

MEDICAL EXAMINERS COMMISSION MEETING

Florida Sheriff's Association
2617 Mahan Drive
Tallahassee, Florida
February 19, 2016
1:00 PM

Stephen J. Nelson, M.D., called the meeting of the Medical Examiners Commission to order at **1:00 PM** at the Florida Sheriff's Association in Tallahassee, Florida. 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 Medical Examiner
Wesley Heidt, J.D., Office of the 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. Angela B. Corey, J.D., State Attorney, 4th Judicial Circuit
Carol Whitmore, County Commissioner, (attended via teleconference)

Commission staff present:

Vickie Koenig
Beth McNeil

Doug Culbertson
Jim Martin

District Medical Examiners present:

Rebecca Hamilton, M.D. (District 21)
David Stewart, M.D. (District 2)

Jay Radtke, M.D. (District 14)

Other District personnel present:

Lindsey Bayer (District 5)
Whit Majors (District 14)
Tim Crutchfield (District 4)

Brett Harding (District 5)
Chris Boden (District 17)
Lisa Flannagan, M.D. (District 2)

Guests present:

Bruce Goldberger, Ph.D. (UF)
Dean Register (FDLE)
Stacey Price (FDLE)
Chenoa Lord (FDLE)
Kurt Rockenstein
Angie Utz (UMTB Foundation)
Leslie Lang (LifeNet)
Betty McEntire (American SIDS Institute)

Ricardo Camacho (UF)
Kathy Ashmore (FDLE)
Denise Carrier (FDLE)
Craig Rockenstein
Lynetta Oxendine (TransLife)
Vaughn Thornton (Lions Eye Institute)
Laurie Ripp
Larry Cochran (LifeQuest)

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE AGENDA.

Ms. Koenig advised the Commission that Dr. Qaiser's attorney, Ms. Shannon Wilson, requested that the minutes be amended to include more detail from Dr. Qaiser's perspective in the McDonough case. Staff made an amendment to page eight of the previously provided minutes, to include the following at the conclusions of the remarks made by Tim McDonough: *Dr. Qaiser submitted a seven page letter dated November 2, 2015 to the Commission. This letter provides detailed information regarding his office's involvement with the McDonough case.*

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE MINUTES AS AMENDED OF THE NOVEMBER 3, 2015 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 for the 2016 calendar year.

MR. PURDY MADE A MOTION NOMINATING STEPHEN J. NELSON, M.D. AS CHAIRMAN AND SHERIFF BESELER 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 OF THE MEDICAL EXAMINERS COMMISSION.

ISSUE NUMBER 2: INFORMATIONAL ITEMS

- District Medical Examiner Reappointments – The surveys and assessments for districts 3 (Dixie county), 8, 10, 11, 12, and 13 were sent to the constituents of those districts in January 2016 to obtain feedback on the quality of services provided by the medical examiners in those districts. The results will be presented to the MEC at its May meeting for consideration of the reappointment of the incumbent medical examiners.
- 2015 Interim Drugs in Deceased Persons Report – Ms. Koenig reported that all of the data for the 2015 Interim Drugs in Deceased Persons Report has been received and reviewed by the Quality Assurance Committee. She anticipates that the report will be released in a couple of months.
- Annual Workload Report – Ms. Koenig reminded all medical examiner districts that the data for the 2015 Annual Workload Report is due June 30, 2016, and asked that districts submit their data as soon as it is complete.
- Coverdell Grant Update – Ms. Koenig advised that all of the Coverdell expenditures have been approved, and Memorandums of Understanding for the funds have been distributed; however, none

of the districts have submitted reimbursement requests. Ms. Koenig also said that at this time no Coverdell funds have been set aside for 2016.

- 2016 Legislative Session – Mr. Martin informed the Commission of the following bills of interest that were moving through the 2016 Legislative Session.

House Bill 73 (Rep. Jacobs) / Senate Bill 1182 (Sen. J. Latvala): “Relating to Controlled Substances” This bill amends section 893.03, F.S., relating to controlled substances, and adds mitragynine or 7-hydroxymitragynine, the constituents of Kratom, to the list of controlled substances. It provides for an exception for any drug product approved by the US FDA containing these substances, and penalties. Proposed effective date is October 1, 2016.

House Bill 161 (Rep. Kerner): “Driving or Boating under the Influence” This bill specifies that a person with 5 nanograms or more of delta 9-tetrahydrocannabinol per milliliter of blood commits the offense of driving under the influence or boating under the influence. Proposed effective date is October 1, 2016.

House Bill 315 (Rep. Roberson): “Medical Examiners” This bill amends section 382.011, F.S., to clarify the circumstances under which a case must be referred to the medical examiner for the determination of cause and manner of death. The bill further amends s. 406.06, F.S., to prohibit a medical examiner or a county from charging a member of the public a fee for any examination, investigation, or autopsy performed pursuant to s. 406.11, F.S., which includes fees charged for cremation approvals. Proposed effective date is October 1, 2016.

SB 620 (Sen. Grimsley): “Medical Examiners” This bill amends section 382.011, F.S., to prohibit a district medical examiner or county from charging a member of the public a fee for an examination, investigation or autopsy performed to determine the cause of death pursuant to s. 406.11(1), F.S. The bill allows a county to adopt a resolution or ordinance to charge a medical examiner approval fee not to exceed \$50 when a body is to be cremated, buried at sea or dissected, provided the fee is not charged for a death under the jurisdiction of the medical examiner pursuant to s. 406.11(1)(a), F.S. Proposed effective date is October 1, 2016.

House Bill 4021 (Rep. Vasilinda) / SB 616 (Sen. Bullard): “Cannabis” These bills remove cannabis from the schedule of controlled substances. Proposed effective date is July 1, 2016.

Senate Bill 174 (Sen. Bean): “Cold Case Task Force” This bill creates a task force within the Department of Law Enforcement; specifying membership of the task force that includes a forensic pathologist; prescribing duties of the task force; requiring the task force to submit a report to the Governor and the Legislature by a specified date; providing for expiration of the task force. Proposed effective date is July 1, 2016.

House Bill 1275 (Rep. Jenne) / Senate Bill 1666 (Sen. Sobel): “Domestic Partnerships” These bills amend various sections of Florida Statutes to recognize domestic partnerships and include the term domestic partnerships in the definition of legally authorized person in s. 497.005(39), F.S. They afford domestic partners the same rights as other legally authorized next of kin, to include notification of brain death, ability to object to unclaimed remains being used for medical research, and to act as a patient representative.

ISSUE NUMBER 3: COVERDELL GRANT PROPOSALS

Ms. Koenig advised that at this time no funds have been appropriated for 2016. She stated that the Commission still needed to approve the expenditure proposals that have been submitted because, if funding is available, the submission deadlines would occur prior to the next Commission meeting. Discussion was held on the appropriate amounts to approve for each district since it was not know that exact amount of funding the medical examiners would receive.

A MOTION WAS MADE AND SECONDED to adopt a pro-rata distribution method based on total amount requested to available. After discussion this motion was withdrawn. A proposal was discussed that would ensure each district received their top priorities up to a maximum of \$3,000 per district based on actual funds available.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO ACCEPT THE PROPOSALS FOR EXPENDITURE THAT WERE SUBMITTED FOR THE 2016 COVERDELL GRANT ENSURING EACH DISTRICT RECEIVED THEIR TOP PRIORITY UP TO \$3,000.

ISSUE NUMBER 4: DISTRICT 14 APPOINTMENT

Dr. Nelson reported that the Search Committee in District 14 (Bay, Calhoun, Gulf, Holmes, Jackson and Washington counties) had conducted interviews and chose Jay M. Radtke, M.D. for District 14 Medical Examiner.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY THAT JAY M. RADTKE, M.D., BE RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT AS THE DISTRICT 14 MEDICAL EXAMINER.

ISSUE NUMBER 5: ORGAN PROCUREMENT ORGANIZATION ANNUAL REPORT FOR 2015

Mr. Larry Cochran of LifeQuest presented the 2015 Annual Report for Florida's organ procurement organizations. Mr. Cochran reported that there were no full denials for organs among the district medical examiners, but there was one partial denial for a pancreas and intestines. Mr. Cochran stated that the case involved a child, but he was unsure of the circumstances of the denial, although there was no damage to the organs. The Commission watched a brief video highlighting a Florida case of organ transplantation giving others a second chance at life. Mr. Cochran noted that Florida's organ procurement organizations' relationship with Florida's medical examiners was enviable to other states.

ISSUE NUMBER 6: DISTRICT 18 DISCIPLINARY HEARING

Dr. Nelson announced that the District 18 disciplinary hearing would be presented at the next Commission meeting. Staff received Dr. Sajid Qaiser's Election of Rights form on February 16th and there was not enough time to properly notice a hearing.

ISSUE NUMBER 7: DISTRICT 15 DISCIPLINARY HEARING

Dr. Nelson announced that the District 15 disciplinary hearing would be presented at the next Commission meeting. Staff received Dr. Michael Bell's Election of Rights form on February 16th and there was not enough time to properly notice a hearing.

ISSUE NUMBER 8: DISTRICT 21 UPDATE

District 21 Medical Examiner Rebecca Hamilton, M.D., informed the Commission of her numerous efforts to contact the Sosa family in order to return Alexis Sosa's remains, including multiple signed letters and phone calls with messages. The family has not contacted her to make arrangements. Dr. Hamilton indicated that she would keep the remains indefinitely in the event the family makes contact. The Commission agreed that Dr. Hamilton has done all that she could do to attempt to return the remains.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO CLOSE THE COMPLAINT AGAINST DISTRICT 21.

ISSUE NUMBER 9: MASS FATALITY PLANS

Dr. Nelson reminded everyone that with hurricane season approaching that all districts should check their mass fatality plans to make sure that they are up to date.

ISSUE NUMBER 10: DEATH SCENE PHOTOGRAPHS

Dr. Wolf said that she wanted to discuss the issue of crime scene photos being exempted from Chapter 119 public record requests. Dr. Wolf said that she receives numerous requests from defense attorneys who want all records associated with a case, including crime scene photos. She said that in her discussions with other districts that not everyone is interpreting this part of statute consistently and she would like clarification.

After some discussion, staff attorney Jim Martin explained that all photographs are sent to the repository for discovery purposes. Defense attorneys are able to obtain all records, including photographs, during discovery phase of the criminal case.

ISSUE NUMBER 11: UNIDENTIFIED DECEASED INITIATIVE

Mr. Culbertson informed the Commission that there were no success stories to report this quarter, but that everyone should continue to use the various tools available to them, and to maintain relationships with their local law enforcement agencies.

ISSUE NUMBER 12: DRUG REPORT; TRACKING FENTANYL ANALOGUES

University of Florida Toxicologist Bruce Goldberger, Ph.D., advised the Commission of the recent finding of fentanyl analogs in several deaths in Florida. Dr. Goldberger recommended that the Commission begin tracking these analogs as part of its annual drug report.

A MOTION WAS MADE, SECONDED AND PASSED UNANIMOUSLY TO ACCEPT DR. GOLDBERGER'S RECOMMENDATION BEGINNING WITH THE 2016 DRUG REPORT.

ISSUE NUMBER 13: 2016 FAME EDUCATIONAL CONFERENCE

Bruce A. Goldberger, Ph.D. informed everyone in attendance that District 21 Medical Examiner Rebecca Hamilton, M.D. has volunteered to host the next Florida Association of Medical Examiners (FAME) Educational Conference. The conference will be held July 13-15, 2016 at the Naples Beach Hotel and Golf Club. They have secured a rate of \$135 per night (no resort fee or parking fee) for the conference. At the conference they are planning to hold a special tribute recognizing Bruce A. Hyma, M.D., for his many contributions to forensic pathology.

ISSUE NUMBER 11: OTHER BUSINESS

Dr. Nelson announced that he had reappointed District 2 Associate Medical Examiner Anthony Clark, M.D., to the Child Abuse Death Review Committee.

With no further business to come before the Commission, the meeting was adjourned at 2:40 P.M.