

**Testimony**  
**Health Services Interim Committee**  
**August 18, 2015**  
**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 a review of the recommendations of the work group that addressed autopsies and death investigations in North Dakota, and to provide an update on the progress towards meeting the recommendations.

At the April 24, 2014, 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 the death investigation system and to find solutions to address those gaps. At the April 2014 hearing, the North Dakota Association of Counties testified that the current system was working for the counties. The work group agreed with this assessment on the whole, but identified several areas for

improvement. The gaps or problem areas that were identified by the work group, including possible solutions and progress, 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.

**Progress:** House Bill 1004 included (in the NDDoH's base budget) \$480,000 to contract with UND to relieve the forensic examination load at the NDDoH. The legislature also provided an additional \$160,000 to UND for autopsies, which brings the total for the services provided by UND to \$640,000. UND indicates this is the amount they need to conduct the anticipated number of examinations for the biennium.

UND continues to provide forensic examination services for 21 eastern counties (attachment 1a and 1b). The annual number of forensic examinations performed by the NDDoH has decreased to a manageable load from 367 in 2012, before the contract with UND was enacted, to 260 in 2014. Attachment 2 provides the graphic summary of forensic examination in North Dakota from 2012 through June 30, 2015. Please note that the 2015 data is preliminary.

2. Develop legislation to give authority to the State Forensic Examiner (SFE) and/or his/her designees to review non-natural deaths that have already been autopsied, and to 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.

**Progress:** After reviewing NDCC 11-19.1-18, we are comfortable that the SFE has the authority to assume jurisdiction over a body and to make changes to the cause and manner of death, if warranted.

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.

**Progress:** 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 modifying the laboratory request slips to

include language indicating the test results will be sent to the SFE or his/her designee.

**Progress:** The State Crime Laboratory has updated their toxicology request forms to include a check box that local officials can check to send a copy of results to the SFE or his designee. Those using the older forms can request toxicology reports from the North Dakota Crime Laboratory be sent to the SFE or his designee simply by writing that request on the form.

5. Increase and improve the knowledge and skills of coroners, death investigators and others who conduct death investigations or assist in death investigations. Increase the number of people in North Dakota that are trained 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.

**Progress:** This planning is ongoing as time permits.
  - 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.

**Progress:** UND's death investigation course is available online. Students may register to receive continuing education units upon completion of any one or more of the training courses. Continuing Education Units (CEUs) are approved for the following, depending on the course:

    1. American Medical Association's Physician Recognition Award (AMA-PRA) Category 1™
    2. American Board of Medicolegal Death Investigators (ABMDI)
    3. POST - North Dakota, Minnesota and Tennessee
    4. Minnesota Department of Health - Mortuary Science Section
  - 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 though the North Dakota Association of Counties under a contractual agreement.

**Progress:** During the 2015 Legislative session, House Bill 1042 was introduced to provide funding for the reimbursement of travel costs to counties that send local officials to death investigation training/education. HB 1042 failed on the floor of the House.

- d. Encourage medical personnel, law enforcement and first responders to attend death scene investigation training by working with respective associations to promote the 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.

**Progress:** The SFE's office continues to offer education and training. An annual training occurs each October. In 2014, 51 individuals registered and 31 law enforcement and 3 medical personnel attended the training. That training was approved for both POST and AMA continuing education hours. The next training is scheduled for October 15, 2015, and is approved for POST and AMA continuing education (Attachment 3). We continue to work with law enforcement and the medical community to promote training.

- e. Provide scholarships to help offset travel costs for five county coroners or the coroner's designee per year to attend the training on death investigations provided by the Hennepin County Coroner in Minnesota. An appropriation in the amount of \$10,000 would be required.

**Progress:** During the 2015 legislative session, House Bill 1042 was introduced to provide funding for the reimbursement of travel costs to counties that send local officials to death investigation training/education. HB 1042 failed on the floor of the House.

- 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.

**Progress:** The State Crime Laboratory will work towards offering quantified toxicological testing as staffing and other resources allow.

- 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 estimated cost for those modifications is between \$10,000 and \$20,000. The Division of Vital Records indicates that

providing such authority to the SFE or his/her designee could be accomplished with a rule change.

**Progress:** During the 2015 Legislative session, House Bill 1042 was introduced to provide funding for these changes to be made to the EVERS system. HB 1042 failed on the floor of the House.

Funding for this activity was also part of HB 1004, the NDDoH's budget, and was submitted as part of the Executive budget. However, this funding was cut from the bill.

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 the UND School of Medicine and Health Sciences, several county coroners and the North Dakota Funeral Directors Association.

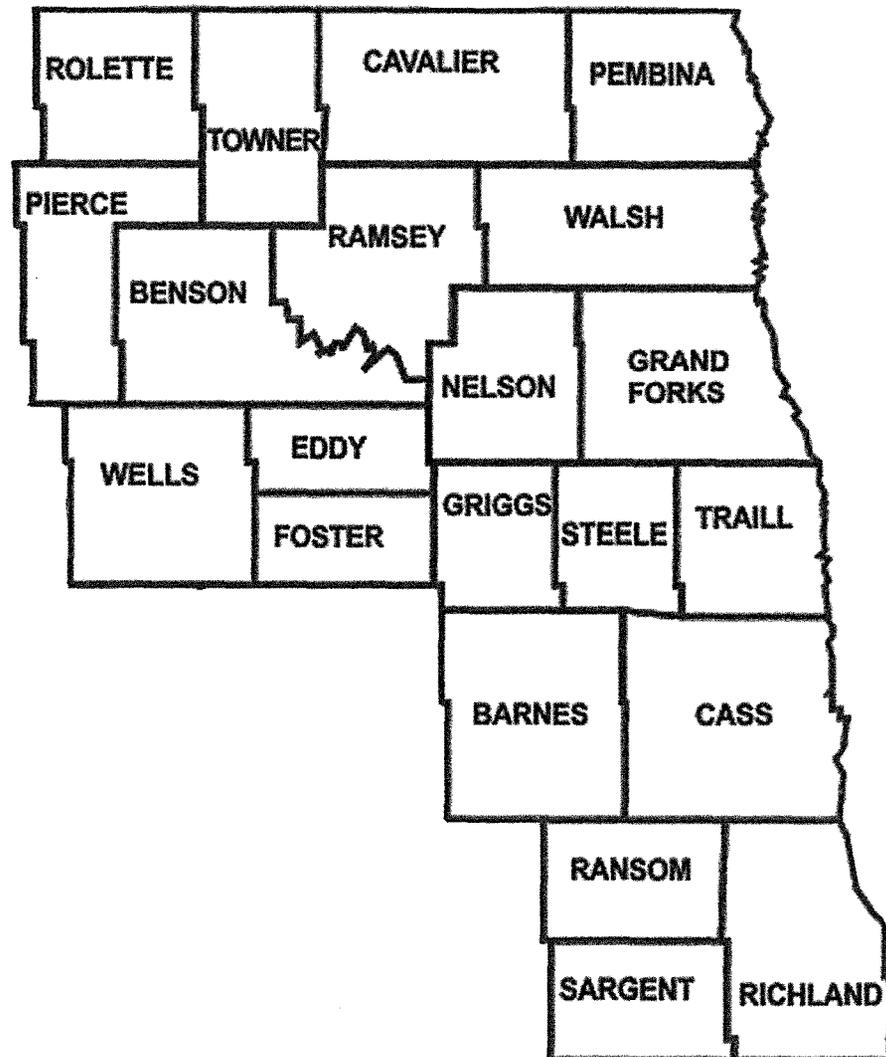
**Progress:** The NDDoH's Emergency Preparedness and Response Section is coordinating the review of current mass fatality plans. The NDDoH is taking the lead in the planning and coordination for a mass fatality exercise, which is tentatively scheduled for the fall of 2016. This exercise will engage state and local officials in responding to a mass fatality incident. During the 2015 legislative session, the legislature approved \$200,000 in SB 2016, the Adjutant General's budget, to provide financial assistance for this exercise, including bringing a federal Disaster Mortuary Team to North Dakota to participate.

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

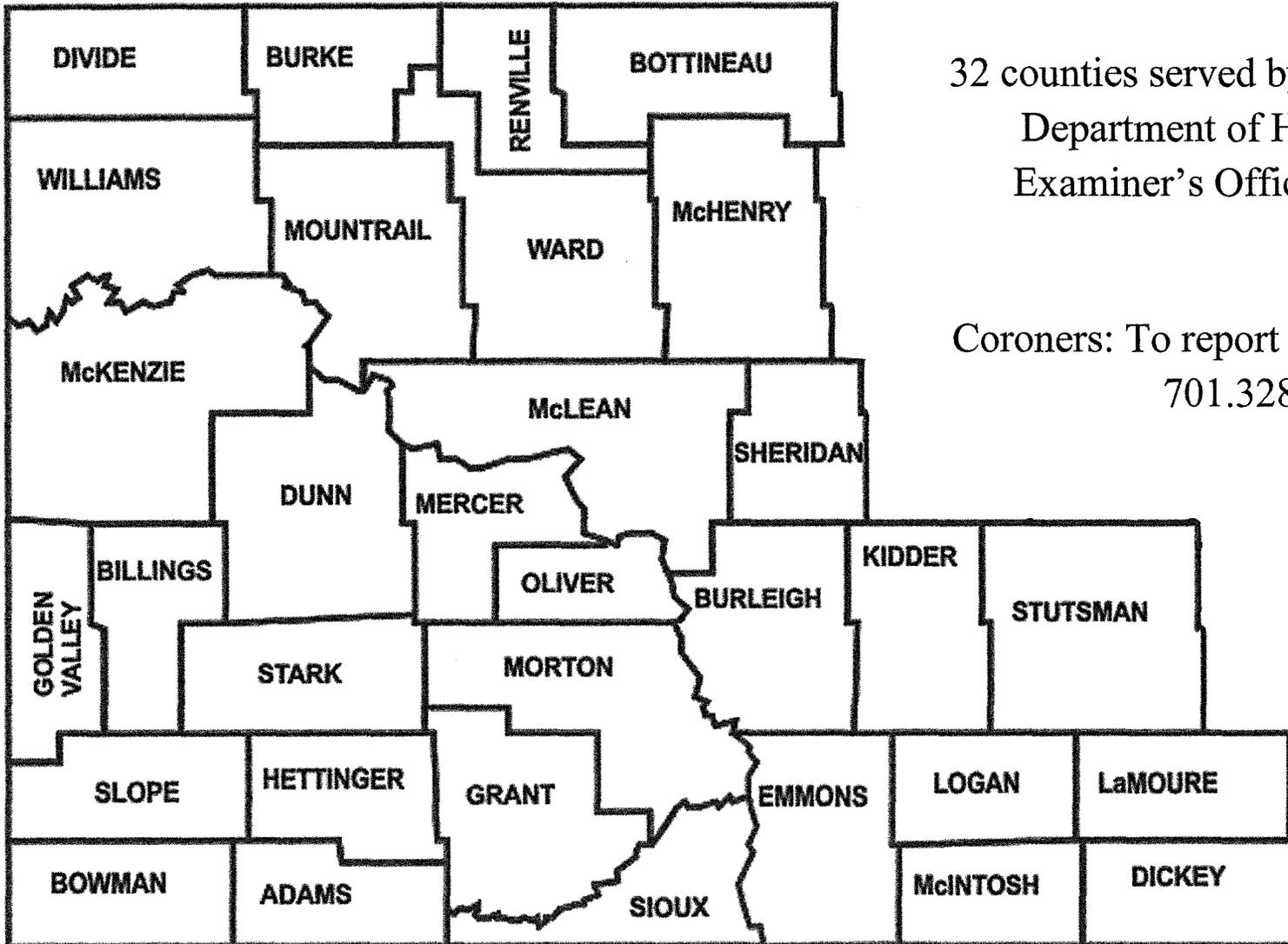
# North Dakota Counties Within UND's Jurisdiction

These are the 21 counties served by the UND School of Medicine Department of Pathology since July 01, 2014. Thirteen counties were served from September 2013 until July 2014.

Coroners: To report a death, contact the investigator on call at 701.777.1200



# North Dakota Counties Within Bismarck SFE's Jurisdiction



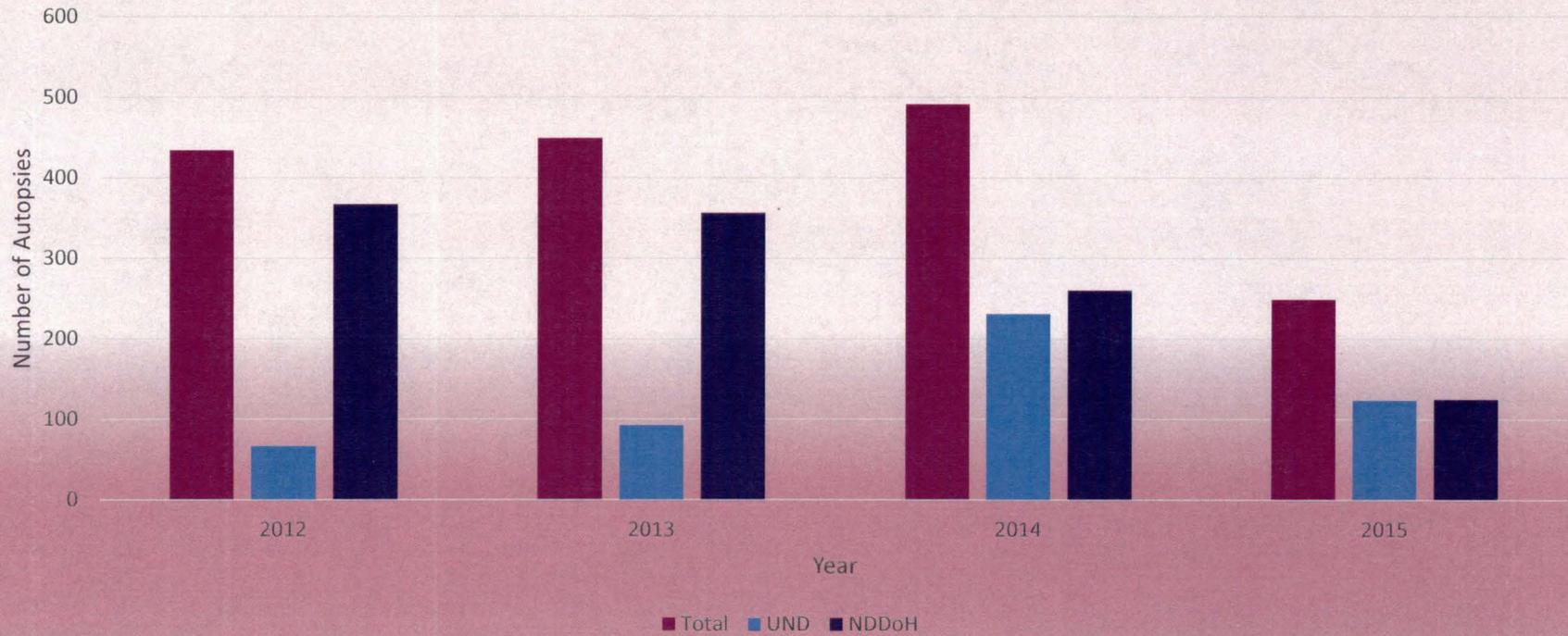
32 counties served by the North Dakota  
Department of Health Forensic  
Examiner's Office in Bismarck.

Coroners: To report a death, please call  
701.328.6138

## Attachment 2

# Autopsies Performed at NDDoH and UND, 2012-2015

(2015 data is through June 30)





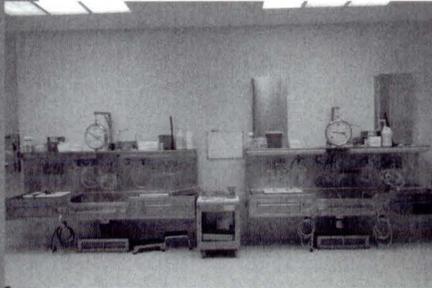
**State Forensic Examiner's Office**    **Date: October 15, 2015**  
**ND Department of Health**                      **Time: 8:30 to 5:00**

*This course is similar to last year's October session. We encourage attendance, particularly physicians, for those who were not able to attend the 2014 course.*

# Medicolegal Death Investigation

Presented by William Massello III, MD  
ND State Forensic Examiner

**NO CHARGE**



*This activity has been planned and implemented in accordance with the Essential Areas and policies of the Minnesota Medical Association through the joint sponsorship of Trinity Health and the North Dakota Department of Health, State Forensic Examiner's Office. Trinity Health is accredited by the Minnesota Medical Association to sponsor continuing medical education for physicians. Trinity Health designates this live activity for a maximum of 7.5 AMA PRA Category I Credit(s). Physicians should only claim credit commensurate with the extent of their participation in the activity.*

William Massello III, MD, State Forensic Examiner, is offering the annual seminar to county coroners, medical personnel, and law enforcement involved in death investigation. Information investigators provide is crucial to the mission of the North Dakota Forensic Examiner in certifying cause and manner of death and in proper interpretation of physical findings.

Because seating is **limited to 60**, registration will be accepted on a first come, first served basis. Please call us at 328-6138 or e-mail [NDMEOoffice@nd.gov](mailto:NDMEOoffice@nd.gov) providing name of the agency, name of who will be attending, attendee e-mail and phone number to reserve a seat.

Law enforcement officers will receive P.O.S.T. credits for actual hours of participation

**TRAINING LOCATION:**

ND Health Dept—Environmental Training Center  
2639 East Main, Bismarck ND

**Contact: 701.328.6138**  
**[NDMEOoffice@nd.gov](mailto:NDMEOoffice@nd.gov)**

**Highlights**

- ◆ Proper certification of death.
- ◆ What is and is not a coroner's case
- ◆ Which cases need a medicolegal autopsy
- ◆ Scene visits by the coroner
- ◆ How to examine a dead body
- ◆ Medical history and social history background
- ◆ Case presentations

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**ND Department of Health**

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