Regulatory Analysis

Notice of Intended Action to be published: 641—Chapter 126
"State Medical Examiner"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 691.6, 331.802, and 331.805

State or federal law(s) implemented by the rulemaking: Iowa Code sections 691.6, 331.802, and 331.805

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 16, 2025 10 a.m.	Microsoft Teams Meeting ID: 264 358 640 097 83 Passcode: V95vw7re

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Health and Human Services no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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321 East 12th Street
Des Moines, Iowa 50309
Phone: 515.829.6021
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Purpose and Summary

This proposed chapter underwent a fulsome 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 proposed 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 proposing to increase the amount of the autopsy fee by $200 and 2 percent annually thereafter to account for annual adjustments for salaries of pathologists and increasing costs associated with performing autopsies. Fees have not been increased since 2016.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

County officials and other entities requesting autopsies and related services through the State Medical Examiner's Office bear the costs of fees associated with this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

Counties that depend on the State Medical Examiner's Office for autopsies and other services, as well as the loved ones of the deceased, will benefit from clarified and updated rules.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

This proposed 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 2 percent annually thereafter to account for annual adjustment costs for salaries of pathologists and increasing costs associated with performing autopsies.

- **Qualitative description of impact:**

The fees collected allow the State Medical Examiner's Office to continue to work with various stakeholders throughout the State. Stakeholders include laboratories, insurance companies, attorneys, and funeral directors.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

The Department incurs personnel and other administrative costs associated with the implementation of this proposed chapter. Some of those costs are offset by the fees assessed to counties seeking the professional help of the State Medical Examiner.

- **Anticipated effect on State revenues:**

This proposed rulemaking is not expected to have any impact on State revenues. Fees set forth in this chapter go toward supporting the work of the State Medical Examiner's Office.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Setting these fees by rule is required as set forth in Iowa Code section 691.6.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Fees are set to be in line with market rates for professional services.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Not applicable.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Not applicable.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking is not expected to have any impact on small business.

Text of Proposed Rulemaking

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; a.	$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

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.