

Testimony
Health Services Interim Committee
September 21, 2016
North Dakota Department of Health

Good morning Chairman Lee and members of the Health Services Interim Committee. My name is Dr. William Massello and I am the State Forensic Examiner for the North Dakota Department of Health (NDDoH). I am here today to present information regarding death investigation in North Dakota.

Prior to the establishment of the State Forensic Examiner's Office in Bismarck in 1995, the state conducted death investigations with limited access to forensic pathology expertise. Since 1995, the State Forensic Examiner has served as a central point for forensic pathology expertise and consultation as provided for in North Dakota Century Code 23-01-05.4 and 23-01-05.5.

The number of forensic autopsies performed in North Dakota has increased steadily, peaking during the recent energy and population boom and now somewhat tapering off. The increase in the number of statewide autopsies required the NDDoH to either hire a second pathologist or to contract with the University of North Dakota School of Medicine and Health Sciences (UND). The 2013 Legislative Assembly appropriated \$480,000 to the NDDoH to contract with UND to conduct an estimated 160 autopsies per year. It was felt that contracting with UND would be a better way to proceed for the following reasons:

- UND already had the required physical space
- UND had the expertise with three forensic pathologists
- Having UND take cases would result in transportation cost-savings for eastern counties located closer to Grand Forks
- It provided academic opportunities for UND students and staff
- It would provide additional cases for the UND pathologists to help them maintain proficiency

Currently the NDDoH covers 32 western and central counties in its jurisdiction and UND covers 21 eastern counties with a biennial appropriation of \$640,000. From January through June of 2016 the case load between the two facilities has been approximately equal at 118 for Bismarck and 117 for UND. Counts were at 122 for Bismarck and 121 for UND for this same time period in 2015. If the number of autopsies performed continues to decline, the NDDoH has the capacity to perform additional autopsies.

The NDDoH capacity to conduct autopsies for the state has improved over the years. While we have only one pathologist, the current 4,837 square foot facility is able to accommodate two forensic pathologists. In the previous biennium, the NDDoH was able to update the X-ray processor to a digital processor and this biennium the department

updated the actual X-ray unit. Between the two upgrades the Department feels we have the resolution we need for more than 99 percent of our cases. Under the current system, the NDDoH is able to accept bodies for autopsy 24 hours per day, seven days a week. Autopsies are generally conducted the next business day. Families who have lost loved ones are explained the process and we receive very few complaints about the timeliness of autopsies and death certificate completion.

Currently, the NDDoH is performing autopsies on 75 percent of all deaths reported by local coroners. This percentage translates to 5.79 autopsies per 10,000 population (2012). To compare, the Virginia Office of the Chief Medical Examiner's autopsy rate is 3.77 per 10,000 population (2014) and that of the Los Angeles County Medical Examiner-Coroner is 4.00 per 10,000 population (2012). We are of the opinion that all the autopsies that need to be done, with rare exceptions, are currently being done.

In 2014 we assembled a working group to provide feedback to the Department to improve our system for death investigations in North Dakota. Most of the recommendations coming from the working group continue to focus on continuing education for local coroners and law enforcement officials regarding death investigations. Endeavors to look for gaps and improve our system continue. This group last met on August 8, 2016. Below are recommendations made by the working group.

1. Maintain a manageable workload at the Office of the Forensic Examiner in Bismarck by continuing the contractual agreement between the NDDoH and UND for forensic autopsy services.
2. 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. 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.
 - b. 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 state forensic examiner's course approved for CMEs.

- c. 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.
3. Develop the capacity of the State Crime Laboratory to produce quantitative toxicology results. The crime laboratory is supportive of developing this quantitative capacity as well, although it is not a high priority at this time.
4. The Division of Vital Records, working with the forensic examiner, has recently added a pop-up menu to the on line death certificate that should prevent attending health care providers from certifying non-natural deaths without reporting them to the local coroner or the state forensic examiners. Our office is also partnering with the Division of Vital records in correcting and amending other death certificates that have been improperly certified. We are also considering additional on-line tutorials to assist attending health care providers in proper completion of death certificates. It has also been deemed necessary for the state forensic examiner 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 the Electronic Vital Event Registration System (EVERS) to accommodate this change. The estimate for those modifications is between \$10,000 and \$20,000.

Additional suggestions for improvement have surfaced but have either not been discussed with the working group or have not reached consensus at this time. Suggestions for investment of significant additional resources need to be fully analyzed with regard to cost verses benefit and are also a matter of priority in light of the limited funding available for agency budgets at this time.

In conclusion, I have held the position of State Forensic Examiner for more than nine years after serving in a nearly identical position in Virginia for 25 years. I have found the North Dakota Department of Health to have been most considerate and receptive to our critical needs. It has been a pleasure to work for the NDDoH. I believe that our present system of death investigation under the NDDoH is strong and that it is as good as any statewide death investigation system in the country. I do not believe that it needs any major structural revision at this time. These thoughts were recently echoed by our death investigation working group, which discussed a regional death investigation system. Most members felt that the current system of county coroners works very well, given the rural nature of North Dakota.

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