

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
HOUSE JUDICIARY COMMITTEE

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IN RE: OVERSIGHT OF CORONER'S EDUCATION BOARD

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STENOGRAPHIC RECORD OF HEARING HELD
IN ROOM 140, MAIN CAPITOL BUILDING,
HARRISBURG, PENNSYLVANIA, ON THURSDAY,

JUNE 20, 1991
10:00 A.M.

* * * *

HONORABLE THOMAS R. CALTAGIRONE, CHAIRMAN

MEMBERS OF JUDICIARY COMMITTEE

HON. KEVIN BLAUM	HON. KAREN A. RITTER
HON. GREGORY C. FAJT	HON. DAVID J. MAYERNIK
HON. ROBERT D. REBER	

ALSO PRESENT:

DAVID KRANTZ, EXECUTIVE DIRECTOR
KATHERINE MANUCCI, COMMITTEE SECRETARY
PAUL DUNKELBERGER, RESEARCH ANALYST
GALINA MILOHOV, RESEARCH ANALYST

ANN-MARIE SWEENEY, COURT REPORTER
536 ORRS BRIDGE ROAD
CAMP HILL, PA 17011

1991-102

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A G E N D A

<u>SPEAKER</u>	<u>PAGE</u>
Marylou Barton, Esquire, Chief Deputy Attorney General, Coroners Education Board	3
Adjournment	24

1 CHAIRMAN CALTAGIRONE: We'll begin the
2 hearing and we will take the testimony on the
3 Coroners Education Board.

4 This is the House Judiciary Committee
5 and my name is Representative Caltagirone. I'm
6 Chairman of this Committee. And I would like the
7 members present and staff to just introduce
8 themselves for the record.

9 REPRESENTATIVE FAJT: Greg Fajt,
10 Allegheny County.

11 REPRESENTATIVE RITTER: Karen Ritter,
12 Lehigh County.

13 REPRESENTATIVE REBER: Bob Reber,
14 Montgomery.

15 CHAIRMAN CALTAGIRONE: Tom
16 Caltagirone, Berks County.

17 REPRESENTATIVE BLAUM: Kevin Blaum,
18 City of Wilkes-Barre.

19 REPRESENTATIVE MAYNERIK: Representa-
20 tive Dave Maynerik, Allegheny County.

21 CHAIRMAN CALTAGIRONE: If you would
22 like to start.

23 MS. BARTON: Good morning. My name is
24 Marylou Barton. I'm Chief Deputy Attorney General
25 and Chairman of the Pennsylvania Coroners Education

1 Board. I am here to present to you a report on the
2 work of the Board since its formation in 1988.

3 The Coroner's Education Act was passed
4 on March 2, 1988, with an effective date of June 2,
5 1988. The Board is placed under the purview of the
6 Office of Attorney General due to the strong law
7 enforcement link between the Coroners of
8 Pennsylvania and the Chief Law Enforcement Officer
9 of the Commonwealth of Pennsylvania, the Attorney
10 General.

11 In compliance with the statute, the
12 Members of the Coroners Education Board are: Major
13 Ralph Galicki of the Pennsylvania State Police;
14 Acting Deputy Secretary Donna Wenger of the
15 Department of Health; Dr. Sydney Goldblatt, who is a
16 forensic pathologist; Mr. Joseph Reichel, the
17 Coroner of Northumberland County; Dr. George Hudock,
18 the Coroner of Luzerne County; and I am the elected
19 Chairman and the designee of the Attorney General.

20 I serve as Chairman of the Coroners
21 Education Board and have since its inception. Dr.
22 Hudock, Mr. Reichel, and Dr. Goldblatt are the
23 Governor's appointees.

24 As the statute mandates, no Member of
25 the Board receives a salary. However, the

1 Governor's appointees receive reimbursement of their
2 expenses which to date have amounted to \$1,400 for
3 two and one-half years of operation.

4 One of the major responsibilities of
5 the Coroners Education Board is to establish, when
6 necessary, a Basic Education Course for newly-
7 elected Coroners in Pennsylvania.

8 The Board has held two Basic Education
9 Courses to date, with a third in the planning
10 stages.

11 The Basic Education Courses have been
12 conducted by Forensic Associates of Philadelphia,
13 which is a nationally-known forensic pathology
14 consulting firm.

15 The first class was held beginning
16 December 4, 1989 at the Pennsylvania State Police
17 Academy. It ran through December 8, 1989. Eighteen
18 persons were in the first class, and the final
19 examination was given to all eighteen, with two of
20 the people not passing.

21 As an aside, gentlemen, they need a
22 seventy-five percent grade in order to pass and it's
23 a very difficult test.

24 The second class was held April 30
25 through May 5, 1990. Fourteen persons attended the

1 second class, and all of those people passed.

2 The third class will be held December
3 9 through the 14th, also at the Pennsylvania State
4 Police Academy, and will once again be conducted by
5 Forensic Associates of Philadelphia. The course has
6 become recognized nationally and will be offered
7 nationally in 1991.

8 I would note that my friend, Major
9 Stang is here from the Pennsylvania State Police.
10 And the Pennsylvania State Police is one of the
11 reasons that this Board has been as successful as it
12 is.

13 In compliance with the statute, crime
14 scene investigation, toxicology, forensic autopsies,
15 and the legal duties of the Coroner are part of the
16 week-long course. The statute requires that the
17 course be not less than thirty-two hours, but in
18 fact the course is up to forty hours.

19 Some of the other important issues
20 covered in the Basic Education Course - and this is
21 not necessarily breakfast talk - are natural death,
22 evaluation and post-mortem findings, motor vehicle
23 accidents, photographing of the scenes at an
24 autopsy, science at the death scene, Coroner
25 Inquests, time of death, place and position, and

1 medico-legal autopsies, suffocation, strangulation,
2 drowning, hanging, blunt force injuries, forensic
3 radiology, forensic odontology, sex-related deaths,
4 also known as erotic deaths, mass disasters,
5 forensic toxicology, drug and alcohol-related
6 deaths, deaths in children, sharp force injuries,
7 neuropathology, gunshot wounds,
8 electrocution/industrial deaths, fire-related
9 deaths, and practical problems and solutions for the
10 Coroner.

11 The faculty is outstanding. Members
12 of the faculty include: forensic pathologists Dr.
13 Robert Catherman, Dr. Halbert Fillinger, Dr. Isidore
14 Mihalakis, and Dr. Gary Ross; Coroners Dr. Joshua
15 Perper of Allegheny County, Dr. George Hudock of
16 Luzerne County, who are also forensic pathologists;
17 Bob Weinert, who is Solicitor for the Pennsylvania
18 Coroners Association; Trooper Jack Holtz of the
19 Pennsylvania State Police; Dr. Danielle Boal,
20 Associate Professor of Pediatrics and Radiology and
21 head of the Section of Pediatric Radiology within
22 the Department of Radiology at the Hershey Medical
23 Center; Dr. Richard Scanlon, a forensic
24 odontologist; Dr. Michael Rieders of National
25 Medical Services, Inc.; and Coroners Michael Norris

1 of Cumberland County and Ken Peiffer of Franklin
2 County.

3 The cost of the course each year
4 reflects our effort to adjust the fee schedule to
5 ensure that the fees would cover all course
6 expenses.

7 The course was initially approximately
8 \$400, the second course was approximately \$450, and
9 the course in December of this year will cost
10 approximately \$500.

11 The participants are given a choice of
12 staying at the Pennsylvania State Police Academy at
13 a small extra charge or finding their own overnight
14 accommodations.

15 The texts we have used, and I brought
16 them along today to give you an example, are
17 Forensic Pathology. The Medico-Legal Investigation
18 of Death and Death Investigation and Examination.
19 And gentlemen, these individuals are doing this in
20 one week. They're lectured all day and then in the
21 evening after they've had dinner at the Academy
22 usually and they get pretty full after those
23 wonderful big dinners, then they are reading, madly
24 reading.

25 In all honesty the first time we used

1 this one. The second time we used this one because
2 we thought it was more readable for them. And what
3 Dr. Fillinger picks out this time I'm not sure. And
4 they all receive, at least they have the last two
5 times, this manual. And there are many wonderful
6 checkoffs in here that have been done by medical
7 examiners throughout the United States as to proper
8 autopsies and proper medical death investigations.
9 This is a great book too.

10 The cost of the Attorney General's
11 Office for the Basic Education Course is
12 approximately \$11,000. Therefore the Office has
13 spent approximately \$22,000 to hold the two Basic
14 Education Courses to date. This amount includes all
15 of the lecturer's fees, as well as the texts.

16 The Attorney General's Office has
17 received approximately \$16,000 in fees from the
18 participants. As stated above, the fee schedule has
19 been and is being adjusted to ensure that, in the
20 future, fees will cover all course expenses.

21 And as an aside, ladies and gentlemen,
22 in January of 1991 a new portion of the Coroner's
23 Act passed, and in it there's an enabling statute
24 that the Coroners will now charge for copies of
25 autopsies and pharmacology reports. And then the

1 money from that fund will go to the County
2 Treasurer, and that money will be used for these
3 kinds of educational expenses for the Coroners. So
4 there will be more money available.

5 We've tried to keep the cost at least
6 affordable for now, but now there will be more money
7 available and we'll be able to charge more.

8 The money paid by the participants is
9 paid by the County in which they reside, if the
10 participant is required to take the course in order
11 to take office.

12 It is interesting to note that the
13 course attendance has been larger than one would
14 expect, due to the number of people who have chosen
15 to take the course in preparation for running for
16 Coroner or for their own professional advancement.

17 The people statutorily required to
18 take the Course are newly-elected Coroners who have
19 never served as a Coroner, Chief Deputy or Full-Time
20 Deputy prior to their winning an election, as well
21 as Chief Deputies and Full-Time Deputies who were
22 appointed after June 2, 1988. The effective date of
23 the Act.

24 Another major responsibility of the
25 Coroners Education Board is the oversight of the

1 continuing education requirement of not less than
2 eight hours for every Coroner, Chief Deputy Coroner,
3 and Full-Time Deputy Coroner in the state of
4 Pennsylvania.

5 The Coroners Education Board is
6 requested by various medical schools, medical
7 examiners, individual coroners, and others to
8 approve their courses. Once the Board has
9 ascertained that the content of the educational
10 opportunity, as well as the competency of the
11 instructional staff, meets the Board's standards,
12 the Board will then approve the course for
13 continuing education credit for Pennsylvania's
14 Coroners, Chief Deputies, and Full-Time Deputy
15 Coroners.

16 There are 456 Coroners, Chief
17 Deputies, Full-Time Deputies, and Part-Time
18 Deputies. The statute does not require us to inform
19 Part-Time Deputies of the continuing education
20 courses; however, the Board has chosen to do so, in
21 order to encourage the Part-Time Deputies to attend
22 some kind of continuing education course.

23 The Office of Attorney General
24 provides staff to handle the administrative aspects
25 of the Coroners Education Board. We have a fairly

1 sophisticated computer set-up which maintains a list
2 of all the Coroners, Chief Deputies, Full-Time
3 Deputies, and Part-Time Deputies, so that we can be
4 in touch with them on a regular basis.

5 That list is updated on a regular
6 basis. Should any of the Coroners not comply with
7 the Act as far as the basic education requirement is
8 concerned, a letter would be sent to the Governor,
9 who in turn would vacate that position.

10 Should a Chief Deputy or Full-Time
11 Deputy not comply with the required eight hours of
12 continuing education, it is the responsibility of
13 the Board to notify the Coroner, who in turn removes
14 that person from his or her position.

15 In order to keep the Coroners and
16 their Deputies up-to-date on the courses that have
17 been approved for continuing education, the Board
18 sends out, on a regular basis, mailings which list
19 the courses that have been accepted for continuing
20 education for that year. That list of approved
21 courses is also maintained by computer.

22 In 1989, eight courses were approved.
23 In 1990, thirty-eight courses were approved. And for
24 the year 1991 to date, twenty-six courses have been
25 approved.

1 In 1990, nine mailings were sent to
2 the Coroners and their staff, and, to date, in 1991,
3 four mailings have been sent.

4 Each Coroner, Chief Deputy Coroner and
5 Full-Time Deputy Coroner is required by the Board to
6 submit to the Board, by December 31, proof that he
7 or she has completed the eight hours of continuing
8 education required by the Coroners Education Act.

9 There are a total of 167 Coroners,
10 Chief Deputies, and Full-Time Deputies in the state
11 of Pennsylvania.

12 As I mentioned earlier, if the Part-
13 Time Deputy Coroners are added to that, the total
14 comes to 456. We keep the 456 names in our
15 computer, should the Act at some time in the future
16 require Part-Time Deputy Coroners to receive eight
17 hours of continuing education, and also because some
18 Coroners have chosen to mandate that their Part-Time
19 Deputies receive eight hours of continuing
20 education.

21 On the whole, I believe that the Board
22 has the full cooperation of the Coroners of
23 Pennsylvania and that the Coroners of Pennsylvania
24 are pleased with the work of the Board.

25 I attend the annual Pennsylvania

1 Coroners Association Meeting, as well as the
2 Executive Sessions of that Association, in order to
3 keep them up-to-date and to receive input from them
4 as to how the Board is functioning.

5 I am sure you are aware that there are
6 only two states in the United States that have such
7 a Coroners Education Board; in fact, ours was the
8 first one to be established in the United States.
9 The Legislature is to be commended for its national
10 leadership in this area.

11 If you have any questions, I will be
12 more than happy to answer them for you. Thank you
13 for the opportunity to speak with you this morning.

14 CHAIRMAN CALTAGIRONE: Thank you,
15 Marylou.

16 Questions from the members? Greg.

17 REPRESENTATIVE FAJT: Yes.

18 BY REPRESENTATIVE FAJT:

19 Q. We are in the process of doing away with
20 the Coroner's position in Allegheny County. I've
21 introduced legislation which would make Dr. Perper a
22 Medical Examiner.

23 Of being a Medical Examiner we're
24 requiring that person to be a licensed physician.
25 Also to have at least two years of forensic

1 pathology and background.

2 Would they still be required to take
3 this course? I didn't see any mention in here of
4 Medical Examiners. I believe there's some other
5 counties in Pennsylvania that have a Medical
6 Examiner right now.

7 A. They would not then be under the Coroners
8 Education Act. It's very clear that it's just
9 Coroners.

10 Q. Okay.

11 A. Philadelphia, Delaware and if Allegheny
12 County should become a Medical Examiner System then
13 there would be three in Pennsylvania. Delaware
14 County, Philadelphia County, and perhaps Allegheny
15 County.

16 Q. Thank you.

17 CHAIRMAN CALTAGIRONE: Bob.

18 REPRESENTATIVE REBER: Thank you, Mr.
19 Chairman.

20 BY REPRESENTATIVE REBER:

21 Q. How many counties do require their part-
22 timers to receive the course, do you know? You
23 mentioned there are some, do you know how many?

24 A. Less than five.

25 Q. Do you think that there has been

1 discussion or movement in the area that that should
2 be a mandated requirement?

3 Have you gotten any kind of feel from
4 that as a result of your attendance at all these
5 sessions you referenced?

6 A. Yes, I have. And I think there are two
7 sides to this. I think that when the Act was passed
8 the part-timers were left out intentionally because
9 it would have been a much longer struggle in order
10 to get the Act passed.

11 I think that half of the Coroners want
12 part-timers to be included and half of them do not.
13 So therefore there was a compromise and the part-
14 timers were kept out.

15 It would be difficult for many of the
16 part-timers to comply in some ways I think with the
17 eight hours, because they have full time other jobs
18 and it would make it difficult.

19 Q. Is there any way - I know in the legal
20 profession there's a lot of continuing education
21 courses that go on and there's a lot of ways that
22 that is disseminated to the members of the Bar for
23 their participation and matriculation to the
24 process. And I'm just wondering if a scaled-down
25 version could be put in such a move that it would

1 be available, would be a good thing.

2 The reason, as I said, my experience has
3 been that many times I'm dealing on a case or become
4 involved in a case where it is in fact a part-timer
5 that is the material element, if you will. And I'm
6 just wondering if there should be some
7 consideration, or that possibly you could develop or
8 have developed for us some method to streamline a
9 way that we could make sure that they have the
10 necessary ongoing continuing education.

11 A. We could easily do that. I think maybe
12 the way you could compromise on that would be to
13 have the part-timers at four hours rather than
14 eight.

15 Our basic education course which
16 sometimes meets two times a year, sometimes once a
17 year, offers forty hours. We allow anyone who needs
18 the eight hours to pay, I think it's approximately
19 \$10 or \$15 more now to sit in during those forty
20 hours and gain their eight hours. So there's some
21 flexibility there.

22 Q. I think my concern is that we're not
23 dealing, one, with an awful lot of people. And
24 we're certainly dealing with always the potential of
25 inflammatory issues because of the high notoriety

1 of each and every case in most instances that
2 they're involved in. And I just think we would be
3 remiss if we did not explore any way to make sure
4 that they have the ongoing developing expertise that
5 can be gotten from such matriculation.

6 A. I agree with you.

7 Q. That's the reason for my thoughts and I
8 was wondering if the discussion had moved in that
9 kind of direction?

10 A. Its been going on for years within the
11 Coroners Association.

12 Q. If something would develop or there could
13 be some suggestions how we might consider and you
14 could disseminate it to the staff, I would
15 appreciate it.

16 A. Sure.

17 REPRESENTATIVE REBER: Thank you, Mr.
18 Chairman.

19 CHAIRMAN CALTAGIRONE: Certainly.
20 Chris.

21 REPRESENTATIVE McNALLY: Yes.

22 BY REPRESENTATIVE McNALLY:

23 Q. I wanted to ask you, I noted in your
24 testimony that the faculty of the Education Board
25 includes Dr. Joshua Perper and Dr. George Hudock

1 of Luzerne County who are both Coroners.

2 First of all are they paid faculty
3 members? Do they receive compensation for their
4 terms?

5 A. In all honesty since, you know, Forensic
6 Associates manages all of the financial affairs with
7 that. I don't know the right answer. My guess
8 would be that, yes, they are paid. But I don't know
9 what constraints they have as elected officials as
10 far as them receiving remuneration.

11 Q. Further, I would like to ask, do you know
12 which courses those particular Coroners teach?

13 A. Well Dr. Perper will teach Coroners
14 Inquest. And Dr. Hudock - you're really testing my
15 memory - I am not sure which course Dr. Hudock is
16 teaching this time. I apologize.

17 Q. Do you know if the fact that they're
18 Coroners was a factor in their being added to the
19 faculty?

20 A. Well we discussed that and we felt that
21 it was better for the Coroners, for the newly
22 elected Coroners and the people that work with the
23 Coroners to have their own people in the course.
24 So, yes, I believe it was.

25 I think it was a conscious effort of the

1 Board when we designed the course to include
2 Coroners in the course, so that they would have a
3 network established in the state to discuss these
4 things with. And Dr. Hudock and Dr. Perper both
5 have excellent reputations.

6 Q. I agree. At least I know Dr. Perper
7 personally and he does have an excellent reputation.
8 And, you know, certainly, their membership on the
9 faculty of this course does in no way compromise or
10 influence their official duties.

11 A. I think it enhances it. If you'll note,
12 Ken Peiffer, the Coroner of Franklin County, as well
13 as Mike Norris, the Coroner of Cumberland County,
14 are also on the faculty. And Bob Weinert, who is
15 the Solicitor for the Coroners Association, who
16 knows Coroners law inside and out, is also a member
17 of the faculty.

18 Q. The reason I bring this up is that some
19 interpretations of the Ethics Act has said if your
20 official office has something to do with you
21 receiving compensation outside of your official
22 duties, then that is a violation of the Ethics Law.

23 And with that kind of literal
24 interpretation of the Act, which I think is unfair
25 and unreasonable, and so long as the outside

1 compensation doesn't affect or influence the
2 discharge of your official duties,
3 then I think that it certainly is better to have
4 Coroners on this Board and on this faculty, teaching
5 the courses so that, you know, they actually are
6 providing public service by doing so.

7 What I would urge the Board to consider
8 is soliciting the Ethics Commission for an advisory
9 opinion for the protection of these Coroners.
10 Because what may happen, somewhere down the road if
11 some convict or someone who has been accused of
12 murder, they may start an ethics investigation
13 against these Coroners based on the fact that
14 they're getting these salaries as members of this
15 faculty.

16 A. Your point is a good one and I will be
17 sure to follow up on that. Because now that you've
18 raised this issue I have some concerns myself.

19 Q. Okay. Thank you.

20 BY CHAIRMAN CALTAGIRONE:

21 Q. As far as the budget is concerned do you
22 have any line item or any money other than what
23 you've related to in your testimony set aside for
24 the Coroners Board?

25 A. We have one full time administrative

1 officer who retired as a matter of fact, and that
2 position will be filled again. But we have one
3 person who is allocated full time. It has not been
4 line itemed. It comes out of our General Fund.

5 Q. The General Funds from the Attorney
6 General's appropriation?

7 A. That's correct.

8 Q. And you also have an office located over
9 in the Attorney General's complex, don't you?

10 A. Yes. My major responsibilities, I'm
11 Chief Deputy Attorney General in charge of the Child
12 Abuse Prosecution Assistance Unit, as well as
13 Counsel to the Attorney General as he sits on the
14 Board of Pardons. So I wear three hats.

15 Q. Oh, you're on the Board of Pardons?

16 A. Well the Attorney General is and I'm his
17 counsel as I said. So, yes, I have a space and Peck
18 has a space, if you know what I mean. Right.

19 CHAIRMAN CALTAGIRONE: Okay. Other
20 questions?

21 REPRESENTATIVE McNALLY: I do have one
22 other question, Mr. Chairman.

23 BY REPRESENTATIVE McNALLY:

24 Q. Since you are involved in the Child Abuse
25 Unit. This has nothing to do with Coroners, well in

1 a way it does have something to do with Coroners
2 actually.

3 I have a piece of legislation that would
4 establish a burn injury reporting system similar to
5 the system that, you know, whenever someone has a
6 gunshot wound they have to report it to some central
7 information agency and it's before this Committee.

8 I would appreciate your thoughts, not at
9 this time, but in the future on that legislation.

10 A. I'd be happy to. That's one of the
11 things we teach and Dan knows this as well, in our
12 violence against children training that we've done
13 to 3000 people throughout Pennsylvania, mostly
14 enforcement types, the burning and how hot the water
15 must get before you get a first degree or a second
16 degree or third degree burn, so we know what we're
17 talking about when we look at these childrens'
18 burns. So I think it's important and I'd be glad to
19 help you with that.

20 Q. Thank you.

21 CHAIRMAN CALTAGIRONE: Any other
22 questions?

23 (No further questions from Members.)

24 If not, I want to thank you very much
25 for your testimony. I appreciate it.

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We'll adjourn the hearing today.

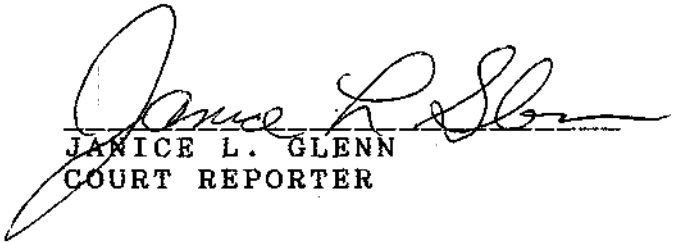
(At 10:35 a.m. the hearing was
concluded.)

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C E R T I F I C A T I O N

I hereby certify that the evidence taken by me of the within proceedings are contained fully and accurately in the notes taken by me during the proceedings of the within cause, and that this is a true and correct transcript of same.



JANICE L. GLENN
COURT REPORTER