

Legislative History for Connecticut Act

HB 7629 AA 47 1979

Pub. Health: 1205 - 1207

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House: 1840 - 1849

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**PUBLIC HEALTH
PART 4
1113-1495**

1979

March 1, 1979

REP. LAROSA: Thank you. Elliot Gross, Chief Medical Examiner.

ELLIOT GROSS: Representative LaRosa, Senator Smith, members of the Public Health Committee. Thank you for letting me speak at this time. I'm speaking in favor of Committee Bill 7629 An Act Concerning Medical, Legal Investigations. This bill amends statutes governing operations of the Office of Medical Examiner and investigation of sudden, unexpected and suspicious deaths in the state. This office has been a separate facility on the University of Connecticut Health Center grounds, is open 24-hours per day.

During fiscal year 1977, 107 assistant medical examiners conducted investigations into 6,955 deaths throughout the state. 431 autopsies were performed at the central facility in Farmington. These included 96 homicides, representing 75% of the 120 actual reported. An additional 1,025 autopsies were performed by 105 pathologists at community hospitals. The proposed legislation would result in the following changes:

- 1) a change in name to Office of Chief Medical Examiner,
- 2) designate autopsies at Office of the Chief Medical Examiner without regard to titles of persons performing them there.

Appoint in addition to the Chief Medical Examiner, medical examiners who are full time at the Office of Chief Medical Examiner sub registrars. The effects of these changes would be 1) to facilitate reporting of deaths thereby improving investigations of homicides and suspicious deaths. There is confusion in the statute as it exists where the Office of Medical Examiner could refer to any of the 107 assistant medical examiners throughout the state. Second, permit resident physicians, under supervision to perform autopsies at Office of the Chief Medical Examiner.

We are currently in the process of establishing a residency program on forensic pathology at our office and one of the requirements is that residents be able to testify, and this change with the regard to the section would be important. Lastly, to facilitate funeral arrangements for bodies transported to our office, which is a convenience to funeral directors and families. In the past month there have been four hit and run motor vehicle fatalities in the state, and we feel that in the interests of justice and in the furtherance of implementing legislation passed in 1969 that such examinations be conducted at our central facility which is equipped to do that. We very much hope that the Public Health Committee will report favorably upon these technical changes.

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MR. GROSS: (continued)

There are three things with regards to that, one is the name should be Office of Chief Medical Examiner, not Office of the Chief Medical Examiner. This is consist with those agencies in other states, such as Maryland, Delaware, Rhode Island, Virginia, North Carolina, and with regards to the bill in line 142, the designation of pathologist, as specified in section 19-529 should be deleted since they do not have the authority to order a blood sample to be taken, and should not.

REP. LAROSA: 144?

MR. GROSS: 142 and 143.

REP. LAROSA: Pathologist as specified in section 19-529 should be deleted?

MR. GROSS: Right. And then on line 424...

SEN. SMITH: Excuse me, where does that deletion end?

MR. GROSS: It ends just after 19-529 -- just a pathologist as specified in section 19-529. And in line 424, the reference should be made for deputy chief, this is with regard ...

REP. LAROSA: . 424 -- for his deputy chief.

MR. GROSS: Delete his and add chief after deputy.

REP. LAROSA: O.K., that's it?

MR. GROSS: Yes sir.

REP. LAROSA: Any questions of Dr. Gross? Would you leave your testimony with the Committee, I recognize your comments because it seems that when the bill comes to just merely to change the name, but I think you've alluded to the fact that it's not only the change of name, but it's some of the specific duties that make the department more efficient, I assume, is the purpose, so that all the direction could be geared in one area so that the Chief Medical Examiner, so to speak, will know what's happening around the state.

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MR. GROSS: That's correct. It's best, sir, for our administration. We only have 24 full time people and your taking about an awful lot of debts and costs to the state.

SEN. SMITH: Just a question here. You made a reference to four hit and run in the last month and that such exams should be performed at the central facility, could you just explain to me what the situation is now and why you feel-- if you feel that an inadequate job is being done for some reason or other, or is it simply to facilitate your knowledge of the situation, what was the problem.

MR. GROSS: I would not use the term necessarily inadequate. But, actually three of the four were done on our central facility, one was done in a community hospital and in the past there have been instances in which deaths in jails, deaths involving arson, in which the autopsies were performed at the community hospitals before they were even reported to our office, and we do wish to bring those cases into the central facility. What is done on occasions is that bodies may be removed from the scene to a community hospital without, until the death is then reported, and we want to be able eventually, as we get full time people in addition to myself, we have one other associate medical examiner, to be able to go the scenes of the homicides as well, which is important in the continuity and eventually to testify in those findings, and I think that this would improve it as well as add to our ability to control the corpse. Because if a body is removed to a hospital and then subsequently we decide to bring that to Farmington, we have to pay for the costs in both instances.

SEN. SMITH: O.K. Thank you doctor.

REP. LAROSA: Thank you very much doctor. Does anyone else have any questions of Doctor Gross?

MR. GROSS: Thank you.

REP. LAROSA: The next speaker, Commissioner Frank Maloney from the Department of Children and Youth Services.

FRANK MALONEY: Good morning. Frank Maloney, Commissioner of the Department of Children and Youth Services, and I'm here this morning to speak in favor of Committee Bill 1331 An Appropriation to the Clifford Biers Clinic in New Haven.

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SENATOR CIARLONE:

I will, Mr. President. This bill clarifies some existing language in our home-health care legislation. The bill includes additional types of organizations that may be licensed as home-health care agencies. It further clarifies some existing licensed institutions which provide certain services in home health care that need not to be licensed any further. It's a bill that merely clarifies the legislation we passed two years ago and if there's no objection to this bill, I would also move this to the consent calendar.

THE CHAIR:

The question is on acceptance and passage. Will you remark? Hearing none, will you remark? Hearing none, the secondary motion is to place the item on consent? Is there objection? Hearing no objection, it is so ordered. The item is on consent.

THE CLERK:

Calendar 293, File 92, Favorable Report of the Joint Standing Committee on Public Health. Substitute for House Bill 7629, An Act Concerning Medicolegal Investigations.

THE CHAIR:

Senator Ciarlone.

SENATOR CIARLONE:

Thank you, Mr. President. I also move acceptance of the joint committee's favorable report and passage of this bill also.

THE CHAIR:

Question is on acceptance and passage. Will you remark on that

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motion?

SENATOR CIARLONE:

I will, Mr. President. This bill would change the name of the office of Medical Examiner to the office of the Chief Medical Examiner and would clarify the officials in that office who are authorized to perform certain functions. The purpose of this bill is to remove an ambiguity as to who is legally authorized to conduct autopsies and investigations under certain circumstances in deaths. This bill is intended to help expedite the work in the Coroner's office and if there is no objection to this bill, I would also move this bill to the consent calendar.

THE CHAIR:

The question is on acceptance and passage. Will you remark further? The secondary motion is to place the item on the consent calendar. Is there objection? Is there objection? Hearing none, it is so ordered.

THE CLERK:

Calendar 294, File 58, Favorable Report of the Joint Standing Committee on Transportation, Substitute for House Bill 7437, An Act Concerning Procedures For Consultants Hired By The Department Of Transportation.

SENATOR OWENS:

Mr. President.

THE CHAIR:

Senator Owens.

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THE CLERK:

The Clerk has completed the calendar and is ready to go over today's consent calendar.

THE CHAIR:

Will you announce the roll call, Madam Clerk, please?

THE CLERK:

Immediate roll call in the Senate on today's consent calendar. Would all Senators please return to the Chamber. Immediate roll call in the Senate on today's consent calendar. Would all Senators please return to the Chamber. Going over today's consent calendar, on page 2, calendar 183, 188, 221 and 237. On page 3, calendar 243, 244, 245, 246. On Page 4, calendars 251, 264, 265, 266. On page 5, calendars 268, 269, 270, 271, 272, 280. On Page 6, calendar 281, 282, 284. On page 7, calendars 287, 288, 289, 291. On page 8, calendar 292, 293, 294, 295 and 296. Immediate roll call on today's consent calendar. Will all Senators please return to the Chamber. While we're waiting for the machine to be opened, Senators, please, I'd like to make this following announcement. There will be a Youth Group meeting in the Senate Chamber of the Connecticut Intercollegiate Student Legislature April 6th, which is Friday, 7th and 8th. We ask you please clear your desks. Please clear your desks. Thank you. SB 1296, SB 1310, SB 413, HB 7650, HB 5745, HB 7629, HB 5746, HB 6114, HB 6121, HB 5868, SB 1283, SB 495, SB 1411, HB 7437, SB 640, SB 423, SB 470, SB 1257, SB 321, HB 5322, HB 5331, HB 7519, HB 5730, HB 525, HB 5315, HB 6221, HB 6982, HB 7022, HB 5636, HB 566

THE CHAIR:

Prior to the vote on the consent calendar, are there any other announcements, points of personal privileges at this time while

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transmittal to the House of all items that need further House action. Will you remark on suspension? Hearing no remarks, those in favor indicate by saying aye. Those in opposition to? The rules are suspended. The items are transmitted. Are there any other announcements at this time?

SENATOR LEONHARDT:

Mr. President.

THE CHAIR:

Senator Leonhardt.

SENATOR LEONHARDT:

The Public Safety Committee, in addition to its previously announced schedule, tomorrow will have a meeting of the committee immediately following the hearing in the Appropriations Room. The hearing will begin at 10:00 A.M. There'll be an important meeting of the committee immediately following the hearing which might go through a very good portion of the day to work on the mark-up of committee bill No. 125.

THE CHAIR:

Are there any other announcements at this time, points of personal privilege? We'll vote the consent calendar. The machine will be opened. Have all Senators voted? The machine is closed. The Clerk will take a tally. The vote is 34 yea, 0 nay. The consent items are passed.

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the motion to pass the item temporarily? Hearing none, it is so ordered.

CLERK:

Calendar No. 274, File No. 92, Substitute for House Bill No. 7629, AN ACT CONCERNING MEDICOLEGAL INVESTIGATIONS. Favorable Report of the Committee on Public Health.

REP. LaROSA: (3rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Paul LaRosa.

REP. LaROSA: (3rd)

Mr. Speaker, I move acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER ABATE:

The question is on acceptance of the joint committee's favorable report and passage of the bill. Will you remark, Rep. LaRosa?

REP. LaROSA: (3rd)

Mr. Speaker, this legislation would result in the following changes: It would change the name to the Office of Chief Medical Examiner. It would also designate autopsies at the Office of the Chief Medical Examiner without regard to titles or persons performing them. In addition, it would appoint to the Chief Medical Examiner medical examiners at the Office of the Chief Medical Examiner as Subregistrars. The effect of the changes would facilitate

reporting of deaths, thereby improving investigations of homicides and suspicious deaths. Also, Mr. Speaker, this would permit resident physicians, under supervision, to perform autopsies at the Office of Chief Medical Examiner. It would also facilitate funeral arrangements for bodies transported to the Office of Chief Medical Examiner. Mr. Speaker, it's a good bill and it ought to pass.

SPEAKER ABATE:

Will you remark further on the bill? Would all the members please be seated.

REP. VAN NORSTRAND: (141st)

Mr. Speaker.

SPEAKER ABATE:

Rep. VanNorstrand.

REP. VAN NORSTRAND: (141st)

Just one question, if I may, Mr. Speaker, through you of the proponent.

SPEAKER ABATE:

Frame your question please.

REP. VAN NORSTRAND: (141st)

In line 16 and running over to 17, there's a term Associate Medical Examiner. It also appears in some other places in the bill, Rep. LaRosa. Could you tell me where the definition of that position is?

SPEAKER ABATE:

Would the gentleman care to respond to the inquiry?

REP. LaROSA: (3rd)

Through you, Mr. Speaker. The definition of Associate Medical Examiner is contained in the State Civil Service Job Specifications and includes in the requirements that the person should be a pathologist and must work full time at the central office in Farmington. We also have the specifications and in my hand I have where it has been advertised as of October 19, 1977, the position of Associate Medical Examiner.

REP. VAN NORSTRAND: (141st)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Van Norstrand.

REP. VAN NORSTRAND: (141st)

So that that is a civil service or internal guideline. In short, is it fair to say, Mr. LaRosa, that there is no statutory definition of a person performing statutory duties?

SPEAKER ABATE:

Would the gentleman care to respond to that inquiry?

REP. LaROSA: (3rd)

Through you, Mr. Speaker. I believe that there's no definition in the statutes of Deputy or Associate Medical Examiner.

REP. VAN NORSTRAND: (141st)

Thank you, Mr. Speaker. Thank you.

SPEAKER ABATE:

Will you remark further on the bill?

REP. OSIECKI: (108th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Osiecki.

REP. OSIECKI: (108th)

A question through you please for the proponent of the bill.

SPEAKER ABATE:

Frame your question please, madam.

REP. OSIECKI: (108th)

Rep., would you please clarify for me whether or not, within this file beginning in the lines of 24 and one, whether or not any requirements for an unattended death, not necessarily a homicide, must still -- the body must still be certified by a physician before it can be removed to a funeral home?

SPEAKER ABATE:

Does the gentleman from the 3rd care to respond to the inquiry?

REP. LaROSA: (3rd)

Mr. Speaker, I would ask the lady from Danbury to repeat the question please?

SPEAKER ABATE:

Rep. Osiecki, please restate your question.

REP. OSIECKI: (108th)

Through you, Mr. Speaker. I am interested in determining or clarifying the fact that there is no change in this file that would affect current law that requires a physician to view a body, sign a death certificate, before the body can be removed. We're talking about unattended deaths.

REP. LaROSA: (3rd)

Through you, Mr. Speaker. I believe there is no change.

REP. OSIECKI: (108th)

Through you, Mr. Speaker.

SPEAKER ABATE:

Rep. Osiecki.

REP. OSIECKI: (108th)

Rep., do you recall at any hearing or any testimony for this bill before your committee that there was any request by the Connecticut Medical Society that their members be relieved of having to view a body which died unattended by a physician?

SPEAKER ABATE:

Would the gentleman care to respond?

REP. LaROSA: (3rd)

Through you, Mr. Speaker. I do not recall any testimony to that effect.

REP. OSIECKI: (108th)

I would just like to state that there's a problem in our

state recently to which the medical examiners have agreed that terminal illnesses are less and less being attended by physicians at the time of death. And, I'm speaking of people who are discharged and are at home and expire and a physician just doesn't find it necessary to attend that death, because it was expected. I really am hoping that when we pass this law, there were not in any way relieving a physician from signing the death certificate thereby putting a burden onto a funeral director, who must remove a body. Because it has been uncovered in certain instances where physicians the next morning go downtown and sign a death certificate never having viewed the body. And, if Mr. LaRosa feels that this is not going to be encouraged by passage of this file, then I will accept what he says.

SPEAKER ABATE:

Will you remark further on this bill?

REP. LaROSA: (3rd)

I think --

SPEAKER ABATE:

Rep. LaRosa.

REP. LaROSA: (3rd)

I think that the lady from Danbury -- you're absolutely correct. This is going to do what we said. It's not going to -- wait a minute. There's no reference to what you have said that is implied in this bill.

SPEAKER ABATE:

Will you remark further on this bill? Would all the members please be seated. Would the staff and guests please come to the well of the House. The machine will be opened.

The House of Representatives is voting by roll at this time. Would the members please return to the Chamber immediately. The House of Representative is voting by roll at this time. Would the members please return to the Chamber immediately.

Have all the members voted? Would the members please check the roll call machine to determine if their vote is properly recorded. The machine will be closed. The Clerk will take the tally.

REP. PATTON: (119th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Patton.

REP. PATTON: (119th)

In the affirmative please.

SPEAKER ABATE:

Would the record so note that Rep. Patton has voted in the affirmative.

REP. ALLYN: (43rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Allyn.

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REP. ALLYN: (43rd)

Mr. Speaker, in the affirmative please.

SPEAKER ABATE:

Would the record so note that Rep. Allyn has cast his vote in the affirmative.

REP. REYNOLDS: (116th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Reynolds.

REP. REYNOLDS: (116th)

In the affirmative, Mr. Speaker.

SPEAKER ABATE:

Would the record so note that Rep. Reynolds has cast his vote in the affirmative.

REP. SERRANI: (144th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Serrani.

REP. SERRANI: (144th)

In the affirmative please.

SPEAKER ABATE:

Would the record so note.

Would the Clerk please announce the tally.

CLERK:

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REP. DYSON: (94th)

Mr. Speaker.

SPEAKER ABATE:

Rep. William Dyson.

REP. DYSON: (94th)

In the affirmative please.

SPEAKER ABATE:

Would the record so note that Rep. Dyson has cast his vote in the affirmative.

REP. LEARY: (37th)

Mr. Speaker.

SPEAKER ABATE:

Rep. Leary.

REP. LEARY: (37th)

In the affirmative please.

SPEAKER ABATE:

Would the record please indicate that Rep. Leary has cast his vote in the affirmative.

Would the Clerk please announce the tally.

CLERK:

House Bill 7629.

Total number voting	145
Necessary for passage	73
Those voting yea	145
Those voting nay	0
Those absent not voting	6

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SPEAKER ABATE:

The bill passes.

Would the Clerk please return to the call.

CLERK:

Calendar page 6. Calendar No. 281, File No. 98, Substitute for House Bill No. 7529, AN ACT CONCERNING THE DEFINITION OF AGRICULTURE. Favorable Report of the Committee on Environment.

REP. GROPP0: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Groppo.

REP. GROPP0: (63rd)

May this item be referred -- recommitted to the Committee on the Environment please.

SPEAKER ABATE:

Is there objection to the motion? Is there objection to the motion to recommit? Hearing none, it is so ordered.

CLERK:

Calendar No. 283, File No. 100, Substitute for House Bill No. 7628, AN ACT CONCERNING THE REVISION OF SOLID WASTE MANAGEMENT PLANS. Favorable Report of the Committee on Environment.

REP. GROPP0: (63rd)

Mr. Speaker.

SPEAKER ABATE:

Rep. Groppo.