

MEDICAL EXAMINERS COMMISSION MEETING

Daytona Beach Hilton
100 North Atlantic Avenue
Daytona Beach, Florida
June 14, 2013
10:30 AM

Dr. Hyma called the meeting of the Medical Examiners Commission to order at **10:30 AM** at the Daytona Beach Hilton, in Daytona Beach, Florida. He 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., Chief Assistant Attorney General
Hon. Angela B. Corey, J.D., State Attorney, 4th Judicial Circuit
Hon. James S. Purdy, J.D., Public Defender, 7th Judicial Circuit
Ken Jones, Deputy State Registrar, Department of Health

Commission members absent:

Commission staff present:

Margaret Edwards
Debbie Turvaville
Danielle Miller

Jim Martin
Vickie Gardner

District Medical Examiners present:

Jon R. Thogmartin, M.D. (District 6)
Sayed Qaiser, M.D. (District 18)

Barbara Wolf, M.D. (District 5)
Craig Mallak, M.D. (District 17)

Other District personnel present:

Chris Boden (District 7 & 24)
Cathy Weldon (District 8)
Shiping Bao, M.D. (District 7 & 24)
Sheri Blanton (District 9)
Lindsey Bayer (District 5)
Bob Pfalzgraf (District 21)
Anita Roman (District 18)

Bill Pellan (District 6)
Teri Hanans (District 7 & 24)
David Winterhalter (District 12)
Clint Clark (District 23)
Brett Hardins (District 5)
Corey Johnson (District 18)
Jesse Giles, M.D. (District 4)

Guests present:

Jon Crisler
Liz Heid
Susan Towson
Beth Withrow
Chris Chronister

Rebecca Sayer
Frankie Ferguson
Cathy Eby
Brad Spatano
Barbara Davis

Robin Sheppard
Nancy Williams
Nicholas Waite
Chandler Brownlee
Bruce Goldberger, Ph.D.

Betty McEntire
Linda Sullivan
Lynetta Oxendine
Ricardo Camacho
Joe Davis, Jr.

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 MARCH 8, 2013 MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Status Update: District 1, 2, 4, 5, and 6 – Ms. Edwards reported that none of these districts had yet been reappointed by the Governor's Office.
- Status Update: MEC Vacancies and Reappointments – Ms. Edwards reported that neither District 12 Medical Examiner Russell S. Vega, M.D. nor Public Defender James Purdy have yet been reappointed to the Medical Examiners Commission by the Governor's Office. Ms. Edwards also reported that none of the current vacancies for Funeral Home Director, Sheriff, or County Commissioner have been filled at this time.
- 2012 Drugs in Deceased Persons Report – Ms. Miller reported that the deadline for submission of data for the Drug Report is June 30, 2013. Dr. Hyma thanked District 6 Medical Examiner Jon Thogmartin, M.D. for the assistance provided by the Quality Assurance Committee for making the data submission process more efficient.
- 2012 Annual Workload Report – Ms. Miller reported that the deadline for the submission of data for the Annual Workload Report is June 30, 2013.
- 2013 Legislative Update – Mr. Martin advised the Commission of the following bills of interest to medical examiners that passed during the 2013 Legislative Session:

SB 0050 Public Meetings – Requires that members of the public be given reasonable opportunity to be heard before a board or commission takes official action on proposals before it. This bill became Chapter 2013-227, Laws of Florida and takes effect October 1, 2013.

SB 0056 Relating to Infant Deaths – Revises legislative findings and intent with respect to the sudden unexpected death of an infant under on year of age. This bill became Chapter 2013-62, Laws of Florida and takes effect July 1, 2013.

HB 171 Relating to the Disposition of Human Remains – This bill primarily amends Chapter 406, Part II, F.S. However, of importance to the medical examiners is the change in definition of the decedent's primary or attending physician to mean a physician who treated the decedent through examination, medical advice, or medication during the 12 months preceding

the date of death. This bill became Chapter 2013-138, Laws of Florida and takes effect July 1, 2013.

HB 7015 Expert Testimony – Provides that a witness qualified as expert by knowledge, skill, experience, training or education may testify in form of opinion to the facts at issue in the case. This moves expert testimony standards from Frye to Daubert in Florida. This bill became Chapter 2013-107, Laws of Florida and takes effect July 1, 2013.

- Coverdell Grant – Ms. Miller reported that grant funding provided under the 2012 Coverdell Grant was open for expenditure. Solicitation for 2013 Coverdell grant funding was complete with 17 districts requesting funding.

ISSUE NUMBER 2: REAPPOINTMENT NOMINATIONS FOR DISTRICTS 8, 9, 10, 12, 14 AND ASSESSMENTS FOR DISTRICTS 11 AND 13

Ms. Edwards informed the Commission that all ballots and assessments had been returned, and that the results were in the Commission package. Ms. Edwards mentioned that staff had an excellent response to the ballots and assessments this year, and that almost all were favorable.

Dr. Hyma said that all Commissioners had the opportunity to review the ballots and assessments, and asked if anyone had any questions prior to a motion. There were no questions from the audience. It was noted for the record that no other candidates were nominated for any of these positions.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO RECOMMEND TO THE GOVERNOR THE REAPPOINTMENT OF THE FOLLOWING DISTRICT MEDICAL EXAMINERS:

**DR. WILLIAM F. HAMILTON AS THE DISTRICT 8 MEDICAL EXAMINER;
DR. JAN C. GARAVAGLIA AS THE DISTRICT 9 MEDICAL EXAMINER;
DR. STEPHEN J. NELSON AS THE DISTRICT 10 MEDICAL EXAMINER;
DR. RUSSELL S. VEGA AS THE DISTRICT 12 MEDICAL EXAMINER;
DR. MICHAEL HUNTER AS THE DISTRICT 14 MEDICAL EXAMINER**

NOTE: Dr. Vega did not vote on his recommendation for reappointment.

ISSUE NUMBER 3: 2012 Child Abuse Death Review Team Report

District 5 Medical Examiner, Barbara Wolf, M.D., presented the 2012 Child Abuse Death Review Team Report. Dr. Wolf informed the Commission and those present that the State Surgeon General and Secretary of the Department of Health, who appoints members to the committee, was working to revamp the State Child Abuse Death Review Committee (SCADRC), and intends to introduce legislation that may eliminate the need for a district medical examiner/licensed forensic pathologist. The Surgeon General's vision is to have all child abuse death reviews performed by local committees, where the input of a DME can be provided, and have the state team look at trends. Local child abuse death review committees are formed at the direction of the Surgeon General, pursuant to ss. 383.402(6) – (18), F.S.

Dr. Wolf also addressed HB 725, relating to public records and public meetings exemptions, which was passed by the 2013 Legislature, but vetoed by the Governor. The bill sought to remove the

recording requirements for closed meeting portions of the SCADRC and its local counterparts. Dr. Wolf explained that this provision existed in law previously, but was allowed to sunset. HB 725 was an attempt to return confidentiality to closed portions of state and local review team proceedings by eliminating the need for those closed portions to be recorded.

ISSUE NUMBER 4: UNIDENTIFIED DECEASED INITIATIVE

Ms. Edwards reported that there were no success stories to report, but that FDLE and the Missing Endangered Persons Information Clearinghouse (MEPIC) are developing an unidentified decedent online training module that can be used as an added tool for law enforcement personnel and medical examiners. Raw footage for the video has been shot and is being edited by the FDLE Bureau of Professional Development for inclusion in the training module. The video features District 11 Medical Examiner Bruce Hyma, M.D. and Detective Julian Garcia of the Miami Gardens Police Department.

Dr. Hyma reminded everyone of the importance of trying to identify the unidentified deceased, and encouraged everyone to use the tools available for this purpose. He said that all districts should continue to reach out to the law enforcement agencies in their districts, and to continue educating those agencies on the importance of assuring accurate data be entered into FCIC/NCIC.

ISSUE NUMBER 5: 2013 Educational Conference, July 10-12, 2013, Sarasota, Florida

Bruce Goldberger, Ph.D. informed the Commission that the 40th annual FAME Educational Conference will be held July 10-12, 2013 at the Ritz Carlton in Sarasota. The conference will be hosted by District 21 Medical Examiner, Rebecca Hamilton, M.D. and the University of Florida William R. Maples Center.

ISSUE NUMBER 6: SOLICITATION FOR 2014 EDUCATIONAL CONFERENCE

Dr. Goldberger asked that anyone wanting to host the 2014 conference to please let him know.

ISSUE NUMBER 7: RESOLUTION FOR JOSEPH DAVIS, M.D.

Members of Dr. Davis' family were present to accept the resolution that was being presented posthumously. Dr. Hyma read the following resolution into the record:

WHEREAS, the Medical Examiners Commission was created in 1970 by the passage of Chapter 406, Florida Statutes, which is known as "The Medical Examiners Act"; and

WHEREAS, Dr. Joseph Harrison Davis (aka Dr. Joe Davis) played an instrumental role in inspiring and drafting this legislation based on his longtime background and experience in the State of Florida as a medical examiner in the Miami area since the 1950's; and

WHEREAS, Dr. Joe Davis was a charter member of the Medical Examiners Commission and served from 1970 until 1996 and for the first nine years as its Chairman, donating his time and valuable insight into the many complex and sensitive issues involving death investigations of Florida's citizens and its visitors; and

WHEREAS, Dr. Joe Davis was the final charter member of the Medical Examiners Commission to retire after attending more than one hundred Commission meetings over a period of twenty-five years; and

WHEREAS, in matters of forensic pathology, the almost three-quarters of a century of knowledge, experience and insight Dr. Joe Davis acquired can never be replaced and yet, Dr. Davis did the next best thing by training diligently and unselfishly scores of forensic pathologists over the years in his department's forensic pathology fellowship program as well as other investigator classes offered in the Miami-Dade County Medical Examiner Department; and

WHEREAS, evidence of Dr. Joe Davis' leadership on the local, state, and national levels was clearly demonstrated by his service as President of Dade County Medical Association, President of the Dade County Citizens Safety Council, Dade County Chief Medical Examiner, Chairman of the Florida Medical Association Judicial Council, Chairman of the Medical Examiners Commission, President of The American Academy of Forensic Sciences, and President of the National Association of Medical Examiners; and

WHEREAS, Dr. Joe Davis' success in his career in South Florida was due in part to his high regard for the many peoples and cultures in this area of Florida and his attempts to, whenever possible, "do as the natives do," which in turn earned his respect and acceptance by the local citizens;

NOW THEREFORE, let it be resolved that this Commission does hereby posthumously recognize and commend Dr. Joe Davis for the numerous hours, days, and years that he donated to the citizens of Florida in his capacity as the Miami-Dade County Chief Medical Examiner, as the Chairman of the Medical Examiners Commission, and as a dedicated, active and imminently respected citizen of Miami-Dade County and the State of Florida.

PASSED AND RECORDED in the official minutes of the Medical Examiners Commission Meeting this 14th day of June, 2013 in Daytona Beach, Volusia County, Florida.

ISSUE NUMBER 8: RESOLUTION FOR JON THOMAS

Dr. Hyma announced that Commissioner Jon Thomas, Licensed Funeral Director, had resigned from the MEC due to health issues, and had withdrawn his application for reappointment. However, Mr. Thomas passed away on June 12, 2013. Dr. Hyma advised that the resolution for Mr. Thomas would be modified to reflect posthumous recognition and read the following into the record.

WHEREAS, Chapter 406, Florida Statutes, known as "The Medical Examiners Act," 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, Jon Thomas, L.F.D., was appointed to the Medical Examiners Commission by the Governor of Florida in 2008 as the Licensed Funeral Director representative, and until his resignation on May 1, 2013 provided distinguished public service to the Medical Examiners Commission and to the citizens of Florida; and

WHEREAS, Mr. Thomas is was (Note: Changed due to Mr. Thomas' death) the CEO of Forest Meadow Funeral Home, based in Gainesville, Florida, and has been involved with the funeral home profession for over fifty years; and

WHEREAS, Mr. Thomas has expressed valued opinions and shown keen insight into the many important issues that have come before the Commission, and has contributed encouragement, sensibility, and when appropriate, humor to the many varied and often controversial discussions that have ensued at the Commission meetings he has attended over the years;

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 whom he served so capably, does hereby recognize and commend Mr. Jon C. Thomas, L.F.D. 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.~~ (Note: Stricken due to Mr. Thomas' death)

PASSED AND RECORDED, in the official minutes of the Medical Examiners Commission meeting on this Friday, the 14th day of June, 2013, in Daytona Beach, Volusia County, Florida.

ISSUE NUMBER 9: Discussion of Definitions of Terms in Annual Workload Report

SUID / SIDS Discussion: Dr. Hyma mentioned that everyone should be aware that the term Sudden Unexpected Infant Death (SUID) should not be listed as a cause of death; rather it is a category of death. He said that there are sudden unexpected deaths in all age groups, and that they should all be investigated the same way. Dr. Hyma stressed that there should be consistency when reporting deaths, and that the proposed worksheet for the Annual Workload Report broke infant deaths into specific categories; undetermined, which would catch the old SIDS group of deaths, asphyxia due to sleep environment, infant death - bed sharing (all deaths, all causes), infant death – not bed sharing, and bed sharing unknown status.

Dr. Wolf said that she was confused about separating asphyxia due to sleep environment and bed sharing, all deaths, all causes. Dr. Vega said that this was the Standards of Excellence Committee's recommendations, and was recommended to avoid confusion and to make it as simple as possible to determine how much actual bed sharing was occurring. Dr. Thogmartin agreed that some of the deaths in these categories would overlap out of necessity, but Dr. Wolf said that she still felt that it was more confusing to have separate categories for asphyxia due to sleep environment as well as bed sharing, all deaths all causes, as that should also include asphyxia deaths due to bed sharing.

After further discussion, it was decided that staff would adjust the categories in the next week. Dr. Vega and Dr. Wolf will present this issue for input at the FAME Educational Conference in July, and they would present the recommendations at the next MEC meeting. In the interim, the current data submission form should be used to report data for the 2013 Annual Workload Report.

Police-Involved / In-Custody Deaths: The Commission also reviewed proposed changes to the Annual Workload Report data collection form regarding in-custody and police-involved deaths. Questions had been posed to staff and recommended changes for clarification were provided. These changes include separating deaths in an institutional setting (i.e., jail or prison) from deaths involving

the police. These changes will be implemented with the other revisions discussed for the 2014 calendar year. Dr. Vega also agreed to present this information during the FAME Education Conference in July to answer any questions from district personnel.

ISSUE NUMBER 9: ANY OTHER BUSINESS TO COME BEFORE THE COMMISSION

Mr. Martin provided the Commission with the ruling made in the Attorney General's request for exhumation of the remains buried at the Dozier School for Boys. He advised that it was prudent for district medical examiners to seek a court order for any exhumations if the next of kin is not available to provide consent.

Dr. Goldberger presented information on a new opioid variant, a heroin/fentanyl cocktail, which has been linked to deaths in Chicago, Philadelphia, Buffalo, N.Y., and is being sold on the streets in British Columbia, Canada. Dr. Goldberger reported that Rhode Island has reported 10-12 recent deaths related to acetyl fentanyl, and that a lab test for this substance is being created. So far none of the Florida crime labs have seen either of these drugs.

Dr. Goldberger noted that the Panhandle region is seeing two emerging drugs: N-Bomb, a cannabinoid, and 6-APB. None of the medical examiners present reported having any cases in their districts.

With no further business to come before the Commission, the meeting was adjourned at 12:32 P.M.