

505 CMR: OFFICE OF THE CHIEF MEDICAL EXAMINER

505 CMR 2.00: RELEASE OF UNCLAIMED OR UNIDENTIFIED BODIES

Section

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2.01: Purpose

The purpose of 505 CMR 2.00 is to establish rules and regulations governing the release of unclaimed or unidentified bodies under the jurisdiction of the Office.

2.02: Statutory Authorization

505 CMR 2.00 is promulgated pursuant to M.G.L. c. 38, § 13, providing for the release of unclaimed or unidentified bodies and M.G.L. c. 6, § 184, allowing the Commission on Medicolegal Investigation to promulgate regulations for the delivery of medicolegal services to the Commonwealth.

2.03: Definitions

Chief: Chief medical examiner or his designee.

Claimant: The surviving spouse, next of kin, or friend legally entitled to receive the body of the deceased under M.G.L. c. 38, § 13.

Designated Institution: an institution the Chief has determined meets the following qualifications:

- (a) An educational institution offering an associate or bachelor degree related to funeral or mortuary services;
- (b) Accredited by the American Board of Funeral Service Education;
- (c) Provides supervision of at least one instructor licensed by the Board of Registration of Funeral Directors and Embalmers in Massachusetts; and
- (d) Demonstrates a commitment to provide competent and dignified services to the deceased.

Disposition: burial or cremation of a body.

Office: the Office of the Chief Medical Examiner.

Unclaimed Body: An identified body that has not been claimed by a claimant.

Unidentified Body: A body that cannot be positively identified as being a particular person.

2.04 Release of an Unclaimed or Unidentified Body

(1) The Chief may release any body in his or her possession, that remains unclaimed or unidentified, two weeks from the date of receipt of the body by the Office, to the Department of Transitional Assistance for burial in accordance with M.G.L. c. 38, § 13 and M.G.L. c. 117A, § 9.

(2) Prior to the release of an unclaimed body to the Department of Transitional Assistance, the Chief shall ensure that reasonable efforts have been made to locate and notify the next of kin of the deceased regarding the death and location of the deceased.

2.04: continued

(3) Prior to the release of an unidentified body to the Department of Transitional Assistance, the Chief shall ensure that reasonable efforts have been undertaken to identify the body and shall ensure that the body has been thoroughly described and that identifying characteristics have been documented through charting, photography, fingerprinting, and dental examination. A sample from the body suitable for DNA analysis may be extracted from the body and stored by the Office.

2.05: Disposition of Claimed Bodies to Designated Institutions

(1) The Chief may provide, to any claimant who wishes to claim the body of the deceased and is financially unable to do so, a list of designated institutions willing to provide disposition services at no fee. After the claimant has claimed the body, the designated institution may provide disposition services to the body.

(2) A designated institution may not provide cremation services without prior written approval from the claimant.

(3) If cremation is performed, the Chief may, at his or her discretion, where good cause is shown, waive the fee set forth in M.G.L. c. 38, § 14.

2.06: Severability Clause

If any portion of 505 CMR 2.00 is for any reason determined to be unconstitutional, contrary to statute, in excess of authority, or otherwise inoperative, such determination shall not affect the validity of any other portion of 505 CMR 2.00.

REGULATORY AUTHORITY

505 CMR 2.00: M.G.L. c. 38, § 13 and c. 6, § 184.