

AUTOPSY FUNDING STUDY - BACKGROUND MEMORANDUM

The Health Services Committee has been assigned, pursuant to Section 9 of 2013 Senate Bill No. 2004 ([Appendix A](#)), a study of the funding provided by the state for autopsies and state and county responsibilities for the cost of autopsies, including the feasibility and desirability of counties sharing in the cost of autopsies performed by the State Department of Health and the University of North Dakota School of Medicine and Health Sciences.

BACKGROUND INFORMATION

The Legislative Assembly in 1995 Senate Bill No. 2482 created a new section ([Appendix B](#)) to North Dakota Century Code Chapter 23-01 allowing the State Department of Health to employ a State Forensic Examiner to conduct investigations into the cause of death of and perform autopsies on any deceased human body. The role of the State Forensic Examiner is to provide medical examiner services to county coroners and law enforcement officials in the investigation of sudden and unexpected deaths in North Dakota. Once a case has been referred to the State Forensic Examiner, the body is brought to Bismarck. Services provided include autopsy or examination of the body, photographic documentation, toxicological analysis, collection of evidence, followup with investigating agencies, and certification of the death certificate.

Chapter 11-19.1 ([Appendix C](#)) requires, under most circumstances, each organized county to have a county coroner. The coroner or the coroner's medical deputy, if the coroner deems it necessary, may take custody of the deceased human body for the purpose of autopsy. When the coroner does not deem an autopsy necessary, the sheriff or state's attorney may direct an autopsy be performed. Section 11-19.1-11 provides the autopsy must be performed by the State Forensic Examiner or by the State Forensic Examiner's authorized pathologist at a facility approved by the State Forensic Examiner.

Section 11-19.1-16 provides fees and mileage allowed to the coroner be paid out of the county treasury of the county of residence of the deceased person, and the coroner's bill must be presented to the county auditor and paid upon approval and order of the board of county commissioners. The State Department of Health must pay expenses incurred or paid in the performance of an autopsy of a child whose cause of death was suspected to have been sudden infant death syndrome.

Section 11-19.1-18 provides the State Forensic Examiner may order an autopsy and, at any time, may assume jurisdiction over a deceased human body. Whenever requested to do so by the local coroner, acting coroner, or the local state's attorney, the State Forensic Examiner, or the examiner's designee must assume jurisdiction over a deceased human body for purposes of investigating the cause of death, the manner of death, and the mode in which the death occurred. Except for the cost of an autopsy performed by the State Forensic Examiner or the examiner's designee and for the cost of an autopsy, investigation, or inquiry that results from the death of a patient or resident of the State Hospital or any other state residential facility or an inmate of a state penal institution, all costs with respect to the autopsy, the transporting of the body for autopsy, and the costs of the investigation or inquiry are the responsibility of the county.

2013-15 BIENNIUM AUTOPSY FUNDING

Information provided as part of the State Department of Health budget request for the 2013-15 biennium indicates that since 2004 the number of autopsies performed by the State Forensic Examiner has increased 64.8 percent--from 196 autopsies to 323 autopsies per year. In addition, the number of consultations increased 48 percent--from 83 consultations in 2010 to 123 consultations in 2011. The department noted accreditation standards indicate one forensic examiner should perform 225 autopsies to 250 autopsies per year. The number of forensic autopsies performed by the State Department of Health exceeded the number of autopsies recommended by the National Association of Medical Examiners in 2011. The department's 2013-15 budget request to the Governor proposed two options for addressing the increase in the number of autopsies performed by the State Department of Health's State Forensic Examiner.

Option 1 - Contract With the School of Medicine to Perform Certain Autopsies in the State at an Estimated Cost of \$640,000 for the 2013-15 Biennium

Option 1 was to contract with the School of Medicine to conduct medical examiner services for counties in the eastern part of North Dakota. Under this plan, deaths occurring in counties along the eastern border of North Dakota and in the northeastern part of North Dakota needing forensic autopsies would be referred to the School of Medicine. The State Department of Health estimated approximately 100 autopsies per year would be referred

under this option. In addition, the School of Medicine currently performs approximately 60 forensic autopsies per year through an arrangement with Grand Forks County and has informed the department that if the state pays the School of Medicine for autopsies, Grand Forks County would expect the state to pay for its cases as well. Under this option, the department would contract with the School of Medicine to perform the Grand Forks County forensic autopsies, for a total of 160 autopsies per year. The School of Medicine estimated the cost of an autopsy is approximately \$2,000, and the department estimated the cost for a biennium would total approximately \$640,000. The department indicated the School of Medicine would not provide autopsy services without compensation. The department indicated no full-time equivalent (FTE) positions were required with this option, and advantages include:

- Forensic expertise and mortuary facilities already exist at the School of Medicine;
- Academic and educational opportunities would be expanded at the School of Medicine in forensic pathology; and
- Additional capacity would not be necessary at the department. The department indicated that the increased caseload currently would support only a part-time forensic examiner, and it would be difficult to recruit a part-time forensic examiner.

Option 2 - Add a Second Pathologist to the State Forensic Examiner's Office at the State Department of Health at an Estimated Cost of \$624,145 for the 2013-15 Biennium

Option 2 includes adding a pathologist (1 FTE position) and support services to the State Forensic Examiner's office at the State Department of Health, including two autopsy assistants and laboratory testing. Of the \$624,145 requested, \$26,000 was a one-time expense. The department indicated funding this position would allow the medical examiner to handle all forensic autopsies for all areas of the state and would allow for some succession planning. A second forensic examiner could provide 225 autopsies to 250 autopsies per year, accommodating anticipated increases in demand for autopsy services. The department acknowledged, at times, receiving complaints regarding the timeliness of autopsies. The department's 2013-15 biennium proposed budget for the additional pathologist included \$500,845 for salaries and wages, \$106,300 for operating expenses, and \$17,000 for capital assets. The department identified the following advantages to adding a second pathologist:

- The additional pathologist would guarantee uninterrupted operations when the lead pathologist resigns or retires.
- Infrastructure is in place to handle an increasing caseload. The department indicated that even though the added forensic examiner would be conducting approximately 170 autopsies per year (110 autopsies if Grand Forks continues to send its autopsies to the School of Medicine), the department would have the capacity to conduct an additional 225 autopsies to 250 autopsies per year. As the number of autopsies increases, the cost per autopsy would decrease. If the added pathologist were to perform 170 autopsies per year (340 autopsies per biennium), the cost, not including one-time costs, would be \$1,759 per autopsy. At capacity of 250 autopsies per year or 500 autopsies per biennium, the cost decreases to \$1,196 per autopsy. The department indicated the number of autopsies performed by the State Forensic Examiner's office has been steadily increasing and, given economic development activities in western North Dakota, these increases are expected to continue.
- Two pathologists in the State Forensic Examiner's office will allow for personal or educational leave. The department currently pays the School of Medicine \$2,000 per autopsy to perform autopsies when the medical examiner is on leave. The department indicated having a second pathologist would result in savings of approximately \$48,000 to \$60,000 per biennium when the medical examiner is on leave.
- Normal operations of the State Forensic Examiner's office could continue even if the School of Medicine would discontinue its forensic pathology services.

The executive budget recommendation for the State Department of Health, in Senate Bill No. 2004, provided \$640,000 from the general fund for professional services to contract with the School of Medicine to perform autopsies in the eastern part of the state. The Legislative Assembly reduced the funding, to provide a total of \$480,000 of one-time funding from the general fund and added a section to the bill to provide for a study of autopsy funding and state and county responsibilities for the cost of autopsies. In addition, the Legislative Assembly provided \$1,360,585 to continue funding for existing forensic examiner staff (3 FTE positions) for a total of \$1,840,585 from the general fund for autopsy services during the 2013-15 biennium.

STUDY PLAN

The committee may wish to proceed with this study as follows:

1. Gather and review information regarding the regions in which autopsies are originating, the demographics of those autopsied, regional gaps in autopsy services, the cost of an autopsy, and state and local funding provided for autopsy services during the 2013-15 biennium.
2. Gather and review information regarding state and county responsibilities for the cost of autopsies and the impact on counties and autopsy services of changes in the responsibility for the cost of autopsies, including the feasibility and desirability of counties sharing in the cost of autopsies.
3. Gather and review information regarding the School of Medicine's willingness to perform autopsies in the eastern part of the state and advantages to contracting with the School of Medicine for autopsy services.
4. Develop committee recommendations and prepare any legislation necessary to implement the committee recommendations.
5. Prepare a final report for submission to the Legislative Management.

ATTACH:3