

HB-325

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH H - JUNEAU 99811

JAY S. HAMMOND, GOVERNOR

March 11, 1976

The Honorable Susan Sullivan
Chairman
Health, Education & Social
Services Committee
Alaska House of Representatives
Pouch V
Juneau, Alaska 99811

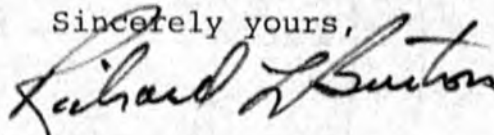
Dear Chairman Sullivan:

I am pleased at the introduction of House Bill 325 to establish a State Medical Examiner System. This department has observed a continuing need for the establishment of a professional medical examiner system.

I have reviewed House Bill 325 and am enclosing my written testimony on the subject. The same information is being sent to Terry Gardiner, Chairman of the House Judiciary Committee.

If I can be of additional assistance, please notify me.

Sincerely yours,



Richard L. Burton
Commissioner

Enclosure

Comments on House Bill No. 325

Relating to Medical Examiners

March 11, 1976

Page 1, lines 14-21

I think a seven member board might be unwieldy and, therefore, suggest a three-man board. In addition, the Commissioner of Public Safety should be substituted for the Director of the Division of State Troopers. Finally, I think only the Departments of Health and Social Services, Law, and Public Safety need be represented. It is my understanding that the courts do not desire to be represented, and I see no need for a representative of the general public. While representation by the State Medical Association and a local police department might be useful, I do not think it necessary.

Page 1, lines 27 - 28

I feel very strongly that simply being a "pathologist" is not sufficient qualification for the chief medical examiner. Pathologist should be defined to require certification by the American Board of Pathology and two years of experience in forensic pathology should be required.

Page 2, lines 8 - 27

I consider this section setting forth the "duties" to be quite inadequate and much prefer the comparable section attached as Appendix A. In addition to such duties as establishing uniform forensic autopsy procedures, conducting death investigation training programs for assistant medical examiners and law enforcement personnel, I think it should be required that the medical examiner certify the cause and manner of all deaths requiring investigation.

Section 12.65.041(a)

The death of a person in police custody should be included in this category of death requiring investigation.

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Page 2, lines 23 - 24

I think "medical examiner" should be substituted for "physician" in this line, as the proper authority to sign all death certificates in cases requiring investigation.

Page 3, lines 15 - 18

Regarding the ordering of inquests, I prefer the wording which provides that the court may, on it's own motion, and shall, upon the application of a district attorney, medical examiner, or investigating law enforcement agency, order an inquest.

Page 4, line 1

Add District Attorney to the persons allowed to subpoena and examine witnesses.

APPENDIX A

Section 12.65.041 DUTIES OF STATE MEDICAL EXAMINER.

(a) The State Medical Examiner shall:

- (1) file and maintain appropriate reports on all deaths requiring investigation under this chapter;
- (2) approve facilities and laboratories to be used in death investigations under this chapter;
- (3) conduct death investigation training programs for assistant medical examiners and law enforcement personnel;
- (4) establish uniform forensic autopsy and medico-legal death investigation procedures; and
- (5) certify the cause and manner of all deaths requiring investigation under this chapter.

(b) The State Medical Examiner may:

- (1) perform or direct the performance of an autopsy in any death requiring investigation under this chapter;
- (2) amend a previously completed death certificate in a death requiring investigation under this chapter;
- (3) order a body exhumed in a death requiring investigation under this chapter;
- (4) request the assistance of law enforcement personnel in carrying out the provisions of this chapter;
- (5) appoint or hire such medical examination personnel, including technical, professional or clerical personnel, as are necessary for the administration of this chapter.