

SB

161

<TARGET><BILL>SB 161</BILL><SUBJECT>SB
161</SUBJECT><COMM>SFIN28</COMM></TARGET>

SENATE FINANCE COMMITTEE REPORT

DATE: 2/24/14

FURTHER:

DATE TURNED
IN TO OFFICE: _____

Finance Committee considered SENATE BILL NO. 161

SB 161-AUTOPSIES AND DEATH CERTIFICATES

"An Act relating to duties and procedures of the state medical examiner and the Department of Health and Social Services; and relating to death certificates."

and recommends:

- be replaced with CS SB 161 (FIN) [] Same Title [] New Title
- [] adopt previous CS _____ (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DHS			✓	

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
<i>Anna L. Fairclough</i>	FAIRCLOUGH			X	
<i>Philip Bishop</i>	Bishop	✓			
<i>Michael Hoff</i>	Hoffman	✓			
<i>Thomas Wood</i>	Woods	✓			
CO-CHAIR: <i>Pete Kelly</i>	Kelly	✓			
CO-CHAIR: <i>K. Meyer</i>	Meyer	✓			

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 161
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB161CS(FIN)-DHSS-SMEO-03-05-14
Title: AUTOPSIES AND DEATH CERTIFICATES
Sponsor: OLSON
Requester: Senate Finance Committee

Department: Department of Health and Social Services
Appropriation: Public Health
Allocation: State Medical Examiner
OMB Component Number: 293

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated to reflect changes in blank CS version "U" (3/4/14). Deletes the requirement for embalming because of a carrier's policy. Removes Sec. 2 (h) requirement for temperature control, and all of Sec. 3 and Sec. 4 related to death certificates. Sec. 2 (f) adds requirements that the facility is verified by the Medical Examiner as adequate and meets national standards. The department has revised its interpretation of Sec. 2 (f) on remote post mortem examinations to assume that any costs for the state facility would be borne by the remote facility. Based on these changes, the fiscal note has been revised to zero.

Prepared By:	Kerre L. Shelton, Director	Phone:	(907)269-2042
Division:	Public Health	Date:	03/05/2014 12:00 PM
Approved By:	Sarah Woods, Deputy Director, Finance & Management Services	Date:	03/05/14
Agency:	Health & Social Services		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB161(FIN)

Analysis

This bill requires the State Medical Examiner's Office to provide written notice describing the duties and procedures of the State Medical Examiner's Office to the person responsible for the burial of the deceased; and to obtain a burial-transit permit before transporting the body. The State Medical Examiner's Office is required to transport the deceased to a location other than the location nearest the location of death after examination if requested by the family and if the costs do not exceed that of shipping the body back to the community nearest the location of death. If the costs are higher for the alternate location and the family maintains the request, the family would be responsible for paying the difference in the cost. The average cost to transport a body to the Medical Examiner's Office and back is approximately \$700. There are no costs associated with implementing these provisions as this is the current practice of the State Medical Examiner's Office.

The bill requires the State Medical Examiner's Office to perform any embalming required by law. Currently, there are no laws requiring embalming for transport within Alaska. Therefore, there is no fiscal impact under current circumstances.

This bill requires the Medical Examiner's Office to provide the necessary cosmetology if the deceased were disfigured by the post mortem examination. The State Medical Examiner's Office currently follows this policy; however they contract with funeral homes to provide this service. There are no funeral homes located in rural Alaska and it is unknown who, if anyone, could alternatively provide this service or the cost of providing this service.

The bill requires the State Medical Examiner's Office to designate a location for conducting a post mortem examination that is in the community closest to where the death occurred if a facility with adequate technology and personnel is available at the location to enable the state medical examiner to direct a remote examination. Post mortem examinations conducted remotely via telemedicine equipment between a local provider and the State Medical Examiner's Office could only occur after the State Medical Examiner verified that the facility has adequate and trained staffing; and appropriate technology, equipment, policies, procedures and physical plant in place. The remote facility must meet standards of the National Association of Medical Examiners. Under current procedures, there are only certain cases that could be completed remotely – accidents and possible natural causes for unattended deaths. All presumed suicides and homicides would still be sent to the Medical Examiner in Anchorage. Those that were remotely examined and found to possibly be homicide or suicide would need to be sent to the Medical Examiner. The remainder would still be sent to the Medical Examiner's Office for additional testing and exam. The Medical Examiner's Office ships about 400 cases each year to a location other than the community nearest the location of death. Of those, 40 were accidental or presumed natural causes that could have been done remotely, at an estimated cost of \$1,500 per case at the location.

Fairbanks Memorial Hospital is the only other location in the state, aside from the State Medical Examiner's Office in Anchorage, that is currently equipped to perform forensic examinations. Neither the State Medical Examiner's Office nor the Fairbanks location currently has telemedicine/video conferencing equipment, and additional investments would be required. The one-time cost to purchase and install the necessary technology at the Medical Examiner's Office is \$5,000. If a physician were performing these duties on behalf of the State it is unknown who would be liable if the state was ever questioned about the autopsy results. It is also unknown if the state would be responsible for providing liability coverage in these cases. The department understands that a pilot program has been proposed whereby a remote facility would bear the cost of all the necessary equipment, training, and other infrastructure, including the technology for the Medical Examiner's Office, in order to perform remote examinations for a limited number of select cases. Under this assumption, this provision would not have a fiscal impact to the state.

28-LS1405VN
Mischel
3/5/14

Adopted

3/5/14

CS FOR SENATE BILL NO. 161(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): SENATOR OLSON

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to duties and procedures of the state medical examiner and the
2 Department of Health and Social Services."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * Section 1. AS 12.65.025(a) is amended to read:

5 (a) The state medical examiner shall designate the facilities at which post
6 mortem examinations and autopsies ordered under this chapter may be performed
7 consistent with this section. The Department of Health and Social Services shall pay
8 the costs of

9 (1) post mortem examinations and autopsies ordered under this
10 chapter;

11 (2) related transportation to the location where the post mortem
12 examination is conducted and then to the community closest to where the death
13 occurred, except that transportation costs to another requested location shall [MAY]
14 be paid to the extent that the costs do not exceed the costs that would otherwise have

1 been paid by the department for [OF] returning the body to the community closest
2 to where the death occurred;

3 (3) embalming required by law; and

4 (4) cosmetology necessary to make the head, face, neck, and hands of
5 the deceased presentable if those parts of the body are disfigured by the post mortem
6 examination.

7 * **Sec. 2.** AS 12.65.025 is amended by adding new subsections to read:

8 (f) The state medical examiner shall designate a location for conducting a post
9 mortem examination that is in the community closest to where the death occurred if

10 (1) the state medical examiner has verified that a facility with adequate
11 technology, personnel, and training is available at the location to enable the state
12 medical examiner to direct a remote examination;

13 (2) the facility meets applicable standards, including inspection and
14 accreditation, for conducting remote post mortem examinations established in the
15 Forensic Autopsy Performance Standards by the National Association of Medical
16 Examiners; and

17 (3) the cost of conducting the examination in the community closest to
18 where the death occurred is less than the cost of conducting the examination or
19 autopsy at another location, including the cost of transporting the body to and from
20 another location to conduct the examination.

21 (g) The Department of Health and Social Services shall provide to a person
22 responsible for the burial of a body written notice describing the duties and procedures
23 of the state medical examiner and the department under this chapter; the notice must
24 explain, in a form and language that is designed to be easy to understand, the
25 availability of

26 (1) an option to release the body after examination and autopsy to a
27 location other than a mortuary without a recommendation or stated preference to do
28 otherwise;

29 (2) the department's coverage of costs associated with the examination
30 or autopsy, transportation of the body, and necessary cosmetology as provided under
31 (a) of this section;

1
2
3
4
5
6
7
8
9
10
11
12
13
14

- (3) clothing and a casket required under (b) of this section;
- (4) transportation to another location other than the location where the death occurred;
- (5) a burial-transit permit as provided under AS 18.50.250; and
- (6) a death certificate as provided under AS 18.50.230;

* **Sec. 3.** AS 18.50.250(a) is amended to read:

(a) **Except as provided in (e) of this section, the** [THE] funeral director or person acting as the funeral director who first assumes custody of a dead body or fetus shall obtain a burial-transit permit before final disposition or removal from the state of the body or fetus and within 72 hours after death, except as otherwise authorized by regulation for special problem cases.

* **Sec. 4.** AS 18.50.250 is amended by adding a new subsection to read:

(e) The state medical examiner shall obtain the burial-transit permit before a body is transported under AS 12.65.025(a)(2).

AUTHORIZATION FOR RELEASE OF REMAINS

In the matter of _____, a deceased individual:

Option 1 – The State of Alaska pays to have remains returned to place of death.

The legal next of kin may elect to pick the remains up from our office in Anchorage or have the remains shipped back to the place of death

The State Medical Examiner's Office (SMEO) will only pay to transport the remains to and from the location of death. Reference: 7 AAC 35.100(c). "Transportation of human remains", and AS 12.65.025(2) "Post mortem examinations."

- The State Medical Examiner's Office (SMEO) will pay to transport the remains to the location of death if shipped via common carrier (airlines).
- A family may request the remains be shipped to a location other than the location of death. If shipped to an alternative location, costs that exceed the cost of returning the body to the community closest to death are at the expense of the family.
- Before remains are transported the SMEO will provide cosmetology necessary to make the head, face, neck, and hands of the deceased presentable if those parts of the body are disfigured by the post mortem examination.
- The remains will be transported back to the location of death in an approved airline shipping container, provided by our office. This container is constructed of plywood with a corrugated cardboard top.
- If the family selects a casket, the family will be responsible for paying the additional transportation costs (extra weight casket adds) of shipping the casketed remains back to the location of death.
- Transportation of the remains will be dependent upon the schedule of the accommodating airlines after autopsy.
- If the family is picking the remains up from our office, they will need to call ahead to schedule an appointment. You may contact the office at our main phone # (907-334-2200). If the family chooses to transport privately, the family will incur the transportation cost as a result.
- If the next of kin chooses to designate someone other than a funeral home to pick up the remains, a Burial Transit Permit will be required. A Burial Transit Permit can be obtained through our office before picking up the remains.

The legal next of kin, or authorized agent of the next of kin, do hereby authorize the State Medical Examiner's Office (SMEO), to release the remains of the aforementioned decedent to:

Name of person picking up the remains: _____

Address of person picking up the remains: _____

Contact Phone # of person picking up the remains: _____

Option 2 – The legal next of kin pays for all funeral home cost and the costs associated with returning the remains to the place of death.

The average funeral cost in Alaska is in excess of \$8,000.

If the legal next of kin selects a funeral home for embalming, dressing, casketing or cremation:

- The family is responsible for paying the selected funeral home for any embalming or other services provided by the funeral home.
- The family is responsible for paying the funeral home for any clothing, dressing, or casketing provided by them.
- Certain funeral homes will not accept personal property. If you select a funeral home that does not accept personal property it will be the responsibility of the next of kin to make arrangements to pick up the property at the State Medical Examiner's Office. Property will NOT be mailed.

I, we, the legal next of kin, or authorized agent of the next of kin, do hereby authorize the State Medical Examiner's Office (SMEO), to release the remains of the aforementioned decedent to:

Mortuary: _____
Mortuary Phone #: _____

Disclosure:

The State Medical Examiner's Office (SMEO) is not required to embalm or provide other funeral home services. Likewise, there is no legal requirement for the use of a funeral home. The SMEO can release the remains to a funeral home, directly to the family, or to the family back in the community nearest death.

The undersigned assumes any liability for the release of these remains as directed.

Print Name: _____ Signature: _____ / _____
Legal Next of Kin Relationship

Date: _____ Witness: _____

Legal next of kin, or authorized agent of the next of kin, initial the option selected:

Option 1 _____

Option 2 _____

STATE OF ALASKA

Sean Parnell, GOVERNOR

DEPARTMENT OF HEALTH & SOCIAL SERVICES
Ave
Division of Public Health
STATE MEDICAL EXAMINER OFFICE

5455 Dr Martin Luther King Jr
Anchorage, Alaska 99507-1264
Phone: 334-2200/Fax: 334-2216

The following information is required to accurately complete the Death Certificate for the named individual. Please furnish as much information as possible and type or print legibly, and return by fax to 334-2216.

Decedent's full name: First: _____ Middle: _____ Last: _____

Gender: Male Female Maiden Name: _____

Date of Birth: _____ Birthplace: _____

Marital Status: Never Married Married Widowed Divorced Unknown:

Surviving spouse: _____ (If wife, give maiden name)

Social Security Number: _____ - _____ - _____ Occupation: _____
(Give kind of work done during most of working life, do not use "retired")

Kind of Business or Industry: _____ Ever in Armed Forces: Yes No Unknown

Decedent's Address: _____ City: _____ State: _____ Zip Code _____

Is decedent's residence inside city limits or settled community?: Yes No Unknown

Was the decedent of Hispanic origin? No Yes (Cuban, Mexican, Puerto Rican, etc.)

Race: _____ (Filipino, Black, Native, White, etc) Decedent's education: _____ (Highest grade completed)
0-12, College 1-4 or 5+

Mother's Maiden Name: First: _____ Middle: _____ Maiden: _____

Father's Name: First: _____ Middle: _____ Last: _____

Location of disposition: Name of cemetery, crematory, or other place: _____

City or town: _____ State: _____

Informant's Name: _____

Informant's Mailing Address: _____ City: _____ State: _____

Disposition: Burial Cremation Removal from state Donation Other

Informant's relationship to decedent: _____ Informant's telephone #: _____

Traditional Southwestern Alaska Burial Preparations And Impact of Medical Examiner's Procedures

A. In Medical Facility

When a loved one is dying, the family and friends gather around, typically at a clinic or hospital and stay there until death. At death, someone in the medical establishment declares the death. The body is then washed by the same gender friends/family members and clothed. The body is taken to the morgue and the family leaves to obtain a casket in which to transport the body to the family home. If there is no morgue, the body is taken directly to the family home. The body remains in the family home for 3 days. During those 3 days, there is a constant stream of friends bringing food and visiting. The family does their best to keep the home cool, to better preserve the body. After 3 days, the family holds a ceremony at the church or other facility and the body is then buried. There is no embalming. Bodies can be buried, even in the winter. Family members do not carry the casket or dig the grave. Friends or members of the community do this for them.

The body is buried in a wooden box or casket and funeral attendees gather during the grave side service and toss soil onto the box or casket. Another wooden box loaded with weight is placed on top of the casket to anchor the casket/box underground in case there is a high water table.

In 40 days, after the burial, the family and friends come together again and celebrate the life of the deceased loved one once more with food and talk.

B. Death not in a Medical Facility

Because Alaska statutes often require a death outside a medical facility to be reported to the Medical Examiner's office, sometimes these deaths require more steps in order to get a declaration of death and obtain a death certificate. AS 12.65.005. Current law requires the reporting of all suicides and accidents. Once the death is reported, the Medical Examiner (ME) must decide if the case is in its jurisdiction, and if so, whether to accept or decline the case. The report is first handled by an investigator in the ME's office who speaks to the state troopers, or other law enforcement on the scene. The investigator also speaks to witnesses or family members. After consulting with the ME's medical professionals, the investigator either advises that the body can remain in region and be turned over to the family, and the office will sign off on the death certificate, or the investigator will require that the body be shipped to the Anchorage ME's office for further investigation into the cause of death.

If the body is shipped to Anchorage, the ME will cover the cost of the transport of the board via air transportation and vehicle to their office. The weight of the shipment is

noted for the records, as the ME will only pay for that amount of weight to be shipped back to the village. The ME's office attempts to have next of kin complete the Authorization for Release of Remains form as soon as possible so that they know whether the body will be returned directly to the site of death for the funeral, or whether an Anchorage funeral home will take possession of the body. If they do not have this form completed within 10 days of receipt of the body, they will ship the body to a funeral home (selection is on rotation basis among all Funeral homes).

The completion of this form is a critical step for the family member. This decision will dictate what actions the ME's office takes with respect to the body from this point forward. If the ME's office knows that a funeral home will take the body next, they do not worry as much about the condition of the body when it leaves their offices, as they know professionals will take over and prepare the body for viewing and transport before the family sees the body. The ME's office also knows that their responsibility for the physical body ends at the point the body is taken by the funeral home, so all they need to do is calculate the cost they would have incurred to fly the original body weight back to the region using a reasonable flight schedule (not the high priority cost), and that is the maximum that the state pays as reimbursement to the funeral home for the transportation charges. Thus the extra costs associated with transport to the funeral home and from funeral home to airport, costs for the extra shipping weight of the casket, and increased body weight from embalming, and the death certificate preparation fees are borne by the family, in addition to the costs of the embalming and body preparation.

Only if the family indicates that they will be taking possession of the body directly from the ME will the ME's offices take a little more care in the presentation of the body when it leaves their office. They will make all of the flight arrangements for delivery of the body for the family. They will also get the family to complete the one page Death Certificate information form and complete the information needed to file the death certificate with the Vital Statistics Bureau. They will attempt to cool the body in advance of the flight if they have made the flight arrangements. The family will not be billed a dime, unless they have asked for extra tests to be performed, or need the body to go to a location other than the place of death.

For a family without cash resources, you would think that this would not be a difficult choice. However, many families select the funeral home option because they don't understand what their real choices are.

- 1) The ME's "Authorization for Release of Remains" form uses words that strongly encourage use of the funeral home option.
 - a. They tell the family that they do not do anything to improve the looks of the body, nor do they take any responsibility for the condition of the body after the investigation.
- 2) There is no financial information shared with the family to help them understand the financial differences between the two choices.

C. How can the situation be improved?

- 1) Minimize when the body must be sent to Anchorage
 - a. Supply better diagnostic and testing technology in region that will supply the evidence that the ME's office and its investigators require to make a cause of death determination.
 - b. Supply secure video conferencing capabilities to enable the ME in Anchorage to visually inspect the bodies.
 - c. Consider more carefully the impacts on families of this disruptions and make better judgments about whether the information could be acquired in a different way.
- 2) Provide better, clearer communication to families regarding the choices they have.
 - a. Improve the Authorization for Release of Remains form so that it does not steer native families to selecting the funeral home option.
 - b. Use Tribal administrators to assist in located next of kin to facilitate the 10 day limit to remove remains.
 - c. Hold dialogues with local tribal and village health corps to share the process and procedures and enable them to communicate messages for the ME's office
 - d. Provide financial information to families about the options they have.
 - e. Change ME policy so that families can have bodies returned to place of burial and not only place of death and enable families to pay any cost differences (if any)
 - f. Consider changes in practices regarding condition of body for shipment to ensure best possible outcome for body transfer.

D. Challenges in getting Death Certificates

When a loved one dies unexpectedly or outside a medical facility, someone must complete a certificate of death within three days and file it with the state registrar. AS18.50.230(a).

Under current law, licensed Doctors, Registered Nurses and EMT personnel can be involved in the declaration of death under various circumstances. But many villages lack such personnel. Thus there are delays associated with getting death certificates issued in rural Alaska.

Without a death certificate the family cannot apply for death benefits from Public Assistance office. This monetary assistance is often the very thing the family needs to pay for the cost of the funeral home services.

Bill pending by Rep Herren that would allow Tribal officials to declare death and complete the death certificate form with input from ME's office or other medical official.



Alaska Federation of Natives
2014 Legislative & Litigation Committee
Resolution 14-2

- TITLE:** SUPPORT FOR AK SB 161/HB 301: AUTOPSIES AND DEATH CERTIFICATES
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 151 federally-recognized tribes, 134 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Each year, Alaskan families suffer the unexpected loss of a loved one due to sudden, suspicious, or non-natural causes, all of which typically occur outside the care of a physician; and
- WHEREAS:** Persons with knowledge of such deaths must notify the State Medical Examiner (SME) for a determination of jurisdiction and corresponding medical death examination to establish cause of death, if jurisdiction is accepted; and
- WHEREAS:** Such examinations usually require that the remains of the deceased be transported to the SMEO in Anchorage, at State of Alaska (State) expense, and returned to the community nearest to the place of death; and
- WHEREAS:** The SMEO holds all remains pending a complete examination, and, upon completion, will only release the remains to the family if the decedent's next-of-kin signs an Authorization For Release of Remains Form (RAF); and
- WHEREAS:** The RAF permits such release to a funeral home or the decedent's next-of-kin, but if no form is executed within 10 days, the SMEO automatically releases the remains to a funeral home — thus, the completion of the form is critical; and
- WHEREAS:** Costs of funeral homes are great, and borne solely by the decedent's family, including any and all costs associated with transport to and from the funeral home, Death Certificate preparation fees, embalming (which some commercial

air carriers require for return transport), as well as the increased cost of freight weight for the casket and body weight due to embalming; and

WHEREAS: The SMEO presently implies, through the RAF, that the funeral home option is the preferred choice for release, but shares no financial information with families regarding this and the next-of-kin option to help them better understand their choices; and

WHEREAS: AK SB 161/HB 301: Autopsies and Death Certificates bill (SB 161/HB 301), generally seeks to make minor changes to Alaska law regarding the autopsy and death certificate issuance process to benefit Alaska families, particularly rural Alaska Native families; and

WHEREAS: SB 161/HB 301 will reinforce and strengthen current provisions allowing for the SMEO to transport the remains to the decedent's family's home, as opposed to the place of death, so long as the family pays the difference in cost, which is more responsive to grieving families; and

WHEREAS: SB 161/HB 301 will require the SMEO to utilize existing technology, readily available in many rural health facilities to make a preliminary determination of whether the remains must be transported to the Anchorage for further examination, which will minimize stress for grieving families and save the State money; and

WHEREAS: SB 161/HB 301 will require the State to provide fair written communication through the RAF, and other communications, which better enables families to make informed decisions that align with Alaska Native cultural beliefs and budget constraints; and

WHEREAS: SB 161/HB 301 will require the SMEO to chill a body whenever it knows that the remains are to be transported back to a rural region via a commercial air carrier, which is necessary for human transport; and

WHEREAS: SB 161/HB 301 will allow for the issuance of copies of death certificates in-region if transport to Anchorage is not required, which provides a more natural process for grieving families, and allows Alaska Native organizations to extend benevolence benefits to more beneficiaries; and

WHEREAS: SB 161/HB 301 requires the SMEO to obtain a Burial Transit Permit when it knows that the remains will be transported via commercial air carrier to a rural region, which again alleviates stress for grieving families; and

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Alaska Federation of Natives, Inc. that SB 161/HB 301 aligns with our mission to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

BE IT FURTHER RESOLVED that Alaska Federation of Natives strongly supports SB 161/HB 301.

Passed on February 25, 2014



Julie Kitka
President



THE STATE
of ALASKA

GOVERNOR SEAN PARNELL

Department of
Health and Social Services

ALASKA COMMISSION ON AGING

P.O. Box 110693
Juneau, Alaska 99811-0693
Main: 907.465.3250
Fax: 907.465.1398

March 3, 2014

Senator Donald Olson
Alaska Capitol, Room 508
Juneau, Alaska 99801-1182

Subject: Support SB 161, Autopsies & Death Certificates

Dear Senator Olson:

The Alaska Commission on Aging is pleased to provide support for SB 161, as authored by you, to amend the duties and procedures of the State Medical Examiner's office to offer greater support to families who are grieving the unexpected loss of a loved one.

Death of a loved one imparts significant personal and financial loss to the family survivors. Current law requires deaths occurring outside of a medical facility to be reported to the Medical Examiner's Office located in Anchorage in order to establish the cause of death and issue a death certificate. This process can be complicated, stressful, and cause a financial burden to rural families who may be on the hook for funeral home services when they think they have no other options. Without a death certificate, a family cannot apply for death benefits from the Division of Public Assistance to pay for the cost of funeral services.

SB 161 provides compassionate and common sense solutions to expedite the current autopsy and issuance of the death certificate. The bill allows death certificates to be issued in-region, if transport to Anchorage is not required by using locally available technology, and allows Tribal officials to declare death and complete the death certificate form in consultation with the Medical Examiner's office. In addition, SB 161 promotes improved communication to families regarding choices they have for the care of their loved ones' remains.

Thank you for your leadership on SB 161.

Sincerely,

Handwritten signature of Mary E. Shields in black ink.

Mary E. Shields
Chair, Alaska Commission on Aging

Sincerely,

Handwritten signature of Denise Daniello in black ink.

Denise Daniello
ACoA Executive Director



February 27, 2014

Senator Donny Olson:

Bristol Bay Native Corporation (BBNC) writes this letter on behalf and in support of the residents of the Bristol Bay region and individuals of other rural communities who have been inadvertently and adversely impacted by the current autopsy and death certificate law. BBNC supports the changes proposed in Alaska Senate Bill 161 and House Bill 301, Autopsies and Death Certificates.

The proposed bill SB 161/HB 301 makes minor changes to Alaska law which will have a huge impact, reduce confusion, limit costs, and expedite the current autopsy and death certificate issuance. In addition, it will reduce the stress and grief caused to many families who have experienced the loss of a loved one.

Families should be given the option to transport their deceased loved ones back to the family's home for burial rather than back to the place of death, so long as the family pays the difference in the cost – this bill corrects that oversight.

The bill allows death certificates to be issued in-region if the transport of the deceased to Anchorage is not required. Why not use existing medical facilities if available in rural Alaska? This bill provides flexibility and is forward looking.

Bristol Bay Native Corporation strongly supports SB 161/HB 301 and thanks you for sponsoring this bill.

Respectfully,

A handwritten signature in black ink that appears to read "April Ferguson".

April Ferguson
Sr. VP & General Counsel
Bristol Bay Native Corporation

111 West 16th Avenue, Suite 400
Anchorage, AK 99501
T 907.278.3602 F 907.276.3924
www.bbnc.net

ALASKA STATE LEGISLATURE



Senator Donald C. Olson

Alaska State Capitol
Room 508
Juneau, Alaska 99801-1182
(907) 465-3707
sen.donny.olson@akleg.gov

SPONSOR STATEMENT

SB 161

Each year, around the state, Alaskan families suffer the unexpected loss of a loved one. Accidental deaths are common in the course of work, play, and providing food for the family table. Each loss is a critical. Each family's grief is real.

For many rural Alaskans, the grieving process is further complicated by the fact that their deceased loved ones' remains must be shipped into Anchorage, at State expense, for review by the State Medical Examiner (ME) in order to establish a cause of death and obtain the death certificate required for legal burial. On top of staggering loss and major life changes comes the stress of more forms, more requirements, and more confusion in a process that is already difficult to navigate. In many cases families have, without the knowledge required to make fully informed choices, agreed to the use of expensive funeral home services – and then been on the hook for thousands of dollars they do not have but must pay before the funeral homes will allow their loved ones' remains to return home.

At the same time, the State currently spends General Fund dollars to transport remains of individuals to and from Anchorage, when existing technology in many regions could be used to reduce the number of transports required.

SB 161 seeks to make minor changes to the law guiding the Alaska Department of Health and Social Services' current autopsy and death certificate issuance process. Recognizing that good people guide and perform the work addressed in this bill, SB 161 approaches each change with an eye for treating grieving Alaskans with greater compassion, maximizing the use of quality existing resources, and saving state funds – all while continuing to meet legal obligations and ensuring the ME's office retains the support and resources it needs to do the job right.

Please join me in support of SB 161.

ALASKA STATE LEGISLATURE



Senator Donald C. Olson

Alaska State Capitol
Room 508
Juneau, Alaska 99801-1182
(907) 465-3707
sen.donny.olson@akleg.gov

Senate Bill 161 – Autopsies and Death Certificates

“An Act relating to duties and procedures of the state medical examiner and the Department of Health and Social Services; and relating to death certificates.”

Staff Contact: David Scott 465-3877

SECTIONAL SUMMARY

Section 1 amends AS 12.65.025 (a) (2) to reinforce the State Medical Examiner's (ME's) current ability to ship remains to the deceased's family in cases where the place of death is not the decedent or family's home, up to the cost equivalent of shipment to the place of death. *This family-friendly change allows the Department of Health and Social Services (DHSS) to focus solely on the cost of required transport, paying toward the shipment only up to the cost of transport to the place of death, even though the body is being shipped to the family's actual location. The family would then pay any difference in cost. This would never increase DHSS costs; in some cases it would reduce costs, while also being more responsive to the needs of grieving families.*

Amends AS 12.65.025 (a) (3) to require the ME to cover the cost of embalming remains when required for transport by a commercial carrier. *In some rare instances, depending upon a body's condition, air carriers have told families that they require embalming prior to accepting the body for shipment. This change would ensure families do not get caught between airline requirements and the State's limitation of embalming only when legally required. Families generally do not ask for their loved ones remains to be shipped to the ME's office; they should not suffer the financial consequences if embalming is later required for return shipment.*

Section 2 adds new requirements to existing AS 12.65.025.

New (f) requires the ME's office to utilize existing technology readily available in many rural health facilities. The Alaska Tribal Health System (ATHS) has made

substantial investments in quality telemedicine technology that could be used for the benefit of locals and DHSS. *Through organizational Memoranda of Understanding or Agreement, DHSS and AHS organizations could partner to allow the ME to perform some preliminary distance examinations at a village clinic or larger regional hub facility prior to determining whether or not the body must be brought into Anchorage for further evaluation. Each case that could be closed without shipping the body into Anchorage represents money saved for the State, stress minimized for grieving families.*

New (g) outlines standards of fair written communication between the ME's office and surviving family members. *This will help to ensure fair and accurate information enables families to make informed choices that align with their cultures and their budgets.*

New (h) adds a good current practice to statute. *Currently, when the ME's office knows a body will be transported via air back to a rural region, staff will chill the body prior to transport. This is current practice for good reason – air transport takes time and, depending upon the season, chilling is absolutely necessary for humane transport of human remains to a family.*

Sections 3, 4, and 5 amend current AS 18.50 to facilitate the declaration of death and issuance of a death certificate in-region for cases in which transport to the ME's office is deemed unnecessary. *For many rural Alaska families, issuance of a death certificate is a time-critical process that sets in motion State funeral assistance and other relief for families receiving state aid. These sections would allow regional officials (to be detailed by DHSS through regulation) in the deceased's home region to help with this process. The intent here is not to create a large volume of extra work for regional leaders or to take necessary control away from the State, but to provide a more friendly business process for grieving families. It would likely also lessen the financial burden on regional organizations that have traditionally donated funds to help families cover unanticipated and unnecessary funeral home expenses.*

Section 6 adds to existing AS 18.50.280 a new subsection (e), memorializing in statute the ME's current practice of obtaining the Burial Transit Permit for remains they will send directly back to the family. *Adding this good practice to statute will ensure this practice continues; grieving families should never be expected to navigate this piece of the process on their own.*



Authorization for Release of Remains

There is no legal requirement for the use of a funeral home. The State Medical Examiner's Office (SMEO) does not embalm or provide other funeral home services. At the direction of the next of kin, the SMEO can release remains directly to the family or to a funeral home. Funeral homes are often able to make the body more presentable and therefore help prevent additional trauma to the family. The SMEO pays for remains to be shipped back to the community nearest death. If a request is made to ship remains to a different community, and there are additional costs, the family would be responsible for the additional cost.

In the matter of _____, a deceased individual:

If no funeral home is selected, the legal next of kin, or authorized agent of the next of kin, do hereby authorize the State Medical Examiner's Office (SMEO), to release the remains of the aforementioned decedent to:

Name of person picking up the remains: _____

Address of person picking up the remains: _____

Contact phone # of person picking up the remains: _____

OR

I, we, the legal next of kin, or authorized agent of the next of kin, do hereby authorize the State Medical Examiner's Office (SMEO), to release the remains of the aforementioned decedent to:

Funeral Home: _____

Funeral Home Phone #: _____

.....

The undersigned assumes any liability for the release of these remains as directed.

Signature: _____
Legal Next of Kin

Print Name: _____ Relationship: _____

Date: _____ Witness: _____



Alaska State Medical Examiner's Office

5455 Dr. Martin Luther King Jr. Ave., Anchorage, AK 99507

Phone: (907) 334-2200; Fax: (907) 334-2216

Email: medical.examiner@alaska.gov

If the legal next of kin elects not to use a funeral home and to pick the remains up from our office in Anchorage or have the remains shipped back to the place of death:

- The State Medical Examiner's Office (SMEO) will pay to transport the remains to community nearest the location of death via common carrier (airlines).
- If the next of kin chooses to designate someone other than a funeral home to pick up the remains, a Burial Transit Permit will be required. A Burial Transit Permit will be issued through the Medical Examiner's Office at the time the remains are picked up. There is no charge for a Burial Transit Permit.
- If the next of kin requests the remains to be shipped to a location other than the location of death, the family is responsible for any additional transportation costs incurred as a result.
- The SMEO does not provide any embalming, dressing, casketing, or cosmetizing of the remains before transportation.
- The remains will be transported back to the location of death in an approved airline shipping container, provided by our office. This container is constructed of plywood with a corrugated cardboard top. These containers are disposable and do not need to be returned.
- If the next of kin or designated individual is picking the remains up from our office, they will need to call ahead to schedule an appointment. You may contact the office at our main phone number, (907) 334-2200 between 7:30 AM and 4:30 PM Monday through Friday. If the next of kin chooses to transport privately, they will incur the transportation costs as a result.
- Transportation of the remains will be dependent upon the schedule of the SMEO and accommodating airlines.

If the legal next of kin selects a funeral home for embalming, dressing, or casketing:

The State Medical Examiner's Office (SMEO) will only pay to transport the remains to and from the location of death. Reference: 7 AAC 35.100(c). "Transportation of human remains", and AS 12.65.025(2) "Post mortem examinations."

- If the next of kin requests the remains be shipped to a location other than the location of death, they are responsible for any additional transportation costs incurred as a result.
- If the family selects a casket, the family will be responsible for paying the additional transportation costs (extra weight the casket adds) of shipping the casketed remains back to the location of death.
- The family is responsible for paying the selected funeral home for any embalming or other services provided by the funeral home.
- The family is responsible for paying the funeral home for any clothing, dressing, or casketing provided by them.
- ~~Certain funeral homes will not accept personal property. If a funeral home is selected that~~ does not accept personal property it will be the responsibility of the next of kin to make arrangements to pick up the property at the State Medical Examiner's Office. Property can NOT be mailed.