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ORDER OF THE COMMISSIONER OF PUBLIC HEALTH MODIFYING CERTAIN REQUIREMENTS FOR INSPECTIONS BY THE CHIEF MEDICAL EXAMINER

On March 10, 2020, Governor Charles D. Baker declared a state of emergency in the Commonwealth to respond to the spread of COVID-19. On March 11, 2020, in view of the grave threat that the spread of COVID-19 presents to the public health, the Public Health Council authorized and directed me to act pursuant to G. L. c. 17, § 2A and to take all appropriate actions, incur such liabilities, and establish such rules, requirements, and procedures necessary to prepare for, respond to, and mitigate the spread of COVID-19 in order to protect the health and welfare of the people of the Commonwealth.

As of March 23, 2020, 9 cases of COVID-19 were reported by the Department of Public Health, with every county in the Commonwealth impacted, and all indications are that the number of cases continues to grow. This measure would eliminate the requirement that there be inspections of the remains of any deceased person prior to cremation or burial at sea, that would otherwise require mortuary workers, medical examiners, and forensic experts to make use of personal protective equipment that is in short supply and needed for professionals treating patients infected with the virus.

Accordingly, pursuant to the authority granted by G. L. c. 17, § 2A and with the approval of the Governor and the Public Health Council, and in order to ensure continued operation of mortuary services during the period of the emergency, I hereby issue the following Order:

Medical examiners and forensic investigators may authorize a cremation or burial at sea pursuant to G. L. c. 38, § 14 and 505 CMR 4.03 without viewing the decedent, provided that after completing a review of all available paperwork, including the decedent's medical records when necessary, to confirm the cause and manner of the decedent's death, and on the basis of that review they make a determination that no further examination or judicial inquiry concerning the same is necessary. A cremation may proceed upon the signing of the cremation authorization certificate and without the 48-hour waiting period specified in G. L. c. 114, § 44.

All applicable statute, regulations and guidance not inconsistent with this Order remain in effect.

This Order is effective immediately and shall remain in effect until the state of emergency is terminated by the Governor, or until rescinded by me, whichever shall happen first.

IT IS SO ORDERED.

Monica Bharel, MD, MPH
Commissioner, Massachusetts Department of Public Health

March 23, 2020