

SB 953 A STAFF MEASURE SUMMARY

Carrier: Sen. Linthicum

Senate Committee On Judiciary

Minority Report

Action Date: 04/03/23**Action:** Do pass with different amendments. (Printed A-Eng.) Minority**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Report Signers:** Sen. Dennis Linthicum, Sen. Kim Thatcher**Prepared By:** Patricia Pascone, LPRO Analyst**Meeting Dates:** 3/20, 4/3**WHAT THE MEASURE DOES:**

Specifies purposes of the measure, including staffing shortages and the import of mortality surveillance through monitoring of mortality data, and oversight of any changes to data collection. Changes term "district medical examiner" to "county medical examiner," defines county medical examiner, and changes term "medical-legal" investigator to "medicolegal" investigator. Removes process for approving district medical examiner offices and replaces all references to district medical examiner offices with county medical examiner offices. Adds physician assistants and nurse practitioners to persons who may be appointed as medical examiners. Directs the Office of the Chief Medical Examiner to define medical examiners' individual scope of practice and provide training and supervision of physician assistants and nurse practitioners. Modifies a basis for investigation and certification to be when the person was not under the care of a physician within one year prior to death. Permits sampling vitreous fluid for laboratory analysis upon order of a medical examiner or district attorney in a death investigation. Declares policy of the Chief Medical Examiner and Deputy State Medical Examiner to strictly enforce and follow the Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting if the guidelines therein meet the requirements of the federal Administrative Procedures Act, the federal Paperwork Reduction Act, and the federal Information Quality Act.

ISSUES DISCUSSED:

- Oregon's medical examiner system structure
- Homicides are approximately five percent of total medical examiner cases
- Deaths and caseloads have dramatically increased
- Difficulty hiring pathologists
- Officer involved shootings often referred to the state for autopsy needs
- County resource needs

EFFECT OF AMENDMENT:

Specifies purposes of the measure, including staffing shortages and the import of mortality surveillance through monitoring of mortality data and oversight of any changes to data collection. Declares policy of the Chief Medical Examiner and Deputy State Medical Examiner to strictly enforce and follow the Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting if the guidelines therein meet the requirements of the federal Administrative Procedures Act, the federal Paperwork Reduction Act, and the federal Information Quality Act. Retains existing statutory provision permitting the Chief Medical Examiner to pay half of costs of autopsies ordered by counties with populations under 200,000, if funds are available for that purpose.

BACKGROUND:

The Chief Medical Examiner's Office (CME) of the Oregon State Police manages the statewide death investigation program in Oregon. State and county medical examiners investigate and certify all non-natural deaths involving homicides, accidents, suicides, suspicious circumstances, controlled substances, use or abuse of chemicals or toxic agents, on-the-job deaths, deaths occurring in state custody, bodies disposed of in an offensive manner, and

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"unattended " deaths of persons who were not recently under physician care. The CME is also required to investigate deaths related to a disease that might constitute a threat to public health, but it has not done so due to staffing levels.

The CME is the sole provider of forensic autopsy services in the state. The CME has five pathologists in the Clackamas Morgue, plus one in Eugene, and one in Central Point. In a 2020 presentation to the Legislative Assembly, the Chief Medical Examiner estimated that a total of twenty pathologists would be needed to adequately staff the number of autopsies that should be performed each year, based on population.

ORS 146.065 requires that each county have a medical examiner to investigate and certify the cause of death and permits two or more counties to form a district medical examiner's office. In practice, no district medical examiner offices exist. Counties utilize medicolegal death investigators -- which may be police officers, health workers, or others -- who as part of an investigation document conditions, collect evidence, take photographs, make notifications to and interview the family, and log everything in a centralized system to allow the state to issue a death certificate. ORS 146.075 requires counties to pay all expenses of death investigations, except that in counties with a population of less than 200,000, the CME may approve one-half of autopsy costs be paid from state funds. The Chief Medical Examiner has historically not required counties to pay for autopsies.

Senate Bill 953 MRA updates terminology regarding local medical examiners and investigators, replaces all references to district medical examiners with county medical examiners, and permits the Chief Medical Examiner (CME) to appoint physician assistants and nurse practitioners to a determined scope of medical examiner duties with training and supervision by the CME. Declares policy of the Chief Medical Examiner and Deputy State Medical Examiner to strictly enforce and follow the Medical Examiners' and Coroners' Handbook on Death Registration and Fetal Death Reporting if the guidelines therein meet the requirements of the federal Administrative Procedures Act, the federal Paperwork Reduction Act, and the federal Information Quality Act.