

MEDICAL EXAMINERS COMMISSION MEETING

Wyndham Grand Jupiter at Harbourside Place
122 Soundings Avenue
Jupiter, Florida 33477
May 13, 2022 10:00 AM EDT

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

Commission members not present:

Hon. Carol R. Whitmore, R.N., Manatee County Commissioner

Commission staff present:

Vickie Koenig
Chad Lucas
James D. Martin, J.D.

Brett Kirkland, Ph.D.
Megan Neel

District Medical Examiners present:

Jon R. Thogmartin, M.D. (District 6)
Wendolyn Sneed, M.D. (District 15)
Russell S. Vega, M.D. (District 12)

Patricia A. Aronica, M.D. (District 19)
Rebecca MacDougall, M.D. (District 17)

Other District personnel present:

Paul Petrino (District 15)
Michael Bell, M.D. (District 15)
Thomas Steinkamp (District 17)
Tiffany Poston (District 2)
Heidi Reinhard (District 15)

Ralph Saccone (District 15)
Dan Schebler (District 1)
Erin Ely, M.D. (District 17)
Tim Crutchfield (District 4)

Guests present:

Katie McDaniel (DOH)
Bruce Goldberger, Ph.D. (UF)
Heather Markuson (LifeQuest)

Larry Bedore (FEMORS)
Richard Howard (LifeQuest)

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

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ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Status Report: MEC Appointment and Reappointments: Bureau Chief Brett Kirkland 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 County Commissioner seat as well as the vacant State Attorney and Sheriff seats have been submitted to the Governor's Appointments Office and they have everything they need for the appointments. We are currently awaiting approvals from the Governor's Appointments Office.
- Status Report: DME Appointments and Reappointments: Mr. Kirkland informed the Commission that all District Medical Examiners are currently pending either appointment or reappointment. The Governor's Appointments Office has stated they have received all necessary paperwork for the appointments and reappointments. We are currently awaiting approvals from the Governor's Appointments Office. Dr. Nelson commented that medical examiners in Florida have been waiting for appointments and reappointments for three years and it is becoming an issue for recruitment and retention of medical examiners coming into the state.
- District 2 Medical Examiner Vacancy: Dr. Nelson informed the Commission that the District 2 Medical Examiner Search Committee has had one organizational meeting so far and the 2nd Judicial Circuit has retained Dr. Jon Thogmartin to assist with the search for a new medical examiner. Dr. Thogmartin said that he is still working on the agreement with Leon County as well as getting the medical examiner's office new computers. There are a lot of moving parts and he thinks finding a new district medical examiner will take a while. Dr. Stewart wants to get out of the office as soon as possible. Leon County's idea was to create their own agreement for the medical examiner and then send it to all the other counties in the district to get their own versions. Dr. Nelson said that chances are that Dr. Thogmartin would be taking over the office as the interim until a new district medical examiner is found.
- District 8 Medical Examiner Vacancy: Dr. Nelson informed the commission that the first meeting of the search committee is coming up at the end of May. He has heard that there are a couple candidates that have been mentioned, but more information should be available after the search committee meeting.
- District 22 Medical Examiner Vacancy: Dr. Wolf informed the commission that a search committee has been organized and the first meeting of the committee is scheduled for the end of May.
- New District 11 Medical Examiner: Dr. Nelson informed the commission that Miami-Dade County Mayor Daniella Levine Cava has appointed Kenneth Hutchins, M.D. as the District 11 Medical Examiner.
- New District 7 Medical Examiner Facility: Dr. Nelson informed the Commission that the Volusia County Council has approved a \$16.1 million contract for a new medical examiner facility and they hope to break ground before the end of the year.
- 2021 Interim Drugs in Deceased Persons Report: Mrs. Megan Neel reported that the 2021 Interim Drugs in Deceased Persons Report was published to the MEC website on May 13, 2022.

- 2021 Annual MEC Reports: Mrs. Neel informed the Commission that she has started receiving data for the Annual Workload Report and the Annual Drugs in Deceased Persons Report. He also reminded everyone that data for those reports is due by May 31, 2022, and asked that districts please submit their data sooner rather than later.
- 2021 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mr. Chad Lucas reported that the Bureau for Justice Assistance (BJA) released funding for the 2021 Coverdell Grant. Award packages and MOUs will be e-mailed to participating districts once corrected MOUs are completed. Districts are authorized to begin spending, but reimbursements cannot be completed until signed MOUs have been received by the grant manager.
- 2022 Paul Coverdell Forensic Science Improvement Grant Program Status Update: Mr. Lucas reported that MEC staff received proposals from 15 districts. The proposals totaled \$47,145.92. Once the medical examiner allotment of the 2022 Coverdell Grant is known, MEC staff will divide award money appropriately. Mr. Lucas also alerted all participating districts to be on the lookout for 2022 Coverdell Grant application documents.
- Bills Filed for the 2022 Legislative Session: FDLE General Counsel Jim Martin, J.D., informed the Commission of the following bills of interest for the MEC:

SB 768 – This bill amends Section 406.11(1), Florida Statutes, and removes the requirement that medical examiners “certify the death” for all deaths that occurring under that section. The “certify the death” language was added last year, so this revision restores the section languages back to the original language. The bill was signed by the Governor on April 20th, and the effective date is July 1, 2022. Chapter Law No. 2022-71.

General Appropriations Bill (HB 5001) – An appropriation of \$140,000 for the Polk County Medical Examiner’s Emergency Generator Replacement (previously HB 2455) and an appropriation of \$500,000 for the District 1 Medical Examiners Facility Planning and Design (previously HB 4883) were rolled into the General Appropriations Bill. At this point, the bill has not been presented to the Governor.

ISSUE NUMBER 2: REAPPOINTMENT NOMINATIONS FOR DISTRICTS 8, 10, 12, AND 14 AND ASSESSMENTS FOR DISTRICTS 9, 11, 13, AND 25

The Commission reviewed the constituent surveys for the reappointments of District Medical Examiners in District 8 (Alachua, Baker, Bradford, Gilchrist, Levy, and Union Counties), District 10 (Hardee, Highlands, and Polk Counties), District 12 (DeSoto, Manatee, and Sarasota Counties), and District 14 (Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties).

The Commission also reviewed the survey assessments for District 3 (Dixie County), District 9 (Orange County), District 11 (Miami-Dade County), District 13 (Hillsborough County), and District 25 (Osceola County). District 3 receives medical examiner services through contractual agreement with District 8. Districts 9, 11, 13, and 25 are home rule districts.

With constituents overwhelmingly responding with approval for the district medical examiners in districts 8, 10, 12, and 14, the Commission held a lump vote for the districts up for reappointment. Dr. Nelson recused himself from the vote for the District 10 medical examiner. No other names were submitted for consideration in any of the districts.

WITH NO FURTHER DISCUSSION, MRS. SHEPPARD MADE A MOTION TO APPROVE THE REAPPOINTMENTS OF THE INCUMBENT MEDICAL EXAMINERS IN DISTRICTS 8, 10, 12, AND 14 AND MR. COX SECONDED. THE MOTION PASSED UNANIMOUSLY THAT THE REAPPOINTMENT RECOMMENDATIONS OF DISTRICT 8, 10, 12, AND 14 MEDICAL EXAMINERS BE FORWARDED TO THE GOVERNOR'S APPOINTMENTS OFFICE.

ISSUE NUMBER 3: FEMORS IN FLORIDA

Mr. Larry Bedore made a presentation to the Commission about FEMORS. The presentation included a historical overview of the FEMORS program as well as the FEMORS Field Guide, and went on to say that more information, including the field guide and other helpful materials could be found at www.femors.org.

Ms. Sheppard asked if FEMORS still needed funeral directors to sign up to provide assistance, and Mr. Bedore said that they do.

ISSUE NUMBER 4: PATHOLOGIST ASSISTANTS IN FLORIDA

Dr. Nelson reported to the Commission that District 18 reached out to MEC staff regarding the possibility of hiring Pathology Assistants in lieu of Pathologists. The question was asked due to difficulties in obtaining qualified Pathologists in the district. Dr. Nelson read from 11G-2.003(2), F.A.C., which states the following:

“Medical examiner autopsies performed pursuant to Section 406.11, F.S., shall be performed by pathologists or directly supervised residents in pathology. Performance shall require in situ examination of the tissues pertinent to determining the cause of death and the removal of viscera pertinent to the determination of the cause of death. Removal of other organs and tissues during the autopsy shall be under the direct supervision of the pathologist. Direct supervision requires the presence of the supervising pathologist in the autopsy room.”

He went on to say that only pathologists can do forensic autopsies under Chapter 406, Florida Statutes. Pathology Assistants shall not perform forensic autopsies under Chapter 406, Florida Statutes.

Dr. Wolf stated that, as of now, the National Association of Medical Examiners (NAME) does not have a position on Pathology Assistants, but there is currently a committee working on drafting a position paper. She went on to say it has become a very contentious issue, particularly with the NAME Standards Committee. One of the biggest concerns is what degree of supervision would be required. As far as NAME accreditation goes, many inquiries have been made from offices across the country as to how the use of Pathology Assistants will affect their caseload per pathologist. At this point, unless NAME itself comes up with a position where Pathology Assistants are acceptable, autopsies performed by Pathology Assistants will not be included in the denominator of accounting workload per pathologist.

ISSUE NUMBER 5: DEPARTMENT OF HEALTH OD2A AND FLVDRS UPDATES

Katherine McDaniel, MPH, reported updates to the Commission regarding the Overdose 2 Action (OD2A) grant and the Florida Violent Death Reporting System (FLVDRS). The OD2A grant is currently funded through August 31, 2023 and FLVDRS is entering a new competitive grant cycle. She reminded the Commission that the deadline to spend funds for the current fiscal year's OD2A grant is June 30,

2022. If any additional funds are needed, please let her know immediately so the money can be moved around. To date, about 64% of the funds have been allocated and they are able to redistribute the funds among districts, so if any districts have spent all of their allocated money and need more, let her know immediately. The funds cannot be used to cover the cost of new toxicology equipment. It must only be used for the toxicology testing itself.

To date, for OD2A, 90% of districts have shared data for 2021 deaths that occurred between January and June. For FLVDRS 86% of districts have shared data for 2020 deaths and 72% have shared data for 2021 deaths that happened between January and June.

ISSUE NUMBER 6: EMERGING DRUGS

Dr. Goldberger provided the Commission with an update on new drug trends. Fentanyl continues to be appearing in decedents at high rates. However, no new fentanyl analogs have been identified in decedents. Fluorofentanyl, an analog of fentanyl, continues to be identified in decedents in the state of Florida. The majority of fentanyl deaths continue to include 4-ANPP, an identifier of illicitly manufactured fentanyl.

A new class of opioids, nitazenes, has begun to emerge. They have recently been emergency scheduled by the Attorney General's Office. A general toxicology screen will likely miss nitazenes unless time of flight mass spectrometry is used, so if a death using this type of drug is suspected, let your toxicologist know ahead of time.

A rapidly emerging cathinone is N,N-dimethylpentylone. Although eutylone is still seen, this seems to be replacing it. It is often mixed with other drugs such as fentanyl, methamphetamine, or cocaine, and is often associated with a violent nature of death such as shooting or homicide by police.

ISSUE NUMBER 7: 2022 FAME EDUCATIONAL CONFERENCE

Dr. Goldberger reported that the 48th annual meeting of the Florida Association of Medical Examiners Educational Conference is scheduled for July 27-29, 2022. The meeting will be held at the Omni Orlando Resort at Champions Gate. The conference room rate is \$189 per night. Dr. William Hamilton and the District 8 Medical Examiner's Office is co-hosting the meeting. Please make your hotel reservation as soon as possible as they expect the rooms to sell out quickly. Additional information regarding meeting content and registration is available on the FAME website.

ISSUE NUMBER 8: OTHER BUSINESS

- Dr. Nelson addressed information that has been in the news regarding FEMA and how they overspent 4.8 billion dollars on the COVID Funeral Assistance Fund.
- Dr. Nelson shared a letter that he received from a family in Spring Branch, Texas thanking the Medical Examiners for all the help that the family received when trying to locate their loved one.
- Mr. Lucas reported the following success stories from District 17:
 - On March 15, 2021, skeletal remains of an adult male were found in a wooded area in Fort Lauderdale, Florida. At the time, there were no leads on a possible identification of the decedent

and all efforts to identify the decedent yielded negative results. DNA from the decedent was subsequently submitted to CODIS. On May 6, 2022, we received a CODIS Offender Hit Notification matching the DNA from the decedent to a convicted offender/arrestee. Law enforcement investigated and was able to notify the decedent's family of the death.

- On March 25, 2022, skeletal remains of an adult male were found inside a tent in a wooded area in Sunrise, Florida. Though the scene investigation, a Maine State identification card was found nearby belonging to a 24-year-old male. Upon further investigation, the parents of the person on the ID card were contacted and advised this individual was traveling from place to place and they have not seen or heard from him in several months. The parents also advised this individual, and his brother were adopted as a young child from overseas. The adult brother consented to a voluntary buccal swab for DNA that later matched to the decedent for a positive identification.
- On June 16, 2021, skeletal remains of an adult male were found outside a business in Fort Lauderdale, Florida. At the time, there were no leads on a possible identification of the decedent and all efforts to identify the decedent yielded negative results. DNA from the decedent was subsequently submitted to CODIS. On May 3, 2022, we received a CODIS Offender Hit Notification matching the DNA from the decedent to a convicted offender/arrestee. Law enforcement investigated and was able to notify the decedent's family of the death.

With no further business to come before the Commission, the meeting was adjourned at 11:15 A.M.