OPINION NO. 2006-039

Syllabus:

1. When an injury of a person occurred in one county resulting in that person's death in a second county and the coroner of the county in which the death occurred paid to have the deceased individual transported to a third county and paid to have the third county's coroner perform the autopsy in accordance with R.C. 313.16, the provisions of R.C. 313.161 require the county in which the injury occurred to pay the costs of the autopsy, which shall be no greater than the actual value of the services of the technicians and materials used, but do not require the county in which the injury occurred to pay any transportation costs.
2. When, in order to determine the cause of death, a county coroner orders an autopsy on an individual who died in a trauma center in the coroner's county, after having been involved in an accident in another county, the provisions of R.C. 313.161 requiring that the costs of the autopsy be paid by the county in which "the injury causing death occurred" apply to any harm or damage causing death, including a natural cause such as a heart attack.

To: James J. Mayer, Jr., Richland County Prosecuting Attorney, Mansfield, Ohio

By: Jim Petro, Attorney General, September 13, 2006

We have received your request for an opinion concerning the payment of costs of an autopsy pursuant to R.C. 313.161 when the autopsy is performed in a county other than the county in which the injury causing death occurred. You have asked specifically: (1) whether the costs of transporting a decedent's body to a coroner's office for an autopsy constitute part of the costs of the autopsy; and (2) whether "injury," as used in R.C. 313.161, includes a heart attack.

For the reasons discussed below, we conclude that, when an injury of a person occurred in one county resulting in that person's death in a second county

and the coroner of the county in which the death occurred paid to have the deceased individual transported to a third county and paid to have the third county's coroner perform the autopsy in accordance with R.C. 313.16, the provisions of R.C. 313.161 require the county in which the injury occurred to pay the costs of the autopsy, which shall be no greater than the actual value of the services of the technicians and materials used, but do not require the county in which the injury occurred to pay any transportation costs. In addition, we conclude that when, in order to determine the cause of death, a county coroner orders an autopsy on an individual who died in a trauma center in the coroner's county, after having been involved in an accident in another county, the provisions of R.C. 313.161 requiring that the costs of the autopsy be paid by the county in which "the injury causing death occurred" apply to any harm or damage causing death, including a natural cause such as a heart attack.

Background

You have described a situation in which, over a period of a few months, four individuals from Ashland County who were involved in unusual motor vehicle accidents were brought to the new trauma unit at MedCentral Hospital in Mansfield. One individual was found pinned under his all terrain vehicle. Another individual inexplicably ran a stop sign and was struck by a tractor trailer. The third individual fell out of the bed of the pickup truck in which he was riding and hit his head on the pavement. The fourth individual was brought to the unit after his truck went over an embankment. Sadly, all four individuals died at the trauma unit.

You have explained that the Richland County Coroner determined that autopsies were needed in all four cases. With regard to the first individual, the coroner was unsure if the individual had died of a heart attack or of injuries in the accident. With regard to the second individual, the coroner was unsure if the accident resulted from the driver's suffering a stroke or heart attack or from his inattention. The third individual was a juvenile and the coroner ordered an autopsy because he believed criminal conduct on the part of the driver was to blame. With regard to the fourth individual, there was a question as to whether the death was caused by injuries sustained in the accident or by a heart attack prior to the accident.

In each case, the Richland County Coroner had the deceased individual transported by a transport company to the Franklin County Coroner's office where an autopsy was performed. The Richland County Coroner paid both the transport company and the Franklin County Coroner and then demanded reimbursement from the Ashland County Coroner. The Ashland County Coroner refused to pay for the costs of transporting the bodies to the Franklin County Coroner. Further, with regard to the fourth individual, the Ashland County Coroner refused to pay the costs of the autopsy because the Franklin County Coroner found that the individual died of a heart attack, rather than because of injuries sustained in the accident. It is your position that the Ashland County Coroner should reimburse the Richland County Coroner for all the bills incurred, including both the costs of transport and the costs of all four autopsies.

We note, initially, that we are unable, by means of a formal opinion of the

Attorney General, to make findings of fact or definitive determinations regarding amounts of money due in particular circumstances. These findings and determinations may be made by persons with knowledge and authority to act in particular circumstances or, ultimately, by the courts. *See, e.g.,* 2006 Op. Att'y Gen. No. 2006-028, at 2-249 to 2-250 (''the Attorney General is unable, by means of a formal opinion, ... to determine the obligations or liabilities of county officials in particular circumstances''); 2005 Op. Att'y Gen. No. 2005-002, at 2-12 (''[w]e are not able, by means of this opinion, to make findings of fact or to determine the rights of particular parties''); 2004 Op. Att'y Gen. No. 2004-022, at 2-186 (''[c]learly, we cannot predict what a court might decide in a particular case''); 1983 Op. Att'y Gen. No. 83-057, at 2-232 (''[t]his office is not equipped to serve as a fact-finding body; that function may be served by your office or, ultimately, by the judiciary''). Therefore, this opinion simply sets forth general principles of law that may be applied to particular situations as appropriate.

Ohio statutes governing the costs of autopsies performed by the county coroner

R.C. 313.01 establishes the elective office of county coroner and provides that, unless the context otherwise requires, '' 'coroner' means the coroner of the county in which death occurs or the dead human body is found.'' Thus, ''[t]he presence of a dead body or the site of a death in a particular county is the factor that causes a coroner's jurisdiction to attach in a particular case.'' 1989 Op. Att'y Gen. No. 89-039, at 2-169; *see also* 1972 Op. Att'y Gen. No. 72-037, at 2-142 (''the law in Ohio is that the coroner of the county in which a dead body is first discovered under suspicious circumstances has jurisdiction to conduct the inquest'').[1] Accordingly, it is the coroner of the county in which death occurs or in which a dead human body is found who has jurisdiction to decide if an autopsy is necessary.[2]

The coroner's office must be notified ''[w]hen any person dies as a result of criminal or other violent means, by casualty, by suicide, or in any suspicious or unusual manner, when any person, including a child under two years of age, dies suddenly when in apparent good health, or when any mentally retarded person or developmentally disabled person dies regardless of the circumstances.'' R.C.

[1] This was not always the law in Ohio. The history of Ohio's coroner law is discussed in 1972 Op. Att'y Gen. No. 72-037, at 2-141 to 2-142. According to the 1972 opinion, the common law rule was that only the coroner within whose jurisdiction the fatal injury occurred had authority to conduct an inquest, since the coroner took the place of a grand jury and had the right to return an indictment. That rule has been abandoned in England and in many states, where statutes now require the inquest to be conducted in the county in which the dead body is first found.

[2] Statutory language specifies that, in the case of a child under age two who dies suddenly when in apparent good health, the death must be reported to ''the coroner of the county in which the death occurred, as required by section 313.12 of the Revised Code,'' and that coroner, or a court, is authorized to determine whether an autopsy is contrary to the religious beliefs of the child. R.C. 313.121(B) and (C).

313.12(A); *see, e.g.,* 1973 Op. Att'y Gen. No. 73-123 (the coroner need not be notified when an individual is found to be dead upon arrival at a medical facility unless one of the factors set forth in R.C. 313.12 is present). In these circumstances, the coroner is responsible for determining the cause, manner, and mode of death. R.C. 313.12; R.C. 313.121; R.C. 313.131; R.C. 313.15; R.C. 313.19; *Everman v. Davis*, 54 Ohio App. 3d 119, 121, 561 N.E.2d 547 (Montgomery County 1989) (''[i]t is the duty of the coroner to determine the reasonable and true cause of death''); 1988 Op. Att'y Gen. No. 88-035, at 2-161 to 2-164.[3] The coroner has express authority to take charge of the dead body, to subpoena and question witnesses, and to determine whether there is a need to perform an autopsy. R.C. 313.121; R.C. 313.123; R.C. 313.13; R.C. 313.131; R.C. 313.15; R.C. 313.17.

The need for an autopsy is determined according to statutory standards, which allow certain exceptions for religious objections. Subject to applicable exceptions, an autopsy must be performed on every child under two years of age who dies suddenly when in apparent good health, and these autopsies must comply with the protocol prescribed in rules of the Public Health Council. R.C. 313.121; R.C. 313.122; R.C. 313.13; R.C. 313.131; 6 Ohio Admin. Code 3701-5-14. If the county coroner determines that an autopsy is necessary, the coroner ''is required by law to perform an autopsy, determine the true cause of death and to file a report of his conclusions.'' *Everman v. Davis*, 54 Ohio App. 3d at 122; *see also* R.C. 313.19; *Vargo v. Travelers Ins. Co.*, 34 Ohio St. 3d 27, 516 N.E.2d 226 (1987) (syllabus, paragraph 1) (''[t]he coroner's factual determinations concerning the manner, mode and cause of death, as expressed in the coroner's report and the death certificate, create a nonbinding rebuttable presumption concerning such facts in the absence of competent, credible evidence to the contrary'').

If the county does not have a coroner's laboratory, or if the coroner's laboratory does not have the equipment or personnel to follow the Public Health Council's protocol for autopsy of a child under age two, the coroner may request another county to perform necessary laboratory examinations, including an autopsy. R.C. 313.16; *see State v. Cooper*, 52 Ohio St. 2d 163, 168, 370 N.E.2d 725 (1977) (''R.C. 313.16 . . . provides the coroner with authority to obtain assistance from outside the county to conduct an autopsy''), *vacated in part on other grounds*, 438 U.S. 911 (1978). The cost charged for an autopsy or other laboratory examination

[3] The cause, mode, and manner of death have been described as follows:

> It is my understanding that the cause of death is generally understood to be the medical reason for death—as, for example, loss of blood resulting from a wound to the heart; that the mode of death is generally understood to be the type of instrument or injury involved—as, for example, a gunshot wound; and that the manner of death is generally understood to be the style in which the event occurred—as, for example, a suicide, homicide, or accident.

1980 Op. Att'y Gen. No. 80-091, at 2-352; *see also State ex rel. Blair v. Balraj,* 69 Ohio St. 3d 310, 631 N.E.2d 1044 (1994).

"shall be no greater than the actual value of the services of technicians and the materials used in performing such examination." R.C. 313.16.

With regard to the payment of the costs of an autopsy when the death and the injury causing death occurred in two different counties, R.C. 313.161 states:

> Whenever an autopsy is performed, and *the injury causing death occurred within the boundaries of a county other than the one in which the autopsy was performed, such other county shall pay the costs of the autopsy. The cost of such autopsy shall be no greater than the actual value of the services of the technicians and materials used.* Money derived from the fees paid for such autopsies shall be credited to the coroner's laboratory fund created in section 313.16 of the Revised Code. (Emphasis added).

Thus, if an injury causing death occurred in one county and death occurred in a second county, the coroner of the second county (where death occurred) is responsible for having an autopsy performed but may charge the first county (where the injury occurred) for the costs of the autopsy. The statute specifies that the cost of the autopsy "shall be no greater than the actual value of the services of the technicians and materials used." R.C. 313.161.

Your letter refers to 1989 Op. Att'y Gen. No. 89-039, which addressed R.C. 313.161 and reached the following conclusions:

1. Where an injury of a person occurred in one county resulting in that person's death in another county, the coroner of the county in which the death occurred has exclusive jurisdiction to order an autopsy.
2. Where an autopsy is performed in the county in which a death occurred as a result of an injury in another county, R.C. 313.161 requires the county in which the injury occurred to pay the costs of the autopsy. (1967 Op. Att'y Gen. No. 67-080 overruled.)

1989 Op. Att'y Gen. No. 89-039 (syllabus). We agree with the analysis set forth in the 1989 opinion and affirm these conclusions. However, we also agree with your assertion that the 1989 opinion did not provide express advice regarding the questions you have raised. Therefore, we turn now to your specific questions.

Costs of transporting a decedent's body to a coroner's office for an autopsy

Your first question concerns transportation costs. You have asked whether costs of transporting a decedent's body to a coroner's office for an autopsy are part of the costs of the autopsy that, pursuant to R.C. 313.161, may be charged to the county in which the injury causing death occurred.

The language of R.C. 313.161 providing for payment of the costs of an autopsy by the county in which the injury causing death occurred states that the cost of the autopsy "shall be no greater than the actual value of the services of the technicians and materials used," and specifies that money derived from the fees paid for the autopsies shall be credited to the coroner's laboratory fund created in

R.C. 313.16. This provision parallels the language in R.C. 313.16 that authorizes a coroner to request the coroner of a different county to perform necessary laboratory examinations, stating that the cost "shall be no greater than the actual value of the services of technicians and the materials used in performing such examination," and specifying that money derived from the fees paid for these examinations shall be kept in a special fund, for the use of the coroner's laboratory, and shall be used to purchase necessary supplies and equipment for the laboratory. Thus, in both R.C. 313.16 and R.C. 313.161, the cost of an autopsy is limited to the actual value of the services of technicians and materials used, even though other expenses may also be involved.

R.C. 313.161 contains no reference to transportation and, thus, does not expressly require the county that pays the cost of the autopsy to pay costs that were incurred to transport the deceased individual to the coroner's office for the autopsy. Accordingly, reimbursement of transportation costs may be required pursuant to R.C. 313.161 only if the costs are included within "the actual value of the services of the technicians and materials used" or if their inclusion is necessarily implied by statutory language.

The term "technician" is not defined for purposes of R.C. Chapter 313. It is used in R.C. 313.05(A)(1), which authorizes the coroner to appoint various individuals, including "any necessary technicians." That division also authorizes the appointment of licensed physicians as deputy coroners and the appointment of pathologists who may perform autopsies, make pathological and chemical examinations, and perform other duties as directed by the coroner or recommended by the prosecuting attorney. The term "technician" thus appears to be used to describe an individual with technical skills used in performing autopsies or laboratory examinations related to other duties of the coroner. *See* R.C. 313.16. This is consistent with the common meaning of "technician." *See* 1949 Op. Att'y Gen. No. 1071, p. 695, at 697 (construing G.C. 2855-17 and 2855-18 [now R.C. 313.05] and stating: "[t]he term 'technician' is defined in Vol. 41, Words and Phrases, as one skilled particularly in the technical details of his work. Therefore an X-Ray technician is one skilled in the job of taking X-Ray pictures"); *Webster's Third New International Dictionary* 2348 (unabridged ed. 1993) (definitions of "technician" include "one who has learned the practical technical details and special techniques of an occupation"). It does not appear that, for purposes of R.C. 313.161, "the actual value of the services of the technicians and materials used" encompasses payment of a transport service.

It might be argued that reimbursement of transportation costs may be required under R.C. 313.161, as part of the costs of the autopsy, when the transportation was incidental to the autopsy and necessary to permit the autopsy to be accomplished. However, the statutory language and history do not support this argument. The provisions of R.C. 313.16 authorizing a coroner to have an autopsy performed in a different county were in effect when R.C. 313.161 was enacted. *See* 1969-1970 Ohio Laws, Book I, 256 (Am. S.B. 106, eff. Nov. 6, 1969) (enacting R.C. 313.161); 1 Revised Code of Ohio, Title III, 67 (Bureau of Code Revision 1953) (codifying the provisions of G.C. 2855-15 into R.C. 313.16) (enacted in

1953-1954 Ohio Laws 7 (Am. H.B. 1, eff. Oct. 1, 1953), which recodified the entire Ohio General Code into the Ohio Revised Code). Not only does R.C. 313.161 fail to authorize reimbursement for transportation, but it expressly limits the calculation of the cost of an autopsy to the narrow categories of technicians' services and materials used.

It must be presumed that, in enacting legislation, the General Assembly was aware of existing provisions of statute and selected its language advisedly. *See State v. Thompson*, 102 Ohio St. 3d 287, 2004-Ohio-2946, 809 N.E.2d 1134, at ¶18 (quoting *State v. Conyers*, 87 Ohio St. 3d 246, 250, 719 N.E.2d 535 (1999), as follows: "We must presume that the General Assembly is aware of previously enacted legislation"); *Wachendorf v. Shaver,* 149 Ohio St. 231, 236-37, 78 N.E.2d 370 (1948) ("the Legislature must be assumed or presumed to know the meaning of words, to have used the words of a statute advisedly and to have expressed legislative intent by the use of the words found in the statute").[4] Further, authority for a public official to act in fiscal matters must be strictly construed. *See State v. McKelvey*, 12 Ohio St. 2d 92, 94, 232 N.E.2d 391 (1967) (all measures providing for the spending of public funds are to be strictly construed); *State ex rel. Smith v. Maharry*, 97 Ohio St. 272, 119 N.E. 822 (1918) (syllabus, paragraph 1) (public money constitutes a public trust fund that "can be disbursed only by clear authority of law"); 2001 Op. Att'y Gen. No. 2001-024, at 2-134 ("unless a statute authorizes a county to charge for services provided in the exercise of statutory powers and duties, the county may not do so"); 1982 Op. Att'y Gen. No. 82-011 (syllabus, paragraph 1) ("[i]f a service is performed for a public office by an office of county government, whether on a mandatory or discretionary basis, a board of county commissioners may not charge the office receiving such service unless there is express statutory authorization for such charge or authority implied from an express power"). Hence, we must apply the language of R.C. 313.161 as it is written and

[4] The conclusion that transportation costs are separate from autopsy costs is reflected in the Fiscal Note that accompanied the act adopting autopsy provisions applicable to children under age two, as follows:

> The bill would require approximately 30 additional autopsies per year at a total cost of $15,000 (30×$500 per autopsy). Transportation costs would be an additional total cost of $1,500 (30×$50 per body). The autopsy and transportation costs of approximately $16,500 ($15,000 + $1,500) would be borne by the resident counties of the deceased. These costs may be absorbed within existing resources for some counties and may require additional expenditures for others.

Ohio Legisl. Budget Office, Fiscal Note, 119th Gen. A. (Apr. 9, 1992) (Sub. H.B. 244, as enacted, eff. Aug. 3, 1992). This language states that both autopsy costs and transportation costs would be borne by the county in which the deceased resides, a statement that might not in all circumstances conform with statute, as discussed in this opinion.

limit the reimbursable costs of an autopsy to those expressly listed. If the General Assembly had intended that transportation or other incidental costs be included, it could easily have used less restrictive language.[5]

Therefore, in our interpretation and application of R.C. 313.161, we are restricted by the language used by the General Assembly. *See* 1949 Op. Att'y Gen. No. 1071, p. 695, at 697 (''[a] coroner is a public officer, who can exercise only such powers as are provided by statute, and . . . is limited by the exact terms of [empowering statutes]''). We are unable to construe the language of R.C. 313.161 to authorize one county to charge another county the costs of transportation related to the performance of an autopsy. *See Lynch v. Gallia County Bd. of Comm'rs*, 79 Ohio St. 3d 251, 254, 680 N.E.2d 1222 (1997) (''a reviewing court must not construe a statute so as to supply words that are omitted''); *State v. Elam,* 68 Ohio St. 3d 585, 587, 629 N.E.2d 442 (1994) (''[w]here the wording of a statute is clear and unambiguous, this court's only task is to give effect to the words used''); *Cleveland Elec. Illum. Co. v. City of Cleveland*, 37 Ohio St. 3d 50, 524 N.E.2d 441 (1988) (syllabus, paragraph 3) (''[i]n matters of construction, it is the duty of this court to give effect to the words used, not to delete words used or to insert words not used'').

We recognize the apparent unfairness of requiring the county in which a trauma center is located to bear the cost of transporting a deceased individual to another county for an autopsy when the cost of the autopsy is properly charged to the county in which the injury occurred. We are, however, constrained to reach this result by the language contained in R.C. 313.161. Any inequities could be addressed by appropriate legislative action. *See, e.g., State ex rel. Nimberger v. Bushnell,* 95

[5] The Fiscal Note & Local Impact Statement accompanying the legislation that enacted, *inter alia*, the language in R.C. 313.12 establishing the requirement of coroner notification of the death of any mentally retarded or developmentally disabled person contains the following information with regard to autopsies:

> Section 313.131 of the Revised Code gives the county coroner authority to determine when an autopsy or post-mortem examination is necessary. The county in which the death occurred pays the costs associated with an autopsy or post-mortem examination. According to OSCA [Ohio State Coroners' Association], the average cost of an autopsy ranges between $800 and $1,500.

Ohio Legisl. Serv. Comm'n, Fiscal Note & Local Impact Statement, 125th Gen. A. (Jan. 23, 2004) (Am. S.B. 178, as enacted, eff. Jan. 30, 2004). The statement that that the county in which the death occurred pays the costs associated with an autopsy might not in all circumstances conform with statute, as discussed in this opinion. *See generally* R.C. 2108.521(C) (pursuant to court order, an autopsy of a deceased mentally retarded or developmentally disabled person may be performed by a licensed physician or surgeon at the expense of the Department of Mental Retardation and Developmental Disabilities or a county board of mental retardation and developmental disabilities if the county coroner declines to conduct an autopsy).

Ohio St. 203, 116 N.E. 464 (1917) (syllabus, paragraph 4) (''[w]hen the meaning of the language employed in a statute is clear, the fact that its application works an inconvenience or accomplishes a result not anticipated or desired should be taken cognizance of by the legislative body, for such consequence can be avoided only by a change of the law itself, which must be made by legislative enactment and not by judicial construction'').

We conclude, accordingly, that, when an injury of a person occurred in one county resulting in that person's death in a second county and the coroner of the county in which the death occurred paid to have the deceased individual transported to a third county and paid to have the third county's coroner perform the autopsy in accordance with R.C. 313.16, the provisions of R.C. 313.161 require the county in which the injury occurred to pay the costs of the autopsy, which shall be no greater than the actual value of the services of the technicians and materials used, but do not require the county in which the injury occurred to pay any transportation costs.

Heart attack as injury causing death for purposes of determining costs of autopsy

Your second question concerns circumstances in which an individual was involved in a motor vehicle accident in which his truck went over an embankment. The individual was taken to a medical facility in another county, where he died. An autopsy was performed to determine whether the individual was killed by injuries sustained in the accident or by a heart attack prior to the accident, and it was found that death resulted from a heart attack. The question is whether, pursuant to R.C. 313.161, the county in which the accident occurred must reimburse the county in which the medical facility is located for the costs of the autopsy.

It is clear, as discussed above, that when an injury of a person occurred in one county resulting in that person's death in another county, the coroner of the county in which the death occurred has exclusive jurisdiction to order an autopsy and authority to have the autopsy performed in a third county in accordance with R.C. 313.16. The provisions of R.C. 313.161 require the county in which ''the injury causing death'' occurred to pay the costs of the autopsy. As discussed above, the coroner's jurisdiction over a deceased individual and authority to order an autopsy exist when one of the factors set forth in R.C. 313.12 is present. It is evident that there will be situations in which it is not clear before an autopsy is performed whether an individual died in circumstances included in R.C. 313.12. In these situations, the coroner has authority to order an autopsy to determine the cause of death. *See, e.g., Everman v. Davis*, 54 Ohio App. 3d at 121 (R.C. 313.12 encompasses vehicular accidents); *Vargo v. Travelers Ins. Co.* (case concerns question whether heart attack occurred prior to or as a result of automobile collision).

R.C. 313.12 expressly includes, among the instances in which the coroner's office must be notified, any death ''by casualty,'' or, in ordinary usage, an accidental death. *See Webster's Third New International Dictionary* 349 (unabridged ed. 1993) (definitions of ''casualty'' include ''serious or fatal accident''). The fact that an autopsy discloses that a death that might have been caused ''by casualty'' was in fact caused by a heart attack rather than an accident does not negate the coroner's

initial jurisdiction to order an autopsy to determine the cause of death. *See generally* 1923 Op. Att'y Gen. No. 37, vol. I, p. 19, at 22 (overruled in part on other grounds by 1963 Op. Att'y Gen. No. 470, p. 482, which was disapproved by 1972 Op. Att'y Gen. No. 72-037) (under statute that authorized the coroner to hold an inquest only if ''death is supposed to have been caused by unlawful or suspicious means,'' stating that ''it is my opinion that it is the duty of the coroner to hold an inquest and to perform the other duties enjoined by these sections of the statute whenever a dead body is found within his county and he knows, or may reasonably believe, that death was caused by unlawful means. For such services he is entitled to his usual and lawful fees and that the same is not governed by the outcome of his inquest''); 1913 Op. Att'y Gen. No. 336, vol. II, p. 1281 (under statute that authorized the coroner to hold an inquest and charge fees only if ''death is supposed to have been caused by violence,'' finding that inquests were not authorized in the case of death from disease or from an accident with no reason to suspect unlawful means, but were authorized if the coroner ''knows or has good reason to suspect that death has been caused by violence, i.e., unlawful means'' (syllabus) and concluding, at 1284, that, ''[i]n order to draw his fee the coroner is not bound, in all cases, to find that death was caused by unlawful means . . . . [U]pon investigation he might find that no wrong had been in fact done''); *see also State ex rel. Brown v. Bellows*, 62 Ohio St. 307, 310, 56 N.E. 1028 (1900) (the coroner may properly decide to hold an inquest when, ''from such observation as he may be able to make, and from such information as may come to him, the coroner is for reasons of substance led to surmise or think that the death has been so caused [by violence]'').

Your question is whether R.C. 313.161 permits the coroner to obtain reimbursement for the autopsy costs from the county in which the accident occurred if the death was caused not by the accident but by a heart attack occurring in the county in which the accident occurred. The term ''injury causing death,'' used in R.C. 313.161, is not identical to any language in R.C. Chapter 313 granting a coroner jurisdiction over a deceased individual. In its ordinary sense, ''injury'' means harm or damage. *See Webster's Third New International Dictionary* 1164 (unabridged ed. 1993) (definitions of ''injury'' include ''an act that damages, harms, or hurts'' and ''hurt, damage, or loss sustained''); *Black's Law Dictionary* 789 (7th ed. 1999) (definitions of ''injury'' include ''[h]arm or damage''). ''Injury'' is frequently used to refer to the consequences of physical violence, but may also encompass harm or damage resulting from other causes.

The coroner's jurisdiction extends to all circumstances within R.C. 313.12 in which the coroner finds, in accordance with statutory authority, that an autopsy is necessary, regardless of the outcome of the autopsy. *See, e.g., Everman v. Davis*, 54 Ohio App. 3d at 121; 1923 Op. Att'y Gen. No. 37, vol. I, p. 19 (overruled in part on other grounds by 1963 Op. Att'y Gen. No. 470, p. 482, which was disapproved by 1972 Op. Att'y Gen. No. 72-037) (syllabus, paragraph 1) (''[i]n order to draw his fee, the coroner is not bound in all cases to find the death was caused by unlawful means. The circumstances, however, must be such as to make a reasonable man suspect that unlawful means have been used''). By its terms, R.C. 313.161 applies whenever the ''injury causing death'' occurred in a county other than the county in

which the autopsy was performed. *See* 1969-1970 Ohio Laws, Book I, 256 (Am. S.B. 106, eff. Nov. 6, 1969) (title) (''[t]o enact section 313.161 of the Revised Code, relative to the payment of the costs of autopsies where the fatal injury occurs outside the county'').[6]

As used in R.C. 313.161, ''injury'' may reasonably be construed to encompass any means of harm or damage resulting in a death over which the coroner has jurisdiction. *See Everman v. Davis*, 54 Ohio App. 3d at 121 (the language of R.C. 313.12 ''is broad enough to include any vehicular accident. Such accidents involve many possibilities, including traffic manslaughter, drugs, intoxication and other causes'').[7] Thus, whenever the act or event causing death (that is, the ''injury'' causing death) occurred in a county other than the county in which the autopsy was performed, the county in which the injury occurred must pay the costs of the autopsy. Provided that the coroner acts pursuant to statutory authority in ordering an autopsy, any cause of death, including a natural cause such as a heart attack, may be the ''injury causing death'' for purposes of R.C. 313.161. Under the language of R.C. 313.161, the reimbursement obligation of a county turns on the question whether the harm or damage causing death occurred within the county.

We conclude, therefore, that when, in order to determine the cause of death, a county coroner orders an autopsy on an individual who died in a trauma center in the coroner's county, after having been involved in an accident in another county, the provisions of R.C. 313.161 requiring that the costs of the autopsy be paid by the county in which ''the injury causing death occurred'' apply to any harm or damage causing death, including a natural cause such as a heart attack.

Conclusions

For the reasons set forth above, it is my opinion, and you are hereby advised, as follows:

1. When an injury of a person occurred in one county resulting in that

[6] When R.C. 313.161 was enacted, R.C. 313.12 required that the coroner be notified of any death ''as a result of criminal or other violent means, or by casualty, or by suicide, or suddenly when in apparent health, or in any suspicious or unusual manner.'' 1 Revised Code of Ohio, Title III, 65 (Bureau of Code Revision 1953) (codifying the provisions of G.C. 2855-5 into R.C. 313.12) (enacted by 1953-1954 Ohio Laws 7 (Am. H.B. 1, eff. Oct. 1, 1953), which recodified the entire Ohio General Code into the Ohio Revised Code); *see* 1969-1970 Ohio Laws, Book I, 256 (Am. S.B. 106, eff. Nov. 6, 1969) (enacting R.C. 313.161); *see also* Ohio Legisl. Serv. Comm'n, *Summary of 1969 Enactments* 12, 108th Gen. A. (Jan.-Sept. 1969) (Am. S.B. 106 ''[r]equires the county where a fatal injury is inflicted to pay the costs of an autopsy performed in another county'').

[7] *See* R.C. 313.13(B) (apart from any autopsy, requiring the coroner's office to determine blood alcohol and drug content if the operator of a motor vehicle that was involved in an accident or crash ''was killed in the accident or crash or died as a result of injuries suffered in it'').

person's death in a second county and the coroner of the county in which the death occurred paid to have the deceased individual transported to a third county and paid to have the third county's coroner perform the autopsy in accordance with R.C. 313.16, the provisions of R.C. 313.161 require the county in which the injury occurred to pay the costs of the autopsy, which shall be no greater than the actual value of the services of the technicians and materials used, but do not require the county in which the injury occurred to pay any transportation costs.

2. When, in order to determine the cause of death, a county coroner orders an autopsy on an individual who died in a trauma center in the coroner's county, after having been involved in an accident in another county, the provisions of R.C. 313.161 requiring that the costs of the autopsy be paid by the county in which "the injury causing death occurred" apply to any harm or damage causing death, including a natural cause such as a heart attack.