

COMMISSION ON MEDICOLEGAL INVESTIGATIONS MINUTES

February 4, 2022

The meeting of the Commission on Medicolegal Investigations was held at the Office of the Chief Medical Examiner (OCME) in Farmington, CT on Friday, February 4, 2022.

Present: Todd D. Fernow, J.D., Chairman (Remotely)
 Celia F. Pinzi (Remotely)
 Sidney M. Hopfer, Ph.D., Secretary (Remotely)
 John H. Sinard, M.D., Ph.D., Vice Chairman (Remotely)
 Michael M. Krinsky, MD (remotely)
 Olinda Morales, Senior Staff Attorney for D.P.H (Remotely)
 Susan Keane Baker, M.H.A (remotely)

Absent: Michael McCormack, Esquire

Also Present: James R Gill, M.D., Chief Medical Examiner
 Maura E. DeJoseph, D.O., Deputy Chief (Remotely)
 Linda Sylvia, Executive Secretary
 Lincoln Dwayne Gordon, Administrator

Chairman Fernow called the meeting to order at 2:04 p.m.

The Minutes for the November 19, 2021 meeting were adopted without correction.

Report of the Chief:

Since January 1st, there have been slightly over 990 COVID deaths and approximately 3,200 autopsies performed. There were 22,000 cremations. Case completion statistics for 90 days remains at 90% but the 60-day completion rate will probably be about 80% with December and January not yet finished. This may result in a Phase 1 deficiency according to NAME criteria.

Investigator scene presence for November was 99% and 94% for December. The additional work associated with COVID related cases has resulted in a decrease in the percentage of investigators on scene.

Three part-time lab assistant positions and two part-time medical records positions were created to help with the increased workload.

Medical Records has moved to another location freeing up additional space for investigators.

On January 5th the Bond Commission met with DAS and the construction company. The amount of 2.5 million dollars was released to determine the feasibility for renovations or the possibility of construction of a new building for the Office. There will be a posting for a national company with experience in this area to perform an assessment of needs. The Office should receive additional information in February.

Three refrigerated tractor trailers remain in the parking lot with one additional non-refrigerated flatbed trailer for storage.

There are currently 176 unclaimed bodies in house, 90 of these for more than 30 days. The Quincy system has added additional features to enhance tracking and reduce the turnaround time for these remains. The process including necessary phone calls, talking to families, sending letters and additional time related to COVID has complicated the unclaimed process.

EDRS has been placed and is being used in all 169 cities and towns. Yale is scheduled to become active by the end of February.

The Office is waiting to hear the outcome of the ACGME site visit. The two Fellows are doing well, and milestone evaluations were met.

An appropriations hearing for the upcoming budget is scheduled toward the end of the month. The Office is projecting a deficit of approximately \$260,000 for personnel and labor costs and a \$100,000 deficit for operating expenses.

Projected revenue generated by OCME to the state treasury is approximately 3.2 million dollars. Of the 3.2 million only about \$50,000 comes from administrative expenses such as medical records, photography etc. The remainder is generated by cremation fees. Chairman Fernow suggested that a line item be added to the Executive Summary Report that specifies where the money goes. It would indicate money that is generated and describe how much goes to the General Fund. This information should be included with other data that is included as monthly financial reports to OPM and OFA.

The money in the Lepow trust fund will continue to be maintained and used for educational purposes following her death. Dr. Gill donates to this fund and approves appropriate educational activities within the agency.

Dr. Breslauer has been hired as the 10th Medical Examiner and will begin employment in June.

All towns are on EDRS. OCME has been issuing nearly all death certificates in EDRS since the beginning of the year. Operationally there is significant benefit to the agency and hopefully it will prove to have better benefit to citizens of the state as the appearance of the electronic record is improved. The only hospital systems yet to get onboard include Waterbury Hospital and the Yale Health System.

The Yale system is cumbersome for funeral directors mostly because the physicians in this system have not been trained how to use it. There are fees for each step. Many glitches remain and progress is slow. Funeral directors do not have access to verified copies of the death certificate and still must go to the town of death for a copy. Commissioner Morales will check with Beth Frugali and the EDRS team get more details. Dr. DeJoseph explained that all negotiations/changes with the vendor have to go through the DPH. VitalCheck is the company that processes changes. Some issues are deemed more urgent than others. Fixes of non-urgent issues are batched. There was an upgraded version released in January and every case that was deemed as urgent was sent to the OCME. This glitch had to be manually corrected case by case. The Office has been using the EDRS for over a year and issues continue. Commissioner Morales will check with Beth Frugali

to determine who received fees generated by the EDRS. Trouble shooting continues, especially in towns new to using the system. .

An update on the OCME Statute changes (*i.e.* including changes due to EDRS) have been submitted. Dr. Gill has heard they are moving along. One change referenced Commission appointments. Chairman Fernow received an email from Commissioner McCormack stating that he can no longer serve on the Commission. A formal request for a replacement will be sent to the Governor's office. A list of the Commissioners that would like to be renewed was forwarded to the Governor' office but there has been no reply. The Commissioner of DPH is also aware that there should be a replacement for Commissioner Morales when she leaves.

The unclaimed remains issue is raised regularly. As of now 176 unclaimed bodies are in OCME custody with half over 30 days. Some may be here for a day or two but there are constantly bodies coming in. In response to a question as to what is the cost per capita to store these bodies, Mr Gordon estimated the cost of the additional trailers at approximately \$60,000 per year. A lengthy discussion ensued which included additional expenses above trailer rental fees that should be included. Chairman Fernow suggested that unclaimed bodies could be centralized within the state. This could be either under the auspices of the OCME or a completely independent entity. Chairman Fernow asked whether Commissioner Morales would be able to identify a law intern at DPH that would be willing to draft statutory language from a procedure provided by COMLI that eventually could be forwarded to the office of the Attorney General.

The commission voted "to table the election of COMLI officers for a subsequent meeting". Commissioner Fernow is willing to remain as Chairperson, and Commissioner Hopfer agreed to continue in the administrative capacity of Secretary.

A short discussion took place about the State's Attorney's permission to cremate a body in a homicide and the necessity of clarification on how long the Office is bound to hold a body if all studies pertinent to the case have been completed. There is no easy answer to this question. Going forward if a specific case arises Chairman Fernow is available to discuss pertinent specifics of that case with Dr. Gill.

There being no further business the meeting was adjourned at 3:30 p.m.

Sidney M. Hopfer, Ph.D
Secretary