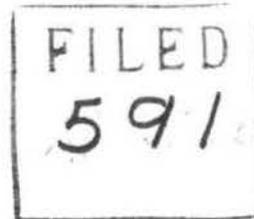


Answered by Letter - Klaffenbach
OPINION LETTER NO. 591

December 24, 1970



Honorable William S. Brandom
Prosecuting Attorney
Clay County Court House
Liberty, Missouri 64068

Dear Mr. Brandom:

This letter is in answer to your opinion request concerning whether a coroner of a second class county who is a physician must perform a post-mortem examination and, if so, whether he is entitled to the additional fee provided by Section 58.530, RSMo 1969. You also inquire concerning under what circumstances a coroner who is a physician may call upon a physician, surgeon or pathologist to conduct a post-mortem examination.

As you noted, Section 58.090, RSMo 1969 provides that the coroner of a second class county receive a salary in lieu of all other fees and emoluments. See also our Opinion No. 101 dated July 11, 1967 to Bruce, attached. Such a coroner who is himself a physician is therefore not entitled to receive the fee provided under Section 58.530, RSMo 1969.

Section 58.560, RSMo 1969 to which you also refer provides:

"When a physician, surgeon or pathologist shall be called on by the coroner, or any magistrate of the county acting as the coroner, to conduct a postmortem examination,

Honorable William S. Brandom

the county court of said county shall be authorized to allow such physician, surgeon, or pathologist to be paid out of the county treasury, such fees or compensation as shall be deemed by said court to be just and reasonable."

In our view, a coroner-physician is not required to conduct the post-mortem examination himself and may call on a pathologist or other physician or surgeon to conduct the post-mortem examination and the county court is authorized to allow reasonable compensation to such person for such services.

Very truly yours,

JOHN C. DANFORTH
Attorney General

Enclosure:

Op. No. 101
7-11-67, Bruce