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Amended: 2/24/94
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Parameters and Guidelines
Government Code s27491.41
Chapter 955, Statutes of 1989
Sudden Infant Death Svndrome Autopsies

I. SUMMARY OF MANDATE

Chapter 955, Statutes of 1989, added §27491.41 to the Government Code to require counties to conduct autopsies, as specified, on infants who die suddenly and unexpectedly, and to use Department of Health Services (DHS) protocols and forms entitled "Autopsy Protocol for Sudden Unexpected Infant Death" (DHS Form 4437 (9/91) in 27 pages) and "Death Scene and Deputy Coroner Investigation Protocol"* (DHS Form 4439 (9/91) in 23 pages), established by the Department of Health Services (DHS) in accordance with §27491.41, Chapter 955, Statutes of 1989. Future DHS standardized autopsy and death scene investigation protocols would be reflected in amendments to the parameters and guidelines upon Commission approval.

II. COMMISSION ON STATE MANDATES DECISION

On July 25, 1991, the Commission on State Mandates determined that §27491.41 of the Government Code, as added by Chapter 955, Statutes of 1989, imposes a reimbursable state mandated program or higher level of service upon counties by requiring the performance of an autopsy in any case where an infant has died suddenly and unexpectedly, as specified, and by specifying protocols established by the Department of Health Services. Future DHS standardized autopsy and death scene investigation protocols would be reflected in amendments to the parameters and guidelines upon Commission approval.

III. ELIGIBLE CLAIMANTS

Any county that incurs increased costs as the result of this reimbursable state mandated program.

IV. PERIOD OF REIMBURSEMENT

Chapter 955, Statutes of 1989, became effective January 1, 1990. Government Code §17557 states that a test claim must be submitted on or before December 31, following a given fiscal year, in order to establish eligibility for that fiscal year. The test claim for this reimbursable state mandated program was filed by the County of Shasta on January 28, 1991. Therefore, reimbursement claims may be filed for costs incurred on, or after, July 1, 1990.

Actual costs for each fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable.

Pursuant to §17561, subdivision (d)(3) of the Government Code, all claims for reimbursement of costs shall be submitted within 120 days of notification by the State Controller of the enactment of the claims bill,

If the total costs per claimant for a given fiscal year do not exceed \$200, no reimbursement shall be allowed, except as otherwise provided by Government Code §17564.

V. REIMBURSABLE COSTS

A. Scope of Mandate

Section 27491.41 of the Government Code as added by Chapter 955, Statutes of 1989, requires:

1. performance of an autopsy, within 24 hours or as soon thereafter as feasible, in any case where an infant has died suddenly and unexpectedly, as specified;
2. adherence to "Autopsy Protocol for Sudden Unexpected Infant Death" (DHS) Form 4437 (9/91) in 27 pages) and "Death Scene and Deputy Coroner Investigation Protocol" (DHS form 4439 (9/91) in 23 pages), both protocols established by DHS pursuant to Government Code §27491.41, Chapter 955/89. Future DHS standardized autopsy and death scene investigation protocols would be reflected in amendments to the parameters and guidelines upon Commission approval.

B. Reimbursable Activities of Government Code §27491.41, Chapter 955, Statutes of 1989, include:

1. providing transportation to another county when an unexpected, sudden infant death occurs and a coroner is unavailable to perform an autopsy within 24 hours, or as soon thereafter as feasible; such transportation would be provided in order to perform an autopsy and a death scene investigation that are medically timely.

2. additional time involved in following the requirements of DHS protocols , as specified herein, and their required forms and instructions, pursuant to Government Code §27491.41, hereafter referred to as: DHS protocols.
3. performing mandatory microscopic sections as required in the DHS protocols.
4. toxicology testing is performed pursuant to the DHS protocols.
5. performing microbiological testing as required by the DHS protocols.
6. completing and filing all forms of the DHS protocols with the state.
7. travel as required for the fulfillment of the DHS protocols, including such travel duties as required to perform death scene investigations and to obtain or deliver the body for autopsy, and to return the body to the original county, if it has been transported out of the county for autopsy.
8. storage of autopsy samples under appropriate conditions, including tissues and fluids, in proper receptacles, and allowing access as necessary, for periods of time as required in the DHS protocols.
9. participating in workshops, within California, for on-going professional training of employees performing mandated program activities, as necessary to satisfy the standards of the DHS protocols.

Allowable costs include, but are not limited to, initial cost of implementing DHS protocols and cost of continuing these requirements, salaries and benefits, services and supplies, postage, contracted or non-contracted services, and general and administrative costs, all of which are attributable to the implementation and continuous performance required to comply with the provisions of this reimbursable state mandated program.

VI. CLAIM PREPARATION AND SUBMISSION

Reimbursement claims should show the actual increased costs incurred by the local agency in complying with this reimbursable state mandated program. Each claim for reimbursement pursuant to this mandated program must be filed in a timely manner, and must set forth a listing of each item for which reimbursement is claimed.

Costs to be claimed should be supported by the following:

A. Employees Salaries and Benefits

Identify the employee(s); show the classification of the employee(s) involved; describe the mandated functions performed and specify the actual number of hours devoted to each function, the productive hourly rate, and the related benefits. The average number of hours devoted to each function may be claimed if supported by a documented time study.

B. Services and Supplies

Include only expenditures which can be identified as a direct cost resulting from the mandated program. List cost of materials acquired which have been consumed or expended or materials which have been retained in storage specifically for the purposes of this mandated program.

C. Allowable Overhead Costs

Cities and counties have the option of using 10% of direct labor as indirect costs or preparing a departmental Indirect Cost Rate Proposal. If the city or county elects to prepare an Indirect Cost Rate Proposal, the Proposal must be prepared in accordance with Office of Management and Budget Circular A-87 (OMB A-87).

VII. SUPPORTING DATA

For auditing purposes, all costs claimed must be traceable to source documents and/or work sheets that show evidence of the validity of such costs. These documents must be kept on file by the agency submitting the claim for a period of ho

less than three years from the date of final payment of the claim pursuant to this mandated program, and made available on request by the State Controller or his agent.

VIII. OFFSETTING SAVINGS AND OTHER REIMBURSEMENTS

Any offsetting savings the claimant experiences as a direct result of this statute must be deducted from the costs claimed. In addition, reimbursement for this mandated program received from any source, e.g., federal, state, etc., shall be identified and deducted from this claim.

IX. STATE CONTROLLER'S OFFICE REQUIRED CERTIFICATION

An authorized representative of the claimant will be required to provide a certification of the claim, as specified in the State Controller's claiming instructions, for those program costs mandated by the state contained herein.