



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

February 16, 2022

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

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

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information on House Bill (HB) 373 – State Postmortem Examiners Commission - Minimum Staffing Requirements. HB 373 will require the State Postmortem Examiners Commission to ensure that the number of staff employed by the Commission does not fall to a level that would constitute a Phase II violation according to the National Association of Medical Examiners (NAME).

The State Post Mortem Examiners Commission (PMEC), a statutorily independent MDH unit, is responsible for recruiting additional forensic pathologists and support staff for the Maryland Office of the Chief Medical Examiner (OCME) and providing oversight of OCME.

MDH continues to aggressively support OCME. We highlight below the work MDH has been doing during the last year and more, with the PMEC, to reinforce the work of the OCME.

- **Forensic pathologist salaries in Maryland** have increased by over 50 percent since October 2020 – and have nearly *doubled* since 2014 – and **are among the highest salaries in the country.**
 - **The range as of January 2022 for an Assistant Medical Examiner, Board Certified (AME) is \$238,842 to \$370,086.** These figures also reflect a 3 percent increase as part of the salary enhancements provided for in Governor Hogan’s FY2023 budget proposal. For more information, please see the attached Joint Chairmen’s Report (updated on February 3, 2022)
 - In 2016, the salary range for an AME was \$152,319 - \$254,576.
 - In 2014, the salary range for an AME was \$120,391 - \$198,615.
- **We are assigning 21 new positions at OCME:** Four positions were already assigned by MDH to OCME in FY2022, and 17 additional PINs reassigned to OCME in the FY 2023 allowance. These new positions include additional assistant medical examiners, forensic investigators, assistant toxicologists, autopsy assistants, and administrative support professionals.

- We are also discussing additional retention options with the P MEC and the Maryland Department of Budget and Management.
- An Annual Salary Review (ASR) was approved for autopsy assistants in 2019. In addition, an ASR was approved for Forensic investigators in FY2023.
- The OCME is also in the process of identifying additional forensic pathologists who may be able to work on a per diem basis to assist with autopsies.
- We requested federal assistance the week of February 4, 2022, and on February 11, 2022, the federal government approved our request. Additional staff, including two forensic pathologists and two pathology assistants, are expected to arrive on February 14, 2022.
- We have approved a capital project to add permanent cold storage capacity at the OCME office, which will move forward. In the meantime, we have also funded additional temporary cold storage.
- A new CT scanner has been purchased, with anticipated installation in March 2022.

There is a crucial national forensic pathologists workforce shortage, with only about 750 board-certified forensic pathologists currently working in the country, according to NAME. Furthermore, a 2019 U.S. Department of Justice report stated that the total estimated national need was 1,100-1,200 forensic pathologists. This workforce shortage, alongside the national demand, creates a difficult recruitment environment for all medical examiner and coroner offices across the United States.

As is the case throughout the country, OCME is facing staffing-related challenges, and in particular a shortage of forensic pathologists. In addition, COVID-19 has contributed to staff absences. Furthermore, OCME handles many homicides and opioid-related deaths, which are resource-intensive cases.

Throughout this process, we have worked closely with the P MEC, including its chair. Dr. Sanford Stass and vice-chair Dr. Ralph Hruban, to find solutions to increase resources as well as enhance the processes within OCME. MDH is currently performing direct outreach to qualified professionals who may be interested, or have contacts who are interested, in filling vacancies at OCME.

If you have any questions, please contact Heather Shek, Director of Governmental Affairs, at heather.shek@maryland.gov or (443) 695-4218.

Sincerely,



Dennis R. Schrader
Secretary



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

February 3, 2022

The Honorable Guy Guzzone
Chair, Senate Budget and Taxation Committee
3 West Miller Senate Office Bldg.
Annapolis, MD 21401-1991

The Honorable Maggie McIntosh
Chair, House Appropriations Committee
121 House Office Bldg.
Annapolis, MD 21401-1991

Re: 2020 Joint Chairmen's Report (Page 101) – Office of the Chief Medical Examiner Accreditation and Staffing – Correction

Dear Chairs Guzzone and McIntosh:

The Maryland Department of Health (MDH) respectfully submits an updated report of our 2020 Joint Chairmen's Report (Page 101) – Office of the Chief Medical Examiner Accreditation and Staffing.

It was recently brought to our attention that the maximum salary for MDH's Assistant Medical Examiner, seen in the table on page 4 of the original report, was incorrectly reported. In the original report, the maximum salary reported was actually the mid-range salary. At the time of the report, the correct maximum salary for the Assistant Medical Examiner was \$352,192, not \$292,016.

As of January 2022, the maximum salary for an Assistant Medical Examiner is \$370,086. This is now included in this report.

If you have any questions about this report, please contact Heather Shek, Director, Office of Governmental Affairs, at heather.shek@maryland.gov.

Sincerely,

Dennis R. Schrader
Secretary

cc: Heather Shek, JD, Director, Office of Governmental Affairs
Jinlene Chan, MD, MPH, FAAP, Deputy Secretary, Public Health Services

In accordance with the 2020 Joint Chairmen’s Report (page 101), the Maryland Department of Health (MDH) presents this report on the following:

1. An update on OCME’s accreditation status following the expiration of its current provisional status in May 2020;
2. An update on the roof replacement project, including project costs, funding sources, and completion date;
3. Information on the use of per diem pathologists to assist in meeting caseload standards, including year-to-date expenditures;
4. The status of filling vacant medical examiner positions; and
5. Information on new efforts to increase staffing to ensure that OCME can return to or maintain full accreditation in the future.

1) An update on OCME’s accreditation status following the expiration of its current provisional status in May 2020:

As of March 19, 2021, the Office of the Chief Medical Examiner (OCME) was awarded full accreditation status.

2) An update on the roof replacement project, including project costs, funding sources, and completion date:

The roof leak is being remedied. The Board of Public Works approved a contract to Cole Roofing in the amount of \$2,625,000 for roof and siding replacement. A Notice to Proceed was issued to the contractor on December 9, 2020 and actual work began in January 2021. Cole Roofing has an expected completion date of early September 2021.

3) Information on the use of per diem pathologists to assist in meeting caseload standards, including year-to-date expenditures:

The OCME used per diem pathologists during the 1990s and early 2000s. These pathologists were not board-certified forensic pathologists, but were general pathologists. Therefore, the types of cases assigned to them were restricted. When the per diem program was reactivated, it was decided that any pathologist appointed to work at the OCME must be board-certified in forensic pathology, and hence able to do any case investigation and autopsy without any restrictions. The per diem program has been extremely useful and has provided the OCME with advantages:

- It provides flexibility in the number of per diem pathologists needed as the caseload increases or decreases.
- It familiarizes the pathologists with the OCME and may potentially serve as a source for recruitment and advocacy.
- It provides the necessary staffing and assistance required on weekends when the scheduled medical examiner staffing is decreased by one person.

The number of per diem pathologists decreased from 10 in 2019 to 7 by the end of 2020. Reasons for the decrease varied; however, recent discussions have suggested the challenges of scheduling outside work due to increased caseload coupled with diminished staffing in their offices of primary employment.

Per diem expenditures:

- FY20 per diem cost: \$632,400.00
- FY21 spending (7/2020 – 12/2020): \$321,300.00
- FY21 current case total: 378 cases equating to 1.51 FTEs

4) The status of filling vacant medical examiner positions:

From 2019 to present, the OCME lost five (5) medical examiners to retirement and resignation. One Deputy Chief and one medical examiner will be eligible for retirement in 2022 and another medical examiner has been eligible for retirement for three years and can retire at any time. The OCME has not been able to recruit a forensic pathologist over the past two years; however, three of four fellows from this year (7/2020 – 6/2021) plan to stay with the OCME. All three have interviewed for the vacant positions and two have accepted offers of employment. The third fellow plans to stay with OCME after completion of the additional fellowship year. This will provide the added benefit of having five instead of four fellows beginning in July 2021.

The fellowship program is OCME's optimal recruitment method as 80% of the current medical examiners are graduates of the training program. Retainment of well-trained fellows is paramount to the legacy and sustained success of the OCME. All of the fellowship positions are filled for 2021 and 2022. This provides the OCME with the opportunity to enhance the number of medical examiners that will be needed to meet the increased caseload as well as prepare for upcoming retirements.

The Office of Human Resources has employed a contractual recruiter for over three years to assist the OCME with filling medical examiner vacancies. Recruitments for Assistant Medical Examiners are ongoing. The Chief Medical Examiner recruitment was completed and the new Chief Medical Examiner started in February 2021.

[Next Page Please]

5) Information on new efforts to increase staffing to ensure that OCME can return to or maintain full accreditation in the future:

In addition to retaining OCME fellows, a salary increase was approved for medical examiners in October 2020. This increase creates a salary scale comparable and competitive to other medical examiner offices.

The table below provides a sample of medical examiner salaries that were advertised on the National Association of Medical Examiners website in 2021.

Assistant Medical Examiner Salaries, as advertised on the National Association of Medical Examiners website				
Office Location	Min	Max	Special Benefits	COL Adjustment*
Baltimore, MD	\$238,842	\$370,086		
Little Rock, AR	\$241,478+		+	21.1%
Phoenix, AZ	\$190,000	\$248,040	+	5.5%
Washington, DC	\$186,000	\$235,774	+	-29%
Dover, DE	\$227,000+		+	2.7%
Jacksonville, FL	\$230,000	\$240,000		19.8%
Des Moines, IA	\$190,000	\$200,000	+	23.8%
Chicago, IL	\$203,002	\$267,885		-3.6%
Boston, MA	\$278,542+			-26.6%
Detroit, MI	\$267,885+			15.3%
Newark, NJ	\$185,000	\$260,000		-4.6%
Las Vegas, NV	\$190,000	\$246,000	+	13%
Brooklyn, NY	\$188,078	\$267,117		-38.6%
Philadelphia, PA	\$228,858+		+	-2.5%

*Cost of Living (COL) Adjustment is from www.salary.com and based on a \$100,000/annual salary + Special Benefits include items such as loan repayment assistance, relocation reimbursement, and allowances for training and conferences.

At this writing, the effects of the salary increase on the ability to retain staff and recruit outside medical examiners is too early to interpret, but OCME remains hopeful and anticipates an increase in highly qualified applicants. Further, reasonable efforts will be made to appoint any incoming medical examiners at a salary level on the scale that is commensurate with their date of graduation from a fellowship position

and/or accumulated relevant experience for the purpose of preserving seniority of current staff for retention purposes.

As stated above, the fellowship program is vital to the success and sustainability of the OCME. Maryland law requires that the Postmortem Examiners Commission employ a minimum of four pathologists in training to meet the certification required for forensic pathology. This statutory requirement protects OCME by allowing it to grow its staff members. Given the national shortage of forensic pathologists, having a training program such as this provides the state of Maryland with a significant advantage over states or counties that do not have this resource.

OCME is encouraged by the continued interest in their program by strong pathology resident candidates. OCME is also encouraged to see younger staff members taking an active role in recruiting new fellows to remain with OCME. Getting input and critiques from the newer staff members is a means of improving the training environment and attractiveness of OCME in hopes of not only becoming a coveted training institution, but also a coveted place of employment.

Close attention will be given to the number of annual cases completed per medical examiner. Once it is established that the recent salary enhancement is effective as a measure of recruitment and retainment, maintaining the ideal caseload per medical examiner will then receive the most attention.