

PART II
DEFINITIONS

O. AUTOPSY

DIGESTS

The Board held that a report by a pathologist who has reviewed the autopsy tissue slides, but has not provided a detailed gross macroscopic description of the lungs or visualized portion of a lung, as set forth at 20 C.F.R. §718.106(a), is nonetheless in substantial compliance with the Section 718.106(a) quality standards, and, therefore, can constitute a report of an autopsy. The Board noted that the comments to the regulations make clear that a physician who simply reviews slides is not required to include macroscopic findings in his report, as the “provision only requires macroscopic findings for the purposes of the autopsy itself,” and “a physician other than the autopsy prosector may submit an opinion based exclusively on the microscopic tissue samples” and “no change is necessary to permit such opinions.” 64 Fed. Reg. 54978 (Oct. 8, 1999); 65 Fed. Reg. 79936 (Dec. 20, 2000). ***Keener v. Peerless Eagle Coal Co.***, 23 BLR 1-229 (2007)(*en banc*).

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