

KIRILL REZNIK
Legislative District 39
Montgomery County

Appropriations Committee
Chair
Health and Social
Services Subcommittee



Annapolis Office
The Maryland House of Delegates
6 Bladen Street, Room 427
Annapolis, Maryland 21401
301-858-3039 · 410-841-3039
800-492-7122 Ext. 3039
Fax 301-858-3126 · 410-841-3126
Kirill.Reznik@house.state.md.us

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 16, 2022

Madam Chair and members of the Health and Government Operations Committee, I'm here to introduce HB 373. HB 373 would set Minimum Staffing Requirements for the Office of the Chief Medical Examiner (OCME).

This bill would prohibit OCME from exceeding staffing to autopsy ratios that would cause a Phase II violation with the Office's accrediting body. This is a complex issue, but significantly important to the work of the Department and healthcare in our State.

As recent news reports have indicated, we literally have bodies piling up in Maryland. The Department of Health's Office of the Chief Medical Examiner has allowed staffing levels to drop so much that we are in a crisis dealing with the number of autopsies that need to be performed in a timely manner. DLS budget analysts have reported to my subcommittee that OCME has been at a minimum of Phase I violations for the last 10 years. A Phase I violation means that the autopsy to staff ratio has exceeded 250 per year. Over the course of the last year, we are well past a Phase II violation (not our first time in recent years), which means we exceed 325 autopsies per medical examiner per year. Current statistics show that the office is currently at 390 autopsies. The only reason we are not currently under a Phase II violation, which could jeopardize the office's accreditation, is that NAME has suspended investigations during the pandemic.

Up until a few weeks ago, the office did not have proper storage of the remains in their care with descendant's bodies being stacked in the halls of the office for days at a time, if not longer. Only two weeks ago did the Department finally procure two refrigerated storage trailers providing proper storage for all remains for the first time in months. Not only was this situation disrespectful, but improper storage risks spoiling the pathology of the autopsies, potentially defeating the purpose of the OCME examinations.

The problem is so bad, that the State has requested assistance from FEMA to assist in clearing the backlog. Let me repeat that, FEMA, the federal agency responsible for assisting during

disasters, has been asked for help. The Department will be quick to point out that every state is experiencing a shortage of pathologists and that our problem is not unique. However, to the best of my knowledge we are the only State to have admitted, by virtue of this request, to having a full-fledged disaster on our hands, though man-made rather than natural.

This is not a new problem. As chair of the Health and Social Services Subcommittee on Appropriations I have had this discussion with the Department every year. For six years I have heard the excuse that the positions are difficult to recruit. The Department has not hired new pathologists since 2019, well before COVID, and only this year made significant changes to the salaries of the positions. Instead, the Department has opted for per diem personnel to come in on nights and weekends, often flown in from other states at our expense, to deal with the backlog. Last year five pathologists retired, only to be rehired as per diems by the same office getting a higher daily rate for clearing the backlog of less complex cases, creating an even larger morale problem within the office. Other pathologists have left the office to go to jurisdictions who provide higher pay or a small caseload and better work/life balance.

There is one error in the bill that needs correction. The bill was written holding the State's Postmortem Examination Commission responsible for the implementation. The Commission is a volunteer board assigned to provide oversight and assistance, but has no budget authority or ability to hire. It should be the Department of Health who is held responsible, and I am happy to offer an amendment to make that important correction.

Otherwise, it's time to hold the Department accountable. I ask for a favorable report from the Committee, and am happy to answer any questions.