



Testimony
Senate Bill 2264
House Political Subdivisions Committee
March 3, 2017, 9:45 a.m.

Good morning Chairman Klemin and members of the House Political Subdivisions Committee. My name is Kirby Kruger, and I am the Medical Services Section Chief with the North Dakota Department of Health (NDDoH). The Medical Services Section includes the Office of the Forensic Examiner. I am here today to provide information to the committee regarding Senate Bill 2264.

SB 2264 would make the report of death, which is now an open record from the moment of completion, a confidential record for a period of 14 days after the completion of the report of death or after the family is notified, whichever comes first. It would also require the forensic examiner to notify the families when the record is completed using the contact information provided by the family. Furthermore it would require that a good faith effort be made by the forensic examiner to make this notification within 72 hours.

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. Currently, the department does not release the report of death until the death certificate is finalized.

The Office of the Forensic Examiner includes three full-time equivalent employees (FTEs) that consist of the forensic pathologist, an office administrator that serves as a death investigator, and an autopsy technician/death investigator. North Dakota is divided into two regions, with the Department of Health conducting autopsies for 32 western and central counties and the University of North Dakota School of Medicine and Health Sciences, Department of Pathology conducting autopsies for the remaining 21 counties. Each facility accepts between 240-255 North Dakota 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 full autopsy report after verification of family relationship. Local officials do not routinely submit complete information regarding the next of kin to the forensic examiner, nor are they required to.

The current version of the bill takes into consideration the following.

1. The North Dakota Death certificate contains all the information found on the record of death except for a list of any investigating agencies.
2. Many families receive the cause and manner of death from the death certificate.
3. Most North Dakota funeral homes provide assistance to families by requesting official copies of the death certificate on the families' behalf.
4. Because the death certificates are sent through normal mail, this process may take a week or longer, depending on other factors such as weekends, holidays and weather. In addition if the funeral home has requested the death certificates on behalf of the family, some extra time may be needed for the funeral home to deliver the certificates to the family.
5. This bill will require the forensic examiner to verify that individuals requesting a report of death prior to the family being notified are actually allowed to receive that report of death. Although not required, it is possible that the verification process would need to be done through normal mail.
6. The good faith effort language was added to Senate Bill 2264 because the previous language caused concerns with some scenarios.
 - a. If the only information provided to the NDDoH is a phone number, and that phone number is now not working or is owned by another person would we have to make 2 additional calls to the same number if we could not find any other locating information?
 - b. If the only information we have on next of kin is a mailing address, would we be required to send three letters?
 - c. There are instances where the next-of-kin does not want to be contacted and does not wish to know anything about the cause, manner and circumstances of death.
 - d. The family recuses itself from any involvement in individual's death, including burial, cremation or disposition of the decedent's estate.

With the current version of the bill, we would use the contact information provided by the next of kin and we would also be able to check with vital records or the funeral home to make sure that the death certificates were delivered to the next of kin.

The department believes we offered a solution that fits well with current business practices and that provides more protection against the release of information to the public prior to families or next of kin being notified as to the cause and manner of death of their loved ones.

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