

## **MEDICAL EXAMINERS COMMISSION MEETING**

Hyatt Regency Sarasota  
1000 Boulevard of the Arts,  
Sarasota, FL 34236  
May 27, 2016, 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 Hyatt Regency Sarasota in Sarasota, 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 three 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, 7<sup>th</sup> Judicial Circuit  
Hon. Rick Beseler, Sheriff, Clay County (via teleconference)  
Robin Giddens Sheppard, L.F.D., Funeral Director  
Kenneth T. Jones, State Registrar, Department of Health  
Hon. Angela B. Corey, J.D., State Attorney, 4<sup>th</sup> Judicial Circuit  
Hon. Carolyn R. Whitmore, R.N., Manatee County Commissioner (via teleconference)

### **Commission staff present:**

Vickie Koenig  
Beth McNeil

Doug Culbertson  
James D. Martin, J.D.

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

Sajid S. Qaiser, M.D. (District 18)  
Joshua D. Stephany, M.D. (District 9 & 25)  
Russell S. Vega, M.D. (District 12)  
William F. Hamilton, M.D. (District 8)

Craig T. Mallak, M.D., J.D. (District 17)  
Marie A. Herrmann, M.D. (District 7 & 24)  
Mary K. Mainland, M.D. (District 13)  
Marta U. Coburn, M.D. (District 20)

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

Lindsey Crim (District 7 & 24)  
Shannon Wilson (District 18)  
Tim Crutchfield (District 4)  
Koni Rogers (District 23)  
David Winterhalter (District 12)  
Cathy Weldon (District 8)

Craig Engelson (District 18)  
Sheri Blanton (District 9 & 25)  
Robert R. Pfalzgraf, M.D. (District 21)  
Jeff Martin (District 1)  
Bill Pellan (District 6)  
Brett Harding (District 5)

### **Guests present:**

Bruce A. Goldberger, Ph.D. (UF)  
Lynetta Oxendine (TransLife)  
Vaughn Thornton (Lions Eye Institute)  
Betty McEntire, Ph.D. (American SIDS Institute)  
Claudia Law (FDLE)  
Rebekka McCollom (MEBFL)  
Laurie Ripp (LEITR)

Ricardo Camacho (UF)  
Angie Utz (UMTB Foundation)  
Leslie Lang (LifeNet)  
Dave Samey (FDLE)  
Jason H. Byrd, Ph.D. (UF)  
Rebecca Sayer (LifeLink)  
Andrew Mullins (LEITR)

Paula Kraft (LEITR)  
Sgt. Jeff Stanley (Florida Air Nat'l Guard)  
Joshua Sturms (DOH)  
Alison Kennedy-Benson (FEMORS)  
Linda Sullivan (Wuesthoff)  
Chris Poindexter (LNH-Jax)  
Vickie Maloney (FEMORS)

James Rosa (LEITR)  
Maj. Robert Ard (Florida Air Nat'l Guard)  
Leah Colston (DOH)  
Nancy Williams (Wuesthoff)  
Nick Waite (RTI Donor Services)  
Leon D'Hin (LNH-JAX)

**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 19, 2016 MEDICAL EXAMINERS COMMISSION MEETING.**

### **ISSUE NUMBER 1: INFORMATIONAL ITEMS**

- MEC Reappointments – Ms. Vickie Koenig informed the Commission that the terms for one of the District Medical Examiners and the Funeral Home Director position on the MEC will expire on June 30, 2016. Ms. Koenig advised that Florida Association of Medical Examiners (FAME) and the Florida Cemetery, Cremation and Funeral Association have been informed of the pending expirations, and that Stephen J. Nelson, M.D. and Robin Giddens-Sheppard, L.F.D. have applied for reappointment.
- 2015 Drugs in Deceased Persons Report – Ms. Beth McNeil informed those in attendance that all of the data for the 2015 Drugs in Deceased Persons Report is due June 30, 2016, and asked that districts submit their data as soon as it is complete.
- Annual Workload Report – Ms. McNeil reminded all medical examiner districts that the data for the 2015 Annual Workload Report is due June 30, 2016, and asked that districts submit their data as soon as it is complete.
- 2015 Coverdell Grant Update – Ms. McNeil advised that twelve out of thirteen districts have submitted reimbursement requests, and if all thirteen spend what they have indicated, there will be less than \$100 in residual funds remaining. Ms. McNeil also said that at this time the amount set aside for 2016 Coverdell funds is \$44,043. Each district's proposal that was presented to the Commission in February was submitted as part of the 2016 grant application.
- Mr. Jim Martin informed the Commission that only one tracked bill passed the 2016 legislative session: §406.136, F.S., which exempts from public record any photographs depicting the killing of a person, was amended to narrow the exemption to photographs or recordings of the killing of a law enforcement officer who is killed while performing his/her lawful duties.

### **ISSUE NUMBER 2: REAPPOINTMENT NOMINATIONS FOR DISTRICTS 8, 10, 12, AND ASSESSMENTS FOR DISTRICTS 11 AND 13**

Ms. Koenig informed the Commission that all of the surveys for the reappointments for District 8 (Alachua, Baker, Bradford, Gilchrist, Levy and Union counties), District 10 (Hardee, Highlands and Polk counties), and District 12 (DeSoto, Manatee and Sarasota counties) were in the Commission

books, and that no other names for consideration were made by constituents. When polled, there were no comments from any member of the audience wishing to address this agenda item.

The Commission also reviewed the survey assessments for District 3 (Dixie county), 11 (Miami-Dade county) and District 13 (Hillsborough county). District 3 receives medical examiner services through contractual agreements with Districts 2, 4 and 8. Districts 11 and 13 have exercised their Home Rule authority for their appointment of the medical examiner by the Board of County Commissioners. The medical examiner is not appointed by the Governor in those instances where Home Rule authority is invoked.

**A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY, WITH DR. NELSON RECUSING HIMSELF ON THE DISTRICT 10 VOTE, TO RECOMMEND THAT THE NAMES OF THE MEDICAL EXAMINERS CURRENTLY SERVING IN DISTRICT 8 (ALACHUA, BAKER, BRADFORD, GILCHRIST, LEVY AND UNION COUNTIES), DISTRICT 10 (HARDEE, HIGHLANDS, AND POLK COUNTIES), AND DISTRICT 12 (DeSOTO, MANATEE, AND SARASOTA COUNTIES) BE FORWARDED TO THE GOVERNOR'S OFFICE FOR REAPPOINTMENT.**

### **ISSUE NUMBER 3: DISCIPLINARY HEARING FOR SAJID S. QAISER, M.D. (DISTRICT 18)**

Dr. Nelson informed the Commission that they were to vote on the recommended discipline for District 18 Medical Examiner, Sajid S. Qaiser, M.D. Dr. Nelson advised that Dr. Qaiser had submitted an Election of Rights prior to the meeting indicating that he did not admit to any wrongdoing, but would accept the recommendation of probation in order to dispose of the pending case.

**WITH MS. GIDDENS-SHEPPARD AND MR. KEN JONES BEING RECUSED FROM THE VOTE PURSUANT TO §406.075(3)(D), F.S., A MOTION WAS MADE, SECONDED AND PASSED WITH ONE OPPOSING VOTE TO ACCEPT THE RECOMMENDATION OF ONE YEAR OF PROBATION, TO INCLUDE THE DRAFTING OF NEW OFFICE POLICIES AND PROCEDURES, FOR DISTRICT 18 MEDICAL EXAMINER SAJID S. QAISER, M.D. THE PROBATION INCLUDES A PROVISION THAT MEC STAFF SHALL CONDUCT AN AUDIT IN ORDER TO DETERMINE THAT NEW POLICIES HAVE BEEN PUT IN PLACE, AND THEY ARE BEING FOLLOWED.**

Following the vote, Brevard County Attorney Shannon Wilson addressed the Commission stating that she had hoped for a shorter period of probation. Ms. Carol Whitmore indicated that she viewed the issues as a systemic problem, and the Commission needed to evaluate that the office was following through with their policies.

**WITH MS. GIDDENS-SHEPPARD AND MR. JONES BEING RECUSED FROM THE VOTE PURSUANT TO §406.075(3)(D), F.S., A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO IMPOSE A PERIOD OF ONE YEAR PROBATION, TO INCLUDE THE DRAFTING OF NEW OFFICE POLICIES AND PROCEDURES, FOR DISTRICT 18 MEDICAL EXAMINER SAJID QAISER, M.D. THE PROBATION INCLUDES A PROVISION THAT MEC STAFF SHALL CONDUCT AN AUDIT IN ORDER TO DETERMINE THAT NEW POLICIES HAVE BEEN PUT IN PLACE, AND THEY ARE BEING FOLLOWED. BASED UPON THE FINDINGS OF THE AUDIT, THE PERIOD OF PROBATION MAY BE TERMINATED EARLY.**

Dr. Qaiser also addressed the Commission to voice his concerns with some of the findings.

**ISSUE NUMBER 4: DISCIPLINARY HEARING FOR MICHAEL D. BELL, M.D. (DISTRICT 15)**

Dr. Nelson informed the Commission that they were to vote on the recommended discipline for District 15 Medical Examiner, Michael D. Bell, M.D. Dr. Nelson said that Dr. Bell was not present, but that he had submitted an Election of Rights prior to the meeting admitting to the Commission's findings, and accepting the recommendation for disciplinary action.

**WITH MR. JAMES PURDY, MR. WESLEY HEIDT, AND DR. NELSON BEING RECUSED FROM THE VOTE PURSUANT TO §406.075(3)(D), F.S., A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY FOR A REPRIMAND FOR DISTRICT 15 MEDICAL EXAMINER MICHAEL D. BELL, M.D., WITH THE PROVISION THAT NO OTHER SUSTAINABLE COMPLAINTS BE FILED AGAINST DISTRICT 15 FOR ONE YEAR. THE COMMISSION ALSO DETERMINED THAT DR. BELL'S APPEARANCE BEFORE THE COMMISSION IN NOVEMBER 2015 WOULD SUFFICE FOR THE REPRIMAND.**

**ISSUE NUMBER 5: FEMORS MASS CASUALTY/FATALITY EXERCISE**

Jason H. Byrd, Ph.D. (University of Florida) gave a presentation regarding the FEMORS Mass Casualty/Fatality Exercise that was conducted as a joint effort between FEMORS and the National Guard. The exercise occurred earlier in the month at Camp Blanding. Dr. Byrd stated that several of the medical examiners in attendance participated in the joint exercise, and he invited anyone to participate in planning for next year's exercise to be held in March 2017, at the Dade-Collier Training and Transition Airport (TNT) in the Everglades. It is a 3-day training exercise, although they will be on-site for one week.

Major Robert Ard, Florida Air National Guard then explained the National Guard's role in the joint exercise with FEMORS.

**ISSUE NUMBER 6: DISTRICT 9 HOME RULE/DISTRICT 25**

Dr. Nelson announced that Orange County received applications from 5 well-qualified candidates to replace District 9 medical examiner Jan C. Garavaglia, M.D. who resigned in June 2015. Four of the candidates are from out-of-state, including Hawaii, Texas, and Ohio.

Dr. Nelson announced that Orange and Osceola counties both enacted Home Rule authority in appointing a medical examiner, with Osceola County contracting with Orange County for medical examiner services. Because Home Rule authority only extends to a single county, the Commission's current Medical Examiner District 9 must be split into two districts, creating a new medical examiner district, District 25.

**A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY FOR CREATING DISTRICT 25 FOR OSCEOLA COUNTY. ORANGE COUNTY WILL REMAIN DISTRICT 9.**

**ISSUE NUMBER 7: UNIDENTIFIED DECEASED INITIATIVE.**

Mr. Bill Pellan reported that District 6 made an identification based upon a foot that was discovered in the waters of Tampa Bay. DNA was extracted from the foot and processed at the District 6 DNA lab.

This information was then submitted to CODIS and a match was made with a 47-year old male with a criminal history. Mr. Pellan said that the District 6 lab was able to submit all 13 markers required to make a national criminal history search.

District 17 Medical Examiner Craig T. Mallak, M.D., J.D., informed the Commission that his District identified the remains of a female who had been reported missing in 1979. An initial identification had been based upon information submitted to NamUs, and confirmation was made through DNA when a mandible and a femur were submitted to the University of North Texas. Unfortunately the missing woman's mother died one week prior to her identification, but a sister was notified of the identification.

### **ISSUE NUMBER 8: 2016 FAME EDUCATIONAL CONFERENCE**

Bruce A. Goldberger, Ph.D. reminded the Commission and those in attendance that the 43<sup>rd</sup> Annual Florida Association of Medical Examiners (FAME) Educational Conference will be held July 13-15, 2016 at the Naples Beach Hotel & Golf Club, and will be hosted by District 21 Medical Examiner Rebecca A. Hamilton, M.D.

### **ISSUE NUMBER 9: OTHER BUSINESS**

Representatives from the Department of Health (DOH) addressed the Commission regarding a \$500,000 grant from the Centers for Disease Control for tracking fatal and nonfatal overdoses of opioids. DOH requested that all of the medical examiner districts submit reports for fatal overdoses that are medical examiner cases in order for DOH to extract 175 various data points. Medical examiners would be provided with self-addressed stamped envelopes, and would be paid \$0.15 per page for copies of medical examiner case files.

There was discussion of this proposal among the medical examiners in attendance; however, there was little support for the proposal. The DOH was to contact MEC staff on the specific budget of the grant and if they have obtained the support of other key support entities (e.g., law enforcement) for their documents in order to comply with the terms of the grant. The grant application is due June 27, 2016.

Ms. Koenig advised the Commission of revised travel reimbursement policies that will be implemented July 1, 2016. For travel by a privately owned vehicle (POV), FDLE will compare the travel mileage, based on the FDOT mileage map, and the cost of the rental car via state contract. Travel reimbursement will be the lower of the mileage allowance or rental car cost unless extenuating circumstances are documented. A rental vehicle must be considered if requesting travel reimbursement for transportation.

**With no further business to come before the Commission, the meeting was adjourned at 11:58 A.M.**