

STATE OF MARYLAND
POST MORTEM EXAMINERS COMMISSION

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The Honorable Shane E. Pendergrass
Chair, Health and Government Operations Committee
Room 241
House Office Building
Annapolis, MD 21401

February 16, 2022

RE: HB 373 – State Postmortem Examiners Commission – Minimum Staffing Requirements – Letter of Concern

Dear Chair Pendergrass and Committee Members:

The Maryland State Postmortem Examiners Commission (Commission) is submitting this Letter of Concern for House Bill (HB) 373 – State Postmortem Examiners Commission – Minimum Staffing Requirements.

The bill on page 2, lines 11-14 regarding § 5-305 (a) (4), places responsibility with the Commission for ensuring that the number of staff employed by the Commission does not fall to a level that would constitute a Phase II violation according to standards established by the National Association of Medical Examiners (NAME). While the bills intent is to authorize the Commission to ensure that appropriate staffing levels are maintained in the interest of public health and safety, the Commission has the following legal and administrative concerns:

1. The Commission is only authorized to make appointments. Pursuant to Health General § 5-305 (a), the Commission is the appointing authority for the chief medical examiner, deputy chiefs and assistant medical examiners; chief toxicologist; deputy chief, lead, and assistant toxicologists; serologist; forensic pathology residents; chief forensic investigator; deputy chiefs, lead, and assistant forensic investigators; autopsy services supervisor; and deputy, lead, and assistant autopsy technicians. The position PINs and funding responsibilities are under the authority of the Maryland Department of Health (MDH).
2. The Commission's ability to ensure compliance with the standard in the proposed bill is limited. Phase II standards of NAME are considered essential requirements; any such deficiencies may seriously impact the work or adversely affect the health and safety of the public or agency staff. The Commission is authorized to approve hiring and firing of staff of the OCME, with the approval of the Secretary of Budget and Management. The Commission's ability to make appointments to the OCME, however, does not include the authority to obtain additional PINs or to request appropriations for salaries, bonuses, or increments that may be required to attract qualified applicants in a competitive job market. This bill would require the Commission to meet the standard, but it does not provide the authority or resources for the Commission to meet the standard.

As a result of these expressed concerns, the Commission proposes an amendment to include language that requires MDH to provide the positions and funding to enable the Commission to make the appointments necessary to meet the NAME standard.

For these reasons, the Commission respectfully requests that you strongly consider this information and agree that the additional language we suggest is necessary satisfy the issue that the bill intends to address. Thank you for your consideration and if you have any additional questions, please contact the Commission's Chair, Sanford Stass, M.D. at sstass@som.umaryland.edu and Vice Chair Ralph Hruban, M.D at rhruban@jhmi.edu.

The concerns of the Commission expressed in this document do not necessarily reflect that of the Department of Health or the Administration.