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23 January 2012

Esteemed Members of the Kansas House Judiciary Committee:

Before you today is House Bill 2121 which provides a solution, at no fiscal cost to the State of Kansas, to a problem that exists in Kansas for Coroner's death investigations. This issue affects Kansas Coroner's in general and is an important issue for the Coronal Districts my practice represents.

I: At present any Coroner, anywhere in the State of Kansas, is able to authorize cremation of a body from anywhere in Kansas and under any circumstances.

II: At present, the Coroner authorizing a cremation of a death from another Coroner's jurisdiction may not have immediate access to information about related death investigations.

III: At present, authorization of cremation by a Coroner not directly involved in the investigation of a specific death can lead to inappropriate authorization, so cremation may occur before adequate investigation is in place. Such has already occurred, so the problem is not theoretical in nature.

IV: Cremation irrevocably destroys potential evidence that may be essential, if an investigation is incomplete.

V: Through investigations related to cremation authorization, necessary forensic facts may be established relative to Criminal and to Civil issues surrounding a particular death. We have, in fact, even discovered homicides through cremation review.

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VI: At present, Kansas is a “County of Death” State. In other words, the County in which a death takes place is responsible for any necessary investigation, unless agreement between the Coroner of the County of Death and the Coroner of another jurisdiction transfers the investigative responsibility to the Coroner of the County of Incidence.

VII: At present, with loose definition of jurisdiction, there is opportunity for misunderstanding of responsibilities among Coroners and lack of clarity for the Funeral Industry. House Bill 2121 will provide a clear definition of responsibility and authority.

VIII: Investigative delays in cremation authorization are typically measured in hours or a few days, so the burden of obtaining sufficient evidence to render a judicious decision is not the major issue. HB 2121, by ensuring the cremation permit comes from the investigating jurisdiction, minimizes delay in transfer of appropriate investigative information to the Coroner involved.

IX: House Bill 2121 will ensure the Coroner’s jurisdiction responsible for a given investigation will control disposition of remains until it is appropriate to authorize final disposition and thus avoid too hasty authorization or cremation.

X: From contact with Ms Pam Scott, Executive Director of the Kansas Funeral Directors Association, I am aware of concern from Funeral Directors about the effect of HB 2121 on the handling of cremation permits for out-of-State deaths.

At present, Kansas cremation permits for cremations of decedents from out of Kansas are handled in a relatively ad-hoc fashion.

Deaths of Kansans in Missouri, Nebraska, Oklahoma, and Colorado represent a difficulty for the Kansas Coroner, since most of such deaths are of Kansans referred out-of-state for specific medical therapies. Such deaths are often not brought to the attention of the Kansas Coroner at the time of

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death and we do lose evidence when interstate cooperation does not take place. When death of a Kansan happens outside of Kansas, but the death is from incident or incidents in Kansas, the Kansas Coroner from the jurisdiction where the incident occurs has need to investigate the death. For instance, death of an abused Kansas child, injured in Kansas, but dying in Missouri, is necessarily of interest to Kansas Law Enforcement and Kansas Coroners. Ensuring that a Kansas Coroner must issue the cremation permit is of paramount importance for it initiates a mechanism for appropriate investigation prior to final disposition of the body. The HB 2121 provision of exchange of jurisdiction with the out-of-state Coroner can and does take place in the jurisdictions where my practice provides service, though only on a voluntary basis with regard to the out-of-state Coroner. Additional language defining jurisdiction with regard to decedents brought into Kansas is a reasonable proposal.

An additional scenario is deaths of persons not of Kansas residence and deceased from incidents not originating in Kansas, where cremation in Kansas without referral to the out-of-state Coroner poses difficulty for the out-of-state Coroner. Ad-hoc, and imperfect, mechanisms are in place at the moment and will continue under HB 2121.

Address of the whole issue of interstate aspects of investigation and cremation authorization is a reasonable follow-up to adoption of HB 2121, but not reason to delay adoption of HB 2121.

Thank you for your consideration.

Respectfully,

Erik K. Mitchell, M.D.

1st, 5th, 7th, and 31st District Coroner