

MEDICAL EXAMINERS COMMISSION MEETING

Orlando Marriott Lake Mary
1501 International Parkway
Lake Mary, Florida 32751
February 12, 2021 10:00 AM EST

Commission Chairman Stephen J. Nelson, M.A., M.D., F.C.A.P, called the meeting of the Medical Examiners Commission to order at **10:00 AM**. 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 five 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 & 24 Medical Examiner
Nick Cox, J.D., Statewide Prosecutor, Office of the Attorney General
Robin Giddens Sheppard, L.F.D., Funeral Director
Kenneth T. Jones, State Registrar, Department of Health
Hon. Charlie Cofer, J.D., Public Defender, 4th Judicial Circuit
Hon. Carol R. Whitmore, R.N., Manatee County Commissioner

Commission members not present:

Hon. J. Harrell Reid, Hamilton County Sheriff

Commission staff present:

Vickie Koenig
Megan Neel

Chad Lucas
James D. Martin, J.D.

District Medical Examiners present:

Patricia A. Aronica, M.D. (District 19)
Sajid S. Qaiser, M.D. (District 18)
Jon R. Thogmartin, M.D. (District 6)
Joshua D. Stephany, M.D. (District 9)
Russell S. Vega, M.D. (District 12)
Marta U. Coburn, M.D. (District 20)

Wendolyn Sneed, M.D. (District 15)
Kelly G. Devers, M.D. (District 13)
William F. Hamilton, M.D. (District 8)
Craig Mallak, M.D. (District 17)
Deanna A. Oleske, M.D. (District 1)
Michael R. Steckbauer, M.D. (District 16)

Other District personnel present:

Lindsey Bayer (Districts 5 & 24)
Ashley Perkins, D.O. (District 13)
Tiffany Poston (District 2)
Paula Greer (District 8)
Sheri Blanton (Districts 9 & 25)
Cassie Boggs M.D. (District 7)
Karla Orozco (District 7)
Jeff Martin (District 1)
Terrill Tops, M.D. (District 15)
Catherine Miller, M.D. (District 15)
Ralph Saccone (District 15)

Wendy Lavezzi, M.D. (Districts 5 & 24)
Bill Pellan (District 6)
Ricardo Camacho (District 8)
Shanedelle S. Norford, M.D. (Districts 9 & 25)
Craig Engelson (District 18)
Mary Ripple, M.D. (District 7)
Kelly Boulos (District 23)
Andrea N. Minyard, M.D. (District 20)
Lee Marie Tormos, M.D. (District 15)
Paul Petrino (District 15)
Heron Ruiz (District 15)

Guests present:

Bruce A. Goldberger, Ph.D. (UF)
Larry Cochran (LifeQuest)
Heather Hoog (LEITR)
Patricia L. Darrigan (Legacy)

Ashley Banta (UF)
Liz Lehr (LifeLink)
Jessica Zayakosky (Legacy)
Ginny McBride (OurLegacy)

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 NOVEMBER 6, 2020 MEDICAL EXAMINERS COMMISSION MEETING.

ELECTION OF CHAIRMAN

Mrs. Vickie Koenig announced that the Chairman of the Commission is elected at the first meeting of the year, and opened the floor for nominations. Commissioner Robin Giddens Sheppard nominated Dr. Nelson and Dr. Barbara Wolf seconded the nomination. Mrs. Sheppard motioned to close the nominations and Commissioner Nick Cox seconded that motion.

THE MOTION WAS PASSED UNANIMOUSLY TO ELECT STEPHEN J. NELSON, M.A., M.D., F.C.A.P., AS CHAIRMAN OF THE MEDICAL EXAMINERS COMMISSION FOR 2021.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Commission Chairman Dr. Nelson announced that Statewide Prosecutor Nick Cox, J.D., has been appointed as the Attorney General proxy for the Medical Examiners Commission. He is replacing Honorable Wesley Heidt, J.D., on the Commission as Mr. Heidt was recently appointed as a Volusia County judge.
- Status Report: MEC Appointment and Reappointments: Mrs. Vickie Koenig informed the Commission that the reappointment paperwork for Dr. Stephen J. Nelson, Dr. Barbara C. Wolf, and Mrs. Robin Giddens Sheppard are in the Governor's Appointments Office and they have everything they need for those reappointments. Additionally, the appointment paperwork for the vacant State Attorney Seat has been submitted to the Governor's Appointments Office and they have everything they need for the appointment. We are currently awaiting approvals from the Governor's Appointments Office.

Mrs. Koenig also informed the Commission that Honorable Charlie Cofer, J.D., and Sheriff J. Harrell Reid are up for reappointment this summer. Additionally, Honorable Carol Whitmore has served two terms on the Commission and will be terming out this summer. Staff will be contacting the Florida Association of Counties for a recommendation for the county commissioner spot on the Commission.

- Status Report: DME Appointments and Reappointments: Mrs. Koenig informed the Commission that the Governor's Appointments Office has stated they have received all necessary paperwork for the reappointments of Districts 8, 10, 12, 14, 18, 20, 21, 22, 23, and 24 and appointments for districts 1, 4, 16, and 19. We are currently awaiting approvals from the Governor's Appointments Office. Mrs.

Koenig also noted that come summer, all District Medical Examiners will be pending either appointment or reappointment. Dr. Nelson stated that the District Medical Examiners still continue to perform their duties until they are either reappointed or replaced.

- **State Child Abuse Death Review Committee Appointment:** Dr. Nelson informed the Commission that he has appointed Shanedelle S. Norford M.D., to represent the Medical Examiners Commission on the State Child Abuse Death Review Committee. Dr. Norford is an Associate Medical Examiner in Districts 9 and 25 and is replacing District 2 Associate Medical Examiner Anthony Clark, M.D., who expressed that he did not wish to be reappointed to the committee.
- **2020 Surveys and Assessments for Districts 2-7:** Mr. Chad Lucas informed the Commission that ballots and assessment forms were mailed to constituents of districts 2-7 on January 8, 2021. The requested response date is February 26, 2021. If there are any constituents that do not respond by then, MEC staff will reach out to them in order to have responses for the spring Commission meeting.
- **2020 Annual MEC Reports:** Mrs. Megan Neel informed the Commission that data for the Annual Workload Report and the Annual Drugs in Deceased Persons Report is due by June 30, 2021, and asked that districts please submit their data sooner rather than later. She will begin sending out reminders in April.
- **2020 Interim Drugs in Deceased Persons Report:** Mrs. Neel reported that the data from all districts has been received and is currently going through a quality review process. She is hopeful to have all the data back from the quality review process so the report can be published in April
- **2020 Paul Coverdell Forensic Science Improvement Grant Program Status Update:** Mr. Lucas reported that the Bureau for Justice Assistance (BJA) has not yet released funding for the 2020 Coverdell Grant and that projects are still not authorized to begin yet. There are currently two withholding conditions: a revised budget and National Environmental Policy Act (NEPA) documents. All requested documents have been sent to the BJA grant manager on December 8th, and an update has been requested by FDLE's grant manager. Memoranda of Understandings have been completed, but cannot be executed by FDLE's until the budget is fully approved.
- **Bills Filed for the 2021 Legislative Session:** FDLE General Counsel Jim Martin, J.D., informed the Commission of the following bills of interest for the MEC:

Procurement of Human Organs and Tissue (HB 1087, SB 536) – These bills would prohibit for-profit entities from procuring certain human organs and tissue, with certain exceptions. It amends Sections 765.542 and 873.01, F.S., to specify that a for-profit entity may not engage in the procurement of eye, cornea, eye tissue, or corneal tissue and exempts licensed hospitals, ambulatory surgical centers, and district medical examiners.

District 1 Medical Examiner's Facility Planning and Design (HB 3639) – This is an appropriations bill filed through Santa Rosa County that aims at having the State provide \$500,000 to begin the planning and design process for a new Medical Examiner facility in District 1, which will move them out of their current location in Sacred Heart hospital.

Commissioner Ken Jones also advised the Commission of the following bills relating to physician assistants:

Practice of Physician Assistants (HB 431, SB 894) – This bill would authorize licensed physician assistants to provide signature, certification, stamp, verification, affidavit, or endorsement for specified reasons. It would allow for physician assistants to sign death records.

ISSUE NUMBER 2: ORGAN PROCUREMENT ORGANIZATION 2020 ANNUAL REPORT

Ms. Ginny McBride of OurLegacy presented the 2020 Annual Report for Florida's organ procurement organizations. Ms. McBride reported that there were again zero transplant denials reported last year for whole organ donors. However, there were two transplant denials for partial organ donors. Both denials came from the District 11 Medical Examiner's Office out of the LifeAlliance Organ Recovery Agency region. One case had lungs/intestine restricted and the other case had a heart restricted. No reason for restriction was provided for both of the denial cases. Ms. McBride thanked the medical examiners for the outstanding relationship they have with the organ procurement organizations in Florida.

ISSUE NUMBER 3: ORGAN DONATION AFTER CARDIAC DEATH

District 15 Medical Examiner Wendolyn Sneed, M.D., expressed concern about how to produce documentation for organ procurement when someone is not legally dead, specifically after cardiac death. She understands that there is a very short period of time between death and organ recovery, but her office is being asked to produce a document expressing objections, if any. She is curious how this conforms with the fact that they are not to produce documentation on someone until they are pronounced dead. She contacted the District 11 and District 17 Medical Examiner Offices to ask how they handle this specific situation. In District 11, they do a consult case. In District 17, sometimes they sign paperwork and sometimes they give a verbal.

Liz Lehr from LifeLink said that in cases involving donation after cardiac death the OPO proceeds to the OR with a donor on a ventilator with a beating heart. Per the wishes of the donor's family, the ventilator support is withdrawn and the donor is observed for a time of cardiac death. The organ recovery procedure begins five minutes after cardiac death has been declared. The OPO, under Florida Statute, has an obligation to inform the medical examiner as well as a duty not to disturb until receiving information from the medical examiner. Article 2 of the Florida Practice Guidelines for Medical Examiners states that in cases of donation under cardiac death the medical examiner will be notified of an impending death rather than a death that has occurred. The OPOs are under the belief that the normal practice is a call to the medical examiner prior to entering the OR to obtain clearance for organ donation. In most of the cases, that happens with a phone call which should not require the medical examiner to produce a document on behalf of the OPOs. The OPOs in attendance at the MEC meeting would be happy to reach out to LifeAlliance in order to discuss this.

Both Dr. Nelson and Dr. Wolf agreed that the procedure described by Ms. Lehr was correct. Dr. Sneed said that if a verbal is all that is required in these cases, that will be how her office proceeds with them from now on.

ISSUE NUMBER 4: PAUL COVERDELL FORENSIC SCIENCE IMPROVEMENT GRANTS – 2021 PROPOSALS

Mr. Lucas informed the Commission that MEC Staff sent an e-mail to all districts on January 8, 2021, soliciting proposals for the 2021 Paul Coverdell Grant. Proposals from interested districts were due

on January 22, 2021. Sixteen (16) districts submitted proposals with a total of \$50,415.01 in requested funds. As of February 10, 2021, the BJA has not yet listed the 2021 grant solicitation, and it also was not listed as a forthcoming funding opportunity. At this time, it is unknown what amount of the grant will be allotted to medical examiners. If funds are granted, staff requests that any district requesting less than the average amount be given those funds, and the remainder of the funds be divided equally among the other districts.

ISSUE NUMBER 5: UNIDENTIFIED DECEASED INITIATIVE

Mr. Lucas reported the following success story from District 20:

On July 23, 2018, hikers discovered a deceased individual inside a tent located in the Big Cypress National Preserve. Collier County Sheriff's Office investigators found that the decedent was without items of identification. At autopsy, the white male decedent was cachectic, free of injuries, devoid of tattoos, beginning to decompose, and had a faint linear vertical abdominal scar. Toxicologic analysis revealed diphenhydramine and Ibuprofen. Law Enforcement submitted fingerprints for local, state, national and international databases and no matches were found. An identification photograph was distributed throughout social media. Initially numerous individuals stated that the individual in the photographs was known to them as "Mostly Harmless" or "Denim", as in jeans. These were trail names. The internet and social media community began to take great interest in the man who had hiked along the Appalachian Trail and had been found deceased inside of a tent. The Collier County Sheriff's Office submitted DNA to the University of Texas and a submission was made to NAMUS. DNA was also submitted to a Forensic genealogy lab (Orthram, Inc.). During the time that the DNA profile was being performed, a credible piece of information revealed that this individual was from Louisiana, and a friend provided a possible name. The genealogy lab identified the DNA as possible Cajun. The Sheriff's office was able to find the decedent's mother and father. The mother's DNA matched the decedent, and the individual was identified as Vance John Rodriguez. The Collier County Sheriff's Office officially released the identification on January 12, 2021. The family has made funeral arrangements.

Dr. Wolf asked about the particulars of the identification photograph that was distributed throughout social media as it is a violation of state statute to disseminate autopsy photographs in that manner. Dr. Coburn called into the meeting and stated the photograph was a computer-generated rendering of the decedent similar to an artist sketch. The Commission agreed that this is not a violation and is the normal among medical examiner offices.

ISSUE NUMBER 6: MASS FATALITY PLANS

Dr. Nelson reminded all districts that hurricane season begins on June 1, 2021, and that everyone should make sure they have a current up-to-date mass fatality plan in place.

ISSUE NUMBER 7: FATALITY MANAGEMENT RESPONSE PLAN UPDATE

Bruce A. Goldberger, Ph.D., reported to the Commission that FEMORS revised the State of Florida Fatality Management Response Plan. In addition to some simple revisions of typographical errors and updating links and references, the major addition to the document is a section devoted to mass burial in situations where disaster results in the deaths of several hundreds or thousands of victims.

This document is not meant to be the essential fatality plan document for each medical examiner office in the state, but should be included in each office's ESF8 plan.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE VERSION 5.0 OF THE STATE OF FLORIDA FATALITY MANAGEMENT RESPONSE PLAN.

Version 5.0 of the State of Florida Fatality Management Response Plan will be published to the Medical Examiners Commission website.

ISSUE NUMBER 8: EMERGING DRUGS

Dr. Goldberger provided the Commission with an update on new drug trends. There are numerous findings for illicitly manufactured fentanyl and synthetic cathinones such as eutylone. There are some designer benzodiazepines such as etizolam, flualprazolam, and clonazepam. There has also been an uptick in fentanyl cases that are positive for xylazine, commonly used as a large animal sedative, hypnotic, or tranquilizer. Puerto Rico had an outbreak of xylazine deaths about a decade ago, and now fentanyl cases are often positive for xylazine in the Northeast region of the United States such as Philadelphia. The toxicology lab in Gainesville has begun to develop a method to better identify and quantify it as well as assess what its roll might be.

Dr. Nelson asked if Dr. Goldberger had a sense of how the other offices around the state are looking for newer designer drugs and wondered if everyone was on the same page. Dr. Goldberger indicated that those offices who are using NMS or the lab in Gainesville are, but he wasn't sure about Stewart Reference Labs and what their scope is in reference to newer designer drugs. Axis Toxicology, the lab in Broward, and the lab in Miami-Dade also do a decent job with emerging newer psychoactive substances (NPS). He does think it's important for the medical examiner offices to talk directly with the toxicology lab to see what NPS drugs are commonly detected in order to determine the need to select a different test or to keep a lookout for the drugs.

Dr. Nelson then asked if it would be worthwhile for the medical examiner offices to do a yearly or bi-yearly query of the labs as to what they are seeing as far as NPS drugs. Dr. Goldberger said that he does feel there is a great value to organizing a meeting of the toxicology labs. Mrs. Koenig said MEC could arrange something so that the postmortem toxicology labs could meet and discuss, and Dr. Goldberger offered to help her in the organization of the toxicology lab directors meeting.

Dr. Wolf said that annual medical examiner office meeting with their toxicology labs to review the drugs that are being tested for has recently been added as an item on NAME's inspection and accreditation checklist.

Mrs. Koenig indicated that the Office of Statewide Intelligence asked about broprhine. Dr. Goldberger said the labs haven't seen any of that in Florida, but they have seen isotonitazene in a few instances in Florida and feels that the state has been spared from some of the drugs making a large impact in the central region of the country. Mrs. Koenig said that when Mrs. Neel surveyed the medical examiner offices, District 23 responded with something from NMS Labs where there were two cases of broprhine that were identified in Florida in late 2020.

Mr. Cox asked if there was a marriage between what the labs were doing and law enforcement because the Attorney General has the ability to emergency schedule new drugs. Dr. Goldberger said there used to be better communication with the Office of the Attorney General, but not lately, and

suggested that the communication be reestablished. Mr. Cox then said that the Attorney General would be very concerned if she found out there has been a downturn in communication and offered to have Shannon MacGillis from his office attend any of the toxicology lab director's meetings. Dr. Goldberger welcomed that and also suggested that someone from FDLE Office of Statewide Intelligence also be involved. Mrs. Koenig said that there is a new Special Agent in Charge of the Office of Statewide Intelligence and she can include him.

Dr. Nelson asked that the meeting possibly take place before the next MEC meeting so the Commission can hear feedback.

ISSUE NUMBER 9: 2021 FAME EDUCATIONAL CONFERENCE

Dr. Goldberger reported that the 2021 FAME Educational Conference is tentatively scheduled to be held July 21-23, 2021, at the Waldorf Astoria in Orlando, Florida. The dates of the meeting are still tentative due to ever-changing CDC and State COVID-19 protocols, but he still feels really good about the feasibility of an in-person meeting due to the availability of vaccines. At this point, he does not wish to do a virtual FAME Educational Conference. The Waldorf Astoria has already promised to accommodate the conference with a grand ballroom for proper social distancing and also have mechanisms in place to distribute food and drinks. There is still a possibility that the conference dates and location may change due to meeting room size and CDC guidelines, but FAME is still pushing forward and hopes to have the meeting in person in July. An update will be available for MEC in the next week or two.

ISSUE NUMBER 10: OTHER BUSINESS

- Dr. Nelson announced that he had a signed resolution for the Honorable Wesley Heidt, J.D.
- District 18 Medical Examiner Sajid S. Qaiser, M.D., addressed the Commission regarding cases of medical misadventure. His general concerns were how to proceed in death cases where medical misadventure occurred and what documentation he should be keeping in his files for those cases.

Dr. Wolf said that her office would typically review the medical records and find out the purpose for the procedure that led to the injury before making a jurisdictional decision on the case. If the injury was an expected complication of a procedure for natural disease, then they would not take jurisdiction.

Dr. Qaiser also said that his office takes jurisdiction of any death cases with trauma that results in broken long bones or subdural hemorrhages, make them external examinations, and then release the body. Sometimes, however, the family of the decedent insists on a full autopsy. He asked if they were supposed to do the full autopsy and then recalled a time that he thought Dr. Nelson said if the family wants a full autopsy, you must perform the autopsy.

Dr. Nelson said that he would never say that someone has to perform the autopsy in that situation. Instead, he said that since you have already assumed jurisdiction of the case, you will be the one certifying the death, and you have to be comfortable in how you are going to certify the death. The only cases where autopsies must be done are the ones spelled out in statute or administrative rule as a case that shall be autopsied. The real question is, what are you comfortable with in order to certify those cases? If you aren't running afoul of State Statute, Administrative Rule, or the Practice Guidelines, then the decision is purely discretionary on your part.

Dr. Wolf agreed with Dr. Nelson on the types of cases where autopsies are required. However, when a case does fall under the jurisdiction of a medical examiner and the family wants an autopsy her office finds it prudent to go ahead and do the autopsy. In a lot of cases it is just easier and quicker to do it that way. Many times, in cases like this, the decision is not based on statute or code, but office policy instead.

- Dr. Nelson informed the Commission that he recently received a letter from the Florida Cemetery, Cremation, and Funeral Association imploring him to consider including funeral professionals in any vaccination event that he, the counties, and/or the Department of Health may arrange for their essential workers. Dr. Nelson indicated that when he has spoken to any medical examiner in the State who has asked for assistance in getting vaccinations for their office, he has directed them to their local county health department.

Mrs. Whitmore said that her county was experiencing the same issue and their Emergency Operations Center called the State. After that phone call, she received an e-mail in the past 10 days or so stating that funeral home employees are considered essential workers. Mrs. Giddens-Sheppard asked that Mrs. Whitmore send that e-mail to her so she can see it.

Mr. Cofer said he is under the impression that the vaccines are to be distributed according to the CDC guidelines, and that the local health department must follow those. The CDC are the ones that makes that determination.

Mr. Jones advised that for each county, funeral professionals should contact the county health department and they would be able to advise, at the county level, what the State's approach is.

Mrs. Giddens-Sheppard said that, so far, the Governor has said funeral professionals are not essential workers. However, she called on Wednesday and was able to get an appointment for Monday to get her vaccine.

Dr. Nelson said that was all the more reason to call your local county health department to inquire about vaccination.

- Ms. Koenig reminded everyone that the next Medical Examiners Commission meeting is scheduled for May 7th at the Wyndham Grand Jupiter at Harbourside Place in Jupiter, FL.

With no further business to come before the Commission, the meeting was adjourned at 11:25 A.M.