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**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD  
ATTORNEY GENERAL



ANN M. RICE  
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February 21, 2018

The Honorable Neal M. Kurk, Chairman  
Fiscal Committee of the General Court  
State House  
Concord, NH 03301

His Excellency Governor, Christopher T. Sununu  
and the Honorable Council  
State House  
Concord, NH 03301

**REQUESTED ACTION**

Pursuant to RSA 9:16-a, authorize the Department of Justice to transfer funds in the amount of \$70,682 effective upon approval of the Fiscal Committee of the General Court and the Governor and Executive Council through June 30, 2018. 80% General Funds, 17% Federal Funds, 3% Agency Income.

Funds are to be allocated as noted below:

Office of Chief Medical Examiner						
02-20-20-200510-2614						
Fiscal Year 2018						
Class	Account	Class Description	Fiscal Year 2018 Current Budget	Transfers To Date	Requested Change	Fiscal Year 2018 Adjusted Budget
010	500100	Personal Services Perm. Classified	\$71,417	\$0	\$0	\$71,417
014	500134	Salary Other Unclassified	\$77,741	\$0	\$0	\$77,741
015	500137	Salary Other Unclassified	\$298,487	\$0	\$0	\$298,487
020	500200	Current Expense	\$21,381	\$0	(\$1,000)	\$20,381
022	500248	Rents-Leases Other Than State	\$109,800	\$0	(\$2,000)	\$107,800
027	582703	Transfers To DoIT	\$28,261	\$0	\$0	\$28,261
029	500290	Intra Agency Transfers	\$1	\$0	\$0	\$1

Class	Account	Class Description	Fiscal Year 2018 Current Budget	Transfers To Date	Requested Change	Fiscal Year 2018 Adjusted Budget
030	500331	Equipment New/Replace	\$13,695	\$0	\$0	\$13,695
037	500174	Technology Hardware	\$6,400	\$0	(\$3,000)	\$3,400
038	500175	Technology Software	\$3,600	\$0	(\$2,000)	\$1,600
039	500188	Telecommunications	\$12,400	\$0	\$0	\$12,400
046	500462	Consultants	\$3,331	\$0	\$0	\$3,331
050	500109	Personal Services Temp Appoint.	\$35,091	\$0	\$0	\$35,091
059	500117	Temp. Full Time	\$137,682	(\$74,999)	(\$62,682)	\$1
060	500600	Benefits	\$254,088	\$0	\$0	\$254,088
070	500704	In State Travel Reimbursement	\$2,700	\$0	\$0	\$2,700
080	500710	Out of State Travel Reimbursement	\$8,350	\$0	\$0	\$8,350
234	500783	Autopsy Expense	\$708,697	\$74,999	\$70,682	\$854,378
<b>Accounting Unit Totals:</b>			<b>\$1,793,122</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,793,122</b>

### EXPLANATION

The Department is requesting to transfer funds within budgeted classes for the Office of Chief Medical Examiner due to a shortfall in class line 234, Autopsy Expense. This class line pays for all autopsy-related expenses such as lab tests, transportation of the deceased, specialists and substitute medical examiners.

Pursuant to RSA 611-B, the Chief Medical Examiner (CME) is required to perform autopsies in certain statutorily defined circumstances of death, including deaths under suspicious circumstances. The investigative exigencies in such cases require prompt availability of qualified medical examiners to perform the autopsies. The OCME currently performs over 500 autopsies per year. Under accreditation standards, a medical examiner should be performing no more than 250 autopsies per year.

Since September 2017, the positions of Deputy Chief Medical Examiner and Associate Medical Examiner have been vacant leaving CME, Dr. Jennie Duval, as the sole medical examiner for the State. The Department of Justice has worked diligently to fill those positions. It has extended an offer for the position of Associate ME, which should be filled by July 1, 2018. It continues to actively recruit for the Deputy ME position. In the meantime, to maintain accreditation standards and to aid Dr. Duval, the office has hired substitute medical examiners for at least ten days per month and must continue to do so until the other positions are filled. Because of this, the funds in class line 234 will soon be totally expended and the office will not be able to pay for autopsy related expenses for the remaining of fiscal year 2018.

Per the Budget Officer's instructional memorandum dated April 17, 1985, the required information is provided below:

1. *Justification:* Transfer from class line 059 is needed to fund autopsy-related expenses. Class line 059 is 100% Federal Funds and is appropriated for an Associate Medical Examiner, which will not be filled until Fiscal Year 2019. The Department received permission from the Federal Government to change the use of these funds from employee to autopsy expense.
2. *Does this transfer involve continuing programs or one-time projects?* The funds will be used for ongoing autopsy expenses such as lab tests, transportation of the deceased, specialists and substitute medical examiners.
3. *Is this transfer required to maintain existing program levels or will it increase the program level?* This transfer will allow the OCME to continue performing autopsies at its current level by using substitute medical examiners in lieu of a full-time medical examiner.
4. *Cite any requirements which make this program mandatory:* Pursuant to RSA 611-B, the OCME is required to perform autopsies in specified circumstances of death, including deaths under suspicious circumstances.
5. *Identify the source of funds on all accounts listed on this transfer.* 80% General Funds, 17% Federal Funds, 3% Agency Income.
6. *Will there be any effect on revenue if this transfer is not approved?* The OCME would not be able to use \$62,682 in federal funds.
7. *Are funds expected to lapse if this transfer is not approved?* It is anticipated that funds will lapse if this transfer is not approved.
8. *Are personnel services involved?* No positions are being transferred as a result of this request.

Please let me know if you have any questions concerning this request. Your consideration is greatly appreciated.

Respectfully submitted,

  
for Gordon J. MacDonald  
Attorney General