



WISCONSIN LEGISLATIVE COUNCIL

POWERS AND DUTIES OF CORONERS AND MEDICAL EXAMINERS

Legislative Council Conference Room, One East Main Street, Suite 401
Madison, Wisconsin

October 18, 2005
10:00 a.m. – 12:00 p.m.

[The following is a summary of the October 18, 2005 meeting of the Special Committee on the Powers and Duties of Coroners and Medical Examiners. The file copy of this summary has appended to it a copy of each document prepared for or submitted to the committee during the meeting. A digital recording of the meeting is available on our Web site at <http://www.legis.state.wi.us/lc/2004studies.htm>.]

Call to Order and Roll Call

Chair Nischke called the meeting to order. The roll was called and it was determined that a quorum was present.

COMMITTEE MEMBERS PRESENT: Rep. Ann Nischke, Chair; Sen. Fred Risser; Rep. Amy Sue Vruwink; and Public Members Anthony D'Alessandro, Susan Karaskiewicz, Melanie Ramey, and John Stanley.

COMMITTEE MEMBER ABSENT: Sen. Alan Lasee; Rep. Daniel LeMahieu and Public Members Michelle Rinehart, and Thomas Thelen.

COUNCIL STAFF PRESENT: Dan Schmidt, Senior Analyst; Don Salm, Senior Staff Attorney; and Julie Learned, Support Staff.

Approval of the Minutes of the September 14, 2005 Meeting

The minutes from the September 14, 2005 meeting of the committee were approved by unanimous consent of the members, as moved by Public Member Ramey and seconded by Representative Vruwink.

Description of Material Distributed

- Memo No. 1, *Suggestions Made at, and in Response to, the September 14, 2005 Meeting of the Special Committee on the Powers and Duties of Coroners and Medical Examiners*

Chair Nischke commented on the scope of the Special Committee and said that she wanted the committee to direct their attention to Memo No. 1, page 4, *Preservation of Tissues and Organs for Transplantation Purposes and Tissue Bank Modifications*. She suggested the committee take up this topic at a later date and possibly form a subcommittee to discuss issues related to this. She also referred to the ch. 979 modifications and said that the committee will not take action on the current or future recommendations of the subcommittee of the Wisconsin Coroners and Medical Examiners Association. She also stated that the Wisconsin Coroners and Medical Examiners Association subcommittee on ch. 979 is free to introduce its recommendations as separate legislation in the future.

Discussion of Committee Assignment

Chair Nischke directed the committee to focus its attention to the first three items in Memo No. 1.

- *Elimination of the Office of the Coroner*

Mr. Stanley introduced himself and stated that the Wisconsin Coroners and Medical Examiners Association was opposed to the elimination of the office of the coroner. He mentioned that, after viewing the suggested changes set forth in Memo No. 1, the Association's executive committee unanimously voted against elimination of the office.

Ms. Ramey strongly advocated for the elimination of the office of coroner and for a professional medical examiner system.

Senator Risser recommended the elimination of the partisan office of the coroner and promoted a "professionalized" system, including specific qualifications for medical examiners and regional cooperation. He also stated he favored a constitutional amendment.

Ms. Karaskiewicz agreed with Senator Risser and suggested the committee examine states with a professional medical examiner system. She said it would benefit the committee to follow other states' examples and establish a new office without the limitations of Wisconsin's coroner history.

Mr. Stanley discussed how there might be some confusion over the definition of medical examiner versus coroner and that not all medical examiners are physicians. He said the committee would need to determine if the medical examiner system would be physician-based or staffed by "lay" examiners. He stated that there are currently training conferences for coroners which are attended by a majority of coroners. He also stated that, in some states with medical examiner systems, people are not happy with those systems.

Ms. Ramey stated that the current statutes do not have qualifications for medical examiners or coroners and that she supports a well-defined set of qualifications.

Chair Nischke commented that, at present, professionalism is left up to the individual and agreed that the standards and qualifications need to be monitored.

Dr. D'Alessandro said that it would be easier to establish professionalism in a medical examiner system. He indicated that there would be a more consistent level of oversight by county boards under a medical examiner system.

Chair Nischke indicated that there was definitely support for a constitutional amendment eliminating the office of the coroner. The majority of the committee agreed. Mr. Stanley opposed this recommendation.

Dr. D'Alessandro commented that medical examiners should be physicians, not laypersons.

Mr. Stanley suggested that coroners have the same requirements as medical examiners without eliminating the position. Ms. Ramey disagreed, referring to the notion that medical examiners must answer to the appointing county board and the coroners to the voting public.

Ms. Karaskiewicz said the qualifications should be set by statute and a medical examiner should be required to be a physician and nonpartisan.

Senator Risser commented that if you require a medical examiner to be a physician, it may cause difficulty for the counties because there are not always doctors available. He also reiterated the importance of permitting medical examiners to operate on a regional basis.

Representative Vruwink asked for a definition of death investigation from Mr. Stanley. Mr. Stanley summarized the death investigation procedure.

The committee agreed that the staff should develop language for a constitutional amendment that would eliminate the office of coroner and continue the current county-based medical examiner system (which includes the possibility of regionalization by county agreement). The committee agreed that if possible, the constitutional amendment should include language relating to qualifications for the office of medical examiner.

Mr. Schmidt then discussed the time frame it would take to pass the committee's proposed constitutional amendment.

Ms. Ramey asked that the committee look at qualifications in other states' medical examiner systems and have the Legislative Council staff give the committee options to consider for specific qualifications. Mr. Schmidt and Mr. Salm said they would create a list of qualification options for the committee to consider at the next meeting.

Chair Nischke asked for volunteers to form a subcommittee to discuss options for tissue donation legislation. The majority of the members of the committee indicated that they wished to serve on the subcommittee. Chair Nischke then indicated that tissue donation was obviously an issue of interest to the whole committee and that, instead of a subcommittee, the whole committee would attempt to reach a consensus about tissue donation at its next meeting.

Other Business

There was no other business brought before the committee.

Plans for Future Meetings

The next meeting of the Special Committee will be held on *Wednesday, November, 16, 2005, at 10:00 a.m., in the Legislative Council Conference Room, One East Main Street, Suite 401, Madison.*

Adjournment

The meeting was adjourned at 12:00 p.m.

DWS:jal