause of death beyond a reasonable doubt without an autopsy, and no other issues of public interest compel his or her conclusion that an autopsy is necessary;
5. All infants and children suspected of having been abused or neglected and children suspected of having died from sudden infant death syndrome (SIDS);
6. In all cases wherein the State Medical Examiner, the Attorney General, any assignment judge of the Superior Court, or the county prosecutor (of the county wherein the injury occurred or where the decedent expired) requests an autopsy;
7. In all cases otherwise under the Medical Examiner's jurisdiction where the decedent has been identified as a potential donor pursuant to P.L. 1969, c.161 ([N.J.S.A. 26:6-57](#) et seq.), the medical examiner shall perform any necessary examination, autopsy or analysis of any organ or tissue in a manner and within a time period compatible with preservation of the organ or tissue for the purpose of transplantation.

(b) Upon notification that a deceased person whose death is under investigation is a donor under the Uniform Anatomical Gift Act, P.L. 1969, c.161 ([N.J.S.A. 26:6-57](#) et seq.), the medical examiner shall commence an immediate investigation concerning the cause of death. The medical examiner, with the cooperation of the police, prosecutors and medical personnel, shall complete the preliminary investigation concerning cause of death within a time period compatible with preservation of organs for transplantation.

1. The medical examiner shall have access to and may request all necessary information, including copies of medical records, laboratory test results, x-rays and other diagnostic results. This information should be provided as expeditiously as possible, through reasonable means, to the medical examiner so the medical examiner can continue the investigation into the cause of death and complete the examination within a time period compatible with the preservation of the organ or tissue for purposes of transplantation.

2. The medical examiner shall release all requested organs and tissue which in his or her opinion are not involved in the cause of death (as defined in [N.J.A.C. 13:49-1.8](#)).

3. Should the medical examiner believe that a specific organ or area of tissue is involved in the cause of death, the medical examiner shall attend the removal procedure in order to make a final determination and allow recovery to proceed, request a biopsy or deny removal of said organ if in the medical examiner's judgment those tissues or organs may be involved in the cause of death.

4. The medical examiner or designee shall explain in writing the reasons for determining that organs or tissues for which authorization for removal was denied may be involved in the cause of death and shall include the explanation in the records and provide a copy to the organ procurement agency.

5. The medical examiner shall have access to medical records, pathology reports and to the body of the donor, post-removal. In the event an organ is not transplanted and there is no consent to donate the organ for research, the medical examiner shall be notified. The medical examiner who performed the autopsy shall make the determination as to whether and when the organ should be returned.

6. The harvesting team shall complete a surgical report form. Subsequently, information on the immediate functioning of the transplanted organ(s) and pathology reports, if available, shall be provided to the medical examiner.

7. If the medical examiner releases the organ for procurement, a pre-mortem blood sample (labelled and dated with time of blood draw), sample of catheterized urine, sample of bile if the liver is recovered for transplantation, and a biopsy specimen in fixative of the organs procured, as requested, shall be delivered to the medical examiner at the time of the transport of the body to the medical examiner's office.

Amended by R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 135(a), 15 N.J.R. 2172(d).

In (a), deleted old 3 and added new 4 and 5.

Amended by R.1989 d.110, effective February 21, 1989.

NJ ADC 13:49-1.1Page 3
N.J.A.C. 13:49-1.1
N.J. Admin. Code tit. 13, § 49-1.1

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Emergency Amendment, R.1994 d.571, effective October 21, 1994 (expired December 20, 1994).

See: 26 N.J.R. 4447(a).

Adopted Concurrent Proposal, R.1995 d.36, effective December 20, 1994.

See: 26 N.J.R. 4447(a), 27 N.J.R. 380(a).
<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-1.1
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TITLE 13. LAW AND PUBLIC SAFETY
CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 1. AUTOPSIES**

Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-1.2 Discretionary autopsies

(a) In the absence of an objection based on the religious beliefs of the decedent, autopsies may be performed when it appears in the discretion of the county medical examiner to be in the public interest to do so in all cases of human deaths occurring in the following circumstances:

1. All cases of violent deaths which are apparently suicidal or accidental, including but not limited to deaths due to thermal, chemical, electrical or radiation injury, except as enumerated in [N.J.A.C. 13:49-1.1](#), Mandatory autopsies;
2. All deaths caused by disease, disability or infirmity which are not readily recognizable;
3. All deaths of inmates as defined in [N.J.S.A. 52:17B-86\(f\)](#) occurring in institutions maintained in whole or in part at the expense of the State or county when the inmate was not hospitalized therein for organic disease;
4. All deaths related to diseases resulting from employment or from accidents while employed;
5. All deaths from motor vehicle collisions to include drivers, occupants, and pedestrians.

Amended by R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

In (a)5, added "occupants".

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

NJ ADC 13:49-1.2
N.J.A.C. 13:49-1.2
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Amended by R.1994 d.30, effective January 18, 1994.

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).
<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-1.2
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Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-1.3 Jurisdiction between counties

(a) When the medical examiner of the county wherein the death occurred determines that the incident which is suspected of being the cause of death has occurred in a New Jersey county other than his or her own, he or she may transfer jurisdiction to that county medical examiner immediately for the continuance of the investigation. Any county medical examiner to whom jurisdiction is transferred pursuant to this section shall immediately take charge of the continuance of the investigation and shall perform any examinations, autopsies or other functions required by the State Medical Examiner Act.

(b) Whenever any county medical examiner office has been notified of a death, that office shall take the name and address of the decedent if known, the time of notification, time of death, time of onset of illness or injury if known, or time found, and the name and station of the person reporting the death.

1. He or she shall then determine jurisdiction, and either report the death properly to the medical examiner of the county wherein the death occurred if necessary; or retain jurisdiction and complete the investigation if applicable; or transfer jurisdiction if required.

(c) When an incident which is suspected of being the proximate cause of death has occurred outside this State, and the death occurs in a New Jersey County, the medical examiner of said county shall investigate the death completely, including the authorization or performance of an autopsy if necessary, and shall offer all cooperation possible to the out-of-State agencies and authorities.

Amended by R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

NJ ADC 13:49-1.3Page 2
N.J.A.C. 13:49-1.3
N.J. Admin. Code tit. 13, § 49-1.3

Added "or she", "or her" and substituted "has" for "shall have".
<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-1.3
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13:49-1.4 Armed forces aircraft victims

(a) Because of mandatory regulations of the United States Armed Services concerning autopsies of military personnel killed in military aircraft accidents and the procedure for such examinations, it is desirable that autopsies in such cases be performed where feasible by pathologists who are members of or employed by the armed services.

(b) The county medical examiner, or such other person designated or approved by the State Medical Examiner to perform autopsies, is therefore authorized to allow transportation of bodies of armed forces personnel killed in military aircraft accidents in territory which is within the county's jurisdiction to facilities designated by either the Surgeon General or other authorized member of the United States military services for such autopsy.

(c) The county medical examiner shall endeavor to obtain a copy of the report of the findings of such autopsy from the military officer in charge of same in order that a proper death certificate may be issued.

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Substituted "autopsy" for "postmortem".

<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-1.4
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13:49-1.5 Medical examiner autopsies

(a) Medical examiner autopsies shall be performed only in conjunction with investigations of reportable deaths in order to establish the cause of death; to provide medical facts upon which to base a determination of the manner of death; to collect evidence and medical specimens and documentation with probative value; to clarify investigation information, or to serve the needs of public health and safety and of the courts.

(b) Medical examiner autopsies shall not be performed solely to satisfy the academic interest of a hospital or medical staff, or to circumvent the lack of family permission for hospital autopsy.

(c) In the case of potential organ donors as defined by P.L. 1969, c.161 ([N.J.S.A. 26:6-57](#) et seq.), the medical examiner shall perform the least intrusive procedure consistent with proper forensic practice and the duty to preserve organs for transplant in a manner and within a time period compatible with the preservation of the organ or tissue for the purpose of transplantation.

(d) Except as provided in (c) above, the autopsy standard for apparent homicides, suicides, suspicious deaths, and deaths with no visible anatomic cause shall include a complete inspection, removal and dissection of the cranial compartment and contents, the neck viscera and tongue, the thoracic, abdominal and pelvic compartments and viscera, and any additional dissections which may be indicated by the circumstances of death; and shall include the collection and preservation of body tissues for toxicological and microscopic examination and any additional examinations which may be required by the nature of the circumstances.

(e) X-ray examination of the whole body shall be performed in all instances where child abuse or neglect is a possibility and in the investigation of human skeletal remains. X-ray examination shall also be undertaken in all gunshot injuries where indicated for complete recovery of evidence, and in conjunction with examination and identification of human bodies in an advanced state of decomposition, or unrecognizable bodies.

(f) No person, technician, or aide shall perform any part of the postmortem dissection of the body, without the direct and immediate supervision and observation of the medical examiner or designated pathologist and then, only after proper training and guidance.

(g) Except as provided in (c) above, microscopic examination shall be conducted in the following circumstances:

1. In all cases of infant death;
2. Whenever an autopsy including toxicological testing fails to disclose a cause of death;
3. When the age of an injury requires further evaluation;

4. Whenever indicated by the circumstances of the death; and

5. Whenever else it is deemed necessary at the discretion of the medical examiner.

(h) The slides from microscopic examinations pursuant to (g) above shall be retained permanently, properly labeled with medical examiner case number.

(i) Microbiologic, toxicologic, and or nuclear radiation tests, and any other pertinent examination and study shall be conducted where applicable in death investigations involving a threat to public health.

R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Subsection (f) divided into (f) and (g); old (g) recodified to (h).

Emergency Amendment, R.1994 d.571, effective October 21, 1994 (expired December 20, 1994).

See: 26 N.J.R. 4447(a).

Adopted Concurrent Proposal, R.1995 d.36, effective December 20, 1994.

See: 26 N.J.R. 4447(a), 27 N.J.R. 380(a).

<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-1.5Page 3
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NJ ADC 13:49-1.5
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13:49-1.6 Objections to autopsy on religious grounds

(a) When the medical examiner determines that an autopsy is a compelling public necessity, as defined by N.J.S.A. 52:17B-88.1a(1) through (4), but the circumstances of the death or the appearance or personal effects of the decedent indicate an obvious reason to believe that it would have been against the religious beliefs of the decedent to be autopsied, or a member of the decedent's immediate family, or, in the absence thereof, a friend of the deceased (as defined by N.J.S.A. 52:17B-88.1b), has objected to the autopsy, then the medical examiner shall proceed as follows:

1. If the medical examiner has obvious reason to believe that it is against the decedent's religious beliefs, and a member of the decedent's immediate family, or, in the absence thereof, a friend of the deceased, does not raise the religious objection, then the medical examiner shall request a judge of the Superior Court to appoint a representative to act on behalf of the decedent and shall postpone the autopsy for 48 hours.

2. If a member of the decedent's family, or, in the absence thereof, a friend of the deceased, objects because the procedure is contrary to the decedent's religious beliefs, the medical examiner shall postpone the autopsy for 48 hours.

3. After making the decision to postpone the autopsy, the medical examiner shall reevaluate all of the facts, seek any necessary additional information, and examine the body and perform any examinations that do not invade the body, including, but not limited to, external examinations, photography, X-rays, laser examination, computerized tomography, and magnetic resonance.

4. At the conclusion of any procedures set forth in (a)3 above, the medical examiner shall reconsider whether the autopsy is a compelling public necessity, as defined by N.J.S.A. 52:17B-88.1a(1) through (4). If the medical examiner concludes that the autopsy constitutes a compelling public necessity, he or she shall notify the objecting party, shall advise the party of the party's right to institute an action in the Superior Court to determine the propriety of the autopsy, and, if any court proceeding is pending, shall notify the Superior Court judge that the autopsy constitutes a compelling public necessity. If at the end of this evaluation the medical examiner concludes that the autopsy is not a compelling public necessity, pursuant to N.J.S.A. 52:17B-88.1a(1) through (4), and that there are sufficient facts to complete a competent death certificate and to satisfy the forensic needs of the investigation, he or she shall issue a death certificate and may release the body for burial.

5. Notwithstanding the provisions of this subsection, the medical examiner may make ex parte application to the judge to dispense with the waiting period if the medical examiner determines that any compelling necessity exists, as defined by N.J.S.A. 52:17B-88.1a(1), (2), (3) or (4), and concludes that the delay may prejudice the accuracy of the autopsy, and makes a good faith effort to notify any court-appointed representative or objecting family member or friend.

(b) The waiting period of 48 hours shall begin upon earliest notice by the objecting party or court-appointed party that an objection to autopsy exists based on the religious beliefs of the decedent, even prior to the transfer of documentary evidence to that effect. The progress of the proceedings shall be recorded on forms provided by the State Medical

Examiner Office for that purpose. If at the end of 48 hours the objecting party has not provided to the medical examiner documentary evidence or a sworn statement or affidavit that the autopsy is contrary to the decedent's religious beliefs, or the objecting party has not instituted an action in the Superior Court to determine the propriety of the autopsy, or the court grants permission to conduct the autopsy, the medical examiner may proceed with the autopsy.

(c) In any other instance of compelling public necessity, pursuant to [N.J.S.A. 52:17B-88.4](#), the medical examiner may apply to a Superior Court judge for permission to perform an autopsy. The medical examiner shall institute such action by an order to show cause, on notice to the member of decedent's immediate family, or, in the absence thereof, a friend, who objects to the autopsy as contrary to the decedent's religious beliefs. If no family member or friend objects, but there is an obvious reason to believe that the procedure is contrary to the decedent's religious beliefs, the medical examiner shall request the judge to appoint a representative to act on the decedent's behalf. The medical examiner may then seek an order authorizing the autopsy by filing an order to show cause, on notice to the court-appointed representative, if any.

(d) No final decision regarding whether a compelling public necessity exists, pursuant to N.J.S.A. 52:17B-88.1a, shall be made by the medical examiner unless a court proceeding is instituted or the objecting party provides documentary evidence or a sworn statement of the objection, including, but not limited to, an affidavit stating that an autopsy is contrary to the decedent's religious beliefs.

(e) If the court prohibits an autopsy that the medical examiner determined was a compelling public necessity, and the medical examiner cannot establish a cause of death by other means, the cause of death shall be certified as "Cause of death undetermined", and notations shall be made in the appropriate place on the death certificate (currently Part II, section 27) that the autopsy was prohibited by court order, and shall include the name of the judge and the date of the court order.

(f) If the court grants permission to perform the autopsy, the autopsy shall be performed immediately and shall be the least intrusive procedure that is consistent with the medical examiner's finding that a compelling public necessity exists. Under such circumstances, a complete external examination, any non-invasive procedures described in (a)3 above, and an internal examination of the body viscera in situ and the collection of minimal samples for toxicologic and microscopic testing shall be deemed acceptable procedure. Permission may be granted by the medical examiner to a designated representative of the family to attend the autopsy and perform any religious rites that do not conflict with the compelling public necessity.

New Rule, R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-1.6
END OF DOCUMENT

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SUBCHAPTER 1. AUTOPSIES**

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13:49-1.7 Medical examiner's investigative standards for unidentified decedents

(a) A decedent is to be regarded as "unidentified" when, at the time of initial discovery and investigation:

1. The body is visually recognizable but there is no circumstantial indication of the decedent's full name either by personal effects on the body or by personal acquaintance of those present at the scene of discovery; or
2. The body is not visually recognizable due to alteration of physical features and there is no obvious reason to suspect a tentative identity for the decedent.

(b) The unidentified decedent is to be identified initially on the medical examiner records under the alias, "(AKA) UNIDENTIFIED (race) (sex)". The name John Doe, Jane Doe, or assigned nicknames are not to be used to identify official records of unidentified decedents.

(c) A physician medical examiner shall personally visit the scene of discovery of partly or completely skeletonized unidentified bodies, as defined in (a)2 above, and shall assist in the recognition, isolation, documentation, and recovery of items that may help to determine the cause and manner of death, and the identity of the decedent, and shall direct the search for and removal of additional body parts.

(d) A detailed examination of the body, clothing, and personal effects shall be performed and shall be fully and completely documented.

(e) No unidentified body shall be released or referred for burial until the following have been performed:

1. Postmortem x-rays of skull, chest, abdomen; pelvis, and extremities are made;
2. High quality postmortem photographs of available facial and other identifying features are made;
3. A complete autopsy is performed;
4. All available postmortem fingerprints are recorded;
5. Dental examination, charting, and radiographs are completed;
6. A form entitled, "UNIDENTIFIED PERSON REPORT", is filed with National Crime Information Center (NCIC); and,
7. A minimum of 30 days has elapsed after entry of unidentified person report into the NCIC.

(f) In any event, an NCIC entry shall be made no later than seven days following completion of the autopsy incorporating all features of identification, including estimations of age, time of death, height, sex, race, any known medical conditions discovered by autopsy, and a full description of clothing and personal effects. The Unidentified Person File Data Collection Entry Guide may be used as an aid.

(g) No unidentified dead body shall be cremated.

(h) All skeletonized human remains reportable to the medical examiner shall be examined or physically reviewed at the State Medical Examiner Office prior to burial. In the case of non-skeletal unrecognizable bodies and recognizable but unidentified decedents, the medical examiner's report shall be reviewed by the State Medical Examiner's Office (SMEO) prior to burial.

(i) Any medical examiner who is unfamiliar with the processing of unidentified remains shall call upon the State Medical Examiner Office for assistance.

New Rule, R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Amended by R.1994 d.30, effective January 18, 1994.

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).

<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-1.7
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13:49-1.8 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings:

"Involved in the cause of death": an organ is involved in the cause of death when disruption to that organ's structure is a required element of the fatal sequence and/or provides the means of diagnosing the cause of death.

"Proper forensic practice" consists of those procedures which are required to perform the mandated role of medical examiner, which is to determine the cause and manner of death within a reasonable degree of medical probability; to identify and analyze evidence in criminal matters; to preserve organs for transplant and to otherwise preserve the public health.

Emergency New Rule, R.1994 d.571, effective October 21, 1994 (expired December 20, 1994).

See: 26 N.J.R. 4447(a).

Adopted Concurrent Proposal, R.1995 d.36, effective December 20, 1994.

See: 26 N.J.R. 4447(a), 27 N.J.R. 380(a).

<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-1.8
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CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 2. SPECIMEN COLLECTION
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13:49-2.1 Collection of specimens for alcohol determinations

(a) Whenever the county medical examiner, or the person designated by the State Medical Examiner or county medical examiner to conduct investigations and perform autopsies in a county, conducts an autopsy pursuant to [N.J.S.A. 52:17B-88](#) et seq., that person shall collect suitable specimens for determination of the alcohol content of the blood and brain tissue in all cases of violent death or death under unusual circumstances where death has occurred within 48 hours of the incident suspected of being the proximate cause of death.

(b) Said samples shall be properly labeled, refrigerated, and submitted within two weeks to the New Jersey State Medical Examiner Toxicology Laboratory for the required analysis.

Amended by R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

In (a), added "where death has occurred within 48 hours of the incident ... being the proximate cause of death." In (b), added "refrigerated".

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Deleted "promptly to the laboratory" and substituted "within two weeks ... Examiner Toxicology Laboratory".

Amended by R.1994 d.30, effective January 18, 1994.

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N.J.A.C. 13:49-2.1
N.J. Admin. Code tit. 13, § 49-2.1

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).
<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-2.1
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13:49-2.2 Collection of specimens for narcotic or dangerous drug determination

(a) Whenever the county medical examiner, or the person designated by the State Medical Examiner or county medical examiner to conduct the investigations and perform autopsies in a county, conducts an autopsy pursuant to [N.J.S.A. 52:17B-88](#) et seq., that person shall collect suitable specimens for determination of the drug content of the body fluids and tissues in all cases of violent deaths or deaths under unusual circumstances where death has occurred within 48 hours of the incident suspected of being the proximate cause of death.

(b) Said samples shall be properly labeled, refrigerated, and submitted within two weeks to the New Jersey State Medical Examiner Toxicology Laboratory for the required analysis.

As amended, R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

In (a), added "where death has occurred within 48 hours of the incident ... being the proximate cause of death."

In (b), added "refrigerated".

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Deleted "promptly to the laboratory" and substituted "within two weeks ... Examiner Toxicology Laboratory".

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N.J.A.C. 13:49-2.2
N.J. Admin. Code tit. 13, § 49-2.2

Amended by R.1994 d.30, effective January 18, 1994.

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).
<General Materials (GM) - References, Annotations, or Tables>

NJ ADC 13:49-2.2
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Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-2.3 Specimens for microscopic examination

Specimens from the vital organs and sites of fatal injury shall be retained in a suitable preservative such as formalin solution on every autopsy conducted by the medical examiners, labeled by name and case number. These shall be retained for 10 years unless histologic slides have been prepared and examined.

R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

<General Materials (GM) - References, Annotations, or Tables>

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TITLE 13. LAW AND PUBLIC SAFETY
CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 3. REPORTS AND RECORDS
Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-3.1 Release of records

(a) The records that are required by law to be made, maintained or kept by the County or State Medical Examiner are the Report of Investigation by Medical Examiner, the inventory of property of value, the autopsy report, including its findings and conclusions, and the results of external examinations upon the bodies of deceased persons. Not included within this definition are any records or portions thereof which contain opinions, subjective evaluations or critical analyses.

(b) The medical examiner shall, upon request, make available for inspection during regular business hours the records required to be made, maintained or kept as defined by (a) above and shall produce copies of the requested records upon payment of such reasonable fee as may be provided by this chapter, except as otherwise provided by:

1. The Right to Know Law, [N.J.S.A. 47:1A-1](#) et seq.;
2. Laws covering confidentiality of records such as the AIDS Assistance Law, N.J.S.A. 5C-1 et seq.;
3. Any other law requiring confidentiality of records;
4. The status of an ongoing investigation as defined by Executive Order No. 123(1985); or
5. Whenever medical examiner's records are not yet complete.

(c) Any other records that satisfy the common law definition of a "public record" which may exist in the medical examiner's file may be inspected or copied with the exceptions as noted above in (b) provided the requestor is able to demonstrate that his or her particular interest outweighs the need of the agency and/or the public interest in confidentiality. The propriety of the party's interest in these records shall be determined by the authorized county medical examiner in consultation with the State Medical Examiner whose final determination shall be binding. The next of kin of the decedent, immediate family members, physicians who treated the decedent for his or her last illness or injury, the decedent's legal representative, law enforcement agencies, or attorneys or insurance companies representing parties in litigation arising from the incident that caused the decedent's death are presumed to have a proper interest in these records.

(d) In the event that the requestor is unable to demonstrate a proper interest, the County or State Medical Examiner may advise the requestor to seek a court ordered release of records.

(e) Notwithstanding (b) and (c) above, if the death has been referred to the county prosecutor or Attorney General for continuing criminal investigation, only the county prosecutor or Attorney General may disclose the autopsy findings. When a party seeks the autopsy report in connection with pending or future criminal litigation, the county prosecutor or Attorney General shall provide the report through the discovery process, in accordance with court rules, or before

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discovery is undertaken if the prosecutor or Attorney General deems it appropriate.

(f) Notwithstanding (c) and (d) above, the autopsy report may be furnished to any person upon written authority of the decedent's next of kin or legal representative, unless the death has been referred to the county prosecutor or Attorney General for continuing criminal investigation.

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Substantially amended.

Amended by R.1994 d.30, effective January 18, 1994.

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).
<General Materials (GM) - References, Annotations, or Tables>

CASE NOTES

Release of autopsy report closed investigation of shooting of arrestee in police custody. [Shuttleworth v. City of Camden, 258 N.J.Super. 573, 610 A.2d 903 \(A.D.1992\)](#), certification denied [133 N.J. 429, 627 A.2d 1135](#).

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CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 3. REPORTS AND RECORDS
Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-3.2 Fees for copies of records

- (a) The fee to be charged for copies of records supplied by the offices of the State Medical Examiner or county medical examiners, shall be \$2.00 per page for each report or proof of death.
- (b) The minimum fee for an autopsy report, regardless of the number of pages, shall be \$10.00.
- (c) All fees collected by the medical examiner shall be paid into the county or State treasury on or before the 10th day of each month.

As amended, R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

In (c), deleted fees collected by State Medical Examiner shall be paid into the State Treasury.

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Added "or State".

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CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 3. REPORTS AND RECORDS
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13:49-3.3 Filing of Reports

(a) It shall be the responsibility of the county medical examiner and the State Medical Examiner to maintain on permanent file, full and complete records of every death investigation conducted by their respective offices, indexed by date of report of death, name of decedent, and sequential case number.

(b) The standard "Report of Investigation by Medical Examiner" shall be filed in the office within one working day on every death reported to the county medical examiner's office.

1. These reports shall be forwarded to the State Medical Examiner and the county prosecutor twice monthly on the first and 15th day of the month.

2. The medical examiner on duty shall personally sign the Report of Investigation by Medical Examiner and shall be responsible for the information therein contained.

(c) It shall be the responsibility of the physician who performs a medical examiner autopsy to write, dictate, or otherwise record a detailed description of the observations and findings resulting from the necroscopic dissection and examination within 24 hours of the completion of the dissection, and to make this available to a typist for transcription within two working days following the dissection. Each page of every autopsy shall include the decedent's name and identifying county medical examiner case number.

(d) The description and report of gross autopsy findings shall be completed, signed by the physician, and delivered to the county prosecutor and the State Medical Examiner within 30 days of completion of gross dissection.

(e) The county medical examiners shall be responsible to provide all administrative reports and data requested by the State Medical Examiner.

(f) It shall be the responsibility of the county medical examiners and the State Medical Examiner to maintain sufficient clerical and administrative personnel to prepare the required investigative, technical, and administrative reports in a timely manner; and to maintain the public records in an orderly acceptable fashion.

(g) All original signed documents to include the Report of Investigation by Medical Examiner, supplemental investigative reports, autopsy reports and amendments thereto, shall be maintained a minimum of five years as paper documents and on microfilm permanently thereafter. Any photographing, microphotographing and microfilming shall be in accord with [N.J.S.A. 47:3-26](#).

R.1983 d.589, effective December 19, 1983.

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See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

Amended by R.1994 d.30, effective January 18, 1994.

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).
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**TITLE 13. LAW AND PUBLIC SAFETY
CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 4. MORGUES AND LABORATORIES**

Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-4.1 Morgue storage; facilities

(a) The county medical examiners shall be responsible to establish and maintain refrigerated storage space for dead bodies sufficient to the needs of the population and area of the jurisdiction served. In every such morgue, there shall be kept a bound register of all bodies, their origin, and disposition.

(b) The county medical examiner shall be responsible for maintaining a regular and continuous access to facilities for the examination, dissection, and storage of dead bodies under investigation, and for such histologic, radiographic, toxicologic, microbiologic, dental, photographic, and anthropologic examinations, and other studies as may be required to establish and document the cause and manner of death, to establish the identity of the deceased, or to further the investigation of events contributing to the death.

(c) If the county medical examiner shall be unable to provide the essential facilities and services described above, it shall be the responsibility of said medical examiner to call upon the State Medical Examiner for assistance at county expense.

R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

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**TITLE 13. LAW AND PUBLIC SAFETY
CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 5. INVESTIGATIONS**

Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-5.1 Death investigations; conduct

(a) It shall be the responsibility of the county medical examiners to have a legally authorized physician medical examiner on duty and available at all times to investigate deaths occurring within the jurisdiction of such county or counties.

(b) The duty medical examiner shall require a proper determination of death prior to assuming responsibility for the death investigation.

(c) The duty medical examiner shall take complete charge of every body whose death is reported to the office, and shall not release it to the next of kin or authorized representative for burial or cremation until sufficient information has been accumulated, proper specimens and evidence have been collected as needed, and appropriate examinations have been conducted to establish the cause and manner of death and the identity of the decedent.

1. In cases of suspected criminal homicide, the medical examiner shall coordinate with the county prosecutor or Attorney General the removal of the body from the scene of death and shall not order the removal of the body from said scene until such coordination has been accomplished.

(d) It shall be the responsibility of the physician medical examiner to require and obtain all pertinent information from the scene of violent, suspicious, unexpected, and unusual deaths, regardless of personal visitations, in every such death investigation conducted by the office, and to incorporate that information citing the source into the permanent records of the Office.

(e) The office of the county medical examiner shall be required to inspect the scene of homicidal, unusual or suspicious deaths, decomposed bodies or unwitnessed and unexpected deaths which are reportable to the office, when the body still lies there.

1. The physician medical examiner shall not refuse to inspect the scene when requested by the State Medical Examiner or by the county prosecutor or assistant prosecutor.

i. A detailed record of the observations and an inventory of any items collected shall be personally prepared by the medical examiner or medical investigator as a separate report filed with the office.

ii. All items collected and all reports shall be identified by name of decedent if known, date, time, and county medical examiner case number.

iii. Receipts shall be required for all evidence, specimens, and property removed from the custody of the medical examiner's office.

iv. Recovery of physical evidence from the scene of suspected criminal homicides shall be the responsibility of the prosecutor.

(f) It shall be the responsibility of the medical examiner to obtain information from first hand witnesses whenever possible, taking the names of these sources and recording the information in a report filed with the office.

1. Police reports and other agency reports may supplement the medical examiner's own investigation, and shall be obtained whenever necessary to complete the case interpretation.

2. Subsequent additional information shall be recorded with date and time and filed with the case record.

3. In criminal homicide investigations, witnesses and potential suspects shall be interviewed by law enforcement personnel, and the medical examiner shall coordinate with the prosecutor to obtain the information that is required as part of the medical death investigation.

(g) Whenever the county medical examiner, or the person designated by the State Medical Examiner or county medical examiner to perform autopsies in a county, conducts an autopsy pursuant to [N.J.S.A. 52:17B-88](#) et seq. on a decedent who has been treated in a hospital following an incident of external violence, the examiner shall obtain from the hospital any specimens that may have been obtained or removed from the decedent for analysis during the course of diagnosis or treatment where death has occurred within 48 hours of the incident suspected of being the proximate cause of death.

(h) The physician medical examiner shall not delegate to any lay medical investigator any task or function for which the lay medical investigator has not been trained or for which the lay medical investigator is not qualified. The collection of specialized medical information is the responsibility of medically trained personnel.

(i) The responsibility of the medical examiner to investigate the medical cause of death as set forth in this subchapter, shall also oblige him to cooperate and coordinate with the county prosecutor in the conduct of a criminal investigation.

R.1983 d.589, effective December 19, 1983.

See: 15 N.J.R. 1351(a), 15 N.J.R. 2172(d).

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Substantially amended.

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Amended by R.1994 d.30, effective January 18, 1994.

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).
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CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 6. DEATH CERTIFICATION
Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-6.1 Medical examiner certification and amendments

(a) It shall be the responsibility of the medical examiner to require the proper identification of the decedent for the death certificate. This may be accomplished by visual recognition of the decedent's body by next of kin or friend when the decedent's body is in recognizable condition. "Friend" means any person who, prior to the decedent's death, maintained close contact with the decedent sufficient to render that person knowledgeable with the decedent's activities, and who presents a sworn statement or affidavit stating the facts and circumstances upon which the claim that the person is a friend is based. Identification may also be made by a combination of scientific means, circumstances, and personal effects if the deceased is not in recognizable condition.

(b) It shall be the responsibility of the medical examiner who issues a death certificate to conduct personally a complete physical examination of at least the external surfaces of the unclothed dead body and to make a full and complete description of this examination and to file it with the Office of the State Medical Examiner. The clothing and personal effects shall be viewed and an inventory prepared, and a receipt shall be obtained upon release from the medical examiner's custody.

(c) The medical examiner shall personally sign the death certificate after examining the body, as required by law, and shall be responsible for the truthfulness and accuracy of the medical information herein contained.

(d) It shall be the responsibility of the medical examiner to supply all additional information required by the State Registrar for the completion of pending death certificates within a reasonable period not to exceed 120 days, on the forms provided by the Registrar, except for extenuating circumstances.

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Substantially amended.

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CHAPTER 49. STATE MEDICAL EXAMINER
SUBCHAPTER 6. DEATH CERTIFICATION
Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-6.2 Notification of death from contagious, infectious, or communicable diseases

(a) When a medical examiner who makes the actual determination and pronouncement of death determines or has actual knowledge that the deceased person was infected with human immunodeficiency virus (HIV) or hepatitis B virus or that the deceased person suffered from acquired immune deficiency syndrome (AIDS), AIDS related complex (ARC) or any contagious, infectious, or communicable disease as may be determined by the Commissioner of the Department of Health and Senior Services, he or she shall immediately place with the remains written notification of the condition and shall provide written notification to the funeral director who is responsible for the handling and disposition of the body.

(b) Notification provided funeral directors pursuant to this section shall be made on a form prescribed or designated by the State Medical Examiner and shall contain a portion which provides for acknowledgment of such notification by the funeral director or his or her authorized representative.

(c) Whenever the medical examiner establishes a new diagnosis or confirms a suspected diagnosis of human immunodeficiency virus (HIV) infection by autopsy, he or she shall complete the HIV Confidential Case Report of the New Jersey Department of Health, and forward it to:

New Jersey Department of Health and Senior Services

PO Box 363

Trenton, New Jersey 08625-0363

New Rule, R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Amended by R.1994 d.30, effective January 18, 1994.

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).

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Amended by R.1998 d.596, effective December 21, 1998.

See: 30 N.J.R. 3606(a), 30 N.J.R. 4385(a).

In (a), inserted "and Senior Services" following "Department of Health"; and in (c), updated the address.

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SUBCHAPTER 7. ELIGIBILITY STANDARDS
Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-7.1 Eligibility standards of county medical examiner, deputy or assistant county medical examiner, and forensic pathologist

(a) Any person appointed or reappointed to the position of county medical examiner pursuant to [N.J.S.A. 52:17B-83](#), deputy or assistant county medical examiner pursuant to [N.J.S.A. 52:17B-84](#), or forensic pathologist authorized by the State Medical Examiner pursuant to [N.J.S.A. 52:17B-88](#), on or after the effective date of this subchapter shall be a physician fully licensed in the State of New Jersey of recognized ability and good standing in his or her community, and shall have met the following standards relating to prior training and experience:

1. Successful completion of a minimum of 30 hours of basic education in death investigation conducted or sponsored by the Armed Forces Institute of Pathology, the American Society of Clinical Pathologists, the College of American Pathologists, the National Association of Medical Examiners, or an institution of higher education or other agency approved by the State Medical Examiner.

i. In addition, all persons appointed or reappointed to the position of county medical examiner pursuant to [N.J.S.A. 52:17B-83](#) on or after the effective date of this subchapter who are to serve in the capacity of "County Medical Examiner", in addition to the above educational requirement, shall have completed a minimum of 20 hours of advanced education in death investigation conducted or sponsored by the Armed Forces Institute of Pathology, the American Society of Clinical Pathologists, the College of American Pathologists, the National Association of Medical Examiners, or an institution of higher education or other agency approved by the State Medical Examiner.

2. Successful completion of a basic course conducted by the Office of the State Medical Examiner on the laws, rules and regulations relating to the New Jersey Medical Examiner System.

3. Successful completion of seven full days of internship training at the New Jersey State Medical Examiner Office or equivalent approved by said office.

(b) Any person appointed to or holding the position of county medical examiner, deputy or assistant county medical examiner or designated forensic pathologist on or after the effective date of these amendments shall enroll in and complete a program of continuing medical education in the forensic sciences for a minimum of 20 hours of American Medical Association Category I credit, every two years while holding said position.

(c) Any person appointed to or holding the position of county medical examiner, deputy or assistant county medical examiner or designated forensic pathologist on or after the effective date of this subsection shall enroll in and complete a supplemental program conducted by the Office of the State Medical Examiner on amendments to the laws, rules and regulations relating to the New Jersey Medical Examiner System or for any other necessary training. The State Medical Examiner shall conduct such courses when necessary.

(d) Only those county medical examiners, deputy or assistant county medical examiners or forensic pathologists

authorized by the State Medical Examiner as competent to perform autopsies pursuant to [N.J.S.A. 52:17B-88](#), shall perform such autopsies. Such person shall be qualified in one of the following categories:

1. Pathologists who shall have completed a two-year program of supervised training in anatomical pathology approved by the Accreditation Council for Graduate Medical Education of the American Medical Association are eligible to conduct death investigations and to perform postmortem examinations and autopsies under the direct guidance and supervision of a designated pathologist who has already been qualified to practice in an unsupervised capacity in the New Jersey Medical Examiner System, pursuant to (d)2 below and under the general supervision of the State Medical Examiner as provided by law. The reports prepared by this person shall be countersigned by the designated pathologist who has supervised the autopsy.

2. Pathologists who qualify as anatomic pathologists as defined in (d)1 above, and who have at least one year of formal supervised training in a forensic pathology program approved by the Accreditation Council for Graduate Medical Education, or two years supervised experience in forensic pathology in a situation comparable with that of a program accredited by the Accreditation Council for Graduate Medical Education are eligible to conduct death investigations and to perform postmortem examinations and autopsies under the general supervision of the State Medical Examiner as provided by law.

3. Physicians of any speciality who, by virtue of their experience in a medical examiner system, are able to produce a portfolio of personal case studies acceptable to the State Medical Examiner and who, further, are able to demonstrate by interview a knowledgeable approach to forensic problems may be declared eligible to conduct death investigations and to perform postmortem examinations and autopsies under the general supervision of the State Medical Examiner as provided by law.

(e) Nothing in this section is intended to prevent a qualified person from serving both as a county medical examiner or deputy or assistant county medical examiner and simultaneously as a designated pathologist authorized by the State Medical Examiner to perform autopsies pursuant to [N.J.S.A. 52:17B-88](#).

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Substantially amended.

Amended by R.1994 d.30, effective January 18, 1994.

See: 25 N.J.R. 5104(a), 26 N.J.R. 484(a).

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**TITLE 13. LAW AND PUBLIC SAFETY
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SUBCHAPTER 8. ENFORCEMENT**

Current through May 16, 2005; 37 N.J. Reg. No. 10

13:49-8.1 Enforcement of eligibility standards

(a) If any person appointed to or holding the position of, or being a candidate for appointment to, the position of county medical examiner, deputy or assistant county medical examiner or forensic pathologist, authorized by the State Medical Examiner to perform autopsies, pursuant to [N.J.S.A. 52:17B-88](#), does not meet any of the eligibility standards set forth in N.J.A.C. 13:49-7, the State Medical Examiner shall declare him or her ineligible to perform the duties prescribed in N.J.A.C. 13:49-7 and the person shall cease to perform those duties pending a hearing and final resolution. If any such person fails to comply with any other provisions of the State Medical Examiner Act or administrative rules pertaining thereto, the State Medical Examiner shall declare him or her ineligible to perform the duties prescribed in N.J.A.C. 13:49-7 and the person shall cease to perform those duties pending a hearing and final resolution.

(b) If any county medical examiner, deputy or assistant county medical examiner or forensic pathologist authorized by the State Medical Examiner to perform autopsies, pursuant to [N.J.S.A. 52:17B-88](#), having met the eligibility standards set forth in N.J.A.C. 13:49-7, has been demonstrated professionally incompetent to perform the duties of his or her office, the State Medical Examiner shall declare him ineligible to perform the professional duties of his or her office, or shall restrict the level of professional duties in accordance with the demonstrated level of professional competence of the examiner.

(c) As soon as practicable but no later than seven days from the date of the declaration of ineligibility or restriction of the duties, the State Medical Examiner shall give written notice of the declaration of ineligibility or restriction to the governing body of the county which appointed or is considering appointment of the officer.

(d) Any proceeding brought under this subchapter shall provide the county medical examiner, deputy or assistant county medical examiner or designated forensic pathologist with notice of the charges against him or her and afford him or her an opportunity to be heard, which shall conform with the provisions applicable to contested cases set forth in the Administrative Procedure Act, P.L. 1968, c.410 ([N.J.S.A. 52:14B-1](#) et seq.); P.L. 1978, c.67 ([N.J.S.A. 52:14-1](#) et seq.), and N.J.A.C. 1:1.

Amended by R.1989 d.110, effective February 21, 1989.

See: 20 N.J.R. 2856(b), 21 N.J.R. 447(a).

Substantially amended.

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