

COMMISSION ON MEDICOLEGAL INVESTIGATIONS MEETING MINUTES

June 30, 2023

The meeting of the Commission on Medicolegal Investigations was held at the Office of the Chief Medical Examiner (OCME) in Farmington, CT on Friday, June 30, 2023.

Present: Todd D. Fernow, J.D. Chairman (Present)
Sidney M. Hopfer, PhD. Secretary (Present)
Beth Frugale, DPH (Present)
John H. Sinard, M.D., Vice Chairman (Remotely)
Michael Krinsky, M.D. (Remotely)
Susan Keane Baker, M.H.A. (Remotely)
Celia Pinzi (by phone)

Also Present: James R. Gill, M.D., Chief Medical Examiner
Maura E. DeJoseph, D.O., Deputy Chief Medical Examiner
Holly Cuomo, Executive Secretary
Lincoln Dwayne Gordon, OCME Administrator

Chairman Fernow called the meeting to order at 2:01 pm. Chairman Fernow noted that it was great to have several commissioners attending in person. Chairman Fernow also introduced Holly Cuomo, Executive Secretary.

Commissioner Fernow asked for comments, corrections or changes proposed to the minutes that COMLI members had reviewed from the March meeting. A suggestion was raised on the use of the acronyms "CGS" and "QA" which were used on the second page of the minutes. Commissioner Fernow clarified that CGS is Connecticut General Statutes and QA is Quality Assurance. Since the acronyms were not used elsewhere in the minutes, it was decided to change "CGS" to CT General Statutes (CGS) and "QA" to Quality Review (QR).

There were no other clarifications or corrections made to the minutes. The minutes were adopted.

Medical Examiner Summary:

Dr. Gill provided the Chief Medical Examiner report to the COMLI.

Autopsy Workload and Turnaround Times: Dr. Gill provided information regarding the projected 2023 autopsy numbers. For the calendar year 2023 it is projected that approximately 2,774 full autopsies will be performed, compared to a little over 3,100 in 2022. Autopsy numbers have been relatively consistent month to month. The lower projected rate is very welcome, given the Forensic Pathologist vacancies in the agency.

Case completion data was reviewed. In calendar year 2022 the 90-day turnaround time averaged 93% and the 60-day turnaround time averaged 78%. So far in 2023 the case completion data for the 90-day turnaround seems to be trending the same. The 60-day turnaround projection has yet to be determined, however, we anticipate an increase in percentage complete within 60 days due to the impact of our per diem staff who have completed over 500 autopsies. With the per diem assistance

and the Forensic Pathology Fellows (who each complete 225 autopsies during the academic year) it is projected that all the Medical Examiners will be below 325 autopsies, which is the maximum allowed by the National Association of Medical Examiners (NAME).

Medical Examiner Staffing: The Legislature approved an additional Medical Examiner (ME) position; therefore, there is a total of three (3) vacant ME positions. Dr. Gill discussed the long-term vacancies (>1 year) and discussed that the national shortage of medical examiners is contributory, and the salary and other signing incentives offered elsewhere are making the job market very competitive. Dr. Gill also pointed out that our facility is undersized for our operation, and construction is pending, whereas other offices have brand new facilities. A discussion took place on creative recruitment strategies, reliance on the union contract and union negotiations and seeking input on covering moving expenses. It was agreed that recruitment is not purely a salary problem, there are also concerns about the caseload size and how busy our office is, plus the facility limitations and lack of state-of-the-art radiography. Ideas raised included conducting surveys of applicants who have turned down offers. In closing the discussion Dr. Gill reminded us that despite the challenges we do have the ability to market our office has excellent support in all ways to maintain good turnaround time for our thorough investigations.

Commissioner Fernow asked if the on-call hours have greatly decreased and suggested that they may be half of what they were a few years ago. It was proposed to look at the way the on-call hours are divided up amongst staff, noting some might like more on-call hours while others might prefer fewer. This suggestion could be explored but does not change the base salary or the posted salary range for the positions.

Scene Investigations: Investigator scene presence for March and April were 98% and 99% respectively.

OCME Facility: An architect has been hired by the State. OCME is working with DAS construction services to interview and hire construction managers and project managers. This phase is still looking at the project as an expansion. It has yet to be determined if it is truly feasible to do so. If expansion/renovation are not possible, then the project will be re-evaluated by DAS.

Fellowship Program: Dr. Deland Weyrauch completed his Fellowship today. He was an excellent fellow and was offered a position at CT OCME. He also had another offer in Montana, which he accepted. Two new fellows are starting on July 3, 2023 – Drs. Donald Turbiville (graduate of Yale Pathology residency) and Cori Clark (graduate of University of Alabama Pathology residency). Dr. Sinard mentioned that Yale Pathology continues to have other residents interested in Forensic Pathology, providing a nice pipeline for our program. Dr. Gill updated the commission on The Match (The National Residency Matching Program), which is the process by which fellowship recruitments are now occurring (first ever Match for Forensics was May 3, 2023). The CT OCME fellowship did not match any residents for academic year 2024-2025. There were 70 available fellowship spots across the country and only 45 applicants. We will work on efforts to recruit for the academic year in other ways.

Storage at Facility: We have 77 bodies stored at present.

Updates on Connecticut General Statutes: There were some recent legislative changes to our statutes. 1) We must investigate certain custody deaths. This is now specified in statute; however, we have already been investigating these types of deaths. 2) The Office of the Inspector General

can request or require an autopsy if they think one is needed. 3) There was an update on the wording for the disposition of body after proceedings. This statute change has assisted us with our backlog of unclaimed remains. 4) Lastly, there was a prior change regarding how the Commission members are selected and the requirements. All eight positions are appointed by the Governor. Dr. Sinard and Fernow raised some questions and concerns about how the professors of pathology and law are meant to be selected now, and difficulties in recruitment of Professors of Law. Recruitment strategies need to be discussed.

Fiscal Summary:

Lincoln Dwayne Gordon provided the fiscal update for OCME.

Agency Staffing: He used the provided meeting materials/spreadsheets to illustrate the current staffing and vacancies, along with the recruitment summary provided by Jaime Sanz, Human Resources Director. At the beginning of June, we had 90 authorized positions, consisting of 63 full-time positions, 6 per diem and 21 part-time. Recruiting efforts continue to fill the vacancies.

Human Resources: Jamie Sanz is finishing up the CHRO report, which is the Affirmative Action Plan for the office. The report is due today, but there is a 30-day grace period to respond to all CHRO communication queries and provide clarification. The report is completed in collaboration with Dr. Gill and Dr. DeJoseph. During a prior submission several years ago, the plan was not approved and OCME had to address recommendations made by the commission. We were successful in doing so and our prior submission was fully approved. The OCME has created a contract with SABA/Cornerstone Learning Management System for online employee training/onboarding/compliance. Jaime Sanz is the liaison for the agency.

Fiscal:

Expenditures and Grants: The budget numbers for June/ fiscal year end will not be completed until next week. There is a small, anticipated surplus for personnel services (PS). Part of the surplus could be the funding from the vacant full-time pathologists. Some of the pathologist salary from the vacant positions has been utilized to cover overtime and per diem salary that weren't otherwise budgeted for. Regarding other expenses (OE), which are the operating accounts, there will probably be somewhere around \$60,000 surplus. It was originally projected that there would be a small deficit; therefore, the legislature approved a deficiency bill that covered our previously projected deficit. However, a late arriving DPH grant came available and offset the deficit. These funds were used to reimburse the costs of toxicology testing and personal protective equipment (PPE). OPM is considering allowing OCME to carry over up to \$50,000 of the surplus to the next Fiscal year. If granted, we would intend to use these funds to cover the cost of the Security Guard contract, which is not budgeted for in the OCME OE. There is a projected small surplus in the medicolegal investigation line, which is used for neuropathology consultations and other supplies. We have a DPH grant that expires at the end of August. We've received a \$376,000 grant from DPH that will be used for reimbursement of testing (toxicology) and for some body transport, and to buy some other goods and services that are within the grant budget. Additionally, the American Recovery Plan Act (ARPA) is a 2.5-year long grant in the amount of \$333,799 per year for a total of \$860,000 for OCME.

Revenue: A summary of revenue streams was reviewed. All revenue is represented as a negative number in the provided reports. As of the beginning of June, there is a projection of \$3.6 million in revenue collected (not billed). The cremation report shows the downtrend in paper billing for cremations that is offset by the marked increase in EDRS (electronic death registry system)

electronic payments for cremation. Other revenue from civil billing/medical records billing was also reviewed.

Contracts: The lease for two (2) leased refrigerated trailers will be eliminated due to improvements in the unclaimed remains. We anticipate continuing one refrigerated trailer lease and two sea boxes (for supply/medical equipment storage).

Security: Commissioner Pinzi asked for clarification about the Security Guard presence at OCME. It was explained that DAS completed a security audit of the facility, including a full inspection, review of cameras, perimeter, and other areas of weakness. They made recommendations which included 24/7 security presence at the facility. Security personnel were hired on December 9, 2022. The request was approved by OPM with two contingencies. First, we had to agree to manage the rest of this fiscal year on our own (we used grant funds to offset the costs). Second, DAS would submit the security guard contract at OCME as an item in their budget for their biennium which starts 7/1/23. OPM believed DAS understood the parameter, but DAS did not put it in their biennium request, therefore, OCME will work with OPM to pay the contract during the upcoming two fiscal years. This may result in a budget deficit.

Past Due Accounts: Letters have been sent out to collect past due balances from funeral homes for cremation billing.

Organization Chart: The OCME organization chart, which is a requirement when we make changes, is included for your reference.

Lepow Fund: The Lepow Summary Sheet for the fiscal year as of mid-June, shows a balance of \$23,000 which is allocated for educational needs as determined by Dr. Gill.

A suggestion was raised by Dr. Krinsky about the prospect of the revenues being brought in by OCME being under OCME control. The challenges with this idea were discussed between the Commission members and Dr. Gill and Mr. Gordon. It was understood that this is not the best path forward, however Commission Fernow did remind the group that it is important that OCME reminds OPM of the revenue we generate, as it does merit recognition.

Other Conversations:

EDRS Updates: Commissioner Fernow asked for any updates on the EDRS from Beth Frugale. Going forward EDRS will remain on the agenda.

Beth Frugale updated the group that a fetal death module is under construction as an addition to EDRS and they hope it will be complete by the beginning of 2024. This module will contain all the fetal death certificates (any fetus >20 weeks gestation that is stillborn must have a fetal death certificate).

The current EDRS system continues to onboard new users and DPH is in the process of enrolling all home health care agencies and primary care doctors now. Nearly all Nursing Homes and Home Hospices are already onboarded.

Beth Frugale also updated the group that the workflow for a funeral director to request a cremation has been modified so that payment for cremation must occur before the funeral director can sign

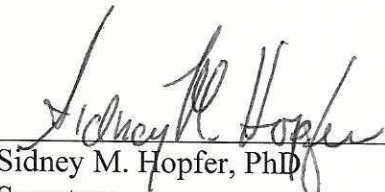
their portion of the electronic record. This will lead to improved compliance with payments in the system.

Election of Officers: Commissioner Fernow inquired about the election for officers and asked if anyone had any suggestions. Dr. Sinard recalled that the Commission agreed to keep this as a standard agenda item. Commissioner Fernow stated that members will stay in their current officer positions until they no longer wish to, or somebody else wishes to have an election, in which case an election will occur immediately.

Meeting Cadence: The schedule of meetings was reviewed. It was brought to attention that the September 22, 2023, meeting date does not align for several members. It was discussed whether the meeting could be rescheduled or even canceled. A Doodle Poll will be sent out to the Commissioners with September date options. If a September date cannot be identified, October dates will be explored. The November meeting is scheduled for November 17th. Dr. Gill offered to send out the routine PDF packet of statistics and fiscal reports for review, if a date prior to November 17th is not identified. It was noted that statutes only require COMLI to meet once a year. Commissioner Fernow stated he doesn't see a sense of urgency or emergency that requires the September meeting.

Adjournment:

There were no other matters to address. Followed by a motion to adjourn. The meeting adjourned at 3:02 pm.



Sidney M. Hopfer, PhD
Secretary