



# Ohio Legislative Service Commission

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## Bill Analysis

Elizabeth Molnar

### H.B. 509

130th General Assembly  
(As Introduced)

**Reps.** Johnson, Hackett, Sprague, Blessing, Becker

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### BILL SUMMARY

- Makes changes to the law governing coroners, including changes to coroner compensation, eligibility requirements to serve in a charter county, and procedures for filling vacancies.
  - Modifies provisions regarding completion of a reporting form following an investigation of the sudden death of a child one year of age or younger by (1) allowing the completion of a form approved as an alternative to the national form, (2) allowing a reporting form to be sent to the Director of Health electronically or in paper form, and (3) specifying that a reporting form is confidential and not subject to inspection or copying until the investigation is complete.
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### CONTENT AND OPERATION

#### Changes to the law governing coroners

##### Coroner compensation

Current law classifies coroners based on county population and compensates them according to schedule.<sup>1</sup> This schedule differs depending on whether a coroner is engaged in the private practice of medicine. The bill removes the obsolete classification and compensation schedules for calendar year 2000. The bill also requires that coroners receive supplemental compensation under specified conditions and authorizes certain coroners to return to private practice if written notice is provided.

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<sup>1</sup> R.C. 325.15.

## **Schedules for calendar year 2000**

The bill removes the classification and compensation schedules for calendar year 2000.<sup>2</sup> At present, coroners are compensated according to calendar year 2001 schedules; however, existing law requires that, for each calendar year from 2002 to 2008, annual compensation be increased by the lesser of the following: (1) 3% or (2) the percentage increase, if any, in the consumer price index.<sup>3</sup>

## **Supplemental compensation**

The bill provides that each coroner without a private practice who is in a county with a population of 175,001 or more people must receive supplemental compensation up to an additional 50 percent of the annual compensation outlined by schedule in each calendar year in which the office of coroner satisfies all of the following:

(1) The office operates as a regional forensic pathology examination referral center and the operation generates sufficient coroner's laboratory fund income in excess of the fund's expenses to provide the supplemental compensation;

(2) The coroner is a forensic pathologist certified by the American Board of Pathology;

(3) The coroner performs a minimum of 75 post mortem examinations annually.<sup>4</sup>

If the coroner does not operate a regional forensic pathology examination center, the bill provides that the coroner may receive, on approval of the board of county commissioners, supplemental compensation up to an additional 25% of the annual compensation outlined in the statutory schedule in each calendar year in which the coroner is a Board-certified forensic pathologist and is performing the forensic examinations of the county.<sup>5</sup>

## **Notice regarding a return to private practice**

The bill provides that a coroner in a county with a population of 175,001 or more people who elects not to engage in the private practice of medicine may, during the coroner's term of office, elect to engage in private practice by notifying the board of county commissioners in writing of the coroner's intention to do so. The notice must

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<sup>2</sup> R.C. 325.15(A).

<sup>3</sup> R.C. 325.18(C) (not in the bill).

<sup>4</sup> R.C. 325.15(C).

<sup>5</sup> R.C. 325.15(D).



state the date on which the coroner will commence private practice and must be given to the board at least 30 days before that date. On the date stated in the notice, the coroner will be compensated at the reduced rate that applies to a coroner with a private practice under the statutory schedule.<sup>6</sup>

### **Coroner and deputy coroner definitions**

The bill modifies the definition of "coroner," for the purposes of the law governing coroners, to include the medical examiner of the county in which death occurs or the dead body is found. The bill also defines "deputy coroner," as the deputy coroner or deputy medical examiner of the county in which death occurs or the dead human body is found.<sup>7</sup>

### **Coroner eligibility requirements**

Current law requires that, to be eligible for the office of coroner, a person must be (1) a physician who has been licensed to practice in Ohio for a period of at least two years immediately preceding election or appointment as coroner and (2) in good professional standing.<sup>8</sup> Under the bill, however, in the case of a charter county, to be eligible for the office of coroner or medical examiner, a person must be a physician licensed to practice in Ohio and in good professional standing.<sup>9</sup>

The Revised Code does not include a definition of a "charter county"; however, the Ohio Constitution permits the people of any county to frame and adopt or amend a charter that provides for the county's form of government and the election of county officers.<sup>10</sup>

### **Coroner vacancies**

Under the bill, in the case of a vacancy in the coroner's office resulting from either (1) a death or resignation that cannot be filled by election or appointment or (2) no one running for the office of coroner, a board of county commissioners may contract with another county's coroner to exercise the powers or perform the acts, duties, or functions of the coroner. The bill further provides that the coroner with whom the board contracts may receive a supplemental payment for services rendered. The bill

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<sup>6</sup> R.C. 325.15(B)(2).

<sup>7</sup> R.C. 313.01(B)(1) and (B)(2).

<sup>8</sup> R.C. 313.02(A).

<sup>9</sup> R.C. 313.02(A)(2).

<sup>10</sup> Ohio Constitution Article X, Section 3.



also specifies that the duration of the contract cannot extend beyond the last day of the term for which there was a vacancy.<sup>11</sup>

## Infant death investigation reporting form

S.B. 198, enacted by the 130th General Assembly and effective May 20, 2014, encourages the coroner, deputy coroner, or any other individual who has been designated to investigate the sudden death of a child one year of age or younger to complete a Sudden Unexplained Infant Death Investigation Reporting Form (SUIDI reporting form) developed by the U.S. Centers for Disease Control and Prevention (CDC).<sup>12</sup> This bill provides that, as an alternative to the SUIDI reporting form developed by the CDC or a successor agency, a coroner, deputy coroner, or other individual may complete a similar reporting form approved by the Director of Health, the Ohio State Coroners Association, and the Buckeye State Sheriffs' Association.

Under S.B. 198, if the reporting form is completed, a copy of the form must be sent to the Director of Health and used for purposes of collecting data to prevent future unexplained infant deaths. This bill allows the form to be sent electronically or in paper form. This bill also specifies that, until the death investigation is completed, the form and all information in the form are confidential and not subject to inspection or copying under Ohio's Public Records Law.<sup>13</sup>

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## HISTORY

ACTION	DATE
Introduced	03-25-14

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<sup>11</sup> R.C. 313.04.

<sup>12</sup> R.C. 313.121(B). See also CDC, *Download the Sudden Unexplained Infant Death Investigation Reporting Form (SUIDIRF)* (last visited April 25, 2014), available at <<http://www.cdc.gov/sids/SUIDIRFdownload.htm>>.

<sup>13</sup> R.C. 313.121(B).

