

2023 HOUSE HUMAN SERVICES

HB 1481

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1481
1/25/2023

Relating to access to death records.

Chairman Weisz called the meeting to order at 9:57 AM

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, and Jayme Davis present. Rep. Gretchen Dobervich virtually present.

Discussion Topics:

- Amendments
- (23.0611.01001)

Representative Dobervich introduced HB 1481 with supportive testimony and proposed an amendment. (#16580, #16579, #16578, #16577)

Additional Written testimony:

- Kriste Ross, Coroner Cass County Government (#15653)

Chairman Weisz adjourned the meeting at 10:04 AM

Phillip Jacobs, Committee Clerk By: Leah Kuball

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1481
2/15/2023

Relating to access to death records.

Chairman Weisz called the meeting to order at 4:43 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Dwight Kiefert, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich. All present.

Discussion Topics:

- Committee work
- Amendments (23.0611.01002) (23.0611.01003)

Representative Dobervich proposed amendments (23.0611.01002) (#22280) and in Section 3 line 6 add “licensed or certified” before medical professionals to HB 1481

Representative Dobervich moved to amend HB 1481 with. (23.0611.01003)

Representative Rohr seconded motion.

Roll call vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	N
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carried: 13-1-0

Representative Dobervich moved a DO PASS as amended. (23.0611.01003)

Representative Davis seconded motion.

Roll call vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	N
Representative Todd Porter	Y
Representative Brandon Prichard	N
Representative Karen M. Rohr	Y

Motion carried: 12-2-0

Bill carrier: Representative Davis

Chairman Weisz adjourned the meeting at 4:58 PM.

Phillip Jacobs, Committee Clerk By: Leah Kuball

February 15, 2023

2-15-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1481

Page 1, line 1, after "to" insert "create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to exempt records of coroners and medical examiners; and to"

Page 1, line 1, after "23-02.1-27" insert "and subdivision a of subsection 2 of section 44-04-18.18"

Page 1, line 2, after "records" insert "and training of coroner and medical personnel"

Page 1, after line 17, insert:

"SECTION 2. A new subsection to section 44-04-18.7 of the North Dakota Century Code is created and enacted as follows:

An image taken by a coroner, a medical examiner, or coroner or medical examiner personnel, using a digital camera or similar device is an exempt record.

SECTION 3. AMENDMENT. Subdivision a of subsection 2 of section 44-04-18.18 of the North Dakota Century Code is amended and reenacted as follows:

- a. After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or recording for:
 - (1) Medical or scientific teaching or training purposes;
 - (2) Teaching or training of law enforcement personnel;
 - (3) Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;
 - (4) Conferring with medical or scientific experts; or
 - (5) Publication in a scientific or medical journal or textbook; or
 - (6) Teaching or training of coroner personnel or other licensed or certified medical professionals.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1481: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1481 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to exempt records of coroners and medical examiners; and to"

Page 1, line 1, after "23-02.1-27" insert "and subdivision a of subsection 2 of section 44-04-18.18"

Page 1, line 2, after "records" insert "and training of coroner and medical personnel"

Page 1, after line 17, insert:

"SECTION 2. A new subsection to section 44-04-18.7 of the North Dakota Century Code is created and enacted as follows:

An image taken by a coroner, a medical examiner, or coroner or medical examiner personnel, using a digital camera or similar device is an exempt record.

SECTION 3. AMENDMENT. Subdivision a of subsection 2 of section 44-04-18.18 of the North Dakota Century Code is amended and reenacted as follows:

- a. After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or recording for:
 - (1) Medical or scientific teaching or training purposes;
 - (2) Teaching or training of law enforcement personnel;
 - (3) Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;
 - (4) Conferring with medical or scientific experts; or
 - (5) Publication in a scientific or medical journal or textbook; or
 - (6) Teaching or training of coroner personnel or other licensed or certified medical professionals."

Renumber accordingly

2023 SENATE HUMAN SERVICES

HB 1481

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1481
3/14/2023

Relating to exempt records of coroners and medical examiners; and relating to access to death records and training of coroner and medical personnel.
--

12:03 PM **Madam Chair Lee** called the hearing to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston, and Hogan** are present.

Discussion Topics:

- Technical corrections
- Medical history research
- Autopsy images
- Proof of descendants
- Digital camera

12:04 PM **Representative Dobervich**, introduced HB 1482 in favor. #24510

12:09 PM **Kristie Ross, Coroner, Cass County**, online testimony in favor. #24381

12:17 PM **Darin Meschke Vital Records Registrar and Director of the Department of Vital Records**, neutral verbally.

12:19 PM **Madam Chair Lee** adjourned the hearing.

Patricia Lahr, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Human Services Committee
Fort Lincoln Room, State Capitol

HB 1481
3/14/2023

Relating to exempt records of coroners and medical examiners; and relating to access to death records and training of coroner and medical personnel.
--

4:15 PM **Madam Chair Lee** called the meeting to order. **Senators Lee, Cleary, Clemens, K. Roers, Weston,** are present. **Senator Hogan** was absent.

Discussion Topics:

- Technical corrections
- Autopsy images
- Proof of descendants
- Digital camera

Senator Lee calls for discussion.

Senator Cleary moved **DO PASS**.

Senator Weston seconded the motion.

Roll call vote.

Senators	Vote
Senator Judy Lee	Y
Senator Sean Cleary	Y
Senator David A. Clemens	Y
Senator Kathy Hogan	AB
Senator Kristin Roers	Y
Senator Kent Weston	Y

Motion passed 5-0-1.

4:17 PM **Madam Chair Lee** adjourned the meeting.

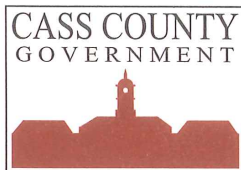
Patricia Lahr, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1481, as engrossed: Human Services Committee (Sen. Lee, Chairman)
recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1481 was placed on the Fourteenth order on the calendar. This bill
does not affect workforce development.

TESTIMONY

HB 1481



CASS COUNTY CORONER Kriste Rehkamp Ross, B.S. F-ABMDI
1220 25th Street South, Fargo, North Dakota 58103 • Phone: 701-241-5920 • Fax: 701-241-5922 • www.casscountynd.gov

Testimony prepared for:
House Human Services Committee
Prepared January 23, 2023
Kriste Ross, Coroner
Cass County Government

RE: House Bill No. 1481

Committee Chair and Members of the Committee,

My name is Kriste Ross, Coroner for Cass County. I am here in support of House Bill 1481. I started with the Cass County Coroner's Office in 2001 under the supervision of Dr. John Baird. With his guidance and support, I began doing death investigations in 2007. In 2011, I became a certified medicolegal death investigator and began signing death certificates. While I was able to discuss cases with Dr. Baird when needed, much of my education and ability to determine cause and manner of death came from my extensive training through the American Board of Medicolegal Death Investigators, International Association of Coroners and Medical Examiners, the CDC and NIJ. I've been training on how to complete a death certificate thoroughly and accurately, and often am contacted by the Department of Vital Records to amend death certificates that have been completed by a medical provider in error. For better understanding on accurate completion of death certificates, I have met with physicians at local hospitals, explaining how to properly sign death certificates and offer literature for reference.

The Cass County Coroner's Office receives calls, both reportable (defined under NDCC 11-19) and non-reportable deaths. Our office records all reported deaths which are also documented in annual statistics and shared with local and state agencies. While deaths are reported to us most often by nursing staff, he/she may not know what the attending physician will enter on certificate as the cause of death.

I am in support of this bill, as deaths that occur in my county may be in question or have a death certificate that is completed inaccurately. Not all deaths are reported to the county coroner. Any questions about deaths ultimately need to be investigated, which could have easily been resolved by knowing the cause of death.

Sincerely,

A handwritten signature in black ink that reads "Kriste Ross". The signature is written in a cursive, flowing style.

Kriste Ross
Cass County Government, Coroner

23.0611.01001

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1481

Introduced by

Representative Dobervich

1 A BILL for an Act to amend and reenact subsection 2 of section 23-02.1-27 of the North Dakota
2 Century Code, relating to access to death records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 23-02.1-27 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. A certified copy of a complete death record may be issued to a relative, an authorized
7 representative, the child fatality review board, a licensed physician, or a genetic sibling
8 for the purposes of researching family medical history; a funeral director; ~~coroner;~~
9 ~~medical examiner, or state forensic examiner~~ reporting the facts of death; a
10 coroner, medical examiner, or state forensic examiner investigating and reporting the
11 medical cause of death; a person with personal or real property interests that depend
12 upon information contained in the complete death record; or by the order of a court of
13 competent jurisdiction, and may include the cause of death and the social security
14 number. A certified copy of the facts of death record that includes the facts of death
15 and the social security number may be issued to any person that may obtain a
16 certified copy of a complete death record or to any licensed attorney who requires the
17 copy for a bona fide legal determination. A certified copy of an informational death
18 record may be issued to the general public, but the copy may not contain the cause of
19 death or the social security number.

23.0611.01001
Title.

Prepared by the Legislative Council staff for
Representative Dobervich
January 24, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1481

Page 1, line 8, remove ". coroner."

Page 1, line 9, remove "medical examiner, or state forensic examiner"

Page 1, line 9, after the underscored semicolon insert "a coroner, medical examiner, or state forensic examiner investigating and reporting the medical cause of death:"

Renumber accordingly

23.0611.01000

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1481

Introduced by

Representative Dobervich

1 A BILL for an Act to amend and reenact subsection 2 of section 23-02.1-27 of the North Dakota
2 Century Code, relating to access to death records.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 2 of section 23-02.1-27 of the North Dakota
5 Century Code is amended and reenacted as follows:

6 2. A certified copy of a complete death record may be issued to a relative, an authorized
7 representative, the child fatality review board, a licensed physician, or a genetic sibling
8 for the purposes of researching family medical history; a funeral director, coroner,
9 medical examiner, or state forensic examiner reporting the facts of death, ~~or~~; a person
10 with personal or real property interests that depend upon information contained in the
11 complete death record; or by the order of a court of competent jurisdiction, and may
12 include the cause of death and the social security number. A certified copy of the facts
13 of death record that includes the facts of death and the social security number may be
14 issued to any person that may obtain a certified copy of a complete death record or to
15 any licensed attorney who requires the copy for a bona fide legal determination. A
16 certified copy of an informational death record may be issued to the general public, but
17 the copy may not contain the cause of death or the social security number.

House Bill 1481
House Human Services Committee
Testimony of Rep. Gretchen Dobervich, Bill Sponsor
January 25, 2023

Good morning Chairman Weiss and fellow members of the House Human Services Committee. I am before you this morning to introduce HB 1481. This bill is a technical corrections bill to sections of North Dakota Century Code that apply to the work of our county coroners. Please note that there was a glitch in Requests and some amendments are still to come.

The proposed change to Subsection 2 of section 23-02.1-27 adds county coroners, medical examiners and the state forensic officer to the list of persons who can provide a certified copy of a complete death record to a relative, an authorized representative, the child fatality review board, a licensed physician, or a genetic sibling for the purposes of researching family medical history. This proposed change allows county coroners, medical examiners, and the state forensic officer to view the complete death record, which they are legally required to sign, prior to signing it.

An amendment is on the way for HB 1481 to amend North Dakota Century Code 44-04-18.18 to include an item (6) Teaching and training of county coroner personnel or other medical professional education. This section addresses the legal uses of autopsy images. While there is a subsection (1) which states autopsy photos can be used for "medical or scientific teaching or training purposes" the coroner who requested this amendment stated that they felt it was necessary as they have had issues in the past obtaining photographs for training purposes.

An amendment is also coming to amend North Dakota Century Code 44-04-18.7 to add a number 10 which reads an image taken by county coroner personnel or a medical examiner using a digital camera or similar device. In North Dakota Century Code 44-04-18.7 (2) add law enforcement after coroner. This allows law enforcement to use deidentified autopsy images for teaching and training purposes. In North Dakota Century Code 44-04-18.7(3) add law enforcement after coroner. This allows a decedent's spouse, child, parent, or sibling, upon proof of the relationship to view an autopsy photograph, image, or recording in the business offices of law enforcement. Current law allows for viewing in the offices of medical examiner, coroner, or physician, if there is not an active criminal investigation or prosecution. It is believed this is needed as in some counties a law enforcement official is also the county coroner and there may not be a designated coroner's office.

That concludes my testimony and I stand for any questions.

Thank you Mr. Chairman and Members of the Committee.

23.0611.01002
Title.

Prepared by the Legislative Council staff for
Representative Dobervich
January 30, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1481

Page 1, line 1, after "to" insert "create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to exempt records of coroners and medical examiners; and to"

Page 1, line 1, after "23-02.1-27" insert "and subdivision a of subsection 2 of section 44-04-18.18"

Page 1, line 2, after "records" insert "and training of coroner and medical personnel"

Page 1, after line 17, insert:

"SECTION 2. A new subsection to section 44-04-18.7 of the North Dakota Century Code is created and enacted as follows:

An image taken by a coroner, a medical examiner, or coroner or medical examiner personnel, using a digital camera or similar device is an exempt record.

SECTION 3. AMENDMENT. Subdivision a of subsection 2 of section 44-04-18.18 of the North Dakota Century Code is amended and reenacted as follows:

- a. After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or recording for:
 - (1) Medical or scientific teaching or training purposes;
 - (2) Teaching or training of law enforcement personnel;
 - (3) Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;
 - (4) Conferring with medical or scientific experts; ~~or~~
 - (5) Publication in a scientific or medical journal or textbook; or
 - (6) Teaching or training of coroner personnel or other medical professional education."

Re-number accordingly



CASS COUNTY CORONER Kriste Rehkamp Ross, B.S. F-ABMDI
1220 25th Street South, Fargo, North Dakota 58103 • Phone: 701-241-5920 • Fax: 701-241-5922 • www.casscountynd.gov

Testimony prepared for:
Senate Human Services Committee
Prepared January 23, 2023
Presented March 14, 2023
Kriste Ross, Coroner
Cass County Government

RE: House Bill No. 1481

Committee Chair and Members of the Committee,

My name is Kriste Ross, Coroner for Cass County. I am here in support of House Bill 1481. I started with the Cass County Coroner's Office in 2001 under the supervision of Dr. John Baird. With his guidance and support, I began doing death investigations in 2007. In 2011, I became a certified medicolegal death investigator and began signing death certificates. While I was able to discuss cases with Dr. Baird when needed, much of my education and ability to determine cause and manner of death came from my extensive training through the American Board of Medicolegal Death Investigators, International Association of Coroners and Medical Examiners, the CDC and NIJ. I've been training on how to complete a death certificate thoroughly and accurately, and often am contacted by the Department of Vital Records to amend death certificates that have been completed by a medical provider in error. For better understanding on accurate completion of death certificates, I have met with physicians at local hospitals, explaining how to properly sign death certificates and offer literature for reference.

The Cass County Coroner's Office receives calls, both reportable (defined under NDCC 11-19) and non-reportable deaths. Our office records all reported deaths which are also documented in annual statistics and shared with local and state agencies. While deaths are reported to us most often by nursing staff, he/she may not know what the attending physician will enter on certificate as the cause of death.

I am in support of this bill, as deaths that occur in my county may be in question or have a death certificate that is completed inaccurately. Not all deaths are reported to the county coroner. Any questions about deaths ultimately need to be investigated, which could have easily been resolved by knowing the cause of death.

Sincerely,

Kriste Ross

House Bill 1481
Senate Human Services Committee
Testimony of Rep. Gretchen Dobervich, Bill Sponsor
March 14, 2023

Good morning Madame Chair and fellow members of the Senate Human Services Committee. For the record my name is Representative Gretchen Dobervich, I work for the people of District 11 in south central Fargo.

I am before you this morning to introduce HB 1481. This bill is a technical corrections bill to sections of North Dakota Century Code that apply to the work of our county coroners.

The proposed change to Subsection 2 of section 23-02.1-27 adds county coroners, medical examiners, and the state forensic officer to the list of persons who can provide a certified copy of a complete death record to a relative, an authorized representative, the child fatality review board, a licensed physician, or a genetic sibling for the purposes of researching family medical history. This proposed change allows county coroners, medical examiners, and the state forensic officer to view the complete death record, which they are legally required to sign, prior to signing it.

HB 1481 amends North Dakota Century Code 44-04-18.18 to include an item (6) Teaching and training of county coroner personnel or other medical professional education. This section addresses the legal uses of autopsy images. While there is a subsection (1) which states autopsy photos can be used for "medical or scientific teaching or training purposes" the coroner who requested this amendment stated that they felt it was necessary as they have had issues in the past obtaining photographs for training purposes.

Also amended in North Dakota Century Code 44-04-18.7 is adding a number 10 which reads an image taken by county coroner personnel or a medical examiner using a digital camera or similar device. In North Dakota Century Code 44-04-18.7 (2) add law enforcement after coroner. This allows law enforcement to use deidentified autopsy images for teaching and training purposes. In North Dakota Century Code 44-04-18.7(3) add law enforcement after coroner. This allows a decedent's spouse, child, parent, or sibling, upon proof of the relationship to view an autopsy photograph, image, or recording in the business offices of law enforcement. Current law allows for viewing in the offices of medical examiner, coroner, or physician, if there is not an active criminal investigation or prosecution. It is believed this is needed as in some counties a law enforcement official is also the county coroner and there may not be a designated coroner's office.

Thank you Madame Chair and Members of the Committee.

That concludes my testimony and I stand for any questions.