

## **MEDICAL EXAMINERS COMMISSION MEETING**

Wyndham Grand Jupiter at Harbourside Place  
122 Soundings Avenue  
Jupiter, Florida 33477  
May 7, 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 **10:00 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 & 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, 4<sup>th</sup> Judicial Circuit  
Hon. Carol R. Whitmore, R.N., Manatee County Commissioner

### **Commission staff present:**

Vickie Koenig  
Chad Lucas  
Dean Register

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

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

William F. Hamilton, M.D. (District 8)  
Michael R. Steckbauer, M.D. (District 16)  
Wendolyn Sneed, M.D. (District 15)  
Russell S. Vega, M.D. (District 12)  
James W. Fulcher, M.D. (District 7)  
Patricia A. Aronica, M.D. (District 19)

Jay Radtke, M.D. (District 14)  
Kelly G. Devers, M.D. (District 13)  
B. Robert Pietak, M.D. (District 4)  
Craig Mallak, M.D. (District 17)  
Emma O. Lew, M.D. (District 11)  
Marta U. Coburn, M.D. (District 20)

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

Paul Petrino (District 15)  
Lee Marie Tormos, M.D. (District 15)  
Bill Grotjahn (District 8)  
Paula Greer (District 8)  
Catherine Miller, M.D. (District 15)  
Amanda Whidden (District 13)  
Karla Orozco (District 7)  
Kelly Boulos (District 23)  
Christine Canard (District 19)

Ralph Saccone (District 15)  
Harrison Cowan (District 13)  
Ricardo Camacho (District 8)  
Whit Majors (District 14)  
Kenneth Hutchins, M.D. (District 11)  
Sheri Blanton (Districts 9 & 25)  
Adrienne Sauder (District 19)  
Tim Crutchfield (District 4)  
Aurelian Nicolaescu, M.D. (District 4)

### **Guests present:**

Michael Leffler (DOH)  
Linda McCluskey (LifeLink)  
Jeff Thomas (LEITR)  
Patricia L. Darrigan (Legacy)  
Amy Reese (LEITR)

Karen Card, DrPH (DOH)  
Michael Consilvio (LifeLink)  
Jessica Zayakosky (Legacy)  
David Summers (Palm Beach Trauma)  
Chris Boden

Phoebe R. Stubblefield, Ph.D. (C.A. Pound Lab)  
James Rosa (LEITR)

Thomas A. Davis (OurLegacy)  
Jon Rigsby (FDLE)

**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 FEBRUARY 12, 2021 MEDICAL EXAMINERS COMMISSION MEETING.**

**ISSUE NUMBER 1: INFORMATIONAL ITEMS**

- FDLE Criminal Justice Professionalism Director Dean Register provided the Commission with updates regarding staffing changes within the Division. Mrs. Vickie Koenig has been promoted to Deputy Director of the Criminal Justice Professionalism division of FDLE. Brett Kirkland, Ph.D., has been promoted to fill Vickie's previous position of Chief of the Bureau of Policy and Special Programs. Both of these promotions will be beneficial to not only the Medical Examiner's Commission, but will also strengthen the leadership team in Criminal Justice Professionalism.
- Commission Chairman Dr. Nelson announced that Hamilton County Sheriff J. Harrell Reid resigned from his seat on the Medical Examiners Commission on April 5, 2021. At this time, the Florida Sheriffs Association has not sent anything to MEC Staff regarding a nomination for Sheriff Reid's replacement.
- Status Report: MEC Appointment and Reappointments: Brett Kirkland, Ph.D., 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 vacant State Attorney Seat has been submitted to the Governor's Appointments Office and they have everything they need for the appointment. We are currently awaiting approvals from the Governor's Appointments Office.
- Status Report: DME Appointments and Reappointments: Mr. Kirkland 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, 18, 20, 21, 22, 23, and 24 and appointments for districts 1, 4, 16, and 19. We are currently awaiting approvals from the Governor's Appointments Office. Mrs. Koenig also noted that come summer, all District Medical Examiners will be pending either appointment or reappointment. Dr. Nelson stated that the District Medical Examiners still continue to perform their duties until they are either reappointed or replaced.
- 2020 Interim Drugs in Deceased Persons Report: Mr. Kirkland reported that the 2020 Interim Drugs in Deceased Persons Report was published to the MEC website on April 28, 2021.
- 2020 Annual MEC Reports: Mr. Kirkland informed the Commission that Mrs. Megan Neel has started receiving data for the Annual Workload Report and the Annual Drugs in Deceased Persons Report. He also reminded everyone that data for those reports is due by June 30, 2021, and asked that districts please submit their data sooner rather than later.

- 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 MOUs have been received by the grant manager.
- Organ Procurement Organization Denial Update: The Commission reviewed the District 11 organ transplant denials referenced in the 2020 Organ Procurement Organization Report with District 11 Medical Examiner Emma O. Lew. The Commission requested that Medical Examiners Commission Staff receive a Corrective Action report regarding changes made to the District 11 Medical Examiner's Office policy on Organ Procurement Organization transplant denials as well as a copy of a memorandum reflecting the policy changes signed by everyone in the District 11 Medical Examiner's Office who reviewed it by Friday, May 14, 2021.
- CJI and the MEO: Mrs. Koenig informed the Commission that District 6 had an instance where they got a new fingerprint manager at the sheriff's office, and when they were inquired with FDLE's CJIS Division regarding unidentified prints and obtaining identifies of unidentified decedents, they thought they were trying to bypass law enforcement and have direct access to FCIC and NCIC information. That was not the case. FDLE's CJIS Director Charlie Schaffer sent out a clarification e-mail about this and it has been included as an informational item so that offices are aware in the event they encounter some similar type of confusion.
- 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:

Reporting Abuse, Abandonment, and Neglect (SB 96) – This bill amends Section 39.201, Florida Statutes, and requires a Medical Examiner to provide their name to the abuse registry when reporting abuse and mandates the Medical Examiner to accept a report of suspected child abuse that resulted in the child's death for investigation, and report the findings in writing to law enforcement, the State Attorney's Office, and Department of Children and Families. Effective date is July 1, 2021.

District 1 Medical Examiner's Facility Planning and Design (HB 3639) – For the fiscal year 2021-2022 the nonrecurring sum of \$250,000 from the General Revenue Fund is appropriated to the Department of Law Enforcement (FDLE) to fund the District 1 Medical Examiners Facility Planning and Design. Effective date is July 1, 2021.

Practice of Physician Assistants (HB 431) – This bill would authorize licensed physician assistants to provide signature, certification, stamp, verification, affidavit, or endorsement for specified reasons. It would allow for physician assistants to sign death certificates. Effective date is July 1, 2021.

Emergency Management (SB 2006, Chapter 2021-008 Laws) – This bill amends Section 406.11, Florida Statutes, and requires Medical Examiners to certify the death of individuals who die under the provisions of Section 406.11(1) and requires Medical Examiners to assist the State Health Officer in identifying and reporting deaths during a public health emergency. Effective date is July 1, 2021.

## **ISSUE NUMBER 2: REAPPOINTMENT NOMINATIONS FOR DISTRICTS 2, 4, 5, AND 6 AND ASSESSMENTS FOR DISTRICTS 3 AND 7**

The Commission reviewed the constituent surveys for the reappointments of District Medical Examiners in District 2 (Franklin, Gadsden, Jefferson, Leon, Liberty, Taylor, and Wakulla Counties), District 4 (Clay, Duval, and Nassau Counties), District 5 (Citrus, Hernando, Lake, Marion, and Sumter Counties), and District 6 (Pasco and Pinellas Counties). District 3 (Columbia, Dixie, Hamilton, Lafayette, Madison, and Suwannee Counties) is covered by the District 2, 4, and 8 District Medical Examiners, and District 7 (Volusia County) is a home rule district. The Commission also reviewed the assessment information provided for those districts.

The constituents of these districts overwhelmingly responded with approval to the incumbent district medical examiners. A motion was made, seconded, and passed to recommend to the Governor the reappointment of the incumbent medical examiners in District 2 (David T. Stewart, M.D.), District 4 (B. Robert Pietak, M.D.), District 5 (Barbara C. Wolf, M.D.), and District 6 (Jon R. Thogmartin, M.D.). It was noted that Dr. Wolf recused herself from the voting on the District 5 Medical Examiner reappointment. No other names were submitted for consideration in these districts.

MEC Staff did not mail out ballots or solicit opinions from constituents of District 1 due to Dr. Oleske only being appointed as Interim District Medical Examiner on November 12, 2020. However, Dr. Nelson requested that reappointment ballots be sent out to constituents of District 1 and be prepared for the upcoming MEC Meeting in August.

## **ISSUE NUMBER 3: UNIDENTIFIED DECEASED INITIATIVE**

Mr. Lucas reported the following success story from District 21, as originally reported by the Fort Myers News Press:

Skeletal remains found in Fort Myers in 2018 have been identified as a missing man from Mississippi. Alton Lee Wilfong, 62 years old, was reported missing by family members on January 11, 2019 out of Gulfport, Mississippi. Wilfong mostly lived his life as a transient and had lost touch with his family in 2017, keeping in contact for the most part only on major holidays. When he didn't make contact even then, is when the family decided to report him missing. A year before the family reported him missing, police responded to the area behind 9011 Dani Drive where human remains had been discovered under a tree on January 11, 2018. They were skeletal remains, and at that point detectives did not believe the death was suspicious. The remains were transported to the medical examiner's office. The National Missing and Unidentified Persons System became involved and on January 22 the medical examiner's office notified the police department that there was a DNA match for Wilfong. Wilfong's next of kin was notified and the case is officially closed.

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

On May 13, 1988, the badly decomposed, partially mummified remains of an unidentified body were found lying face-down in an orange grove in Fort Pierce. On-scene investigators found two shotgun shells near the body and observed what appeared to be possible wounds from a shotgun blast to the chest area. There also appeared to be trauma to the head. The District 19 Medical Examiner at the time, Dr. Frederick Hobin, performed an autopsy on the same day and determined the death to be a homicide. The remains were then forwarded to the C.A. Pound Lab for examination. There, Dr. Maples determined the victim to be a male with an approximate age of 22 years. Forensic Odontologist Dr. John J. Williams, a consultant with the District 19 Medical Examiner's Office,

charted the teeth, but was unsuccessful in making any matches against x-rays made available to the office.

In October 2015, Kimberly Carroll with the District 19 Medical Examiner's Office forwarded the NCIC information to the St. Lucie County Sheriff's Office for entry and entered the cases into the NamUS and FLUIDDB databases. She also communicated between UNT and the St. Lucie County Sheriff's Office in reference to possibly locating family to match against a DNA profile, but both agencies had no success. District 19 Medical Examiner at the time, Dr. Roger Mittleman gave the directive to have UNT forward a sample for the purposes of creating a DNA profile for the case, and in November 2016 a STR and mtDNA profile was successfully created and the results were uploaded into NamUS.

In January 2020 Detective Paul Taylor with the St. Lucie County Sheriff's Office came to the District 19 Medical Examiner's Office to review the case as a "cold case". He was able to track down a potential biological brother in Montgomery, Alabama as well as a maternal half-brother. A sample was taken from both and compared to the DNA on file. On April 21, 2021, Detective Taylor notified Kimberly Carroll that a positive identification had been confirmed with DNA. The decedent has been confirmed as Rocky Lane Taylor. He was 25 years old at the time he went missing in 1988. An arrest was never made in the case and the sole suspect passed away in 2015.

#### **ISSUE NUMBER 4: DEPARTMENT OF HEALTH CHARTS PRESENTATION**

Ursula Weiss, Ph.D., with the Florida Department of Health gave an in-depth presentation on the uses and capabilities of their Community Health Assessment Resource Tool Set (CHARTS) website.

#### **ISSUE NUMBER 5: DEPARTMENT OF HEALTH GRANT UPDATE**

Karen Card, DrPH, reported to the Commission that the Overdose Data 2 Action (OD2A) Grant is now fully funded for an additional year. This brings the grant funding through August 30, 2023. Each year this grant provides \$551,068 in funding for improved or faster postmortem toxicology for suspected drug overdose cases with additional funding for technical data storage solutions. This year the Department of Health approached in-house laboratory districts with funding opportunities because they didn't have any previously. This fiscal year (ending in June) the Department expended \$171,177 for equipment and \$304,989 for lab test reimbursements. Starting in late June they will roll out a new funding request form to all of the districts with the objective of simplifying participation as well as identifying each district's self-determined individual needs. This will, in turn, also allow the Department to create their budget in response to those identified needs. They intend to allow requests for laboratory testing reimbursement, equipment, or technological solutions. At this point, they would be interested in anyone's feedback about why accepting money into their medical examiner district budget would be something they couldn't do or wouldn't want to do. In addition, the Department will develop additional funding mechanisms that do not necessarily involve the medical examiners having to go through their county commissions since that was an identified difficulty in the past.

Dr. Nelson asked what would happen to the grant funding if all of it was unable to be spent by the end of the fiscal year. Dr. Card said that because the CDC acknowledged difficulties that plagued every state in spending this year, the leftover funds will automatically be rolled over into next year's grant funds.

Dr. Nelson asked District 17 Medical Examiner Craig Mallak, M.D., if he was receptive to receiving some of this grant money for Broward County. Dr. Mallak said that his local health department is doing the same study and they gave him \$100,000 for a Q-TOF and sent an epidemiologist. He has invited Dr. Card to collaborate with the local health department so that everything wouldn't have to be done twice and asked for some additional funding to help pay for the Q-TOF, but never heard back from her. Dr. Card said that Florida has three counties that are independently funded by the federal government for OD2A and Broward County is one of them. Those funds are not described by or being routed through her.

Dr. Nelson said this was the first time the Commission is hearing about separate funding sources and asked for further information about it. Dr. Card said that there were three counties that received separate federal funding including Broward, Duval, and Palm Beach. Ken Jones asked Dr. Mallak if additional funding outside of the \$100,000 in grant funding he has already received could help continue to improve his facilities or office. Dr. Mallak said that the Q-TOF is very expensive and he would like any additional funds to help pay for that. Dr. Card said that she would reinstate communications between Districts 4, 15, and 17 to try to get the surplus funds from this year's grant spent, and that they have found ways to be aggressive with spending and ways to purchase items through the Department of Health for use at the local level, which would help get past any hurdles at the County Commission level.

#### **ISSUE NUMBER 6: 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 fluorofentanyl. Fluorofentanyl, an analog of fentanyl, has three positional isomers - para-fluorofentanyl, ortho-fluorofentanyl, and meta-fluorofentanyl. The most prevalent isomer in the U.S. is para-fluorofentanyl. It has been reported that para-fluorofentanyl possesses similar potency to fentanyl. Fluorofentanyl has been identified in decedents in the state of Florida. Other notable findings on the FDLE crime lab drug data summary include eutylone; the designer benzodiazepines clonazolam, etizolam and flubromazolam; and xylazine. Forensic toxicology labs should continue to be vigilant in regards to the emergence of novel psychoactive substances including benzodiazepines, cathinones, and fentanyl analogs.

Mr. Kirkland also stated that the postmortem toxicology lab directors meeting is still in the works. So far, participating members for the meeting have been identified and tentative dates have been posted. A report on the meeting should be available to the Commission at the August MEC Meeting. Dr. Nelson suggested that, since there is no longer a Crime Lab Council, the meeting become a more regular occurrence.

Mr. Cox also stated that, since the last MEC Meeting, Ms. Shannon MacGillis has been in contact with Dr. Goldberger a few times in an effort to alleviate communication issues between their two agencies. Mrs. Koenig stated that she will also be included in the upcoming toxicology lab directors meeting.

### **ISSUE NUMBER 7: 2021 FAME EDUCATIONAL CONFERENCE**

Dr. Goldberger reported that the 47<sup>th</sup> annual meeting of the Florida Association of Medical Examiners Educational Conference is scheduled for August 4-6, 2021. The meeting will be held at the Waldorf Astoria Orlando. The conference room rate is \$199 per night. Dr. Joshua Stephany and the District 9 Medical Examiner's Office is co-hosting the meeting. Please make your hotel reservation as soon as possible as they expect the rooms to sell out quickly. Additional information regarding meeting content and registration will be available soon on the FAME and Maples Center websites.

### **ISSUE NUMBER 8: OTHER BUSINESS**

- District 15 Medical Examiner Wendolyn Sneed, M.D., addressed the Commission regarding a recent push from families to bring in cases where decedents died relatively soon after being administered a COVID-19 vaccine. One particular case happened the day prior to the MEC Meeting involved a patient with metastatic breast cancer who was taken to the hospital, eventually moved into hospice, and received the vaccine about a week before passing away. The District 15 Medical Examiner's Office had been reading multiple requests to produce data on COVID-19 vaccinated deaths to the CDC and other agencies, and were wondering if there was a stance or guidelines from the Commission on these types of cases.

Dr. Nelson said that without more specific details about the cases she is talking about, it would be hard to give guidance. He went on to say that it is the medical examiner's discretion, within the guidelines of statute and administrative rule, as to what constitutes a medical examiner case.

- Dr. Nelson announced that he had a signed resolution for Hamilton County Sheriff J. Harrell Reid.
- Dr. Nelson informed the Commission of the passing of Debbie Turvaville on April 1, 2021 after a long battle with illness. Debbie was a member of the Medical Examiners Commission Staff for many years as part of her 47 years of service to the State of Florida. She was a very warm, wonderful person, and the Medical Examiners Commission expresses sympathy to her family.
- Mr. Ken Jones informed the Commission that during a call with the Division of Funeral & Cemetery Services on the previous day it was noted that Florida CFO Patronis' emergency order 2021-94 still allows for the 48-hour cremation waiting period to be waived. When asked, they did not have a timeline on when that would expire. It was stated that this order does not sunset like the Governor's Executive Order does.

**With no further business to come before the Commission, the meeting was adjourned at 11:46 A.M.**