

15 March 2024

Mr. Chair Exum and members of the committee:

Thank you for the opportunity to provide written testimony on HB1100; unfortunately, I will be out of the country when the bill comes to your committee on Thursday, March 21. My name is Dr. Kelly Lear; I have been the elected Coroner for Arapahoe County since 2014 and have been practicing forensic pathology at the Arapahoe County Coroner's Office for 20 years. Those of you who know me know that I am an advocate for coroner's offices where decisions are made based on education and training. I support this bill as it increases the professionalism in the coroner system, a system that has profound impacts in public health and the criminal justice system and affects the loved ones of our patients. I have been involved in six coroner campaigns (three of my own and three campaigning with my predecessor Dr. Dobersen), and the number one most common response when speaking to voters is that they assume that the coroner must be a doctor to even be on the ballot. This bill won't make that true, but it will be a step in the right direction.

Colorado's Constitution assigns the office of coroner to a vote of the people in each county but allows the General Assembly to establish requirements to hold the office, which are currently very low, requiring no medical training or experience in death investigation. Other elected offices have had standards imposed by the legislator; for example, to access the ballot as a candidate for District Attorney, the candidate must be just that – an attorney who has been licensed to practice law in Colorado for at least 5 years. Nationally, the Uniform Law Commission produced "A Model Postmortem Examinations Act" in 1954 that was intended to update state laws regarding offices performing death investigations and forensic autopsies. The National Academy of Science issued a report in 2009 entitled "Strengthening Forensic Science in the United States" which calls for updated medical examiner/coroner legislation. Based largely on these national recommendations, many other states have either abolished the office of the coroner and implemented a medical examiner system or instituted prerequisites to ensure independent and informed death investigations, with approximately two-thirds of states having instigated some changes to their constitutional coroner mandates.

My office performs autopsies on just under 1000 people per year, and we are one of only four coroner's offices in the state to be nationally accredited. We have three forensic pathologists and eleven death investigators on staff. All of our death investigators are certified through ABMDI (which requires 640 hours of work experience – 16 weeks – with current employment in a coroner's office, a professional reference, completion of the training guidebook checklist, and passing the certification exam). That level of experience is crucial in large offices as we respond to crime scenes, collect evidence to be processed, and perform autopsies that provide information for adjudication of crimes. We also offer our services to smaller coroner's office who do not have forensic pathologists within their county. We speak with families and loved ones on a daily basis, giving them information that they can use in their grieving process and may be critical to their own health. I am on numerous committees within the public health system to delve into serious prevention efforts as my data can provide a unique insight into risk factors and other social determinants of health that can be used to prevent future deaths. We also see some horrible things in our field of work, and someone without experience does

not have any idea what that means or how it will affect them. Secondary trauma is a very real thing, even with staff who have been doing this job for years. We have students who come to my office to train, and although they all come in thinking this is the job they want, many of them leave (sometimes only after one day), realizing that they don't have the countenance for it. Although changes to the coroner system will not change funeral home events as we saw in Penrose, it is the response to events such as that when experience in the coroner's office is critical.

As a medical specialty, forensic pathologists are in short supply, with an estimated 700 practicing forensic pathologists nationwide and at least 1000 positions in coroner/medical examiner offices in the U.S. Having a system where the elected head of the office is not experienced in the field puts Colorado at a disadvantage when recruiting these physicians on a national level. My office and the El Paso County office have both experienced this firsthand when trying to fill open positions; physicians are less likely to consider these jobs due to the potential instability of the leadership and the risk of having an untrained person come in at every election cycle. Other states and counties where offices are understaffed face backlogs in autopsies and death certificate completion, causing families to wait months on end for answers and necessary paperwork.

Most of the coroners in Colorado do this job because they believe in it and want to serve their communities, but not all of them have the medical or investigative knowledge to run a complex and busy office. There have been instances where the position has been used as a political stepping stone, instances where the coroner has been asked to leave a crime scene because of lack of awareness of how such scenes are processed, and instances where the coroner has been circumvented by law enforcement and the district attorney because of an inability to manage and track bodies and paperwork. Although the elected coroner is in charge of running their office, the coroner is more than an administrator, and larger county offices have such support staff. Under CRS 30-10-606, the coroner is responsible for deciding which deaths fall under their jurisdiction, which decedents should have an autopsy, and for certifying the cause and manner of death on those death certificates. Having expertise in death investigation or forensic pathology allows the coroner to make these conclusions as a scientific and medical function. In my office we can assure our community that decisions are consistent as they are medically based and follow national standards, without undue external influence. I feel it is imperative to give our communities the best service possible, and this bill is a step forward for all of Colorado.

Thank you for your attention to this important public health matter; I regret not being able to be there in person, but I am always happy to answer questions and provide education about my office and the services we provide our community.

Respectfully,

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03/21/2024

HB24-1100 Coroner Qualifications

Senate Local Government and Housing Committee:

I am Stephen Hanks, Larimer County Coroner, and I am writing in favor of implementing the proposed qualifications on coroners for counties with a population greater than 150,000 people.

This bill comes at the request of these coroners who hold themselves to a higher standard and who desire to protect the professionalism and unique expertise the job entails. The role of coroner and the profession has evolved dramatically since the initial drafting of the statute, and this bill helps make the qualifications current to what the position entails.

Coroners in these offices manage complex staff of doctors, autopsy assistants, medicolegal death investigators, and other office personnel. These counties must have coroners who are educated, experienced, and competent in the profession. These coroners must organize and run offices which handle extremely sensitive personal information and operate in a technical field consisting of medicine and law. This bill ensures that these coroners will have extremely relevant education and experience necessary to carry out the duties.

The expertise of these coroners does not stop at their county borders. These county coroners serve as torchbearers for all other counties across Colorado and we expand our influence and expertise into numerous Wyoming counties. Not only do our offices conduct every county requested autopsy for the state, but we are also frequently consulted for case review, training, and professional guidance. This bill ensures that high standards of professionalism and ethics are present in the offices that have the greatest influence across the state. I take pride in being a trusted resource for so many. Thank you for your time and consideration.

Best,

Stephen Hanks
Larimer County Coroner