

HB

225

ALASKA STATE LEGISLATURE

Session

State Capitol Building, Room 118
Juneau, Alaska 99801-1182
Phone (907) 465-2995
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Interim

716 West Fourth Avenue, Suite 430
Anchorage, Alaska 99501
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REPRESENTATIVE LESIL MCGUIRE HOUSE DISTRICT 28

Chair
Judiciary Committee

Member
House Leadership
Rules Committee
Health, Education
& Social Services
Committee

Oil & Gas Committee
Military & Veterans'
Affairs Committee

MEMORANDUM

To: Senator Dyson
Chair, Senate HESS Committee

From: Representative Lesil McGuire 

Date: April 14, 2005

Re: Request for hearing - HB 225, "*An Act relating to medical examiners and medical death examinations.*"

I respectfully request that HB 225, "*An Act relating to medical examiners and medical death examinations*" be scheduled for a hearing at your earliest convenience. Attached you will find the bill packet containing the most current version of the bill, sectional analysis, sponsor statement, fiscal note and background information.

If you have any questions or concerns please feel free to contact me personally, or my staff, Shalon Szymanski at (907) 465-6841. Thank you for your time and consideration.

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REPRESENTATIVE LESLIE MCGUIRE HOUSE DISTRICT 28

SPONSOR STATEMENT HB 225

"An Act relating to medical examiners and medical death examinations."

Last year alone, there were nearly 1,100 cases filed with the State of Alaska's medical examiner's office. All of these cases require responsibilities ranging from autopsies, administrative duties and legal responsibilities, such as testifying in court. With this sizeable caseload for our state, how many medical examiners do we have to handle it? The answer is, one.

Our one state medical examiner has been stretched so thin with this caseload that he has been forced to decide which cases will actually receive autopsies. Currently autopsies are required only when the death was suspicious or if there was a crime involved. When forced to pick and choose, something could be overlooked in these remaining cases that did not receive the attention they should have. We also have to consider what would happen if our one medical examiner became ill or for any reason could not fulfill his duties.

The position of the state medical examiner is a critical function in the state and a tremendous responsibility. It is a responsibility not only to the families and friends to the victim, but also to the community as a whole. The fact that there is such a large caseload for only one medical examiner has become a growing concern for policy makers, law enforcement officials and the community.

Under current state law, the commissioner of health and social services is required to appoint only a medical examiner. HB 225 would require the commissioner of health and social services to appoint both a chief medical examiner and a deputy medical examiner to share the extensive workload.

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REPRESENTATIVE LESLIE MCGUIRE
HOUSE DISTRICT 28

SECTIONAL ANALYSIS HB 225

Section 1 – Amends AS 12.65.015(a) by changing MAY to shall. This will require the commissioner of health and social services to not only appoint a state medical examiner but also a deputy medical examiner.

Section 2 – Amends AS 12.65.015(b) by adding the deputy medical examiner to the first line of the section. This also requires that both medical examiners must be physicians who have education and experience in forensic pathology.

Section 3 – Amends AS 12.65.015(c) by adding deputy medical examiner and requires that both examiners perform the duties assigned.

Section 4 – Amends AS 12.65.020(a) by adding the requirement that either the state medical examiner or the deputy medical examiner, to perform death investigations when a death is reported to the state medical examiner's office. This section also adds deputy medical examiner to further responsibilities of the medical examiner's office.

Section 5 – Amends AS 12.65.020(b) by adding deputy medical examiner. By adding deputy medical examiner, it would require the state medical examiner and the deputy medical examiner to share the responsibility of preparing post examination reports and submitting those reports to the D.A.

Section 6 – Amends AS 12.65.020(c) again by adding deputy medical examiner to require that the state medical examiner and deputy medical examiner share the responsibility in court petitions and produce death certificates.

Section 7 – Amends 12.65.020(d) by adding deputy medical examiner to require that the state medical examiner and the deputy medical examiner share the responsibility in having a death certificate amended if in the opinion of the state medical examiner or the deputy medical examiner, the death certificate is inaccurate or incomplete.

Section 8 – Amends AS 12.65.020(e) by adding the state medical examiner or deputy medical examiner to lines 28 & 29 to allow both medical examiners to have the option of calling upon public employees to assist in medical examination duties.

Section 9 – Amends AS 12.65.020(f) by adding **the deputy medical examiner** to the list of those who are immune from civil liability based on determining the cause and manner of a person's death.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HB 225
 (H) Publish Date: 4/1/05
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):

Title RELATING TO MEDICAL EXAMINERS AND DEATH EXAMINATIONS

RDU Public Health

Component State Medical Examiner

Sponsor MCGUIRE

Requester HOUSE (HES)

Component No. 293

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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 EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (0)						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill would amend current law to give the Deputy Medical Examiner the same authorities and duties as the State Medical Examiner. It also would add a mandate that the Commissioner "shall" appoint a Deputy Medical Examiner (current law allows that the Commissioner "may" appoint a Deputy M.E.), and clarifies that the Commissioner may appoint Assistant Medical Examiners.

The Governor's proposed FY06 operating budget for the State Medical Examiner's Office will support this proposed bill, as the budget includes funding for both the State Medical Examiner and the Deputy Medical Examiner positions. There currently are no Assistant Medical Examiners established and funded in the budget, but since this bill does not require the Commissioner to appoint Assistant Medical Examiners, no additional funding is required for this legislation.

Prepared by: Richard Mandsager, M.D.
 Division: Public Health
 Approved by: Joel S. Gilbertson, Commissioner
 Agency: Department of Health and Social Services

Phone 465-3090
 Date/Time 03/29/2005
 Date 03/30/2005

So many cases, just 1 skilled pair of hands

Thursday, March 3, 2005 - by Warren Williamson



Phil Walczak/KTUU-TV

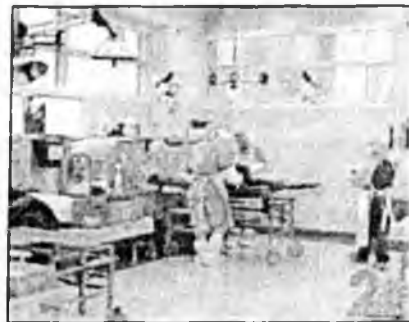
Anchorage, Alaska - It's considered one of the most modern medical examiner's offices in the country. Last year alone, nearly 1,100 cases were filed. At the helm of that office is Dr. Franc Fallico, who was appointed chief medical examiner in June 2004.

Fallico's day begins early -- he's at the office by 6:30 a.m. And his days are demanding. In addition to performing autopsies, Fallico must find time for administrative duties and legal

responsibilities, such as testifying in court.

"It's not too unusual for medical examiners to be very busy all across the country," Fallico says. "And their services are stretched because there are very few medical examiners that are fully qualified, and also funding is very difficult to come by now."

Stretched? Some say that's an understatement. Fallico is the only medical examiner in the state. To put that in perspective, it means Fallico is responsible for nearly 587,000 square miles of land -- that's one-fifth the size of the Lower 48.



Phil Walczak/KTUU-TV

"I'm hopeful that I'll have help soon," he says.

Fallico says he's not overworked and that he loves his job. But the question is who would perform the work if Fallico falls ill or if he was called out of town on a lengthy homicide investigation. Or if he goes on vacation.



Phil Walczak/KTUU-TV

"It's a good question, but no one's indispensable," he says. "For example, a person who trained me now works in Juneau. And this person, a fully qualified forensic pathologist, I'm sure in a pinch could be enticed to come up and do some work."

Fallico's time and duties are stretched so thin that he says he's forced to decide what cases receive autopsies.

Fallico says not every death necessitates an autopsy, except homicides and cases of mysterious deaths.

But Anchorage police say something could be missed if all cases aren't examined thoroughly.

"Sometimes it's criminal. Sometimes it's accidental. There's a lot of different ways that that could happen," says Lt. Kris Miller, the homicide unit commander for the Anchorage Police Department. "Obviously, we're going to be concerned with the criminal, but we need the assistance of the medical examiner's office frequently in determining whether it was truly criminal."



Phil Walczak/KTUU-TV

But Fallico says if he performed autopsies on every case, he wouldn't be able to keep up with the workload.

"There would be multiple bodies in this institution and we could not get the bodies out the door fast enough to the proper relatives and so forth," he says. "That could be a problem."



Channel 2 News

The relationship between police and the medical examiner's office demands it be a close one. Lt. Miller says taking the necessary precautions to determine any cause of death is important, but she also understands the financial burden both institutions are experiencing.

"It's difficult to get all of the work done that we would like to necessarily like to have done when there's such a shortage of personnel to do it," Miller says.

Therein lies the problem -- money, or lack of it, to properly staff the medical examiner's office. Fallico says there has not been a serious problem with bodies stacking up -- yet.

"His comment that it hasn't come to that yet is the best that we have to go with, that up until this point we've been able to deal with the situations as they arise," Miller says.

The state has approved funding for an assistant medical examiner and Fallico says he's looking at a couple of qualified candidates. But until one is hired, Fallico is on his own. He is a single medical examiner with no shortage of cases that need an examination.



Phil Walczak/KTUU-TV

SENATE COMMITTEE REPORT

DATE: 4/14/05

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4.27.05

Health, Education and Social Services Committee considered

HOUSE BILL NO. 225

HB 225 MEDICAL EXAMINERS & AUTOPSIES

"An Act relating to medical examiners and medical death examinations."

and recommends:

- be replaced with S CS HB 225 (HES)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:

- Same Title
- New Title

SCS House Bill:

- Same Title
- Technical Title Change
- New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
HSS	3/29			x	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
			✓	
			✓	
	✓			
CHAIR:	✓			