

## **MEDICAL EXAMINERS COMMISSION MEETING**

Hilton Singer Island Oceanfront

3700 North Ocean Drive

Riviera Beach, Florida

December 4, 2014

1:30 PM

Chairman Stephen J. Nelson called the meeting of the Medical Examiners Commission to order at **1:30 PM** at Hilton Singer Island Oceanfront, in Riviera Beach, Florida. He 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., District 10 Medical Examiner

Bruce A. Hyma, M.D., District 11 Medical Examiner

Robert J. Krauss, J.D., Chief Assistant Attorney General

Hon. James S. Purdy, J.D., Public Defender, 7<sup>th</sup> Judicial Circuit

Hon. Rick Beseler, Sheriff, Clay County

Robin Giddens Sheppard, L.F.D., Vice President/Funeral Director

Hon. Angela B. Corey, J.D., State Attorney, 4<sup>th</sup> Judicial Circuit

### **Commission members absent:**

Ken Jones, State Registrar, Department of Health

Hon. Carol Whitmore, Manatee County Commissioner

### **Commission staff present:**

Margaret Edwards

Kipp Heisterman

Debbie Turvaville

Doug Culbertson

Jim Martin

Vickie Koenig

### **District Medical Examiners present:**

Michael D. Bell, M.D. (District 15)

Craig Mallak, M.D. (District 17)

Roger E. Mittleman, M.D. (District 19)

Barbara C. Wolf, M.D. (District 5)

Sajid S. Qaiser, M.D. (District 18)

### **Other District personnel present:**

Chris Boden (District 17)

Bill Pellan (District 6)

Corey Johnson (District 18)

Lindsey Bayer (District 5)

Koni Rogers (District 23)

Robert Pfalzgraf, M.D. (District 21)

### **Guests present:**

Rebecca Sayer (LifeLink)

Linda Sullivan (Wuesthoff)

Andrew Mullins (Lions Eye Institute)

Dean Register (FDLE)

Lynetta Oxendine (TransLife)

Tom Cannan (RTI Donor Services)

Nancy Williams (Wuesthoff)

Jon Crisler (Lions Eye Institute)

David Quigley (FDLE-MROC)

Duane Little (FDLE-MROC)

Maurice Spates (FDLE-MROC)  
Nick Waite (RTI Donor Services)  
Laurie Ripp (RTI Donor Services)  
Ricardo Camacho (University of Florida)

Karin Frusio (LifeNet)  
Bruce Goldberger (University of Florida)  
Kimberly Owens (TBI/Medical Eye Bank)

**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 AUGUST 27, 2014, MEDICAL EXAMINERS COMMISSION MEETING.**

**ISSUE NUMBER 1: INFORMATIONAL ITEMS**

- Status Update: Dt. 18, 19, 20, 21, 22, 23, & 24

Ms. Edwards reported that although all reappointment documents were delivered to the Governor's Appointments Office in June, the Governor has not yet taken action.

- Status Update: District 4

Ms. Edwards reminded the Commission of the timeline relating to the reappointment of the District 4 Medical Examiner, which began in 2012 with the recommendation for reappointment made by the Commission at its May 25, 2012 meeting. Following the Governor's request for additional names in June 2013 and a lengthy search, a letter of recommendation naming Dr. Michael Hunter as the additional candidate was submitted to the Governor's Appointments Office on June 9, 2014. To date, the Governor has not taken action.

- Status Update: District 16

Ms. Edwards reported that the recommendation letter and Dr. Beaver's Questionnaire for Gubernatorial Appointments was forwarded to the Governor's Appointments Office, and the appointment is still pending.

- Reappointments/Assessments Process for Districts 1, 2, 3, 4, 5, 6, & 7

Ms. Edwards reported that Commission staff has sent emails to all of the district medical examiners who are up for reappointment in 2015 and that all indicated they wish to serve another term. Surveys and assessments seeking input regarding the performance of each incumbent will be sent out via email to each district's constituents in January 2015.

- 2013 Drugs in Deceased Persons Report

Ms. Edwards reported that the 2013 Drugs Identified in Deceased Persons report was released in October and is posted on the MEC website.

- 2013 Annual Workload Report

Ms. Edwards reported that the 2013 Annual Workload Report was released in September and is posted on the MEC website.

- 2014 Interim Drugs Identified in Deceased Persons Report

Ms. Edwards informed the Commission and those in attendance that data for the 2014 Interim Drug Report are due on January 2, 2015. Eight districts already submitted data, and Ms. Edwards encouraged all districts to report their data by the deadline.

### **ISSUE NUMBER 2: COVERDELL GRANT**

Ms. Edwards reminded everyone that the Commission directed staff to develop a detailed timeline to include all FDLE's deadlines for submission of Coverdell-related items. Ms. Edwards pointed Commission members to the spreadsheets in the meeting package that show all of the current timelines. Ms. Edwards said that FDLE has received all of the reimbursement requests for the 2013 Coverdell period, the deadline for which was the week of December 4<sup>th</sup>, and that just over \$4,000 was available for redistribution. With regard to the 2014 Coverdell grant, Ms. Edwards noted that the award package was released in November and staff is in the process of finalizing the awards.

Dr. Nelson said that some districts had a habit of requesting Coverdell money, but then did not file claims for reimbursement, which prevents other districts from having access to the money. He said that it had been suggested that the Coverdell award process be made competitive, rather than equal distribution of funds to everyone who applied for it.

Mr. Purdy stated that he sits on a committee that has a similar grant process in which those seeking funds must make a presentation before the grant committee, and the committee decides which projects are most worthy of grant funds. Mr. Purdy did not feel that the process was too onerous, and Dr. Nelson agreed.

Dr. Mallak said that while the FDLE process is not particularly difficult, the process that he must go through in Broward County to gain approval to receive grant funds makes it more difficult, and that it was not really worth the trouble in order to receive less than \$2,000. Dr. Bell said that he encounters the same difficulty in Palm Beach County, and that he goes through over 60 man hours of work in order to receive a relatively small amount of money. Dr. Nelson reminded him that the real issue was that districts are asking for Coverdell money, being approved for funds, and then not spending the funds.

A member of the audience asked what typically happens to the money if a district doesn't spend it. Ms. Edwards responded that in most cases the district will inform staff that they do not intend to spend the funds after it is too late to redistribute it to other districts, and that the money is then returned to FDLE. Another audience member said that it appears that there are only two or three offices that are consistently late with meeting deadlines, and this appears to be a matter of educating the districts as to the importance of spending the money, or notifying staff well in advance of the deadline if they will not need the money so that it can be redistributed. Dr. Nelson responded that MEC staff sends out multiple emails reminding everyone of the upcoming deadlines.

Dr. Nelson reiterated that it is incumbent upon the districts to inform FDLE if they will not be using their Coverdell funds so it can be redirected to a district that will put it to good use.

### **ISSUE NUMBER 3: CANNABINOIDS TESTING POLICY DIRECTIVE**

Dr. Nelson said that at the last MEC meeting it was decided to send a directive to all districts requiring them to test for cannabinoids under proper circumstances. Dr. Nelson explained that this came about due to some districts having no cannabinoids present in any death during the previous year.

Dr. Hyma, who did not attend the last meeting, said that he listened to the recording of the meeting, and he is one of the districts that do not test for cannabinoids. He added that he disagrees with the directive, and is not really clear about the objective of the directive, adding that if the objective is to collect numbers, districts would need to look not only at violent deaths, but natural deaths also. Dr. Hyma stated further that this would be a burden to his district due to the number of deaths in which he would have to test for cannabinoids, and expressed concern that there is no Florida statute that defines marijuana intoxication. Dr. Nelson said the real thrust of the directive is to get a handle on motor vehicle deaths and other violent deaths in which cannabinoids would be present. He said that this information would be beneficial, especially in light of the fact that Florida will most likely end up passing a medical marijuana law.

Bill Pellam commented that Rule 11G defines the testing for alcohol and appropriate chemicals, so he questions if it was the intent of the Commission to define appropriate chemicals, and would medical examiners be required to test for all tracked drugs. Dr. Nelson responded that he did not see that as the intent, and that it is not intended to direct the testing of everyone who dies a violent death. He reiterated that the victims of a plane crash would not be tested, but the cockpit crew would be tested.

**A MOTION WAS MADE AND SECONDED FOR THE COMMISSION TO ADOPT THE POLICY DIRECTIVE INSTRUCTING EACH DISTRICT TO TEST FOR CANNABINOIDS IF THE DEATH MEETS THE REQUIREMENTS OF RULE 11G-2.003(4), F.A.C. AS WRITTEN. THERE WAS NO DISCUSSION AND THE MOTION PASSED WITH SIX YEAS. DR. HYMA VOTED NO.**

### **ISSUE NUMBER 4: EBOLA DEATHS**

Dr. Nelson informed the Commission that the Division of Cemetery and Consumer Services expressed concern regarding the handling of the bodies of those who died from Ebola. Dr. Nelson said that no medical examiner should autopsy the body of anyone who has died from Ebola as directed by the Centers for Disease Control. He recommended that all medical examiners become acquainted with staff in the county health departments and pointed out the list with names and contact information included in the meeting package that was provided by Commission member Ken Jones.

### **ISSUE NUMBER 5: UNIDENTIFIED DECEASED INITIATIVE**

Mr. Culbertson informed the Commission that there was one unidentified deceased success story for this quarter. In District 4, a body found buried in an isolated area near Royal Way, west of Interlachen, was confirmed to be a Putnam County man reported missing on December 23, 2013. The family of the decedent had last seen or heard from Jose "Anthony" Cortez in the area of Sixth Way in Interlachen. Detectives suspected he was a victim and developed clues in his disappearance,

leading to the discovery of the body on Sept 30<sup>th</sup>. In 2014, District 4 received DNA confirmation that the body was Cortez.

Mr. Culbertson reminded the DMEs to make use of tools available to them including Florida Unidentified Decedent Database (FLUIDDB) and National Missing and Unidentified Persons System (NAMUS).

#### **ISSUE NUMBER 6: 2015 FAME EDUCATIONAL CONFERENCE**

Dr. Goldberger said that Districts 7 and 24 Medical Examiner Marie Herrmann, M.D., will host the 2015 FAME Educational Conference, July 15-17, 2015 at the Daytona Shores Resort and Spa in Daytona Beach. Sleeping rooms at the hotel are \$154 per night; the cost of registration should remain unchanged.

#### **ISSUE NUMBER 7: OTHER BUSINESS**

- Dr. Goldberger presented recent statistics on emerging drugs, both synthetic and natural, including Kratom, a natural herb. Dr. Goldberger said that there has already been one reported death due to Kratom in Pensacola. One case of n-bomb has been reported in Tallahassee, and ethylone is causing more deaths, especially in Miami. Dr. Bell reported there were four cases the day before the meeting with a combination of fentanyl and heroin in District 15 (Palm Beach County).
- Dr. Nelson reported to the Commission that Mr. Ken Jones has been appointed as the new State Registrar.
- Dr. Nelson reported to Commission that the Department of Health Strategic Planning Oversight Team (SPOT) is holding a conference in January. The purpose is to establish a rapid response team that can respond to emergency situations, i.e. Ebola.

**With no further business to come before the Commission, the meeting was adjourned at 2:45 P.M.**