

MEDICAL EXAMINERS COMMISSION MEETING

World Golf Village
500 South Legacy Trail
St. Augustine, FL 32092
November 6, 2020 10:00 AM EST

Commission Chairman Stephen J. Nelson, M.A., M.D., F.C.A.P, called the meeting of the Medical Examiners Commission to order at **10:02 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 and staff 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., Districts 5 & 24 Medical Examiner
Wesley H. Heidt, J.D., 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
Hon. J. Harrell Reid, Hamilton County Sheriff
Hon. Carol R. Whitmore, R.N., Manatee County Commissioner

Commission staff present:

Vickie Koenig
Megan Neel

Chad Lucas
Christopher Bufano, J.D.

District Medical Examiners present:

Marta U. Coburn (District 20)
Patricia A. Aronica, M.D. (District 19)
Tim Gallagher, M.D., M.H.S.A. (District 1 Interim)
Kelly G. Devers, M.D. (District 13)
Craig Mallak, M.D. (District 17)
Joshua D. Stephany, M.D. (Districts 9/25)
James W. Fulcher, M.D. (District 7)

Wendolyn Sneed, M.D. (District 15)
Emma O. Lew, M.D. (District 11)
William F. Hamilton, M.D. (District 8)
B. Robert Pietak, M.D. (District 4)
Riazul H. Imami, M.D., Ph.D. (District 22)
Jon R. Thogmartin, M.D. (District 6)

Other District Personnel present:

Christine Canard (District 19)
Richard Freiheit (District 17)
Lindsey Bayer (Districts 5/24)
Harrison Cowan (District 13)
Jeffrey Brokaw (District 4)
Deanna Oleske, M.D. (District 1)
Shanedelle Norford-Harry, M.D. (Districts 9/25)
Kelly Boulos (District 23)
Lee Marie Tormos, M.D. (District 15)
Paul Petrino (District 15)
Terrill Tops, M.D. (District 15)
Catherine Miller, M.D. (District 15)
Ernest Louis (District 11)
Cassie Boggs, M.D. (District 7)

Adrienne Sauder, M.D. (District 19)
Tom Steinkamp (District 17)
Ricardo Camacho (District 8)
Tim Crutchfield (District 4)
Jeff Martin (District 1)
Darren Caprara (District 11)
Sheri Blanton (Districts 9/25)
Bill Pellan (District 6)
Karla Orozco (District 7)
Ralph Saccone (District 15)
Marlon Osbourne (District 15)
Brittney McLaurin (District 11)
Damian Breland (District 11)

Guests present:

Bruce Goldberger, Ph.D. (UF)
Mike Consilvio (LifeLink)
Jessica Zayakosky (Legacy)

Liz Lehr (LifeLink)
Patricia L. Darrigan (Legacy)
Angel King

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE AGENDA AS AMENDED ON OCTOBER 30, 2020.

A MOTION WAS MADE, SECONDED, AND PASSED UNANIMOUSLY FOR THE COMMISSION TO APPROVE THE MINUTES OF THE AUGUST 14, 2020 MEDICAL EXAMINERS COMMISSION MEETING.

ISSUE NUMBER 1: INFORMATIONAL ITEMS

- Status Report: MEC Appointment and Reappointment: Mrs. Vickie Koenig 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 vacant State Attorney Seat has been submitted to the Governor's Appointments Office and they have everything they need for the appointment. We are currently awaiting approvals from the Governor's Appointments Office.
- Status Report: DME Appointments and Reappointments: Mrs. Koenig informed the Commission that the Governor's Appointments Office has stated they have received all necessary paperwork for the reappointments of Districts 8, 10, 12, 14, 18, 20-24 and appointments for districts 4, 16 and 19. We are currently awaiting approvals from the Governor's Appointments Office.
- 2019 Annual MEC Reports: Mrs. Megan Neel informed the Commission that the Annual Workload Report was published in September 2020 and the Annual Drugs in Deceased Persons Report was published earlier that week.
- 2020 Interim Drugs Identified in Deceased Persons Report: Mrs. Neel reminded that districts that the deadline for the first six months of 2020 is December 31, 2020. Districts should submit their data as soon as it is complete and not wait for the deadline so that staff and the Quality Assurance Committee could begin to quality check the data.
- 2019 Paul Coverdell Forensic Science Improvement Grants Program Status Update: Mr. Chad Lucas reported that about half of the districts participating in the 2019 Coverdell Grant have submitted reimbursement requests and notified the remaining districts that purchases need to be made and reimbursement requests submitted as soon as possible. Mr. Lucas also informed the Commission that FDLE has been having issues accessing the new Federal JustGrants system, but has a ticket submitted for a fix. Until the fix is made there may be delays in budget amendment approvals and expenditure reimbursements.

ISSUE NUMBER 2: NOMINATION FOR DISTRICT 1 MEDICAL EXAMINER

Dr. Nelson began by thanking Dr. Jon R. Thogmartin (District 6) for his help with the Search Committee. He went on to say that the Search Committee has selected Deanna A. Oleske, M.D., as the candidate to fill the District 1 Medical Examiner vacancy. He received notice the prior evening from the Chief Assistant State Attorney that the District One Medical Examiner Committee (DOMEs) met with the Escambia County Commission that night and approved a contract moving forward. The only thing left for the necessary parties is to sign the contract, and Mr. Marcille doesn't expect any issues moving forward.

MS. WHITMORE MADE A MOTION TO APPROVE THE NOMINATION OF DEANNA A. OLESKE, M.D., AS THE DISTRICT 1 MEDICAL EXAMINER AND WAS SECONDED BY DR. WOLF. THE MOTION PASSED UNANIMOUSLY THAT DR. OLESKE BE RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT AS THE DISTRICT 1 MEDICAL EXAMINER.

ISSUE NUMBER 3: UNIDENTIFIED DECEASED INITIATIVE

Mr. Lucas reported the following success stories:

Success Story 1

In the early morning hours of September 14, 2020, a young male was fatally struck by a commuter train in Broward County, Florida. District 17 Medical Examiner Investigator A. Albertelli responded to the scene. Investigator Albertelli reported the white male had no identification on his person or on the scene. The decedent appeared to be in his late teens or early twenties with no identifying scars, marks, or tattoos. Fingerprints were submitted to the sheriff's office in hopes of identifying the decedent. Late on September 15, 2020, the sheriff's office reported the fingerprints yielded negative results from local, state, and federal searches.

On September 16, 2020, Investigator Albertelli was on her regularly scheduled day off when she came upon a teenage missing person post in Facebook from the Delray Beach Police Department in Delray Beach, Florida. The missing person, Nathan Mann age 18, had not been seen since he left his residence in the 2100 block of Lawson Blvd, Delray Beach, FL over the weekend. The Facebook post stated his mother advised he has no identification, money, and has not taken his medication. He was last seen wearing a T-shirt, shorts, and a black and white tie dye mask.

Investigator Albertelli immediately notified the District 17 Chief Investigator of the missing person who in return notified law enforcement. With the assistance of the Delray Beach Police Department and the Broward Sheriff's Office, the decedent was identified through DNA as the missing teenager from Delray Beach, Florida, Nathan Mann.

Success Story 2

The decedent's skeletal remains were found on November 20, 1992, in the City of Margate, by children playing near a lake. (The majority of the skeletal material was located inside a culvert.) The decedent was examined and found to have suffered blunt head trauma, manner of death was homicide. As part of the ongoing unidentified initiative, in 2015 DNA was submitted to UNT. The DNA profile was extracted and subsequently entered in to CODIS. Margate PD developed information to indicate the possible identity of the decedent, and obtained a buccal swab from the presumed daughter of their missing person. The decedent was subsequently

identified as Peggy Ann Domingue (DOB: 5/30/44), and confirmed as Margate PD's suspected missing person. The decedent's daughter made funeral arrangements.

Success Story 3

The case was cold for 35 years until someone looking for a missing uncle came upon the Escambia County Sheriff's Office website two years ago. The person said the uncle's last known location was Escambia County near the same time the decedent's body was found. The Sheriff's Office enlisted the help of the District 1 Medical Examiner's Office, who took a DNA sample from the tipster. The results were conclusive for the decedent William Ernest Thompson and the investigation into the death has been reopened. Thompson would have been 49 when his body was discovered on January 23, 1985, near Klondike Road and Wilde Lake Boulevard, about 10 miles northwest of downtown Pensacola. There was no ID found, and he may have been dead for months, possibly more than a year before his remains were found. The only clue officials had regarding his identity was the initials "WT" engraved on his belt buckle. He was last in touch with family in September 1983, when he spoke with his mother by phone, but nobody reported him missing.

Success Story 4

The decedent's remains were found in Glades County in March of 1981. When originally found, investigators believed the remains were those of an older female. However, 39 years later, the remains have been identified as those of 16-year-old Nicki Elkins. On Valentine's Day 1981 Elkins left her family's house in Miami to visit her boyfriend and disappeared. The cold case was reopened by Glades County Sheriff's Office in 2008 after newer forensic technologies proved she was younger than originally believed. Her skeletal remains were sent to the UNT Center for Human Identification and the case was later entered into the National Missing and Unidentified Persons System for comparison. In April 2020, the case was entered into NamUs and requests were made for familial DNA samples. A comparison between the Glades County unidentified person case and Miami-Dade's Nicki Elkins case noted similar physical attributes, time period, and the presence of an "N" tattoo on a thumb. DNA samples from each case were compared and confirmed the decedent as Nicki Elkins.

Dr. Nelson commented that the hard work put in on these cases is incredibly beneficial and rewarding for the families involved. They recognize that their cases have not been given up on and in cases like the ones mentioned, they can finally have some closure. He also commended the offices on their great work in solving those cold cases.

Ms. Brittney McLaurin from the District 11 Medical Examiner's Office also made a presentation on unidentified deceased persons in their district. Currently they have a team of investigators who diligently work their unidentified deceased cases that come in on a day-to-day basis. They do have unidentified cases that come in most days, but are fairly easy to establish identification through visual identification, fingerprint identification, and having leads. District 11 also has an investigator who specifically works on recent unidentified deceased cases that have not had any success as well as cold cases.

In 2017, they started their Fingerprint Resubmission Initiative. For this, they took every unidentified deceased case with fingerprints and ran them through AFIS databases and were able to get 10 positive identifications working with Miami-Dade Police Department. Additionally, they were able to make other identifications working with other partnering agencies such as FDLE's Unidentified Deceased Initiative, Homeland Security, FBI, and NamUs.

In 2018, they started an initiative to explore isotope analysis. With the stable isotope analysis, they were able to have several of their cases processed to see what isotopes showed up in the bones as well as the teeth. The reason this is beneficial is because when you can look at different isotopes, you can understand trends in isotopes in different geographical locations. With this they were able to determine likely US or non-US origins of the decedents in their unidentified deceased cases, and it helped them target their missing persons searches. It also helped them with their dissemination of postmortem facial reconstructions and renderings. In the future, isotope analysis can become even more useful as more data becomes available. This could lead to regional likelihoods instead of country specific searches.

In 2019, they started their community involvement initiative which included focusing on their social media presence. They created the Miami-Dade Unidentified Persons Facebook page and have been able to push out their postmortem renderings and reconstructions on this page. They also looked into marketing applications, and began to use Social Studio by Salesforce, which makes posting on many different social media platforms easier. The application also makes it easier for the user to mark trends.

In 2019, they also held their first Miami-Dade Missing and Unidentified Persons event. The event included 14 law enforcement agencies and enabled families to get a missing persons report, to submit DNA, and look at missing persons cases. There was also a comfort dog, a forensic artist, and families from high profile cases in attendance.

In 2020, they started their first forensic genealogy process on a 1996 case. They primarily worked with DNA Labs International as well as Innovative Forensics. They are looking into if they can use information from that process to be able to identify the decedent, but at least to establish some genetic and familial leads.

With all of these new initiatives, the District 11 Medical Examiner's Office was able to solve several cases over the past few years. A focus was made primarily on cold cases, which is what they considered 2016 or prior. Their oldest case goes all the way back to 1957. To this date cases from the 1970s-2000s have been solved, as well as more recent cases. Most of the cases were solved in 2017 (13 in that year alone) due to the Fingerprint Resubmission Initiative.

The oldest case that they were able to solve was the identification of Mary Brosley, who was found in a shallow grave in 1971 in Dade County. Additional information given in the confession of serial killer Samuel Little confirmed the identity of the victim and how she died.

ISSUE NUMBER 4: COVID-19 CHALLENGES IN ORGAN DONATION

Liz Lehr from LifeLink made a presentation to the Commission and reminded the Commission that more than 60% of the organs that are transplanted from donors in Florida come from medical examiner cases. She went on to cover some common questions they have encountered since the start of the pandemic.

One of the questions that had arisen over the past several months is are organ transplants still being performed during the COVID-19 pandemic? The answer to that question is unequivocally yes. Based on guidance received by the OPOs, transplant centers should continue to evaluate patients, particularly early in the pandemic, who would not survive waiting and move those patients to the top of the list. Additionally, HHS and CMS, who regulate hospitals, said organ donation continues to be a

priority and that organ recovery agencies should have access to hospitals so that work can be continued.

Can organs be used from donors who test positive for COVID-19? Guidance received stated that evaluations must be made to determine how sick the potential recipients are and make the best decisions for those recipients. Early in the pandemic organ recovery agencies worked to obtain testing for organ donors as well as potential recipients who were getting ready for transplant.

According to the nationwide statistics for organ transplants for 2019 and 2020, the overall amounts of transplants performed each year are very closely aligned, with 2020 only being slightly below what was performed in the previous year. However, in the southeast region of the US the number of transplants in 2020 is slightly higher than the number of transplants performed in the previous year.

The slight decrease in transplantation in 2020 is due to the fact that there have been fewer living donors. That is due to transplant centers struggling to understand testing on the donors and recipients at the beginning of the pandemic.

On the deceased donor side of things, however, donations have actually gone up in 2020 as compared to 2019. The increase in deceased donor transplants is even more dramatic in the southeast as compared to the country as a whole.

At the beginning of the pandemic, hospitals were not allowing families into the facilities to see their loved ones, but they continued to allow organ recovery agencies into the facilities after proper screening, testing, etc. Due to families being unable to be at their loved ones' bedsides after catastrophic events, organ donation agencies really needed to work with the families and hospitals to help them understand what was going on and help to connect the families to their loved ones through various means such as FaceTime.

One issue that the OPOs were not expecting was other states prohibiting them from travelling to their states to recover organs for waiting recipients in Florida. To get around that, the organizations worked to find other surgeons to recover those organs and other ways to get those organs into Florida. At this point, the organizations are seeing more cooperation between transplant centers and recovery teams not having to travel so far.

Ms. Lehr thanked Florida's Medical Examiners for their continued support through organ donations during this difficult time. She also reiterated that in Florida, during this pandemic, more people have received organ transplants than at any other time in history.

ISSUE NUMBER 5: CONFIDENTIALITY OF ORGAN PROCUREMENT RECORDS

Larry Cochran from LifeQuest made a presentation on confidentiality of records in the medical examiner's office as they relate to organ procurement. One issue that came to his attention is related to the CARES Act, which was signed into law in March of this year. Under the CARES Act, patient rights regarding medical records have been further expanded beyond test results to the actual notes that are written in a patient's charts. Questions about that change were presented such as "How does that effect organ procurement organizations?" and "Will organ procurement and transplantation notes be made available?" Usually notes that organ procurement organizations put into charts, by and large, occur after the individual is pronounced deceased. Lawyers for the OPOs are working to provide guidance and answers for those issues.

Almost simultaneously, he had a colleague from Alabama who reached out and asked a question on behalf of the Department of Pathology at the University of Alabama. They were particularly curious about the records provided by the OPOs to the medical examiners in shared cases including donor risk assessment interviews and medical social history interviews with family members or historians, whoever best knows the patient. This is a very personal, very detailed questionnaire which is about 70 questions and 7 pages long. His colleague questioned what documentation is shared when a medical examiner receives a Freedom of Information request or other requests for information.

Mr. Cochran reached out to Dr. Nelson, who said that when they receive requests like that they view them as requests for original work product. Original work product is work the actual medical examiner provided. Documentation and reports that the medical examiners have in their possession from law enforcement, organ tissue and eye banks, or other outside entities are not original product, so therefore, and are not included in the materials the medical examiner disseminates as a result of those Freedom of Information requests.

Dr. Nelson confirmed what Mr. Cochran said regarding original work product and public records requests, and asked FDLE Attorney Christopher Bufano, J.D., for his opinion. Mr. Bufano said that he would agree, but cautioned that if an entity is citing an exemption to a public records request under Chapter 119, F.S., they need to specifically cite the exemption they are claiming. Additionally, each district should consult their own counsel for guidance on the specifics of public records requests.

Mr. Cochran also discussed proposed revisions to the outcome measurement requirements for OPOs made by Centers for Medicaid and Medicare Services (CMS). There is a real dispute on the revised method of looking at performance measures for organ donation. The proposal suggested that data derived from death certificates would be used to calculate donation rates for OPOs, which the International Association of Coroners & Medical Examiners (IACME) felt like had the potential for being highly inaccurate and not specific enough. The number of inaccuracies in death certificates is a well-recognized problem, and the OPOs and IACME Executive Committee had alternate suggestions for CMS about more specific information to create a denominator to measure OPOs by. The rule was published in December of 2019 with comments closing in February of 2020, and at this point everyone is still waiting on CMS to weigh in on a final decision. There has been a lot of correspondence going back and forth including a bipartisan letter from 14-15 members for the Florida House of Representatives.

ISSUE NUMBER 6: EMERGING DRUGS

Bruce Goldberger, Ph.D., provided the Commission with an update on emerging drug trends. The most common cathinone has been eutylone. There have been designer benzodiazepines, not in post-mortem screens, but forensic casework, particularly etizolam, clonazepam and flualprazolam. Additionally, xylazine, a veterinary sedative, has been identified. Dr. Goldberger indicated that with the publication of the 2019 annual drug data, he would be updating the FROST website. Dr. Goldberger announced the National Drug Early Warning System (NDEWS) coordinating center has relocated to the University of Florida, where, along with scientists from FROST, New York University and Florida Atlantic University, it will provide an integrated and comprehensive characterization of drug use and availability by synthesizing traditional, indirect sources with new, direct sources of data, as well as on-the-ground epidemiologic investigations within high-priority areas of concern. Mrs. Koenig advised that she would provide the website link to the district medical examiners offices.

ISSUE NUMBER 7: 2021 FAME EDUCATIONAL CONFERENCE

Bruce Goldberger, Ph.D., reported to the Commission that the 2020 FAME Educational Conference was cancelled due to COVID-19, but has been rescheduled for July 21-23, 2021, at the Waldorf Astoria Orlando. He will be sending out a Save The Date soon and asked that Mrs. Koenig provide it to the district medical examiners offices.

ISSUE NUMBER 8: OTHER BUSINESS

- Dr. Nelson announced that the term for the seat on the State Child Abuse Death Review Committee filled by a representative from the Florida Medical Examiners Commission has expired. For a number of years, Anthony Clark, M.D., from District 2 has filled that seat; however, he is no longer interested in being on the committee. MEC Staff sent out an e-mail on October 30th asking for interested persons to send a copy of their CV for review. So far, one doctor has shown interest. If nobody else shows interest, then he would advise the committee of their new medical examiner representative.
- Mr. Ken Jones provided the Commission with an update on changes that are being made due to HB 607 passage in the 2020 Legislative Session. With the passing of that bill, certain Advanced Practice Registered Nurses (APRNs) will become Economist Practitioners, which gives them the ability to sign death records. In late October, the Board of Nursing received their accreditation materials and have started certifying APRNs that meet the criteria of the bill. So far there are 52 APRNs being certified. DOH is sending each of them material with the goal of getting them registered in the EDRS an online users.
- Mrs. Angel King appeared before the Commission to speak about the August 21, 2018, Probable Cause Panel meeting referencing the death of her daughter, Natasha Boykin. After Mrs. King discussed the details of her daughter's case and additional concerns she had, Dr. Nelson informed her that a Commission Meeting was probably not the best venue for discussing specifics of a case, especially considering there was no way for any of the members to refamiliarize themselves with the case prior to the meeting. He told Mrs. King that he would go over all the details of the case personally and would get back in touch with her. MEC Staff was asked to send him all of the documents for the case.
- Mrs. Koenig notified the Commission that MEC meeting dates will coincide with CJSTC meetings in 2021. The only exception will be the July meeting, which will be during the FAME Educational Conference. The planned meeting dates and locations are as follows: February 12th at the Orlando Marriott in Lake Mary, May 7th at the Wyndham Grand Jupiter at Harbourside Place, July 21st or 22nd at the Waldorf Astoria Bonnet Creek Orlando, and November 5th at the World Golf Village Resort in St. Augustine.

With no further business to come before the Commission, the meeting was adjourned at 11:28 A.M.