

Testimony
Autopsy Funding Study
Health Services Committee
Thursday, April 24, 2014; 2:20 p.m.
Cass County Coroner

Good afternoon, Madam Chair Lee and members of the Health Services Committee. My name is Dr. John Baird, and I am the coroner for Cass County, an appointed position I have held for 31 years. As many of you know I also practice in the field of public health as health officer for Fargo Cass Public Health and as a field medical officer for the North Dakota Department of Health. I am here today as a county coroner to share my perspective on the medicolegal death investigation system in our state and to try to answer some of your questions concerning the organization and cost of these services.

Current System

In the United States the organization of death investigation systems varies by state with some having a state run medical examiner system, some a county based coroner or medical examiner system and some a mixed state and county system. Some coroners are elected and some are appointed. In North Dakota we have coroners appointed by each County Commission and a state forensic medical examiner in the state health department who assists the coroners as an expert consultant.

A coroner investigates deaths that are the result of criminal or violent means such as homicide, suicide, and accident, or deaths of individuals who die suddenly when in apparent good health, or deaths of a suspicious or unusual manner. A coroner works closely with law enforcement to determine if a crime may have been committed and provides a particular medical perspective on the investigation. Issues of public health and safety such as unusual contagious infections or deaths from environmental hazards may be raised by a coroner or medical examiner. A coroner signs death certificates for those deaths investigated indicating the cause of death and manner of death, whether that be homicide, suicide, accident, natural causes, or undetermined.

For several of the counties in North Dakota there are physicians appointed as coroner. Other counties may have a coroner who is an advanced practice nurse, a registered nurse, physician assistant, or other individual determined by the state forensic examiner to be qualified. If no one else can be found to serve as coroner then the sheriff, the state highway patrol, or an agent of the bureau of

criminal investigation may act in the capacity of coroner. A number of our counties have the sheriff acting as coroner.

Since 1996, a state forensic medical examiner has been employed by the North Dakota Department of Health as an expert to consult with coroners, investigate and do autopsies when requested, and to provide training. The state forensic examiner assumes jurisdiction over a dead body when requested to do so by a coroner or state's attorney. The coroner is required to report deaths to the state forensic examiner, but this does not necessarily happen routinely. Coroners are required to actively consult with the state forensic examiner concerning cases involving an inmate, a child under the age of one when in apparent good health, and those deaths believed to be due to suicide, homicide, or from child abuse or neglect.

Dr. George Mizell, a forensic pathologist, was North Dakota's first state forensic examiner. Since July 2007, Dr. William Massello, also a forensic pathologist, has served as the state forensic examiner. Excellent morgue and office facilities have been built in Bismarck. As the numbers in the following tables taken from the annual reports of the state forensic examiner indicate, the workload of the office has continually increased.

North Dakota Forensic Examiner								
	1997	1998	1999	2000	2001	2002	2003	2004
Natural								
Causes	51	52	53	66	59	84	89	68
Accident	63	76	86	79	46	73	68	72
Suicide	38	43	40	37	53	57	54	40
Homicide	12	8	12	10	10	7	12	11
Undetermined	5	6	6	4	4	4	3	4
Pending								
Total	169	185	197	196	172	225	226	195

North Dakota Forensic Examiner								
	2005	2006	2007	2008	2009	2010	2011	2012
Natural								
Causes	76	76	73	96	103	74	71	81
Accident	63	83	79	103	104	113	122	139
Suicide	65	64	65	55	76	88	96	102
Homicide	13	8	14	5	15	14	18	19
Undetermined	4	7	5	12	7	11	11	18
Pending							5	8
Total	221	238	236	271	305	300	323	367

During the last Legislative Assembly money was appropriated for the state department of health to contract with the University of North Dakota School of

Medicine and Health Sciences Department of Pathology to provide expert forensic consultations and autopsies for the eastern part of the state including Cass County. This arrangement has been in place and functioning well since September 2013 with the three forensic pathologists at the University of North Dakota working at an excellent morgue facility recently constructed in Grand Forks.

Cass County

My coroner office in Cass County handles an average of 23 and as many as 35 cases a month. Half of the cases investigated are natural deaths. There is an average of 2.5 and as high as 7 accidents a month. We have an average of 2 suicides a month and as many as 4 homicides in a year. Seventy-five percent of our cases in which law enforcement was involved were with the Fargo Police Department. Fifteen percent were with the Cass County Sheriff's Office and ten percent with the West Fargo Police Department. We do have some days with no cases but have had up to five cases to investigate on some days.

I have two deputy coroners hired by the county at a total of 1.75 FTE. We have an office in the court house that is staffed during the day and call coverage is provided 24 hours a day, 7 days a week. We work closely with the local funeral homes and FM Ambulance to coordinate care of the deceased individuals and transportation as needed. Recently the Cass County Commission authorized a new coroner's office and county morgue which will be part of the building the City of Fargo purchased and is remodeling for Fargo Cass Public Health. The Fargo Police Department will have a substation in this building adjacent to the coroner's office.

My deputy coroners and I investigate deaths that are reported to us. This includes phone calls, scene investigation, interviewing those involved with the death, review of medical records, and interaction with families. We coordinate our investigation with law enforcement and the state's attorney as needed. We rely on consultations with the forensic pathologists at the state forensic examiner's office and now at UND. When indicated an autopsy and/or toxicology evaluation are requested. We interpret these results when they return to make a final determination on cause and manner of death. When an autopsy is needed we turn jurisdiction and determination of cause and manner of death over to the forensic pathologists.

We average 60 or more autopsies a year. We have arrangements with the local funeral homes to transport bodies to Bismarck or Grand Forks for the autopsies.

Needs

Professional medicolegal death investigation is a service our citizens should expect. This requires adequate resources and well trained personnel. I have had a number of physicians who served as my deputy coroners over the years, but it is hard to find a physician with an interest in this field, especially when there is minimal compensation. My current deputies are trained and certified by the American Board of Medicolegal Death Investigators. They do an excellent job of investigation. We have a sufficient caseload for my deputies to maintain their skills and they attend continuing education courses.

Adequate equipment and facilities are also a necessity. We rely heavily on local funeral homes for assistance in handling and storage of deceased bodies. Some of what they do for us is compensated but they go beyond what should be expected of them. If we need to examine a body in more detail or draw toxicology specimens we have to use the funeral homes preparation rooms. I am pleased that the Cass County Commission recognized the need for a county morgue. This will give us professional space to care for and examine bodies. It particularly addresses concerns about chain of custody of decedents where there may be any criminal charges and handling of multiple bodies in the case of a mass fatality disaster.

Consultation, guidance, and assistance with investigations including provision of autopsies by forensic pathologists are extremely important. This is their area of training and expertise. They provide excellent help for coroners. No one local jurisdiction has enough work for a forensic pathologist. Until the state made provisions for a state forensic examiner I had to encourage hospital pathologists to help me and to find out of state forensic pathologists who would provide an occasional autopsy for the more difficult cases. Having our own state forensic pathologists provides a much more available service with consistency and a higher level of investigations.

Because autopsies are not done in the county on our cases we have to arrange for transportation to Bismarck and now to Grand Forks. Finding appropriate and adequate ways to transport a body has been an issue at times. Timing of autopsies can also impact organ and tissue donation and arrangements that families make for funerals. Our funeral homes have been good to work with for transportation and we compensate them for this service.

Costs

There are some national norms for the overall cost of death investigation in a jurisdiction but there is no set standard in North Dakota for the cost of a coroner's office or what the other costs of investigation will be. In some counties there has been a payment to the coroner for each death investigated. In Cass County and I believe the other larger counties we have a yearly budgeted amount as a contract for services by the coroner or as salaries. We also budget an amount for transportation, toxicology, supplies and other expenses of the office. The Cass County budget for the coroner's office in 2014 is \$189,856.

An autopsy can be ordered by a coroner or deputy coroner when a body is taken into custody for a medicolegal death investigation. If the coroner does not deem an autopsy necessary, the sheriff or state's attorney may direct that an autopsy be performed. State statute directs that the autopsy must be performed by the state forensic examiner or by the state forensic examiner's authorized pathologist at a facility approved by the state forensic examiner. In the death of a child whose cause of death is suspected to be sudden infant death syndrome the state forensic examiner or designee shall do an autopsy unless the county coroner, sheriff, state's attorney, and parent or guardian all agree that an autopsy is unnecessary.

The expenses for autopsies done by the state forensic examiner or designee are covered by the budget of the state health department. Transportation costs to Bismarck or Grand Forks are paid by the county. Two years ago we did an informal survey of a few counties to see what they pay for transportation. There was a wide variation and there seemed to be no set amount paid, but in general the further the distance the greater the cost. For autopsies arranged from my office in Cass County we currently pay funeral homes a fee of \$450 to drive a body to Bismarck and back and \$225 to Grand Forks and back.

Autopsies are ordered for any case where the cause of death is totally unclear and especially in an effort to determine if any criminal activity or foul play has transpired. If a coroner decides an autopsy is not necessary then a family is free to make their own arrangements for an autopsy to be done. They are then responsible for the cost of the autopsy.

The current financial arrangements in North Dakota are that counties pay for the expenses of local investigations and the state provides autopsies as needed. Transportation to the autopsy is paid by the county. We would be failing our duty if an autopsy was not done and a murder was missed because of the inability of counties to pay for the costs involved.

Conclusion

In my time as coroner in Cass County I have seen medicolegal investigations of deaths improve in North Dakota. Close working relationships with law enforcement, state's attorneys, funeral homes and all of our partners have brought together many talents. A coroner provides a medical look at deaths which aids and directs the investigation. Our citizens deserve a professional death investigation system. This requires appropriately trained personnel operating with good equipment and facilities, working with forensic experts. Our system was greatly enhanced when the legislature added the position of state medical examiner. This expertise, support, and leadership were needed by our coroners. The current arrangement of cost sharing by the counties and the state for the different portions of the overall system allows professional and appropriate investigations to be done.

Madam Chair Lee and members of the committee, this concludes my testimony. I am happy to answer any questions you may have.