

MEDICAL EXAMINERS COMMISSION MEETING

Waldorf Astoria Bonnet Creek Orlando
14200 Bonnet Creek Resort Lane
Orlando, Florida 32821
August 4, 2021 10:00 AM EDT

Commission Chairman Stephen J. Nelson, M.A., M.D., F.C.A.P, called the meeting of the Medical Examiners Commission to order at **10:02 AM**. He advised those in the audience that the meetings of the Medical Examiners Commission are open to the public and that members of the public will be allowed five minutes to speak. He then welcomed everyone to the meeting and asked Commission members, staff, and audience members to introduce themselves.

Commission members present:

Stephen J. Nelson, M.A., M.D., F.C.A.P., District 10 Medical Examiner
Barbara C. Wolf, M.D., Districts 5 & 24 Medical Examiner
Nick Cox, J.D., Statewide Prosecutor, Office of the Attorney General
Robin Giddens Sheppard, L.F.D., Funeral Director
Kenneth T. Jones, State Registrar, Department of Health
Hon. Charlie Cofer, J.D., Public Defender, 4th Judicial Circuit
Hon. Carol R. Whitmore, R.N., Manatee County Commissioner

Commission staff present:

Vickie Koenig
Chad Lucas
Megan Neel

Brett Kirkland, Ph.D.
James D. Martin, J.D.

District Medical Examiners present:

Russell S. Vega, M.D. (District 12)
Joshua D. Stephany, M.D. (Districts 9 & 25)
Sajid S. Qaiser, M.D. (District 18)
Marta U. Coburn, M.D. (District 20)

Patricia A. Aronica, M.D. (District 19)
Jon R. Thogmartin, M.D. (District 6)
B. Robert Pietak, M.D. (District 4)
Wendolyn Sneed, M.D. (District 15)

Other District personnel present:

Terrill L. Tops, M.D. (District 15)
Marie Havens (Districts 9 & 25)
Karla Orozco (District 7)
Mary Ripple (District 7)
Wendy Lavezzi, M.D. (Districts 5 & 24)
Carmen Chandler (District 2)
Tera A. Jones, M.D. (Districts 5 & 24)
Erik Handberg, M.D. (District 11)
Tim Crutchfield (District 4)
Catherine Miller, M.D. (District 15)
Jesse C. Giles, M.D. (District 9)

Sheri Blanton (Districts 9 & 25)
Bill Pellan (District 6)
Lindsey Bayer (Districts 5 & 24)
Anthony Vinson (District 15)
Bruce Goldberger (District 8, UF)
Anthony Clark, M.D. (District 2)
David Winterhalter (District 12)
Chantel Njiwaji, M.D. (Districts 9 & 25)
Ami Murphy, D.O. (District 1)
Marlon S. Osbourne, M.D. (District 15)
Wilson A. Broussard, M.D. (District 12)

Guests present:

Phil Roberts (Axis Forensic Toxicology)
Michael Turner (UF)
Concha Prieto (FL-DOSE DOH)
Jonathan Rigsby (FDLE)
Jenn Cruz-Mercado (Corneagen)

Trevor Templin (Axis Forensic Toxicology)
Heather Hoog (LEITR)
Connie Shingledecker (SCDRT)
DiAnn McCormack (Corneagen)
Tinene Alter (NMS Labs)

Nick Cleary (LifeLink)
Susan Rabel (LifeLink)
Lance Davis

Liz Lehr (LifeLink)
Heather Hoog (LEITR)
Delia D'Ambra (Audiochuck Podcast Network)

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE AGENDA.

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ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Commission Chairman Dr. Nelson announced that former District 17 Medical Examiner Joshua A. Perper, M.D. passed away on July 12, 2021.
- Status Report: MEC Appointments and Reappointments: Bureau Chief Brett Kirkland informed the Commission that the reappointment paperwork for Dr. Stephen J. Nelson, Dr. Barbara C. Wolf, and Mrs. Robin Giddens Sheppard are in the Governor's Appointments Office and they have everything they need for those reappointments. Additionally, the appointment paperwork for the County Commissioner seat as well as the vacant State Attorney and Sheriff Seats have been submitted to the Governor's Appointments Office and they have everything they need for the appointments. We are currently awaiting approvals from the Governor's Appointments Office.
- Status Report: DME Appointments and Reappointments: Mr. Kirkland informed the Commission that all District Medical Examiners are currently pending either appointment or reappointment. The Governor's Appointments Office has stated they have received all necessary paperwork for the appointments and reappointments. We are currently awaiting approvals from the Governor's Appointments Office.
- New District 17 Medical Examiner: Dr. Nelson informed the Commission that Dr. Mallak retired from his position as District 17 Medical Examiner on June 13, 2021. Rebecca MacDougall, M.D., was named the Interim District 17 Medical Examiner until she was appointed as the District 17 Medical Examiner on July 16, 2021.
- District 11 Medical Examiner Vacancy: Dr. Nelson informed the Commission that there is a District 11 Medical Examiner vacancy expected when Dr. Lew retires at the end of August.
- 2020 Annual Drugs in Deceased Persons Report: Mrs. Megan Neel informed the Commission that data has been received from all districts and sent to the Quality Assurance Committee (QAC). The QAC has returned data from a couple districts and she is expecting more in the coming weeks.
- 2020 Annual Workload Report: Mrs. Neel reported that all data has been received and she is preparing the first draft of the report for proofing.
- 2020 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mr. Lucas reported that the Bureau for Justice Assistance (BJA) released funding for the 2020 Coverdell Grant

on February 23, 2021. Award packages were e-mailed to participating districts on 03/01/2021 and MOUs were mailed out the week of 03/22/2021. Districts are authorized to begin spending, but reimbursements cannot be completed until signed memorandums of understanding (MOUs) have been received by the grant manager. To date, only three reimbursement requests had been received and there is one pending Budget Amendment Request. Mr. Lucas also informed the Commission that on 05/11/2021 the Medical Examiner allotment for the 2021 Coverdell Grant was announced. The 16 participating Districts will be splitting \$51,440.

- **Postmortem Toxicology Lab Director's Meeting Update:** Mr. Kirkland informed the Commission that representatives from the University of Florida, Axis Forensics, NMS Labs, Broward County, Pinellas County, Steward Reference Lab, and the Miami-Dade Medical Examiner's Office met virtually on July 7, 2021. Dr. Goldberger thanked Mr. Kirkland for organizing the meeting and said that it really helped the lab directors get on the same page about what they are doing and what they should be doing in the future regarding emerging drugs. It was decided that the directors would meet quarterly, a few weeks before each MEC Meeting, to discuss trends so that Dr. Goldberger could give a more real-time overview of emerging drugs to the Commission. All of the labs are expecting to have a designee attend the meetings as well, which should bring meeting attendance to at least 20 people quarterly. Mr. Kirkland also noted that in the future there will also be other representatives present at the meeting, including some from the Statewide Prosecutor's Office and Office of Statewide Intelligence. They had planned to participate in the first meeting, but had to cancel at the last minute due to Tropical Storm Elsa. The meetings are open to any Medical Examiner who is interested, as well as law enforcement, someone from the Attorney General's Office, etc.

ISSUE NUMBER 2: REAPPOINTMENT NOMINATIONS FOR DISTRICT 1

The Commission reviewed the constituent surveys for the reappointment of the District Medical Examiner in District 1 (Escambia, Okaloosa, Santa Rosa, and Walton Counties). Surveys were not originally sent out to constituents in District 1 in January because Dr. Oleske was appointed District 1 Interim Medical Examiner at the beginning of November 2020.

Mr. Nick Cox commented that he found the letter Dr. Oleske sent in response to the negative comments received was very helpful to him. He felt it was important that the Commission realize that positive change can take a little bit of time. Mr. Charlie Cofer agreed with and thought the letter was very responsive to some of the comments she received and showed positive steps on her part to address issues that were stemming from a troubled office prior to her appointment. The constituents of this district overwhelmingly responded with approval to the incumbent medical examiner. A motion was made, seconded, and passed unanimously to recommend Deanna Oleske, M.D., to the Governor for reappointment as the District 1 Medical Examiner.

ISSUE NUMBER 3: VA GRANT: PTSD & CHRONIC TRAUMATIC ENCEPHALOPATHY

Deborah C. Mash, Ph.D., made a presentation to the Commission regarding a new grant through the Department of Veterans Affairs for genomic research related to Post Traumatic Stress Disorder in veterans. The presentation gave a brief overview of how the Florida node of the Department of Veterans Affairs Biorepository Brain Bank (VABBB) will operate as a cooperative network to promote collaboration and coordination among the biobank and project within the VABBB, as well as any research entities in the state that have similar goals. Important to the mission are the donor tissue and eye banks in Florida. The Florida coordinating sites located at the University of Miami and Nova Southeastern University will accession and process the brain and tissues according to standard

operating procedures established by Boston University under the direction of concussion researcher Dr. Ann McKee.

The hope is that the VABBB will learn of candidates for next of kin donation from Florida Medical Examiners who identify cases with veterans. The tissue and eye banks will request consent for recovery and consent brain and tissues for research. The family decision maker will only need to engage with the VABBB coordinator once, as there will be open consent. The consent given in this engagement is valid for the extraction of the brain, the storage of the sample and data, and all further research uses of collected materials. All costs associated with the process will be borne by the VABBB.

Barbara Wolf, M.D., said one thing that might hamper the Medical Examiners from working with her and the VABBB and it is that they tend to have a real problem getting medical records from the VA in a timely fashion. She went on to say that there would need to be a mechanism established so that they would know a decedent's veteran status and possible PTSD diagnosis before they proceeded with an autopsy. Dr. Mash said that she is correct and that not all VAs are very forthcoming when it comes to providing medical records in a timely fashion. She then went on to say that the VABBB just needs to know that the decedent is a veteran. Dr. Wolf said that is a standard question that their investigators ask during an investigation.

ISSUE NUMBER 4: UNIDENTIFIED DECEASED INITIATIVE

Mr. Lucas reported the following success story from District 17:

On April 17, 2021, an unknown male was found deceased along the exit ramp of Interstate I-95 and Atlantic Blvd in Pompano Beach, Florida. The unknown male was in the beginning stages of decomposition and had no identification on or around his body. We later learned he had no fingerprints on file in the state, local, or federal databases. A search of the missing person reports in the area yielded negative results. The Florida Highway Patrol canvassed the area and learned from local homeless the decedent was new to the area and no one knew his name or any information on where he was from. A local forensic artist did a composite sketch of the decedent and his tattoos for a press release that was sent out to local news and social media outlets. In the following days, several leads were called in, however, none revealed the identity of the decedent.

On May 10, 2021, the Broward County Office of Medical Examiner and Trauma Services received a phone call from a family member out of State looking for their missing loved one who was last known in the South Florida area. Upon further questioning, it was determined the missing person resembled that of our unknown decedent. Through further investigation, on May 11, 2021, the unknown decedent was identified by scientific means as being the missing person from the phone call.

ISSUE NUMBER 5: EMERGING DRUGS

Dr. Goldberger provided the Commission with an update on new drug trends. The most notable finding on the FDLE crime lab drug data summary is fentanyl and fentanyl mixed with fluorofentanyl. Other notable findings on the FDLE crime lab drug data summary include the designer benzodiazepines clonazolam, etizolam, bromazolam, and flubromazolam as well as the cathinone eutylone. There are a fair number of synthetic opioids reported including xylazine, flunitazene, and metonitazene. The University of Florida Toxicology Lab has also identified two cases, one in Sarasota and one in Winter Haven, of the newly emerging designer opioid 2-methyl AP-237. They are

currently developing a method to quantify that drug. Also noted was the number of drugs in tablet form that contain markings mimicking prescription drugs.

ISSUE NUMBER 6: OTHER BUSINESS

- Mr. Ken Jones discussed the Department of Health OD2A Grant. The grant makes \$551,068 available to Medical Examiner Offices for toxicology testing, equipment purchases, consumable goods, staffing expenses, and other various things. He encouraged the Medical Examiner Offices to read the letter that Michael Leffler will be sending out and to sign up to participate in the grant. He also advised that the Department of Health has developed a mechanism to help with the purchasing of goods, testing, etc. in order to help any districts that may experience troubles with going through their county officials. Dr. Goldberger also encouraged the Medical Examiner Offices to contact the Department of Health and participate in the grant. As he knows it, the grant funds are scheduled to be released September 1, 2021.
- Ms. Delia D'Ambra, an investigative journalist with the Audiochuck Podcast Network, addressed the Commission about the 2003 death of John Welles in Arcadia (District 12). She requested that the Commission evaluate the procedures by which District 12 Medical Examiner Russell S. Vega, M.D., conducted his autopsy addendum in March of 2017 to ensure that Florida Statutes were followed and to evaluate District 12's increase in Undetermined Manner of Death cases in 2017.
- Ms. Connie Shingledecker from the State Child Death Review Team gave a very thorough presentation on the history of Sudden Infant Death Investigation (SUIDI) and the impacts that Florida Medical Examiners have made in SUIDI cases over the past two decades. She also went over the new SUIDI Reporting Form in depth and thanked the Commission and Florida's Medical Examiners for their great work.

With no further business to come before the Commission, the meeting was adjourned at 11:42 A.M.