
Wisconsin Legislative Council

STUDY COMMITTEE MEMO



Memo No. 1

TO: MEMBERS OF THE STUDY COMMITTEE ON UNIFORM DEATH REPORTING STANDARDS

FROM: Amber Otis, Senior Staff Attorney, and Kelly McGraw, Staff Attorney

RE: Information in Response to Committee Requests at July 18, 2022 Meeting

DATE: August 10, 2022

During the meeting on July 18, 2022, members of the Study Committee on Uniform Death Reporting Standards requested the following information from Legislative Council committee staff: (1) background information on legislative efforts approximately 20 years ago relating to coroners and medical examiners; and (2) research from the National Conference of State Legislatures (NCSL) and the Council of State Governments (CSG) on state initiatives to improve the uniformity and collection of death-related data. In addition, committee members posed various questions to the representatives of the Department of Health Services (DHS) that required follow-up information. This memo provides information in response to these requests.

PRIOR LEGISLATIVE EFFORTS

During the July 18 meeting, various speakers and members referenced previous legislative efforts to create a centralized coroner and medical examiner system approximately 20 years ago. The committee requested more information regarding such legislative efforts as background and context for the committee's work.

While other efforts may have occurred, the reference to prior legislative efforts appears to refer to a [2004 Legislative Council Special Committee on the Powers and Duties of Coroners and Medical Examiners](#), which was comprised of five legislators and six public members, including a coroner, a medical examiner, a district attorney, and a funeral director, among others. The committee was tasked with reviewing current laws and practices on the roles of coroners and medical examiners in the reporting and investigation of deaths to determine if those laws should be revised for enhanced organization and clarity and to achieve greater efficiency, uniformity, and quality in the reporting and investigation of deaths.

Minutes of the committee's meetings are available at the website linked above. In short, the committee received information from several speakers and discussed various topics, including organ and tissue donation and alterations to the current coroner and medical examiner system. Issues raised before the committee included a lack of county board oversight for coroners, partisan coroner elections, and a lack of professional standards for coroners.

Ultimately, the committee recommended, on a 6-4 vote, that the Joint Legislative Council introduce a constitutional amendment¹ deleting the office of coroner from the Wisconsin Constitution. The amendment would, in effect, maintain the existing statutory provisions relating to coroners and medical examiners as the controlling law and permit a Legislature, subsequent to ratification of this amendment, to revise the statutes relating to coroners and medical examiners as it sees fit, without concern for the current constitutional restrictions placed on laws affecting the office of coroner. The Joint Legislative Council did not act upon the recommendation and thus the proposed constitutional amendment was not introduced.

NCSL AND CSG RESEARCH ON STATE INITIATIVES

At the July 18 meeting, the committee requested that Legislative Council committee staff obtain relevant information from NCSL and CSG, two interstate legislative organizations that serve several functions on behalf of state legislatures, including collecting and providing information to aid in state policy development. Consistent with this charge, committee staff requested that health policy analysts at NCSL and CSG provide information on any recent state legislation that has aimed to standardize or enhance capacity of investigating and reporting suicide deaths, or any state initiatives to improve the uniformity and collection of death-related data, with the ultimate goal of suicide prevention.

In response, NCSL provided the attached memorandum. To date, committee staff is awaiting information from CSG and will provide such information upon receipt.

INFORMATION FROM DHS

During their presentation, DHS representatives agreed to provide follow-up information on the following topics: (1) the types of family members that constitute “immediate family” for purposes of allowing access to certain information in a death record; and (2) the federal form that specifies the types of data fields that are included within a Wisconsin death record.

Immediate Family

Until 50 years after a decedent’s date of death, state law prohibits disclosure of “extended fact-of-death information” to anyone except to a person with a direct and tangible interest or to a direct descendent of the decedent. [s. 69.20 (2), Stats.]

Under s. 69.20 (1), Stats., a person with a direct and tangible interest in a vital record is any of the following:

- The registrant of the vital record.
- A member of the registrant’s **immediate family**.
- The parent of a registrant, unless the parent is a birth parent whose parental rights to the registrant have been terminated.
- The registrant’s legal custodians or guardians.
- A representative authorized by any person listed above, including an attorney.

¹ A proposed constitutional amendment requires adoption by two successive Legislatures, and ratification by the people, before it can become effective.

- Any other person who demonstrates a direct and tangible interest when information is necessary for the determination or protection of a personal or property right.

DHS considers the following relations to be an “immediate family” member: parent; brother or sister; current spouse; child; maternal or paternal grandparent; current domestic partner registered in the vital records system. These relationships are reflected on DHS’s current [application form](#) to use when requesting copies of death certificates. Committee staff will forward upon receipt any additional information from DHS relating to the concept of “immediate family.”

Federal Death Certificate Form

At the July 18 meeting, DHS representatives explained that a Wisconsin death record includes the same information that is included on a 2003 form published by the Centers for Disease Control and Prevention (CDC) titled “U.S. Standard Certificate of Death.” The Wisconsin vital records system collects all the same data points from that form, and is designed to flag if submitted information is unacceptable or acceptable for a specific type of field. In other words, a Wisconsin death record mimics the information provided on [the CDC’s form](#).

Please let us know if we can provide any further assistance.

AO:KAM:ksm

Attachment



To: Amber Otis, senior staff attorney, Wisconsin Legislative Council
Kelly McGraw, staff attorney, Wisconsin Legislative Council

From: Charlie Severance-Medaris, senior policy specialist, NCSL

Dear Amber and Kelly,

Thank you for reaching out with your question concerning state efforts to standardize and improve reporting of suicide deaths. In this memo, I have put together several resources that I think you will find very helpful while examining this issue.

First, I will direct you to some resources provided by the [National Action Alliance for Suicide Prevention](#) and specifically a [report](#) authored by the Action Alliance's [Data and Surveillance Task Force](#). The full report offers an overview of current surveillance efforts in the United States and offers several recommendations on how these data collection and dissemination efforts could be improved. Specific recommendations elaborated on in the report include:

- Linking national data systems to improve the quality, specificity, and accuracy of suicide-related data
- Promoting uniform reporting on suicide through the use of standard language and definitions of self-harm and suicidal thoughts
- Advancing syndromic surveillance capabilities to improve access to timely suicide-related data
- Adding suicide-related items to national health surveys
- Including valid and reliable questions on sexual orientation/gender identify on national surveillance systems
- Improving the ability to monitor changes among subgroups
- Improving the timeliness and quality of information obtained from death certificates

I will also direct you to resources provided by the [Suicide Prevention Resource Center](#) and specifically to resources related to state suicide prevention infrastructure. SPRC provides a [full report](#) on how states can broadly support suicide prevention through their public health infrastructure (which includes elements related to data collection and reporting) and [a specific report on improving and standardizing data](#).

Scott Bedke

Speaker of the House
Idaho
President, NCSL

Anne Sappenfield

Director
Legislative Council
Wisconsin
Staff Chair, NCSL

Tim Storey

Chief Executive Officer
NCSL



In 2020, [Indiana](#) enacted [HB-1182](#) which created suicide and overdose fatality review teams in the state. Fatality review is a theory and method grounded in public health, designed to identify and understand risk factors for death. It involves examination of relevant records relating to the decedent by a multidisciplinary team of professionals. These teams are designed to improve data collection and analysis while also identifying potential gaps and policy solutions to prevent suicide deaths. [This fact sheet](#) provides an overview of what these teams do in Indiana, including information on their efficacy.

The [National Center for Fatality Review and Prevention](#) provides a guidance report on best practices for these reviews.

Utah enacted [HB 346](#) in 2017 to fund a psychological autopsy examiner to better support data collection on suicide deaths in the state. This work was expanded on in the state in 2018 with [HB 370](#) which further amended provisions regarding medical examiner records related to suicide.

Once you've had an opportunity to review these materials, let me know if there is anything I can help clarify or if there are other questions I can help answer.

Sincerely,

Charlie Severance-Medaris, senior policy specialist, NCSL