

**WSR 23-10-028
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION**

[Filed April 27, 2023, 10:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-04-053.

Title of Rule and Other Identifying Information: Medical examiner, coroner, and medicolegal investigator training and certification through the Washington state criminal justice training commission (WSCJTC).

Hearing Location(s): On June 14, 2023, at 10:00 a.m., at 19010 1st Avenue South, Burien, WA 98148. Live streaming may not be available. Please come if you wish to attend the meeting or send an email for any public comments.

Date of Intended Adoption: June 14, 2023.

Submit Written Comments to: Derek Zable, 19010 1st Avenue South, Burien, WA 98148, email Derek.Zable@cjtc.wa.gov, by June 9, 2023.

Assistance for Persons with Disabilities: Contact Derek Zable, phone 206-793-6332, email Derek.Zable@cjtc.wa.gov, by June 9, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Establishing rules to carry out RCW 43.101.480, regarding the training and certification of medical examiners, coroners, and other medicolegal investigators.

Reasons Supporting Proposal: To establish clear rules and requirements to receive or be exempted from training, and the processes to receive certification and seek recertification.

Statutory Authority for Adoption: RCW 43.101.080 and 43.101.480.

Statute Being Implemented: RCW 43.101.480.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Jennifer Pendray and Derek Zable, 19010 1st Avenue South, Burien, WA 98148, 206-571-2190; Implementation and Enforcement: Jennifer Pendray, 19010 1st Avenue South, Burien, WA 98148, 206-571-2190.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; rule content is explicitly and specifically dictated by statute; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The WAC only impact county governments and are regarding the requirements to become certified from WSCJTC.

Scope of exemption for rule proposal:

Is fully exempt.

April 27, 2023
Derek Zable
Records Manager

OTS-4501.1

AMENDATORY SECTION (Amending WSR 00-17-017, filed 8/4/00, effective 9/4/00)

WAC 139-03-030 Request for exemption, waiver, extension or variance. (1) Requests for exemption, waiver, extension or variance from the commission's regulations may be pursued only under this section.

(2) A request for exemption, waiver, extension or variance may be made only by the head of a law enforcement or corrections agency or head of an agency responsible for death investigations, on behalf of an employee or employees directly affected by the regulation. Where a request for an exemption or variance is on behalf of a chief of police or chief medical examiner, such request shall be made by the appointing authority. Requests under this section shall be for mitigation only and shall not raise questions of law or of fact. Such requests shall be submitted in writing to the executive director of the commission and shall include, where applicable:

(a) The particular regulation from which exemption, waiver, extension or variance is sought;

(b) The nature of the exemption, waiver, extension or variance which is sought;

(c) The mitigating factors in the particular case;

(d) The name and mailing address of the requesting party and any person who will personally appear in support of the requesting party, including legal counsel;

(e) A statement that the person signing the request has read it and that to the best of his or her knowledge or information and belief the contents thereof are true.

(3) Upon receipt of a request under this section which satisfies the requirements of subsection (2) of this section, the executive director shall schedule the request for full consideration at the next commission meeting. If it is determined by the chair that circumstances justify expedited review, the chair may schedule a special meeting for the sole purpose of effecting review. After full consideration of the matter, the commission shall deny the request, grant the request or provide alternative mitigating relief.

[Statutory Authority: RCW 43.101.080. WSR 00-17-017, § 139-03-030, filed 8/4/00, effective 9/4/00.]

OTS-4502.2

**Chapter 139-27 WAC
MEDICOLEGAL FORENSIC INVESTIGATION TRAINING AND CERTIFICATION**

NEW SECTION

WAC 139-27-010 Definitions. (1) **Coroner** means the elected or appointed official tasked with overseeing the medicolegal system of a county, whose principal duty is to investigate death.

(2) **Good standing** means a member of a profession regulated by this chapter who:

(a) Does not have their professional license(s) or certification(s) suspended or revoked;

(b) Does not have any findings by an employer for discrimination, sexual harassment, or other policy violations that factually demonstrate unethical behavior; and

(c) Is in compliance with their employing agency's training requirements.

(3) **Medical examiner** means a physician who is responsible for examining bodies postmortem to determine the cause and manner of death.

(4) **Medicolegal forensic investigation training** means training designated to provide tools, resources, and standards to individuals who perform medicolegal death investigations.

(5) **Medicolegal investigative personnel** means personnel whose role is to investigate any death that falls under the jurisdiction of a coroner's or medical examiner's office, including all unnatural, suspicious, or violent deaths.

(6) **Part-time** means any personnel who work less than full-time hours. Full-time hours are defined by their employer. For the purposes of this chapter, a single day of work in a month will count as employment for that month.

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NEW SECTION

WAC 139-27-020 Notice of hire/separation. (1) Coroner's and medical examiner's offices must use an approved form to notify the commission within 15 days when mandated personnel begin ongoing regular employment or appointment with the agency.

(2) Upon separation of a coroner, medical examiner, or medicolegal investigative personnel from a coroner's or medical examiner's office, or upon their movement or rotation, for any reason, to a position within that office that does not require certification, the agency shall notify the commission via an approved form within 15 days of the separation date.

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NEW SECTION

WAC 139-27-030 Certifications. (1) All coroners, medical examiners, and medicolegal investigative personnel who are employed in a coroner's or medical examiner's office, must maintain certification as a condition of continued employment.

(2) The commission shall issue a certificate if:

(a) The individual has completed the core medicolegal forensic investigation training developed and delivered by the commission; or

(b) The individual has been granted exemption following the requirements of WAC 139-27-110.

(3) Certificates shall be valid for a period of five years from the date of initial certification.

(4) Certification shall be revoked for the following reasons:

(a) No longer maintaining eligibility for certification due to the revocation of required existing license or certification.

(b) Admission by the employing agency that the certificant is not in good standing.

(c) Determination that the certificant was not eligible to receive a certificate at the time of its issuance.

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NEW SECTION

WAC 139-27-040 Continuing education conditions and requirements.

(1) After the initial training period, continuing education is necessary to maintain knowledge and update skills in new technology, equipment, methods, and practices. Every coroner, medical examiner, and medicolegal investigative personnel required to satisfy RCW 43.101.480 must complete a minimum of 45 continuing education hours every five years to be eligible for recertification.

(a) Training may be obtained through the commission or other training resources.

(b) All courses must be relevant to medicolegal forensic death investigation.

(c) Courses must be taught by instructors who are subject matter experts, qualified by industry standards, and are not involved in controversy over their instruction.

(2) Continuing education hours accrued will only count towards recertification if they are attained after the date of initial certification and before the expiration date.

(3) Continuing education credits must be provided by an accredited institution or agency and approved by the commission including, but not limited to: American Board of Medicolegal Death Investigators, American Medical Association, American Osteopathic Association, American Nursing Association, American Academy of Physician Assistants, American Society for Clinical Pathology, American Bar Association, College of American Pathologists, Emergency Medical Services, Federal Emergency Management Agency, International Association for Continuing Education and Training, Peace Officer Standards and Training (or equivalent), Pennsylvania Coroner's Education Board, U.S. Department of Homeland Security or a postsecondary institution recognized by a national educational accrediting agency.

(4) Medical examiner's who maintain certification as a board-certified forensic pathologist certified from the American Board of Pathology meet the continuing education requirements.

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NEW SECTION

WAC 139-27-050 Recertification eligibility and requirements.

(1) All medicolegal forensic death investigation certificates have a five-year duration from the date issued, after which individuals who continue to meet the requirements of WAC 139-27-100 or 139-27-030 must seek recertification. Recertification will begin six months prior to the certification expiration date, and materials must be received by or before the expiration date. The recertification process is provided in WAC 139-27-060. To be eligible for recertification, individuals must meet these requirements:

(a) A medical examiner must:

- (i) Maintain employment by a coroner's or medical examiner's office in Washington state.
- (ii) Maintain their status as a board-certified forensic pathologist certified by the American Board of Pathology or has completed continuing education following WAC 139-27-040.
- (iii) Maintain their license by the Washington state medical commission.
- (iv) Be in good standing with their agency of employment.

(b) A coroner or medicolegal investigative personnel must:

- (i) Maintain employment by a coroner's or medical examiner's office in Washington state.
- (ii) Complete 45 hours of continuing education following WAC 139-27-040 over the five-year certification period.
- (iii) Be in good standing with their agency of employment.

(2) If certification lapses, the coroner, medical examiner, or medicolegal investigative personnel will be required to complete the initial certification process again. If certification lapses by one year or more, the individual will be required to attend the core medicolegal forensic investigation training regardless of previous attendance.

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NEW SECTION

WAC 139-27-060 Recertification process.

(1) Requests for recertification must be submitted by the employing agency designee for any coroner, medical examiner, or medicolegal investigative personnel directly affected by the regulation.

(2) Requests shall be submitted in writing, with appropriate documentation, to the commission. Requests shall be accepted up to six months prior to the expiration date and due by or before the expiration date.

(3) Request for recertification:

(a) For a medical examiner:

- (i) Proof of continued board certification as a forensic pathologist by the American Board of Pathology or proof of 45 hours of continuing education, for which documentation shall include:

- (A) Certificate of completion or other documentation showing completion;
- (B) Course description;
- (C) Agenda/syllabus/program;
- (D) Number of education hours.

(ii) Proof of continued licensure by the Washington state medical commission.

(iii) Proof of good standing by the employing agency on agency letterhead.

(b) For a coroner or medicolegal investigation personnel:

(i) Proof of 45 hours of continuing education. Documentation shall include:

(A) Certificate of completion or other documentation showing completion;

(B) Course description;

(C) Agenda/syllabus/program;

(D) Number of education hours.

(ii) Proof of good standing by the employing agency on agency letterhead.

(4) Upon submission of the appropriate documentation, the commission shall review and evaluate relevant materials and issue recertification, if applicable, within 60 days.

(5) If the applicant has not met the qualifications to receive recertification, the commission shall:

(a) Issue recertification upon satisfactory completion of acceptable continuing education to be completed within six months from time application for recertification is deemed not to have met the qualifications, or submission of needed materials; or

(b) Require attendance of the core medicolegal forensic investigation training regardless of previous attendance if certification has lapsed by one year or more.

(6) During the six-month period to complete or rectify missing eligibility requirements for recertification required by the commission as provided in subsection (5)(a) of this section, expiration of the current certificate will be delayed until the end of this six-month period or upon the issuance of a new certificate.

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NEW SECTION

WAC 139-27-070 Core medicolegal forensic death investigation training curriculum. The core medicolegal forensic death investigation training shall include, but is not limited to, the following subject areas:

- (1) Medicolegal systems;
- (2) Ethics;
- (3) Cause and manner of death;
- (4) Sharp force trauma;
- (5) Blunt force trauma;
- (6) Gunshot wounds;
- (7) Identification;
- (8) Drowning/water related deaths;
- (9) Fire deaths;
- (10) Decomposition and postmortem changes;
- (11) Infant death investigations;
- (12) Next of kin;
- (13) Report writing;
- (14) Photography;
- (15) Missing persons.

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NEW SECTION

WAC 139-27-100 Exemption eligibility and requirements. (1) As a condition of continued employment, unless exempted by the commission under this section, all coroners, medical examiners, and medicolegal investigative personnel employed at a county coroner's or medical examiner's office must complete training and receive certification within 12 months of hire for full-time personnel or 18 months of hire for part-time personnel.

(2) Requirements for exemption:

(a) A medical examiner who:

(i) Is employed by a coroner's or medical examiner's office in Washington state.

(ii) Is a board-certified forensic pathologist certified by the American Board of Pathology (ABP), maintains their certification, and who shows proof of certification.

(iii) Is licensed by the Washington state medical commission, maintains their license, and who shows proof of license.

(iv) Is in good standing with their agency of employment.

(b) A coroner or medicolegal investigative personnel who:

(i) Has been employed as a coroner or medicolegal investigative personnel by a county coroner's or medical examiner's office for at least 12 months as a full-time employee or 18 months as a part-time employee.

(ii) Is certified (minimum registry certification required) by the American Board of Medicolegal Death Investigators (ABMDI).

(iii) Has attended a basic, introductory, or core training course or program or has attended an accumulation of courses which is equivalent to a basic, introductory, or core training course or program within the last five years. The courses/program substitution must be comparable in content and quality to that produced by the commission for the core medicolegal forensic investigation training.

(iv) Is in good standing with their agency of employment.

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NEW SECTION

WAC 139-27-110 Exemption process. (1) Requests for exemption must be submitted by the employing agency designee for any coroner, medical examiner, or medicolegal investigative personnel directly affected by the regulation who wish to receive exemption from the initial certification training requirement. Requests shall be submitted in writing with appropriate documentation to the commission.

(2) Request for exemption:

(a) For a medical examiner:

(i) Proof of board certification as a forensic pathologist by the American Board of Pathology.

(ii) Proof of licensure by the Washington state medical commission.

(iii) Proof of good standing by the employing agency on agency letterhead.

(b) For a coroner or medicolegal investigative personnel:

(i) Proof of employment as a coroner or medicolegal investigative personnel by a county coroner's or medical examiner's office for at least 12 months as a full-time employee or 18 months as a part-time employee.

(ii) Proof of certification (minimum registry) by the American Board of Medicolegal Death Investigators.

(iii) Proof of medicolegal forensic investigation training comparable to that offered by the commission. Documentation shall include:

(A) Certificate of completion or other documentation showing completion;

(B) Course description;

(C) Agenda/syllabus/program;

(D) Number of education hours.

(iv) Proof of good standing by the employing agency on agency letterhead.

(3) Upon submission of the appropriate documentation, the commission shall review and evaluate relevant materials and issue a certificate if applicable within 60 days (days calculated per RCW 1.12.040).

(4) If the individual has not met the qualifications to receive exemption, the commission shall:

(a) Issue a certificate upon satisfactory completion of required training or submission of needed materials; or

(b) Require the individual to attend the core medicolegal forensic investigation training produced by the commission in conjunction with the Washington Association of Coroners and Medical Examiners (WACME).

(5) Issuance of a certificate through the exemption process does not exempt the individual from recertification requirements of WAC 139-27-050 or the continuing education requirements of WAC 139-27-040.

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