

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 235 Department or Agency Alabama Coroners Training Commission
Rule No. 235-X-1
Rule Title: Organization, Administration and Procedure
 New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date 6/19/2018

(DATE FILED)
(STAMP)

Alabama Coroners Training Commission

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Coroners Training Commission

RULE NO. & TITLE: 235-X-1 Organization, Administration and Procedure

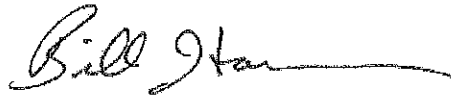
INTENDED ACTION: New Rule

SUBSTANCE OF PROPOSED ACTION: Adopt to required and regulate training as mandated by state law for all coroners and deputy coroners of the state

TIME, PLACE, MANNER OF PRESENTING VIEWS: Submit comments to ACA,
PO Box 2770, Opelika,
Alabama 36803 by 8/3/2018

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: 8/3/2018

CONTACT PERSON AT AGENCY: Bill Harris



(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

**ALABAMA CORONERS TRAINING COMMISSION
ADMINISTRATIVE CODE**

**CHAPTER 235-X-1
ORGANIZATION, ADMINISTRATION AND PROCEDURE**

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RULE 235-X-1-.01 Definitions. As used by the Coroner's Training Commission, the following words and phrases shall have the following meanings respectively.

Approved Academy: A school certified and authorized by the Commission to conduct law enforcement training.

- 1) **Commission-** The Alabama Coroners Training Commission as mandated and appointed per state statute
- 2) **Coroner-**Duly elected or appointed person as described by Alabama state statute

- 3) **Deputy Coroner**- Duly appointed person or persons to act under discretion of the Coroner
- 4) **Approved training**-training approved by the Commission
- 5) **Document**-to furnish with references, citations, etc., in support of statements made a written or printed paper furnishing information or evidence
- 6) **Compliant**-manufactured or produced in accordance with a specified body of rules
- 7) **Non-compliant**-failure or refusal to comply, as with a law, regulation, or term of a contract
- 8) **Medical Examiner**-a physician trained in medicine to perform postmortem examinations on the bodies of persons supposed to have died from unnatural or suspicious causes and to investigate the cause and circumstances of such deaths
- 9) **Quorum**-A meeting of at least 4 members whether in person at a designated date, time and place or by electronic means at a designated date and time.

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018

RULE 235-X-1-.02 Purpose. The Alabama Coroner's Training Commission was created to ensure that Coroners and Deputy Coroners, be they elected or appointed, and receive adequate training to properly perform their duties. This will be realized by providing the Commission the ability to prescribe standards of training for Coroners and the responsibility to collect and maintain records pertaining to individual Coroner Office's, Coroner's, and Deputy Coroner's training records. The Commission will review potential training and education courses and determine their suitability and value to the position of Coroner. The Commission will then grant or deny education credit to the prospective training or education and by doing so will decide how much, if any educational credit a Coroner or Deputy Coroner will receive for successfully completing the course or training. The Commission will work, where possible, with the communities of higher learning, Public Health, Forensic Sciences, Prosecutorial and Law Enforcement inside and outside the borders of the State of Alabama.

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018

RULE 235-X-1-.03 The Alabama Coroner's Association. The Commission Membership is drawn in part from the Alabama Coroner's Association. The Commission however, is a separate entity with vastly different duties and responsibilities. Communication between these two entities is encouraged but it should be noted that the Alabama Coroner's Association will be required to

submit their annual training conference to the commission annually for review and suitability for credit hours.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.04 Composition and Selection of Commission shall be made pursuant to Section 11-5-31 of the Alabama Code.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.05 General Description of Organization and Operation. The Commission is an independent commission of the State of Alabama. All costs associated with operating the commission are paid from appropriated and acquired funds and a 15% fee may be charged to all “for profit” training providers.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.06 Rules of Order. All proceedings of the Commission shall be governed by Roberts Rules of Order, except where otherwise provided in these rules.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.07 Quorum. Four members of the Commission shall constitute a quorum for the transaction of business for the performance of any duties.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule

Filed 6/20/2018

RULE 235-X-1-.08 Officers. The Commission Officers will consist of a Chairperson (Ranking officer), Co-Chairperson (2nd Ranking), and Secretary-Treasurer.

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018

RULE 235-X-1-.09 Election of Officers. The Commission Officers will be elected from the Commission Membership on the first meeting after January 1 of each even numbered year. Unplanned vacancies of offices will prompt the offer of promotion to current officers, upon their acceptance or decline of the promotion all vacancies will be filled at the next meeting to be scheduled by the highest-ranking officer.

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018

RULE 235-X-1-.10 Commission Secretary. Treasurer may appoint an Administrative Assistant to assist the Secretary-Treasurer with administrative duties. This Administrative Assistant will serve at the pleasure of the Secretary-Treasurer and will, if funds are available, be provided an annual salary of no more than \$500.00 dollars for services rendered.

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018

RULE 235-X-1-.11 Meetings

- 1) Meeting formats may include; in person, web-based and electronic format.
- 2) The Commission will meet no less than twice annually, once in first and once in the third quarter of the calendar year is optimal.
- 3) Special meetings may be called by the Chairperson, Vice Chairperson, Secretary-Treasurer or three members of the commission by giving notice of the time, place and purpose of the meeting to all Commission members.
- 4) Each member shall be given at least 30 days' notice of all meetings. This notice may be waived by all members of the commission before the meeting occurs.
- 5) Minutes from meetings will be kept by the Secretary-Treasurer or designee.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.12 Review of submitted trainings and educational programs. The Commission will not call special meetings to review submitted trainings or educational courses for suitable for credit. Instead, the Commission will develop a form where potential training/educational programs can be submitted to the Commission for review. The form, developed by the Commission, will have specific requests for information and documents that must be provided in order for the training or education to be considered by the Commission. For a training or educational program to be approved, a quorum (4 members) must sign the approval form.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.13 Use of Forms. Coroners and Deputy Coroners will be required to submit information to the Commission on forms designated as prescribed forms by the Commission. Forms used by the Commission may be acquired from the Secretary-Treasurer.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.14 Support from Attorney General's Office. The Commission will request that the Attorney General's Office assign an Attorney to provide legal support to the Commission.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.15 Grants and Appropriations. Any grant or appropriation will be used to provide administrative support to the Commission and Commission Members. Funds will be used

solely for the continuation of the duties of the Commission. Approved uses include but are not limited to the following:

- 1) Drafting Rules
- 2) Purchasing office supplies
- 3) Purchasing computers and software
- 4) Email addresses
- 5) Office space
- 6) Utilities
- 7) Travel (limited justification)
- 8) Meeting space
- 9) Mail, postage and shipping
- 10) Internet and web service

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018

RULE 235-X-1-.16 Responsibility of Each Coroner's Office

- 1) Each Coroner is responsible for assuring that he/she and all Deputy Coroners successfully complete approved training;
- 2) Each Coroner or Deputy is responsible for assuring that he/she submits proof of successful completion of approved training in a timely manner to receive credit toward annual requirements.
- 3) The Coroner or Deputy Coroner, within 10 days upon assuming responsibility of the elected or appointed office, or upon being hired, shall submit all required documentation to the Commission.
- 4) The Coroner will, upon notice of non-compliance from the Commission, terminate or suspend any Deputy Coroner until they have obtained a letter of compliance from the Commission. A letter of Compliance will be provided after proof of successfully completing the required training/education hours has been submitted to and verified by the Commission.
- 5) A coroner or his or her designated assistant who fails to complete the minimum annual in-service training required by Section 11-5-31 may be suspended from office, without pay, by the Governor for not more than 90 days. At the end of the suspension period, the Governor may continue the suspension of the coroner and/or his or her designated assistants until he or she completes the annual minimum in-service training. A letter of Compliance will be provided after proof of successfully completing the required training/education hours has been submitted to and verified by the Commission.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-.17 Required Training/Education Hours

- 1) Each Coroner and Deputy Coroner, as required by Section 11-5-31 will successfully complete twelve (12) hours of *Commission approved* training/education annually (January 1- December 31) and will have submitted proof of said completion to the Commission by no later than January 15 of the following year.
- 2) The Commission will, no later than February 1 of the following year, have reviewed all submitted documentation and will have sent via U.S. mail, facsimile or electronic mail, all Letters of Non-compliance to the Coroner at the address on file with the Commission.
- 3) The Commission membership will review all submitted documentation within the timeframe allowed and will forward the results of those reviews to the Secretary-Treasurer who will maintain the training/education records of Coroners and Deputy Coroners and will draft and mail Letters of Non-compliance to the Coroner. The Secretary-Treasurer should utilize files and data base systems to allow for report generation and the designation of Coroners and Deputy Coroners who are compliant and non-compliant.
- 4) Any Coroner or Deputy Coroner contesting the designation of being Non-Compliant must submit a written explanation specifically detailing why they are compliant. If a Coroner or Deputy Coroner failed to submit documentation on successfully completed training/education, they should do so as soon as they are notified of their Non-compliance. All letters contesting non-compliance and all documentation of successfully completed training/education must be submitted to the Commission no later than March 1 of the following year.
- 5) The Commission will review any letter contesting non-compliance and make any Declaratory Rulings within 30 days of receiving the letter.
- 6) The Commission reserves the right, with a quorum vote of four, to deny any submitted training/education submissions received after January 15th of the following year.
- 7) Any Coroner or Deputy Coroner who is non-compliant should successfully complete Commission approved training/education as soon as possible and submit proof of completion to the Commission to become compliant for the current years' requirements. Training/education attended in the following year will NOT be applied to the previous years' requirement to remove a designation of non-compliance.

- 8) The Secretary-Treasurer, upon receiving notification from the Commission of a Coroner or Deputy Coroner's change in "Status", will notify the Coroner in writing of any changes.
- 9) Any Coroner or Deputy Coroner who is designated non-compliant for 18 months (After March 1 of following year) shall be reported to his or her County Commission and District Attorney's Office via letter from the Commission Secretary-Treasurer.
- 10) Medical Examiners and Coroners who are Medical Doctors are required to obtain educational credit annually to maintain their medical license and by doing so are excluded from this requirement.

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018

RULE 235-X-1-.18 Training/Educational Requirements

- 1) The Commission will evaluate any proposed training or educational program for suitability before granting credit for successful completion. A quorum vote of approval must be garnished to obtain approval. A written document, signed by the required voters will serve as a review and approval by the Commission.
- 2) Training and Educational Programs should be encouraged to submit their programs for evaluation by the Commission prior to providing the training or education. The Commission can, by evaluation of topics, trainers, and agenda items, give notice of suitability for credit hours.
- 3) Any Coroner or Deputy Coroner planning on attending a training or educational program that has not or may not have been reviewed and approved by the Commission is encouraged to contact the Commission prior to attending. The Commission may request specific information from the Coroner or Deputy Coroner or contact the training provider directly to determine suitability of the training program. Successfully completing a training/educational program that has not been reviewed by the Commission may result in the Coroner or Deputy Coroner not receiving credit hours for the program.
- 4) Coroners and Deputy Coroners are required to obtain 1 or more hours in topics related to each of the following:
 - a) Mass Fatality Planning and Management*
 - b) Anatomical Gifting*
 - c) Investigations/Scene/Medicine*
 - d) Ethics*
- 5) The Commission may waive this requirement by quorum vote due to availability of approved suitable training programs

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-19 Records. All records of the Commission are "Public Records" and copies may be available following a written request submitted to the Secretary-Treasurer and upon payment of the cost of copying and mailing the documents. The cost of copying and mailing documents will be \$25.00 per document produced. Document, for the purposes of this rule, is not referring to an individual page or paper but instead the formal document i.e. Coroner Training Record.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule
Filed 6/20/2018

RULE 235-X-1-20 Records Retention.

- 1) The Commission is responsible for selection and implementation of a records keeping method that provides, security, organization and retrieval to a reasonable degree of accountability.
- 2) Paperless computerized methods should be employed as soon as it is financial feasible.
- 3) The Commission will maintain, for 20 years, copies of all records produced by the Commission. Documents to be retained include but are not limited to:
 - a) Training records
 - b) Correspondence
 - c) Commission financial records
 - d) Meeting Minutes
 - e) Declaratory Rulings
 - f) Reviews of Training/Educational Programs
- 4) The Commission will select the method and location of document/data storage upon selection or change of the Commission Secretary-Treasurer.

Author: Bill Harris
Authority: Code of Alabama 1975, §11-5-31
Effective Date: April 25, 2006
New Rule

Filed 6/20/2018

RULE 235-X-1-.21 Office Space. In the event the Commission procures official office space, meetings and records retention should be maintained in the official location of the Commission.

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018

RULE 235-X-1-.22 Forms List: (Forms to be created)

- 1) Welcome letter for new Coroners and Deputy Coroners (outlines requirements)
- 2) Coroner Training Record
- 3) Letter of Non-compliance (to Coroner)
- 4) Letter of Non-compliance (to County Commission and District Attorney)
- 5) Letter of Non-compliance (to Governor's Office)
- 6) Submission of Propose Training
- 7) Letter of proposed training Commission Review Decision
- 8) Request for Documents
- 9) Review of Training/Educational Program

Author: Bill Harris

Authority: Code of Alabama 1975, §11-5-31

Effective Date: April 25, 2006

New Rule

Filed 6/20/2018