

MEDICAL EXAMINERS COMMISSION MEETING

FDLE Headquarters
2331 Phillips Road
Tallahassee, Florida
March 8, 2013
10:30 AM

Dr. Hyma called the meeting of the Medical Examiners Commission to order at **10:36 AM** at the Florida Department of Law Enforcement, in Tallahassee, Florida. He apologized for the late start, then welcomed everyone to the meeting and asked Commission members, staff, and audience members to introduce themselves.

Commission members present:

Bruce A. Hyma, M.D., District 11 Medical Examiner
Russell S. Vega, M.D., District 12 Medical Examiner
Robert J. Krauss, J.D., Attorney General's Office
Hon. James S. Purdy, J.D., Public Defender

Ken Jones, Department of Health
Hon. Angela B. Corey, J.D., State Attorney

Commission members absent:

Jon C. Thomas, L.F.D., Funeral Director

Commission staff present:

Margaret Edwards
Duke Deese
Debbie Turvaville
Vickie Gardner

Doug Culbertson
Jim Martin
Jennifer C. Pritt
Danielle Miller

District Medical Examiners present:

Jon R. Thogmartin, M.D. (District 6)

Other District personnel present:

Jeff Martin (District 1)
Chris Boden (District 7 & 24)
Cathy Weldon (District 8)
Jeff Brokaw (District 4)

Bill Pellan (District 6)
Lisa Flannagan, M.D. (District 2)
Stacy Simmons (District 4)
Tiffany Poston (District 2)

Guests present:

Lynetta Oxendine
Ramona Jones
Michael Scott
Larry Cochran
John Ricco
Beth Withrow
Candace McIver
Carol Frederick

Susan Rabel
Lesley Lang
Christy Corbitt
Bill Cassarly
Jon Crislar
Brad Spatano
Jan Henderson
Melanie Walker

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 DECEMBER 14, 2012, MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: ELECTION OF CHAIRMAN

Ms. Edwards informed the Commission that pursuant to § 406.03, F.S., The Commission shall annually elect a chair from among its own membership, and this is done at the first meeting of each year.

Commissioner Robert Krauss nominated Bruce A. Hyma, M.D., and Commissioner James Purdy seconded.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO CLOSE THE FLOOR TO ADDITIONAL NOMINATIONS.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO ELECT BRUCE A. HYMA, M.D. AS COMMISSION CHAIRMAN.

ISSUE NUMBER 2: INFORMATIONAL ITEMS:

- Dr. Hyma reported that all necessary paperwork relating to reappointments of funeral home director representative Mr. Jon Thomas, and District Medical Examiner Russell Vega had been submitted to Governor Scott's appointments office. Pursuant to Chapter 406, Mr. Thomas and Dr. Vega will continue to serve until they are reappointed or other appointments are announced.

Dr. Hyma also announced that there are two additional vacancies on the Commission with the retirement of Manatee County Commissioner Donna Hayes, who retired in November 2012, and Monroe County Sheriff Robert Peryam, who retired on January 7, 2013. Necessary paperwork for both vacancies has been submitted to the Governor's appointments office.

- Ms. Edwards reported that all completed questionnaires for Districts 1, 2, 4, 5, and 6 have been submitted to the Governor's Office. Staff is still awaiting reappointment notification.
- Ms. Edwards reported that the surveys and assessments have been sent out to constituents of Districts 8, 9, 10, 11, 12, 13, and 14 in February 2013. The results will be presented to the Commission at the second meeting in 2013. Ms. Edwards informed the Commission that this year, staff sent the survey and assessments to all constituents other than the funeral home directors via email for a savings of over \$200. She explained that due to the fact that funeral homes come and go out of business or change management and/or ownership frequently, it is too difficult to obtain reliable email addresses for them, so those were sent via regular mail.

Commissioner Jones said that if Ms. Edwards would contact him next week that he is able to provide valid email addresses to all of the funeral home directors in the state.

- Mr. Deese reported that the 2012 Interim Report on Drugs in Deceased Persons is under final review. The report should be released sometime in the near future. Staff will advise the MEC and DMEs of the release date.
- Mr. Deese reported that the 2011 Annual Workload report was now on the MEC website.
- Mr. Deese announced that the deadline for data submission for the 2012 Annual Workload Report and the 2012 Annual Drugs in Deceased Persons Report is July 1, 2013.
- Mr. Culbertson announced that the deadline for submission of reimbursement requests for the 2011 Coverdell Grant is the end of March. Mr. Culbertson asked that anyone not planning to spend their Coverdell Grant award please let us know so the money can be used by the FDLE crime laboratory. Mr. Culbertson said that last year money was returned to the federal government, and that we would prefer to avoid that in the future.

Additionally, the Memorandum of Understanding (MOU) for the 2012 Coverdell awards was sent to the district medical examiner offices via the U.S. Postal Service last week. Mr. Culbertson asked that any district that had not received their MOU to contact him for an electronic copy.

Mr. Culbertson advised that we have not yet been informed of the amount of Coverdell money available for 2013, but that he would inform the districts just as soon as that information becomes available.

- Mr. Martin reported on the following bills in the 2013 Legislative Session:

HB 0023/SB 0050 Relating to Public Meetings: Requires that members of the public be given reasonable opportunity to be heard before a board or commission takes official action on propositions before it.

SB0056/HB 0083 Relating to Infant Death: Revises legislative findings and intent with respect to the sudden unexpected death of an infant under a specified age; defines the term "sudden unexpected infant death"; revises provisions relating to some training requirements for law enforcement and first responders; revises requirements relating to autopsies performed by medical examiners; requires the Medical Examiners Commission to provide for the development and implementation of a protocol for the medicolegal investigation of sudden unexpected infant deaths; and deletes references to the SIDS hotline and local SIDS alliances, etc.

SB 0370/HB 0171 Relating to Disposition of Human Remains: Amends the definition of "final disposition" to include "anatomical donation", and adds the Department of Health as an authorized issuer of burial-transit permits. This bill defines decedent's primary or attending physician to mean physician who treated decedent through examination, medical advice, or medication during the 12 months preceding the date of death. It also expands the timeframe from 30 days to 12 months after last treatment by a primary or attending physician for referral to the medical examiner for determination of the cause of death. Additionally it revises procedures for the reporting and disposition of unclaimed remains; prohibits certain uses or

dispositions of the remains of deceased persons whose identities are not known; and revises provisions prohibiting the selling or buying of human remains or the transmitting or conveying of such remains outside the state.

SB 604/HB 639 Relating to Practitioners: Amends s. 893.055, F.S. to allow impaired practitioner consultants access to certain confidential information in the prescription drug monitoring program's database when necessary to evaluate or monitor a practitioner as part of a treatment program for impaired practitioners.

Mr. Martin noted that these bills amending access to the Prescription Drug Monitoring Program (PDMP) provide an opportunity for DME access to the database to help them in drug death investigations. The Florida Association of Medical Examiners (FAME) had several helpful conversations with Senator Bean, but the Department of Health's legislative office did not appear to support providing access to the DMEs. Dr. Hyma will contact Surgeon General Dr. John Armstrong to discuss options for access to the PDMP for medical examiners.

- Ms. Edwards announced that Mr. Duke Deese is retiring and his last day at work will be April 4th. Dr. Hyma also thanked Mr. Deese for his service to the Medical Examiners Commission and said that he would be greatly missed. Mr. Deese received applause from the Commission and the audience. Ms. Edwards also introduced Ms. Danielle Miller, who will be Mr. Deese's replacement on MEC staff.

ISSUE NUMBER 3: ORGAN PROCUREMENT ORGANIZATION ANNUAL REPORT 2012

Mr. Larry Cochran of LifeQuest presented the Organ Procurement Report for 2012. Mr. Cochran said that while there two "denials" involving out of state deaths, the cooperation with Florida's Medical Examiners was outstanding, and that all of the organ procurement organizations were pleased with their relationship with the districts. Mr. Cochran said that both of the "denials" involved deaths in which an injury occurred in Georgia and the death in Florida. Georgia officials objected to the donation of organs, and in one of the deaths the family of the victim did not want an autopsy performed because the coroner informed them that it would be impossible to determine if the death was due to a homicide.

Dr. Vega wanted to reiterate that neither of these cases should be considered a denial by the Florida medical examiner, since the matter was out of their hands. The Commission and Mr. Cochran agreed with this sentiment, and Dr. Hyma thanked Dr. Vega for wording the issue so succinctly.

Dr. Hyma thanked Mr. Cochran for his informative presentation.

ISSUE NUMBER 4: GIDEON VS. WAINWRIGHT

Commissioner Jim Purdy, Public Defender, gave an informative presentation on Gideon v. Wainwright, in recognition of the 50th anniversary of the United States Supreme Court case that paved the way for the current public defender system.

ISSUE NUMBER 5: UNIDENTIFIED DECEASED INITIATIVE

Mr. Culbertson informed the Commission and those in attendance that there were no new unidentified deceased (UID) success stories to report at this time, but congratulated all of the districts for the outstanding job that they had done the past few years in identifying so many unidentified deceased. Mr. Culbertson reminded the DMEs to make use of tools available to them, i.e., Florida Unidentified Decedent Database (FLUIDDB), National Missing and Unidentified Persons System (NAMUS), etc. Doctor Hyma said that he wanted to reiterate the usefulness of the aforementioned tools.

Mr. Culbertson then introduced the members of the Missing and Endangered Persons Information Clearinghouse (MEPIC) who were in attendance. MEPIC member Ms. Jan Henderson thanked the Commission and the district medical examiners for their work in helping to identify the unidentified deceased. She also said that a recent audit revealed that there were many UID cases that had not yet been entered into FCIC/NCIC. MEPIC was reaching out to those law enforcement agencies responsible in order to assist them in bringing FCIC/NCIC up to date. Ms. Henderson wanted the districts to be aware that these agencies may seek the assistance of the medical examiners in order to obtain specific records.

Ms. Henderson also briefed the Commission on a distance learning course nearing completion to help educate agencies on the procedures associated with UID. This project is a joint venture with MEPIC and the Criminal Justice Professionalism Program, Bureau of Professional Development.

ISSUE NUMBER 6: MASS FATALITY PLANS

Dr. Hyma informed the Commission and those in attendance that he asked staff to place Mass Fatality Plans on the agenda for the first meeting of each year in order to highlight the importance of having a plan in place prior to the beginning of hurricane season. Dr. Hyma said that all districts reported that they had a Mass Fatality Plan in place, and thanked them for keeping up to date.

ISSUE NUMBER 7: 2013 EDUCATIONAL CONFERENCE

Dr. Hyma announced that the 2013 Florida Association of Medical Examiners Educational Conference will be hosted by District 21 Medical Examiner Rebecca Hamilton, M.D. The conference will be held July 10-12, 2013 at the Ritz Carlton Hotel in Sarasota, and that brochures are now available, and were on the table with the agendas and sign-in sheet.

ISSUE NUMBER 8: SOLICITATION FOR 2014 EDUCATIONAL CONFERENCE

Dr. Hyma asked for volunteers to host the 2014 Educational Conference, and said that anyone interested in hosting should contact Bruce Goldberger, Ph.D.

ISSUE NUMBER 9:

Dr. Hyma read the following resolution for departing Commissioner Robert Peryam, Monroe County Sheriff, into the record.

WHEREAS, “The Medical Examiners Act”, Florida Statutes Chapter 406, created the Medical Examiners Commission by its legislative enactment in 1970 and,

WHEREAS, the Medical Examiners Commission plays a vital role in support of Florida’s criminal justice system, in service to the families of the deceased by determining both the cause and the manner of death, and by protecting the public health of the citizens of Florida and,

WHEREAS, Sheriff Robert Peryam was appointed to the Medical Examiners Commission in 2010, as Florida’s Sheriff representative on the Commission and,

WHEREAS, Sheriff Robert Peryam was the elected Sheriff for Monroe County Florida, and has served the citizens of Florida as a law enforcement officer for over thirty years and,

WHEREAS, Sheriff Robert Peryam has taken it upon himself to improve his leadership skills through completion of leadership certifications through the Federal Bureau of Investigation, the Southern Police Institute, and the National Sheriff’s Association and,

WHEREAS, Sheriff Robert Peryam has served his fellow citizens and his community by sitting on many diverse civic organizations and councils and,

WHEREAS, Sheriff Robert Peryam enriched the Medical Examiners Commission with a unique blend of learned wisdom and a keen sense of humor on the many important issues that have been brought to our Commission’s attention during his tenure,

NOW THEREFORE let it be resolved that this Commission on behalf of Florida’s Medical Examiners, the medico-legal community, and all of the citizens of Florida whom he has served so well, does hereby recognize and commend Sheriff Robert Peryam for the dedication, service and valuable guidance he has offered to the Florida Medical Examiners System and hopes that he maintains this same enthusiasm, professionalism, and success and in all his future endeavors.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO ACCEPT THE RESOLUTION.

ISSUE NUMBER 10: Any Other Business to Come Before the Commission

- Dr. Hyma informed the Commission that State Surgeon General John Armstrong plans to completely overhaul the Child Abuse Review Committee due to ongoing issues with the membership. Dr. Hyma said that while District 5 Medical Examiner Barbara Wolf, M.D. is the most qualified individual to serve as the MEC appointee, the MEC would welcome any other interested forensic pathologist (associate or district medical examiner) for appointment to the Committee. Based on the results of this inquiry, Dr. Hyma would have further discussions with Dr. Armstrong about the MEC appointment.
- Mr. Ken Jones informed the Commission that the statewide rollout for the Electronic Death Registration System was now complete. The project is far from over due to planned updates to make the system more user-friendly.
- Dr. Hyma informed the Commission and those in attendance that he visited with Dr. Davis Thursday afternoon and that his health is now extremely frail.
- Dr. Hyma also informed everyone that Mr. Jon Thomas, Funeral Director on the Commission was ill and currently confined to the hospital, but he wants to continue serving on the MEC. Dr. Hyma said that there was a get well card for anyone who wished to sign it, and that contact information was also available online.
- Dr. Hyma informed the Commission and those in attendance that due to some issues regarding public records that it would be a good idea for all districts to provide in-service training for district personnel who have access to records that would be considered public records.

Mr. Martin informed everyone to be aware that there have been recent visits to government offices by individuals seeking to inspect public records. Mr. Martin reminded everyone that Florida law does allow for the inspection of records upon request, and advised everyone to ensure that their office personnel is aware of how to properly handle requests to inspect records.

With no further business to come before the Commission, the meeting was adjourned at 12:36 P.M.