

**PUBLIC HEALTH DEPARTMENT[641]**

**Adopted and Filed**

**Rulemaking related to state medical examiner**

The Department of Health and Human Services hereby rescinds Chapter 126, “State Medical Examiner,” Iowa Administrative Code, and adopts a new Chapter 126 with the same title.

*Legal Authority for Rulemaking*

This rulemaking is adopted under the authority provided in Iowa Code sections 331.802, 331.805, and 691.6.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, Iowa Code sections 331.802, 331.805, and 691.6.

*Purpose and Summary*

This chapter underwent a review as a part of the Red Tape Review process laid out in Executive Order 10. As a result of this review, restrictive terms were removed, areas that were duplicative were combined or eliminated, and editorial updates were made to reflect current policies and procedures.

This chapter provides the foundation for the primary funding source that supports the work of the State Medical Examiner’s Office. Costs of autopsies and related services and expenses are the responsibility of the county of appointment. As part of the Department’s review, the Department is increasing the amount of the autopsy fee by \$200 and two percent annually thereafter to account for annual adjustments for salaries of pathologists and increasing costs associated with performing autopsies.

*Public Comment and Changes to Rulemaking*

Notice of Intended Action for this rulemaking was published in the Iowa Administrative Bulletin on January 7, 2026, as **ARC 9942C**. Public hearings were held on the following date:

- January 27, 2026

No one attended the public hearings. No public comments were received. No changes from the Notice have been made.

*Adoption of Rulemaking*

This rulemaking was adopted by the Department on February 18, 2026.

*Fiscal Impact*

This chapter sets the amount of fees for service that can be collected by the State Medical Examiner’s Office. This includes fees related to autopsies, the cost of requesting autopsy reports, court preparation time, tissue recovery, and cremation permit fees. The Department is increasing the amount of the autopsy fee by \$200 and two percent annually thereafter to account for annual adjustment costs for salaries of pathologists and increasing costs associated with performing autopsies.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 441—Chapter 6.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rulemaking will become effective on July 1, 2026.

The following rulemaking action is adopted:

ITEM 1. Rescind 641—Chapter 126 and adopt the following new chapter in lieu thereof:

CHAPTER 126  
STATE MEDICAL EXAMINER

641—126.1(144,331,691) Definitions.

“Autopsy” means the external and internal postmortem examination of a deceased person.

“County of appointment” means the county that requests a medical examiner to conduct an investigation, perform or order an autopsy, or prepare a report or reports in a death investigation case. The request may be authorized by the county attorney or the county medical examiner. The county of appointment shall be the county in which the death occurred.

641—126.2(691) Fees for autopsies and related services and reimbursement for related expenses.

Autopsies performed by the state medical examiner are provided on a fee-for-service basis. Costs of autopsies and related services and expenses are the responsibility of the county of appointment. The county of residence of the deceased shall reimburse the county of appointment.

126.2(1) Fee schedule. The following fees apply as specified in this subrule.

a. The following fees apply to autopsies conducted by the state medical examiner:

Autopsy. . . . .	\$2,100*
	*Pursuant to 126.2(1) “a”(2), this amount will increase annually by 2 percent beginning July 1, 2027.
Copies of reports. . . . .	\$20

(1) EXCEPTIONS: A copy of the autopsy report is automatically sent to the county medical examiner and to the county attorney without fee. A single copy of an autopsy report may be provided to the immediate next of kin of the deceased without fee. Copies of autopsy reports may be provided to public officials and physicians of record for official purposes without fee.

(2) Beginning with the fiscal year starting July 1, 2027, the amount of the autopsy fee will increase annually by 2 percent each July 1.

b. The following fee is for time spent reviewing case materials, preparing for deposition or court, testifying in deposition or court, and travel time.

State, deputy, or associate medical examiner(s) time for all court cases	\$450 per hour with a one-hour minimum
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c. A cremation permit fee of \$75 will be assessed for each permit investigated and authorized by the state medical examiner's office.

**126.2(2)** *Expense reimbursement.* Other laboratory services associated with an autopsy, which include but are not limited to photography, toxicology, radiology, microbiology, and morgue fees, will be billed by the department to the county of appointment. Moneys collected pursuant to this subrule will be paid by the department to the laboratory or other entity providing the service.

**126.2(3)** *State medical examiner acting as county medical examiner.* When the state medical examiner acts in the capacity of county medical examiner, the state medical examiner receives from the county of appointment a fee of \$100 per hour, with a one-hour minimum, for each report prepared plus the state medical examiner's actual expenses. Counties should not depend on the state medical examiner for full-time coverage.

**641—126.3(691) Fees for tissue recovery.** When the tissue recovery room located within the office of the state medical examiner is utilized by an authorized tissue recovery agency, a fee of \$400 per case will be assessed. The tissue recovery agency is responsible for this fee, payable to the office of the state medical examiner.

These rules are intended to implement Iowa Code section 691.6.

[Filed 2/19/26, effective 7/1/26]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/18/26.