

Testimony
Health Services Interim Committee
July 30, 2014
North Dakota Department of Health

Good morning Madam Chair and members of the Health Services Interim Committee. My name is Kirby Kruger, and I am the Section Chief for the Medical Services Section of the North Dakota Department of Health. The Medical Services Section consists of the Forensic Examiner's Office and the Division of Disease Control. I am here today to provide information to the committee on the recommendations of the work group that addressed autopsies and death investigations in North Dakota.

At the April 24th hearing of this committee, Chairwoman Lee requested a work group be formed to examine the system of death investigations and autopsies in North Dakota. Furthermore, the group was tasked with reporting back to this committee with specific recommendations for improving the system of death investigations and autopsies.

This work group consisted of 21 individuals representing various agencies or organizations. These included:

- University of North Dakota School of Medicine, Department of Pathology
- North Dakota Department of Health, Office of the Forensic Examiner
- North Dakota Department of Health, Vital Statistics
- North Dakota Association of Counties
- North Dakota Indian Affairs Commission
- Attorney General's Office, Bureau of Criminal Investigation
- Attorney General's Office, Crime Laboratory
- Mandan Police Department
- Hettinger County Sheriff (local coroner)
- Cass County Coroner
- Stark and Billings County Coroner and Assistant Coroner
- North Dakota Funeral Directors Association
- North Dakota Medical Association
- Interim Health Services Legislative Committee

This group met twice to identify gaps in our current system and to find solutions to address these gaps. At the April hearing, the North Dakota Association of Counties testified that the current system is working for the counties. The work group agreed with this assessment on the whole, but felt that there were some areas that could be improved. The gaps or problem areas that were identified by the work group, including possible solutions, are as follows:

1. Maintain a manageable workload at the Office of the Forensic Examiner in Bismarck. The group recommends the North Dakota Department of Health receive continued funding to maintain the contractual agreement between the NDDoH and UND for forensic autopsy services. The UND Department of Pathology is requesting funding be appropriated to the NDDoH to continue the contractual services.

From January 1 to June 30, 2014, the State Forensic Examiner's Office conducted 128 autopsies and the University of North Dakota conducted 92 autopsies, of which 73 were from eastern counties that previously would have sent their cases to Bismarck. Without this contract, the State Forensic Examiner's Office would have conducted 201 autopsies in the first half of 2014.

2. Legislation is needed to give authority to the State Forensic Examiner (SFE) and/or his/her designees to review non-natural deaths and amend the cause and manner of death if necessary. The Division of Vital Records is drafting legislative language for the upcoming session to provide the needed authority for the SFE or his/her designee.
3. Develop a system to prompt health care providers to consult with the local coroner in all deaths that are not natural deaths. Currently state law requires that all non-natural deaths be reviewed by the coroner. The Division of Vital Records is developing a change to the electronic death certificate system in which a window would pop up on the screen if a healthcare provider selected a non-natural cause of death. The screen would remind the provider to consult with the local coroner before certifying the death.
4. Allow copies of toxicology reports generated by the State Crime Laboratory to be sent to the State Forensic Examiner or the SFE's designee. The State Crime Laboratory feels this could be done by simply modifying the laboratory request slips to include language indicating the test results will be sent to the SFE or his/her designee.
5. Increase and improve the knowledge and skills of coroners, death investigators and others who may conduct death investigations or assist in death investigations. Increase the number of people in North Dakota who have training in death scene investigation.
 - a. Train the vital records nosologist to help identify deaths that should be further reviewed by the Forensic Examiner or his/her designee. The training would be conducted by Drs. Massello and Sens.
 - b. UND is developing an on-line death investigation course. It has been approved for Continuing Medical Education (CME) and Public Safety

Officer Standards and Training (POST) credits for medical and law enforcement personnel. UND will pursue the appropriate approval process to allow emergency medical personnel to earn credit as well. This course is offered at no cost through September of 2015.

- c. The State Forensic Examiner should continue offering eight hours of training each year for coroners, law enforcement, paramedics and other first responders.
 - i. Implement a mechanism to offset travel costs for the coroner or the coroner's designee from each county in an effort to reduce travel costs as a barrier to training. This would require an appropriation to the state in the amount of \$29,375. This estimate is based on mileage, meals for one day and one night of lodging for those traveling more than 100 miles.
 - ii. Reimbursement could be handled either directly by the NDDoH or the North Dakota Association of Counties through a contractual agreement.
 - d. Encourage medical personnel, law enforcement and first responders to attend death scene investigation training by working with respective associations to promote such training and offer continuing education credits. The NDDoH is currently working with the North Dakota Medical Association to have the SFE's course approved for CMEs.
 - e. Provide scholarships to help offset travel costs for five county coroners per year or the coroner's designee to attend the training provided by the Hennepin County Coroner in Minnesota on death investigations. An appropriation in the amount of \$10,000 would be required.
6. Develop the capacity of the State Crime Laboratory to produce quantitative toxicology results. Currently, the laboratory can provide only qualitative results. The county coroners in the work group support adding the capacity for producing quantitative results. The crime laboratory is supportive of developing the quantitative capacity as well, although it is not a high priority at this time.
 7. Allow the SFE and UND Department of Pathology to review death records electronically and allow these entities to send the electronic record to other medical providers for further review or correction. The Division of Vital Records would work with the Information Technology Department (ITD) to modify EVERS to accommodate this change. The estimate for those modifications is between \$10,000 and \$20,000. The Division of Vital Records feels that providing such authority to the SFE or his/her designee could be accomplished with a rule change.
 8. Assist the NDDoH Emergency Preparedness and Response, Medical Services and Administrative Services Sections with the development of a mass fatality response

plan for North Dakota. Several members of the work group are interested in assisting with the development of this plan, including UND School of Medicine and Health Sciences, several county coroners and the North Dakota Funeral Directors Association.

This concludes my testimony. I will be happy to answer any questions you may have.