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# COUNTY ADVISORY BULLETIN

**CAB**

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**BULLETIN 2001-02**

**FEBRUARY 2001**

**HOUSE BILL 499 of 123<sup>rd</sup> GENERAL ASSEMBLY MANDATES CONTINUING EDUCATION FOR CORONERS, GRANTS CORONERS EXPLICIT ACCESS TO ALL MEDICAL AND PSYCHIATRIC RECORDS OF DECEASED PERSONS, AND EXEMPTS THOSE RECORDS FROM DISCLOSURE UNDER PUBLIC RECORDS LAW**

**Effective Date:** February 13<sup>th</sup>, 2001.

**Revised Code Sections Affected:** 313.02, 313.10 (amended) / 319.091 (enacted).

**Lead Sponsor:** Brading (R-Wapakoneta).

**House Co-Sponsors:** Distel (D-Conneaut), Mead (R-Upper Arlington), Hollister (R-Marietta), Callender (R-Eastlake), Redfern (D-Port Clinton), Hartnett (D-Mansfield), Aslanides

(R-Coshocton), Gardner (R-Bowling Green), Cates (R-West Chester), Evans (R-Newark), Grendell (R-Chesterland), Jolivette (R-Hamilton), Taylor (R-Norwalk), Willamowski (R-Lima), Carey (R-Wellston), Verich (D-Warren), Peterson (R-Delaware), Hoops (R-Napoleon), A. Core (R-Russell's Point), Damschroder (R-Fremont), Harris (R-Ashland), Terwilliger (R-Maineville), Olman (R-Maumee), Metzger (R-New Philadelphia), Metelsky (D-Lorain), Barrett (R-Cincinnati). Stevens (D-Canal Fulton), Britton (D-Cincinnati).

**Senate Co-Sponsors:** Gardner (R-Madison), Latell (D-Girard).

**1. Continuing Education for Newly-Elected and Newly-Appointed Coroners - ORC**

**313.02**

**(B) (1)**

Newly-elected and newly-appointed coroners are required under House Bill 499 to complete 16 hours of continuing education programs sponsored by the Ohio State

Coroners Association (the association). Newly-elected coroners are required to complete this training during the time period between his or her election to office in November and the actual commencement of the term of office in January of the following calendar year.

A “newly-elected coroner” is defined in the bill as a person who is elected to the office for the first time. This portion of the continuing education requirement does not apply to incumbent coroners who are re-elected to office.

Newly-appointed coroners must complete 16 hours of continuing education within 90 days after the date of his or her appointment to office under Ohio Revised Code (ORC) section 305.02.

The 16 hours of continuing education completed by newly-elected and newly-appointed coroners **cannot** be counted toward fulfilling the 32 hours of continuing education that House Bill 499 also mandates for all coroners during the course of their terms.

All newly-elected and newly-appointed who complete the continuing education programs mandated by ORC 313.02 (B) (1) will receive a certificate of successful completion from the association.

## **2. Continuing Education for All Coroners During Their Terms of Office - ORC 313.02 (B) (2).**

Beginning in calendar year 2001, House Bill 499 requires each coroner to complete continuing education requirements in addition to the 16 hours prescribed for newly-elected and newly-appointed coroners.

This additional education is to be completed during each coroner’s four-year term of office and is to consist of 32 hours of programs sponsored by the association or another group. Of the 32 mandated hours, 24 must be completed at statewide meetings sponsored by the association and eight must be completed at regional meetings sponsored by the association.

The association may approve education programs sponsored by other groups that can be used to fulfill the continuing education requirement. However, attendance at these approved programs can count only toward fulfilling the 24-hour statewide meeting requirement. Attendance cannot be used to fulfill the eight-hour regional meeting requirement. The eight-hour regional meeting requirement **must** be fulfilled by attending regional meetings sponsored by association.

Coroners who, during the course of their four-year terms complete the 32 hours of training required by House Bill 499, will receive a certificate of successful completion from the association or from another sponsoring organization.

### **3. Requests for Medical and Psychiatric Records of Deceased Persons - ORC 313.091**

House Bill 499 grants specific statutory authority for a coroner, in connection with the performance of his or her lawful duties, to request in writing, inspect and receive copies of a deceased person's medical and psychiatric records. This authority is also granted under the bill to deputy coroners and to representatives of coroners and deputy coroners.

The term "medical record" has the same meaning as in the state's public records law, ORC 149.43. In that law a medical record is defined as "any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment." The term "psychiatric record" is not defined in either House Bill 499 or the public records law.

All persons to whom requests for records are made must make any records in their custody available for inspection and/or copying by a coroner, deputy coroner, or his or her representative.

The language of ORC 313.091 in House Bill 499 requires these persons to make the records available during "normal business hours" but does not specify whether this term refers to the business hours of the person receiving the request or the business hours of the coroner, deputy coroner, or representative who is making the request.

Any person who provides copies of medical or psychiatric records is authorized to request, in writing, reimbursement for the "necessary and reasonable" costs of copying the records. After receiving the request, and the copies requested, the coroner, deputy coroner or his or her representative must remit that "necessary and reasonable" amount to the person who provided the copies.

### **4. Medical and Psychiatric Records Are Not Subject to Release Under the Public Records Law - ORC 313.10**

Any medical or psychiatric record of a deceased person provided to a coroner, deputy coroner or their representative under ORC 313.091 is not a public record subject to release under the public records law. Nor does the release of these records violate ORC 4731.22. That section of the ORC prohibits medical practitioners from "willfully betraying a professional confidence."

### **5. Existing Continuing Education Requirements for Auditors, Treasurers, Sheriffs, and Prosecuting Attorneys**

With the enactment of House Bill 499, coroners join auditors, treasurers, sheriffs and prosecuting attorneys as county elected officials subject to mandatory continuing education requirements. Auditors, treasurers, and sheriffs are subject to requirements imposed by

the ORC. Prosecuting attorneys are subject to the state's mandated continuing education requirements for membership in the Ohio bar. The current requirements for auditors, treasurers, sheriffs and prosecuting attorneys are as follows:

**Auditors** - County auditors elected to a full term of office are required to take 24 hours of continuing education during their four-year term, including 16 hours during their first year in office and eight additional hours during the remaining three years. Two hours of the required 24 must address ethics and substance abuse.

**Treasurers** - During their first year in office, newly-elected treasurers must take 13 hours of education regarding investments and cash management and 13 hours regarding governmental accounting and portfolio reporting and compliance. After serving one year in office, treasurers must complete at least 12 hours of continuing education each year regarding investments, cash management, collection of taxes, and ethics.

**Sheriffs** - Within six months of election or appointment, new sheriffs must complete a basic training course conducted by the Ohio Peace Officer Training Council. Two weeks of the required three-week course must be completed before the sheriff takes office. During each subsequent year, sheriffs must complete a minimum of 16 hours of continuing education.

**Prosecuting Attorneys** - As members of the Ohio bar, prosecuting attorneys must complete at least 24 hours of continuing education during a two-year period, including instruction in ethics and substance abuse.

If you have questions about House Bill 499, please contact Doug Putnam, CCAO Research and Information Manager at 614-221-5627 or [dputnam@ccao.org](mailto:dputnam@ccao.org)