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DEPARTMENT OF THE MEDICAL EXAMINER
KA 'OIHANA O KE KAUKA KILO KUPAPA'U
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR
MEIA



MASAHIKO KOBAYASHI, M.D., Ph.D.
MEDICAL EXAMINER
KAUKA KILO KUPAPA'U

SASHA BRELAND, M.D.
DEPUTY MEDICAL EXAMINER
HOPE KAUKA KILO KUPAPA'U

January 2, 2026

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Draft Bill for an Ordinance to Establish Fees and Charges for Services of the
Department of the Medical Examiner

The Department of the Medical Examiner (MED) respectfully requests the City Council's consideration of the attached draft bill for an ordinance, which seeks to establish reasonable fees and charges for services requested by private parties, including civil litigants, decedents' families or next of kin, that are not mandated by federal, state, or local law, nor by court order, and that fall outside the Department of the Medical Examiner's (MED) mandated duties and responsibilities.

Currently, MED supports a number of requests for non-mandated services at little or no cost to the requesting party, recovering only nominal fees for photographs and x-rays. The proposed bill for an ordinance authorizes MED to charge cost-based fees for a range of private-party requests, including expert testimony, consultations, and handling or release of biological materials.

MED offers the following background and observations for your consideration:

Resource Allocation: Fulfilling civil litigation-related requests requires significant staff time, expertise, and administrative support - resources that could otherwise be directed toward public investigations and mandated duties.

Cost Recovery: The department currently absorbs the cost of these services without compensation except for nominal fees for photographs and x-rays that do not cover the actual costs. Implementing a fee structure ensures that parties who benefit from the use of departmental services in civil litigation contribute to the cost of those services.

DEPT. COM. 4(26)

Equity and Fairness: Taxpayer-funded departments should not subsidize private legal proceedings. Charging fees ensures more equitable use of public resources.

Best Practices: Many jurisdictions across the country charge for similar services provided in the context of private litigation or non-governmental requests, aligning with national standards for cost recovery.

Court Testimony and Related Activities Involving Forensic Pathologist

The proposed fees reflect the high level of expertise required to provide credible, qualified forensic medical testimony in legal proceedings. Forensic Pathologists are licensed physicians with specialized training, and their time spent preparing for and delivering testimony in court removes them from their essential public duties, including performing autopsies and death investigations.

Civil attorneys and insurance companies will occasionally request time with medical examiner staff, particularly forensic pathologists, for verbal consultation, clarification of reports, or review of case materials. These services are outside the scope of statutory obligations and require skilled professional judgment.

Depositions can require substantial preparation time, scheduling coordination, and time away from direct public service duties. The \$300 hourly rate (with a 2-hour minimum) is conservatively placed within the range of standard compensation for forensic expert witnesses in civil matters and ensures city-employed professionals are not involuntarily subsidizing private legal actions.

Forensic Pathologist court appearances involve time spent reviewing case files, preparing for cross-examination, traveling to court, and waiting to testify. The \$300 hourly rate is charged from departure to return (door-to-door) and reflects both the physician's credentials and the impact of removing them from critical casework. This is consistent with expert witness norms in both public and private sectors.

The proposed \$300 hourly rate is consistent with the MED's actual costs related to compensation and fringe burden for its Forensic Pathologists, and well within norms for the provision of expert medical witnesses, and represents a reasonable and necessary cost recovery for professional time, preparation, travel, and potential disruption to daily operations. Charging these fees will help ensure more equitable use of public assets in private legal disputes.

Court Testimony and Related Activities Involving Other MED Staff

Medicolegal Investigators are called upon to provide detailed scene documentation, investigative summaries, or testimony based on their direct observations and death scene evaluations. The proposed fees account for their specialized training in death investigation, report preparation, and courtroom testimony, as well as the time diverted from active casework. This rate ensures the department can recover costs without compromising its operational efficiency.

Medical Technologists provide crucial technical support, including performance and ordering of toxicology testing, production of microscopic slides, specimen handling, and managing lab reports when requested in legal contexts. These activities are highly specialized and can be time-intensive. The proposed fees reflect the cost of technical expertise, lab resource usage, and any additional coordination or interpretation time involved in supporting private legal proceedings.

Custodian of Records ensures that all legal releases of information comply with privacy laws, HIPAA, and chain-of-custody requirements. Civil litigation often requires formal declarations, subpoenas *duces tecum* responses, or deposition preparation. The proposed fees recover the administrative and legal oversight required to respond accurately and securely to such requests, including redactions and document certification.

Autopsy Technicians assist in the preparation and performance of autopsies, including collection and documentation of specimen and evidence. When these professionals are required to provide supporting documentation, appear for depositions, or testify regarding their role in postmortem procedures, the proposed fees are appropriate to reflect their specialized skill set and the operational impact of diverting them from case duties.

Administrative personnel are often responsible for compiling records, preparing billing documents, scheduling testimony, and handling correspondence with legal entities. These services, though not clinical, are critical to fulfilling civil requests efficiently and compliantly. The proposed fees ensure the department recoups the costs associated with this support.

Other Items

Storage of biological specimens: The long-term storage of tissue, blood, and other biological specimens is frequently requested at the time of civil litigation. This requires secure, climate-controlled facilities, regular maintenance of refrigeration units, and adherence to chain-of-custody protocols. The proposed storage fees ensure cost recovery for environmental control, labeling, tracking, and risk management associated with retaining materials beyond the period required for official medical or legal purposes.

Shipping of biological specimens: When biological materials are requested by civil litigants for independent testing, the department must package and ship specimens in accordance with strict biohazard handling and chain-of-custody requirements. The proposed fees cover packaging, documentation, and staff time, while actual shipping carrier costs (overnight, certified, refrigerated, etc.) are charged separately at cost.

Preparation and release of microscopic slides: Microscopic slides prepared on the tissue specimen removed during autopsy examinations are integral to diagnostic findings and must be generated with precision and care by Medical Technologists. While the Department does not allow original slides to be shipped out, Medical Technologists produce recuts of slides from paraffin blocks saved in the department for pathologists hired by the plaintiff and defendant. The proposed fee covers the labor to locate the paraffin blocks, generate recuts of microscopic slides, and safely package the slides for release. This also includes any documentation of chain-of-custody and correspondence required for external review. The

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expert may visit MED to review the original slides, which requires staff's dedicated time and space within the facility to accommodate.

Production of DNA blood cards: DNA blood cards are often retained for forensic or identification purposes. When requested for release in a civil matter or paternity testing, the proposed fee covers the cost of material, documentation, secure packaging, and potential coordination with legal or investigative parties and laboratories. This fee ensures the department maintains a rigorous chain-of-custody and legal compliance.

Reproduction of records: Civil litigation requests for medical examiner records require staff time to locate, review, redact, and produce documentation.

We ask for your favorable consideration of this draft bill for an ordinance.

Should you have any questions, please feel free to contact me at (808) 768-3064.

Sincerely,



Digitally signed by
Kobayashi, Masahiko
Date: 2025.10.28
14:30:14 -10'00'

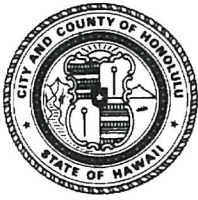
Masahiko Kobayashi, M.D., Ph.D.
Medical Examiner

Attachment

APPROVED:



Michael D. Formby, Managing Director
Office of the Managing Director



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

RELATING TO THE ESTABLISHMENT OF FEES AND CHARGES FOR SERVICES OF THE DEPARTMENT OF THE MEDICAL EXAMINER.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and purpose. The City Council finds that the department of the medical examiner has been responding to private requests for services that fall outside of the department's duties and responsibilities, which are to perform medical investigation services to establish the cause and manner of death and to contribute legal evidence to the justice system. These private requests are frequently made by civil litigants and insurers, who request testimony from and consultation with the department relating to a death that the department has investigated. Family members of decedents also request the department's services, such as seeking access to stored specimens in support of paternity testing. The performance of these services can consume significant time and resources that the department has absorbed because the Revised Ordinances of Honolulu 2021 currently authorizes the department to charge only for the certified copy of the medical examiner's report and autopsy report.

The purpose of this ordinance is to establish fees and charges for the performance of services by the department that it is not otherwise required by law to perform, that are reasonably related to the cost of the service being provided, and that are not among the fees that the department is currently authorized to charge.

SECTION 2. Chapter 6, Revised Ordinances of Honolulu 2021 ("Funds, Fees, and Loan Programs"), is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

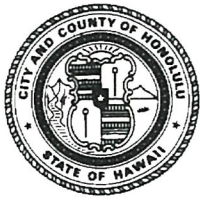
"Article ____: FEES FOR SERVICES OF THE DEPARTMENT OF THE MEDICAL EXAMINER

§ 6-____.1 Definitions.

As used in this article, unless context otherwise requires:

"Department" means the department of the medical examiner.

"Non-mandated services" means services that the department is not required by any federal, state or local law, or by court order, to perform.



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§ 6-____.2 Administration

The medical examiner shall be responsible for processing requests made to the department to perform non-mandated services.

§ 6-____.3 Fees for non-mandated services

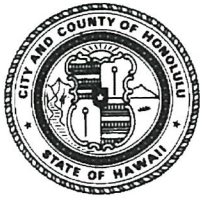
- (a) Service Fee. When the department renders certain non-mandated services, the department shall charge the requestor reasonable fees according to the following fee schedule, as permitted by law or court order. Hourly rates beyond the minimum hours are billable in 15-minute increments.

1. Services of Forensic Pathologist

Service	Fee
a) Court testimony	\$300 per hour Minimum of 2 hours, including waiting time at courthouse
b) Deposition	\$300 per hour Minimum of 2 hours
c) Pre-trial or pre-deposition conference	\$300 per hour Minimum of 1 hour
d) Preparation for conference, court testimony, and deposition	\$300 per hour Minimum of 1 hour
e) Interrogatories	\$300 per hour Minimum of 1 hour
f) Court affidavit	\$100

2. Services of Medicolegal Investigator, Medical Technologist, Custodian of Records, Autopsy Technician, or other staff

Service	Fee
a) Court testimony	\$100 per hour Minimum of 1 hour, including waiting time at courthouse
b) Deposition	\$100 per hour Minimum of 1 hour
c) Pre-trial or pre-deposition conference	\$100 per hour Minimum of 1 hour



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d) Preparation for conference, court testimony, and deposition	\$100 per hour Minimum of 1 hour
e) Interrogatories	\$100 per hour Minimum of 1 hour
f) Court affidavit	\$100

3. Other Fees

Service	Fee
a) Storage of Biological specimen longer than the records retention schedule	\$200 per fiscal year, or any part thereof, subject to pre-payment. Specimens retained beyond the requirement of the department's normal retention schedule will be subject to disposal and destruction at the end of the fiscal year, unless payment is made by June 30 to cover costs for continued retention for the subsequent fiscal year.
b) Shipping of biological specimen	\$20 handling fee per tube or container, plus actual shipping costs between Department and testing laboratory.
c) Copy of documents other than the postmortem examination report	\$20 per CD-R or hard copy, plus actual shipping costs. A flat fee of \$20 will be charged for each category of materials (documents, photos, and x-rays), regardless of whether they are provided on a single CD.
d) X-ray	\$20 per CD-R, plus the actual shipping costs. A flat fee of \$20 will be charged for each category of materials (documents, photos, and x-rays), regardless of whether they are provided on a single CD.
e) Photographs	\$20 per CD-R, plus actual shipping costs. A flat fee of \$20 will be charged for each category of



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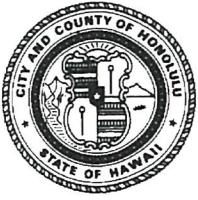
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	materials (documents, photos, and x-rays), regardless of whether they are provided on a single CD.
f) Microscopic slides (Hematoxylin-Eosin stained or unstained)	\$25 each, plus actual shipping costs between Department and testing laboratory.
g) DNA blood card made with preserved specimen	\$40 per card, including handling fee, plus the actual shipping costs between Department and testing laboratory and/or fee for return or transport of specimen from toxicology laboratory.
h) Accommodation of experts	\$100 per hour when experts visit Department and examine saved material. Minimum of 2 hours

- (b) Upon receiving a request to perform a non-mandated service, the department shall provide an itemized written estimate of the cost for such service. Full payment of the estimated cost shall be received by the department before the department commences such service. If the actual cost of the service exceeds the estimate, the department shall issue an invoice for the additional amount. The department may suspend or withhold delivery of any remaining services, reports, or materials until the additional amount is paid in full. All fees collected pursuant to this section shall be deposited into the general fund.”



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SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 ____.

RICK BLANGIARDI, Mayor
City and County of Honolulu