S T A T E O F T E N N E S S E E
OFFICE OF THE
ATTORNEY GENERAL
PO BOX 20207
NASHVILLE, TENNESSEE 37202

May 17, 2002

Opinion No. 02-064

Review of Attorney General Opinion No.02-021

QUESTIONS

1. Does Attorney General Opinion No.02-021 mean that a county medical examiner cannot employ non-physician assistants to draw bodily fluids, take temperatures, or manipulate the body in any way?

2. Does Attorney General Opinion No.02-021 mean that a county medical examiner cannot employ non-physicians acting under the county medical examiner's supervision, direction and control in order to carry out specific tasks which assist the county medical examiner in performing his powers and duties under the Post-Mortem Examination Act?

OPINIONS

1. No. Attorney General Opinion No. 02-021 did not address whether a county medical examiner may employ non-physician assistants to draw bodily fluids, take temperatures, or manipulate the body in any way. It is our opinion that nothing in the Act prohibits a county medical examiner from employing non-physicians to perform such tasks under the county medical examiner's supervision, direction and control in order to assist the county medical examiner in performing his powers and duties under the Act.

2. No.

ANALYSIS

1. Attorney General Opinion No. 02-021 addressed whether the Post-Mortem Examination Act, Tenn. Code Ann. §§ 38-7-101, *et seq.*,authorizes a county medical examiner, duly elected or appointed under the provisions of Tenn. Code Ann. § 38-7-104, to deputize a non-physician investigator to perform the county medical examiner's powers and duties under the Act. It did not address whether a county medical examiner may employ non-physicians to draw bodily fluids, take temperatures, or manipulate the body in any way.

The powers and duties of a county medical examiner are set forth specifically in the Act. In Attorney General Opinion No. 02-021 this office opined that no provision in the Act authorizes a county medical examiner to deputize a non-physician investigator to perform the county medical examiner's powers and duties under the Act. However, it is the opinion of this office that nothing in the Act prohibits a county medical examiner from employing a non-physician to draw bodily fluids, take temperatures, or manipulate a body so long as such non-physician is carrying out such tasks under the supervision, direction and control of the county medical examiner in order to assist the county medical examiner in performing his powers and duties under the Act.

2. This office did not intend in Attorney General Opinion No. 02-021 to proscribe a county medical examiner's employment of non-physician assistants to act under a county medical examiner's supervision, direction and control in order to carry out specific tasks which assist the county medical examiner in performing his powers and duties under the Act. Were it otherwise, a county medical examiner might be forced personally to carry out each such task associated with his statutory powers and duties (such as performing autopsies or preparing reports) without any assistance whatsoever. As explained in Attorney General Opinion No. 02-021, a county medical examiner may not deputize a non-physician investigator to perform the county medical examiner's powers and duties under the Act, since only a licensed physician may so act in a county medical examiner's place and stead. However, it is the opinion of this office that nothing in the Act prohibits a county medical examiner from employing such non-physician personnel as may be necessary in order to assist the county medical examiner in performing his powers and duties under the Act, as long as any such assistants act under the county medical examiner's supervision, direction and control.

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

SARA E. SEDGWICK
Assistant Attorney General

Requested by:

Bruce P. Levy, M.D.
Chief Medical Examiner
850 R.S. Gass Boulevard
Nashville, TN 37216-2640