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FILED MAR 10 1999

SENATE FILE

376

BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 236)

Passed Senate, Date ^(P.643) 3-16-99

Passed House, Date _____

Vote: Ayes 39 Nays 9

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:

4

██████████ SENATE FILE 376 ██████████

S-3070

1 Amend Senate File 376 as follows:

2 1. Page 5, by inserting before line 1 the
3 following: "appropriated by the general assembly to
4 the department of public safety for the position of
5 state medical examiner, and for the state medical
6 examiner's office, for the fiscal year beginning July
7 1, 1998, and ending June 30, 1999, which remain
8 unobligated shall be transferred to the department of
9 public health on the effective date of this Act.
10 Funds".

11 2. Page 5, by inserting after line 5 the
12 following:

13 "Sec. ____ . EFFECTIVE DATE. This Act, being deemed
14 of immediate importance, takes effect upon enactment."

15 3. Title page, line 2, by inserting after the
16 word "examiner" the following: ", making an
17 appropriation, and providing an effective date".

18 4. By renumbering as necessary.

Adopted 3-16-99 (P.643) BY ELAINE SZYMONIAK

S-3070 FILED MARCH 15, 1999

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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 board certified or eligible to
18 be board certified in anatomic and forensic pathology by the
19 American board of pathology. The state medical examiner shall
20 be appointed by and serve at the pleasure of the ~~commissioner~~
21 ~~of public safety~~ director of public health upon the advice of
22 and in consultation with the director of public safety and the
23 governor. The state medical examiner, in consultation with
24 the director of public health, shall be responsible for
25 developing and administering the medical examiner's budget and
26 for employment of medical examiner staff and assistants. The
27 state medical examiner may be a faculty member of the college
28 of medicine or the college of law at the University of Iowa,
29 and any of the examiner's assistants or staff may be members
30 of the faculty or staff of the college of medicine or the
31 college of law at the 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, with the advice and approval of the state
2 medical examiner and the state medical examiner advisory
3 council, regarding the manner and techniques to be employed
4 while conducting autopsies, the nature, character, and extent
5 of investigations to be made in cases of homicide or suspected
6 homicide necessary to allow a medical examiner to render a
7 full and complete analysis and report, the format and matters
8 to be contained in all reports rendered by medical examiners,
9 and all other things necessary to carry out this section. All
10 county medical examiners and peace officers are subject to the
11 rules.

12 Sec. 3. NEW SECTION. 691.6A DEPUTY STATE MEDICAL
13 EXAMINER -- CREATION AND DUTIES.

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

1 medical examiner, and to allocate deputy medical examiner
2 costs, consistent with the requirements of this section.

3 Sec. 4. NEW SECTION. 691.6B INTERAGENCY COORDINATING
4 COUNCIL.

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

18 Sec. 5. NEW SECTION. 691.6C STATE MEDICAL EXAMINER
19 ADVISORY COUNCIL.

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

1 established by the state medical examiner by rule.

2 Sec. 6. Section 691.7, Code 1999, is amended to read as
3 follows:

4 691.7 COMMISSIONER TO ACCEPT FEDERAL OR PRIVATE GRANTS.

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

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

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

35 Sec. 8. APPROPRIATIONS FOR STATE MEDICAL EXAMINER. Funds

1 appropriated by the general assembly for the position of state
2 medical examiner, and for the state medical examiner's office,
3 for the fiscal year beginning July 1, 1999, and ending June
4 30, 2000, shall be appropriated to the department of public
5 health.

6 EXPLANATION

7 This bill provides for the transfer of the office of the
8 state medical examiner from the department of public safety to
9 the Iowa department of public health, to be assigned to a
10 division or bureau within the department by the director of
11 public health.

12 The bill provides that the qualifications for the position
13 of state medical examiner will include certification, or
14 eligibility for certification, in anatomic and forensic
15 pathology by the American board of pathology. This replaces
16 the previous qualification that the state medical examiner
17 possess special knowledge in forensic pathology.

18 The bill provides that the state medical examiner will be
19 appointed by the director of public health upon the advice of
20 and in consultation with the director of public safety and the
21 governor, and that the state medical examiner, in consultation
22 with the director of public health, shall be responsible for
23 developing and administering the medical examiner's budget and
24 for employment of medical examiner staff and assistants.

25 The bill also provides for the creation of the position of
26 deputy state medical examiner within the department of public
27 health, reporting to the state medical examiner. The bill
28 provides that the deputy state medical examiner will meet the
29 qualification criteria established in Code section 691.5 for
30 the state medical examiner and will be subject to rules
31 adopted by the state medical examiner. The bill provides that
32 the state medical examiner and deputy state medical examiner
33 will function as a team, providing peer review and fulfilling
34 each other's job responsibilities during times of absence, and
35 working jointly to provide services and education to county

1 medical examiners, law enforcement officials, hospital
2 pathologists, and other individuals and entities. The bill
3 additionally provides that the deputy medical examiner may be,
4 but is not required to be, a full-time salaried faculty member
5 of the department of pathology of the college of medicine at
6 the university of Iowa, and that if this is the case, then the
7 department of public health and the state board of regents
8 shall enter into a chapter 28E agreement regarding the duties
9 and costs related to the position.

10 The bill also provides for the formation of an interagency
11 coordinating council to advise the state medical examiner
12 concerning coordination with the departments of public safety
13 and public health. Members of the interagency coordinating
14 council shall include the state medical examiner, or when the
15 state medical examiner is not available, the deputy state
16 medical examiner; the commissioner of public safety or the
17 commissioner's designee; the director of public health or the
18 director's designee; and the governor or the governor's
19 designee.

20 Additionally, the bill provides for the establishment of a
21 state medical examiner advisory council to advise and consult
22 with the state medical examiner regarding matters affecting
23 the organization and functions of the office of the state
24 medical examiner and the effectiveness of the medical
25 examiners system in the state. Membership of the state
26 medical examiner advisory council shall be determined by the
27 state medical examiner, in consultation with the director of
28 public health, and shall include a number of specified
29 representatives from various state and local offices,
30 agencies, and associations.

31 The bill provides that the state medical examiner, in
32 consultation with the state medical examiner advisory council,
33 shall conduct a study and issue a report by January 1, 2000,
34 concerning the organization, needs, and operations of a
35 statewide medical examiners system.

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10 bureau within the ~~public safety~~ department of public health.
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12 examiner in the use of state-owned facilities when appropriate
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16 licensed to practice medicine in the state of Iowa, and
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18 be board certified in anatomic and forensic pathology by the
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6 health on the effective date of this Act. Funds appropriated
7 by the general assembly for the position of state medical
8 examiner, and for the state medical examiner's office, for the
9 fiscal year beginning July 1, 1999, and ending June 30, 2000,
10 shall be appropriated to the department of public health.

11 Sec. 9. EFFECTIVE DATE. This Act, being deemed of
12 immediate importance, takes effect upon enactment.

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