

MEDICAL EXAMINERS COMMISSION MEETING

Orlando Marriott Lake Mary
1501 International Parkway
Lake Mary, Florida 32751
February 13, 2024, 10:00 AM

Commission Chairman Barbara C. Wolf, M.D., called the meeting of the Medical Examiners Commission to order at **10:02 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
Nicholas 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. Robert "Bob" Johnson, Santa Rosa County Sheriff
Hon. Michael A. Barnett, Palm Beach County Commissioner (Virtual)

Commission staff present:

Brett Kirkland, Ph.D.
James D. Martin, J.D.

Megan Neel

District Medical Examiners present:

James W. Fulcher, M.D. (District 7)
Deanna Oleske, M.D. (District 1)
Catherine Miller, M.D. (District 15)
Sajid Qaiser, M.D. (District 18)

Jon R. Thogmartin, M.D. (District 6)
Patricia Aronica, M.D. (District 19)
Thomas Coyne, M.D. (District 8)
Robert Pietak, M.D. (District 4 – Virtual)

Other District personnel present:

Dan Schebler (District 1)
Lindsey Bayer (District 5/24)
Ralph Saccone (District 15)
Lindsey Page (District 15)
Ricardo Camacho (District 8)
Tim Crutchfield (District 4)

Karla Orozco (District 7)
Sheri Blanton (District 9/25)
Paul Petrino (District 15)
Kim Loucks (District 19)
Brittany Glad, M.D. (District 4 – Virtual)

Guests present:

Rebecca Baker (FDLE)
Adrienne Trykowski (FDLE)
Kim Rowell (FDLE)
Chad Brown (FDLE)
Rebecca Sayer
DiAnn McCormack (Corneagen)
Danielle Balbis (Lifequest)

Fred Caldwell (Lifenet Health)
Mary Ann Prim (FDOH)
Linda McCluskey (Lifelink of Florida)
Susan Rabel (Lifelink of Florida)
Brittany Hill (LifeLink of Florida)
Heather Hoog (Lions World Vision Institute)

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 OCTOBER 31, 2023, MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Election of Chair: Bureau Chief Brett Kirkland, Ph.D., informed the Commission that according to Florida Statute 406, the Commission needs to appoint a new chairman for the calendar year of 2024. Commissioner Robin Giddens-Sheppard nominated Dr. Barbara Wolf. The motion was made, seconded, and passed unanimously for the Commission to approve Dr. Barbara Wolf as the new Chairman. Dr. Wolf recused herself from voting.
- Status Report: MEC Appointment and Reappointments: Dr. Kirkland informed the Commission that the official recommendations for Barbara Wolf, M.D. and Amira Fox, J.D. have been sent to the Governor's Office and currently pending Governor appointment.
- 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 reached out to the appointment's office for a status, but we are still waiting on appointments from the Governor.
- District 2 Medical Examiner Vacancy: Joshua Stephany, M.D. informed the Commission that he had received an email from the District Attorney in District 2 letting him know that the position is no longer vacant. The position was re-offered to the candidate and he accepted. Thomas Coyne, M.D. will be the new District 2 Medical Examiner.
- 2024 Surveys & Assessments for Districts 1-7: Mrs. Megan Neel informed the Commission that surveys and assessments for the reappointments of district medical examiners for districts 1-7 were sent to the constituents of these districts via U.S. mail on January 26, 2024, with a due date of February 23, 2024. Surveys and assessments received will be reviewed at the spring Commission meeting. Mrs. Neel advised that she would be reaching out to any constituents who have yet to respond in order to have responses for the spring Commission meeting.
- 2022 Annual Drugs in Deceased Persons Report: Mrs. Megan Neel informed the Commission that the report was published on January 25, 2024 and that if someone needs a copy to reach out to her.
- 2023 Annual Workload Report: Mrs. Megan Neel informed the Commission that data is due no later than May 31, 2024. If that is going to be a problem for anyone she asked them to reach out to her.
- 2023 Interim Drugs in Deceased Persons Report: Mrs. Megan Neel informed the Commission that all data has been received and sent to the Quality Assurance Committee. Mrs. Neel stated that once she has everything back she will start compiling the report.
- 2023 Annual Drugs in Deceased Persons Report: Mrs. Megan Neel informed the Commission that data is due no later than May 31, 2024. If that is going to be a problem for anyone she asked them to reach out to her.
- 2023 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mrs. Megan Neel informed the Commission that there is no update at this time.
- 2024 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.

HB453 & SB 678 Forensic Investigative Genetic Genealogy Grant Program (Anderson/Bradley)

The bill creates s. 943.327, F.S., which creates the Forensic Genetic Genealogy Grant Program within FDLE. This bill requires FDLE to annually award law enforcement agencies and medical examiners' offices funds for expenses related to using forensic genetic genealogy methods to generate investigative leads for criminal investigations of unidentified human remains. Effective Date: July 1, 2024

HB 529 & SB 474 Public Records/Photographs, Recordings, and Reports of Autopsies of Suicide Victims (Trabulsy/Grall)

- The bill creates exemptions from public records requirements for photographs and/or video or audio recordings of the suicide of a person and autopsy reports of suicide victims; requires that viewing, copying, listening to, or other handling of such photographs or video or audio recordings and/or autopsy reports be under direct supervision of custodian of record or his or her designee; provides criminal penalties; provides for retroactive application; provides for future legislative review & repeal of exemptions. Effective Date: upon becoming a law

HB 1653 & SB 768 Duties and Prohibited Acts Associated with Death (Giallombardo/Stewart)

- Authorizes reports regarding specified deaths and circumstances to be made to the appropriate law enforcement agency in addition to the medical examiner; increases criminal penalties for failing or refusing to report death or for refusing to make available certain information with intent to conceal death or alter evidence and circumstances surrounding death; increases criminal penalty for willfully touching, removing, or disturbing body without order from office of district medical examiner with intent to conceal death and/or alter evidence and circumstances surrounding the death. Effective Date: July 1, 2024.

ISSUE NUMBER 2: 2024 Proposals for Paul Coverdell Forensic Science Improvement Grant Program

Mrs. Megan Neel informed the Commission that an email to all districts was sent out on January 23, 2024, soliciting proposals for the 2024 Paul Coverdell Grant. Proposals from interested districts were due on February 7, 2024. Mrs. Neel advised that thirteen districts submitted proposals with a total of \$65,516.93 in requested funds.

- Dan Schebler from the District 1 Medical Examiner's Office asked the Commission to revisit the allotment of funds given to the districts. Mr. Schebler expressed concerns about districts not applying because of the low amount of money available for distribution.
- Medical Examiners Commission staff is looking into this.

ISSUE NUMBER 3: 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 4: ORGAN PROCUREMENT ORGANIZATION 2023

Ms. Susan Rabel of Lifelink presented the 2023 annual report for Florida's organ procurement organizations. Ms. Rabel reported that over half of the organs donated and transplanted were from medical examiner jurisdiction cases. Ms. Rabel also reported there was one transplant denial from the District 10 Medical Examiner's Office due to the severity of the case. Ms. Rabel reported that they worked

with the district and continue to work well with the medical examiners throughout the state. Ms. Rabel thanked the medical examiners for the outstanding relationships they have with the organ procurement organizations in Florida.

ISSUE NUMBER 5: EMERGING DRUGS UPDATE

Dr. Kirkland provided the Commission on behalf of Dr. Bruce Goldberger with an update on the Toxicology Laboratory Directors bimonthly meeting on the prevalence and emergence of drugs in the state of Florida. Participants in the meeting also include representatives from the Medical Examiners Commission and the Drug Enforcement Administration. There were no significant new findings of drugs during the last quarter. Illicitly manufactured fentanyl remains the most frequently identified drug in decedents; and polysubstance use with fentanyl commonly includes cocaine and methamphetamine. However, there has been a reported increase in carfentanil involved deaths in Palm Beach County. While the number of deaths is small, the reemergence of carfentanil in the state is concerning. N,N-Dimethylpentylone continues to be the most prevalent cathinone in decedents, and in Broward County, Alpha PiHP is identified in many cases. Other drugs identified in decedents include bromazolam, clonazolam, eutylone, fluorofentanyl, non-pharmaceutical ketamine, the nitazine analogs, and xylazine.

ISSUE NUMBER 6: 2024 FAME EDUCATIONAL CONFERENCE

Dr. Kirkland reported that the 50th Annual Educational Conference of the Florida Association of Medical Examiners will be held in Sarasota, Florida at the Westin on July 17–19, 2024. The meeting is jointly sponsored by the District 12 Medical Examiner's Office and the University of Florida. An updated save the date with a hotel registration link will be distributed by email to the members of FAME.

ISSUE NUMBER 7: OTHER BUSINESS

- State Child Abuse Death Review Committee: Thomas Coyne, M.D. will continue to serve on the committee and was reappointed by Chairman Barbara Wolf, M.D.
- Jon Thogmartin, M.D. asked the Commission for guidance on the interpretation of s. 406.06(2) F.S., that states "Associate Medical Examiners shall serve at the pleasure of the district medical examiner." The Commission acknowledged the wording of the statute and affirmed that associate medical examiners serve at the pleasure of the district medical examiner. Commissioner Charlie Cofer stated that the wording in s. 406.06(2) F.S. is similar to wording used with associate public defenders.
- Mr. Ken Jones introduced Mary Prim from the Department of Health. She is going to be reaching out to the districts to get information on violent death data.
- Mr. Jones also informed the Commission about funding that the Department of Health has to possibly use towards a new statewide case management system.

With no further business to come before the Commission, the meeting was adjourned at 10:47 A.M.