

INDIANA STATE CORONERS TRAINING BOARD

NEWSLETTER

September 2007

2007 Annual Coroners Conference

The Indiana State coroners Association in conjunction with the Indiana State Coroners Training Board held the annual coroners conference June 23-26, 2007 at the Holiday Inn Conference Center in Columbus.

The conference was hosted by Bartholomew County Coroner Larry Fisher and his staff. The conference was well attended with over 250 individuals in attendance.

We would like to especially thank our vendors who participated during the conference: Aftermath, Inc., AIT, Bio-Tech Emergency Service, Bio-Trauma, Centennial Products, Clean X-Treme, Community Tissue Services, Crisis Cleaning, DMS, Donor Services of Indiana, Forensic Services, Gift of Hope, Indiana Lions Eye Bank, Indiana Memorial & Cremation Service, Inc., IOPO, Metro Restoration, Inc., Randox Laboratories



During the conference we had the pleasure of having our youngest deputy (18) and oldest deputy coroner (80) attending. It is with great dedication that both of these individuals love and appreciate the role of the coroner.

Linden Cullen, Daviess County Deputy Coroner Linden was born on 25 May 1927, the year Lindenburg made his famous flight, thus how Linden got his name. He was born in Providence, KY. He was a tremendous High School Athlete, never beaten in the mile run and made it to the sweet 16 in the State Basketball finals. One of two times in the Schools History it made it to the State Finals. He is married to Joyce Hinton Cullen, his beautiful blue eyed blonde, for 57 years now. They met on a blind date and my mom proposed to him on their third date. He is the father of three children; Stephen, who is a physician in Washington, IN and the current Daviess County Coroner, Charlotte, who resides in Evansville, IN. and like her father, has never met a stranger and can sell ice to an Eskimo, and Timothy, who is a CPA, Physician, and now in Law School and getting his Masters in Accounting at the same time. Linden was in full time church work for 24 years at the Washington Avenue Baptist Church in Evansville, IN. He is a God fearing man and readily shares his faith to all who will listen. All of his children love and respect him and our mother

and try to walk in their footsteps. He was the Daviess County Coroner for 8 years and has been the Chief Deputy Coroner for 12 years.

Amanda Barnett, Jay County Deputy Coroner; Amanda is our youngest deputy coroner at the age of 18, currently attending IUPUI studying forensic science and nursing to one day become a forensic nurse. This past summer she worked as a lifeguard, deputy coroner, and she worked in a factory to earn money for school. She was also the 2nd runner- up in her county fair's queen pageant. In high school she was involved in the following activities: Campus Life, Band, Swimming, Golf, Bowling, Student Council, VOICE, JCL, and National Honor Society. Also, she is involved with her church's youth group, and has been to the Dominican Republic twice on mission trips with them.

2008 Annual Coroners Conference

The 2008 annual Coroners conference will be held at the Grand Wayne Convention Center/Hilton, Ft. Wayne from June 21-24, 2008. Dr. Jon Brandenberger, Allen County Coroner and his staff will be hosting the event.

It is not too early to begin thinking about presenting a case during the annual conference. Most coroners and deputies have at least one case a year that is unique and interesting. We can share and learn together in a related atmosphere. If you would like to present a case, contact Lisa Barker @ coroners@tds.net or 877-692-7284.

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Dr. David Dennis Scholarship

The ISCA Board of Directors offers \$1,000. scholarships per year from the Dr. David Dennis Scholarship fund to students that will be pursuing a field of forensic science, death investigation or related field. The deadline for applications is March 1, 2008.

For information regarding the scholarship fund Contact Lisa Barker at 877-692-7284.

Indiana State Department of Toxicology

By: Peter F. Method, Ph.D.

There has been some recent information from the Indiana Criminal Justice Institute concerning the analysis of postmortem blood and urine samples for alcohol and other drugs. Though I have not seen a copy of the information provided, two Coroners have brought to my attention a couple of points concerning the Indiana State Department of Toxicology (ISDT). I want to clarify our situation, so there is no misunderstanding.

It is my understanding that at one time the ISDT Forensic Lab performed analyses on all samples suspected of having alcohol or other drugs in them. This service was provided with no charge to the submitting agency. However, over the years, the appropriation from the Legislature for such testing was reduced significantly below the need. At some point, the decision was made that ISDT could not serve all needs. The choice was made to support primarily the OVWI program. Starting at that time, testing on samples submitted from Coroners and other non-law-enforcement agencies a charge to the agency. As time went on, fewer and fewer Coroners sent samples to us. In the meantime, samples from OVWI investigations increased significantly, and appropriations actually decreased. Since I came to ISDT in 2001, the number of OVWI tests increased over seven-fold, while our annual appropriation decreased by about 10%.

During the 2007 legislative session, our appropriation increased significantly. This will allow us to set a course for expanded support of the people of Indiana through increased testing. Our first priority is to bring in a new Director. Once that person is on board, he or she will make decisions about our future direction. While the direction may include providing the testing needed by Coroners, that decision must come from the new Director; it would be inappropriate for me to decide at this time. Some of the input to that decision would be the increased need for drug testing in possibly impaired drivers, including developing procedures for drugs for which we at present have no way of testing. The needs of Coroners will also be part of that input.

While I will not change the ISDT policy concerning charges for testing of samples, I will collect information related to the needs of the Coroners in Indiana, and present that information to the incoming Director once he or she is on board. Please send relevant information to our department. Our contact information is listed below.

In the meantime, ISDT continues to accept samples from Coroners, but will continue to bill them for our testing services.

Peter F. Method, Ph.D.

Acting Director

Indiana State Department of Toxicology

550 West 16th Street, Suite A

Indianapolis, IN 46202

Phone: (317) 274-7825

FAX (317) 278-2836

Website: <http://isdt.iusm.iu.edu>

Certification and CEU's.

By: Tony Ciriello, CTB Director of Training

As you should all be aware of by now the 2007 General Assembly passed into a law the requirements for all coroners and deputies to obtain their certification as a Medicolegal Death Investigator in the State of Indiana. Also in conjunction with this law the Indiana State Coroner's Training Board enacted an emergency addition to IAC 207 which requires the same certification and also requires that CEU's now be obtained.

As far as the certification process goes all elected coroners must complete their certification by December 31, 2007 as the law prescribes that this must be done in 6 months (effect July 1, 2007).

All appointed or hired deputy coroners have until June 30, 2008 to complete their certification as this law prescribes 1 year for them. However those who have been in the process under the old rule need to get your certification finished, as you are past due as previously prescribed by the law and the new law does not give you a reprieve.

The law also states that all certified Medicolegal Death Investigators need to obtain 16 hours of continuing education every 2 years. This period will run from June 1, 2007 to May 31, 2009 for the first round of CEU's.

If you have any question please do not hesitate to call Lisa Barker or myself.

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A Positive Image for your Coroner's Office

By: Leon Hurlburt, Huntington County Coroner

The traffic accident that killed Huntington County resident Chris Mason was the result of terrible decisions

by young people who were sure they knew better. Now his parents, along with the man who was behind the wheel that night, and his family, have released a video on DVD that they hope might keep others from experiencing the kind of nightmare they have lived since the early-morning hours of May 7, 2005. Chris's parents have been called to the accident scene, where the best news they could be given was that their son was still breathing. "We spent the next 17 hours watching him die," Chris's father recalled of the vigil that ended with the decision to take Chris off life support.

The unscripted commentary is a departure from the scared-straight bombastic of similar efforts to get through to your people. The video is not gruesome or preachy, but the pain is palpable. Everyone who has viewed the DVD uses the same word to describe it: "Powerful,"

As the Huntington County Coroner I was asked to be involved in a convocation at our local High School. Most of our work deals with negative news and tragedy. But this was a situation where I was able to share some preventive information. Information that can help prevent death. It was a great way to get the Coroner's Office some positive exposure. I shared my views on the emotional pain side of a death investigation and had the students watch the DVD "Regret".

"When it was over, you could have heard a pin drop. Seeing the pain that the parents, the brother, the friends are going through speaks volumes to these young people. You could see it on their faces." This makes such a huge impact in the message that it brings. It's just so compelling and remarkable well done. There have been over 365 of these DVD's distributed all over the county. It is an excellent tool for Alcohol Awareness education. I highly recommend it for all Coroners to use, so you can show that you are doing something positive for your community.

We need to show the community that we are serious about preventing death and not just dealing with it after the fact. As, Coroners we need to be proactive in this cause and show a positive image. If you are interest in adding this DVD to your public awareness program just e-mail me at leon.hurlburt@huntington.in.us and I will let you know how you can obtain a copy for a minimal fee.

Again, I highly recommend it.

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WHAT DOES A POWER OF ATTORNEY MEAN?

By John Grollich, Marshall County Coroner

This Coroner's Office had a case in which there was a power of attorney in effect that was not handled properly; the power of attorney was not recognized in accordance with the law. Don't let yourself get caught up in the emotions of others, please know the law, and let's not forget whom we are here to speak for!

After the death of one of the parties of a same sex relationship and after not properly handling that case, I would be remiss not to share this information with all our Coroners of Indiana.

A power of attorney is a legal document prepared for two parties to avoid conflict in time of a crisis. It is a document which you "the principal" sign giving another person, "the attorney in fact" the authority to handle your affairs. Let us, as Coroners and Deputy Coroners understand the law. Usually with the assistance of a State Bar Association Certified Attorney, a power of attorney is a legal document that is recognized between "the principal" and "the attorney in fact" to assist both parties in directing conduction of legal matters.

In the mindset of today, as we encounter those that choose to cohabitate or even same sex relationships sometimes create stressful moments for Coroners and Deputy Coroners in our attempt to provide service to those we serve.

A responsibility of the County Coroners and Deputy Coroners is to be knowledgeable of current laws that govern us as public servants and the public, our customers.

Under a law passed in the Indiana General Assembly in 1991, all powers of attorney are "durable". This means that your power of attorney remains in effect even if you later become incapacitated, unless the document states otherwise.

You can also delegate very broad authority to your attorney in fact, including the authority to make decisions including the withholding or withdrawal of health care, as long as your attorney in fact is not a suspect in the cause of death of the principal.

However, if you want your attorney in fact to have this type of authority, you must also execute a separate health care representative appointment and attach the appointment document to the power of attorney. The Power of Attorney Act specifically states that certain language be contained in the separate appointment of a health care representative document in order to give the attorney in fact/health care representative the authority.

Using the power of attorney, you can choose to nominate a guardian to serve in the event a court determines you need a guardianship at some later time. The court in the selection of the guardian must give the person you nominate first priority.

A guardian has no power to revoke or amend your valid power of attorney without a specific court order to do so. A court cannot make this kind of order without first holding a hearing.

You can revoke or change your power of attorney any time you choose. You must give notice of the revocation to your attorney in fact. If you do not appear to have the capacity to change or revoke the power of attorney, an interested person may petition a court for instruction. In the event of a desire to change or revoke a power of attorney, a hearing must be held and notice of the hearing given as the court directs.

The power of attorney may also end if you stated any time limit on the powers and the time expires; or, if you created the power of attorney to accomplish a specific task, and the task is completed.

There are important differences between a power of attorney and a guardianship.

Giving a power of attorney is voluntary; you choose to give the power, you choose the exact powers to give and you choose the person to whom you give these powers. Guardianship may be voluntary, but a court might appoint a guardian even if you do not want one, and the court might appoint someone you would not choose to represent you, so be careful whom you communicate with.

- 1) You cannot create a power of attorney unless you are capable at the time you give the power, although your power of attorney continues to take effect after you become incapacitated or unless otherwise directed. On the other hand, a guardian is appointed for you only if you are incapacitated.
- 2) You can "cancel" a power of attorney any time; it is very difficult to "cancel" a guardianship.

Because a power of attorney allows more freedom and flexibility than a guardianship, one might want to create a power of attorney now to avoid guardianship later.

Let's talk about a couple of state statutes. We will talk first about IC 30-5-10-4 Death of principal: missing or missing in action Sec. 4.

- (a) Except as provided in subsection (b) and (c), a power of attorney terminates on the death of the principal.
- (b) The death of the principal who has executed a written power of attorney does not revoke or terminate the power as to the attorney in fact or other person who, without actual knowledge of the death of the principal, acts in good faith under the power. Unless otherwise invalid or unenforceable, an action taken under this subsection binds the principal and the principal's successors in interest.
- (c) The death of a principal who executes a written power of attorney does not revoke or terminate the power of attorney as to authority granted under IC 30-5-5-16 (b) (5) through IC 30-5-5-16 (b) (7). An action taken under this subsection binds the principal and the principal's successors in interest, unless the action is inconsistent with a written directive executed by the principal before the principal's death.
- (d) Notice from the United States Department of Defense of the death of a principal who has given a power of attorney is official notice of the death of the principal. A report or listing of the principal's being missing or missing in action does not do any of the following:
 - (1) Constitute and may be interpreted as actual notice of the death of the principal.
 - (2) Terminate the power of attorney.

WHAT DOES A POWER OF ATTORNEY MEAN? (cont.)

The second and probably the most important statute we will look at, or at least the one that impacted our office the most is, IC 30-5-5-16 Health care powers; religious tenets Sec. 16.

- (a) This section does not prohibit an individual capable of consenting to the individual's own health care or to the health care of another from consenting to health care administered in good faith under religious tenets and practices of the individual requiring health care.
- (b) Language conferring general authority with respect to health care powers means the principal authorizes the attorney in fact to do the following:
- (1) Employ or contract with servants, companions, or health care providers to care for the principal.
 - (2) If the attorney in fact is an individual, consent to or refuse health care for the principal who is an individual in accordance with IC 16-36-4 and IC 16-36-1 by properly executing and attaching to the power of attorney a declaration or appointment, or both.
 - (3) Admit or release the principal from a hospital or health care facility.
 - (4) Have access to records, including medical records, concerning the principal's condition.
 - (5) Make anatomical gifts on the principal's behalf.
 - (6) Request an autopsy.
 - (7) Make plans for the disposition of the principal's body.

If you only get one thing from this article please take my advice and discuss this issue with your County Attorney before you get hit in the face with it!

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A Wild and Woolly Ride at the Legislature

By Rick Cockrum, ISCA Lobbyist

I thought that I had a pretty good idea what county coroners were up against when I submitted a proposal to represent ISCA at the statehouse in Indianapolis. Boy was I wrong! Every so often there is a group or an industry that gets targeted for legislative scrutiny and proposed changes. This year, it was county coroners.

There were over a dozen bills filed that impacted your office. They ranged from a constitutional amendment to allow the legislature to enact qualifications for the office before a candidate could run to something as simply as clarifying the appropriate treatment of a body. In between, were issues such as identifying missing persons, organ procurement procedures, child autopsies and investigations and converting Indiana to a medical examiner state.

In addition to the above, ISCA had its own agenda of increasing the penalty for disturbing a death scene and increasing the death certificate fee to pay for more coroner training.

Thanks to the members, staff (Lisa Barker), and officers, we were able to defeat the most onerous legislation and enact our proposed agenda. This was due to a team effort and of many county coroners talking directly to members of the General Assembly. We started off by identifying legislators who would champion our causes. ISCA had already laid the groundwork by having its members educate legislators about the needed changes. The board and legislative committee sat down with me and we went through a list of proposed "champions" for our issues. We asked Representative Win Moses in the House and Senator Dennis Kruse in the Senate to carry our bills. We then asked numerous other members to sign on as co-sponsors. We were able to get several House and Senate members to sign on because county coroners throughout the state had already spoken with them.

Perhaps our biggest challenge was the proposed constitutional amendment to change the qualifications for office. That resolution passed out of an interim study committee 11-0 and it passed out of the Senate Health Committee (notwithstanding great testimony from Rick Dowden, Leslie Cook and Tony Ciriello) by a vote of 10-1. Senator Ryan Mishler was the only NO vote. However, when the resolution got to the floor of the Senate we were able to get 27 NO votes and defeated the proposal. What got me fired up when lobbying was almost every Senator I spoke with told me that he/she had heard from their coroner(s). In addition to that great win, we were also able to change a bill that was going to take coroner training away from the Coroner Training Board and give it to the State Police Academy. Again, it was a team effort that gave us the results.

What's Next

As we are going into a short legislative session that will be dominated by property tax reform, we should expect little activity on coroner issues. However, that does not mean we should let our guard down. On the contrary, there will be those who may use the local government reorganization debate as a way to revive a medical examiner system. Their argument may well be that by eliminating a local office and have the state take over; it could save on property taxes. We will continue to be vigilant on those issues.

We have established ourselves, due to ISCA previous work and the persistence of its members, as an organization of well-trained professionals. Legislators are already responding in ways such as contacting me unsolicited to ask what ISCA thinks about a proposal. They are aware of our presence and know that we will be engaged on issues that affect your office. So, pat yourself on the back for a great session and then role up your sleeves and get ready for the next.

Coroner ME update

By: John Cox, Benton County Coroner

Your IT team continues to work to improve your Coroner ME program. We took your input from the June Conference and continue to build on it. Andy Rumph (Jackson County Coroner) continues to work hard to improve and develop the program to make it as easy and user friendly as possible. Your IT team continues to take your input and passes it along to Andy as it comes in.

I recently attended the August meeting of the State Traffic Records Commission (TRCC) in Indianapolis. This meeting is part of the requirement for the equipment grant that put the laptops and printers in your hands. To keep the equipment and be eligible for future grants we must stay in compliance with the grant requirements by using the Coroner ME program and specifically, the MVA tab. At our June conference Coroners across the State were inputting about 40% of the decedent data from fatal crashes as reported by police departments at that time. In other words, if the police across the State reported 100 traffic fatalities, according to the data pulled down from the Coroner ME MVA tab, we as coroners only reported 40 fatalities. Since then our compliance rate has fallen to 33% of the decedent information from fatal crashes.

FARS reporting is not new to any of us. As Coroners we must do a better job of reporting data on fatality crashes to the State or risk losing the current equipment and future grant opportunities. As an association board member I urge you to help us stay in compliance with our grant and fill in all of the information in the MVA tab. On September 13th Andy and I will make a presentation to the TRCC on the Coroner ME program. I am hoping to report that our compliance is above 40% again and well on its way to 100%!!

If you are having problems or simply need to ask questions about the Coroner ME program, please contact Andy Rumph at andy_rumph@yahoo.com, Gordon Becher at gbecher@Charter.Net or me at banjoman@starband.net.

Your Association Board appreciates your help with this important matter.

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CTB Information

For information regarding the Coroners Training Board:

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coronertraining@earthlink.net

website: <http://www.state.in.us/ctb>

Deaths

Our thoughts and prayers are with Kevin Evan's family. Kevin was a Grant County Deputy Coroner from 2000-2006.

Our thoughts and prayers are with David Corn's family. David was a Gibson County Deputy Coroner 2001-2007

Our thoughts and prayers are with Volitta Fritsche, Morgan County Deputy Coroner whose son Ryan died in Afghanistan in July.

Update your roster

The Coroners Training Board is asking for your help in keeping your data current. It is necessary that coroners and deputy coroners' data is in the CTB database. This information is used for tracking CEU's mailers and current training updates.

Please send updated information to Lisa Barker @ coroners@tds.net

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Class registration will start at 7:15 am on the first day of training. You will receive the materials needed for this course at that time. If you are over 50 Miles from the Sheraton you can arrive on the night of October 9th and the CTB will pay for this night also.

Call Lisa Barker at 877-692-7284 to register for the training. You are responsible for calling the hotel directly by September 15th for the October class at 317-846-2700 to book your sleeping room. Please make sure you tell them you are attending the coroners training as we have a block of rooms held for our group at the state rate.

On-Line Retesting

On-Line retesting is available. Retesting has to be secure and proctored, so individuals who wish to use the web retesting option simply contact Lisa Barker @ 877-6927-7284 and give her your test site information (name/phone number of educational institution and date). Allow at least 2 weeks prior to your testing.

The site will be contacted by Dr. Steve Clark (ORA) and all necessary log-in and password information will be sent to the test site coordinator (proctor) and the candidate.

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2007 & 2008 Certification Exam

October 14, 2007 – Sheraton Hotel & Suites
December 1, 2007 – Sheraton Hotel & Suites, Indianapolis
February 3, 2008 – Sheraton Hotel & Suites
June 21, 2008 – Grand Wayne Convention Center
December 14, 2008 – Sheraton Hotel & Suites

Please call Lisa Barker at 877-692-7284 to register for the exam. You MUST register by the first of the month you plan to test. Two weeks before the exam you will be sent an admission ticket that you will need to present, along with a picture ID in order to sit for the exam.

REMINDER: Mail your completed externship to: Monte Johnson, ORA, 124 Elm Street, Big Rapids, MI 49307