

MEDICAL EXAMINERS COMMISSION MEETING

Orlando Marriott Lake Mary
1501 International Parkway
Lake Mary, Florida 32751
February 17, 2023, 10:00 AM

Commission Member Barbara C. Wolf, M.D., called the meeting of the Medical Examiners Commission to order at **10:00 AM**. She 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. She then welcomed everyone to the meeting and asked Commission members, staff, and audience members to introduce themselves.

Commission members present:

Barbara C. Wolf, M.D., Districts 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
Joshua Stephany, M.D., Districts 9 & 25 Medical Examiner
Hon. Amira Fox, J.D., State Attorney, 20th Judicial Circuit
Hon. Michael A. Barnett, Palm Beach County Commissioner

Commission members not present:

Hon. Robert "Bob" Johnson, Santa Rosa County Sheriff

Commission staff present:

Brett Kirkland, Ph.D.	Megan Neel
James D. Martin, J.D.	Ashley Williams
Vickie Koenig	

District Medical Examiners present:

James W. Fulcher, M.D. (District 7)	Rebecca MacDougall, M.D. (District 17)
Russell S. Vega, M.D. (District 12)	

Other District personnel present:

Dan Schebler (District 1)	Karla Orozco (District 7)
Erin Ely (District 17)	Thomas Steinkamp (District 17)
Kim Carroll (District 19)	Bruce Goldberger, Ph. D. (District 8)

Guests present:

Felipe Williams (FDLE)	Kurt Reis (Lifenet Health)
Paul Williams (FDLE)	Patricia Darrigan (Legacy Donor Services Foundation)
Jeremy Gordon (FDLE)	Theresa Daly (LifeLink Foundation)
Leigh Clark (FDLE)	
Sherry Groover	

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 4, 2022 MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Election of Chair: Bureau Chief Brett Kirkland informed the Commission that according to Florida Statute 406, the Commission needs to appoint a new chairman for the calendar year of 2023. Commissioner Charlie Cofer nominated Dr. Barbara Wolf. The motion was made, seconded, and passed unanimously for the Commission to approve Dr. Barbara Wolf as the new Chairman.
- Status Report: MEC Appointment and Reappointments: Bureau Chief Brett Kirkland, Ph.D., announced to the Commission that Governor DeSantis made appointments and reappointments to the Medical Examiners Commission on February 10, 2023. Barbara C. Wolf, M.D., Districts 5/24 Medical Examiner, Robin Giddens Sheppard, Licensed Funeral Director, and Honorable Charlie Cofer, J.D., District 4 Public Defender, were reappointed for additional terms. Additionally, Joshua Stephany, M.D., Districts 9/25 Medical Examiner, Honorable Michael A. Barnett, J.D., Palm Beach County Commissioner, Honorable Amira Fox, J.D., District 20 State Attorney and Honorable Robert "Bob" Johnson, Santa Rosa County Sheriff, were newly appointed to the Commission. Mr. Kirkland also acknowledged that Commission member Ken Jones, the representative for the Department of Health and Nick Cox, the representative for the Office of the Attorney General, positions on the Commission are statutory requirements, therefore they are not subject to reappointment.
- Status Report: DME Appointment and Reappointments: Dr. Kirkland informed the Commission that all District Medical Examiners are currently pending either appointment or reappointment. Dr. Kirkland advised that he has been in contact with the Governor's Appointments Office and stated although the Commission has already voted for the initial appointment and reappointment of everyone, the Governor's Appointment Office requested that the Commission provide an updated letter with the respective terms and resubmit to the Governor's Appointment Office. Dr. Kirkland informed the Commission that staff would be working on the updated letters, one letter for appointments and another for the reappointments and hopes to have additional news from the Governor's Appointment Office soon.
- District 2 Medical Examiner Vacancy: Dr. Wolf informed the Commission that there have not been any new developments in District 2. Dr. Jon Thogmartin is still the interim medical examiner for the district. The Medical Examiner Search Committee is still in the process of filling the vacancy. Dr. Thogmartin advised that the advertisement has been published and will close at the end of March and the first meeting planned for April 2, 2023. Dr. Thogmartin stated that so far there were four candidates.
- District 15 Medical Examiner Vacancy: Dr. Wolf announced that the Commission was notified by District 15, which is Home Rule and the Commission is not involved in the search committee, that Dr. Catherine Miller has been appointed by the State Attorney as the new District 15 interim medical examiner.
- New District 22 Medical Examiner: Dr. Wolf informed the Commission that the search committee conducted interviews and made an offer to a candidate, who decided not to take the position. Dr. Wolf advised that the search committee would be reconvening and deciding on what action to take moving forward.
- 2023 Surveys & Assessments for Districts 15-24: Mrs. Ashley Williams informed the Commission that surveys and assessments for the reappointments of district medical examiners for districts 15- 24 were sent to the constituents of these districts via U.S. mail on January 6, 2023, with a due date of February 24, 2023. Surveys and assessments received will be reviewed at the spring

Commission meeting. Mrs. Williams advised that she would be reaching out to any constituents who have yet to respond in order to have responses for the sprint Commission meeting.

- 2022 Annual Workload Report: Mrs. Megan Neel informed the Commission that data is due to her by May 31, 2023. Mrs. Neel asked that districts reach out to her if they have concerns. She also stated would be sending out a reminder in March.
- 2022 Interim Drug Report: Mrs. Megan Neel informed the Commission that all data has been received and sent to Dr. Vega and the QAC for review. Mrs. Neel advised that half of the data has been returned and she has been in contact with districts trying to get it finalized for the published report.
- 2022 Annual Drug Report: Mrs. Megan Neel informed the Commission that data is due to her on May 31, 2023. Mrs. Neel asked that the districts try to get her the data as soon as possible. Dr. Wolf also asked that the districts provide Mrs. Neel with the necessary data sooner rather than later because other agencies rely heavily on the reports.
- 2022 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mrs. Ashley Williams reported that as of February 17, 2023, the Bureau of Justice Assistance (BJA) has not released funds for the 2022 Coverdell Grant. She advised that when the funds are released, each participating district will receive a hard copy of their Memorandum of Understanding from the FDLE grant manager for signature. Mrs. Williams also stated that she will email the award packages to each district upon release of funds from the BJA.
- 2023 Legislative Session Update: FDLE General Counsel Jim Martin, J.D., informed the Commission of bills of interest to the Commission and the medical examiner community. Mr. Martin stated that Senate Bill 164 and House Bill 165, dealing with controlled substance testing, revises the definition of the term “drug paraphernalia” in s. 893.145, F.S., to exclude certain drug testing products for fentanyl. Mr. Martin stated that some of the medical examiner’s offices had difficulty ordering supplies from vendors due to some testing supplies being considered drug paraphernalia and that the revised bill is attempting to combat the problem. Mr. Martin informed the Commission of an addition bill, House Bill 273 and Senate Bill 404, Public Records/Autopsy reports of minor victims of domestic violence and revisions to create an exemption for autopsy photographs and videos of minors whose deaths were related to acts of domestic violence. Mr. Martin advised that the First Amendment Foundation has shown opposition to the bill but cannot state if that will have an effect on the bills moving forward. Mr. Martin also so informed the Commission of Senate Bill 736, stating that this bill would add nitazene derivatives to the list of Scheduled I controlled substances. Mr. Martin reported that House Bill 365 and Senate Bill 280 would provide criminal penalties for adults who sell, distribute, or dispense specified substances in which an injury or overdose of the users occurs.

ISSUE NUMBER 2: ORGAN PROCUREMENT ORGANIZATION 2022

Ms. Ginny McBride of OurLegacy presented the 2022 annual report for Florida’s organ procurement organizations. Ms. McBride reported that organ donation in the United States continues to rise despite the COVID-19 pandemic. Ms. McBride reported that the United States celebrated one million transplants being preformed in September 2022. Ms. McBride also reported there were again zero transplant denials by Florida medical examiners last year for whole organ donors. Ms. McBride thanked the medical examiners for the outstanding relationships they have with the organ procurement organizations in

Florida. Heather Merkerson with LifeQuest, presented on the organ procurement organization's Donor Care Unit. Ms. Merkerson advised that organ procurement organizations in the state of Florida are looking into establishing Donor Care Units to help give specialized care and maximize donor procurement. Ms. Merkerson stated that there is one Donor Care Unit that has been established by LifeQuest at the Mayo Clinic in Jacksonville, District 4, and they have been able to work closely with the District Medical Examiner, Dr. Pietak, in the transfer of donors.

ISSUE NUMBER 3: Bureau of Justice Assistance Grant Award

Ms. Leigh Clark, Deputy Director of Forensic Services with the Florida Department of Law Enforcement (FDLE), presented on the BJA Missing and Unidentified Human Remains Program award that FDLE received. Ms. Clark outlined the services being offered, the criteria for participation, and current timeline. The grant is a springboard to reinvigorate services that FDLE previously offered and to maintain a robust program moving forward. Ms. Clark stated that the program will be going live and asked that all medical examiners assist with a survey of the number of unidentified deceased. Dr. Wolf inquired on how a case with the medical examiner's office becomes involved with the program's laboratory. Ms. Clark advised that all medical examiners have access to the Laboratory Information Management System where they submit evidence to laboratory. Commission member Ken Jones inquired if the grant awarded funds is sustainable, renewable or ongoing. Ms. Clark stated the program itself will be ongoing, the initial granted funds will be needed to handle the protentional floodgate or backlog that will occur when the program goes live. Ms. Clark stated that the funds would eventually be depleted but advised that her office is highly successful at obtaining other grants that will help to contribute to the program.

ISSUE NUMBER 4: Nomination for District 23 Medical Examiner:

Dr. Wolf informed the Commission that District 23 Medical Examiner Search Committee has completed their search. Dr. Wolf advised that State Attorney R.J. Larizza of the 7th Judicial Circuit appointed Dr. Wendolyn Sneed as the interim medical examiner. Dr. Sneed is the committee's recommendation for the gubernatorial appointment for the District 23 Medical Examiner.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY THAT DR. WENDOLYN SNEED IS THE RECOMMENDATION FOR THE GUBERNATORIAL APPOINTMENT FOR THE DISTRICT 23 MEDICAL EXAMINER.

ISSUE NUMBER 5: 2023 Proposals for Paul Coverdell Forensic Science Improvement Grant Program

Mrs. Ashley Williams informed the Commission that an email to all districts was sent out on January 6, 2023, soliciting proposals for the 2023 Paul Coverdell Grant. Proposals from interested districts were due on January 20, 2023. Mrs. Williams advised that eleven districts submitted proposals with a total of \$54,920.55 in requested funds. As of February 16, 2023, the BJA has not yet listed the 2023 grant solicitation, and it also was not listed as a forthcoming opportunity. Mrs. Williams advised that at the time it is unknown what amount of the grant will be allotted to the medical examiners. Mrs. Williams also requested that when the funds are granted, 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 6: UNIDENTIFIED DECEASED INITIATIVE:

Mrs. Williams reported the following success story from District 17:

On June 8, 2020, partial skeletal remains were discovered in a remote wooded area of Pembroke Pines, Florida. At the time of discovery, there were no possible names or information found on scene. A single partial fingerprint was able to be collected and run through the local, state, and federal databases with no hits. A forensic anthropologist and forensic artist worked on the case while DNA was submitted into CODIS with no hits. Overtime, the case was matched to several missing person cases, however, all turned out not to be a match to the decedent. The Pembroke Pines Police Department released information on the case to the media that unfortunately did not generate any additional leads to aid in identification. In August of 2022, the Pembroke Pines Police Department started working to further the DNA testing and were able to locate a possible family member of the decedent. Through the investigation, law enforcement was able to identify the decedent as an estranged family member related by the DNA match. On December of 2022, law enforcement was also able to locate an out of state arrest record that matched the partial fingerprint from the decedent and was able to confirm the identification of the decedent through DNA and the fingerprint.

ISSUE NUMBER 7: MASS FATALITY PLANS

Dr. Wolf issued a reminder to all districts medical examiners to update their mass fatality plans and expressed the importance of having plans in place.

ISSUE NUMBER 8: NAME ACCREDITATION

Dr. Wolf informed the Commission of changes that have been made to the National Association of Medical Examiners (NAME) accreditation program. Dr. Wolf stated that as January 1, 2023, NAME started conducting virtual accreditation assessments for offices that are up for reaccreditation. Dr. Wolf also advised that there is a new database for the inspection and accreditation website. Dr. Wolf congratulated District 19, Dr. Patricia Aronica with being recently accredited by NAME.

ISSUE NUMBER 9: EMERGING DRUGS

Bruce Goldberger, Ph.D., provided the Commission with an update on new drug trends. N,N-Dimethylpentylone, a new cathinone, has become a common finding among the toxicology labs at this time and seems to be replacing eutylone. Xylazine mixed with fentanyl is also reported to be prevalent in about a third of Florida's fentanyl cases; however, it is more prevalent in some northern states' fentanyl cases. There are reports of unique lesions on the bodies associated with ingestion of fentanyl with xylazine. Dr. Goldberger was not aware if there have been any reported cases of such lesions in Florida. Dr. Goldberger informed the Commission of new drug similar to xylazine. Medetomidine, a veterinary anesthetic drug, is emerging in the Sarasota area and not meant to be used in humans. Dr. Goldberger noted that the FDA is recommending Narcan be available over the counter in pharmacies soon.

Dr. Goldberger also informed the Commission of a new program that is funded by the Florida Department of Health through the OD2A funds. University of Florida just received a contract using OD2A funds to create a forensic epidemiology group to provide quarterly reports to the Department of Health, Florida Department of Law Enforcement and to the Commission on emerging drugs. Dr. Goldberger also advised that funds will be used to conduct annual needs assessments of toxicology labs as well as medical examiners' offices pursuant to emerging drugs. Commissioner Ken Jones, State Registrar for Department of Health elaborated more on OD2A funds. Mr. Jones advised that there is \$27,311 available for each district to apply for. The deadline is June 30, 2023. Mr. Jones encouraged districts to take advantage of the funds. Mr. Jones also advised that there are grants through the Center for Disease

Control available to the medical examiners. Mr. Jones asked the Commission to conduct research potential grants and how the medical examiners can automate the medical examiners system.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY THAT THE COMMISSION WOULD FACILITATE AND HAVE THE MEDICAL EXAMINERS TO WORK WITH THE DEPARTMENT OF HEALTH ON THE CENTER FOR DISEASE CONTROL INITIATIVE.

ISSUE NUMBER 10: 2023 FAME EDUCATIONAL CONFERENCE

Dr. Goldberger reported that the 2023 FAME Educational Conference is scheduled to be held July 19-21, 2023, at the Omni Orlando Resort in Champions Gate, Florida. The event will be jointly sponsored by the District 8 Medical Examiner's Office and the University of Florida. Rooms will be \$189 per night and Continuing Medical Education credits will be provided.

ISSUE NUMBER 11: OTHER BUSINESS

- Dr. Wolf presented Dr. Bruce A. Goldberger with a signed resolution and read its contents into the record.

WHEREAS, the Medical Examiners Commission was created in 1970 by the passage of Chapter 406, Part I, Florida Statutes, also known as the Medical Examiners Act; and,

WHEREAS, this Commission plays a vital role in support of Florida's criminal justice system, to the families of the deceased in determining the cause and manner of death of their loved ones whose deaths come under the jurisdiction of the medical examiner, and by contributing to the protection of the public health of the citizens of Florida; and,

WHEREAS, Dr. Bruce A. Goldberger is a Professor and the Chief of the Division of Forensic Medicine in the Department of Pathology, Immunology and Laboratory Medicine in the College of Medicine at the University of Florida in Gainesville, Florida. Dr. Goldberger is the Medical Director of UF Health Pathology Laboratories Clinical Toxicology Laboratory, the Director of the William R. Maples Center for Forensic Medicine, and the Program Director of the Florida Emergency Mortuary Operations Response System; and,

WHEREAS, Dr. Goldberger has been passionate about the Commission's Emerging Drug Trends, and has reached out to Postmortem Toxicology Lab Directors throughout the state to coordinate discussions over emerging drugs to provide the Commission with the most advanced and up to date information; and,

WHEREAS, Dr. Goldberger 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,

NOW THEREFORE, let it be resolved that this Commission on behalf of Florida's medical examiners, the medical-legal community, and all of the citizens of Florida whom he has served so well, does hereby recognize and commend Dr. Bruce Goldberger for the dedication and valuable service he has offered to the Florida medical examiners system and hopes that he maintains his success in future endeavors.

PASSED AND RECORDED, in the official minutes of the Medical Examiners Commission meeting on this Friday, the 17th day of February, 2023, in Lake Mary, Seminole County, Florida.

- Dr. Wolf also presented Stephen J. Nelson, M.A., M.D., F.C.A.P., with a signed resolution and read its contents into the record.

WHEREAS, the Medical Examiners Commission was created in 1970 by the passage of Chapter 406, Part I, Florida Statutes, also known as the Medical Examiners Act; and,

WHEREAS, this Commission plays a vital role in support of Florida's criminal justice system, to the families of the deceased in determining the cause and manner of death of their loved ones whose deaths come under the jurisdiction of the medical examiner, and by contributing to the protection of the public health of the citizens of Florida; and,

WHEREAS, Dr. Stephen J. Nelson has proudly served as the District Ten Medical Examiner since 1997; and,

WHEREAS, as a further indication of his enthusiasm for forensic medicine, Dr. Nelson is a member of and serves an active role in numerous professional organizations such as the National Association of Medical Examiners, the Florida Association of Medical Examiners, the College of American Pathologists, the Infectious Disease Society of America, the American Association of Forensic Sciences, the Polk County Medical Association, and the American Association of Neuropathologists; and,

WHEREAS, since Dr. Nelson was reappointed to the Commission by Governor Rick Scott in 2014. He has been elected as the Commission's chairman every year since 2014, and during his tenure has assertively and wisely overseen the many very important and sometimes difficult issues that have come before the Commission; and

WHEREAS, Dr. Nelson's professionalism, leadership, vast knowledge of the issues, and his lack of timidity in taking on the tough issues facing the Commission have earned him respect and admiration among families, professionals, and legislators throughout Florida;

NOW THEREFORE, let it be resolved that this Commission on behalf of Florida's medical examiners, the medical-legal community, and all of the citizens of Florida whom he has served so well, does hereby recognize and commend Dr. Stephen J. Nelson for his dedication, exemplary service, and the invaluable guidance he has offered to Florida's district medical examiner system and hopes that he maintains this same enthusiasm, professionalism, and success and in all his future endeavors.

PASSED AND RECORDED, in the official minutes of the Medical Examiners Commission meeting on this Friday, the 17th day of February 2023, in Lake Mary, Seminole County, Florida.

- Dr. Kirkland provided the Commission with information on the Conrad 30 J1 Visa Program. Dr. Kirkland stated that several inquiries have been made in regards to the program. Dr. Kirkland advised that the program is designed to allow 30 foreign national physicians to apply for a waiver that would waive the requirement in which they are required to go to their home country for two years before returning back to the United States on an employment-based visa. The waiver would allow the physicians to stay in the United States and receive an employment-based visa. The program applies

to 30 physicians per a state and is not limited to pathologists. The application process is limited to a 10-day period in October. Dr. Kirkland advised that during the research for the Conrad 30 J1 Visa program, it was discovered there is another similar program, the Southeast Crescent Regional Commission. The Southeast Crescent Regional Commission consist of a group of states, Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Virginia that provide the same waiver with a fee and does not have a restriction on the number of applicants. Dr. Kirkland advised that he can provide additional information and contracts for the programs to anyone interested.

- Deputy Director Vickie Koenig informed the Commission of an initiative that has been launched by the Florida Department of Law Enforcement, the Attorney General's Office and the Florida First Lady in regards to a mental wellness program to help law enforcement officers cope with stress. Ms. Koenig thanked the district medical examiners for their previous assistance in supplying the data needed to establish a baseline and asked that the medical examiners continue to send the data on decedents with a law enforcement occupation whose manner of death is listed as suicide to the Florida Department of Law Enforcement. Ms. Koenig informed the Commission that the data will be utilized to convene a workgroup of mental health professionals who can provide resources to law enforcement agencies to help them develop policies and training information to identify red flags in officers with mental health concerns.

With no further business to come before the Commission, the meeting was adjourned at 11:52 A.M.