

MEDICAL EXAMINERS COMMISSION MEETING

Omni Orlando at ChampionsGate
1500 Masters Boulevard
ChampionsGate, Florida 33896
July 27, 2022 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 **10:06 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

Commission members not present:

Hon. Carol R. Whitmore, R.N., Manatee County Commissioner

Commission staff present:

Brett Kirkland, Ph.D.
Chad Lucas
James D. Martin, J.D.
Megan Neel
Ashley Williams

District Medical Examiners present:

Jon R. Thogmartin, M.D. (District 2, 6, & 23)
Jay Radtke, M.D. (District 14)
Russell S. Vega, M.D. (District 12)
James W. Fulcher, M.D. (District 7)
Marta U. Coburn, M.D. (District 20)
Patricia A. Aronica, M.D. (District 19)
Kelly G. Devers, M.D. (District 13)
Deanna Oleske, M.D. (District 1)
B. Robert Pietak, M.D. (District 4)
Joshua D. Stephany, M.D. (District 9 & 25)

Other District personnel present:

Paul Petrino (District 15)
Thomas M. Coyne, M.D., Ph.D. (District 8)
Cassie Boggs, M.D. (District 7)
Robert Pfalzgraf, M.D. (District 4)
Jeffrey Brokaw (District 4)
David Winterhalter (District 12)
Shawn Walker (District 12)
Melissa Pope (District 13)
Nick Washburn (District 1)
Tera A. Jones, M.D. (District 5 & 24)
Karla Orozco (District 7)
Zo Overton-Hennessy (District 7)
Natalia Belova, M.D. (District 15)
Thomas Steinkamp (District 17)
Paul McGowan, D.O. (District 13)
Dan Schebler (District 1)
Wendy Lavezzi, M.D. (District 5 & 24)
Tim Crutchfield (District 4)
Bruce Goldberger, Ph. D. (District 8)
Lora Kenniff (District 12)
Patricia Wheaton (District 21)
Chrissy Nieten (District 1)
Amy Jones (District 4)
Bill Pellan (District 6)
Daniel Wardman (District 7)
Shanedelle S. Norford, M.D. (District 5)
Ralph Saccone (District 15)
Sherri Blanton (District 9 & 25)

Guests present:

Jenaye Mack, M.D. (UF Pathology)
Tinene Alter (NMS Labs)
Brittany Hill (LifeLink of Florida)
Nick Cleary (LifeLink of Florida)

Linda McCluskey (LifeLink of Florida)
Richard Howard (LifeQuest)
James Rosa (Lions Eye Institute)
Eric Calhoun (LifeNet)
Amy Wilson (LifeNet)
Phil Roberts (Axis Forensic Toxicology)

Concha Prieto (FL- DOSE DOH)
DiAnn McCormack (CorneaGen)
Chris Poindexter(LifeNet)
Michael Truver (University of Florida)
Joshua Mott (Volusia Sheriff's Office)

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 MAY 13, 2022 MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Commission Chairman Dr. Nelson announced that former District 23 Medical Examiner Predrag Bulic, M.D., passed away on July 23, 2022.
- New District 23 Medical Examiner: Dr. Nelson informed the Commission that State Attorney RJ Larizza appointed Dr. Jon Thogmartin as interim District 23 Medical Examiner and will be responsible for the operation of the office going forward until such time as they're ready for a search committee.
- Commission Chairman Dr. Nelson announced that Dr. Riazul Imami received a proclamation from the Charlotte County Commission honoring Dr. Imami as the medical examiner who has been there since August of 1972. Charlotte County also declared March 22, 2022 as Dr. Imami Day.
- Status Report: MEC Appointment 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. Dr. Kirkland also informed that a letter has been sent to the Florida Association of Counties listing an additional candidate for consideration along with Commissioner Carol Whitmore, the other candidate who was originally submitted to the governor's office is no longer a county commissioner. 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. Mr. Kirkland advised that he has personally reached out to the Governor's Appointments Office and indicated the need to make these appointments as this is becoming a recruitment and retention issue and there are some medical examiners who are district medical examiners who are years into the process of still being interim medical examiners and conveyed the importance. Dr. Nelson asked that Mr. Kirkland bring the Commission and members up to speed in regards to what the Governor's Appointments Office actions are with the Department of Health. Mr. Kirkland advised that during his conversation with the Governor's Appointments Office, they stated that they were trying to get some additional information from the Department

of Health. Mr. Kirkland advised that he indicated that we were not aware of that additional requirement and staff had already done what they were required to do. The only information he was given was that they were possibly doing it at the request of the Governor. No other information was provided.

- District 2 Medical Examiner Vacancy: Dr. Nelson informed the Commission that the District 2 Medical Examiner Search Committee has had several organizational meetings so far and the 2nd Judicial Circuit has retained Dr. Jon Thogmartin to assist with the search for a new medical examiner. Dr. Stewart has indicated that he wants to retire.
- District 8 Medical Examiner Vacancy: Dr. Nelson informed the commission a search committee has been formed in response to Dr. Hamilton's retirement. The position has been posted on the FAME website. Dr. Nelson advised that they have had a couple of meetings and will keep the commission updated on what's happening with the District 8 Medical Examiner search.
- District 22 Medical Examiner Vacancy: Dr. Wolf informed the commission that, in light of Dr. Imami's retirement, a search committee has been organized and they have had several meetings including another scheduled for that afternoon. Dr. Wolf advised that the position has yet been posted anywhere.
- 2021 Interim 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 the data and it has been sent out to all the districts for corrections. Mrs. Neel advised that she is just waiting on the data to get back so that she can start getting the report compiled. Mrs. Neel expressed her gratitude towards Dr. Russell Vega for helping. Dr. Nelson recognized the work that the committee has done in providing accurate information and stated that it is the closes thing to real time data that is provided to multiple entities.
- 2021 Annual MEC Reports: Mrs. Neel informed the Commission that she has received all the data for the Annual Workload Report. Everything starting to be compiled. Mrs. Neel advised that she is just waiting on the final death numbers from Department of Health so that she can start running the report. Mrs. Neel thanked everyone for working with her to move the data submission date up by a month.
- 2021 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mrs. Ashley Williams reported that there are 16 districts participating in the grant and the allotment total is \$51,440. The awarded packages were emailed to the participating districts on May 17, 2022. Physical copies of the MOUs were mailed by the grant manager to participating districts on May 17, 2022. All participating districts are authorized to purchase items on their expenditure list.
- 2022 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mrs. Williams reported that solicitation for proposals were mailed out on January 6, 2022. The MEC staff received proposals from 14 districts. The M.E. allotment total is \$50,213. And funds are not expected to be released by the Bureau for Justice Assistance (BJA) until 2023. Mrs. Williams advised not begin purchasing until authorized by staff.
- Postmortem Toxicology Lab Director's Meeting Update: Dr. Goldberg informed the Commission that representatives from the University of Florida, Axis Forensics, NMS Labs, Broward County, Pinellas County, Steward Reference Lab, the Miami-Dade Medical Examiner's Office, Statewide Intelligence Office, and Statewide Prosecutor met virtually on July 21, 2022. Dr. Goldberger said that they had a really good discussion about the state of toxicology in the State of Florida. Dr. Nelson suggested that it would be beneficial to have someone from the Drug Enforcement Administration to participate.

ISSUE NUMBER 2: UNIDENTIFIED DECEASED INITIATIVE

Mrs. Williams reported the following success story from District 15:

Human remains were discovered tied up in the mangroves with a wire to a tree in North Palm Beach by Singer Island in Palm Beach County in 1974. An examination at the time revealed the remains belong to an approximately 14-year old white female. The remains were maintained elsewhere until 2014 when they were turned over to District 15- Palm Beach County Medical Examiner's Office. Mitochondrial DNA samples were obtained and sent into NAMUS. Subsequently the remains were submitted for an osteological exam and a forensic dental evaluation. None of these led to a positive identification at that time.

On March 18, 2022, the Palm Beach County Medical Examiner's Office was advised by the Palm Beach County Sheriff's Office that the remains have been identified via DNA as a 17-year-old white female named Susan Gail Poole, DOB: 02/12/1957. The Palm Beach County Sheriff's Office had been in touch with Poole's family (mother, brother and sister) and they reported she went missing in 1972. Poole's mother provided a DNA standard, which confirmed Poole's identity. Susan Gail Poole was released from the Palm Beach County Medical Examiner's Office on June 2, 2022 via funeral home to Poole's sister, bringing the identification of the case to a close. The Palm Beach County Sheriff's Office believes Poole was one of the victims slain by Gerard Schaefer, a police officer who was also a serial killer. Schaefer was stabbed to death in prison in 1995.

ISSUE NUMBER 3: EMERGING DRUGS

Bruce Goldberger, Ph.D., provided the Commission with an update on new drug trends. Fentanyl, nitazenes, designer benzodiazepines, N,N-dimethylpentylone, and xylazines continue to appear in Florida. Dr. Goldberger stated that nitazenes is primarily found in the Pinellas County area of the state. He also advised a new drug has emerged, PiHP, a synthetic cathinone stimulant. There have been no reported deaths related to PiHP intoxication, however PiHP has been found in drug chemistry cases in Broward, Hamilton and Leon counties. Dr. Goldberger informed the commission of a fatal outbreak of drug overdoses in Gadsden County over the July 4th weekend, and awaiting the toxicology to know if the overdoses involved PiHP or just Fentanyl. Dr. Goldberger advised that since PiHP is a cathinone, it should be easily detected during a general toxicology screen unlike nitazenes. Dr. Nelson inquired how nitazenes were being produced. Dr. Goldberger advised that the nitazenes were likely being produced in China and finding it way to the United States for distribution and not being produced in home labs.

The Commission directed staff to work with Dr. Goldberger to develop a list of concerning designer benzodiazepines for potential scheduling on the State's controlled substance list. Commission member Nick Cox agreed to disseminate the list to the Attorney General's Office.

ISSUE NUMBER 4: OTHER BUSINESS

- Dr. Nelson presented former MEC staff member Steven (Chad) Lucas with a signed resolution and read its contents into the record.

WHEREAS, the Medical Examiners Commission was created in 1970 by the passage of Chapter 406, Part I, Florida Statutes, also known as the Medical Examiners Act; and,

WHEREAS, this Commission plays a vital role in support of Florida's criminal justice system, to the families of the deceased in determining the cause and manner of death of their loved ones whose deaths come under the jurisdiction of the medical examiner, and by contributing to the protection of the public health of the citizens of Florida; and,

WHEREAS, the staff which serves the Medical Examiners Commission is housed within and supported by the Florida Department of Law Enforcement; and,

WHEREAS, Mr. Steven (Chad) Lucas has served the citizens of Florida for 4 years, and joined the staff of the Medical Examiners Commission in 2018; and,

WHEREAS, Mr. Lucas's dedication to the Medical Examiners Commission has highlighted the accomplishments of the many district medical examiner offices in their continued efforts to resolve unidentified deceased; and,

WHEREAS, Mr. Lucas has conducted thorough and insightful investigations into complaints against medical examiners, showing compassion for family members while maintaining the integrity of Florida's medical examiner system; and,

WHEREAS, Mr. Lucas has enriched the Medical Examiners Commission and staff with his knowledge and professionalism.

NOW THEREFORE, let it be resolved that this Commission on behalf of Florida's medical examiners, the medical-legal community, and all of the citizens of Florida whom he has served so well, does hereby recognize and commend Mr. Steven (Chad) Lucas for the dedication and valuable service he has offered to the Florida medical examiners system and hopes that he maintains his success in future endeavors.

PASSED AND RECORDED, in the official minutes of the Medical Examiners Commission meeting on this Wednesday, the 27th day of July, 2022, in Orlando, Orange County, Florida.

- Mr. Kirkland requested for official Commission support to develop a proposal to seek funding for the publicly funded toxicology labs using the Attorney General's Opioid settlement money in order to outfit those laboratories with high resolution mass spectrometers or other equipment.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO SUPPORT THE PROPOSAL TO SEEK FUNDING FOR PUBLICLY FUNDED TOXICOLOGY LABS USING THE OPIOID SETTLEMENT.

Dr. Nelson asked Mr. Kirkland for clarification in regards to the proposal being for publicly funded toxicology labs or all toxicology labs. Mr. Kirkland advised that at this time, he was moving forward with the proposal for publicly funded labs because he does not know if there is access for the for-profit labs. Dr. Nelson asked for further clarification as to a publicly funded county lab verses an independent contracted lab that is publicly funded. Dr. Kirkland informed that those labs would be included in the proposal. Dr. Goldberger advised that there are only 3 toxicology labs that would not be included, two labs outside the state and one within the state that is considered to be for-profit (NMS labs, Axis Forensic Toxicology and Steward Labs).

Mr. Nick Cox informed the Commission that the funds are being controlled by the legislators and the Governor, and is unaware how much is being controlled by the Attorney General. He stated that they may need to reach out to the Governor with the proposal as well. Mr. Cox asked to be abstained from voting since he is sitting on behalf of the Attorney General.

District 1 Medical Examiner Dr. Deanna Oleske asked what percentage of Florida is served by publicly funded labs versus the for-profit labs? Both Dr. Goldberger and Mr. Kirkland stated that they do not have the number. Dr. Oleske also inquired about how districts that use privately funded, for-profit labs would have access to use the equipment obtained by the settlement money. Mr. Kirkland advised that unfortunately he does not have the answer to her question because they are still in the initial stage of finding out whether or not the Opioid Settlement would be a potential funding source. Furthermore, Mr. Kirkland stated that he was seeking approval from the Commission before proceeding with the proposal to the Attorney General's Office.

Mr. Ken Jones amended his original motion to grant Commission Staff permission to pursue the proposal to utilize funding from the Opioid Settlement and then bring back up at a later time for discussion. Dr. Nelson advised that at this time the proposal would be exploratory to see whether or not the Commission could even tap into the Opioid settlement and if so, how much could be garnered and where the money would go.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE PROPOSAL TO THE ATTORNEY GENERAL'S OFFICE TO SEEK FUNDING FROM THE OPIOID SETTLEMENT.

- Mr. Nick Cox addressed the Commission on behalf of Edward Tellechea, the Chief of Administrative Law in the Attorney General's Office. Mr. Cox stated that according to Mr. Tellechea, his office has received notice of multiple deaths involving gluteal fat transfers, better known as Brazilian butt lifts. Mr. Cox continued to explain that when these procedures are done, the fat transfer is supposed to go under the skin but not invade the fascia that covers the muscle because otherwise it will immobilize and there have been deaths reported where there has been lung embolism. Mr. Cox explained the concern is a licensing aspect and the Attorney General's Office is running into problems with medical examiners not determining whether or not the fascia was invaded with fat during autopsies. Mr. Cox stated that by determining if the fascia was invaded with fat, they could show cause of death was due to the improper procedure that was performed during the gluteal fat transfer. Mr. Cox stated that Mr. Edward Tellechea request was whether or not the Commission could help in the sense of trying to encourage medical examiners to include this as a part of their examinations.

Dr. Nelson discussed the gluteal fat transfer procedures, advising that the Board of Medicine has a rule that doctors cannot remove more than 1,000 CCs of fat for reinjection anywhere and the issue has been that doctors are reinjecting more fat. Dr. Nelson also stated that Dade County has had two private surgeons that are with the American Board of Plastic Surgery oversight boards and they will travel to autopsies and participate in the autopsy as to how the procedure was done. Dr. Nelson stated that he would like to know more information in regards to what districts are the issues because that has not been his experience with Dade County because they do invite aforementioned surgeons into the morgue when those cases occur to provide their technical expertise to the autopsy pathologist. Dr. Nelson advised that the Commission could certainly reach out the surgeons to see if they would be interested or willing to travel to other districts to provide assistance in the autopsies when the cases occur.

Mr. Cox stated that Mr. Tellechea would contact Dr. Nelson to provide more details in regards to the issues and if there is any action that the Commission could take. Mr. Charlie Cofer advised that once more information was gathered, that this request might be something more amendable to an educational issue.

With no further business to come before the Commission, the meeting was adjourned at 10:58 A.M.