



**To:** Superintendents of County Boards of MRDD  
Superintendents of Developmental Centers  
County Board MUI Investigators  
Licensed Providers

**From:** Christine Oliver, Deputy Director  
Division of Legal Services

**Date:** June 4, 2004

**Re:** Notification of Coroner  
Mortality Investigations  
Request and Consent for an Autopsy

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### *Notification of Coroner*

Section 313.12 of the Ohio Revised Code sets forth the requirements for notification of the Coroner. With the passage of Senate Bill 178, effective January 30, 2004, section 313.12 has been expanded to include reporting the death when “any mentally retarded person or developmentally disabled person dies regardless of the circumstances” to the Coroner. Therefore, all deaths that are investigated by the County Boards of MR/DD and the state-operated developmental centers should have already been reported to the Coroner by mandated reporters: the attending physician, emergency medical services personnel, law enforcement or funeral director.

The precise language of that statute states:

“When any person dies as a result of criminal or other violent means, by casualty, by suicide, or in any suspicious or unusual manner, or when any person, including a child under two years of age dies suddenly when in apparent good health, or when any mentally retarded person or developmentally disabled person dies regardless of the circumstances, the physician called in attendance, or any member of an ambulance service, emergency squad, or law enforcement agency who obtains knowledge thereof

Page -2-

Information Notice #: 04-06-03

arising from the person's duties, shall immediately notify the office of the Coroner of the known facts concerning the time, place, manner and circumstances of the death, and any other information that is required pursuant to Section 313.01 to 313.22 of the ORC. In such cases, if a request is made for cremation, the funeral director called in attendance shall immediately notify the Coroner."

### *Mortality investigations are impacted in the following ways:*

- Upon notification of a death, the investigator should ascertain that the Coroner was indeed contacted.
  - This may be accomplished by an interview with mandated reporters, review of records provided by mandated reporters, or by contacting the Coroner or Coroner's office directly.
- If you discover that the Coroner is unaware of the death of a person with mental retardation or other developmental disability, you should notify the Coroner or Coroner's Office of this death, even though you may not be a mandated reporter.
- The mortality investigation entered in the ITS statement should include the following information regarding Coroner notification and Coroner disposition of the case:
  - When the Coroner was notified.
  - Who notified the Coroner (title, position or agency).
  - Coroner disposition of the case.
    - Coroner declined to rule on the cause of death.
    - Coroner ruled on the cause of death, did not perform an autopsy.
    - Coroner ruled on the cause of death after the performance of an autopsy.
  - If the Coroner ruled on the cause of death, please include in records a copy of the autopsy if completed and Coroner's ruling/verdict/judgment, if a separate document from the death certificate.

## *Request and Consent for an Autopsy*

Section 2108.50 of the Ohio Revised Code addresses consent for an autopsy or post-mortem examination. Generally, a licensed physician or surgeon may perform an autopsy with the written consent being obtained from persons in the following hierarchical order:

1. The individual prior to his/her death.
2. The surviving spouse.
3. The surviving children.
4. The surviving parents.
5. The surviving brothers or sisters.
6. Other relative or person who assumes custody of the body for burial.
7. Person authorized by the deceased in writing, or the guardian of the person at the time of death.

However, no consent is necessary where the autopsy is ordered by the Coroner, with exceptions for religious beliefs addressed in section 313.131 of the ORC.

For the death of an individual with mental retardation or other developmental disability which the Coroner has ruled as not a "Coroner's case," (e.g., Coroner has declined to rule on the cause of death and the attending physician is responsible for certifying the cause of death) there are circumstances in which an autopsy may prove beneficial. These include, but may not be limited to, a sudden unexplained death, particularly in a young person; those situations in which surviving family members' health and longevity may be improved by investigating for a cause of death which may be genetically related; and legitimate medical injury.

In addition, the passage of SB 178 added to the Ohio Revised Code section 2108.521, provides a new means for requesting an autopsy of an individual with mental retardation or other developmental disability. The Department of MRDD or a County Board of MRDD now has the legal authority to petition the court of common pleas for an order for an autopsy or post-mortem examination, provided that:

- The Department of MR/DD or the County Board of MR/DD has good faith reason to believe that the deceased person's death occurred under suspicious circumstances.
- The Coroner declines to conduct an autopsy after being apprised of the circumstances of the death.

Page -4-

Information Notice #: 04-06-03

If the Court of Common Pleas orders an autopsy at the request of the Department of MR/DD or a County Board of MR/DD, then the agency that requested the autopsy is responsible for costs and expenses incurred in performing the autopsy or post-mortem examination.

Further information contact:

The Ohio State Coroners' Association website (<http://www.osca.net>)

and/or

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**This information notice is provided to raise awareness of SB 178 requirements and should not be considered legal advice. Readers are encouraged to contact your legal counsel for specific advice.**

c: Distribution List