

FINAL BILL REPORT

ESHB 1326

C 127 L 21
Synopsis as Enacted

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).

House Committee on Local Government
Senate Committee on Housing & Local Government

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 home rule charter county that has made its own determination as to whether it will have a coroner or medical examiner or a noncharter county that follows the default statutory criteria. 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.

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.

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. The Death Investigations Account is funded by fees imposed on certain certified copies of records produced by the Department of Health.

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

Summary:

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, within 12 months of being elected, appointed, or employed, complete medicolegal training through the medicolegal training academy program developed 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"). The training must satisfy the recommendations of the National Commission of Forensic Science for certification and accreditation, and must cover sudden unexplained child death and the protocols for missing persons. An office in which the coroner or medical examiner, or any full-time employee does not satisfy this requirement may have its autopsy reimbursement from the Death Investigations Account reduced. 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 the medicolegal forensic investigations training.

Except for those offices 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 this 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 autopsy reimbursement from the Death Investigations Account reduced.

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 40 percent of the cost of contracting for an outside pathologist to perform an autopsy and 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 accredited as required or in which the required forensic medicolegal trainings have not been completed 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 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. 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 either 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.

Votes on Final Passage:

House	98	0	
Senate	46	0	(Senate amended)
House	88	10	(House concurred)

Effective: July 25, 2021

January 1, 2025 (Sections 4 and 6)