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senatorjudyward.com



Senate of Pennsylvania

SENATOR
JUDY WARD
30TH DISTRICT

October 27, 2020

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The Honorable Tom Wolf
Governor of Pennsylvania
Room 225, Main Capitol Building
Harrisburg, PA 17120

Dear Governor Wolf:

I am writing today to urge that you sign **Senate Bill 1164** into law.

SB 1164 makes clear that certain circumstances of death shall be reported to the coroner, including any disease constituting a health disaster emergency or pandemic.

I introduced this bill because the coroner's in my legislative district reached out to me over concern of discrepancies in numbers of COVID deaths reported by the Department of Health (DOH) and deaths they as coroners were aware of in their county.

Under current law, the coroner shall investigate the facts and circumstances surrounding a death that appears to have happened in the county in various cases, including a death known or suspected to be due to contagious disease and constituting a public hazard.

It was surprising to them when they saw these deaths reported in their county when they had not been aware of these deaths. I found this very concerning as did they because we cannot have two different sets of numbers of deaths. These kind of reporting discrepancies throw a wrench into every community's efforts to plan for this emergency or future ones.

It has been explained to me that the DOH is interpreting a provision of current law (the coroner having a view of the body) narrowly that unless coroners have a view of the body they do not need to be notified of a death from contagious disease. As such, coroners were not notified.

Coroners have also experienced problems with accessing information on reported deaths of COVID-19 or death certificates from DOH in connection with their official duties unless they paid a fee or get a subpoena. Coroners should be able to access the final death certificate for all persons who die in the county.

I think it is important to point out that this measure **does not** expand the jurisdiction of the county coroner. It simply makes clear that certain circumstances of death shall be reported to the coroner, "including any disease constituting a health disaster emergency or pandemic." This jurisdiction has existed since 1955.

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It has been argued that this measure will slow the department's ability to report timely public health data on infectious diseases. It is my understanding that there will be no delay because the information still goes into the Electronic Disease Reporting System (EDRS) whether by a Medical Certifier, Coroner or Medical Examiner. As a matter of fact, the accuracy will only improve when information is gathered at the local level by Coroners and Medical Examiners.

I was told that DOH staff with the death registry system were holding up COVID-19 death certificates for days and weeks until they determined if these are coroner cases. This is not the job of the DOH staff and they have no right to determine what deaths are to be certified by coroners or not. In some instances, this resulted in deceased bodies stacking up in the morgue and delaying the family's ability to provide final resting arrangements for their loved ones. This was totally unnecessary and unfair to the families.

Regarding coroners having access to individually identifiable health information within DOH's disease surveillance system, it is my understanding that DOH has temporarily granted coroners access to the disease reporting system. Coroners raised concerns about the differences in numbers and access permits them to help resolve any differences. This bill would codify what is currently allowed administratively during this pandemic. Coroners must sign a confidential agreement to utilize the system which would not change and the measure clearly states that "the coroner shall follow all applicable federal and state laws, regulations and confidentiality standards for data obtained under this subsection." Furthermore, HIPAA (Section 164.512(g)) allows the release of information to medical examiners and coroners.

In terms of access to death certificates, it is usual for law enforcement, probation officers, constables and district judges to contact the coroner to determine whether a person for whom a warrant is outstanding is deceased. It would be a cost-effective measure if a coroner could access the DOH database.

I believe all COVID-19 deaths and other infectious disease deaths should be reported to the coroners for more accurate reporting of the deaths and for the safety and wellbeing of our communities. This proposal is supported by the Pennsylvania State Coroners Association (PSCA). Please find attached, for your review and consideration, a letter of support for SB 1164 from the Association. I would urge you to speak with Charles Kiessling, President of PSCA, to hear the issues coroners have encountered and why this legislation is important to them.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Judy Ward". The signature is written in a cursive, flowing style.

Judy Ward

JW:ep
Enclosure

Pennsylvania State Coroners Association

Secretary/Treasurer

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President

Charles E. Kiessling, Jr.

Vice-President

Edward R. Howell

Asst. Secretary/Treasurer

Kenneth A. Bacha

Solicitor

Susan .Shanaman, Esq.

September 17, 2020

Hon. Members of the Pennsylvania Senate

Re: SB 1164

Dear Senators,

I am writing to you to express the support of the Pennsylvania State Coroners Association for SB 1164.

The COVID-19 pandemic has resulted in many deaths, particularly among our at-risk elderly citizens and minority citizens of all ages. As the last pandemic occurred with the Spanish flu about 100 years ago, there are no written guidelines providing a precise blueprint to be followed in reacting to the myriad of situations presented to be addressed.

Since at least 1955, coroners/medical examiners have had the statutory authority to have cases involving deaths from contagious diseases constituting a public health hazard reported to them. These referrals do not require a full scene investigation if the death occurs in an institution, as opposed to a death at home. There will be a review of the medical records and discussion with medical personnel. The coroner/medical examiner will then document their findings in their final coroner / medical examiner report. This information will then be available for community health and contact tracing issues should the need arise after the death.

Since this provision of the law (§ 1216B(b)(7), which was recently reenacted in Act 154 of 2018), has been invoked infrequently over the years due to the fortunate lack of any major pandemics, there has been some confusion over its implementation during the COVID health hazard. Some institutions are reporting these deaths and others are not. Thus, making a fair and accurate accounting of these deaths and their demographics more difficult. The provisions of this bill will clarify the required reporting and make the data for all deaths more uniform throughout the Commonwealth.

With respect to the data requested from the Department of Health, PSCA would note that the data for COVID cases being reported under the Disease Reporting Act has been authorized by DOH to be accessible to coroners/medical examiners upon signing an agreement to maintain the information as confidential. There is also a requirement for a log-in issued to the coroner/medical examiner. This provision will assure that future administrations will continue to permit access.

Pennsylvania State Coroners Association

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Susan Shanaman, Esq.

The second item being requested is access to the database for death certificates. There are several reasons for this.

- Coroners lack access to a copy of the death certificate in cases they have investigated.
- Not only should a copy be available for the case file. But also, in instances where the District Attorney needs a copy of the death certificate in his/her pursuit of a criminal investigation, the coroner should not be charged for a certified copy of the death certificate. This situation is a matter of governmental cooperation with law enforcement.
- In another instance, there was an unusual number of deaths at a particular nursing home. The coroner was hampered from investigating those deaths because of lack of access to the death certificates.
- And then, there are instances where Judges, law enforcement, probation offices will call the coroner to determine if an individual for whom there is an outstanding warrant is deceased.

These are all reasonable measures of cooperation among government agencies.

The coroners will not give copies or sell copies of the death certificates as that is already illegal.

PSCA greatly appreciates your consideration of this important legislation. There will be a technical clarifying amendment offered by Senator Judy Ward. PSCA is fully in support of the amendment.

Sincerely,

Charles E. Kiessling, Jr.

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