**2/22/17 CFSO Revision**

**ESTABLISHMENT OF AN**

**OFFICE OF FORENSIC MEDICINE**

**WITHIN THE CENTERS FOR DISEASE CONTROL AND PREVENTION**

1. **DEFINITIONS.**

FORENSIC MEDICINE—The application of medical knowledge and methodology to matters of civil and criminal law and encompasses the intersection of public health and public safety.

MEDICOLEGAL INVESTIGATION—The investigation of living and dead victims of violence for public health and public safety purposes as authorized by law for forensic health professionals.

MEDICOLEGAL INVESTIGATIONS COMMUNITY—The forensic medical practitioners, medicolegal investigators, and academic experts of the medicolegal investigations community include medical examiners, coroners, medicolegal death investigators, forensic pathologists, forensic nurses, forensic psychiatrists and psychologists, and researchers, involved with the investigation and examination of victims of violence, injury, terrorism, or environmental factors or are suspected of such, as well as undetermined causes or manners of injury or disease, or otherwise investigated in the public interest.

1. **OFFICE OF FORENSIC MEDICINE.**
2. IN GENERAL—There is established within the Department of Health and Human Services, Centers for Disease Control and Prevention (CDC), an Office of Forensic Medicine (OFM) that shall report to the Director of the CDC.
3. MISSION—The mission of the OFM is to support and strengthen the state and local medicolegal investigations community and its interface with other components of the CDC to promote the national public health and safety.
4. OFFICERS AND STAFF —

(1) IN GENERAL—The Office shall include—

(A) a Director, who shall be appointed by the CDC Director;

(i) the OFM Director shall be a forensic pathologist board-certified by the American Board of Pathology, with a minimum of 5 years’ experience in an accredited medical examiner’s office and possessing a national reputation for competence and leadership within the field.

(ii) The Director shall not engage in any other employment than that of serving as Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the OFM or CDC makes any contract or other arrangement under this chapter.

(B) a Deputy Director, who shall be a member of the medicolegal investigations community with a minimum of 5 years’ experience in the field of medicolegal investigations.

(ii) The Deputy Director shall not engage in any other employment than that of serving as Deputy Director, nor shall the Deputy Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the OFM or CDC makes any contract or other arrangement under this chapter.

(C) a transfer to the OFM the personnel, including contractors and interns, assets, liabilities, contracts, property, records, and unexpended balance of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, and the functions, powers, and duties of:

1. the National Violent Death Reporting System within the National Center for Injury Prevention and Control;
2. the Sudden Infant Death Syndrome and Sudden Unexplained Death of a Child programs; and
3. other activities and functions as deemed appropriate by the Director of the CDC.

(D) additional full time equivalent staff positions, detailed positions and contractors as are necessary to fulfill the mission of the Office as the Director of the CDC, in consultation with the Director and Deputy Director of the OFM determines appropriate;

(f) DEADLINE—Not later than 180 days after the date of enactment of this Act, the transition to the OFM of the components identified in II.(c)(1)(C) and the initial appointments, selections, and detailing under paragraph II.(c)(1), shall be completed.

(g) VACANCY—In the event of a vacancy in the position of Director—

(1) the Deputy Director shall be the acting Director until a Director is appointed.

(h) LIAISON— The Attorney General shall designate a liaison to facilitate communication between the Office and the Department of Justice.

(i) INDEPENDENCE –

(1) The Director shall have final authority over all grants, cooperative agreements, and contracts awarded by the Office of Forensic Medicine.

(2) Activities covered by the Office of Forensic Medicine shall be shielded from inappropriate political and other external or internal influences, and no Department employee, contractor, or detailee shall inappropriately suppress or alter scientific, technological or research findings or condone such activities.

(j) DUTIES AND AUTHORITY—

(1) IN GENERAL —The Office shall—

(A) advise and assist the Director of the CDC on forensic medicine issues and the initiatives, efforts, activities, and issues of mutual interest concerning public health and public safety;

(B) support and strengthen the state and local medicolegal investigations community and its interface with other components of the CDC to generate data of federal interest, including:

(1) violent deaths,

(2) deaths in custody,

(3) drug-involved deaths,

(4) environmental toxins,

(5) infectious disease deaths,

(6) chemical-biological terrorist incidents,

(7) victims of abuse,

(8) more accurate death certification, and

(8) other matters in the public interest;

(C) conduct research and pilot projects in furtherance of the Office’s mission;

(D) assume and execute the responsibilities to maintain the existing initiatives and activities which have been transferred to the Office;

(E) assist the Medicolegal Investigations Board in carrying out the functions of the Board under this Act and such other related functions as are necessary to perform the functions; and

(F) evaluate the recommendations of the Board and take appropriate action.

(2) SPECIFIC RESPONSIBILITIES —The Director, in consultation with the Deputy Director, shall—

(A) work to ensure that appropriate accreditation, certification, standards, methods, best practices and organizations exist for the medicolegal investigations community.

(B) work to secure funding and resources to assist practitioners of the medicolegal investigations community in meeting national and international standards, methods, best practices, and certification and accreditation requirements;

(C) coordinate with and facilitate the initiatives, efforts, activities, and interests of mutual interest between public health and public safety to accomplish the goals of the Office through federal funding of initial and ongoing efforts;

(D) generate annual reports by July 1 of each year on the status of the efforts, pilot projects, and research carried out under the auspices of the Office for distribution to the Director of CDC, the Secretary of Health and Human Services, the Attorney General, the House Committee on Energy and Commerce, the Senate Committee on Health, Education, Labor and Pensions, and the House and Senate Judiciary Committees;

(E) maintain existing grant programs impacting the medicolegal investigation community, and to encourage the development of new grant programs for medicolegal investigations agency and office capacity building, training and education of practitioners and investigators, and research and development;

(F) generate annual reports by July 1 of each year on the status and needs of the medicolegal investigations community for distribution to the Director of the CDC, the Secretary of Health and Human Services, the Attorney General, the House Committee on Energy and Commerce, the Senate Committee on Health, Education, Labor and Pensions, and the House and Senate Judiciary Committees.

(G) act as a spokesperson on behalf of the OFM before the Administration, Congress, and other stakeholder entities;

(H) fund and host Working Groups to assist the Board in identifying and assessing medicolegal investigation technical and operational requirements, and solutions to forensic medical practitioner and medicolegal investigator needs.

(I) perform all other functions for the Office under this Act and such other related functions as are necessary to perform the functions of the Office described in this Act;

(J) establish and maintain a website to disseminate information to the medicolegal investigation community.

(3) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR -- The director shall--

(A) coordinate and collaborate among other federal agencies related to medicolegal investigations policy;

(B) collaborate among the various private medicolegal investigations organizations and associations on policy, and the status and needs of the medicolegal investigations community;

(C) interface with the Department of Justice and the Forensic Science Board regarding recommendations and reports; and

(D) foster more uniform practice of medicolegal investigation.

1. **MEDICOLEGAL INVESTIGATIONS BOARD.**

(a) IN GENERAL -- There is established a Medicolegal Investigations Board (MIB) to serve as an advisory board to the OFM regarding the needs of the medicolegal investigations community that will help promote the use of standards and best practices and ensuring consistency, medical or scientific validity, and accuracy with respect to medicolegal investigations, the results of which may be interpreted, presented, or otherwise used during the course of medicolegal investigations or judicial proceedings.

(b) COMPOSITION – The Director of the OFM shall appoint members to the Medicolegal Investigations Board, which shall consist of eleven representatives of the medicolegal investigations community and two non-voting *ex-officio* members, as follows:

(1) Three members shall be ABP board-certified forensic pathologists;

(2) one member shall be a coroner;

(3) one member shall be an ABMDI-certified medicolegal death investigator;

(4) one member shall be a SANE Adult/Adolescent or SANE pediatric certified forensic nurse or a board certified advance forensic nurse (AFN-BC) who has a least a bachelor of science degree, with experience as a director or senior manager of a program providing forensic nursing care to patient populations experiencing criminal violence and trauma;

(5) one member shall be a forensic toxicologist;

(6) one member shall be a forensic anthropologist or forensic entomologist;

(7) one member shall be a medical clinician;

(8) one member shall be a forensic mental health and behavioral expert practitioner;

(9) one member shall be a public member at large;

(10) one current state, county, or local prosecutor who shall be a non-voting *ex officio* member;

(11) one current criminal defense attorney employed by a state public defender service who shall be a non-voting *ex officio* member.

(c) TERMS —

(1) IN GENERAL —A member of the Board shall be appointed for a term of 3 years.

(2) EXCEPTION —Of the members first appointed to the Board—

(A) 3 members shall serve a term of 1 years;

(B) 4 members shall serve a term of 2 years; and

(C) 4 members shall serve a term of 3 years.

(D) 1 *ex officio* member shall serve 2 years and 1 *ex officio* member shall serve 3 years.

(3) RENEWABLE TERM —A member of the Board may be appointed for not more than a total of 2 terms, including an initial term described in paragraph (2) of this section.

1. DUTIES OF MEDICOLEGAL INVESTIGATIONS BOARD –
2. the Medicolegal Investigations Board shall –

(A) provide input to the OFM concerning the support of federal, state, county, local and tribal medicolegal service providers and stakeholders regarding the needs of the forensic community and other matters;

(B) make recommendations to the Director of OFM relating to federal research priorities and needs, and any other issue consistent with this Act;

(C) promote and support —

(i) accreditation, certification, and research programs and procedures established under this Act; and

(ii) use of national and international standards and best practices by forensic medical service practitioners and medicolegal investigators;

(D) review and update, as appropriate, any recommendations made under paragraph III.(d)(1);

(E) perform all other functions of the Board under this Act and such other related functions as are necessary to perform the functions of the Board;

(2) the MIB may form subcommittees and task groups of individuals on the Board and members invited by the Board to participate;

(3) the MIB shall meet in-person at least twice a year;

(4) the MIB shall also meet with or otherwise communicate with practitioners and academic experts in the medicolegal investigation community, as well as relevant public health and public safety officials;

(e) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT —

(1) IN GENERAL —Subject to paragraphs (2) and (3), the Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Medicolegal Investigations Board.

(2) TERMINATION PROVISION —Section 14(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Medicolegal Investigations Board.

(3) COMPENSATION OF MEMBERS —Members of the Medicolegal Investigations Board shall serve without compensation for services performed for the Board.

(4) TRAVEL EXPENSES —The members of the Medicolegal Investigations Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

(5) DESIGNATED FEDERAL OFFICER —In accordance with the Federal Advisory Committee Act (5 U.S.C. App.), the Director shall—

(A) serve as the designated Federal officer; and

(B) designate a committee management officer for the Medicolegal Investigations Board.

1. **GRANT PROGRAMS**
2. GRANT PROGRAMS—The grant programs under this Act, shall include, but not limited to:
3. forensic medicine research, basic and applied; development, testing, and evaluation;
4. capacity building, including office accreditation and personnel certification;
5. forensic medicine education, training, and technical assistance;
6. support for databases, automation and information systems, electronic networking, and information sharing;
7. studies on the ethical, legal, and social implications of forensic medical science; and
8. targeted programs, to include, but not limited to:
   1. drug abuse,
   2. sexual assaults,
   3. child, domestic, and elder abuse,
   4. mental health and violent behavior, and
   5. disaster preparedness.
9. AUTHORIZATION OF APPROPRIATIONS—there shall be authorized a budget for operations, grants and other initiatives for the OFM which shall include funding in excess of the funding appropriated in the last fiscal year for the NVDRS and SIDS/SUDC programs for purposes of staffing and administering the OFM and the Medicolegal Investigations Board.

\*\*\*\*\*\*