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SPRINGFIELD

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FILE NO. S-1368

OFFICERS:
Powers of Coroner

Honorable Clinton J. Thurston
State's Attorney
Alexander County
Courthouse
Cairo, Illinois 62914

Dear Mr. Thurston:

I have your letter asking for my opinion as to whether a hospital may refuse a coroner's request that X-rays and other tests be made, when that request comes directly from the coroner; and not the coroner's physician. You also ask whether the coroner may transport the body, along with the test results, to the coroner's physician.

The office of coroner is provided for in "AN ACT to revise the law in relation to coroners". (Ill. Rev. Stat. 1977, ch. 31, par. 1 et seq.) Under section 10 of the Act (Ill. Rev. Stat. 1977, ch. 31, par. 10) every coroner is

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required, under certain circumstances, to make a preliminary investigation into the circumstances of death. The section provides that:

" * * *

(e) * * * Coroners in their discretion shall notify such physician as is designated in accordance with Section 10.1 to attempt to ascertain the cause of death, either by autopsy or otherwise.

* * * "

Section 10.1 of the Act (Ill. Rev. Stat. 1977, ch. 31, par. 10.1) provides:

"Any medical examination or autopsy conducted pursuant to this Act shall be performed by a physician duly licensed to practice medicine in all of its branches, and wherever possible by one having special training in pathology. In Class I counties, such medical examinations or autopsies shall be performed by physicians appointed or designated by the coroner, and in Class II counties by physicians appointed or designated by the director of the Department of Public Health, upon the recommendation of the advisory board on necropsy service to coroners, after the board shall have consulted with the elected coroner. * * * "

The Act does not give the coroner the power to conduct medical examinations. All medical examinations must be conducted by the physician designated under section 10.1.

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When the coroner wants a medical examination performed, he must notify the designated physician who must then perform the necessary medical procedures.

Since a coroner does not have the authority to order medical examinations from anyone other than the physician designated under section 10.1, it is my opinion that any such order to a physician who is not so designated would be in excess of his authority. A hospital, therefore, may refuse such an order.

You have also expressed a concern about your coroner's practice of transporting the body to the physician designated in section 10.1 for the purpose of performing an autopsy. Under section 10.2 of the Act (Ill. Rev. Stat. 1977, ch. 31, par. 10.2) it is the duty and responsibility of the coroner, under certain circumstances, to cause an autopsy to be performed. Grants of power to officials are taken to include the power to carry out the duties imposed by the statute. (Will County v. Woodhill Enterprises, Inc. (1971), 4 Ill. App. 3d 68.) Therefore, the duty to cause an autopsy to be performed must carry with it a concomitant power to cause the body to be moved to a place where the autopsy may be performed.

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In sum, a coroner is not authorized by law to order X-rays or any other medical procedure from anyone other than the physician designated in section 10.1. A hospital may refuse such an order. The duty to cause an autopsy to be performed, carries with it a concomitant power to cause the body to be moved to a place where the autopsy may be performed.

Very truly yours,

A T T O R N E Y G E N E R A L