

MEDICAL EXAMINERS COMMISSION MEETING

Orlando Marriott Lake Mary
1501 International Parkway
Lake Mary, Florida 32751
February 18, 2022 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 **10:05 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 & 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:

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

District Medical Examiners present:

Russell S. Vega, M.D. (District 12)
James W. Fulcher, M.D. (District 7)
Jon R. Thogmartin, M.D. (District 6)
Joshua D. Stephany, M.D. (Districts 9 & 25)

Other District personnel present:

Lindsey Bayer (Districts 5 & 24)
Ralph Saccone (District 15)
Karla Orozco (District 7)
Bill Pellan (District 12)
Tiffany Poston (District 2)
Andrea Minyard, M.D. (District 20)
Paul Petrino (District 15)
Dan Schebler (District 1)
Ricardo Camacho (District 8)
Michael Bell, M.D. (District 15)
Christine Canard (District 19)

Guests present:

Bruce A. Goldberger, Ph.D. (UF)
Ginny McBride (OurLegacy)
Carol Plumsey (OurLegacy)
Vaughn Thornton (Legacy)
Kerri Bryan (FL DOH)
Jon Rigsby (FDLE)
Larry Cochran (LifeQuest)
Chris Boden
Liz Lehr (LifeLink)
Kasper Statz (OurLegacy)
Tom Davis (OurLegacy)
Victor Bowers (LifeLink)
Avalon Adams-Thames, DrPH (FL DOH)
Heather Hoog (Lions Eye)
Linda McCluskey (LifeLink)
Patricia Darrigan (Legacy)

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 5, 2021 MEDICAL EXAMINERS COMMISSION MEETING.

ELECTION OF CHAIRMAN

Brett Kirkland, Ph.D., announced that the Chairman of the Commission is elected at the first meeting of the year, and opened the floor for nominations. Barbara Wolf, M.D., nominated Stephen Nelson, M.A., M.D., F.C.A.P., and Robin Giddens-Sheppard seconded the nomination. Honorable Charlie Cofer, J.D. motioned to close the nominations and Nick Cox, J.D., 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 2022.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- **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.
- **District 2 Medical Examiner Vacancy:** Dr. Nelson informed the Commission that David T. Stewart, M.D., has announced that he no longer wishes to be the District 2 Medical Examiner. A search committee is currently being formed by Jack Campbell, the State Attorney for the 2nd Judicial Circuit.
- **District 8 Medical Examiner Vacancy:** Dr. Nelson informed the Commission that William F. Hamilton, M.D., has announced his decision to retire from the position of District 8 Medical Examiner. The search committee procedure has not yet gotten underway, but it is likely that the position will also be with the University of Florida College of Medicine. He will be meeting with the University of Florida's Chairman of Pathology this weekend to discuss the vacancy.
- **District 11 Medical Examiner Vacancy:** Dr. Nelson informed the Commission that there is an Interim District Medical Examiner in District 11 and, so far, there has been no movement in finding a full-time replacement for Dr. Lew.

- 2022 Reappointments/Assessments for Districts 8-14 & 25: Mr. Chad Lucas informed the Commission that ballots and assessment forms were mailed to constituents of Districts 8-14 & 25 on January 5, 2022. The requested response date is February 18, 2022. 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. So far responses have been great with no unfavorable ballots reported.
- 2021 Annual MEC Reports: Mrs. Megan Neel informed the Commission that data for the Annual Workload Report and the Annual Drugs Identified in Deceased Persons Report is due by May 31, 2022, and asked that districts please submit their data sooner rather than later. She will begin sending out reminders in March.
- 2021 Interim Drugs Identified in Deceased Persons Report: Mrs. Neel informed the Commission that data has been received by some districts, and that data has been sent to the Quality Assurance Committee for review. She hopes to have all data back soon so that the report can be published in April.
- 2021 Coverdell Status Update: Mr. Lucas informed the Commission that, as of now, the Bureau of Justice Assistance (BJA) has not released funds for the 2021 Coverdell Grant. When funds are released, each participating district will receive a hard copy of their Memorandum of Understanding from the FDLE grant manager for signature. Mr. Lucas will also e-mail award packages to each district upon release of funds from the BJA.
- Bills Filed for the 2021 Legislative Session: FDLE General Counsel Jim Martin, J.D., informed the Commission of the following bills of interest for the MEC:

Procurement Activities of For-Profit Eye Banks (SB 516) – This bill would prohibit for-profit eye banks from procuring certain human organs. There is no companion House bill, but this is the third year in a row that this bill has been filed. The proposed effective date is July 1, 2022.

Polk County Medical Examiner's Emergency Generator Replacement (HB 2455) – This bill would provide an appropriation of \$140,000 for the Polk County Medical Examiner's Emergency Generator Replacement as described in Appropriations Project Request 327. The proposed effective date is July 1, 2022.

District 1 Medical Examiner's Facility Planning and Design (HB 4883) – This bill would provide an appropriation of \$500,000 the fund the District 1 Medical Examiner's Facility Planning and Design as described in Appropriations Project Request 1071. The proposed effective date is July 1, 2022.

Autopsy Reports of Child Victims of Domestic Violence (HB 1513, SB 1550) – This bill creates an exemption from public records requirements for autopsy reports of minors whose deaths were related to acts of domestic violence. The bill requires that any viewing, copying, or handling of such autopsy reports be under the direct supervision of the custodian of records or designee. The bill also states that any surviving parent who did not commit the act of domestic violence must be given reasonable notice of a petition filed with the court to view or copy the report, a copy of such petition, and reasonable notice of the opportunity to be present and heard at any hearing on the matter. The proposed effective date is upon becoming law.

ISSUE NUMBER 2: ORGAN PROCUREMENT ORGANIZATION 2020 ANNUAL REPORT

Ms. Liz Lehr of LifeLink presented the 2021 annual report for Florida's organ procurement organizations. Ms. Lehr reported that there were again zero transplant denials reported last year for whole organ donors. However, there was one transplant denial for a partial organ donor. The denial came from the District 17 Medical Examiner's Office out of the LifeAlliance Organ Recovery Agency region. The heart was restricted because of risk criteria being met due to a history of intravenous drug abuse and being anti-HCV positive. Ms. Lehr thanked the medical examiners for the outstanding relationship they have with the organ procurement organizations in Florida.

ISSUE NUMBER 3: PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANTS – 2022 PROPOSALS

Mr. Lucas informed the Commission that MEC staff sent an e-mail to all districts on January 6, 2022, soliciting proposals for the 2022 Paul Coverdell Grant. Proposals from interested districts were due on January 21, 2022. Fifteen (15) districts submitted proposals with a total of \$46,395.92 in requested funds. As of February 16, 2022, the BJA has not yet listed the 2022 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 4: UNIDENTIFIED DECEASED INITIATIVE

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

On December 23, 1975, an unidentified female was found in a canal in the 2600 Block of Southwest Avenue in Davie. The decedent was never identified, the manner of death was ruled undetermined, and the remains were buried at a local cemetery. On December 17, 2019, the District 17 Medical Examiner's Office worked with the Davie Police Department to exhume the remains for further analysis to aid in identification. The Davie Police Department contracted with Parabon NanoLabs, a genetic genealogy company, in an attempt to locate family members. Through their investigation, they were able to locate and identify a possible relative of the decedent. In November 2021, DNA comparison with a family member confirmed the identification of the decedent as Carolyn Dunn Moudy missing from Indianola, Mississippi since July 1974.

Mr. Lucas reported the following success story from District 20:

On May 3, 2002, deputies responded to reports of a body floating near the shore. The agency's Marine Unit and detectives searched the area and recovered the body, which was about 1.5 miles north of Doctor's Pass in Collier County. The District 20 Medical Examiner had classified the death as Undetermined based on the circumstances of the recovery. No criminality was ever established to indicate any persons contributed to the death of the decedent. The body had no identification on it, so detectives compared fingerprints through the FDLE database and the National Automated Fingerprint Identification System several times over the following years without success. Detectives also entered the decedent into NCIC as unidentified remains. The decedent's DNA profile and dental information as well as fingerprints and a composite sketch were entered into the National Missing and Unidentified Persons System (NamUs). On November 23, 2021, a positive match was

made between the fingerprints submitted to NamUs and the Armed Forces fingerprint card of Edward Lorenz Richard, which had been prepared on November 15, 1972, when he enlisted. Upon Collier County Sheriff's Office receiving notification of the match, detectives were able to locate Richard's brother and adult son in Massachusetts the following day. Family members said he left Massachusetts by bus and headed to Florida about 20 years before his 2002 death. At the time of his departure, he had given all of his identification cards to family and they had not heard from him since.

Mr. Lucas reported the following success story from District 6:

On December 27, 2016, Pinellas County deputies responded to Darby Lane for a report of a missing person. They were notified the 34-year-old Rang Truong fled on foot from his brother's vehicle and was unable to be located. Deputies searched the area in an attempt to find him, but were unsuccessful. He was entered into FCIC/NCIC as a Missing/Endangered Person due to reported intellectual disabilities and other mental health concerns. On January 18, 2022, detectives learned that the St. Petersburg Police Department was investigating a report of unidentified remains found near the area of Interstate 275, near the Howard Franklin Bridge, and responded to the scene. Detectives provided the District 6 Medical Examiner's Office with Truong's information as a possible identity of the human remains. With the use of dental records, the remains were positively identified as Truong's. The medical examiner's office is working to determine the cause and manner of death, and the next of kin has been notified.

Mr. Lucas reported the following success story from District 19:

On July 13, 2020, the Martin County Sheriff's Office notified investigators at the District 19 Medical Examiner's Office of unidentified remains found in an overgrown grassy area just west of the railroad tracks in the vicinity of Railroad Avenue and SE Garden Street in Stuart. Investigator Kimberly Loucks arrived on scene and observed what appeared to be a Caucasian male lying approximately 50-60 feet from the railroad tracks. Evidence found near the body indicated the decedent was possibly drinking alcohol and ingesting Kratom prior to death. No obvious signs of trauma or foul play were seen. Due to advanced stages of decomposition, fingerprinting was nearly impossible. Forensic Technician Gibbons attempted to rehydrate the decedent's fingers to obtain fingerprints for identification. Her diligence and consistent effort paid off and prints were able to be obtained. Fingerprint cards were made and turned over to analysts at the Martin County Sheriff's Office. On December 3, 2021, a fingerprint comparison was made and matched to those of Richard Harmon Whitton. Mr. Whitton's mother reported him missing from the Stuart area and had not heard from him in over a year.

ISSUE NUMBER 5: MASS FATALITY PLANS

Dr. Nelson reminded all districts that hurricane season begins on June 1, 2022, and that everyone should review and make sure they have a current up-to-date mass fatality plan in place rather than wait for the need for a mass fatality plan.

ISSUE NUMBER 6: ADDING GABAPENTIN TO PDMP

Dr. Nelson informed the Commission that there has been a marked increase in gabapentin (Neurontin®) related deaths and it is the concern of Doug Simon, the Director of the Florida Office of Drug Control Policy. Dr. Wolf agreed that gabapentin should be added to the PDMP as her office is seeing a number

of cases with it. Commissioner Carol Whitmore said that she was surprised, but supported adding the drug to the PDMP, if needed. Mr. Kirkland added that gabapentin is already being tracked by MEC staff for the Annual Drugs Identified in Deceased Persons Report.

COMMISSIONER WHITMORE MADE A MOTION FOR THE COMMISSION TO SUPPORT ADDING GABAPENTIN TO THE PDMP, AND DR. WOLF SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY FOR THE COMMISSION TO SUPPORT THE ADDITION OF GABAPENTIN TO THE PDMP.

ISSUE NUMBER 7: TOXICOLOGY LAB DIRECTORS MEETING UPDATE

Bruce A. Goldberger, Ph.D., reported to the Commission that the lab directors met on February 9, 2022. All of the laboratories were represented and it was a very productive meeting. He feels like having the lab directors meet every quarter helps them stay on the same page regarding the evolution of new psychoactive substances in the State of Florida, and looks forward to continuing the meetings.

ISSUE NUMBER 8: EMERGING DRUGS

Dr. Goldberger provided the Commission with an update on new drug trends. The labs still continue to see increases in fentanyl related deaths and most of the labs are now reporting that in the majority of those deaths there are other contaminants including fluorofentanyl. Law enforcement and crime lab analysts are not exactly sure of the source of the fluorofentanyl or why it is actually in the fentanyl as a contaminant. It may be related to the synthesis or manufacture of the fentanyl. Xylazine also continues to be reported. It is worth noting that we should be on the alert for the designer benzodiazepines etizolam and clonazepam as well as the designer opioids such as metonitazene. The nitazene class of drugs is difficult to detect and do evolve quickly. The newest cathinone in the state is N,N-dimethylpentylone. The Miami-Dade County lab was the first to report it, and now there are cases in the University of Florida lab as well as from other districts across the state. Development of a method for definitive identification and quantitation of N,N-dimethylpentylone is currently underway.

Dr. Goldberger also announced that the new FROST dashboard design is only a couple small tweaks away from being completed. Once it is published online, MEC staff and all districts will be notified. The Department of Health also has a new fatal and non-fatal overdose dashboard.

ISSUE NUMBER 9: 2022 FAME EDUCATIONAL CONFERENCE

Dr. Goldberger reported that the 2022 FAME Educational Conference is scheduled to be held July 27-29, 2022, at the Omni Orlando Resort in Champions Gate, Florida. The event will be jointly sponsored by the District 7 Medical Examiner's Office and the W.R. Maples Center for Forensic Medicine at the University of Florida. Rooms will be \$189 per night and Continuing Medical Education credits will be provided.

ISSUE NUMBER 10: OTHER BUSINESS

- Kerri Bryan with the Department of Health reported that The Florida Department of Health (DOH) is a recipient of the Overdose Data to Action (OD2A) grant from the Centers for Disease Control and Prevention (CDC). Its purpose is to fund and improve fatal and non-fatal drug overdose surveillance

and to use that information to enhance drug overdose prevention activities. This grant is currently funded through August 31, 2023. The Department has worked with the MEC since 2018 on making surveillance-related funding useful, accessible, and equitably distributed. In that time, the Department has implemented strategies to assist overcoming funding obstacles experienced by a number of medical examiner districts. To maximize collaboration, the DOH and the OD2A team were excited to partner with the districts in September 2021 on a toxicology screening funding opportunity. On behalf of OD2A and the Florida Violent Death Reporting System (FLVDRS) she thanked the Commission and their advocates; Dr. Steven Nelson, Kenneth Jones, and Dr. Bruce Goldberger.

- Avalon Adams-Thames, DrPH, with the DOH gave a brief overview of three data systems the DOH works with in conjunction with data collected from medical examiners.

The objective of SUDORS (State Unintentional Drug Overdose Reporting System) is to collect and disseminate descriptions of drug overdose death circumstances using death certificates and medical examiners data. Abstractors review suspected fatal overdoses, capturing detailed information on toxicology, death scene investigations, route of administration and other risk factors that may be associated with a fatal overdose. This information is reported to the CDC every six months.

The objective of RODD (Rapid Overdose Death Detection) is to rapidly detect overdose deaths. There is collaboration with Dr. Goldberger, his team and with the medical examiners to collect preliminary data on suspected overdoses. Starting with January 2022 deaths, they expanded the definition to include all suspected drug overdoses instead of focusing on opioids. This will allow for the identification of those fatal overdoses due to stimulants and other substances of interest.

The objective of FLVDRS (Florida Violent Death Reporting System) is to provide injury and violence prevention specialists and policy-makers with timely information on the victims, suspects, relationships, circumstances, and weapons that are associated with violent deaths in Florida. It is a joint project of the DOH and the University of South Florida College of Public Health established in 2019 through a cooperative agreement with the CDC and is housed in the DOH, Division of Community Health Promotion. It is the state-based public health surveillance system that is part of the National Violent Death Reporting System (NVDRS), which was created in 2002. NVDRS is implemented in all 50 states, the District of Columbia, and Puerto Rico. The system combines data from vital statistics death certificates, medical examiner records, and law enforcement reports to provide comprehensive context and answers about the “who, what, when, where, and why” leading to violent deaths.

Dr. Adams-Thames also provided several updates for data sharing and grant funding.

Data sharing update:

In regards to SUDORS, districts are experiencing increased caseloads, but data sharing with the DOH continues to improve. For 2020 deaths, 54% of districts (12 out of 22 offices) shared data. For 2021 deaths, 86% of districts (19 out of 22 offices) shared data.

In regards to RODD, requested districts share data within 30 days in an effort to get data more rapidly. In 2020, three districts shared aggregate counts. From January to June of 2021, eight districts shared data with half sharing aggregate counts and the other half sharing line-level records. From July to December of 2021, nine districts shared data with one sharing aggregate counts and the other eight sharing line-level records. Data requested should be readily available and should be logs of presumptive cases. There is no expectation of delving into records and consuming valuable medical examiner’s office time. There is a current goal of onboarding an additional one or two districts.

Funding update:

Close to \$400,000 has been allocated to 13 of 22 district medical examiner offices. All participating districts, with the exception of three, are currently spending down funds. To date, 36% of the funds have been utilized overall. Please remember that the deadline to spend funds is June 30, 2022.

Dr. Adams-Thames went on to say that the DOH is a Public Health Authority responsible for public health matters as part of its official mandate, and is covered under the HIPAA public health exemption. Due to this exemption, there is no need to redact any PHI before data sharing. A majority of districts do not redact information. With the increase in fatal overdoses, and recurring requests for data, having to redact information from reports can be timely, but not necessary. Data is entered into an encrypted web-based system which is operated in compliance with federal protocols for information systems security. Data abstractors receive extensive training and abstractor reports are verified by project administrators. All potentially personal identifying information, including names, addresses, and dates of birth, are removed before information is entered into the database. Case level data is not available to the general public.

Increasing the availability and reporting of toxicology results for suspected drug overdose victims is critical to understanding and tracking the complex and changing nature of the drug overdose epidemic. The districts' participation with the DOH increases the statewide surveillance capabilities, facilitates the development of evidence-based prevention strategies to combat fatal opioid related deaths in Florida, and we appreciate your time and engagement with OD2A and FLVDRS. Additionally, teams are available to assist all districts in order to address any barriers and to ensure continued collaboration. Medical examiners play a critical role in responding to Florida's overdose epidemic with prevention, education, and recovery options.

- Mr. Kirkland reminded everyone that the next Medical Examiners Commission meeting is scheduled for May 13th at the Wyndham Grand Jupiter at Harbourside Place in Jupiter, FL.

With no further business to come before the Commission, the meeting was adjourned at 11:09 A.M.