

MASSACHUSETTS SUPREME JUDICIAL COURT

Macrelli v. Children's Hospital

451 Mass. 690 (2008) · Decided June 20, 2008

SUMMARY

The Massachusetts Supreme Judicial Court affirmed a jury verdict for Children's Hospital and its physicians in an action arising from the retention of a deceased child's organs after an autopsy. The court held that G. L. c. 38 authorized the Office of the Chief Medical Examiner and its designees to take actions reasonably necessary and appropriate to determine the cause of death, including organ retention when factually justified. The evidence supported the jury's finding that the defendants were not negligent.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Cowin, J.
JURISDICTION	Massachusetts
DECIDED	June 20, 2008
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed from a Superior Court judgment entered after a jury verdict for the defendants. The Massachusetts Supreme Judicial Court transferred the case to itself on its own motion.
STANDARD OF REVIEW	The court reviewed the legal interpretation of G. L. c. 38 and the jury instructions for legal error, and viewed the evidence in the light most favorable to sustaining the jury's verdict on the factual negligence challenge.
PRECEDENTIAL VALUE	Published, precedential opinion of the Massachusetts Supreme Judicial Court.
PARTIES	Donald Macrelli, Cathleen Macrelli v. Children's Hospital, Hannah Kinney, Antonio Perez-Atayde, Tina Haliotis

TOPICS

- statutory interpretation
- administrative law
- negligence
- medical records privacy
- health law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether G. L. c. 38 authorized the Office of the Chief Medical Examiner or its hospital designee to retain organs after an authorized autopsy when the retention was reasonably necessary to determine the cause and circumstances of death.
2. Whether the trial judge properly instructed the jury regarding the scope of the medical examiner's statutory authority.
3. Whether the evidence was sufficient to support the jury's finding that the defendants were not negligent in performing the autopsy and retaining the organs.

HOLDINGS

1. General Laws c. 38 authorizes the chief medical examiner or designee to perform acts, including retaining organs, that are reasonably necessary and appropriate to determine the cause and circumstances of death, even though the statute does not expressly mention organ retention.
2. The trial judge properly instructed the jury that the medical examiner and the hospital acting as the examiner's designee could do whatever was reasonably medically necessary to determine the cause of death.
3. The evidence was sufficient to permit the jury to find that the defendants were not negligent in retaining the organs during the autopsy.

KEY QUOTATIONS

“When the Legislature delegates authority to an agency or office to accomplish a particular objective, that delegation confers all powers reasonably necessary and appropriate to carry out that objective.” (at 696)

“Although the statute does not address organ retention expressly, it permits the OCME to conduct autopsies, and gives the office authority to “carefully inquire into the cause and circumstances of. . . death.”” (at 696)

FACTUAL BACKGROUND

David Macrelli, an eighteen-month-old child, died shortly after receiving a diphtheria, pertussis, and tetanus vaccination. Acting under G. L. c. 38, the Office of the Chief Medical Examiner ordered an autopsy at Children's Hospital because of a potential public-health risk and the possibility of sudden infant death syndrome. The hospital released the body to the family within one week but retained the child's organs while culture, toxicology, and cause-of-death investigations remained pending; the organs were returned after the parents learned of the retention. The final death certificate identified the cause of death as sudden unexplained death in the setting of a recent vaccination.

PROCEDURAL HISTORY

After the plaintiffs' son's organs were retained following an autopsy, the plaintiffs sued Children's Hospital and the physicians involved. The jury found that none of the defendants was negligent or acted with intent to inflict

emotional distress. The Superior Court entered judgment for the defendants, and the plaintiffs timely appealed.

DISPOSITION

affirmed

CASES CITED

- Greater Boston Real Estate Bd. v. Boston, 397 Mass. 870, 877 (1986)
- Burney v. Children's Hosp., 169 Mass. 57, 60 (1897)
- Gahn v. Leary, 318 Mass. 425, 429 (1945)

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