

MEDICAL EXAMINERS COMMISSION MEETING

Florida Department of Law Enforcement
Tampa Bay Regional Operations Center
4211 North Lois Avenue
Tampa, Florida
February 25, 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 Florida Department of Law Enforcement/Tampa Bay Regional Operations Center, in Tampa, 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
Robert J. Krauss, J.D., Chief Assistant 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. Carol Whitmore, R.N., County Commissioner
Hon. Angela B. Corey, J.D., State Attorney, 4th Judicial Circuit (via Conference Call)

Commission staff present:

Vickie Koenig
Kipp Heisterman

Doug Culbertson
Jim Martin, J.D.

District Medical Examiners present:

Barbara C. Wolf, M.D. (District 5)
Marie A. Herrmann, M.D. (District 7 & 24)
Mary Mainland, M.D. (District 13)
Marta U. Coburn, M.D. (District 20)

Jon R. Thogmartin, M.D. (District 6)
Russell S. Vega, M.D. (District 12)
Michael D. Bell, M.D. (District 15)

Other District personnel present:

Jeff Martin (District 1)
Noel A. Palma, M.D. (District 6)
Jay Cappol (District 13)
Brett Harding (District 5)
Kim Bynum (District 4)
Robert Pfalzgraf, M.D. (District 21)
David Winterhalter (District 12)

Richard Bailey (District 13)
Lindsey Crim (District 7&24)
Lindsey Bayer (District 5)
Bill Pellan (District 6)
Cathy Weldon (District 8)
Chris Boden (District 17)

Guests present:

Rebecca Sayer
Jason Woody

Wesley Heidt, J.D.
James Rosa

Jon Crisler
Andrew Mullins
Bruce A. Goldberger, Ph.D.
Ricardo Camacho
Susan Rukel
Larry Cochran
Laurie Ripp
Branch Ocampo
Daniel L. Schultz, M.D.
Mark Strong
Linda Sullivan

Vaughn Thornton
Linda McCluskey
Dayong Lee
Chris Bronaugh
Liz Lehr
Betty McEntire, Ph.D.
Erin H. Kimmerle, Ph.D.
Nick Waite
Jean Hess
Nancy Williams

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 4, 2014, MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: ELECTION OF CHAIRMAN

Ms. Koenig asked for nominations for the election of chairman to the Medical Examiners Commission.

MR. KRAUSS MADE A MOTION NOMINATING STEPHEN J. NELSON, M.D. AS CHAIRMAN AND MR. PURDY SECONDED.

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

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY ELECTING STEPHEN J. NELSON, M.D. AS CHAIRMAN.

ISSUE NUMBER 2: INFORMATIONAL ITEMS

- Status Update: Reappointments for Districts 18 through 24 – Ms. Koenig reported that all reappointments were made effective February 25, 2015 and the Governor's Office was notifying each district.
- Status Update: District 4 – Ms. Koenig reported that the Governor's Appointments Office contacted her regarding District 14 Medical Examiner Michael Hunter, M.D.'s resignation and his subsequent withdrawal from consideration for the position in District 4. Ms. Koenig explained that District 4 was once again due for reappointment, and that the Appointments Office will proceed with the triennial process at this time.

- Status Update: Appointment for District 16 – Ms. Koenig announced that the Governor's Office appointed Thomas R. Beaver, M.D. as the District 16 Medical Examiner effective February 25, 2015.
- Reappointments/Assessments Process for Districts 1 through 7 – Ms. Koenig reported that surveys and assessments for these districts had been sent via email to all constituents in these districts, and that reminders would be sent out periodically.
- District 14 Vacancy – Ms. Koenig reported that District 14 Medical Examiner Michael Hunter, M.D., had tendered his resignation effective March 20, 2015, as he has accepted the position of Chief Medical Examiner in San Francisco, California. The State Attorney for the 14th Judicial Circuit has already begun the process of putting together a search committee.
- New Attorney General Representative on MEC – Ms. Koenig reported that staff received a letter from Attorney General Pam Bondi designating Assistant Attorney General Wesley Heidt as her representative on the MEC. Mr. Heidt, Bureau Chief of Criminal Appeals in the Daytona Beach office, will replace Mr. Bob Krauss, who is retiring in May.
- 2014 Interim Drugs Identified in Deceased Persons Report – Mr. Heisterman informed the Commission that all of the data for the interim report had been received, and was being reviewed by the Quality Assurance Committee. Dr. Vega said that he would check on the status of any outstanding Quality Assurance Committee data under review as soon as he returned to the office.
- Bills Filled for the 2015 Legislative Session – Mr. Martin reported on the following bills of interest:

House Bill 287 and Senate Bill 764 "Relating to Controlled Substances" These bills amend section 893.03, relating to controlled substances, and add Kratom to the list of controlled substances.

House Bill 243 and Senate Bill 640 "Relating to Vital Statistics" These bills amend section 382 by revising provisions relating to records of final dispositions of dead bodies; requiring maintenance of records for a specified period; requiring electronic filing of death and fetal death certificates with the department or local registrar; authorizing certain legally authorized persons to provide personal data about the deceased; and adding a definition of a "burial transit permit".

Senate Bill 706 This bill is a reviser's bill to omit all laws which grant duplicative rulemaking authority. The bill proposes to delete 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. The MEC already has sufficient rulemaking authority under section 406.04.

House Bill 809 and Senate Bill 988 "Anatomical Gifts" This bill amends section 765 authorizing a person to make anatomical gift of all or part of his or her body by registering with First Person Consent organ and tissue donor registry during application for driver license, driver license renewal, or ID card; requires DHSMV to develop and issue brochure explaining such registry; requires DHSMV to establish registry and maintain physical or electronic record of such registry; authorizes individual to revise or withdraw consent to be

listed in such registry; authorizes DHSMV to establish additional methods by which person may have his or her name included in such registry; authorizes specified representatives to ask DHSMV whether potential organ donor's name is included in such registry.

Liz Lehr expressed concern with HB 809 and SB 988 saying that the system in place already works, and that there is no need to change anything.

Commissioner Whitmore asked if there should be a motion made directing MEC staff to draft a letter to the sponsor of HB 809 and SB 988 on behalf of the MEC opposing the bill.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY DIRECTING STAFF TO DRAFT A LETTER FOR THE MEC CHAIR'S SIGNATURE OPPOSING HB 809 and SB 988.

House Bill 4041 "Cannabis" This bill removes cannabis from the schedule of controlled substances.

ISSUE NUMBER 3: ORGAN PROCUREMENT ORGANIZATION ANNUAL REPORT 2014

Mr. Larry Cochran, Assistant Executive Director of LifeQuest Organ Recovery Services in Gainesville, presented the Organ Procurement Report for 2014. Mr. Cochran reported that there were five (5) denials from medical examiners for partial organ donation. Mr. Cochran noted that the cooperation with Florida's medical examiners was still outstanding, and that all of the organ procurement organizations were pleased with their relationship with the districts.

Dr. Nelson asked about the five denials. Mr. Cochran said that the new director of Life Alliance Organ Recovery Agency at the University of Miami was newly hired and apparently not very familiar with Florida's system and that he was still trying to establish relationships with the districts in his region. Dr. Hyma agreed with that interpretation and further stated that they have worked through this matter to an amicable resolution for the future. Dr. Nelson stated that given the circumstances of the denials, they should not be considered denials as the request organs for transplant displayed traumatic injuries and weren't likely to actually be transplanted. It was the fact that the medical examiner denied the recovery agency that resulted in the organ recovery agency counting that denial against them. There was a discussion, and all of the districts present agreed that the five cases should not be counted as denials since the organs in question were unsuitable for transplant due to the cause of death.

ISSUE NUMBER 4: COVERDELL GRANT INCLUDING 2015 PROPOSALS

Mr. Heisterman informed the Commission that we currently have three Coverdell Grant cycles; 2013, 2014, and 2015. The 2013 grant is currently in the residual phase, and that all districts were notified of residual fund availability. He asked that those districts approved to receive residual funds, to please return the signed MOUs and budget amendments.

Award letters for the 2014 grant have been sent to all districts requesting funds, and staff is awaiting reimbursement requests. Mr. Heisterman asked that all reimbursement requests be submitted by May 1, 2015.

Staff received proposals from 13 districts for the 2015 grant period. Those districts requested funds totaling \$63,963.84; however, there is only \$38,570 available in the grant. The average per district requesting funding is less than \$3,000. Mr. Heisterman recommends that any district requesting less than \$2,966.92 average be given those funds. The remainder will be divided among the other districts; the one exception is a district that requested \$8,000. This district will need to resubmit a request for \$3,341.70.

Commissioner Purdy asked about the districts who had relinquished funds in the past, and Dr. Nelson advised that none of those districts applied this time. Mr. Purdy then asked about the previous idea to have districts present their priority proposals. Dr. Nelson said that would require Commission approval. Dr. Nelson praised Mr. Heisterman that he had made this year's process very equitable, and while some districts did not get everything that they asked for, all of the districts requesting money got something. In the future, the districts should submit their requests prioritized so the Commission would know their preferences in determining the distribution of grant funds.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY TO ACCEPT STAFF'S PROPOSAL AS PRESENTED.

ISSUE NUMBER 5: MASS FATALITY PLANS

Dr. Nelson reminded everyone that Florida's annual hurricane season (June through November) is approaching, and that all districts should check to make sure that their mass fatality plans are up to date.

ISSUE NUMBER 6: SERVICE CONNECTED CONDITIONS LISTED ON DEATH CERTIFICATES AND IMPACT ON SURVIVORS

Mr. Ken Jones informed the Commission that the Department of Health, at the request of the Department of Veteran's Affairs, has developed a procedure that would ensure a veteran with a service related disability or illness would have that disability or illness noted in a database so that it would be listed on the death certificate.

ISSUE NUMBER 7: UNIDENTIFIED DECEASED INITIATIVE

Mr. Culbertson informed the Commission and those in attendance that there were a total of three success stories to report; one in District 10, and two in District 15. All of these unidentified decedents were identified through DNA samples sent to the University of North Texas.

Mr. Culbertson introduced Erin H. Kimmerle, Ph.D., Associate Professor of Anthropology, University of South Florida. Dr. Kimmerle is in charge of the ongoing investigation at the former Dozier School for Boys in Jackson County, Florida.

Dr. Kimmerle presented a proposal to develop a state-wide program to help law enforcement and medical examiners solve cold cases (unsolved homicides) in Florida. A significant portion of these cases include missing, endangered, and unidentified persons. Moreover, it is estimated that fewer than 20% of agencies have protocols to manage and re-investigate long term open cases (Davis et al. 2011). Dr. Kimmerle said that it is vital to solve these cases for

the families and victims who have been denied justice for so many years. A planned policy approach to manage resources for these cases, combined with the scientific innovation and new tools that can be applied to older cases has very positive and successful outcomes. Building on the success of a consortium in the Tampa Bay area dedicated to working together on cold case issues, this program seeks to incorporate agencies throughout the state to help bring those resources to the wider law enforcement and medico-legal communities of Florida.

ISSUE NUMBER 8: 2015 FAME EDUCATIONAL CONFERENCE

Dr. Goldberger reported to MEC members and those in the audience of the 42nd annual Florida Association of Medical Examiners (FAME) Educational Conference will be held in Daytona Beach Shores. The theme will be “*Selected Topics for Florida Medical Examiners and Death Investigators*”. The conference will be held July 15-17, 2015 at The Shores Resort & Spa, 2637 South Atlantic Avenue, Daytona Beach Shores. Dr. Marie Herrmann from Districts 7 and 24 is the host of this years’ conference.

ISSUE 9: HANDLING OF HUMAN REMAINS INFECTED WITH VIRAL HEMORRHAGIC FEVERS

Dr. Nelson informed everyone that the final version of procedures for the Handling of Human Remains Infected with Viral Hemorrhagic Fevers is now available, and can be found on the MEC website. This project was a joint venture of the Florida Medical Examiners Commission, the Florida Emergency Mortuary Operations Response System (FEMORS) and the Florida Department of Health.

ISSUE 10: RESOLUTION MR. BOB KRAUSS, J.D.

Dr. Nelson read the following resolution for MEC member Bob Krauss, who will be retiring in May from the Florida Attorney General’s Office:

***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**, Bob Krauss was appointed to the Medical Examiners Commission in 1997, representing Florida’s Attorney General on the Commission and during the past 18 years, he has only missed two meetings of the Medical Examiners Commission,*

***WHEREAS**, as the result of Bob Krauss’ keen insight and highly regarded judgment concerning the most critical of medical examiner activities posed within Florida, Mr. Krauss was frequently called upon by the Medical Examiners Commission Chairman to participate in both ad hoc committees and probable cause panels which have dealt with matters of the utmost importance to the Medical Examiners Commission and,*

WHEREAS, Bob Krauss has not only earned the reputation as being an invaluable resource for the Medical Examiners Commission, but he has, above all, earned the reputation as being considerate, intelligent, and meticulous and,

WHEREAS, Bob Krauss' appreciation for good food and drink has been an inspiration to all who have had the pleasure of knowing him, and dining with him,

NOW THEREFORE, be it resolved that the Medical Examiners Commission, on behalf of the Florida Department of Law Enforcement, Florida's medical-legal community, and the citizens of our State for whom he served so capably, does hereby recognize and commend Bob Krauss for his tireless dedication, his exemplary service and the invaluable guidance he has proffered to Florida's district medical examiner system in his service representing the Attorney General of Florida on the Medical Examiners Commission.

PASSED AND RECORDED, in the official minutes of the Medical Examiners Commission meeting on this Wednesday, the 25th day of February, 2015, in Tampa, Hillsborough County, Florida.

Mr. Krauss thanked everyone, and said in his thirty years with the Attorney General's Office, that the Medical Examiners Commission has been the highpoint of his career.

ISSUE NUMBER 11: OTHER BUSINESS

- Dr. Nelson congratulated District 6 Medical Examiner Jon Thogmartin, M.D. for his district's reaccreditation by the National Association of Medical Examiners (NAME).
- Dr. Nelson congratulated District 11 Medical Examiner Bruce Hyma, M.D., for being awarded the American Academy of Forensic Sciences (AAFS) Milton Helpert, M.D. Award for Outstanding (Lifetime) Contributions to Forensic Pathology.
- Dr. Nelson read the following posthumous resolution for Philip Jay Levine, D.D.S.

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, Philip Jay Levine, DDS graduated from Murphy High School in 1951, received his BA from Vanderbilt University, his Masters from George Peabody College, and his Doctorate of Dentistry from the University of Tennessee, and

WHEREAS, Dr. Levine was a Board Certified Forensic Odontologist, was an instructor and acting Biology Department Chairman at Athens College, and also served as an instructor in the department of dental hygiene at Pensacola Junior College from 1964 to 1981, and

WHEREAS, *Dr. Levine was a board member of the American Dental Association, American Association of Forensic Sciences, Florida Association of Medical Examiners, Pensacola Interstate Fair, American Cancer Society, American Heart Association, Alabama Peace Officers Association, as well as many other medical and civic organizations, and*

WHEREAS, *Dr. Levine was honored posthumously by the American Academy of Forensic Sciences at their annual meeting February 16-21, 2015, in Orlando, Florida and received the Lester L. Luntz, DDS Award presented by the Academy's Odontology Section,*

NOW THEREFORE, *be it resolved that the Medical Examiners Commission, on behalf of the Florida Department of Law Enforcement, Florida's medical-legal community, and the citizens of our State for whom he served so capably, does hereby posthumously recognize and commend Philip Jay Levine, DDS for his tireless dedication, his exemplary service and the invaluable guidance he has proffered to Florida's district medical examiner system, and to the citizens of Florida.*

PASSED AND RECORDED, *in the official minutes of the Medical Examiners Commission meeting on this Wednesday, the 25th day of February, 2015, in Tampa, Hillsborough County, Florida.*

With no further business to come before the Commission, the meeting was adjourned at 12:25 P.M.