



The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security  
Office of the Chief Medical Examiner



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NOTICE OF PUBLIC HEARING

Pursuant to the provisions of M.G.L. c. 30A §2, and acting under statutory authority of Chapter 38 of the General Laws, there will be a public hearing regarding the proposed amendment to 505 CMR 4.03, Fee Assessed for Cremation or Burial at Sea Views. 505 CMR 4.03 was promulgated pursuant to M.G.L. c. 38, §14 and the amended regulation will reflect changes to the fee assessed for viewing decedents intended for cremation or burial at sea. The public hearing will be held on July 19, 2019 from 9am to 12pm at 1 Ashburton Place, 21<sup>st</sup> Floor, Conference Room 2, Boston, MA 02108.

Verbal and written testimony may be presented at the public hearing; however, parties are requested to provide written copies of their oral testimony. Written comments may be submitted to Eric B. Hogberg, Esq. 720 Albany Street, Boston, MA 02118 or to [eric.hogberg@mass.gov](mailto:eric.hogberg@mass.gov). Such comments should be sent by July 19, 2019 by 5pm. A copy of the proposed CMR can be found at <https://www.mass.gov/orgs/office-of-the-chief-medical-examiner>. Any member of the public wishing to attend this hearing must present valid photo identification prior to entering the Office of the Chief Medical Examiner.

If any member of the public wishing to attend this hearing seeks special accommodations in accordance with the Americans with Disabilities Act, please contact Eric B. Hogberg at 617-267-6767 or at [eric.hogberg@mass.gov](mailto:eric.hogberg@mass.gov).

## 505 CMR: OFFICE OF THE CHIEF MEDICAL EXAMINER

### 505 CMR 4.00 CREMATION FEES

#### SECTION

#### 4.01: Scope and Purpose

#### 4.02: Definitions

#### 4.03: Fee assessed for Cremation or Burial at Sea Views

#### 4.04: Payment of Fees to District Medical Examiners and Forensic Investigators

#### 4.05 Severability

#### 4.01: Scope and Purpose

The purpose of 505 CMR 4.00 is to establish the process and fee schedule for the viewing of any decedent whose body is intended for cremation or burial at sea.

#### 4.02: Definitions

As used in 505 CMR 4.00:

District Medical Examiner. A physician who provides services under contract with the Office of the Chief Medical Examiner.

Forensic Investigator. A medical professional including a physician or nurse who provides services under contract with the Office of the Chief Medical Examiner.

Medical Examiner. A physician employed by the Office of the Chief Medical Examiner.

#### 4.03: Fee Assessed for Cremation or Burial at Sea Views

(1) A medical examiner, district medical examiner or forensic investigator designated by the chief medical examiner shall view a decedent intended for cremation or burial at sea and shall make a personal inquiry into the cause and manner of death.

(2) A cremation or burial at sea shall only be authorized upon a determination by a medical examiner, district medical examiner or forensic investigator that no further examination or judicial inquiry is required.

(3) The person with the proper legal authority to receive the decedent including surviving spouse, next of kin or friend as set forth in M.G.L. c. 38, § 13 either directly or through his authorized representative, including but not limited to funeral director, shall pay a fee of \$2100 as set by the Secretary of Public Safety pursuant to M.G.L. c. 38, § 14 for said service. The fee shall be made payable to the Commonwealth of Massachusetts and shall be submitted in the form as prescribed by the Office of the Chief Medical Examiner.

4.03: continued

(4) The Office of the Chief Medical Examiner, subject to legislative authorization, may retain a portion of said fees for the purpose of supporting the agency mission of providing comprehensive medico-legal investigative services.

4.04: Payment of Fees to District Medical Examiners and Forensic Investigators

(1) The Office of the Chief Medical Examiner may establish contracts with district medical examiners or forensic investigators for the purpose of conducting views of decedents intended for cremation or burial at sea.

(2) The district medical examiner or forensic investigator shall conduct the inquiry set forth in 505 CMR 4.03(1) and (2).

(3) The district medical examiner or forensic investigator shall submit documentation regarding the inquiry and view of decedents intended for cremation or burial at sea as specified by the Office of the Chief Medical Examiner.

(4) Upon receipt of satisfactory documentation the Office of the Chief Medical Examiner shall compensate the district medical examiner or forensic investigator at a rate of \$50 as set by the Secretary of Public Safety pursuant to M.G.L. c. 38, § 14 for each completed examination.

4.05: Severability

If any article, section, subsection, sentence, clause or phrase of 505 CMR 4.00 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 article, section, subsection, sentence, clause or phrase of 505 CMR 4.00

REGULATORY AUTHORITY:

505 CMR 4.00: M.G.L. c. 6, § 184 and c. 38, § 14.