

Sunrise Report  
October 29, 2021

**A Request for an Expansion of the Scope of Practice for County Medical Examiners and Alternate Medical Examiners to authorize Physicians' Assistants to perform autopsies under supervision.**



County Supervisors  
A S S O C I A T I O N  
o f a r i z o n a

October 29, 2021

*Sent via E-mail*

The Honorable Karen Fann  
The Honorable Rusty Bowers  
1700 West Washington Street  
Phoenix, AZ 85007

Dear President Fann and Speaker Bowers,

The County Supervisors Association (CSA), pursuant to Arizona Revised Statutes (A.R.S.) Sections 32-3104 and 32-3106, submits the following sunrise report requesting an expansion of the scope of practice for the county medical examiners and alternate medical examiners.

The proposal would allow a county medical examiner or alternate medical examiner under A.R.S. § 11-594 to authorize a physicians' assistant to perform autopsies under the supervision of a licensed physician who is board certified in forensic pathology, based on the procedures adopted by the county medical examiner or alternate medical examiner.

Thank you for your consideration, you have any questions or would like any additional information, please do not hesitate to contact me at (602) 452-4500 or at [CraigS@countysupervisors.org](mailto:CraigS@countysupervisors.org).

Sincerely,



Craig A. Sullivan, Executive Director

County Supervisors Association of Arizona

cc (via E-mail):

## **Background**

It is widely recognized throughout the country, and particularly in the state of Arizona, that forensic science services are in high demand, have continual backlog issues, and severe staffing shortages. This is particularly the case with Medical Examiners and Forensic Pathologists. Twenty years ago, the Paul Coverdell National Forensic Science Improvement Act became Public Law 106-561, designed to help states to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes. In addition, the Justice for All Act of 2004, Pub. L. No. 108-405, section 311(b) (codified at 42 U.S.C. § 3797k) added a general forensic backlog reduction component to the Coverdell program.

Currently, A.R.S. § 11-594(B)(2) allows Medical Students, Residents and Fellows in Pathology training to perform autopsies under the supervision of a Forensic Pathologist; however, it does not include Pathologists' Assistants in the list of practice providers that can perform autopsies even though they are widely recognized throughout the field of pathology as autopsy practitioners and are the professionals that teach residents and fellows in pathology who ironically can perform autopsies under A.R.S. § 11-594(B)(2).<sup>1</sup>

This proposed legislative change reflects the current status of the profession and allows those who are recognized as autopsy practitioners and those that teach residents and fellows in pathology to perform autopsies. This change would authorize a county medical examiner or alternate medical examiner to utilize a Pathologists' Assistant to perform autopsies under the supervision of a licensed physician who is board certified in forensic pathology, pursuant to procedures adopted by the county medical examiner or alternate medical examiner.

This practice is endorsed by the American Association of Pathologists' Assistants (AAPA) and the certifying body for Pathologists' Assistants – the American Society for Clinical Pathology (ASCP).

Pathologists' Assistants serve a valuable role in pathology, similar to Physician's Assistants and Nurse Practitioners in clinical medical practices. The training, education, and experience of the Pathologists' Assistant is at least equivalent to and, in some respects, more advanced than the clinical Physician Assistant.

Pathologists' Assistant are specially trained in pathology practices. Their duties routinely include processing a variety of laboratory specimens, examination and

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<sup>1</sup> [A.R.S. § 11-594 - Powers and duties of county medical examiner](#)

evaluation of surgical pathology specimens (i.e. tumors and other large specimens that result from surgical operations), performance of autopsies, as well as laboratory supervision and management. Pathologists' Assistants regularly teach medical students, pathology residents, and pathology fellows while they are in their respective training programs.<sup>2</sup>

Over the last few years there has been increased pressure on the Medical Examiners offices, according to the Arizona Department of Health Services between 2019 and 2020 there was 24.89% increase in the number of deaths in Arizona.<sup>3</sup> Authorizing a county Medical Examiner or Alternate Medical Examiner to utilize Pathologists' Assistants to perform autopsies will provide additional consistency with staffing levels. This change is crucial in Arizona, because many counties have difficulty hiring qualified Medical Examiners or establishing effective, timely autopsy services in a cost-effective manner.

Currently a Pathologists Assistant working within a county is not able to perform autopsies even when those they train to perform autopsies are authorized. This legislative change would allow Pathologists Assistants to perform autopsies under the supervision of a licensed physician who is board certified in forensic pathology, pursuant to procedures adopted by the county medical examiner or alternate medical examiner.

## **Increased Scope Factors Pursuant to A.R.S. § 32-3106**

### **1. Why an increased scope of practice is beneficial, including the extent to which health care consumers need and will benefit from safe, quality care from practitioners with this scope of practice.**

It is widely accepted throughout the United States (and also internationally) that there is a severe shortage of qualified forensic medicine and science personnel. This shortage is felt most deeply in less populated areas, rural counties, and states where one forensic pathologist, medical examiner, or coroner may cover a large geographic area with minimal resources. For example, until just a few years ago (2018), Yavapai county did not have a full-time dedicated medical examiner and hired a "contract" pathologist that did not reside in nor exclusively serve Yavapai county.

Many other forensic pathologist positions remain unfilled for months, and even years. Additionally, in the U.S. territory of Guam, which requires a board-certified

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<sup>2</sup> [What is a PA? - American Association of Pathologists' Assistants \(AAPA\) \(pathassist.org\)](https://www.pathassist.org/)

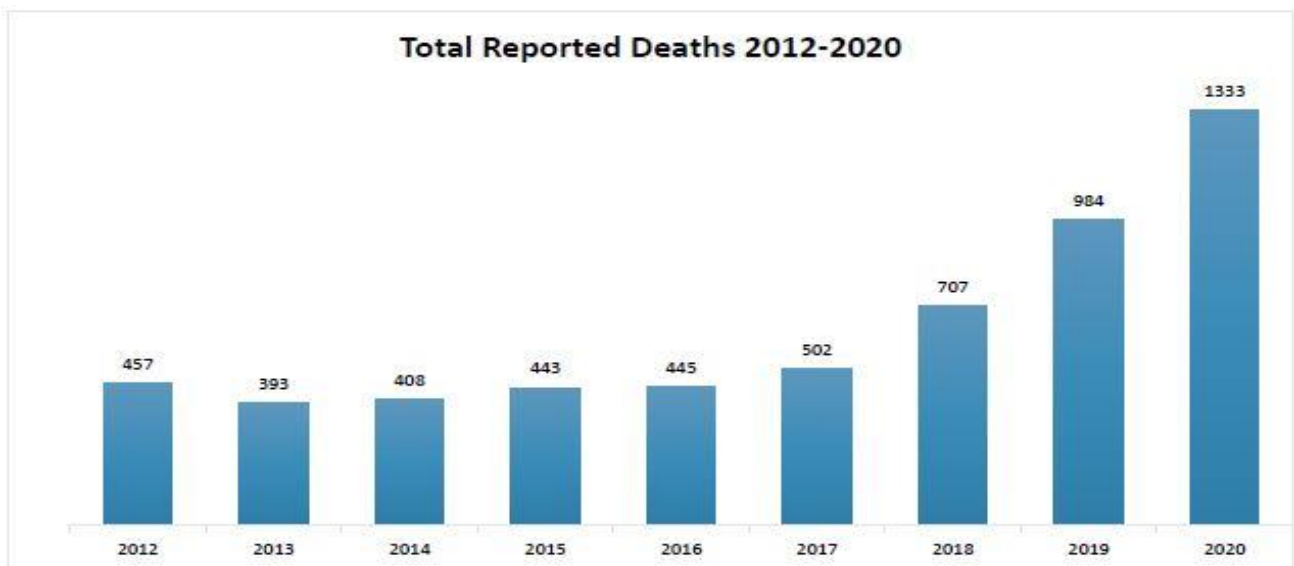
<sup>3</sup> [Arizona Department of Health and Vital Statistics, Arizona deaths increased by 25% in 2020, preliminary state data shows \(azcentral.com\)](https://www.azcentral.com/story/news/politics/economy/2021/01/28/arizona-deaths-increased-by-25-in-2020-preliminary-state-data-shows/5242170002/)

forensic pathologist to serve as the medical examiner, their position has remained unfilled for two years. This has led to extreme delays in autopsies and release of bodies.<sup>4</sup> Delays like this are felt in counties and states across the U.S., leading to case backlogs, which directly impact the family members of deceased who cannot get the bodies of their loved ones returned in a timely manner, nor receive closure as autopsy examinations may be delayed for many weeks after the death occurred.

Pathologists' Assistants (PAs) are the solution to help reduce these backlogs, lessen the strain on medical examiners and coroners, and bring safe, high quality forensic services to family members of the recently deceased. PAs are extensively trained in the practice of pathology, including autopsy examinations. They teach, train, and supervise medical students, pathology residents and pathology fellows. All of these practitioners are currently authorized in statute to perform autopsies under the supervision of a forensic pathologist. Expansion of the statute to include PAs is a logical next step to bring educated and experienced practitioners to the places they are needed most, in our rural, understaffed, and underserved communities.

In Yavapai County alone, the Medical Examiner's Office saw nearly double the number of reported deaths from 2018 to 2020 (707 deaths and 1333 deaths, respectively).

Yavapai County alone, the Medical Examiner's Office Data - Chart 1<sup>5</sup>



<sup>4</sup> [AG: national ad out for chief medical examiner | Local News | guampdn.com](#)

<sup>5</sup> [Yavapai County Medical Examiner, 2020 Annual Report](#)

Arizona was ranked third in the nation in population growth rate in 2019.<sup>6</sup> These trends are expected to continue in the coming years, putting even more stress on the Medical Examiners of small to medium sized counties that struggle to provide effective, quality care to their communities.

**2. Whether those health professionals seeking an increased scope of practice currently have or will be required to have didactic and clinical education from accredited professional schools or training from recognized programs that prepare them to perform the proposed scope of practice, and details on what that education or training includes for that proposed scope of practice.**

County Medical Examiners or Alternate Medical Examiners will not be required to have additional training or accreditation to establish procedures for PAs to perform autopsy examinations. PAs are qualified professionals who are required to have a master's degree from a National Accrediting Agency for Clinical Laboratory Sciences (NAACLS) accredited program. NAACLS requirements include one year of didactic education and one year of clinical experience. Granting County Medical Examiners, the ability to utilize PAs in addition to medical students, pathology residents and pathology fellows to perform autopsies will provide critical professional assistance and ability to fully utilize a PAs professional training.

The following are the instructional requirements for NAACLS accreditation:<sup>7</sup>

1. Prerequisite courses in biology, chemistry and mathematics that provide the foundation for course work required in the Pathologists' Assistant program.
2. The curriculum must provide a comprehensive knowledge of practices in Anatomic Pathology encompassing surgical and autopsy pathology. This includes principles and methodologies, performance of procedures, correlation of clinical information and gross pathology with proper technique, problem solving, troubleshooting techniques, principles and practices of quality Unique Standards for the Pathologists' Assistant (PathA), assurance/quality improvement, and laboratory management. The program curriculum must include the following scientific and academic content:
  - a. Anatomy and Basic Microanatomy
  - b. Human Physiology
  - c. General and Systemic Human Pathology

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<sup>6</sup> [New Census Report Ranks Arizona Third in Percentage Growth Rate | Office of the Arizona Governor \(azgovernor.gov\)](https://www.azgovernor.gov/newsroom/new-census-report-ranks-arizona-third-in-percentage-growth-rate)

<sup>7</sup> [NAACLS Standards for Accredited and Approved Programs](https://www.naacls.org/standards)

- d. Anatomic Pathology
    - i. Surgical Pathology Techniques
      - a) Adult
      - b) Pediatric
    - ii. Autopsy Techniques
      - a) Medical Autopsy Techniques
        - 1. Adult
        - 2. Pediatric
      - b) Forensic Autopsy Techniques
        - 1. Adult
        - 2. Pediatric
        - 3. Toxicology Collection Techniques
    - iii. Histological Methods and Techniques
      - a) Concepts of Immunohistochemistry
    - iv. Concepts of Molecular Diagnostics
    - v. Microbiology/Immunology
    - vi. Clinical Pathology
    - vii. Embryology
    - viii. Laboratory Safety
    - ix. Laboratory Information Systems
    - x. Laboratory Management
    - xi. Medical Ethics PathA Unique Standards
    - xii. Medical Terminology
    - xiii. Biomedical Photography
3. Application of laboratory safety governmental regulations and standards as applied to anatomic pathology.
- a. Principles and practices of professional conduct;
  - b. Principles of interpersonal and interdisciplinary communication and team building skills;
  - c. Principles and practices of administration and supervision as applied to clinical laboratory science; and
  - d. Educational methodologies.

As part of the clinical training, PAs learn their trade from board-certified pathologists and forensic pathologists. They work side-by-side with medical students, pathology residents, and pathology fellows, often leading and training them in their pathology studies.

To obtain the training necessary in all areas, the clinical year is spent rotating to different sites. These sites include rural hospitals, large academic center hospitals, hospital autopsy, pediatric hospitals, and Medical Examiner's offices. The time frame spent at each location varies between programs; however, they all have students ending the year with at least 42 weeks or 336 hours of hands-on experience. For example, at West Virginia University each student will rotate through 6-8 different sites which are 6 weeks to 3 months long. At the end of the year, students have 33 weeks of surgical pathology experience and 9 weeks of autopsy experience (6 weeks in hospital autopsy and 3 weeks in forensic autopsy).

At the half-way point and at the end of each rotation, the student is given an evaluation from their supervisor at their current rotation site. The student is evaluated on their competency in the following areas:

1. Surgical Pathology: The ability to prepare, grossly describe and dissect human tissue surgical specimens encompassing:
  - a. Assurance of appropriate specimen accessioning;
  - b. Chronicle pertinent clinical information and history, including scans, x-rays, laboratory data etc.;
  - c. Description of gross anatomic features of surgical specimens, preparation of tissues for histological processing, collection of biological samples such as blood, tissue and toxicological material for studies such as flow cytometry, image analysis, immunohistochemistry, etc., and performing special procedures including faxitron imaging and tumor triage;
  - d. Preparation and submission of appropriate tissue sections for light microscopy (routine processing) as well as special procedures such as frozen section, electron microscopy and immunofluorescence microscopy;
  - e. Photographing all appropriate gross specimens and microscopic slides;
  - f. Performance of duties relating to the administrative maintenance of surgical pathology protocols, reports and data, including the submission of reports, protocols, photographic data or slides, assisting in the completion of specimen coding and billing;
  - g. Assurance of proper maintenance of equipment, provision of adequate supplies and cleanliness of the surgical pathology suite; and
  - h. Assisting in the organization and coordination of anatomic pathology conferences.

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2. Autopsy Pathology: The ability to perform human postmortem examination, including:
  - a. Ascertaining proper legal authorization for autopsy; PathA;
  - b. Obtaining patient's medical record/chart(s) and other pertinent data for review with the attending pathologist;
  - c. Conferring with the attending pathologist(s) to identify any special techniques and procedures to be utilized in the completion of examination (e.g. cultures smears; histochemical, immunofluorescence, toxicological, viral or electron microscopic studies, etc.), and notifying all personnel directly involved;
  - d. Notifying the physician in charge, the funeral home, and all other appropriate authorities prior to the beginning of the autopsy; and coordinating any requests for special specimen sampling (e.g. organ transplantation, research, etc.);
  - e. Performing postmortem examinations which may include: external examination; in situ organ inspection; evisceration; dissection and dictation or recording of data such as organ weights, presence of body fluids, gross anatomic findings, etc.;
  - f. Selecting, preparing and submitting appropriate gross tissue sections for frozen section analysis as well as for light, electron and immunofluorescent microscopy;
  - g. Obtaining biological specimens such as blood, tissue and toxicological material for studies including flow cytometry, image analysis, immunohistochemistry, etc.; and performing special procedures such as coronary artery perfusion, central nervous system perfusion, enucleation, inner ear bone dissection, spinal cord removal, etc.;
  - h. Photographing the body, organs, microscopic slides and other pertinent materials;
  - i. Gathering and organizing clinical information and data pertinent to the preparation of the preliminary summarization of the clinical history;
  - j. Preparing the body for release, (including indicating the presence of biohazards such as contagious diseases, radiation implants, etc.) and releasing the body to the appropriate mortuary or funeral home representative;
  - k. Performing duties related to administrative maintenance of anatomic pathology protocols; photographic and microscopic slides; and assuring the completion of coding; PathA;

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- l. Assisting in the organization and coordination of anatomic pathology conference; and
  - m. Assuring the proper maintenance of equipment, the provision of adequate supplies.
3. Administrative Duties: Performance of administrative, budgetary, supervisory, teaching, and other such duties as may be appropriate and assigned.<sup>8</sup>

Proof of competency in these areas is a requirement for graduation from any accredited program.

**3. Whether the subject matter of the proposed increased scope of practice is currently tested by nationally recognized and accepted examinations for applicants for professional licensure and the details of the examination relating to the increased scope of practice.**

Pathologists' Assistants, after they graduate from an accredited program, apply to take the nationally recognized certification exam through the American Society of Clinical Pathology (ASCP). Most employers require this certification. The exam is 100 questions, testing both didactic and clinical knowledge and is broken down by subject matter as follows:<sup>9</sup>

<b>CONTENT AREAS</b>	<b>DESCRIPTION</b>	<b>EXAM PERCENTAGES</b>
<b>FUNDAMENTALS OF PATHOLOGY</b>	General Pathology and Systemic Pathology	<b>40 – 50%</b>
<b>ANATOMIC PATHOLOGY TECHNIQUES</b>	Autopsy Pathology, Surgical Pathology, and Histological Techniques	<b>10 – 15%</b>
<b>ANATOMY</b>	Normal Microscopic Anatomy and Gross Anatomy	<b>10 – 15%</b>
<b>AUTOPSY PATHOLOGY</b>	Adult, Neonatal/Perinatal, Pediatric, and Medicolegal/Forensic	<b>10 – 15%</b>
<b>LABORATORY OPERATIONS</b>	Regulatory and Compliance, Management, Safety, and Infection Control	<b>5 – 10%</b>

It is a computer adaptive test (CAT) given over 2 hours and 30 minutes. In this system, questions will get harder if you get them right and easier if you get them

<sup>8</sup> [American Association of Pathologists' Assistants Bylaws, January, 2010](#)

<sup>9</sup> [American Society for Clinical Pathology Board of Certification Pathologists' Assistants Content & Guideline](#)

wrong. Each question is assigned a point value based on difficulty. The points of the questions answered right are totaled at the end. The score range is 0-999 and a score of 400 or greater is required to pass.<sup>10</sup>

Licensure is currently only required in California, Nevada, and New York for Pathologists' Assistants. In the future the licensure for PAs in Arizona may be appropriate to pursue as it would be more reassurance for the state and allow PAs to increase their scope of practice. Prior to the creation of an accrediting body, Pathologists' Assistants were on-the-job trained. The on-the-job trained PAs were grandfathered into the AAPA and American Society for Clinical Pathology (ASCP) and would need stipulations included in the legislature much like Nevada did in their code law below (Question 6).

**4. The extent to which the proposed increased scope of practice will impact the practice of those who are currently licensed in this state or the entry into practice of those individuals who have relocated from other states with substantially equivalent requirements for registration, certification or licensure as this state.**

Since employing PAs is a relatively new addition to the subspecialty of forensic pathology over the last few years, no previous statutes or standards in Arizona have been implemented. The addition of PAs to the list of autopsy practitioners would have no impact on other PAs currently licensed or practicing in the state, nor would it impact the entry of other individuals into the practice. The only other practitioners that have similar training, certification and licensure are physicians (forensic pathologists), and the only impact to them would be beneficial by adding qualified and certified practitioners to work under their supervision to increase their staff resources and decrease their workload.

**5. The extent to which implementing the proposed increased scope of practice may result in savings or a cost to this state and to the public.**

Expansion of the scope of practice to include PAs in the medical examiner setting will have a positive fiscal impact on the state and to the public. The potential cost savings is substantial, since the fiscal impact of hiring a PA is a fraction of the cost of hiring an additional board-certified forensic pathologist. Under the current legislative proposal, one possible scenario could be a single forensic pathologist hiring two or three PAs to work under their supervision. This would result in a very significant increase in qualified, certified and knowledgeable staff in a fiscally

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<sup>10</sup> [American Society for Clinical Pathology Exam Score Information](#)

responsible manner, to provide safe, effective and quality care to the community. All of this could be done at cost savings to each county who chooses to employ PAs as part of their forensic staff.

#### **6. The relevant health profession licensure laws, if any, in this or other states.**

The Nevada code law for licensure of Pathologists' Assistants reads as follows:<sup>11</sup>

**NAC 652.452 Pathologist's assistant: Qualifications and activities (NRS 439.200, 652.123, 652.125, 652.130).**

1. To qualify for a certificate as a pathologist's assistant, a person:
  - a. Must successfully complete a training program approved by the American Association of Pathologists' Assistants; or
  - b. Must:
    - i. Possess a baccalaureate degree with a major or minor in a biological science or an allied health field; and
    - ii. Have at least 3 years of combined experience in surgical pathology and autopsy pathology.
2. A pathologist's assistant may, under the supervision of a pathologist, assist in preparing for, performing and reporting:
  - a. Postmortem examinations; and
  - b. Surgical specimen dissection.

**NAC 652.455 Continuing education: Prerequisites to renewal of license or certificate(NRS 439.200, 652.123, 652.125, 652.130).**

1. Each director, general supervisor, technologist, technician, pathologist's assistant and point-of-care test analyst licensed or certified pursuant to this chapter shall complete 2 units of continuing education within the 2 years immediately preceding the application for renewal of the license or certificate. At least half of the total units of continuing education required must be from approved courses.
2. Each laboratory assistant or blood-gas assistant shall complete 1 unit of continuing education within the 2 years immediately preceding the application for renewal of his or her certificate.

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<sup>11</sup> [NAC: CHAPTER 652 - MEDICAL LABORATORIES \(state.nv.us\)](http://nacs.state.nv.us)

The ASCP and AAPA require 60 hours of continuing education every 3 years.<sup>12</sup> The following Arizona Statute was established for Physicians Assistants and is similar to the education level (Master's degree) of a PA.<sup>13</sup>

## **Arizona Statute Title 32, Chapter 25, Article 2**

### **32-2523. Licensure; renewal; continuing education; audit; penalty fee; expiration<sup>14</sup>**

**A.** Except as provided in A.R.S. § 32-4301, each holder of a regular license shall renew the license every other year on or before the licensee's birthday by paying the prescribed renewal fee and supplying the board with information it deems necessary, including proof of having completed, before the renewal date, forty hours of category I continuing medical education approved by the American academy of physician assistants, the American medical association, the American osteopathic association or any other accrediting organization acceptable to the board. The board shall verify continuing medical education compliance and shall randomly audit at least ten percent of physician assistants who are renewing their license within the calendar year and who do not hold a current national certification from a national certification organization for physician assistants that is approved by the board.<sup>15</sup>

**B.** Except as provided in A.R.S. § 32-4301, a holder of a regular license who fails to renew the license within thirty days after the licensee's birthday shall pay a penalty fee as set forth in rule for late renewal.

**C.** Except as provided in A.R.S. § 32-4301, if a holder of a regular license fails to renew the license within ninety days after the licensee's birthday, the license automatically expires. It is unlawful for a person to perform health care tasks of a physician assistant after the license expires.

**D.** A person whose license expires may reapply for licensure pursuant to this chapter.

**E.** If a licensee does not meet the requirements of subsection A of this section because of that person's illness, religious missionary activity or residence in a foreign country or any other extenuating circumstance, the board may grant an extension of the deadline if it receives a written request to do so from the licensee that details the reasons for this request.

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<sup>12</sup>[National Certification for Pathologists' Assistants - American Association of Pathologists' Assistants \(AAPA\) \(pathassist.org\)](#)

<sup>13</sup>[Sec 32-2523. Licensure; renewal; continuing education; audit; penalty fee; expiration, Article 2. Licensure, Chapter 25. PHYSICIAN ASSISTANTS, Title 32. Professions and Occupations, Arizona Revised Statutes \(elaws.us\)](#)

<sup>14</sup>[A.R.S. § 32-2523](#)

<sup>15</sup>[A.R.S. § 32-4301](#)

F. The continuing medical education requirement in subsection A of this section is deemed satisfied if, at the time of renewal, the licensee holds a certification in good standing from a certifying body approved by the board.

**7. Recommendations, if any, from the applicable regulatory entity or entities, from the department of health services and from accredited educational or training programs.**

Discussions with state and county health officials have shown no impact to their current practices or standards. The National Association of Medical Examiners (NAME) has not published any proposed recommendations for use of PAs, and at this time is leaving policies and procedures up to individual offices. The AAPA is supportive of any legislative steps, including licensure, that help promote the profession and expand the scope of practice for Pathologists' Assistants. No other regulatory entities will be impacted by this proposal.