

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: January 26, 2021

To: Chairman Marcelia Nicholson
Jason Haas, Chair, Finance Committee
Sequanna Taylor, Chair, Audit Committee

From: Jennifer L. Folliard, Director of Audits

Subject: Proposed Racine County Autopsy Contract (File No. 20-932)

Background

Our office was asked to review File No. 20-932, from the Medical Examiner requesting authorization to enter into an autopsy support contract with Racine County against the audit we released in March 2019 on the Medical Examiner's Autopsy Workload.

Our office submitted a status report tracking the Medical Examiner's efforts to implement our recommendations in November 2020 (File No. 20-854), whereby we reported that of the seven original recommendations, two remain open at this time.

The proposed contract with Racine County directly relates to the findings and recommendations we discussed in Section 2 of our original audit report (pages 41-51) regarding contracts and autopsy fees. A link to our original report can be found below.

<https://county.milwaukee.gov/files/county/comptroller/Audit/Audit-Reports1/2019/UpdatedMedicalExaminerReport01-16-20201.pdf>

Discussion

Lack of Contracts

One of the major findings of our audit was that during 2013 to 2018 Milwaukee County's Medical Examiner performed referral autopsies for 17 counties, but only had properly executed contracts for autopsy services in place with two counties (Racine and Kenosha). One of our recommendations was to execute contracts with entities that did not currently have a contract. Racine County has the second largest autopsy workload for Milwaukee County's Medical Examiner's Office. The Medical Examiner had a properly executed contract with Racine County that was effective from 2018 to 2020 that was Board approved. We did compare the prior contract to the newly executed contract and were pleased to see that additional standard contract language has been added to the newest contract with Racine County including language regarding subcontracts, severability and public records clauses.

Recommendation #4:

Immediately execute contracts or other formal agreements such as letters of engagement with any outside entity for which they are performing autopsy services, brain or other extractions or other professional services.

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Fees

Our audit also discussed fees charged for autopsy services. State Statute 979.22 states, "A medical examiner may perform autopsies and toxicological services not required under this chapter and may charge a fee established by the county board for such autopsies and services. The fee may not exceed an amount reasonably related to the actual and necessary cost of providing the service." We found the fees charged to be reasonably related if not too low. While a flat rate per autopsy was charged during our review, the rate varied by county. Our review of 2018 rates charged showed a range of rates from \$1,250-\$1,600, with the majority of counties paying \$1,500. We concluded that additional analysis needed to be done, and included the following recommendation.

Recommendation #5

Conduct an analysis to determine the appropriate cost to conduct an autopsy and establish fees at that amount and seek County Board approval of the fee schedule once complete.

In September of 2020 the Comptroller's Office issued File No. 20-711 that found that a projected rate per autopsy of \$1,665 based upon the current location of the Medical Examiner's Office. The report found that a reasonable cost to charge for the autopsy if the office relocated to a new forensic building to be closer to \$2,113 per autopsy. The Comptroller's Office did review the fee of \$1,700 established in this particular contract and reported to us that they found the fees charged in this contract to be appropriate based on their estimates. The prior fee paid by Racine County was \$1,600.

The final section of our report discussed efforts to relocate the Medical Examiner's Office. As we stated in the "Audit Comment" included in the April 2020 status report, we believe that any fee analysis should be reevaluated and updated if the Medical Examiner relocates to a new facility. While there is no mention of a possible relocation within the contract and no possible escalator of fees if that relocation were to occur, the contract does allow for a thirty day termination for any reason with proper notification. Also, it should be noted that included in the 2021 Adopted Capital Budget for Project WC209: Forensic Science Center is a projected project end date of 2024 which is beyond the range of the pending contract with Racine County. Language in the Adopted Budget also includes that "A report shall be submitted to the County Board of Supervisors no later than the March 2021 meeting cycle that includes an updated final projected cost to complete the buildout and routine lease payments for a new Forensic Science Center. The analysis and the future impact of constructing and operating the facility relative to other capital improvement needs within the County shall be included."

Conclusion

We appreciate the opportunity to review this agreement against the findings of our recent audit. As we stated in the audit comment contained in our status report grid for recommendation 4, "The execution of contracts or letters of engagement are viewed as essential by the Audit Services Division and required per the Contract memo issued by the Office of the Comptroller..." We support the Medical Examiner's efforts to continue to enter into a formal agreements with Racine County.

Policymakers may wish to ask the Medical Examiner's Office whether there are any plans to evaluate future fee changes should any office relocation occur in anticipation of future contracts beyond 2024.

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A handwritten signature in blue ink that reads "Jennifer L. Folliard / PAG". The signature is written in a cursive style.

Jennifer L. Folliard

JLF/cah

cc: Scott B. Manske, CPA, Comptroller, Milwaukee County
Brian L. Peterson, M.D., Chief Medical Examiner, Milwaukee County
Kelly Bablitch, Chief of Staff, County Board Staff
Karen Domagalski, Operations Manager, Medical Examiner's Office
Steve Cady, Research and Policy Director, Office of the Comptroller
Shanin Brown, Committee Coordinator, County Clerk