

MEDICAL EXAMINERS COMMISSION MEETING

Embassy Suites Orlando, Lake Buena Vista South
4955 Kyngs Heath Road
Kissimmee, Florida
December 19, 2017, 10:00 AM

Chairman Stephen J. Nelson, M.D. called the meeting of the Medical Examiners Commission to order at **10:00 AM** at the Embassy Suites Orlando, Kissimmee, 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 H. Heidt, J.D., Office of the Attorney General
Hon. James S. Purdy, J.D., Public Defender, 7th Judicial Circuit
Robin Giddens Sheppard, L.F.D., Funeral Director
Kenneth T. Jones, State Registrar, Department of Health
Hon. Carol Whitmore, R.N., Manatee County Commissioner
Hon. J. Harrell Reid, Sheriff, Hamilton County
Hon. Jeff Siegmeister, State Attorney, 3rd Judicial Circuit

Commission staff present:

Vickie Koenig
James D. Martin, J.D.

Beth McNeil
Doug Culbertson

District Medical Examiners present:

Jon Thogmartin, M.D. (District 6)
Riazul H. Imami, M.D. (District 22)

Joshua Stephany, M.D. (Districts 9 and 25)
Craig Mallak, M.D. (District 17)

Other District personnel present:

Jeff Martin (District 1)
Aurelian Nicolaescu, M.D. (District 4)
Sheri Blanton (Districts 9 and 25)
Lindsey Bayer (District 5)

Cathy Weldon (District 8)
Bill Pellan (District 6)
Brett Harding (District 5)

Guests present:

Bruce A. Goldberger, Ph.D. (UF)
Rebecca Sayer (LifeLink)
Josh Beckard (USF)
Joshua Sturms (DOH)
Karen Card (DOH)
Lynnetta Oxendine (TransLife)
Linda Pollard (FDLE)
Lisa Robinson (LEITR)
Ginny McBride (TransLife)
Rebekka McCollom (KeraLink International)

Ricardo Camacho (UF)
DiAnne McCormack (KeraLink International)
Chandler Brownlee (LifeNet)
Leah Colston (DOH)
Amy Reese (RTI Donor Services)
Heather Hoog (RTI Donor Services)
Brendie Hawkins (FDLE)
James Rosa (LEITR)
Linda Sullivan (Wuesthoff Reference Lab)

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 AS AMENDED OF THE AUGUST 25, 2017, MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Sheriff Harrell Reid, Hamilton County, and Hon. Jeffrey Siegmeister, State Attorney for the 3rd Judicial Circuit were welcomed to the Medical Examiners Commission by Dr. Nelson having been recently appointed by Governor Scott.
- Ms. Koenig informed the Commission that the District Medical Examiner, the licensed funeral home director, and the county commissioner positions on the MEC are pending reappointment by Governor Scott. The Public Defender position on the MEC is also pending appointment, and Mr. Purdy will continue to serve until that appointment is made by Governor Scott.
- Status Report: District 14 and District 16 Appointments – The recommendations of Jay M. Radtke, M.D. as District Medical Examiner in District 14 (Bay, Calhoun, Gulf, Holmes, Jackson, and Washington counties) and Michael R. Steckbauer, M.D. in District 16 (Monroe County) are still pending gubernatorial appointment by Governor Scott.
- Status Report: Reappointments for Districts 8, 10, 12, and 18-24 – Ms. Koenig informed the Commission the Governor's Appointments Office has not yet reappointed the District Medical Examiners in Districts 8 (Alachua, Baker, Bradford, Gilchrist, Levy, and Union counties), 10 (Hardee, Highlands, and Polk counties), 12 (DeSoto, Manatee, and Sarasota counties), 18 (Brevard county), 19 (Indian River, Martin, Okeechobee, and St. Lucie counties), 20 (Collier county), 21 (Glades, Hendry, and Lee counties), 22 (Charlotte county), 23 (Flagler, Putnam, and St. Johns counties), or 24 (Seminole county). The incumbent District Medical Examiners continue to serve until reappointed or replaced by the Governor, pursuant to Article X, Section 3, of the Florida Constitution.
- 2016 Drugs Identified in Deceased Persons Report – Ms. McNeil reported that the Report has been released and is on the MEC website.
- 2016 Annual Workload Report – Ms. McNeil stated that the Report is complete, and has been posted on the website.
- 2017 Interim Drugs Identified in Deceased Persons Report – Ms. McNeil reminded everyone that January – June 2017 drug data is due December 31, 2017.
- Coverdell Grant – Ms. McNeil announced that she is in contact with the 14 districts awarded funding for the 2016 grant. Four districts have received approved budget amendments, and 7 districts have submitted reimbursement requests. She will continue to monitor the spending of the remaining districts. Funding has not yet been awarded for the 2017 grant, but we anticipate the award to be made sometime after the first of the year. Solicitation for 2018 grant funds will be requested in January so that the proposals will be available for Commission review at the February meeting.

- Ms. Koenig informed the Commission that the surveys and assessments for the reappointments of District Medical Examiners for districts 1 (Escambia, Okaloosa, Santa Rosa and Walton counties), 2 (Franklin, Gadsden, Leon, Liberty, Jefferson, Taylor and Wakulla counties), 3 (Columbia, Hamilton, Lafayette, Madison and Suwannee counties), 4 (Duval, Nassau and Clay counties), 5 (Citrus, Hernando, Lake, Marion and Sumter counties), 6 (Pinellas and Pasco counties) and 7 (Volusia county, Home Rule) will be sent to the constituents of these districts in January 2018. Surveys and assessments for the funeral homes will again be sent via U.S. mail; electronic surveys will be sent to all other constituents.
- Mr. Martin briefed the Commission on bills of interest to the medical examiners. In particular:

Controlled Substance Prescribing – PDMP (HB 21 Boyd / SB 8 Benacquisto)

These bills provide medical examiners with indirect access to the Prescription Drug Monitoring Program. Medical examiners conducting an authorized investigation pursuant to §406.11, F.S., may request information from the PDMP through a program manager within the Department of Health. Proposed effective date is July 1, 2018.

Deaths Resulting from Overdoses (HB 125 Payne)

This bill amends §893.0301, F.S., to require the report prepared by the law enforcement agency investigating a death from an apparent drug overdose to include all controlled substances (Schedules I-IV of §893.03, F.S.) found on or near the deceased person or among the deceased possessions. The report must identify who prescribed or delivered the controlled substances if known, and must classify the death as a “suspicious death” or a “death investigation”. The bill further requires the classification of death made by law enforcement to be included in the medical examiner report prepared pursuant to §406.11, F.S. Proposed effective date is July 1, 2018. (*NOTE: This bill was withdrawn from consideration prior to formal introduction on January 3, 2018.*)

Nursing Homes (HB 655 Edwards / SB 896 Farmer)

These bills add deaths in nursing homes on the federal Special Focus Facility list or the Agency for Health Care Administration’s Nursing Home Guide Watch list to the enumerated types of deaths that become medical examiner cases in §406.11, F.S. The bills further require the medical examiner to notify and forward all documentation to the state attorney in support of a determination that a nursing home resident died as a result of abuse, sexual abuse, or negligence. The state attorney is required to convene a grand jury within 90 days of such notification and investigate whether to file criminal charges. Proposed effective date is July 1, 2018.

Photographs, Video or Audio Recordings Depicting the Killing of a Person (HB 653 Brown / SB 1178 Bracy)

These bills expand the public records exemption in §406.136, F.S. to include any photograph, video, or audio recording held by an agency that depicts or records the killing of a person, not just a law enforcement officer acting in his or her official capacity. This essentially restores §406.136, F.S. to its wording prior to October 1, 2016. Proposed effective date is October 1, 2018.

Elder Abuse Fatality Review Teams (HB 259 Watson / 422 Gibson)

These bills authorize the establishment of elder abuse fatality review teams to review abuse related deaths. Review teams must be established in each judicial circuit by December 31, 2018, and are composed of volunteers who serve 2-year terms without compensation. A medical examiner is among those listed as possible members of the review team. The review teams are assigned to the Department of Elder Affairs for administrative purposes. Proposed effective date is July 1, 2018.

Varnadoe Forensic Research Center (HB 2255 Burgess)

This bill accompanies an appropriations project to establish a forensic anthropology research facility. Proposed effective date is July 1, 2018.

Joint Medical Examiner/Broward Sheriff's Office Crime Lab Facility (HB 3599 Moraitis)

This bill accompanies an appropriation project to construct a state of the art facility for the Broward Medical Examiner's Office and the Broward Sheriff's Office Crime Laboratory. Proposed effective date is July 1, 2018.

Public Meetings (HB 589 Newton / SB 1092 Radar)

These bills apply to meetings of any board or commission of any state agency or authority, or any county, municipal corporation or political subdivision. They require notices of any such meeting at least 3 days prior to the meeting to include publication of the agenda and any materials distributed at the meeting. Two complete copies of the agenda and related items must be available for public inspection at the meeting. Time must be allotted for public comment as either the first or last agenda item. Each member of the public has the right to speak for 3 minutes. Time may be extended by the chair or restricted to 1 minute per person when more than 20 individuals request to address one agenda item. A response is required to any question posed to the board or commission either at the meeting or through written correspondence within 10 days after the meeting. Written responses must be incorporated into the minutes of the meeting. Proposed effective date is July 1, 2018.

ISSUE NUMBER 2: UNIDENTIFIED DECEASED INITIATIVE

Mr. Culbertson presented a success story from District 17. The case was an unknown male found badly decomposed behind an abandoned house in Hollywood, Florida in October 2016. He had several tattoos, which a forensic artist sketched for a Hollywood Police Department press release, with no success. In January 2017, the DNA was submitted to UNT to be entered into CODIS.

On October 16, 2017, District 17 received a letter via email from UNT stating the DNA submission into CODIS matched a hit from the FBI DNA felon database. The positive identification was for Jason Michael Mutascio, DOB 09/30/1980. Hollywood Police Department was contacted and advised of the information. In addition, the decedent's DAVID information as well as information on possible relatives found via Accurint was sent, and the next of kin was notified.

District 8 Forensic Investigator Cathy Weldon presented a success story from District 8 that involved a case of a 78 year old woman with dementia who disappeared 27 years ago. In 2001, some children playing in a wooded area found a human skull and brought it home, which led investigators to find more bones in the area. In 2017, a relative of the missing woman went to Alachua County Sheriff's Office on an unrelated case, and submitted DNA to UNT for the missing person case. A match was made, and the remains were identified as Ella Mae Williams.

FDLE Inspector Linda Pollard presented the following two success stories:

In 2003, an unknown white male was found hanging from a tree in Hillsborough County, and the death was determined to be suicide. The decedent had a tattoo "EJ" on left arm, and investigators found that he may have gone by the name Escoban Jiménez, but no positive identification was made. In 2016, Hillsborough County Sheriff's Office ran fingerprints but with no results. In October 2017, FDLE submitted the fingerprints to Homeland Security and received a positive hit on Escoban Jiménez Hernandez, a Mexican national. FDLE is currently trying to locate the next of kin.

Polk County Sheriff's Office had a case that involved an unknown Hispanic male who set himself on fire next to a road. He had been seen earlier at a convenience store where he bought a gas can. His girlfriend said that his name was Carmelo, and that he was approximately 28-30 years old, but she didn't know his last name or any relatives. Video from convenience store was sent to the FDLE lab for possible facial recognition or to create a composite, but the quality of the video was not of sufficient resolution for either. In July 2017, Polk County Sheriff's Office was contacted to see if any fingerprints were available. Fingerprints were available and sent to the Department of Homeland Security with negative results. The prints were then sent to the CJIS Biometric Services Unit where a hit was made, and the decedent was identified as Carmelino Velasco Aguilar, a Mexican national.

Inspector Pollard advised the Commission that the Department of Homeland Security and Immigration and Customs Enforcement have fingerprint databases from undocumented aliens they have encountered. These databases are not tied into the FBI database. FDLE can assist the medical examiners in running fingerprints through these databases if other avenues fail to produce results.

ISSUE NUMBER 3: 2018 DRUG DATA CHANGES

Ms. Koenig announced that some minor modifications were being made to 2018 drug database in order to speed collection. Fentanyl analogs are taking too much time in searching. The most frequent occurring analogs have been identified as acetyl fentanyl, carfentanil, furanyl fentanyl, and 4-ANPP (despropionyl fentanyl). These drugs will be stand-alone drugs in the database. Any other fentanyl analogs will be grouped together under the "Other Fentanyl Analogs" designation and the exact analog(s) should be identified in the metabolite field. U47700 will also be added to the list of drugs tracked for 2018.

ISSUE NUMBER 4: EMERGING DRUGS

Bruce A. Goldberger, Ph.D. (University of Florida) said that it is a best practice to look for fentanyl analogs in cocaine and methamphetamine cases. These drugs are being cut with fentanyl and fentanyl analogs.

More than a half dozen inmate deaths have been attributed to synthetic cannabinoids, so it would be a good idea to check for those in cases of sudden inmate deaths. It is apparently easy to smuggle synthetics into the prisons and jails.

Myragynine (Kratom) deaths have been back after a long absence, and should be noted in the metabolite field.

Mr. Purdy asked why anyone would cut cocaine with fentanyl or fentanyl analogs. Dr. Goldberger indicated that it would be similar to a "speedball" which would produce quite a euphoric effect. Mr.

Purdy asked if fentanyl would be more expensive than cutting with an inert substance. Dr. Goldberger indicated that the fentanyl coming from China is very cheap.

ISSUE NUMBER 5: 2018 FAME EDUCATIONAL CONFERENCE

Dr. Goldberger reported that the 2018 FAME Educational Conference is tentatively scheduled for July 18-20, 2018, at the Mission Inn, Howey-in-the-Hills, Florida, with a \$155 per night rate. The District 14 Medical Examiner's Office will host the 2018 conference.

ISSUE NUMBER 6: OTHER BUSINESS

Department of Health Grant: Representatives from the Department of Health (DOH) addressed the Commission regarding the status of the grant from the Centers for Disease Control for tracking fatal and nonfatal overdoses of opioids. DOH previously appeared before the Commission in May 2016, and August 2017. DOH has been awarded the grant for a 2-year period beginning September 1, 2017. This grant has identified 16 medical examiner districts for data collection. DOH has also been awarded a supplemental grant to assist the district medical examiners with the cost of toxicology testing. At this meeting, DOH clarified that the supplement grant money is direct payment to participating districts that submit a letter of support, rather than reimbursement for services. If one of the 16 core districts does not submit a letter of support, the district will still be required to provide the data needed for the primary grant and will be reimbursed for the costs to provide the data. Ms. Whitmore encouraged the 14 districts that had not yet provided a letter of support to receive toxicology assistance to participate.

Josh Beckard, a graduate student at the University of South Florida, advised the Commission that the forensic anthropology research facility was making progress. The land, fencing for the outdoor research area, and anatomical gift program were operational.

With no further business to come before the Commission, the meeting was adjourned at 11:50 A.M.