

Opinion No. 60-227

December 20, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Earl M. Coffee, Administrator Miners' Hospital of New Mexico Raton, New Mexico

QUESTION

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Can the Administrator of the Miners' Hospital authorize autopsies?

CONCLUSION

No.

OPINION

{*651} **ANALYSIS**

There is no statutory or common law authority for an Administrator of the Hospital to authorize an autopsy; as a matter of fact, such act would make the Administrator personally liable for mutilation of a dead body. See **Love v. Aetna Casualty and Surety Company**, (Tex. Civ. App.), 99 S.W. 2d 646. As a general rule, however, the State Institution would not be liable for damages for an unauthorized autopsy performed therein unless it was permitted with knowledge that it was unauthorized. See **Hasselbach v. Mt Sinai Hospital**, 173 App. Div. 89, 159 N.Y.S. 376. Normally, the only person who may authorize an autopsy absent legislative authority is a coroner.

By: Boston E. Witt

Assistant Attorney General