

HOUSE BILL REPORT

ESHB 1326

As Passed House:

March 6, 2021

Title: An act relating to coroners and medical examiners.

Brief Description: Concerning coroners and medical examiners.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Lekanoff, Goodman, Ramel, Orwall, Klippert, Bateman, Lovick and Pollet).

Brief History:

Committee Activity:

Local Government: 2/2/21, 2/5/21 [DPS].

Floor Activity:

Passed House: 3/6/21, 98-0.

Brief Summary of Engrossed Substitute Bill

- Requires coroners, medical examiners, and full-time medicolegal investigative personnel, other than prosecuting attorneys acting as ex-officio coroners and those who have already received comparable training, to complete medicolegal forensic investigation training within 12 months of assuming office.
- Requires coroner's and medical examiner's offices, other than those run by a prosecuting attorney acting as ex-officio coroner, to be accredited by the National Association of Medical Examiners or the International Association of Coroners and Medical Examiners by July 1, 2025.
- Conditions 25 percent of reimbursement for autopsy costs from the Death Investigations Account on coroner's and medical examiner's satisfying training and accreditation requirements.
- Allows a county to enter into an interlocal agreement with an adjoining county for the provision of coroner or medical examiner services.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- Allows the county legislative authority in noncharter counties with a population of less than 40,000 to determine whether a coroner will be elected, appointed, or will be the elected prosecutor serving as ex-officio coroner, as of January 1, 2025.
- Provides minimum salaries for elected coroners in counties with under 40,000 people, and allows a county legislative authority to alternatively set the salary on a per case basis in such counties, as of January 1, 2025.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

Minority Report: Do not pass. Signed by 3 members: Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Robertson.

Staff: Kellen Wright (786-7134).

Background:

Every county in Washington has a coroner or medical examiner to investigate deaths, conduct inquests, order autopsies, and to determine cause of death in certain cases. Whether a county has a coroner or medical examiner, and how that person is chosen, is dependent on the size of the county and on whether the county is a charter county or a noncharter county. In a noncharter county with under 40,000 people, the elected prosecuting attorney serves as the ex-officio coroner. In a noncharter county above 40,000, but under 250,000, the position of coroner is elected. An elected coroner may not practice law, and may not, in a county of 40,000 or more, be an owner or employee of a funeral home or mortuary. An elected coroner is not required to be a physician or to meet other criteria to qualify for the office.

In a noncharter county with a population of 250,000 or more, the county legislative authority, with voter approval, may replace the position of coroner with that of a medical examiner. Medical examiners are appointed rather than elected, and must either be certified as a forensic pathologist or be a qualified physician eligible to take the pathology certification within one year of being appointed. A physician who specializes in pathology but who is not certified as a forensic pathologist has three years to pass the examination.

In the seven charter counties, five have appointed a medical examiner, while two maintain the prosecuting attorney as the coroner.

The cost of an autopsy is borne by the county in which the autopsy is performed. Some of

these costs, however, are reimbursed from the Death Investigations Account. Reimbursed costs include 40 percent of the cost of contracting for an outside pathologist and 25 percent of the salary for an internal pathologist who is primarily engaged in performing autopsies and who is a coroner or medical examiner or an employee of the office.

An interlocal agreement is an agreement between two local governments or other public agencies to cooperatively conduct government activities and provide services with another local government or public agency. Interlocal agreements must be filed with the county auditor or listed on the local government's website or another electronically retrievable public source.

Summary of Engrossed Substitute Bill:

Within 12 months of being elected or appointed to office, a coroner or medical examiner must have a certificate of completion from a medicolegal forensic investigation training that satisfies standards adopted by the Criminal Justice Training Commission in conjunction with the Washington Association of Coroners and Medical Examiners and a practicing physician selected by the Criminal Justice Training Commission (together, "the Commission"). This requirement does not apply to prosecuting attorneys who act as ex-officio coroners. A county in which a coroner or medical examiner has not obtained such certification within 12 months of assuming office may have its reimbursement from the Death Investigations Account reduced by 25 percent.

Except for those run by a prosecuting attorney as ex-officio coroner, all coroner's and medical examiner's offices must be accredited by either the International Association of Coroners and Medical Examiners or the National Association of Medical Examiners by July 1, 2025. These offices must maintain accreditation thereafter. A county that contracts for services with an accredited office in another county does not need to maintain accreditation. An office that is not accredited may have its reimbursement from the Death Investigations Account reduced by 25 percent.

All elected coroners, persons serving as coroners, medical examiners, and all other full-time medicolegal investigative personnel in a coroner or medical examiner's office, other than an elected prosecutor serving as ex-officio coroner, must complete a medicolegal training academy developed by the Commission within 12 months of being elected, appointed, or employed. The training must satisfy the recommendations of the National Commission of Forensic Science for certification and accreditation, and must also cover sudden unexplained child death and missing persons protocol. An office in which the coroner or medical examiner, or any full-time employee does not satisfy this requirement may have its reimbursement from the Death Investigations Account reduced by 25 percent. Part-time personnel have 18 months to complete the training. Completion of the training is a condition of continued employment with the office. The Commission may provide for exemptions from the training requirement, and must exempt those who, by virtue of their profession or education training or experience, have obtained training comparable to that in

the medicolegal training academy.

A coroner's or medical examiner's office that has satisfied the certification, accreditation, and training requirements will receive reimbursement from the Death Investigations Account for up to 30 percent of the salary of an internal pathologist who is primarily engaged in performing autopsies and who is a coroner or medical examiner or an employee of the office. A coroner's or medical examiner's office that is not certified or accredited as required will have its reimbursement reduced by 25 percent of the amount it would otherwise have been eligible for.

Beginning on January 1, 2025, the elected prosecutor will no longer automatically be the ex-officio coroner in noncharter counties with under 40,000 people. Instead, a coroner may be elected, or the county legislative authority may appoint a coroner or direct the prosecuting attorney to serve as ex-officio coroner. The county may also enter into an interlocal agreement with an adjoining county for the provision of coroner or medical examiner services.

The minimum salary for an elected coroner in a county with under 40,000 people is the same as the minimum for a member of the county legislative authority, or the county legislative authority may set the salary on a per case basis.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 4, relating to allowing county legislative authorities in noncharter counties with under 40,000 people to determine whether the county coroner will be elected, appointed, or whether the prosecutor will serve as ex-officio coroner, and section 6, related to the minimum salary for elected coroners in counties with under 40,000 people, which take effect January 1, 2025.

Staff Summary of Public Testimony:

(In support) House Bill 1326 is a collaborative effort between the Legislature, the Washington Association of Coroners and Medical Examiners, and the King County Medical Society. The issue has been worked on for a decade, and some progress has been made in training, autopsy reimbursement, and case management. This bill is the next step for the coroner system and would move the medicolegal community into the future. Coroners would be required to follow national guidelines and standards. This will improve training and scientific expertise based on national standards. The certification requirements would ensure that death investigators have a uniform knowledge base and expertise. This is a needed step to shore up the death investigations system. The field is unique and should be examined thoroughly and carefully. This will add consistency and the requirements are

attainable. This change will help small counties by moving work from prosecutors to well-trained coroners who will better be able to determine when an autopsy or other testing needs to be done. It will remove the possibility of a conflict of interest from an investigation that a prosecutor participated in. The reimbursement increase for medical examiners has already been budgeted.

(Opposed) None.

(Other) The goals of the bill are good. There are some badly needed reforms to the coroner system, particularly regarding prosecutor-coroners. The problems are with the funding model, as smaller counties cannot afford the additional elected coroner office, which would add financial stress. The position would likely require costly benefits and salary to attract qualified candidates, which could be hundreds of thousands of dollars in costs. There should be some sort of revenue stream from the state for smaller counties to use to fund a position, or there should be the flexibility to appoint a coroner, to have a part-time coroner, or to enter into an interlocal agreement with another county for coroner services. Without assistance from the state to help pay for the position, it is an unfunded mandate.

Persons Testifying: (In support) Representative Lekanoff, prime sponsor; Timothy Davidson, Washington Association of Coroners and Medical Examiners; Hayley Thompson, Skagit County Coroner's Office; and Rajneet Lamba, King County Medical Society.

(Other) James Kennedy and Kate Dean, Jefferson County; and Russell Brown, Washington Association of Prosecuting Attorneys.

Persons Signed In To Testify But Not Testifying: Timothy Grisham, Washington Association of County Officials.