

SENATE BILL REPORT

ESHB 1326

As Reported by Senate Committee On:
Housing & Local Government, March 23, 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: Passed House: 3/6/21, 98-0.

Committee Activity: Housing & Local Government: 3/16/21, 3/23/21 [DPA].

Brief Summary of Amended 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.
- Allows the county legislative authority in noncharter counties with a population of less than 40,000 to determine whether a coroner will be elected or appointed.

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.

- Provides minimum salaries for elected coroners in counties 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.

SENATE COMMITTEE ON HOUSING & LOCAL GOVERNMENT

Majority Report: Do pass as amended.

Signed by Senators Kuderer, Chair; Das, Vice Chair; Fortunato, Ranking Member; Gildon, Assistant Ranking Member; Short, Assistant Ranking Member; Cleveland, Lovelett, Salomon and Warnick.

Staff: Bonnie Kim (786-7316)

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 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 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 coroner with 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 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 Amended 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 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 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 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 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. The county may also enter into an interlocal agreement with an adjoining county for 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.

EFFECT OF HOUSING & LOCAL GOVERNMENT COMMITTEE AMENDMENT(S):

Removed an option to allow a prosecuting attorney to serve as ex-officio coroner.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This is a serious topic that has been raised by several legislative members in the past. Prosecutors have worked to separate the roles between prosecutors and coroners. We also want to ensure our coroners have sufficient training to succeed. This bill achieves statewide certification and accreditation for our coroners and medical examiners. Training is paid for by state funds. We would appreciate an amendment to remove the option allowing a prosecutor to act as a coroner. Small counties are already partnering with larger counties and this bill will ensure facilities are accredited. This bill increases consistency in all coroner offices. This bill provides a menu of options for smaller counties.

Persons Testifying: PRO: Representative Debra Lekanoff, Prime Sponsor; Dr. Timothy Davidson, DHA, D-ABMDI, Washington Association of Coroners/Medical Examiners; Hayley Thompson, D-ABMDI, Skagit County Coroner; Timothy Grisham, Washington Association of County Officials; Nancy Belcher, King County Medical Society; Juliana Roe, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: No one.