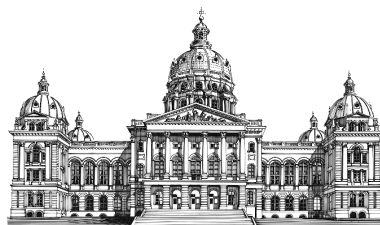

Iowa Legislative Fiscal Bureau

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State Capitol
Des Moines, IA 50319
November 11, 1998

State Medical Examiner

ISSUE

This *Issue Review* examines the development, funding, current status, and the future of the State Medical Examiner.

AFFECTED AGENCIES

Department of Public Safety

CODE AUTHORITY

Section 691.5 and 691.6, Code of Iowa.

BACKGROUND

The State Medical Examiner position was created in 1971. Prior to 1971, the responsibility to conduct and oversee all cases of suspicious and unattended deaths fell solely on the county medical examiners.

The position of the State Medical Examiner is provided for in Section 691.5 of the Code of Iowa. The State Medical Examiner is created under the control, direction, and supervision of the Commissioner of Public Safety. It is within the Commissioner's discretion to assign the State Medical Examiner to any division or bureau within the Department.

The duties of the State Medical Examiner are provided for in Section 691.6, Code of Iowa and include:

- To provide assistance, consultation, and training to county medical examiners and law enforcement officials.
- To keep complete records of all relevant information concerning deaths or crimes requiring investigation by the medical examiner.
- To adopt rules regarding the manner and techniques employed while conducting autopsies, as well as the nature and the extent to which the investigation is

conducted thus allowing a medical examiner to render a full and complete analysis and report.

Physicians eligible to fill the office must meet the requirements set forth in Section 691.5; the State Medical Examiner must be a:

- physician or osteopathic physician
- surgeon
- licensed physician in the State of Iowa
- possess a special knowledge in forensic pathology.

Funding

Prior to July 1996, the appropriation for the office staff (1 FTE position) was incorporated in the Administrative Division within the DPS while the State Medical Examiner was an independent doctor who billed the State for services. At the request of the Department and the State Medical Examiner, the State Medical Examiner became a salaried position in FY 1997. An FTE position was created for the Medical Examiner and combined with the support staff to become a separate budget unit. Currently, the State Medical Examiner receives a direct General Fund appropriation through the Justice System Appropriations Bill. The State Medical Examiner charges fees for conducting autopsies, which are deposited in the General Fund. The current salary range for the State Medical Examiner is \$139,984 to \$174,990.

Personnel

The State Medical Examiner typically has a staff of four employees: the State Medical Examiner, a Criminalist, and two secretaries. The State Medical Examiner is the only employee on staff qualified to perform autopsies. The other three positions are support staff. As of October 1997, when the last State Medical Examiner resigned, the State Medical Examiner's personal secretary also resigned and the Criminalist was transferred to the Department of Criminal Investigation (DCI). Currently, one secretary remains to attend to the day-to-day operations of the office.

Facilities

The office occupies 1,150 square feet in the Wallace Office Building. However, the State owns no morgue facilities. The State Medical Examiner may conduct autopsies at the Polk County Morgue Facility or any other hospital facility. The cost of holding the autopsies in these locations are billed to the county in which the death occurred.

Outside Consulting

Before the position was salaried, the State Medical Examiner was an independent doctor who accepted compensation for outside consultation and could provide expert testimony in some cases. When the State Medical Examiner became a salaried position in July 1996, the outside consulting was permitted as long as the consultation was done on the doctor's own time, absent any State resources. Any private work done in Iowa could not involve a criminal case or a case where the State Medical Examiner had performed the autopsy, nor could it involve any governmental entity. Consultation done outside the State could involve government parties, provided no Iowa governmental entity was involved.

CURRENT SITUATION

The position of State Medical Examiner has been vacant since October 1997. The Department of Public Safety has offered the position to qualified doctors who have declined. The most prominent reasons were the lack of resources Iowa's State Medical Examiner has at their disposal and the uncertainty involving the future of the position. The Department hired a consultant to study the situation and assembled a review team to search for additional candidates. They are currently in the process of reviewing the consultant's recommendations.

ALTERNATIVES

Some alternatives the General Assembly may wish to consider:

Location

The State Medical Examiner's office is currently under the direction of the Commissioner of Public Safety. An alternative would be to move the State Medical Examiner to another Department, the most likely being the Department of Public Health. In other states, the statewide medical examiner is commonly under the purview of that State's Department of Public Health (or similar agency). Moving the State Medical Examiner out of DPS would separate it from the Department of Criminal Investigation (DCI) also located in the DPS. These two entities often work on the same cases where a conflict of interest may arise.

Resources**Staff**

- Provide the Office with a Deputy Medical Examiner qualified to perform autopsies and reduce the caseload for the State Medical Examiner.
- Add an Administrative Assistant or an office manager to assist with administrative duties of the office.
- Provide more technical support by adding lab assistants.
- Increase clerical support with transcribers or records workers and case investigators.

Facilities

- Construct a freestanding building containing a lab and morgue.
- Consolidate with the Polk County Facility and add on to the already-existing structure.
- Consolidate with the Department of Criminal Investigation and construct a stand-alone facility housing the DCI lab and a State Medical Examiner's morgue.

County Medical Examiner System

Iowa operated on the county medical examiner system before the statewide Office was created in 1971. Since the latest State Medical Examiner resigned, the county medical examiners and local pathologists have been performing all the autopsies. This system is not unusual. Other states such as Wisconsin, Kansas, Colorado, and South Carolina continue to operate on this system. The county medical examiners or in some states, coroners, are elected by local officials or physicians. In Iowa, oversight of the medical examiners could be given to the local jurisdiction who elected the examiner or to the Governor.

In the summer of 1998, the Legislative Fiscal Bureau sent out a questionnaire to other States Medical Examiner's Offices. (**Attachment 1**).

BUDGET IMPACT

Since the State Medical Examiner's Office did not have a separate budget unit until the State Medical Examiner became a salaried employee in FY 1997, the information below is available for only three fiscal years.

	<u>FY 1997</u>	<u>FY 1998</u>	<u>FY 1999*</u>
Appropriation	\$ 332,500	\$ 341,959	\$ 354,703
Actual Spending	329,523	216,795	391,585
*Budgeted Amount			

The Department has requested \$532,700 for FY 2000, an increase of \$175,664 compared to estimated FY 1999 appropriation. The increase has been specifically requested to create a position of Deputy Medical Examiner.

For FY 2000, the Department has requested \$1.0 million to construct morgue facilities for the State. However, the type of facility is yet to be determined. The cost of the capital projects' alternatives in this **Issue Review** have not been accurately determined due to the uncertain future of the Office.

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Medical Examiner Survey Results

<u>State</u>	<u>Number of Autopsies Performed</u>	<u>Medical Examiner's Salary</u>	<u>Department Location</u>	<u>FY 1998 Appropriation</u>
Connecticut	3,000-4,000	\$ 184,000	Independent Agency	\$ 4,404,163
Colorado	NA	NA	County Coroner System	NA
Iowa	211	139,984-174,990	Public Safety	341,959
Kansas	NA	NA	County Coroner System	NA
Kentucky	2,200	130,000	Kentucky Justice Cabinet	2,400,000
Maine	250-300	120,000	Attorney General	884,145
Maryland	2,998	133,344	Public Health	4,500,000
Mississippi	NA	69,000-100,000	Public Safety	NA
New Hampshire	300	105,000	Attorney General	424,000
New Jersey	NA	140,000	Criminal Justice	200,000
New Mexico	1,400	150,000	Independent Agency	2,800,000
North Carolina	1,200	113,824-189,393	Health	2,852,806
South Carolina	NA	NA	County Coroner System	NA
Utah	1,600	137,900	Health	1,325,700
Wisconsin	NA	NA	County Coroner System	NA