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DEC 21 2010

# Jasper County, Iowa

Ordinance Number : XI-I

*Janice ...*

**A RESOLUTION FOR AN ORDINANCE APPOINTING A JASPER COUNTY MEDICAL EXAMINER AND DEPUTY MEDICAL EXAMINERS, RATIFYING AND CONFIRMING ALL PRIOR ACTS AND DOINGS, AND ESTABLISHING FEES FOR CERTAIN SERVICES RELATING TO AUTOPSIES AND TRANSPORTATION OF HUMAN REMAINS AND RETAINING ALL RIGHTS INCLUDING BUT NOT LIMITED TO FULL JURISDICTION AND AUTHORITY TO REVIEW ALL CLAIMS FOR FEES AND EXPENSES RELATING TO MEDICAL EXAMINER AND TRANSPORTATION SERVICES AND TO SEEK REIMBURSEMENT THEREFOR.**

BE IT NOW HEREBY RESOLVED THAT THE FOLLOWING ORDINANCE BE, AND IS HEREBY, ENACTED BY JASPER COUNTY, IOWA:

IT IS HEREBY RESOLVED that, subject to the provisions of this ordinance and all applicable provisions of Iowa law and all applicable rules and regulations, Dr. Fred E. Carpenter, Jr., an Iowa-licensed physician in good standing, be and is hereby appointed to serve as Jasper County Medical Examiner for a two-year term and until his successor shall have been duly appointed and qualified and is hereby authorized and directed to perform each and every duty of such office authorized by law.

IT IS HEREBY FURTHER RESOLVED that, subject to the provisions of this ordinance and all applicable provisions of Iowa law and all applicable rules and regulations, Newton Clinic, P.C. and each Iowa-licensed physician in good standing affiliated with said Newton Clinic, P.C. be, and is/are hereby, appointed to serve as Deputy Jasper County Medical Examiner(s) and is/are hereby authorized and directed to in the absence of the aforesaid Jasper County Medical Examiner to act in such capacity and to thereupon perform each and every duty of the Jasper County Medical Examiner authorized by law.

IT IS HEREBY FURTHER RESOLVED that all lawful and appropriate prior acts and doings of Dr. Fred E. Carpenter, Jr. and Newton Clinic, P.C. and each Iowa-licensed physician affiliated with Newton Clinic, P.C. while serving as or under the auspices as Jasper County Medical Examiner or Deputy Medical Examiner be and are hereby ratified, confirmed and approved as the authorized acts and doings of said person while acting on behalf of Jasper County, Iowa as its medical examiner and that all prior payments for fees and expenses relating to performance of authorized duties of such person(s) as medical examiner or deputy medical examiner be and are hereby ratified, confirmed and approved as authorized acts and doings of the Jasper County Auditor.

IT IS HEREBY FURTHER RESOLVED that the fees for services provided by the Jasper County Medical Examiner, in but only in those situations where by law Jasper

*Co. Auditor*

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County, Iowa must pay any fees for services mandated by law, be and are hereby set in the sum of \$150.00 per call for service, plus mileage at \$0.25¢ per mile, plus such actual expenses as Jasper County may be mandated to pay under state law or any rule or regulation but subject to the requirements of strict itemization and timely submission thereof by the medical examiner and further subject to the continuing duty and right of the Jasper County Board of Supervisors under the provisions of Iowa Code §331.401 to review and approve or deny any and all claims submitted from Jasper County taxpayers' funds. As used herein, the phrase "call for service" shall include but not be limited to the performance of an autopsy.

IT IS HEREBY FURTHER RESOLVED that the maximum allowable fee for transportation of a human body at any point within a two-hundred mile radius of the Jasper County Courthouse in Newton, Iowa for purposes of autopsy, including all labor and equipment and actual expenses and fees, be and is hereby fixed at \$150.00, including expenses for transportation of human remains at a maximum fee of \$0.25¢ / mile, whichever is the lesser.

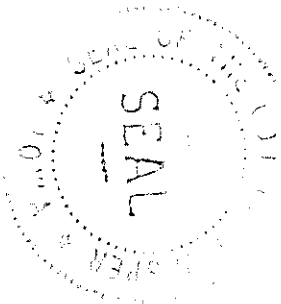
IT IS HEREBY FURTHER RESOLVED that Jasper County, Iowa shall be deemed the payor of last resort relative to any and all other sources of payment available for such services. Acceptance of payment by any contemplated payee shall be deemed a full and unrestricted assignment of all right, title and interest of such payee in such claim for services over to Jasper County, Iowa for purposes of indemnification and a guarantee of full cooperation at no further cost to Jasper County, Iowa on the part of such payee relative to all efforts of Jasper County, Iowa to seek indemnification or other third-party source repayment.

IT IS HEREBY FURTHER RESOLVED that nothing contained within this Resolution shall in any manner limit the duty and right of the Jasper County Board of Supervisors to review and approve or deny each and every claim for payment under the provisions of Iowa Code §331.401 or to seek initial payment or subrogation or repayment as by law and/or as by any contract provided.

IT IS FURTHER HEREBY RESOLVED that each payment made in any manner relating to the services, fees, expenses, etc. hereinabove contemplated shall be deemed to have been made with a full reservation of all rights and shall not be deemed to have been made as and for any full accord and satisfaction on the part of Jasper County, Iowa, thereby reserving unto Jasper County, Iowa all claims, cross-claims, and such other reservations of rights as by law Jasper County, Iowa may have expressly done on a claim-by-claim basis.

Second and third readings of this Ordinance were waived in the manner and otherwise as authorized under the provisions of Iowa Code §331.302, viz. §331.302(5); and, the within and foregoing Ordinance was approved and adopted and deemed immediately effective on the 23<sup>rd</sup> day of December, 1997 upon the following roll call vote.

SUPERVISOR	AYES	NAYS
Glenn Jesse	X	
Leo Van Elswyk	X	
Loren Milligan	X	



Leo Van Elswyk  
 Leo Van Elswyk, Chairperson,  
 Jasper County Board of Supervisors

Linda Gifford  
 Linda Gifford, Jasper County Auditor

FILED  
 97 DEC 24 AM 11:30  
 LINDA GIFFORD  
 JASPER COUNTY AUDITOR