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SENATE FILE 236
BY SZYMONIAK

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the supervision of the office of state medical
2 examiner.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 236 STATE GOVERNMENT

1 Section 1. Section 691.5, Code 1999, is amended to read as
2 follows:

3 691.5 STATE MEDICAL EXAMINER.

4 The position of state medical examiner is ~~created under the~~
5 ~~control, direction, and supervision of the commissioner of~~
6 ~~public safety. The commissioner of public safety may~~
7 established for administrative purposes within the department
8 of public health. The director of public health shall assign
9 the office of the state medical examiner to a division or
10 bureau within the ~~public safety~~ department of public health.
11 Other state agencies shall cooperate with the state medical
12 examiner in the use of state-owned facilities when appropriate
13 for the performance of nonadministrative duties of the state
14 medical examiner. The state medical examiner shall be a
15 physician and surgeon or osteopathic physician and surgeon, be
16 licensed to practice medicine in the state of Iowa, and
17 ~~possess special knowledge in~~ be certified in anatomic and
18 forensic pathology by the American board of pathology. The
19 state medical examiner shall be appointed by and serve at the
20 pleasure of the ~~commissioner of public safety~~ director of
21 public health upon the advice of and in consultation with the
22 director of public safety and the governor. The state medical
23 examiner, in consultation with the director of public health,
24 shall be responsible for developing and administering the
25 medical examiner's budget and for employment of medical
26 examiner staff and assistants. The state medical examiner may
27 be a faculty member of the college of medicine or the college
28 of law at the University of Iowa, and any of the examiner's
29 assistants or staff may be members of the faculty or staff of
30 the college of medicine or the college of law at the
31 University of Iowa.

32 Sec. 2. Section 691.6, subsection 3, Code 1999, is amended
33 to read as follows:

34 3. To adopt rules pursuant to chapter 17A, and subject to
35 the approval of the ~~commissioner of public safety~~ director of

1 public health, regarding the manner and techniques to be
2 employed while conducting autopsies; the nature, character,
3 and extent of investigations to be made in cases of homicide
4 or suspected homicide necessary to allow a medical examiner to
5 render a full and complete analysis and report; the format and
6 matters to be contained in all reports rendered by medical
7 examiners; and all other things necessary to carry out this
8 section. All county medical examiners and peace officers are
9 subject to the rules.

10 Sec. 3. NEW SECTION. 691.6A DEPUTY STATE MEDICAL
11 EXAMINER -- CREATION AND DUTIES.

12 The position of deputy state medical examiner is created
13 within the department of public health. The deputy state
14 medical examiner shall report to and be responsible to the
15 state medical examiner. The deputy state medical examiner
16 shall meet the qualification criteria established in section
17 691.5 for the state medical examiner and shall be subject to
18 rules adopted by the state medical examiner as provided in
19 section 691.6, subsection 3. The state medical examiner and
20 the deputy state medical examiner shall function as a team,
21 providing peer review as necessary, fulfilling each other's
22 job responsibilities during times of absence, and working
23 jointly to provide services and education to county medical
24 examiners, law enforcement officials, hospital pathologists,
25 and other individuals and entities. The deputy medical
26 examiner may be, but is not required to be, a full-time
27 salaried faculty member of the department of pathology of the
28 college of medicine at the university of Iowa. If the medical
29 examiner is a full-time salaried faculty member of the
30 department of pathology of the college of medicine at the
31 university of Iowa, the department of public health and the
32 state board of regents shall enter into a chapter 28E
33 agreement to define the activities and functions of the deputy
34 medical examiner, and to allocate deputy medical examiner
35 costs, consistent with the requirements of this section.

1 Sec. 4. NEW SECTION. 691.6B INTERAGENCY COORDINATING
2 COUNCIL.

3 An interagency coordinating council is created to advise
4 the state medical examiner concerning the assurance of
5 effective coordination of the functions and operations of the
6 office of the state medical examiner with the needs and
7 interests of the departments of public safety and public
8 health. Members of the interagency coordinating council shall
9 include the state medical examiner, or when the state medical
10 examiner is not available, the deputy state medical examiner;
11 the commissioner of public safety or the commissioner's
12 designee; the director of public health or the director's
13 designee; and the governor or the governor's designee. The
14 interagency coordinating council shall meet on a regular
15 basis.

16 Sec. 5. NEW SECTION. 691.6C STATE MEDICAL EXAMINER
17 ADVISORY COUNCIL.

18 A state medical examiner advisory council is established to
19 advise and consult with the state medical examiner on a range
20 of issues affecting the organization and functions of the
21 office of the state medical examiner and the effectiveness of
22 the medical examiner system in the state. Membership of the
23 state medical examiner advisory council shall be determined by
24 the state medical examiner, in consultation with the director
25 of public health, and shall include, but not necessarily be
26 limited to, representatives from the office of the attorney
27 general, the Iowa county attorneys association, the Iowa
28 medical society, the Iowa association of pathologists, the
29 Iowa association of county medical examiners, the departments
30 of public safety and public health, the statewide emergency
31 medical system, and the Iowa funeral directors association.
32 The advisory council shall meet on a quarterly or more
33 frequent basis, and shall be organized and function as
34 established by the state medical examiner by rule.

35 Sec. 6. Section 691.7, Code 1999, is amended to read as

1 follows:

2 691.7 COMMISSIONER TO ACCEPT FEDERAL OR PRIVATE GRANTS.

3 The commissioner of public safety may accept federal or
4 private funds or grants to aid in the establishment or
5 operation of the state criminalistics laboratory, and the
6 ~~commissioner-of-public-safety~~ director of public health or the
7 state board of regents may accept federal or private funds or
8 grants to aid in the establishment or operation of the
9 position of state medical examiner.

10 Sec. 7. STATE MEDICAL EXAMINER SYSTEM STUDY AND REPORT.

11 The state medical examiner, in consultation with the state
12 medical examiner advisory council, shall conduct a study
13 regarding the organization, needs, and operations of a
14 statewide medical examiners system. The study shall consider
15 the findings and recommendations of the 1998 consultants'
16 report of the national association of medical examiners
17 submitted to the commissioner of public safety, and shall
18 gather and analyze such additional information as the state
19 medical examiner and the advisory council determine necessary.
20 The state medical examiner shall make a report of the study's
21 recommendations to the governor and the general assembly by
22 January 1, 2000. The report shall take into account the
23 public health, criminalistic, educational, and advisory
24 purposes of the office of the state medical examiner; the
25 relationship of the office to and effective utilization by the
26 office of existing state, county, and community resources;
27 future facility needs for performing autopsies; support for
28 forensic activities throughout the state; transportation costs
29 to conduct autopsies and to perform other forensic pathology
30 activities; and any other factors identified by the state
31 medical examiner and the advisory council impacting a quality
32 statewide medical examiners system.

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EXPLANATION

34 This bill provides for the transfer of the office of the
35 state medical examiner from the department of public safety to

1 the Iowa department of public health, to be assigned to a
2 division or bureau within the department by the director of
3 public health.

4 The bill provides that the qualifications for the position
5 of state medical examiner will include certification in
6 anatomic and forensic pathology by the American board of
7 pathology. This replaces the previous qualification that the
8 state medical examiner possess special knowledge in forensic
9 pathology.

10 The bill provides that the state medical examiner will be
11 appointed by the director of public health upon the advice of
12 and in consultation with the director of public safety and the
13 governor, and that the state medical examiner, in consultation
14 with the director of public health, shall be responsible for
15 developing and administering the medical examiner's budget and
16 for employment of medical examiner staff and assistants.

17 The bill also provides for the creation of the position of
18 deputy state medical examiner within the department of public
19 health, reporting to the state medical examiner. The bill
20 provides that the deputy state medical examiner will meet the
21 qualification criteria established in Code section 691.5 for
22 the state medical examiner and will be subject to rules
23 adopted by the state medical examiner. The bill provides that
24 the state medical examiner and deputy state medical examiner
25 will function as a team, providing peer review and fulfilling
26 each other's job responsibilities during times of absence, and
27 working jointly to provide services and education to county
28 medical examiners, law enforcement officials, hospital
29 pathologists, and other individuals and entities. The bill
30 additionally provides that the deputy medical examiner may be,
31 but is not required to be, a full-time salaried faculty member
32 of the department of pathology of the college of medicine at
33 the university of Iowa, and that if this is the case, then the
34 department of public health and the state board of regents
35 shall enter into a chapter 28E agreement regarding the duties

1 and costs related to the position.

2 The bill also provides for the formation of an interagency
3 coordinating council to advise the state medical examiner
4 concerning coordination with the departments of public safety
5 and public health. Members of the interagency coordinating
6 council shall include the state medical examiner, or when the
7 state medical examiner is not available, the deputy state
8 medical examiner; the commissioner of public safety or the
9 commissioner's designee; the director of public health or the
10 director's designee; and the governor or the governor's
11 designee.

12 Additionally, the bill provides for the establishment of a
13 state medical examiner advisory council to advise and consult
14 with the state medical examiner regarding matters affecting
15 the organization and functions of the office of the state
16 medical examiner and the effectiveness of the medical
17 examiners system in the state. Membership of the state
18 medical examiner advisory council shall be determined by the
19 state medical examiner, in consultation with the director of
20 public health, and shall include a number of specified
21 representatives from various state and local offices,
22 agencies, and associations.

23 The bill provides that the state medical examiner, in
24 consultation with the state medical examiner advisory council,
25 shall conduct a study and issue a report by January 1, 2000,
26 concerning the organization, needs, and operations of a
27 statewide medical examiners system.

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