



**Testimony
Senate Bill 2264
Senate Human Services Committee
January 24, 2017, 9:45 a.m.
North Dakota Department of Health**

Good morning Chairman Lee and members of the Senate Human Services Committee. My name is Kirby Kruger, and I am the Medical Services Section Chief with the North Dakota Department of health. The Medical Services Section includes the Office of the Forensic Examiner. I am here today to provide information to the committee regarding the expected impacts of Senate Bill 2264.

SB 2264 would amend the North Dakota Century Code to specify and require that the entity completing the death report would also notify the decedent's next of kin after the death report is finalized.

The Office of the Forensic Examiner includes three full-time equivalent employees (FTEs) that consist of the forensic pathologist, an office manager that serves as a death investigator, and an autopsy technician/death investigator.

The current system divides North Dakota into two regions with the Department of Health serving 32 western and central counties and the University of North Dakota School of Medicine and Health Sciences, Department of Pathology serving the remaining 21 counties. Each facility is accepting between 240-255 cases per year for autopsy.

The forensic examiner is responsible for assisting the county coroners and law enforcement in the investigation of the cause and manner of death. The forensic examiner is also available to provide information to families regarding the death of their loved ones. Families may request, and the forensic examiner will release to families, the autopsy report after verification of family relationship.

Under current law (NDCC 23-01-05.5), the report of death is a public record except in the case of an active criminal investigation. Requests from the media and the general public for a death report are relatively rare, and usually only associated

with high profile cases. Currently, the department does not release the report of death until the death certificate is finalized.

Local officials do not routinely submit complete information regarding the next of kin to the forensic examiner, nor are they required to. Usually local law enforcement or the funeral home coordinate communications with the next of kin regarding the cause of death. This bill would require the department, for most forensic cases, to reach out to local officials to collect and verify next of kin information before we could even begin the process of contacting the next of kin.

Some ideas to consider that may ease implementation of this bill would include:

- Specify just one entity to make notification and if that is a local entity, requiring feedback to the forensic examiner that family notification has occurred
- Removing the requirement to notify families but holding the report of death as a non-public document for a period of time (i.e. two weeks) after the completion of the cause and manner of death.
- Requiring local officials to submit next of kin information, including phone numbers and addresses, to the Department of Health, allowing the forensic examiner's office to attempt contact with the family in a timely manner.

The department is willing to work with the sponsors and the committee, if needed, to clarify the intent of the bill, and to assist in looking for implementation efficiencies.

This concludes my testimony. I am happy to answer any questions you may have.