

MEDICAL EXAMINERS COMMISSION MEETING

Rosen Centre Hotel
9840 International Drive
Orlando, Florida 32819
February 16, 2018 10:00 AM

Chairman Stephen J. Nelson, M.D. called the meeting of the Medical Examiners Commission to order at **10:00 AM** at the Rosen Centre Hotel in Orlando, Florida. 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
Hon. James S. Purdy, J.D., Public Defender, 7th Judicial Circuit
Robin Giddens Sheppard, L.F.D., Funeral Director
Kenneth T. Jones, State Registrar, Department of Health
Hon. Harrell Reid, Hamilton County Sheriff
Hon. Jeffrey Siegmeister, State Attorney, Third Judicial Circuit

Commission Members Not Present:

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

Commission staff present:

Vickie Koenig
Beth McNeil

Doug Culbertson
James D. Martin, J.D.

District Medical Examiners present:

Jon Thogmartin, M.D. (District 6)
Russell Vega, M.D. (District 12)
Roger Mittleman, M.D. (District 19)

Joshua Stephany, M.D. (District 9 & 25)
Riazul Imami, M.D. (District 22)

Other District personnel present:

Cathy Weldon (District 8)
Sheri Blanton (District 9 & 25)
Jeff Martin (District 1)
Whit Majors (District 14)
Dilhani Amarasinghe, M.D. (District 4)

Brett Harding (District 5)
Lindsey Bayer (District 5)
Keara Dotson (District 13)
Peter Gillespie, M.D. (District 4)
Sebastian Mikulic (District 4)

Guests present:

Bruce A. Goldberger, Ph.D. (UF)
Rebecca Sayer (LifeLink)
Larry Cochran (LifeQuest)
Paula Kraft (LEITR)
Linda Pollard (FDLE)
Jonathan Rigsby (FDLE)
Jose Cepeda (LAORA)
Cory Hebert (RTI)

Ricardo Camacho (UF)
Jessica Herzdovich (UF)
James Rosa (LEITR)
Wayne Crodsmark (LEITR)
Brendie Hawkins (FDLE)
Adam Waskiewkz (LAORA)
Lynetta Oxendine (TransLife)
Thomas N. Palermo, J.D. (US Dept. of Justice)

Heather Hoag (RTI)
Linda Sullivan (Wuesthoff Lab)

Jonathan Carrier (LifeQuest)

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

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ISSUE NUMBER 1: ELECTION OF CHAIRMAN

Ms. 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 Jim Purdy nominated Stephen J. Nelson, M.D., and motioned to close nominations. Dr. Barbara Wolf seconded both motions.

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.

ISSUE NUMBER 2: INFORMATIONAL ITEMS

- Ms. Koenig informed the Commission that the surveys and assessments for the reappointments of District Medical Examiners for districts 1 (Escambia, Okaloosa, Santa Rosa and Walton counties), 2 (Franklin, Gadsden, Leon, Liberty, Jefferson, Taylor and Wakulla counties), 3 (Columbia, Hamilton, Lafayette, Madison and Suwannee counties), 4 (Duval, Nassau and Clay counties), 5 (Citrus, Hernando, Lake, Marion and Sumter counties), and 6 (Pinellas and Pasco counties) were sent to the constituents of these districts in January. Surveys and assessments for the funeral homes were sent via U.S. mail in February. Electronic surveys were sent to all other constituents.
- Dr. Nelson informed the Commission that District 7 and 24 Medical Examiner Marie Herrmann, M.D., retired effective January 31, 2018. Andrew S. Koopmeiners, M.D., was appointed by Volusia County Council (under Home Rule) as the Acting District Medical Examiner for District 7, effective February 1, 2018. State Attorney Phil Archer also named Dr. Koopmeiners as the Interim District 24 Medical Examiner for Seminole County. On February 14th, Volusia County informed the Commission that they had selected Sara H. Zydowicz, D.O, to be the District Medical Examiner for District 7, effective April 2, 2018, and that Dr. Koopmeiners will continue to serve as Acting District Medical Examiner through April 1, 2018.
- Ms. Koenig informed the Commission that the District Medical Examiner, the Licensed Funeral Director (LFD), and the County Commissioner positions on the MEC are pending reappointment by the Governor. The Public Defender position on the MEC is also pending the Governor's appointment, and Mr. Purdy will continue to serve until that appointment is made.
- The District Medical Examiners in districts 8 (Alachua, Baker, Bradford, Gilchrist, Levy, and Union counties), 10 (Hardee, Highlands, and Polk counties), 12 (DeSoto, Manatee, and Sarasota counties), 18 (Brevard county), 19 (Indian River, Martin, Okeechobee, and St. Lucie counties), 20 (Collier county), 21 (Glades, Hendry, and Lee counties), 22 (Charlotte county), and 23 (Flagler, Putnam, and

St. Johns counties) are pending reappointment. The incumbent District Medical Examiners continue to serve until reappointed or replaced by the Governor.

- The recommendations of Jay M. Radtke, M.D., as District Medical Examiner in District 14 (Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties), and Michael R. Steckbauer, M.D., as District Medical Examiner in District 16 (Monroe county) are also pending appointment by the Governor.
- 2017 Interim Drugs in Deceased Persons Report – Ms. Beth McNeil announced that all of the data for the 2017 Interim Report has been received and reviewed by the Quality Assurance Committee (QAC). Staff was waiting for the districts to review the QAC comments and submit their responses. It is anticipated that the report will be released in a couple of months.
- 2017 Coverdell Grant Status Update – Ms. McNeil advised the Commission that funds have not yet been released by the National Institute of Justice (NIJ) for the 2017 Coverdell Grant. Ms. McNeil said that a total of \$42,901 was requested by 17 districts.
- Bills Filed for the 2018 Legislative Session – Mr. Jim Martin informed the Commission of the following bills of interest to the MEC:

Controlled Substance Prescribing – PDMP (HB 21 Boyd / SB 8 Benacquisto) - These bills provide medical examiners with indirect access to the Prescription Drug Monitoring Program. Medical examiners conducting an authorized investigation pursuant to s. 406.11, F.S., may request information from the PDMP through a program manager within the Department of Health. The specific authorizations in each bill are found in HB 21 on pages 48 and 64 and in SB 8 on pages 48 and 61. Proposed effective date is July 1, 2018. *(Note: HB 21 passed the Legislature and was signed by the Governor on March 19th, becoming Chapter 2018-013, Laws of Florida)*

Public Records (HB 1317 Jacobs / SB 1850 Stewart) - These bills add autopsy reports and related written records that personally identify the deceased to materials that are to be exempt and confidential from public record pursuant to s. 406.135, F.S., until 10-days after the medical examiner completes the autopsy report. An exception is provided for the surviving spouse to view and copy records, and the others in the succession list if there is no surviving spouse. Additionally, these bills add legal guardian in the succession list of individuals who are authorized to view, copy, or listen to materials exempted in this section of statute. This exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2023 unless reviewed and reenacted by the Legislature. This exemption has retroactive application. Proposed effective date is upon becoming law. *(Note: these bills did not pass the Legislature)*

Photographs, Video or Audio Recordings Depicting the Killing of a Person (HB 653 Brown / SB 1178 Bracy) - These bills expand the public records exemption in s. 406.136, F.S. to include any photograph, video, or audio recording held by an agency that depicts or records the killing of a person, not just a law enforcement officer acting in his or her official capacity. This essentially restores s. 406.136, F.S. to its wording prior to October 1, 2016 with retroactive application. This exemption is subject to the Open Government Sunset Review Act and will be repealed on October 2, 2023 unless reviewed and reenacted by the Legislature. Proposed effective date is October 1, 2018. *(Note: these bills did not pass the Legislature)*

Elder Abuse Fatality Review Teams (HB 259 Watson / 422 Gibson) - These bills authorize the establishment of elder abuse fatality review teams to review abuse related deaths. Review teams may be established in each judicial circuit and are composed of volunteers who serve 2-year

terms without compensation. A medical examiner is among those listed as possible members of the review team. The review teams are assigned to the Department of Elder Affairs for administrative purposes. Proposed effective date is July 1, 2018. *(Note: these bills did not pass the Legislature)*

Varnadoe Forensic Research Center (HB 2255 Burgess) - This bill accompanies an appropriations project to establish a forensic anthropology research facility. This project is included in the proposed House budget, but not in the proposed Senate budget. *(Note: Funding for this project was included in the final budget approved by the Governor)*

The following bills were mentioned at the last meeting but have had no movement to date during session: Nursing Homes (HB 655 Edwards / SB 896 Farmer) and Public Meetings (HB 589 Newton / SB 1092 Radar). *(Note: these bills did not pass the Legislature)*

ISSUE NUMBER 3: COVERDELL GRANT – 2018 PROPOSALS

Ms. McNeil informed the Commission that she had received proposals from 18 districts and they are currently going through the quality review process. She said that the total amount of requested funds was \$61,683.17, but that this time it is unknown what amount will actually be made available to the medical examiners. NIJ has not released the 2018 solicitation yet, though it is listed as a forthcoming funding opportunity.

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

ISSUE NUMBER 4: ORGAN PROCUREMENT ORGANIZATION ANNUAL REPORT FOR 2017

Mr. Larry Cochran of LifeQuest presented the 2017 Annual Report for Florida's organ procurement organizations. Mr. Cochran reported that there were four denials last year that have been addressed by the respective medical examiners, and thanked the medical examiners for the outstanding relationship that they have with the organ procurement organizations in Florida.

ISSUE NUMBER 5: MASS FATALITY PLANS

Dr. Nelson reminded everyone that the 2018 hurricane season begins on June 1st, and that all districts should be sure that their Mass Fatality/Disaster Plan(s) are up to date.

ISSUE NUMBER 6: UNIDENTIFIED DECEASED INITIATIVE

Mr. Culbertson reported the following success story from District 17 (Broward County):
On December 10, 2017, skeletal remains were found in an abandoned house in Dania Beach, Florida. At the time of discovery, there were no possible names or any identifying marks, features or information to lead to a possible identification. The remains were examined by anthropology and odontology. District 17 investigators completed an NCIC packet and sent a bone sample to the University of North Texas Human Identification Center to be analyzed and entered into CODIS. They also had a forensic artist work on the case who performed a forensic sculpture of the skull. The only unique and possible identifying item was a rope type necklace with a round glass type

multicolored charm. All of the data on the case along with pictures of the clothing, forensic sculpture and necklace were added to the Broward Sheriff's Office Found and Forgotten website.

On January 8, 2018, Chief Investigator Tom Steinkamp received an email from Romy Franco with the University of North Texas Human Identification Center regarding a missing person DNA association between their case and a missing person report from Howell New Jersey Police Department. The UNT report stated, in part, that on July 17, 2017, they received two family reference DNA samples belonging to the mother, Christina Ethel Generoso and a sibling, Tamar Eileen Csaszar of missing person, Jason Vincent Grabert. The family reference samples were entered into the Unidentified Human Remains and Relatives of Missing Persons indices of the Combined DNA Index System (CODIS) and an association was found. The report stated the genetic data obtained from the submitted items were consistent with the unidentified remains originating from a biological child of Ms. Generoso and from a biological sibling of Ms. Csaszar.

Mr. Steinkamp contacted Lt. Markulic with the Howell Police Department regarding their case. The report was filed on January 7, 2012, by the mother. The report advised that Jason traveled to the Fort Lauderdale, Florida area and was last known to possibly be in Cancun Mexico. Lt. Markulic stated they have had no further info on the case since the original report and provided the contact information for Ms. Generoso.

An internet search for missing person Jason Vincent Grabert was conducted and found a missing person flyer from the GINA Missing Person Foundation. The flyer stated the missing person, Jason Vincent Grabert, DOB 05/22/1971 was missing since January 3, 2009. The flyer stated Jason suffered from Paranoid Schizophrenia and stomach problems. Jason felt that he was a targeted individual from going on unauthorized websites and was looking into wilderness isolated groups as he wanted to fall off the grid. He had disappeared once, but came back in a few weeks. Jason wiped all personal information and pictures from his mother's computer before he disappeared. His mother thought he would return so there was a delay in reporting him missing. And he was last seen wearing a black onyx charm with his grandmother's ashes inside.

On January 8, 2018, Mr. Steinkamp received a call from Christina Ethel Generoso. Ms. Generoso stated her son went missing in 2009 in the Fort Lauderdale area, but his cellphone was found in Iowa. Ms. Generoso stated the information from the flyer was correct. Mr. Steinkamp described the unique round glass type charm that was found on the rope type necklace at the scene. She described it as being the one Jason wore with her mother's ashes inside. Ms. Generoso stated in the middle of 2017, she went with her daughter to Rutgers University for a missing person's day where they submitted DNA. Ms. Generoso is in the process of making funeral arrangements.

FDLE Inspector Linda Pollard told the Commission of two success stories from Districts 9/25 (Orange and Osceola counties).

The first was a body that was recovered with no distinctive scars, marks or tattoos; although NCIS indicated that there was a tattoo on the decedent's forearm. After some further investigation, the decedent was identified as a Mexican national who had been arrested by Border Patrol in the past and incorrect tattoo information was made. The next of kin was notified.

The body of a white Hispanic male was recovered hanging in an orange grove in 2016. The only viable prints were three prints on one hand. Fingerprint identification was received from the CJIS Biometrics Unit that the decedent was a Mexican national who had been arrested in New Jersey in the past. The wife of the decedent was eventually located, although she had not been entered into any database.

ISSUE NUMBER 7: EMERGING DRUGS

Bruce A. Goldberger, Ph.D. (University of Florida) provided the Commission with an update on new drug trends. Two new fentanyl analogs have been identified in forensic casework: cyclopropyl fentanyl and methoxyacetyl fentanyl. Dr. Goldberger stressed that if the medical examiners receive any sudden unexpected inmate deaths from the jails or prisons to check for synthetic cannabinoids. 5F-ADB and FUB-AMB (AMB-Fubinaca) have been found in the decedents in some of these cases.

Dr. Goldberger also informed the Commission that the University of Florida's FROST website had been updated with the 2016 annual data and had a new fentanyl analog page. FROST (Florida Drug-Related Outcomes Surveillance and Tracking System) can be found at <http://frost.med.ufl.edu/frost/>.

ISSUE NUMBER 8: 2018 FAME EDUCATIONAL CONFERENCE

Dr. Goldberger reported that the 2018 FAME Educational Conference would be held July 18-20, 2018, at The Mission Inn Resort & Club (<https://missioninnresort.com>) in Howey-in-the-Hills (Lake County). The District 14 Medical Examiner's Office will host the 2018 conference.

ISSUE NUMBER 14: OTHER BUSINESS

- Assistant U.S. Attorney Thomas N. Palermo from Florida's Middle District, based in Tampa, appeared before the Commission to request that medical examiners forward drug death data to his agency as soon as a death is determined to be caused by opioids. Mr. Palermo said that this data was crucial to the Department of Justice due to the ongoing opioid crisis. Mr. Palermo said that this data would be used in cases that would lead to the arrest of the distributors of opioids. Mr. Palermo clarified that the essential information needed is name of decedent, date of death, county of death, cause of death and law enforcement agency investigating the death. He asked that all 2017 data finalized to date be submitted and then monthly submission thereafter so his office can crunch the data as it is available.
- Dr. Nelson announced that he had reappointed District 2 Associate Medical Examiner Anthony J. Clark, M.D. to the State Child Death Review Committee.
- Dr. Goldberger advised the Commission that they have broken ground on the new District 8 Medical Examiner facility in Gainesville. It is located off the Williston Road/I-75 interchange and should be completed by October 2018.
- Dr. Imami advised the Commission of a suspicious drug related death in his district. It involves a fentanyl analog that was found in a nasal spray form. He wanted to urge the districts to be cautious of the potency and variety of the fentanyl analogs. (*NOTE: the substance was identified as cyclopropyl fentanyl*)

With no further business to come before the Commission, the meeting was adjourned at 11:30 A.M.