

HB

301

<TARGET><BILL>HB 301</BILL><SUBJECT>HB
301</SUBJECT><COMM>SHSS28</COMM></TARGET>

SENATE COMMITTEE REPORT

DATE: 3/21/14

FURTHER: Rules

DATE TURNED
IN TO OFFICE: 4/4/14

Health and Social Services Committee considered CS FOR HOUSE BILL NO. 301(HSS)

HB 301-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 recommends:

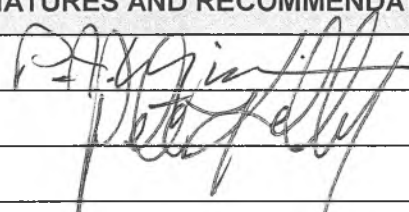
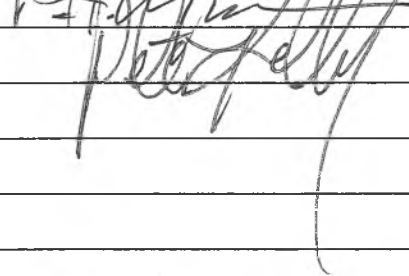
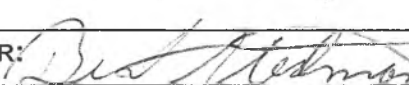
- be replaced with SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- adopt previous SCS _____ (_____) Same Title Technical Title Change
 New Title/SCR No. _____
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

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 #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DHS			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	NO REC	AMEND
	Micciche	✓			
	Kelly	✓			
CHAIR: 	Stedman	✓			



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

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 thru 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 thru 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.

STATE OF ALASKA

DEPARTMENT OF HEALTH & SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH
STATE MEDICAL EXAMINER OFFICE

SEAN PARNELL, GOVERNOR

STATE MEDICAL EXAMINER OFFICE
5455 DR MARTIN LUTHER KING JR AVE
ANCHORAGE, ALASKA 99507
PHONE: (907) 334-2200
FAX: (907) 334-2216

AUTHORIZATION FOR RELEASE OF REMAINS

In the matter of _____, a deceased individual:

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 #: _____

If no mortuary 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: _____

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 to a funeral home or directly to the family, back to the community nearest death. However, the SMEO strongly recommends the use of a funeral home (at the family's expense) for proper disposition of the body after an autopsy. The SMEO does not prepare or embalm individuals and assumes no liability for the condition of the body.

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

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

Date: _____ Witness: _____

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 family requests the remains be shipped to a location other than the location of death, the family is 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 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.

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 location of death if we are shipping 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 can be obtained thru our office before picking up the remains.
- If the family 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.
- If the family is picking 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 costs as a result.
- Transportation of the remains will be dependent upon the schedule of the SMEO and accommodating airlines.

CS HB 301 (HSS) "Autopsies and Death Certificates"
Sponsor: Representative Herron

"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."

Changes from HB 301 [28-LS1196\C] to CSHB 301 (HSS) [""\Y]

HB 301 was heard in the House Health and Social Services Committee 2/20, 3/4, and 3/11/2014. Under the committee's direction, the bill saw several changes from initial version \C to current version \Y.

1. At \Y page3 lines1-2, language changes to read: "transportation to the community closest to where the death occurred or to another location". This clarifies that both these options will be clearly laid out in the written notice The Department of Health and Social Services (DHSS) provides to families working with the State Medical Examiner's office.

2. At \Y page2, line3, language changes to read: "(3) embalming, if embalming is required by law;". This change clarifies current statute. Some families have been told by air carriers that they are legally required to have their loved ones' remains embalmed before they can be flown home. This misinterpretation of the law has added cost and stress to many families' experience. This change should increase clarity to transporting businesses and families.

3. At \Y page2, lines8-15, added language:

- In (f)(1), recognizes the State Medical Examiner's responsibility and authority to verify the availability of a remote examination site closer to the body's location of death prior to directing a remote examination at that site. In addition, it adds the availability of training to the criteria remote examination sites are required to meet.
- In (f)(2), requires the facility to meet applicable Forensic Autopsy Performance Standards set by the National Association of Medical Examiners.
- In (f)(3), renumbers language already in the bill's current version (requiring DHSS to designate remote examination locations only if the cost associated with utilizing this remote location is less than the cost of examining the body at the ME's office).

4. Deletes the requirement that DHSS provide temperature and other controls available to maintain remains shipped by air: requirement formerly found at \C page3, lines2-3. More in-depth consideration found the deleted language would have added more time (approximately two days, in most cases) to the processing of most remains seen in the ME's office. DHSS can answer any questions about current practice and testify to their commitment to continue it.

5. \C's Sections 3 and 4 have been deleted; \C's Sections 5 and 6 are now \Y's Sections 3 and 4. These sections were deleted in recognition of DHSS' newly-implemented, more efficient death certificate issuance practices. DHSS can speak to these practices.

NOTE: All changes above, except #2, were also made in the Senate Finance CS to SB 161. The change in #2 was made to HB 301 by the House HSS Committee, and is supported by the sponsor, DHSS, and known bill supporters.

ALASKA STATE LEGISLATURE

Representative Bob Herron

Official Business



State Capitol
Juneau, Alaska
99801-1182

House Bill 301 – 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."

Version 28-LS1196\Y;
Staff Contact: Liz Clement 465-6576

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.*

Clarifies AS 12.65.025 (a) (3) to prevent misinterpretation and complication to families. *In some rare instances, air carriers have told families that State law requires embalming of their loved ones' remains prior to accepting the body for shipment. This change clarifies the state's reference to embalming, which has been previously but is not currently required.*

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. *This adds flexibility to the law to allow initial conversations considering a potential pilot project, to be defined through organizational Memoranda of Understanding or Agreement, in which DHSS and ATHS organizations could partner to allow the ME to perform some preliminary*

Sectional Summary : CSHB 301 (HSS) | 28-LS1196\Y

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.*

Sections 3 and 4 add to existing AS 18.50 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. *This addition will ensure current good practice continues; grieving families should never be expected to navigate this piece of the process on their own.*

ALASKA STATE LEGISLATURE

Representative Bob Herron

Official Business



State Capitol
Juneau, Alaska
99801-1182

CS House Bill 301(HSS) – Autopsies and Death Certificates
Version 28-LS1196\Y
Staff Contact: Liz Clement 465-6576

SPONSOR STATEMENT

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

For many rural Alaskans, the natural 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 found themselves on the hook for thousands of dollars they do not have but must somehow pay before the funeral homes will allow their loved ones' remains to return home.

At the same time, the State of Alaska 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.

HB 301 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 in the ME's office perform the work addressed in this bill, HB 301 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 HB 301.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSHB 301(HSS)
Fiscal Note Number: 1
(H) Publish Date: 3/12/14

Identifier: HB301CS(HSS)-DHSS-SMEO-03-04-14
Title: AUTOPSIES AND DEATH CERTIFICATES
Sponsor: HERRON
Requester: House Health & Social Services 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 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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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 "P" (2/27/14). Deletes the requirement for embalming because of a carrier's policy. Changes wording in Sec. 2 (g)(4) to make it consistent with Sec. 1 (a)(2) and clarify that transportation is to the closest community or another location. Removes Sec. 2 (h) requirement for temperature control, and all of Sec. 3 and Sec. 4 related to death certificates. After discussions with the sponsor, the department's interpretation of Sec. 2 (f) on remote post mortem examinations is 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:	03/03/2014 12:00 AM
Approved By:	Sarah Woods, Deputy Director, Finance & Management Services	Date:	03/04/14
Agency:	Health & Social Services		

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSHB 301(HSS)

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 community 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. 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. Post mortem examinations conducted remotely via telemedicine equipment between a local provider and the State Medical Examiner's Office should only occur after the State Chief Medical Examiner certified that the facility has the adequate and trained staffing, and appropriate technology, equipment, policies, procedures and physical plant in place. The sponsor has proposed a pilot program 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.