

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7726

BILL NUMBER: HB 1503

NOTE PREPARED: Apr 6, 2007

BILL AMENDED: Apr 5, 2007

SUBJECT: Coroners and Child Deaths.

FIRST AUTHOR: Rep. Orentlicher

FIRST SPONSOR: Sen. C. Lawson

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Procedures for the Death of a Child:* This bill requires a coroner to make an autopsy report available to the Department of Child Services or fatality review teams. The bill allows a local child fatality review team or the statewide Child Fatality Review Committee to subpoena documents regarding a death that the team is reviewing. The bill requires a coroner to notify a local or the statewide child fatality review team of: (1) each death of a person less than 18 years of age; and (2) a possible SIDS death. It also requires a Certified Child Death Pathologist (CCDP) to: (1) consult with the coroner; (2) conduct certain autopsies; and (3) perform certain duties. The bill also requires a coroner to consult with a CCDP to determine if an autopsy is necessary if the person who died is less than 18 years of age. The bill provides procedures if a coroner and CCDP do not agree if an autopsy is necessary of a person less than 18 years of age.

Indiana State Department of Health Requirements: This bill requires the ISDH to adopt rules: (1) for hospitals and physicians to identify suspicious deaths of children; and (2) to certify a child death pathologist.

The bill requires a coroner to obtain court approval to make an autopsy report confidential.

The bill makes it a Class B infraction if a person knowingly or intentionally fails to contact a coroner or law enforcement agency of the discovery of a body of a child less than one year old who has died. It makes conforming amendments.

It also removes language regarding a coroner charging another county for the costs of an autopsy of a resident of the other county.

Effective Date: July 1, 2007.

Explanation of State Expenditures: *Department of Health Requirements:* The ISDH is required by the bill to adopt rules for hospitals and physicians to identify suspicious deaths of children who are less than 18 years of age.

The State Department is also required to adopt rules to certify a child death pathologist and to require special training to conduct autopsies on child fatalities. The bill specifies that a child death pathologist must be an American Board of Pathology certified pathologist who has received specialized training or has experience in the area of child fatalities. The ISDH is required to certify child death pathologists. To maintain certification, the child death pathologists must annually complete training concerning new procedures for child death investigations. This program is anticipated to be applicable to fewer than 25 individuals; the certification activities may be accomplished within the ISDH's current level of resources.

The bill also requires the ISDH to either approve an annual training program or provide a training program for certified child death pathologists concerning new procedures for child death investigations. The cost of this provision will be dependent on what is available for appropriate training each year from other sources. The ISDH may be required to provide the training at an undetermined cost.

Appropriation Background: The ISDH administrative appropriations were made from the dedicated Tobacco Master Settlement Agreement Fund for FY 2006 and FY 2007. The funding source of the FY 2008 and FY 2009 ISDH administrative appropriations will be determined by the General Assembly.

Procedures for the Death of a Child- Child Fatality Review Teams: The bill provides that the Statewide Child Fatality Review Committee or a local child fatality review team may subpoena records from hospitals, physicians, and mental health professionals regarding a death the Committee or local team is investigating. The bill requires that county coroners shall notify the local child fatality review team or the Statewide Child Fatality Review Committee of each death of a person less than 18 years of age. The bill provides a procedure to be followed to determine if an autopsy is necessary in the circumstance of the death of a person under 18 years of age. If an autopsy is necessary, a certified child death pathologist is required to conduct the autopsy procedure. The bill further requires a coroner to make a full copy of an autopsy report to the Department of Child Services, the Statewide Child Fatality Review Team or a local child fatality review team regarding deaths that the teams may be investigating.

(Revised) The bill requires that a child that died in an apparently suspicious, unusual, or unnatural manner and was less than three years of age at the time of death must have an autopsy performed by a certified child death pathologist at county expense. The bill specifies that a coroner may not certify the cause of death until an autopsy is performed. The bill specifies what parties may receive copies of the autopsy results.

Explanation of State Revenues: *Penalty Provision:* The bill provides that a person who knowingly or intentionally fails to immediately notify the coroner or a law enforcement agency of the discovery of a body of a person less than one year of age who has died commits a Class B Infraction. The maximum judgment for a Class B infraction is \$1,000, which would be deposited in the state General Fund. However, any additional revenue is likely to be small.

Explanation of Local Expenditures: The bill would eliminate a provision that requires coroners to bill the county in which an incident occurred that resulted in the death of an individual in a different county.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions are filed and a judgment is entered, local governments would receive revenue from court fees. However, any additional revenue is likely to be small.

State Agencies Affected: State Department of Health, Department of Child Services.

Local Agencies Affected: County coroners, trial courts, local law enforcement agencies.

Information Sources: State Department of Health, Coroner's Training Board.

Fiscal Analyst: Kathy Norris, 317-234-1360.