

MEDICAL EXAMINERS COMMISSION MEETING

Hyatt Regency Jacksonville Riverfront
225 East Coastline Drive
Jacksonville, Florida
May 19, 2015
10:30 AM

Chairman Stephen J. Nelson, M.D., called the meeting of the Medical Examiners Commission to order at **10:30 AM** at Hyatt Regency Jacksonville Riverfront, in Jacksonville, Florida. He 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., District 10 Medical Examiner
Bruce A. Hyma, M.D., District 11 Medical Examiner
Wesley Heidt, J.D., Office of the Attorney General
Hon. James S. Purdy, J.D., Public Defender, 7th Judicial Circuit
Hon. Rick Beseler, Sheriff, Clay County
Robin Giddens Sheppard, L.F.D., Vice President/Funeral Director
Ken Jones, State Registrar, Department of Health
Hon. Angela B. Corey, J.D., State Attorney, 4th Judicial Circuit

Commission members absent:

Carol Whitmore, County Commissioner

Commission staff present:

Vickie Koenig
Kipp Heisterman

Doug Culbertson
Jim Martin

District Medical Examiners present:

Valerie J. Rao, M.D. (District 3 & 4)
Craig Mallak, M.D. (District 17)

Barbara C. Wolf, M.D. (District 5)

Other District personnel present:

Jeff Martin (District 1)
Lisa Flannagan, M.D. (District 2)
Brittany Barney (District 4)
Jeffrey Brokaw (District 4)
Allison Mercer (District 23)
Brett Harding (District 5)
Jesse Giles, M.D. (District 4)
Peter Gillespie, M.D. (District 4)

Kim Bynum (District 4)
Ashley Visser (District 23)
Cathy Weldon (District 8)
Courtney Spratt (District 23)
Lindsey Bayer (District 5)
Marcela Christe (District 7 & 24)
Rand Swartz (District 4)
Tom Thrush (District 4)

Guests present:

Rebecca Sayer (LifeLink)	Dayong Lee (University of Florida)
Bruce Goldberger, Ph.D. (University of Florida)	DiAnn McCormack (UMTB)
Andrew Mullins (Lions Eye Institute)	Jon Crisler (Lions Eye Institute)
Rhonda Deen (BVS)	Betty Shannon (BVS)
Gwen McNeil (BVS)	Dennis Bustle (FDLE, JROC)
Dean Register (FDLE)	Betty McEntire, Ph.D. (Am. SIDS Inst.)
Bill Cassarly (RTI)	Linda Sullivan (Wuesthoff)
Rebekka McCollum (Medical Eye Bank of FL)	Vaughn Thornton (Lions Eye Institute)
Nancy Williams (Wuesthoff)	Mary Boutte
Myrtle Robinson (Vital Statistics)	Ana Goold (Vital Statistics)
Rebecca Bird (Vital Statistics)	Danielle Cornell (LifeQuest)
Karin Frosio (LifeNet)	Lynetta Oxendine (TransLife)
Alicia Hancock (Lions Eye Institute)	Connie Matthews (Vital Statistics)
Leon Hill (LifeNet)	David DeStefano (TransLife)
Ricardo Camacho (University of Florida)	

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 25, 2015, MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- District 14 and District 9 Vacancies – Dr. Nelson reported that the State Attorneys in District 14 (Bay, Calhoun, Gulf, Holmes, Jackson and Washington counties) and District 9 (Orange and Osceola counties) are aware of the vacancies, and are working toward assembling Search Committees. Dr. Nelson advised that he will represent the Commission in both District Search Committees. Jay Radtke, M.D. has been appointed by the State Attorney as the Interim District 14 Medical Examiner. And Joshua D. Stephany, M.D. has been appointed as the Interim District 9 Medical Examiner by the State Attorney.
- 2014 Interim Drugs in Deceased Persons Report – Mr. Heisterman reported to the Commission members and those in the audience that the 2014 Interim Drug Report was posted on the FDLE website in April.
- 2014 Drugs in Deceased Persons Report – Mr. Heisterman advised the Commission members and those in the audience that data for the 2014 Drug Report is due June 30, 2015.
- 2014 Annual Workload Report – Mr. Heisterman reminded those in attendance that data for the Workload Report is due by June 30, 2015.
- 2014 Coverdell Grant – Mr. Heisterman advised the Commission that he had spoken to all 16 districts that are receiving Coverdell funding, and all indicated that they intend to spend the funds. Ten (10) districts have already submitted reimbursement requests. Dr. Nelson reminded everyone

that the Commission is now tracking spending in order to ensure that all funds are spent by the districts rather than sending them back to FDLE or the federal government.

- 2015 Legislative Session – Mr. Martin informed the Commission of the following bills of interest that passed during the 2015 Legislative Session.

House Bill 243 “Relating to Vital Statistics” This bill amends section 382 by revising provisions relating to records of final dispositions of dead bodies; requires maintenance of records for a specified period; requires electronic filing of death and fetal death certificates with the department or local registrar; authorizes certain legally authorized persons to provide personal data about the deceased; and adds a definition of a “burial transit permit”. This law is effective July 1, 2015 (Chapter 2015-105, Laws of Florida).

Senate Bill 706 “Reviser’s Bill” This bill omits all laws which grant duplicative rulemaking authority. The bill deletes the provisions of section 406.11(3) that allows the MEC to adopt rules incorporating by reference the practice guidelines relating to examinations, investigations and autopsies by medical examiners. Since the MEC already had sufficient rulemaking authority under section 406.04, this law deletes the duplicative rule making authority in section 406.11(3). This law is effective June 30, 2015 (Chapter 2015-4, Laws of Florida).

House Bill 897 “Controlled Substances” This bill amends section 893.03 by adding the following 5 substances to the Schedule I list of controlled substances. This legislation was signed by the Governor and effective May 14, 2015 (Chapter 2015-34, Laws of Florida).

- AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-306 (cyclohexylmethyl)-1H-indazole-3-carboxamide.
- FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-308 indole-3-carboxylate.
- Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-310 indole-3-carboxamide.
- Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole-3 carboxamido)-3-methylbutanoate.
- THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-yl] (naphthalen-1-yl)methanone.

House Bill 985 “Maintenance of Agency Final Orders” Requires agencies to electronically transmit certain agency final orders to centralized electronic database maintained by DOAH; provides that centralized electronic database is official compilation of final orders issued on or after certain date for each agency. This law is effective July 1, 2015 (Chapter .2015-155, Laws of Florida).

ISSUE NUMBER 2: REAPPOINTMENT NOMINATIONS FOR DISTRICTS 1, 2, 4, 5, AND 6, AND ASSESSMENTS FOR DISTRICTS 3 AND 7

Mrs. Koenig informed the Commission members that the surveys and assessments for Districts 1, 2, 3, 4, 5, 6, and 7 were in the meeting package. District 7 has exercised home rule authority, and District 3 received medical examiner services through a contractual basis from Districts 2, 4, and 8. Districts 1, 2, 4, 5 and 6 were currently pending recommendation for reappointment. No other names were submitted for consideration in any of the districts. It was noted that there were negative comments regarding District 4 Medical Examiner Valerie J. Rao, M.D.

Commissioner Shepard asked if the Commission could vote on the districts that do not have negative comments and vote on District 4 after discussion. The answer was affirmative.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO RECOMMEND THE REAPPOINTMENT OF THE INCUMBENT DISTRICT MEDICAL EXAMINERS IN DISTRICTS 1, 2, 5, AND 6.

Discussion was held regarding the reappointment of District 4 Medical Examiner Valerie J. Rao, M.D., due to negative comments received during the survey process. Sheriff Beseler said that he did not have confidence in Dr. Rao's abilities as an administrator, and that he felt that the office was poorly managed. He brought up the case of an individual who was subdued by use of a Taser, and who later died. Sheriff Beseler said that Dr. Rao ruled this case a homicide, and he did not feel that this was an accurate manner of death in this ruling. It was brought up that the term homicide is often confused with the term "murder", but that homicide simply means death at the hands of another human being. Dr. Mallak stated that the Taser Corporation now admits that the Taser should be considered a lethal weapon, though less lethal than a firearm. Dr. Rao was given the opportunity address the complaints.

Dr. Nelson brought up the issue of completeness of medical examiner records that was raised during the recent District 4 Search Committee process. Dr. Rao stated that all of the office's records and autopsy reports are now up-to-date since she became District Medical Examiner. She has not attempted to complete any unfinished autopsy reports from her predecessor District Medical Examiner(s). State Attorney Corey suggested to Dr. Rao that completing for old outstanding autopsy reports, especially involving criminal cases, is necessary as more and more "cold cases" are being solved. Without those old autopsy reports being completed, criminal prosecutions may be jeopardized. Dr. Rao indicated that she understood those concerns.

A MOTION WAS MADE, SECONDED, AND PASSED WITH SEVEN "YES" VOTES AND ONE "NO" VOTE FOR THE COMMISSION TO APPROVE THE REAPPOINTMENT OF DR. RAO AS DISTRICT 4 MEDICAL EXAMINER.

ISSUE NUMBER 3: RETENTION OF MEDICAL RECORDS

Chairman Nelson informed the Commission that staff has become aware that some districts are destroying medical records upon the completion of an autopsy or inspection of a body. This is due to the Retention Schedule allowing the destruction of these records after they have "lost administrative value." Dr. Nelson advised that this was the minimum retention for these records, and it was his opinion that these records should be kept much longer due to the possibility of litigation, complaints filed by the decedents' families, and other situations.

After lengthy discussion, the Commission determined that records should be kept as long as possible, with at least the pertinent medical records being maintained in the case file. The Commission felt that scanners and digital storage make it much easier to retain medical records without taking up physical space in the office.

Dr. Nelson asked if anyone thought that something should come from the Commission directing Districts to maintain medical records beyond the minimum retention period, or if the Commission should just offer some guidance on the issue. Staff was directed to draft a letter for the Chairman's signature informing the districts that they should maintain medical records for longer than the minimum required by the Retention Schedule.

ISSUE NUMBER 4: SEARCH COMMITTEE MANUAL

Mrs. Koenig advised that staff had completed the search committee manual that the Commission had directed them to produce. This manual will be used for future search committees tasked with hiring a new district medical examiner. Upon approval by the Commission, the manual will be placed on the MEC website.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE SEARCH COMMITTEE MANUAL.

ISSUE NUMBER 5: NATIONAL GUARD MASS CASUALTY/FATALITY EXERCISE

Dr. Bruce A. Hyma advised that the Florida National Guard is interested in working with the medical examiners and FEMORS on a mass casualty and fatality exercise. Dr. Hyma said that it is currently in the early planning stage, but they are looking at holding the exercise in March 2016. The National Guard would like a commitment from a district medical examiner to participate in the exercise. More information will be brought to the Commission's summer meeting. Mr. Normal Kassoff, former District 11 Director of Operations, is coordinating this exercise with the National Guard.

ISSUE NUMBER 6: UNIDENTIFIED DECEASED INITIATIVE

Mr. Culbertson informed the Commission that there were no success stories to report at this time, but reminded everyone to make use of tools available to them, i.e., National Missing and Unidentified Persons System (NAMUS), Doe Network, and free DNA screening at the University of North Texas.

ISSUE NUMBER 7: VIOLENT CRIME AND DRUG CONTROL COUNCIL MEDICAL EXAMINER VACANCY

Chairman Nelson advised that his second 2-year term on the Violent Crime and Drug Control Council will expire on June 30, 2015. Dr. Nelson encouraged any medical examiner (District Medical Examiner or Associate Medical Examiner) to apply for the position, and said that the time requirement as a member is minimal. See Florida Statutes §943.031 for additional information.

ISSUE NUMBER 8: 2015 FAME EDUCATIONAL CONFERENCE

Bruce A. Goldberger, Ph.D., reported that the 42nd Annual Florida Association of Medical Examiners (FAME) Educational Conference will be held July 15-17, 2015 at The Shores Resort and Spa, 2637 South Atlantic Avenue, Daytona Beach Shores. District 7 & 24 Medical Examiner, Marie Herrmann, M.D., will host the conference.

ISSUE NUMBER 9: OTHER BUSINESS

- Dr. Nelson congratulated the District 9 Medical Examiner's Office for receiving accreditation from the National Association of Medical Examiners (NAME).

- Mrs. Koenig informed the Commission that Senate Bill 764 and House Bill 287 introduced to add Kratom as a Schedule I drug had died in committee. However, FDLE has been asked to research this drug to provide more information to the bill sponsors and the Attorney General. She requested all district medical examiner offices to report to MEC staff any death where Kratom is found or suspected based on investigative evidence through the end of the calendar year. The Commission and audience also discussed the emergence of Flakka as a drug of abuse.
- Ken Jones advised that he brought a Veterans Administration brochure for service related disabilities. This effort is to help medical examiners determine if the service related injury or disability should be added to the cause of death in order for the veteran's family to receive VA benefits.
- Dr. Nelson congratulated District 5 Medical Examiner Barbara C. Wolf, M.D. for her recent appointment as Co-Chair of NAME's Standards, Inspection and Accreditation Committee. Her Co-Chair is David R. Fowler, M.D. (State of Maryland).
- District 5 Medical Examiner Barbara Wolf, M.D. informed the Commission that the Lions Eye Bank is developing a proposal to provide eye pathology services to the DMEs. Dr. Nelson said that this would aid greatly in speeding up eye pathology. Dr. Hyma asked how many board certified eye pathologists were in Florida. Dr. Nelson responded that there are no "board certified" ocular pathologists anywhere, as neither The American Board of Pathology (ABP) nor The American Board of Ophthalmology grants such a certificate of Special Qualification, though ocular/ophthalmic pathology is part of neuropathology training and the ABP's Special Qualification examination in neuropathology.

With no further business to come before the Commission, the meeting was adjourned at 11:50 A.M.