

HOUSE BILL No. 2155

By Committee on Health and Human Services

2-6

1 AN ACT concerning the department of health and environment; pertaining
2 to the state medicolegal death investigation system; establishing the
3 office of the state medical examiner; training and continuing education
4 requirements of district and county coroners; penalties; amending
5 K.S.A. 22a-226 and K.S.A. 2018 Supp. 75-5603 and repealing the
6 existing sections.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) When the secretary of health and environment
10 determines that a person has knowingly refused to comply with the
11 provisions of K.S.A. 65-2412, and amendments thereto, or to provide
12 information required in K.S.A. 22a-226 and K.S.A. 2018 Supp. 75-5603,
13 and amendments thereto, or rules and regulations adopted thereunder, the
14 secretary shall fine the person \$50 per day for each violation up to a
15 maximum of \$10,000.

16 (b) The department of health and environment shall remit all moneys
17 from fines established under subsection (a) to the state treasurer in
18 accordance with the provisions of K.S.A. 75-4215, and amendments
19 thereto. Upon receipt of each such remittance, the state treasurer shall
20 deposit the entire amount in the state treasury to the credit of the district
21 coroners fund.

22 Sec. 2. K.S.A. 22a-226 is hereby amended to read as follows: 22a-
23 226. (a) There is hereby established the office of district coroner in each
24 judicial district of the state. The district coroner shall be a resident of the
25 state of Kansas licensed to practice medicine and surgery by the state
26 board of healing arts or shall be a resident of a military or other federal
27 enclave within the state and shall be duly licensed to practice medicine and
28 surgery within such enclave.

29 (b) The local medical society or societies in each judicial district shall
30 nominate one or more candidates for the office of district coroner and
31 submit the names of the persons so nominated to the county
32 commissioners of a single-county judicial district or the county
33 commissioners of the county with the largest population in multiple-
34 county judicial districts on or before January 1, 1995, and every four years
35 thereafter. The county commissioners of a single-county judicial district or
36 the county commissioners of the county with the largest population in

1 multiple-county judicial districts shall appoint a district coroner for the
2 district. The appointee may be one of the persons nominated or some other
3 qualified person.

4 (c) The district coroner shall serve for a term of four years, which
5 term shall begin on the second Monday in January of the year in which
6 such coroner is appointed, and such coroner's compensation shall be as
7 provided by law. Vacancies in the office of district coroner shall be filled
8 in the same manner as appointments for regular terms of district coroner.
9 Such an appointment shall be for the remainder of the regular term and
10 shall be effective from the date the coroner is appointed and is otherwise
11 qualified for the office.

12 (d) The *district* coroner shall;

13 (1) Before entering upon the duties of the office, take and subscribe
14 an oath or affirmation that such coroner will faithfully, impartially and to
15 the best of the coroner's skill and ability discharge the duties of district
16 coroner;

17 (2) *within 180 days of appointment, successfully complete training*
18 *for performing the duties of district coroner, as prescribed by the state*
19 *medical examiner or the secretary of health and environment, unless an*
20 *affidavit affirms that the requirement has been met at the time of*
21 *qualifying for the appointment; and*

22 (3) *successfully complete 16 hours of continuing education, annually,*
23 *as required by the state medical examiner or the secretary of health and*
24 *environment.*

25 (e) The district coroner, with the approval of the county
26 commissioners of a single-county judicial district or the county
27 commissioners of the county with the largest population in multiple-
28 county judicial districts, may appoint one or more deputy coroners, ~~who~~
29 ~~shall~~. *Deputy coroners shall:*

30 (1) *Before beginning the discharge of their duties, take and subscribe*
31 *an oath or affirmation to faithfully discharge the duties of their office to*
32 *the same extent and with like effect as the district coroner;*

33 (2) have the qualifications of and ~~shall~~ have the same duties and
34 authority as the district coroner, except that, whenever a district coroner is
35 unable to appoint a qualified deputy, a special deputy coroner who does
36 not possess the requisite qualifications may be appointed for a term not to
37 exceed one year or until a qualified deputy is appointed, whichever occurs
38 first; *and*

39 (3) *acquire training to perform assigned duties as prescribed by the*
40 *state medical examiner or the secretary of health and environment.*

41 (f) The district coroner shall have supervisory authority over all
42 deputy coroners. ~~Deputy coroners, before entering upon the discharge of~~
43 ~~their duties shall take and subscribe an oath or affirmation to faithfully~~

1 ~~discharge the duties of their office to the same extent and with like effect~~
2 ~~as the district coroner.~~

3 (†) (g) Nothing in this section shall prohibit a district coroner from
4 being appointed as district coroner in more than one judicial district.

5 Sec. 3. K.S.A. 2018 Supp. 75-5603 is hereby amended to read as
6 follows: 75-5603. (a) There is hereby established within and as a part of
7 the department of health and environment a division of public health, the
8 head of which shall be the director of the division of public health. Under
9 the supervision of the secretary of health and environment, the director of
10 the division of public health shall administer the division of public health.
11 The director shall be a physician, hold a valid license to practice medicine
12 and surgery, and have experience and educational training in the field of
13 public health. The secretary of health and environment shall appoint the
14 director of the division of public health who shall serve at the pleasure of
15 the secretary. The director shall be in the unclassified service and shall
16 receive an annual salary fixed by the secretary and approved by the
17 governor.

18 (b) Whenever the division of health, or words of like effect, are
19 referred to or designated by statute, contract or other document, such
20 reference or designation shall be deemed to apply to the division of public
21 health.

22 (c) *The office of state medical examiner is hereby established within*
23 *and as a part of the division of public health of the department of health*
24 *and environment. The state medical examiner shall be under the*
25 *supervision of the director of the division of public health. The state*
26 *medical examiner shall be a person licensed to practice medicine and*
27 *surgery by the state board of healing arts, in good standing with the*
28 *profession and be board-certified or board-eligible in forensic pathology*
29 *or possess equivalent professional expertise. The secretary of health and*
30 *environment shall appoint the state medical examiner, who shall be in the*
31 *unclassified service and shall receive an annual salary fixed by the*
32 *secretary and approved by the governor. The state medical examiner shall:*

- 33 (1) *Consult with district coroners on the performance of their duties;*
34 (2) *conduct investigations into causes and manners of death as*
35 *requested by the acting local county coroner, the local county attorney, the*
36 *state health officer or state mortality review programs and boards; and*
37 (3) *provide training and educational materials and assure*
38 *credentialing qualifications for district and county coroners, deputy*
39 *coroners and special deputies, law enforcement and any other person the*
40 *state medical examiner deems necessary;*
41 (4) *establish an advisory committee comprised of key stakeholders in*
42 *the state's medicolegal death investigation system;*
43 (5) *assure accurate mortality statistics for public health purposes;*

1 *and*

2 *(6) perform other duties as assigned by the director of the division of*
3 *public health.*

4 Sec. 4. K.S.A. 22a-226 and K.S.A. 2018 Supp. 75-5603 are hereby
5 repealed.

6 Sec. 5. This act shall take effect and be in force from and after its
7 publication in the Kansas register.