

SB

145

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/13/93

FURTHER:

DATE TURNED INTO OFFICE: 4-20-93

The Finance Committee considered **SENATE BILL NO. 145**

"An Act establishing the position of state medical examiner; and relating to preparation of death certificates."

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS SB 145 (STA)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|----------------|---------|------|--------|
| JRC/DH#SS #293 | 4/20/93 | | \$84.0 |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|---------|--------------|--------|
| #3 DPS | 4-2-93 | 0 | |
| #2 Courts | 3-11-93 | 0 | |
| | | | |
| | | | |
| | | | |

Appropriation No Fiscal Note

DO PASS:

Alvin Tain
[Signature]
[Signature]

OTHER RECOMMENDATIONS:

Tom Kelly - No Rec

1. [Signature]
 Co-Chair: Signature/Recommendation

2. [Signature]
 Co-Chair: Signature/Recommendation

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. CSSB 145 (STA)

Revision Date: 4/20/93 Dept. Affected: Health and Social Service
 Title: Establish State Medical Examiner Position BRU: State Health Services
 and Preparation of Death Certificates Component: Post Mortem Examinations
 Sponsor: SHES
 Requestor: SFIN COMPONENT SERIAL NO. #293

Expenditures/Revenues: (Thousands of Dollars)

| OPERATING | FY94 | FY95 | FY96 | FY97 | FY98 | FY99 |
|------------------------|-------------|-------------|-------------|-------------|-------------|-------------|
| PERSONAL SERVICES | 35.6 | 35.6 | 35.6 | 35.6 | 35.6 | 35.6 |
| TRAVEL | | | | | | |
| CONTRACTUAL | 53.4 | 53.4 | 53.4 | 53.4 | 53.4 | 53.4 |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 89.0 | 89.0 | 89.0 | 89.0 | 89.0 | 89.0 |

| | | | | | | |
|----------------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|----------------|--|--|--|--|--|--|

| | | | | | | |
|-----------------------------|--|--|--|--|--|--|
| REVENUE FUND SOURCE: | | | | | | |
|-----------------------------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|------|------|------|------|------|------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 89.0 | 89.0 | 89.0 | 89.0 | 89.0 | 89.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | | | | | | |

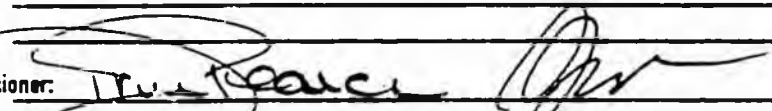
POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 | 1.0 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year (FY93) impact \$ none

ANALYSIS: (Attach a separate page if necessary)

Line 100
Clerk IV rg 9 GGU ANCH PFT 35.6
 Line 300
Post Mortem Examinations(at \$1098 each) 53.4

Prepared by: Senate Finance Committee
 Division: _____
 Approved by Commissioner: 
 Agency: _____

Phone: 465-4993
 Date: 4/20/93
 Date: 4/20/93

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FISCAL NOTE

No. 2

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: 3B 145

(S) Publish Date: 4-7-93

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act establishing the position of State BRU: Trial Courts
medical examiner Components: _____
 Sponsor: Senate HESS _____
 Requestor: _____ COMPONENT SERIAL NO. 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|-------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS & CLAIMS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL | | | | | | |

| | | | | | | |
|--------------|--|--|--|--|--|--|
| REVENUE | | | | | | |
| FUND SOURCE: | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 FEDERAL RECEIPTS | | | | | | |
| 1003 GF MATCH | | | | | | |
| 1004 GF | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| 1005 GF/PROGRAM RECEIPTS | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| OTHER | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

POSITIONS:

| | | | |
|-----------|--|--|--|
| FULL-TIME | | | |
| PART-TIME | | | |
| TEMPORARY | | | |

Changes in CSSB 145 STA have no fiscal impact. This fiscal note is appropriate.
4.7.93 date [Signature] Comptroller (initial)

Estimate of current year (FY 93) impact: None

ANALYSIS: (Attach a separate page if necessary)
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel [Signature] Phone: 264-8228
 Division: Alaska Court System Date: 03/11/93

Approved by: Arthur H. Snowden, II, Administrative Director [Signature] Date: 03/11/93
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 3

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Bill Version: SB 145
(S) Publish Date: 4-7-93

Revision Date: 4/2/93 Dept. Aff. ted: Public Safety
 Title: "An act establishing the position
of state medical examiner: BRU: DPS Statewide Support
 Component: Laboratory Services
 Sponsor: Senate HESS
 Requestor: Senate STA COMPONENT SERIAL NO. 527

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

| OPERATING | FY 94 | FY 95 | FY 96 | FY 97 | FY 98 | FY 99 |
|------------------------|-------|-------|-------|-------|-------|-------|
| PERSONAL SERVICES | | | | | | |
| TRAVEL | | | | | | |
| CONTRACTUAL | | | | | | |
| SUPPLIES | | | | | | |
| EQUIPMENT | | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL | | | | | | |
| REVENUE FUND SOURCE: | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|--------------------------|-----|-----|-----|-----|-----|-----|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | | | | | | |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Changes in CS SB 145 STA have no fiscal impact. This fiscal note is appropriate.
4-7-93 date [Signature] Comte Aide (initial)

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| PART-TIME | 0 | 0 | 0 | 0 | 0 | 0 |
| TEMPORARY | 0 | 0 | 0 | 0 | 0 | 0 |

Estimate of current year (FY 93) impact: \$ 0.0

ANALYSIS: (Attach a separate page if necessary.)

The Department's original fiscal note was in error, due to miscommunication. Passage of this bill will help to contain the growing costs for services provided by the Crime Lab. See attached budget amendment.

Prepared By: Francis C. Allan Phone: 269-5691
 Division: Alaska State Troopers Date: 4/02/93
 Approved by Commissioner: [Signature] Date: 4/02/93
 Agency: Richard L. Burton, Dept. of Public Safety

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AS 12.65.025 assigns the responsibility for designating facilities at which autopsies are performed to the Commissioner of the Department of Health and Social Services. AS 12.65.040 authorizes the coroner to inquire into the cause of death. The Department of Public Safety's Crime Laboratory receives bodies for autopsy but has no authority to question or screen referrals from the coroner. Additionally, the Crime Laboratory has never been permanently funded to perform or assist in a significant number of autopsies.

Due to the tremendous growth in the number of autopsies, resources including forensic professionals are being diverted to assist in autopsies to such an extent that approximately 10% of the Lab's resources are now allocated to autopsy work.

The resulting impact limits the major forensic focus of the lab which is to provide forensic support to police in the processing of cases involving latent fingerprints (21,500), criminalistics (6,900), narcotics (11,000), crime scene investigations, administering the breath alcohol program and perform drawings and facial reconstructions.

During the first 6 months of FY 93, 301 autopsies were performed at the Public Safety Crime Laboratory. Of the total \$2,000.5 authorized, an estimated \$225.2 was spent for autopsy support. With the expectation of handling over 600 bodies during FY 93, the Laboratory cannot handle this volume of work with only two autopsy assistants or afford the overtime to receive these remains after hours. During FY 93, other Laboratory caseload has increased to a level where current laboratory personnel can no longer handle this increased workload.

GBA
ADDITIONAL
EXPLANATION
FORM

AGENCY Department of Public Safety
BRU DPS Statewide Support
COMPONENT Laboratory Services

Page 2 of 2
Revised Date

FY 94

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

No. 1
but Version: SB 145
(S) Publish Date: 4-7-93

Revision Date: 3/31/93 Dept. Affected: Health and Social Services
Title: Establish a state medical examiner position BRU: State Health Services
and preparation of death certificates Component: Post Mortem Examinations
Sponsor: SHES
Requestor: SCRA COMPONENT SERIAL NO. #293

Expenditures/Revenues:

(Thousands of Dollars)

| OPERATING | FY94 | FY95 | FY96 | FY97 | FY98 | FY99 |
|------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| PERSONAL SERVICES | 191.0 | 191.0 | 191.0 | 191.0 | 191.0 | 191.0 |
| TRAVEL | 25.0 | 15.0 | 15.0 | 15.0 | 15.0 | 15.0 |
| CONTRACTUAL | 183.0 | 183.0 | 183.0 | 183.0 | 183.0 | 183.0 |
| SUPPLIES | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 | 5.0 |
| EQUIPMENT | 25.0 | | | | | |
| LAND & STRUCTURES | | | | | | |
| GRANTS, CLAIMS | | | | | | |
| MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | 429.0 | 394.0 | 394.0 | 394.0 | 394.0 | 394.0 |

CAPITAL

REVENUE FUND SOURCE

FUNDING:

(Thousands of Dollars)

| | | | | | | |
|--------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| 1002 Federal Receipts | | | | | | |
| 1003 GF Match | | | | | | |
| 1004 GF | 429.0 | 394.0 | 394.0 | 394.0 | 394.0 | 394.0 |
| 1005 GF/Program Receipts | | | | | | |
| 1006 GF/MIHTIA | | | | | | |
| Other | | | | | | |
| TOTAL | 429.0 | 394.0 | 394.0 | 394.0 | 394.0 | 394.0 |

POSITIONS:

| | | | | | | |
|-----------|---|---|---|---|---|---|
| FULL-TIME | 2 | 2 | 2 | 2 | 2 | 2 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

Estimate of current year (FY93) impact: None

Changes in CS SB 145 (STA)
reflect NO FISCAL CHANGE from the original
fiscal note. This fiscal note is appropriate.

4.7.93

date Comptroller (initial)

ANALYSIS: (Attach a separate page if necessary)

| | | | | | |
|-----------------------------------|-------|--------|------|-----|-------|
| Line 100 - | | | | | |
| Medical Examiner | rg 27 | Exempt | Anch | PFT | 155.4 |
| Clerk IV | rg 9 | GGU | Anch | PFT | 35.6 |
| Line 200 - | | | | | |
| Recruitment & Moving Expenses | | | | | 10.0 |
| Travel to conduct PME's & meeting | | | | | 15.0 |

Prepared by: Peter M. Nakamura, MD, MPH
Division: Division of Public Health

Phone: (907) 465-3090
Date: 3/21/93

Approved by Commissioner: Theodore A. Mala, MD, MPH
Agency: Department of Health & Social Services

Date: 3/31/93

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| | | | | |
|--|------------------------|-----------------------|------------------|------------------------|
| Position Title Clerk IV | | No. of Positions 1 | Range/Step 9A | Bargaining Unit GGU |
| Time Status PFT | Staff Months 12.0 | Location Anchorage | | Election District |
| TYPE of EXPENDITURE | | AMOUNT | | |
| Salary | | 25.4 | | |
| Benefits | | 10.2 | | |
| Premium Pay | | | | |
| Other | | | | |
| Total Personal Services | | 35.6 | | |
| Travel | | | | |
| Contractual | | 1.5 | | |
| Commodities | | 0.6 | | |
| Equipment | | 8.2 | | |
| Other | | | | |
| Total Cost | | 45.9 | | |
| FUNDING SOURCE for TOTAL COST | | | | |
| 1002 | Federal Receipts | | | |
| 1003 | GF Match | | | |
| 1004 | General Fund | 45.9 | | |
| 1005 | GF/Program Receipts | | | |
| 1006 | GF/Mental Health Trust | | | |
| 1007 | I/A Receipts | | | |
| 1061 | CIP Receipts | | | |
| Other | | | | |
| justification This position will be the sole clerical support for the State Medical Examiner position. It will be responsible for: 1) office management; 2) data base management; 3) office fiscal responsibilities; and 4) medical transcriptions. | | | | |

**REQUEST for
NEW POSITION**

AGENCY: Health and Social Services
 BRU: State Health Services
 COMPONENT: Post Mortem Examinations

FY94

Page 1 of 1
 Revised Date:

Alaska State Legislature

Senator Steve Rieger, Chair
Senator Bert Sharp, Vice Chair
Senator Loren Leman
Senator Mike Miller
Senator Jim Duncan
Senator Johnny Ellis
Senator Judith Salo



State Capitol
Room 516
Juneau, Alaska 99801
(907) 465-3762

Senate Committee on Health, Education and Social Services

MEMORANDUM

April 14, 1993

TO: Senator Drue Pearce, Co-Chair
Senator Steve Frank, Co-Chair
Senate Finance Committee

FROM: Senator Steve Rieger, Chair *SR*
Senate Health, Education, and Social Services Committee

RE: Hearing request for SB 145 "An Act establishing the position of state medical examiner; and relating to the preparation of death certificates."

I respectfully request a hearing for SB 145 which is in the Senate Finance Committee.

Senate Bill 145 is a Senate HESS bill which has the support of the Departments of Public Safety and Health and Social Services and the Alaska Court System. The Alaska State Medical Association opposes the legislation.

I have enclosed a packet of information on SB 145 for Senate Finance Committee members. Please contact me or Betty Hargrave on my staff if you have any questions regarding this legislation. Thank you.

Alaska State Legislature

Senator Steve Rieger, Chair
Senator Bert Sharp, Vice Chair
Senator Loren Leman
Senator Mike Miller
Senator Jim Duncan
Senator Johnny Ellis
Senator Judith Salo



State Capitol
Room 516
Juneau, Alaska 99801
(907) 465-3762

Senate Committee on Health, Education and Social Services

Sponsor Statement on:

SB 145 "An Act establishing the position of state medical examiner; and relating to preparation of death certificates."

Senate Bill 145 is a Senate HESS bill which has the support of the Departments of Public Safety and Health and Social Services and the Alaska Court System. Currently, a coroner determines whether post mortem examinations are necessary, physicians conduct the post mortem examinations under a fee for service arrangement, and the Department of Health and Social Services pays for the exams and associated costs.

Senate Bill 145 creates a new position of state medical examiner in the Department of Health and Social Services. It provides that coroners may request the state medical examiner, under regulations to be adopted by the department, to conduct an external and/or internal examination of the body and to take other appropriate actions to determine the cause of death and to certify it.

It is the expectation of the Committee that a state medical examiner will be able to reduce the total number of post mortem exams performed by eliminating unnecessary exams. In the FY 94 Senate Health and Social Services budget, the Senate Finance Committee has incorporated the passage of SB 145 into its funding proposal and shows a reduced post mortem examination cost when compared to the governor's budget proposal.

DEPARTMENT OF HEALTH & SOCIAL SERVICES

POSITION PAPER

SENATE BILL NO. 145

A Bill for an Act entitled: "An Act establishing the position of state medical examiner; and relating to preparation of death certificates."

SB 145 establishes the position of state medical examiner within the Department of Health and Social Services. It provides that coroners may request the state medical examiner, under regulations to be adopted by the department, to conduct an external and/or internal examination of the body and to take other appropriate actions to determine the cause of death and to certify it.

BACKGROUND

The existing system for the medical investigation of deaths required to be reported to coroners in Alaska involves four agencies: the Departments of Public Safety, Health and Social Services and Law, and the Alaska Court System.

AS 12.65 specifies the types of deaths which must be reported to coroners and gives coroners the responsibility for establishing the cause of death in these cases. In some of these reported cases, a physician is willing to certify the cause of death and the coroner may determine that no further action is required. In other cases, a physician is not willing to certify the cause or the circumstances of death are such that the coroner may decide to require a post mortem examination which, under current conditions, usually includes an autopsy. Physicians who conduct post mortem examinations work under a fee for service arrangement. Coroners certify that the physician's service has been rendered and DHSS pays the bills. In addition to physician fees, there are also costs for laboratory services, ground or air transportation of bodies for examination and fees payable to funeral homes for the use of facilities and other services provided. The Department of Public Safety provides facilities and support for certain post mortem examinations conducted at its Anchorage Crime Lab facility.

Historically, the costs of the program for medical investigations of death have been significantly underfunded. Supplementals or revised budget requests have been required each year.

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

| | <u>Orig Auth</u> | <u>RP/SUPP</u> | <u>Final Auth</u> | <u>Actuals</u> |
|------|------------------|----------------|-------------------|----------------|
| FY88 | 463.4 | 180.6 | 644.0 | 618.3 |
| FY89 | 463.4 | 333.2 | 796.6 | 767.3 |
| FY90 | 463.4 | 310.0 | 773.4 | 754.5 |
| FY91 | 463.4 | 346.6 | 810.0 | 809.1 |
| FY92 | 696.0 | 102.0 | 798.0 | 796.2 |
| FY93 | 696.0 | 229.6 (Req) | | |

The marked projected increase in FY93 is accounted for by an estimated 11 percent increase in the number of autopsies performed and a higher cost per unit of service.

Also historically, Alaska has had a higher rate of autopsy examinations than other states. Contributory factors include the relatively young age of the population and the high incidence of violent deaths, both accidental and deliberate.

DISCUSSION

The purpose of this bill is to control escalating costs through improving the decision making process for selection of cases to be autopsied. The only way to make significant changes in the rate of cost increases is to limit the number of autopsies and associated transportation expenditures. However, it is absolutely essential that these changes be achieved while simultaneously guaranteeing that autopsies and other types of post mortem examinations be performed where they are necessary for the purposes of law enforcement and public health.

It is anticipated that the number of autopsies can be reduced by focusing on deaths which are classified as accidental or natural. In FY 1991, Alaska autopsied 84 percent of the accidental and 22 percent of the natural death cases reported while the national average for these two categories is 50 percent and 11 percent respectively. In FY 1992, 538 or 68.7 percent of autopsies performed related to accidental or natural deaths at a cost of \$546.6.

There are two critical cost-related issues which can be addressed by a state medical examiner:

- 1) which cases require full autopsies or other post mortem examinations, including toxicology screens; and
- 2) whether transportation of a body is necessary, and if so, to what destination. E.g., can the drawing of body fluids for toxicology screens be done locally or at a regional facility rather than in Anchorage?

The state medical examiner will provide consultation to the coroners and law enforcement agencies on forensic medical considerations in death scene investigations, on

POSITION PAPER

STATE OF ALASKA ★ DEPARTMENT OF HEALTH & SOCIAL SERVICES

interpretation of decedents' medical histories, and on the interpretation of the findings of external body examinations. He or she will also perform about 125 autopsies per year while other required autopsies will continue to be done by contract pathologists. A quality control program will also be established. The state medical examiner will also provide training and monitoring of the work of physicians who are appointed as medical examiners in the judicial districts. Once these activities are in place and functioning, it should be possible to contain the costs of the program.

POSITION

The Department of Health and Social Services strongly endorses SB 145. Discussions have been held with the Court System and the Departments of Law and Public Safety over a period of years to try to arrive at a realistic cost containment strategy. While the Court System has attempted to limit the proportion of cases sent for autopsy examination, significant changes have not occurred. We believe that the establishment of a state medical examiner program will ensure that appropriate post mortem examinations are performed when necessary for reasons of public safety or public health, while also providing the department with the tools it needs to control escalating program costs.

Recommended by:



Peter M. Nakamura, MD, MPH
Director, Division of Public Health

Date:

March 10, 1993

Approved by:



Theodore A. Mala, MD, MPH
Commissioner, Department of Health and Social Services

Date:

10 March 1993

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

P.O. BOX 110610
JUNEAU, ALASKA 99811-0610
PHONE. (907) 465-3090

DIVISION OF PUBLIC HEALTH

March 30, 1993

Honorable Steve Rieger
Room 516
State Capital

Dear Senator Rieger:

The department projects the following costs associated with the Post Mortem Program for FY 94. Our latest projections anticipate that the program will have to pay for 824 post mortem exams in FY 94. This new projection is down from our original projection of 880 as a result of more current data. We have prepared an amended fiscal note based upon this new projection. Our analysis is also based upon an average cost of \$1,098.00 per post mortem examination. This average was discussed in the original fiscal note and is still our best estimate of actual costs after all fee increases have been realized in the system.

Table one shows the projected cost of 824 post mortem exams under the existing system is \$905,000. This compares with \$825,000 if SB 145 passes and a State Medical Examiner (ME) is hired.

TABLE 1

| | Without Medical Examiner | With Medical Examiner |
|---|-----------------------------|--------------------------|
| Personal Services | | \$191.0 |
| Travel | | \$ 25.0 |
| Contractual | | |
| post mortem exams (824@\$1,098) | \$905.0 | |
| post mortem exams (500@\$1,098) | | \$549.0 |
| Toxicological panels (100@\$250) | | \$ 25.0 |
| Office and phones | | \$ 5.0 |
| Supplies | | \$.0 |
| Equipment | | \$ 25.0 |
| | ----- | ----- |
| Total Estimated Cost | \$905.00 | \$825.00 |
| Estimated Savings With Medical Examiner | | \$80.0 |

This first year savings of approximately \$80,000 occurs because the ME is expected to do 110 autopsies per year along with other administrative duties and court appearances. The analysis further assumes that approximately 150 deaths will be certified based upon

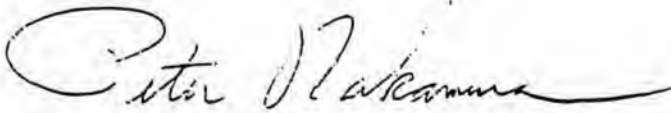
Senator Reiger

-2-

a death investigation alone and 100 can be certified on the basis of a toxicology panel alone at a cost of \$250.

Savings in future years will depend primarily upon the rate of increase in the cost of contracted services. However, with the proposed Medical Examiner system in place these services will be under the administrative and financial control of the Department.

Truly Yours,

A handwritten signature in cursive script, reading "Peter M. Nakamura". The signature is written in dark ink and has a long, sweeping underline that extends to the right.

Peter M. Nakamura MD, MPH
Director

BILL NO: SB 145

DATE: March 18, 1993

TITLE: "An Act establishing the position of state medical examiner. . ."

CONTACT: C E. Swackhammer
Deputy Commissioner
465-4322

RECEIVED 1993

SB 145 establishes the position of state medical examiner within the Department of Health and Social Services. It provides that coroners may request the state medical examiner, under regulations to be adopted by the Department, to conduct an external and/or internal examination of the body and to take other appropriate actions to determine the cause of death and to certify it.

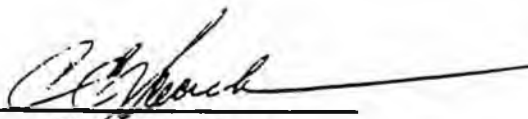
Since 1988, DPS autopsy costs have escalated from 0 to \$225.0 projected for FY93. A state medical examiner can assist in helping to reduce the growth of these costs by being the central point of contact to coroners and law enforcement agencies on forensic medical considerations in death scene investigations, on interpretation of decedents' medical histories, on the interpretation of the findings of external examinations so that a decision can be made to determine:

Which cases require full autopsies or other post mortem examinations and including toxicology screens;

Whether the transportation of the body for post mortem examination is necessary; and if so to what location can autopsy/toxicology screens be performed.

A state medical examiner program will help ensure that appropriate post mortem examinations are performed when necessary for reasons of public safety or public health, while also providing the department with a mechanism to help contain growth in autopsy costs. A state medical examiner will also establish a quality control program to provide training and monitoring of the work of physicians who are appointed as medical examiners in the judicial districts.

The Department of Public Safety strongly endorses SB 145.


Richard L. Burton
Commissioner

SCIENTIFIC CRIME DETECTION LABORATORY

MISSION

To provide forensic support for all law enforcement agencies and to help solve serious crimes anywhere in Alaska.

STATUTORY AUTHORITY

AS 18.65.050
AS 18.65.090
AS 44.41.020

STAFFING

All crime laboratory staff are civilian employees. The breakdown of staff assignments is:

| | |
|--|------------|
| Administrative Support | 5 |
| Breath Alcohol | 2 |
| Controlled Substances / Toxicology | |
| Computer / and Evidence | 7 |
| Criminalistics | 6 |
| <u>Latent Fingerprint / Autopsy / Maint.</u> | <u>8</u> |
| Total | 28* |

* Two positions federally funded

PROGRAM OVERVIEW

The Scientific Crime Detection Laboratory provides forensic services with scientists specialized in criminalistics (toxicology, serology, chemical analysis) and latent fingerprint examiners. Services include examination and analysis of evidence in criminal cases and assistance with crime scene investigations. Laboratory staff testify in court on the results of evidence testing. Training is provided to law enforcement officers in proper evidence collection and preservation. The Crime Lab provides autopsy space, personnel, and evidentiary custody of remains submitted by the coroner/magistrate in cases where criminal activity is suspected or identity needs to be established.

Figure 16: Laboratory Cases Submitted by Agency

| Agency | Cases | % |
|----------------------|-------|-----|
| City Police | 1415 | 45% |
| AST | 908 | 29% |
| Drug Units | 496 | 16% |
| Federal Agencies | 92 | 3% |
| FWP | 43 | 1% |
| Coroners/Magistrates | 42 | 1% |
| Fire Protection | 39 | 1% |
| Airport Police | 30 | 1% |
| Dept. of Corrections | 20 | 1% |
| Others | 22 | 1% |
| Parks | 1 | <1% |

The Crime Lab maintains the statewide breath alcohol program which tests instruments used for evidence in Driving While Intoxicated (DWI) cases. The Intoximeter program, which is essential for successful prosecution of DWI cases, has never received funding for the full-time position needed for equipment repairs, supervisor certification, etc. Federal funds are providing a position through at least FY 1993, but may not do so in the future operation of the breath alcohol program is a State responsibility. The Governor's budget includes an increment to reflect the federally-funded position and anticipates the continued support of this effort by the federal government, although this is not certain at this time.

Figure 17: Other Laboratory Support for Law Enforcement

| | |
|---------------------------|-----|
| Court Appearances | 178 |
| Crime Scenes Investigated | 39 |
| Laboratory Tours | 99 |

CONTROLLED SUBSTANCES / TOXICOLOGY / COMPUTER / EVIDENCE SECTION

The Drug / Toxicology Section provides controlled substance and toxicology analysis, maintenance of various Laboratory databases and computer equipment; and receipt, maintenance of chain of custody, and return of evidence from criminal cases. The Drug/Toxicology Section noted that during 1992, marijuana was the most-received drug, with cocaine second, and cocaine base (crack) third.

Figure 18: 1992 Activity for the Drug / Toxicology Section

| | |
|-------------------------|-------------|
| DRUG cases | 1301 |
| Items analyzed | 3453 |
| Analyses performed | 12279 |
| Reports issued | 1335 |
| Case backlog | 175 |
| TOXICOLOGY cases | 215 |
| Items analyzed | 226 |
| Analyses performed | 471 |
| Reports issued | 204 |
| Case backlog | 13 |

CRIMINALISTICS SECTION

The Criminalistics Section provides analysis of trace evidence, firearm / toolmark, serology, footwear / tiretrack, arson, wildlife, and crime scene investigation.

LATENT FINGERPRINT SECTION

The Latent Fingerprint Section provides fingerprint analysis, photography, composite drawing, facial reconstruction, crime scene investigation, autopsy support and laboratory maintenance.

STATEWIDE BREATH ALCOHOL PROGRAM:

The Scientific Crime Detection Laboratory maintains the Statewide Breath Alcohol Testing Program with 1,000 certified breath test

Figure 19: 1992 Activity of the Criminalistics Section

| | |
|--|------|
| CRIMINALISTICS cases | 710 |
| Items analyzed | 2987 |
| Analyses performed | 7064 |
| Reports issued | 523 |
| Case backlog | 119 |
| CRIMINALISTICS cases by type of offense: | |
| Arson | 42 |
| Firearm/Toolmark | 136 |
| Fish/Wildlife | 16 |
| Footwear/Tiretrack | 33 |
| Questioned Documents | 5 |
| Serology | 231 |
| Skeletal Remains | 13 |
| Trace Evidence | 217 |
| Other | 37 |

erators, 100 certified breath test supervisors, and 70 Intoximeter 00 breath test instruments. The Breath Alcohol Testing Program maintains statistics on every DWI breath test conducted in Alaska. Some of these results are presented in figures 23 and 24 at the end of this section.

Figure 20: 1992 Activity of the Latent Fingerprint Section

| | |
|----------------------------------|-------|
| LATENT cases received | 946 |
| Items analyzed for latent prints | 10382 |
| Latent prints identified | 678 |
| ID through AAFIS | 41 |
| Reports issued | 1291 |
| Case backlog | 103 |
| Composites (13 cases) | 18 |
| Facial Reconstructions (4 cases) | 1 |
| Autopsies assisted | 521 |

TRAINING:

The Scientific Crime Detection Laboratory provides training to law enforcement and to the public. In 1992, training was offered to the following agencies and groups:

- Anchorage Police Department
- Department of Corrections
- DPS Academy classes
- Fish & Wildlife Protection
- National Park Rangers
- Statewide Breath Alcohol Program

Village Public Safety Officers

grade schools, middle schools, and high schools statewide

DNA TESTING IN ALASKA

The Serology Section of the Alaska State Crime Laboratory is now offering a form of DNA testing known as DQ α typing. This new technique makes use of the Polymerase Chain Reaction (PCR) to amplify and produce millions of copies of a specific region of the DQ α gene. This allows extremely small or partially degraded samples of blood, semen, or tissue to be typed. The technique is so sensitive that in a recent homicide case, the Laboratory successfully determined the DQ α type from the root of a single foreign hair found at the scene. This was compared with and found to match the suspect's DQ α type. There are 21 different DQ α types of which the least common occurs in approximately 1% of the Caucasian population and the most common is approximately 11%. While this is not as discriminating as the DNA typing being performed at the FBI Laboratory, it is much more sensitive and results can be obtained in only eight hours as opposed to three months for traditional DNA typing. Samples can be screened initially by DQ α typing and those not excluded can (sample size permitting) still be forwarded to the FBI Laboratory for further characterization.

NATIONAL RECOGNITION

The Crime Lab encourages the scientific staff to conduct research projects in Laboratory topics, to present at professional organizations, and to write for professional journals. The following national recognition was received by Crime Lab staff in 1992:

- The Latent Fingerprint Section received a federal grant for \$88,576.00 from the Department of Justice, Forensic Research Division, National Institute of Justice, to study the feasibility of combining cyanoacrylate fuming characteristics with laser dye luminescence in latent impression enhancement.
- The Latent Fingerprint Section supervisor has been appointed to the International Association for Identification Subcommittee on AFIS to study the effects live scan capabilities will have on the success of latent comparisons and AFIS Systems.
- Presentations at National Meetings
 1. "Expert Witnesses Who Give Questionable Courtroom Testimony," presented at the 23rd Annual Association of Firearm and Toolmark Examiners Training Seminar, Miami, Florida, April 1992 (R. Shem, BS).
 2. "Dental Stone Casting of Snow Impressions" and "The Detection and Comparison of Luminol Enhanced Latent

Figure 21: Scientific Crime Detection Laboratory Activity, 01/01/92 to 12/31/92

| | Cases | Latent Prints | Criminalistics | Drugs | Toxicology | Composite Drawings | Crime Scenes | Vehicle Exams | Facial Reconstruction | Skeletal Remains | Questioned Documents | Autopsy |
|-----------------------|-------|---------------|----------------|-------|------------|--------------------|--------------|---------------|-----------------------|------------------|----------------------|---------|
| Submitted by Agencies | 3118 | 1291 | 523 | 1335 | 204 | 14 | 1 | 0 | 11 | 0 | 1 | N/A |
| Analyses Required | 3751 | 946 | 710 | 1301 | 215 | 13 | 19 | 11 | 0 | 10 | 5 | 521 |
| Reports Issued | 3380 | 1291 | 523 | 1335 | 204 | 14 | 11 | 0 | 1 | 0 | 1 | N/A |

Scientific Crime Detection Laboratory

Footwear Impressions," presented at the 77th Annual International Association for Identification Educational Conference, Atlantic City, New Jersey, July 1992 (C. Beheim, BS).

3. "Identification of Furbearer Blood in a Cooperative State - Federal Investigation," "Physical Matching a Skull and Hide to a Porched Bear Carcass," and "A Practical Digital Imaging System for Evidence Documentation and Analysis," at the Northwest Association of Forensic Scientists Fall Meeting, Portland, Oregon, October 1992 (J. Wolfe, MS)
- Publications (Authored by R. Shem, BS.)
 1. Association of Firearm and Toolmark Examiners Journal:
 - a. "Patina Patterns on Brass Cartridge Cases"
 - b. "Factory Installed Trace Material on Bullets and Cartridge Cases"
 - c. "Preserving Trace Evidence from Blood Extracted Garments"
 2. American Journal of Forensic Medicine and Pathology:

"Wounds Caused by Contact with Muzzle-Life Relief Ports (Mag-Na-Port)"

CRIME LAB PERSONNEL MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Crime Laboratory personnel are members of the following professional organizations:

- Alaska Chiefs of Police Association (ACOPA)
- Alaska Peace Officers Association (APOA)
- American Academy of Forensic Sciences (AAFS)
- American Chemical Society (ACS)
- American Society of Crime Lab. Directors (ASCLD)
- Association of Firearm and Toolmark Examiners (AFTE)
- Forensic Photographers Association (FPA)
- International Association for Identification (IAI)
- Midwest Association of Forensic Scientists (MAAFS)
- National Safety Council Committee on Alcohol & Drugs
- Northwest Association of Forensic Scientists (NWAFFS)
- Southwest Association of Forensic Scientists (SWAFS)

Figure 22: Backlog of Crime Lab cases has been reduced 54% from December 1991 to December 1992.

| | Dec '91 | Dec '92 | Change |
|------------------------|---------|---------|--------|
| Latents | 379 | 103 | -73% |
| Drugs | 353 | 175 | -50% |
| Toxicology | 13 | 13 | 0% |
| General Criminalistics | 6 | 5 | -17% |
| Arson | 3 | 2 | -33% |
| Skeletal Remains | 6 | 3 | -50% |
| Firearm / Toolmark | 46 | 39 | -15% |
| Wildlife | 12 | 3 | -75% |
| Foot / Tire Track | 7 | 4 | -43% |
| Serology | 44 | 64 | +45% |
| Trace | 20 | 2 | -90% |
| Total Backlog | 889 | 413 | -54% |

NOTEWORTHY 1992 CASES

- A. During the course of an investigation of a brutal sexual assault/homicide, the Laboratory was able to provide troopers with key information which led to the arrest of a suspect. Foreign head, pubic, and body hairs recovered from the victim were examined at the Lab. Two early suspects were eliminated as a result of this exam. These hairs were later associated with an individual with a prior arrest record for sexual assault. Examination of the suspect's watch revealed microscopic traces of blood. Subsequent DNA analysis of this blood resulted in a DQA type matching the victim. Semen and several foreign hair roots located on the victim's underpants were found to exhibit the same DNA type as that of the suspect.
- B. Thorne Bay Homicide: After a several-hour drinking session in Thorne Bay, the suspect and his female companion became embroiled in an argument. In an effort to intervene on behalf of the female, the victim became involved in the dispute. The argument escalated to the point that the suspect retrieved a 270 Winchester caliber rifle and took a shot at, but missed, the victim. Sometime later, as the victim attempted to leave the residence in his pickup truck, the suspect fired two more shots, killing the victim. A subsequent crime scene search uncovered some interesting evidence, the suspect apparently was a reloader as one of the cartridge cases recovered was a 30-06 caliber cartridge converted to fit the suspect's 270 caliber rifle. Additionally, it was noted that the victim's denim jacket possessed on its back a soot-like pattern around the bullet entrance hole. It was discovered, through Laboratory testing, that this soot-like material was vaporized lead. This lead was produced as the bullet's soft lead nose impacted the sheet metal of the pickup. Both of these somewhat unique occurrences were of such forensic interest that they are the subjects of two scientific articles that are scheduled to appear in the Association of Firearm and Toolmark Examiners Journal in 1993.
- C. Fairbanks Police Department flew a 67-year-old rape victim to the Crime Laboratory in Anchorage for a composite interview with the Laboratory's forensic artist. A composite was generated in less than an hour. The victim returned to Fairbanks with composite drawing in hand. Fairbanks P.D. ran the composite drawing in the local newspaper. A probation officer called advising Fairbanks P.D. of a suspect which matched the appearance of the composite drawing. The suspect was interviewed and immediately confessed.
- D. A deceased individual from Naknek, believed by local law enforcement officers to be an alcohol-related death, arrived at Crime Lab for autopsy. No foul play was suspected. Autopsy revealed the deceased had been stabbed, thus triggering a homicide investigation.
- E. Key evidence was presented by the Crime Lab at the trial of a Ketchikan woman charged with murdering her common-law husband whose decomposed body was found under a tarp in their

front yard. During a search of the couple's residence, a large bloodstain was found soaked through a foam cushion on the living room couch. The stain was hidden from view by the seat cover which had been washed free of blood and replaced. It was detected only after luminol, an extremely sensitive presumptive test for blood, was applied to the surfaces of the living room.

Figure 23: Number of breath alcohol (BrAC) tests conducted by hour of day for agencies equipped with advanced model test instruments capable of reporting performance and test data to Crime Lab electronically.

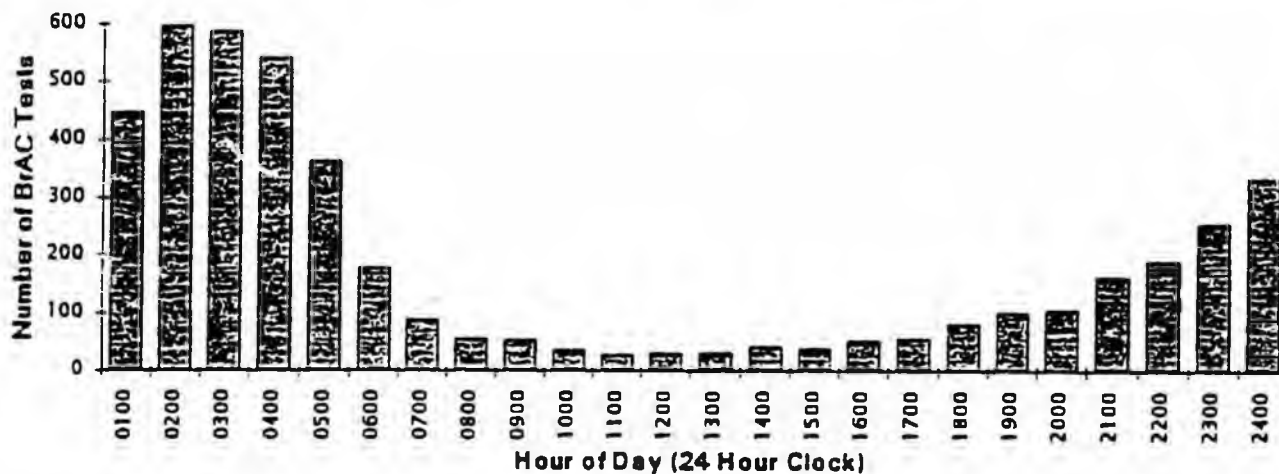
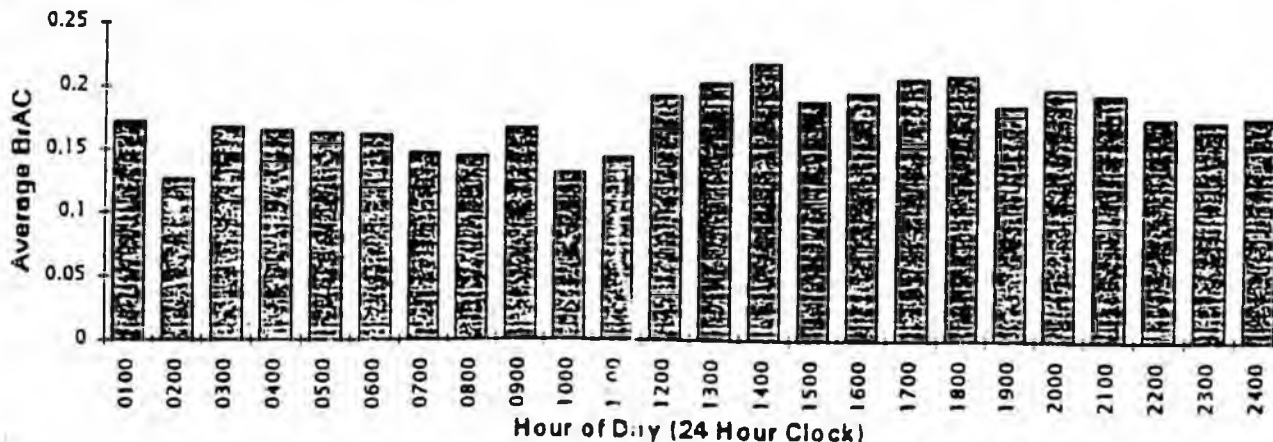


Figure 24: Average breath alcohol level measured by hour of day for agencies equipped with advanced model test instruments capable of reporting performance and test data to Crime Lab electronically.





ALASKA STATE MEDICAL ASSOCIATION

4107 Laurel Street • Anchorage, Alaska 99508-5334 • (907) 562-2662

RECEIVED MAR 31 1993

March 30, 1993

Senator Steve Reiger
Alaska State Senate
State Capitol
Interdepartmental Mail Stop: 3100
Juneau, AK 99801-1182

Dear Senator Reiger:

The Legislative Affairs Committee of the Alaska State Medical Association recently reviewed Senate Bill 145 regarding the position of a State Medical Examiner. After a lengthy discussion we feel it necessary to oppose this bill. It will not represent an improvement over the current system. It was also felt that this would be a more expensive means of dealing with unattended deaths in Alaska. I would encourage you to oppose this bill. If you have any questions regarding this, please feel free to contact me.

Sincerely yours,

Donald R. Lehmann, M.D., A.B.F.P.
Chairman, Legislative Affairs Committee
Alaska State Medical Association

DRL:bj

SENATE COMMITTEE REPORT

DATE: 4/13/93

FURTHER:

DATE TURNED INTO OFFICE: _____

JUDICIARY Committee considered SENATE BILL NO. 145

"An Act establishing the position of state medical examiner; and relating to preparation of death certificates."

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

- adopts _____ Letter of Intent
- further referral to the _____

- do pass
- do not pass
- no recommendation
- individual recommendations

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

4-13-93
 called
 Same Jim

STATE COMMITTEE REPORT

Frank

DATE: 4/7/93

FURTHER: JUDICIARY *Edward*

DATE TURNED INTO OFFICE: 4/12/93 *For added*

HES Committee considered SENATE BILL NO. 145

"An Act establishing the position of state medical examiner; and relating to preparation of death certificates."

and recommends:

[] replace with _____ CS _____
or [X] adopt previous CS *SB 145* *(STA)*
[] attaches amendment(s) *+ rpts in the as plus*

[X] same title
[] new title
[] technical title change (HB only)

[] adopts _____ Letter of Intent
[] further referral to the _____

- do pass
- [] do not pass
- [] no recommendation
- individual recommendations

FN
2/2/93

NEW FISCAL NOTES

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

PREVIOUS FISCAL NOTES

| Department | Date | Zero | Fiscal |
|--------------|---------|------|--------|
| DHSS | 3/31/93 | | 429.0 |
| DPS | 4/2/93 | ✓ | |
| Court System | 3/11/93 | ✓ | |
| | | | |
| | | | |
| | | | |

[] Appropriation No Fiscal Note

DO PASS:

Mike Miller
Best Mary
~~_____~~

OTHER RECOMMENDATIONS:

Duncan - No Rec.
A Ellis NO Rec.
Brewer & Seman NO Rec
~~_____~~

Steve Pison Do Pass

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

[Signature]
DATE: 3/3/93

FURTHER: HES
JUDICIARY

Date of 5-Day Notice: 3.31.93
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-7-93

STATE AFFAIRS Committee considered SB 145

"An Act establishing the position of state medical examiner, and relating to preparation of death certificates."

and recommends it be replaced with

and recommends:

replace with ~~SB 145~~ CS SB145 (STA)

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

and report it back as follows:

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

*FN
20*

FISCAL NOTE INFORMATION

B/c
" "
" "

| Department | Date | Zero | Fiscal |
|--------------|---------|------|--------|
| DHSS | 3.31.93 | | 429.0 |
| DPS | 4.2.93 | ✓ | |
| Court System | 3.11.93 | ✓ | |
| | | | |
| | | | |

| Department | Date | Zero | Fiscal |
|------------|------|------|--------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

1) Fly Ellis no rec.

Adrian I. Taylor

Drew A. Leman No Rec
Chair: Signature and Recommendation