

Bill No. 2586-06

No. 35-06-02

## AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania amending Article 201, Section 5-201.05 of the Administrative Code to further define the powers, functions and duties of the Medical Examiner.

**WHEREAS**, on May 17, 2005 the citizens of Allegheny County approved the amendment of the Administrative Code of Allegheny County to abolish the elected office of Coroner and create the appointed office of Medical Examiner through Ordinance No. 38-04; and

**WHEREAS**, Ordinance No. 38-04, in providing for the powers, functions and duties of the Medical Examiner, retained those powers, functions, and duties previously vested in the office of Coroner as set forth in 16 P.S. §§4232-48; and

**WHEREAS**, Ordinance No. 38-04 made no specific reference to 16 P.S. §4250, which formerly empowered the coroner to order the removal of organs from a decedent's body for donation purposes in accordance with the guidelines established at 20 P.S., Chapter 86 (relating to anatomical gifts), when a decedent is unidentified or when a decedent's next of kin cannot be identified or reached for consent for organ donation; and

**WHEREAS**, according to the Center for Organ Recovery and Education (CORE), more than 86,000 people in the United States are awaiting organ transplants, over 17 of whom die each day; and

**WHEREAS**, according to CORE, between 10,000 and 12,000 individuals die each year who are medically able to donate their organs, but only about 6,000 actually do so; and

**WHEREAS**, at Allegheny General Hospital, Charleston (WV) Area Medical Center, Children's Hospital of Pittsburgh, University of Pittsburgh Presbyterian Hospital, the Veteran's Administration Pittsburgh Health Care System, and the West Virginia University Health System alone, more than 1,600 individuals are in need of organ transplants;

***The Council of the County of Allegheny hereby enacts as follows:***

## **SECTION 1.**

Article 201, Section 5-201.05 of the Administrative Code of Allegheny County is hereby amended as follows:

### **§ 5-201.05. Office of the Medical Examiner.**

- A. The Office of County Coroner is abolished effective the first business day of January 2006.
- B. The Chief Executive shall appoint a Medical Examiner who shall serve a fixed term of five (5) years, commencing on the first business day of January 2006.
- C. The Medical Examiner shall: (1) hold either a Medical Doctor degree or a Doctor of Osteopathy degree from an accredited institution; (2) possess a valid license to practice medicine in the Commonwealth of Pennsylvania; (3) be board certified, or board eligible, by the American Board of Pathology in forensic pathology; and (4) have had at least five (5) years of experience as a practicing pathologist.
- D. The Medical Examiner, after expiration of his or her term, may be reappointed.
- E. The Medical Examiner may be removed for cause by the Allegheny County Court of Common Pleas after having been provided with a copy of the charges against him or her for at least ten (10) days and full hearing by the Court.
- F. If a vacancy shall occur by reason of death, disqualification, resignation, or removal, the Chief Executive shall appoint a successor to fill the remainder of the Medical Examiner's unexpired term.
- G. The Medical Examiner shall have all of the powers, functions, and duties previously vested in the elected office of Coroner as set forth in 16 Pa. Stat. §§ 4232-48 and 4250, including without limitation the power of inquest and the power of subpoena, as of the date that the office of Medical Examiner becomes effective.

**SECTION 4. Severability.** *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.*

**SECTION 5. Repealer.** *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Resolution.*

**SPONSORED BY COUNCIL MEMBERS BURN, CLEARY, DROZD and  
ROBINSON and PRESIDENT FITZGERALD**

Enacted in Council, this 21<sup>st</sup> day of November, 2006,

Council Agenda No. 2586-06.

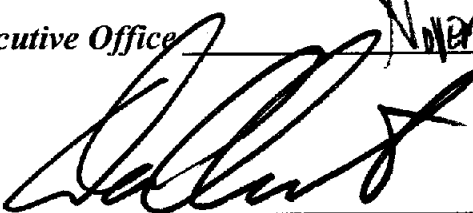


Rich Fitzgerald  
President of Council

Attest:   
John Mascio  
Chief Clerk of Council

Chief Executive Office

~~November 21~~ November 29, 2006

Approved: 

Dan Onorato  
Chief Executive

Attest: 

Donna Beltz  
Executive's Assistant