

## **MEDICAL EXAMINERS COMMISSION MEETING**

Embassy Suites by Hilton Sarasota  
202 North Tamiami Trail  
Sarasota, Florida 34236  
February 11, 2020 10:00 AM EST

Commission Chairman Stephen J. Nelson, M.A., M.D., F.C.A.P, called the meeting of the Medical Examiners Commission to order at **10:00 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., District 5 Medical Examiner  
Wesley H. Heidt, J.D., 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, 4<sup>th</sup> Judicial Circuit  
Hon. J. Harrell Reid, Hamilton County Sheriff  
Hon. Carol R. Whitmore, R.N., Manatee County Commissioner (via Teleconference)

### **Commission staff present:**

Vickie Koenig  
Megan Neel  
Chad Lucas  
James D. Martin, J.D.

### **District Medical Examiners present:**

Jon R. Thogmartin, M.D. (District 6)  
Craig Mallak, M.D. (District 17)  
Riazul H. Imami, M.D., Ph.D. (District 22)  
Wendolyn Sneed, M.D. (District 15)  
Russell S. Vega, M.D. (District 12)  
James W. Fulcher, M.D. (District 7)

### **Other District personnel present:**

Ralph Saccone (District 15)  
Karla Orozco (District 7)  
Stephanie Cirasole (District 7)  
Noel Palma, M.D. (District 6)  
Penny Fulton (District 22)  
Lindsey Bayer (District 5/24)  
David Winterhalter (District 12)  
Ricardo Camacho (District 8)

### **Guests present:**

Bruce A. Goldberger, Ph.D. (UF)  
Jon Rigsby (FDLE)  
Eli Lawson (FDLE)  
Gretchen Fowler (LifeLink)  
Liz Lehr, M.H.A. (LifeLink)  
James Rosa (Lions Eye Institute)  
Alessandro Sassoon (Florida Today)  
Brendie Hawkins (FDLE)  
Linda Pollard (FDLE)  
Ashley Bullard (FDLE)  
Jessica Zayakosky (Legacy)  
DiAnn McCormack (CorneaGen)  
Matt Crews (LifeNet Health)

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

**A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE MINUTES OF THE NOVEMBER 11, 2019 MEDICAL EXAMINERS COMMISSION MEETING WITH ROBIN GIDDENS SHEPPARD BEING REMOVED FROM THE COMMISSION MEMBERS PRESENT SECTION OF THE MINUTES.**

### **ELECTION OF CHAIRMAN**

Mrs. Vickie Koenig announced that the Chairman of the Commission is elected at the first meeting of the year, and opened the floor for nominations. Commissioner Carol Whitmore nominated Dr. Nelson and Sheriff J. Harrell Reid seconded the nomination. Commissioner Whitmore motioned to close the nominations and Commissioner Robin Giddens Sheppard seconded that motion.

**THE MOTION WAS PASSED UNANIMOUSLY TO ELECT STEPHEN J. NELSON, M.A., M.D., F.C.A.P., AS CHAIRMAN OF THE MEDICAL EXAMINERS COMMISSION FOR 2020.**

### **ISSUE NUMBER 1: INFORMATIONAL ITEMS**

- Status Report: 2019 MEC Appointment and Reappointment:
  - Mrs. Koenig informed the Commission that a letter recommending Dr. Barbara C. Wolf was sent to the Governor's Appointments Office on May 24, 2019. The Governor's Appointments Office has stated they have received everything they need and will process the application so that the appropriate reappointment can be made.
  - Mrs. Koenig also informed the Commission that the State Attorney position on the Medical Examiners Commission is vacant as of December 23, 2019. MEC staff sent a letter to the Florida Prosecuting Attorneys Association (FPAA) on January 6, 2020, requesting a nomination to be submitted to the Governor for appointment for the term that expired July 1, 2019. The nomination has been discussed at the most recent FPAA Board meeting, and staff expects to receive a name for nomination soon.
  
- Status Report: 2020 MEC Reappointments: Mrs. Koenig informed the Commission that the first full terms of the District Medical Examiner and Licensed Funeral Director commission positions filled by Dr. Nelson and Ms. Sheppard are scheduled to expire on July 1, 2020, and both commission members have expressed their desire to serve another full term.
  - MEC Staff sent a letter requesting Dr. Nelson's nomination to the Florida Association of Medical Examiners on February 6, 2020.
  - MEC Staff sent a letter to the Florida Cemetery, Cremation, and Funeral Association on February 5, 2020, requesting Ms. Sheppard's nomination.
  
- Status Report: DME Appointments and Reappointments: Mrs. Koenig informed the Commission that the Governor's Appointments Office has stated they have received all necessary paperwork for the reappointments of Districts 8, 10, 12, 14, and 18, and appointments for districts 4 and 16. Recommendation letters for districts 8, 10, 12, 14, and 18 were sent on May 23, 2019, and a recommendation letter for District 4 was sent on July 1, 2019.
  
- 2020 Surveys and Assessments for Districts 15-24: Mrs. Koenig informed the Commission that ballots and assessment forms were mailed to constituents of districts 15-24 on January 6, 2020. The requested response date is February 21, 2020. If there are any constituents that do not respond by then, MEC staff will reach out to them in order to have responses for the spring Commission meeting.

- District 1 Search Committee Update: Dr. Nelson informed the Commission that District 6 Medical Examiner Jon R. Thogmartin, M.D., has begun helping the District 1 Medical Examiner Search Committee find qualified applicants. At this point, another nationwide search is a possibility, but there may be some medical examiner(s) in the State of Florida who are interested in the position, so the Search Committee wants to see how that plays out first.
- 2019 Annual MEC Reports: Mrs. Megan Neel informed the Commission that data for the Annual Workload Report and the Annual Drugs in Deceased Persons Report is due by June 30, 2020, and asked that districts please submit their data sooner rather than later.
- 2019 Interim Drugs Identified in Deceased Persons Report: Mrs. Neel reported that the data from all districts has been received and is currently going through a quality review process.
- 2019 Paul Coverdell Forensic Science Improvement Grants Program Status Update: Mr. Chad Lucas reported that the funds for the 2019 grant were released by NIJ on January 10, 2020. The total amount of funds allotted to medical examiners for the 2019 grant \$45,262.00 and there are 18 districts participating. Award packages were sent out to those districts on January 27, 2020 and Memorandums of Understanding (MOUs) were sent out during the week of February 3, 2020. Participating districts were advised that they may begin spending money on items on their approved 2019 Expenditure Lists, but reimbursement requests will not be processed until a signed MOU is received by the FDLE grant manager.
- Bills Filed for the 2020 Legislative Session: FDLE Deputy General Counsel Jim Martin, J.D., informed the Commission of the following bills of interest for the MEC:

Elder Abuse Fatality Review Teams (HB 253, SB 400) – These bills authorize the establishment of elder abuse fatality review teams in each judicial circuit, to be housed, for administrative purposes only, in the Department of Elderly Affairs. It will authorize elder abuse fatality review teams in existence on a certain date to continue to exist, require each review team to annually submit to the department by a certain date a summary report containing specified information, and provide immunity from monetary liability for review team members under certain conditions. A medical examiner is one of the participants that may be on the review team.

Reporting Abuse, Abandonment, and Neglect (SB 7000) – These bills relocate existing provisions relating to the central abuse hotline of the Department of Children and Families. It revises when a person is required to report to the central abuse hotline, provides penalties for the failure to report known or suspected child abuse, abandonment, or neglect, provide responsibilities for child protective investigators relating to animal abuse and neglect, and require the Education Practices Commission to suspend the educator certificate of certain personnel and administrators for failing to report known or suspected child abuse, etc. It includes a substantial rewording of Section 39.201, F.S., which indicates that a medical examiner is required to provide their name to the abuse registry when reporting abuse, mandates the medical examiner to accept a report of suspected child abuse that resulted in the child's death for investigation, and report his or her findings in writing to local law enforcement, the State Attorney's Office, and the Department of Children and Families.

Procurement of Human Organs and Tissue (HB 563, SB 798) – These bills would prohibit for-profit entities from procuring certain human organs and tissue, with certain exceptions. It amends Sections 765.542 and 873.01, F.S., to specify that a for-profit entity may not engage in

the procurement of eye, cornea, eye tissue, or corneal tissue and exempts licensed hospitals, ambulatory surgical centers, and district medical examiners.

Organ Donation (HB 1187, SB 1516) – These bills would prohibit health insurance policies from limiting or excluding coverage solely on the basis that the insured is an organ donor. It revises provisions relating to anatomical gifts, prohibits organ transplantation facilities from charging certain persons for specified services, requires ACHA to establish an Organ Transplant Technical Advisory Council, revises duties the Organ and Tissue Procurement and Transplantation Advisory Board, and provides duties of AHCA relating to organ donation.

Death with Dignity (SB 1800) – This bill would create the “Death with Dignity Act” and would provide criteria for qualified patients. It would require qualified patients to make oral and written requests for medication, require waiting periods before such requests may be made and such medication may be prescribed, specify requirements for attending physicians, and authorize the attending physician to sign the qualified patient’s death certificate.

### **ISSUE NUMBER 2: Nomination for District 19 Medical Examiner**

Dr. Nelson began by thanking Dr. Jon R. Thogmartin (District 6) for his help with the Search Committee. Before his help, there were a very limited number of applicants, but after Dr. Thogmartin’s involvement, there were 14 applicants. Of those applicants, several were chosen to interview for the District 19 Medical Examiner, and on January 28, 2020, the Selection Committee selected Dr. Patricia Aronica for the position. Dr. Aronica is currently an associate medical examiner in Baltimore, Maryland. As of this past weekend, she has received her full unrestricted Florida medical license.

**MS. WHITMORE MADE A MOTION TO APPROVE THE NOMINATION OF PATRICIA A. ARONICA, M.D., AS THE DISTRICT 19 MEDICAL EXAMINER AND WAS SECONDED BY MS. SHEPPARD. THE MOTION PASSED UNANIMOUSLY THAT DR. ARONICA BE RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT AS THE DISTRICT 19 MEDICAL EXAMINER.**

### **ISSUE NUMBER 3: Organ Procurement Organization 2019 Annual Report**

Ms. Liz Lehr of LifeLink presented the 2019 Annual Report for Florida’s organ procurement organizations. Ms. Lehr reported that there were again zero transplant denials reported last year and thanked the medical examiners for the outstanding relationship they have with the organ procurement organizations in Florida. Ms. Lehr introduced Mrs. Gretchen Fowler, a donor mother, who spoke to the Commission about the importance of organ donation from the prospective of an organ donor’s family and thanked the Commission for their work.

### **ISSUE NUMBER 4: Paul Coverdell Forensic Science Improvement Grants – 2020 Proposals**

Mr. Lucas informed the Commission that MEC Staff sent an e-mail to all districts on January 9, 2020, soliciting proposals for the 2020 Paul Coverdell Grant. Proposals from interested districts were due on January 24, 2020. Seventeen (17) districts submitted proposals with a total of \$49,092.01 in requested funds. As of February 6, 2020, the National Institute of Justice has not yet listed the 2020 grant solicitation, and it also was not listed as a forthcoming funding opportunity. At this time, it is unknown what amount of the grant will be allotted to medical examiners. If funds are granted, staff

requests that any district requesting less than the average amount be given those funds, and the remainder of the funds be divided equally among the other districts.

### **ISSUE NUMBER 5: Mass Fatality Plans**

Dr. Nelson reminded all districts that hurricane season begins on June 1, 2020, and that everyone should make sure they have a current up-to-date mass fatality plan in place.

### **ISSUE NUMBER 6: Unidentified Deceased Initiative:**

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

#### **Success Story 1**

On June 22, 2019, the white male was found deceased in a beach chair. The decedent was not decomposed and had no identification on or around his person. Fingerprints were run through the local, state, and federal databases with negative results. District 17 also attempted to utilize the FACES (facial recognition) program with negative results. A police forensic artist was contacted to sketch the decedent for the police press release. On July 2, 2019, a local sheriff's office deputy recognized the press release sketch from a previous trespassing call he had with a male in the same vicinity of the decedent's death. District 17 reviewed the body cam footage from the trespassing call, and it appeared to match that of decedent. The night of the trespassing call, the male provided two different names to the deputy before he was identified and released on scene with a warning. Detectives worked to locate information on the name provided by the trespasser who was homeless. Through the investigation and social media, District 17 was able to identify possible family members of the trespasser who resided in Bulgaria. With the assistance from the Embassy in Bulgaria, officials located possible family were able to collect and provide a DNA sample that was compared to the decedent's blood stain card. On October 30, 2019, District 17 received confirmation that the DNA matched, and the identification was confirmed. The Bulgarian officials notified the family who are working to make funeral plans for their loved one.

#### **Success Story 2**

On August 12, 2019, the decedent was found in a remote wooded area in the advanced stage of decomposition with no identification on or around his person. Due to the partial skeletonized hands, fingerprints were not able to be obtained. After the complete postmortem examination, an anthropologist conducted a brief examination at the District 17 office. The anthropologist and medical examiner working together reviewed the case and radiographs to provide details on the remains to include possible race, gender, approximate age, length and color of hair, dental notations, antemortem healing bone notations, and location of surgical mesh that was discovered. A police forensic artist sketched two large tattoos that were on the decedent's superior torso. With this information, medical examiner investigators fielded calls from the public on missing persons. On October 8, 2019, District 17 received a call from an ex-wife who was working with her daughter to locate the daughter's missing homeless father. Upon questioning the ex-wife and daughter of the missing male, it was discovered the information appeared to match one of the district's unidentified remains. On October 31, 2019, District 17 confirmed through DNA that the caller's missing family member and the above unidentified remains were the same person. The family was notified and is making funeral plans for the decedent.

FDLE Member Jon Rigsby reported the following two success stories:

**Success Story 3 (Collier County, District 20)**

On December 10, 2019, the Collier County Sheriff's Office and emergency medical services responded to a call for assistance at a house occupied by 11 migrant workers. The decedent, a Hispanic male, was found in respiratory distress and expired at the scene. Other residents of the house indicated the decedent was known only as "Pedro" and had arrived at the house from New Jersey one week prior. In the past week, he had become increasingly ill. The subject had no identification, and attempts to locate treatment records with local physicians were unsuccessful. The Collier County Sheriff's Office requested that assistance from the Unidentified Deceased Initiative (UDI) in identifying the decedent. A fingerprint card submitted by UDI to Customs and Border Protection returned a match for Pedro Cruz-Perez, a 55 year old Mexican national. The Collier County Sheriff's Office is contacting the Consulate of Mexico for assistance in locating next of kin.

**Success Story 4 (Hendry County, District 21)**

In December 2019, UDI received a request for assistance from the Clewiston Police Department in reference to an unidentified Hispanic male homicide victim found on November 1, 2019. The subject's fingerprints were submitted to the FDLE Crime Laboratory and returned a positive match to the name Dagoberto Marroquin; however, numerous aliases were found to be associated with the subject. Unable to determine the subject's true identity, the fingerprints were submitted to Customs and Border Protection (CBP). CBP's Missing Migrant Program returned a positive match to the name Dagoberto Marroquin-Borrillo, originally from El Salvador. CBP provided the name of the subject's parents and his hometown. Clewiston PD was notified of the identity of the subject, and CBP is working with the consulate of El Salvador to notify the subject's family.

Mr. Rigsby also commented that in the past two years, FDLE's UDI team has made 26 identifications with the oldest case being from 1983.

**ISSUE NUMBER 7: PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) UPDATE**

Bruce A. Goldberger, Ph.D., reported to the Commission that a few weeks ago the State's PDMP made a programming change that allows medical examiner offices faster access to data within the database. The PDMP hopes that this will increase the utilization of the PDMP database and help with the medicolegal death investigations that occur in the state.

Dr. Goldberger relayed information he received via email from District 23 Associate Medical Examiner Deanna A. Oleske, M.D., stating that the new access to the PDMP has given investigators an opportunity to instantly check for prescribing doctors for natural deaths which has resulted in closing cases faster rather than releasing to the funeral home and waiting while they search for a doctor to release jurisdiction. It has sped up their office's acceptance over natural, unattended deaths by 2-3 days. It has helped them to identify several decedents with a history of dental work or some other kind of hardware placement, but where the family cannot remember the name or the place of the medical care performed on the decedent. They were able to find the dentist, doctor, and/or hospital via EFORCSE on at least four different occasions, leading to a speedier, positive identification by radiographs. EFORCSE also allows her to confirm if there is a history of chronic pain with opioid dependence for suicides or accidental overdoses. EFORCSE has also helped her more accurately decide if pill counts are truly discrepant or not. Finally, EFORCSE helps her investigators locate doctors to order medical records on these cases. Now, more often than not, she has medical records

already on her desk before an autopsy. She also thanked the Medical Examiners Commission for their advocacy to get the medical examiners instant access to this powerful tool.

### **ISSUE NUMBER 8: EMERGING DRUGS**

Dr. Goldberger provided the Commission with an update on new drug trends. There are numerous findings for synthetic cathinones including N-ethylpentylone and eutylone. There are some designer benzodiazepines such as etizolam and flualprazolam. There are also some reports of synthetic cannabinoids. He also put the medical examiners on alert for a recent outbreak of carfentanil in the Cleveland, Ohio area which has claimed more than 200 lives in the past few months.

### **ISSUE NUMBER 9: 2020 FAME EDUCATIONAL CONFERENCE**

Dr. Goldberger reported that the 2020 FAME Educational Conference will be held July 22-24, 2020, at the Hilton Orlando Bonnet Creek in Orlando, Florida with a \$189 per night rate. The conference will be co-hosted by the District 9 Medical Examiner's Office along with the University of Florida and the Maples Center. The preliminary agenda includes presentations on the epidemiology of injuries and deaths associated with vaping, the pathology of vaping, epidemiology of drug overdoses, deaths involving large animals, post-traumatic stress disorder, interfacing with FBI Emergency Response Teams, organ donation, Jewish death and burial, and other presentations about forensic pathology.

Mrs. Koenig informed the Commission that the August MEC Meeting will be rescheduled to 10:00 AM on July 22, 2020 in order to co-locate with the FAME Educational Conference. The FDLE hotel contracts person was able to secure a room rate of \$149 for the night of July 21<sup>st</sup> only, which meets the State's approved rate. Dr. Nelson suggested in the future that MEC staff work closely with the University of Florida personnel to obtain the very best room rate.

Dr. Nelson stated that he is a member of the Florida Society of Pathologists, and they have expressed an interest in co-locating a meeting with the FAME Educational Conference. He said they have a meeting coming up next week and they will be talking about it then, and if that is of interest to FAME, it is certainly an interest of the Florida Society of Pathologists.

### **ISSUE NUMBER 10: OTHER BUSINESS**

- Mr. Ken Jones provided the Commission with an update on Dr. Karen Card's projects. The Department of Health and University of Florida's FROST program will be coordinating rapid surveillance of suspected opioid overdoses this spring. This surveillance will be conducting counts on suspected drug overdose fatalities for the previous 30 days. They would like to take that count from the medical examiners on a monthly basis. Forensic epidemiologists from the University of Florida will be in charge of collecting this data by phone or e-mail. Plans for this surveillance have been discussed with the Commission and they hope to have their support. Also, once the epidemiologist has started, there may be requests for some provisional data.

The Department of Health and Dr. Card also have a revised plan to spend grant money from the Overdose Data to Action (OD2A) funding the department received, which funds toxicology testing in a way that will benefit medical examiners in Florida. This year the four commercial labs are provided a way for their customers to bill the department for toxicology testing for overdose cases. That grant is good until the end of March, but they expect a new grant to start in April 2020. With that new grant,

they also want to include medical examiners that have in-house labs. Dr. Card and her staff will be contacting those districts and discussing how they can look at billing, if the offices can do it, and also help those districts with funding. This is a model they would like to be successful. Dr. Card will be getting back in touch with everyone when the current funding ends and the new grant begins.

- Ms. Koenig reminded everyone that the next Medical Examiners Commission meeting will be either April 30<sup>th</sup> or May 1<sup>st</sup> with the location still to be determined.

**With no further business to come before the Commission, the meeting was adjourned at 11:02 A.M.**