



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N. Y. 10007

Executive Order No. 98
August 6, 1986

CREATION OF AN ADVISORY BOARD FOR THE
OFFICE OF CHIEF MEDICAL EXAMINER OF THE CITY OF NEW YORK

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. Advisory Board Established. There is hereby created an Advisory Board for the Office of Chief Medical Examiner of the City of New York.

Section 2. Purpose. The purpose of the Board is to provide advice, consultation and recommendations to the Chief Medical Examiner and to the Mayor concerning the general policies and operations of the Office of Chief Medical Examiner of the City of New York. To enable the Board to properly perform its advisory functions, there should be full and open communications between the Board and the Chief Medical Examiner. This Order provides some general guidelines on communication and information to help achieve that goal. The Board's functions are advisory and are not intended to substitute for or assume the powers and duties under law of the Chief Medical Examiner, particularly in regard to his obligation to arrive independently at judgments of the cause of death in individual cases.

Section 3. Board Membership. The Board shall be composed of the following members, appointed by the Mayor: A lawyer with a criminal law background; two pathologists, one with a background or experience with forensic pathology; three other members whose background or professional qualifications are to be determined by the Mayor. In addition, the Health Commissioner of the City of New York shall serve ex officio. From among the members, the Mayor shall designate a Chairperson.

(a) The members of the Board shall not receive compensation for their services, but may receive reimbursement for their actual expenses incurred in serving on the Board. All appointments, other than the initial appointments specified in the following paragraph, shall be for six years except for the Health Commissioner, who serves ex officio. Vacancies occurring during a term shall be filled by the Mayor for the unexpired portion of the term.

(b) The initial appointments of one pathologist, the lawyer with the criminal law background, and one of the other members, shall be for three years.

Section 4. Power and Duties. The Board may adopt such resolutions and make such recommendations to the Chief Medical Examiner and/or to the Mayor regarding the operations, performance and needs of the Office of Chief Medical Examiner and its personnel as it deems appropriate.

(a) The Chief Medical Examiner shall advise the Board of proposed policy changes in advance. Within ten days after establishing or modifying an office policy or procedure, the Chief Medical Examiner shall provide each Board member with a copy of such directive or writing, or, if it is not in writing, shall otherwise advise and inform the Board. The Board may advise or consult with the Chief Medical Examiner on any such proposed or completed actions, and shall be available for advice and consultation requested by the Chief Medical Examiner, as it deems appropriate.

(b) The Chief Medical Examiner shall immediately advise the Board of any proposed legislation or proposed administrative directives of other governmental agencies of which he is aware which would affect the operations, powers or duties of the Office of Chief Medical Examiner. Within ten days after an appointment of a medical examiner or of any individual appointed to an important administrative or scientific position the Chief Medical Examiner shall advise the Board of the name and background of any such individual. The Chief Medical Examiner shall advise the Board of any other matter he deems important to the functioning of the Office (but without compromising his independence in performing his duties as Chief Medical Examiner).

Section 5. Annual Report. The Chief Medical Examiner shall report to the Board, in writing, on October 1st of each year, as to the operations and conditions of the Office of the Chief Medical Examiner, which report shall review:

- (i) the number and nature of the deaths reported to, and cases handled by, the Office during the preceding year, giving a statistical and descriptive analysis of the work of the Office;
- (ii) the quality and accomplishments of the professional and administrative staff of the Office; and the continuing education, research, scholarship and professional development of the professional staff, including papers published and courses taught or attended by staff members;

- (iii) the capital and non-capital expenditures incurred during the preceding year, and the planned funding needs for the Office in the succeeding fiscal year;
- (iv) the physical condition of the facilities of the Office throughout the City with particular regard for the health and safety of the staff, and the appearance of the Office to the public;
- (v) legislation adopted during the year that affects the Office or its work, and;
- (vi) any other matters which the Chief Medical Examiner considers appropriate for discussion.

Section 6. Appointment of a Chief Medical Examiner. Within 30 days of a request by the Mayor, the Board shall provide to the Mayor its assistance and advice in the selection of a new Chief Medical Examiner. If at the time of such request, the position of Chief Medical Examiner is classified as non-competitive or exempt, or is to be filled provisionally, the Board shall, within 30 days, submit for the Mayor's consideration the names of at least three, but not more than six, qualified candidates for appointment to this position. The Mayor may request that the Board submit the names of additional qualified candidates. The Mayor will make his appointment from among the names submitted by the Board.

Section 7. Rules and Regulations. The Board may adopt such bylaws and rules of procedure for the conduct of its meetings or other activities as it deems necessary.

Section 8. Meetings. The Board shall meet at least once every three months, and otherwise if the Chairman or a majority of the Board calls for a meeting of the Board. Promptly after each meeting, the Chairman shall distribute to all members the proposed minutes of such meetings, which the Board shall finally adopt, in such form or as the Board amends the minutes, at its next meeting. The proposed and adopted minutes shall be maintained by an administrative office or facilities to be made available to the Board for the purpose of conducting its affairs.

Section 9. Effective Date. This Order shall take effect immediately.



Edward I. Koch
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