

COMMISSION ON MEDICOLEGAL INVESTIGATIONS MEETING AMENDED MINUTES

September 15, 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, September 15, 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)

Not Present: Susan Keane Baker, M.H.A.
Celia Pinzi

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 2:04 pm. This was a hybrid meeting as members who were unable to attend in-person were given a web-based link.

Commissioner Fernow asked for comments, corrections or changes proposed to the June minutes that COMLI members had reviewed. Members approved of the new minute format, including the highlighted format for reoccurring agenda items.

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

Freedom of Information Act (FOIA):

The FOI Commission met with OCME staff in July for education and orientation purposed and presented "FOI 101", which identified topics which either are or are not disclosable under the FOI umbrella. Recommendations from COMLI following a post-meeting summary of the education session are as follow: Meeting dates, agendas and minutes will be uploaded to the OCME website as well as the CT State Agency Public Meeting Calendar. Draft minutes will be available to the public within 7 days of the meeting through a posting to the CT State Agency Public Meeting Calendar. Once the minutes have been approved and signed, a final copy will be posted online. A draft template was reviewed by COMLI. Dr. Hopfer will review the draft minutes prior to posting.

An Executive Session will be held during each COMLI meeting to discuss agenda items which are exempt from FOIA.

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. 2,700 autopsies are projected to be performed this year, compared

to 3,100 last year. The National Association of Medical Examiners (NAME) recommends that the autopsy caseload to doctor ratio be such that no doctor within a group perform more than 325 autopsies a year. With the current autopsy caseload projections each doctor will likely perform fewer than 325 autopsies. The turnaround time for case completion has become longer, but 90% are completed within 90 days and just under 90% within 60 days.

Scene Investigations: Investigator scene attendance was 98% in June, July, and August.

Fellowship Program: We will once again be receiving a \$300,000 Federal Grant to fund two Fellowship positions for academic year 2025-2026. We have a candidate interested in one of the vacant 2024 spots. The candidate will notify us by the end of the calendar year if he is able to accept the position. OCME will continue recruitment efforts to find an additional candidate.

Storage at Facility: We have 81 decedents stored at OCME, including 23 remains that have been onsite for over 30 days.

Agency Updates:

The Affirmative Action Plan was approved this week for a two-year cycle.

A digital radiograph plate broke, which prompted us to ask hospitals to take x-rays of decedents dying in their facilities under certain circumstances. The hospitals were very helpful to OCME. OCME radiographs are now fully functional, and we have purchased a back-up plate to avoid future similar situations. There is a note within each case file that identifies if the radiographs were performed at the hospital and not at OCME. This note will remain on the chart to assist with any future requests for images by Attorneys.

Fiscal Summary:

Lincoln Dwayne Gordon provided the fiscal update for OCME.

Agency Staffing: Jaime Sanz, HR Director, provided meeting materials/spreadsheets to illustrate the current staffing and vacancies. As of September 12th, we have 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: SABA/Cornerstone Learning Management System launched on September 15th. Employees must complete mandatory online trainings by October 31, 2023. Human Resources will track the training completion status for all employees.

Fiscal:

Expenditures and Grants: The OCME 8.5 million personnel appropriation (PS) has been tentatively reduced by \$400,000 (holdback). We will take the necessary steps to prove through the fiscal year that we need the entire personnel budget. The Secretary of OPM can release that money to cover any real deficits by the end of the year. Currently, we're projecting a budget deficit of \$400,000.

The current operating budget of \$2.378 million, includes carry forward funding from last fiscal year in the amount of \$274,000 dollars. The Secretary of OPM gave OCME permission to carry this

funding forward to offset the cost of the security guard as this is an unfunded line item in this year's budget.

The DPH Overdose to Action grant award total was \$376,000 and \$223,473 is the remaining balance. We received an extension of contract and have through February 28, 2024, to utilize the funds. The majority will be used for reimbursement for postmortem toxicology and transportation.

State ARPA money must be utilized by December of 2024 on allocated, allotted, and appropriated items. The Federal contract amount of OCME utilization was for \$860,000, however, \$257,000 cannot be spent until July 1, 2025 (FY 2025).

Commissioner Krinsky inquired if post-mortem toxicology costs have increased during the US overdose epidemic. In response, Dr. Gill stated toxicology testing is completed on almost every autopsy; so, the costs of toxicology testing are not completely related to overdoses. DPH continues to track drug intoxication deaths.

Revenue: A summary of revenue streams was reviewed. Most of the revenue collected and posted comes from cremation certificates. The remaining revenue comes from record requests, histology, and photographs.

Account Receivables: Reviewed outstanding revenue with 30, 60, 90 and 120+ days past due totals. The source of the delinquent accounts reported are from Core-CT paper invoices. EDRS is credited for reducing the outstanding revenue as funeral directors are required to pay in advance through the EDRS system.

Organization Chart: The OCME organization chart is included for reference.

Lepow Fund: The Lepow Summary Sheet shows a balance of \$23,000, which is the same amount reported at the June meeting.

Other Conversations:

Election of Officers: Election of Officers will be a standard agenda item. Commissioner Fernow confirmed 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. Commissioner Fernow received 2 communications from Tom Scanlon regarding COMLI vacancies. An offer has been extended to fill the Bar Association vacancy and her response is pending. He has also been advised of two other equally qualified parties. Recruitment for a law professor member at UCONN Law School continues.

Public Meetings, Executive Session and FOIA Guidelines (cont.): According to the FOIA guidelines certain topics need to be discussed in an Executive Session. They include, but are not limited to, security issues, staffing and real estate and/or contracts for renovations, and any other services which will prohibit anyone in the public from gaining an advantage in the bid process.

- The minutes of a meeting at which an executive session occurs must identify all persons who attend the executive session.
- During a 100% virtual meeting, a recording of the meeting must be kept for public review for six months. This is not applicable to COMLI meetings, as they are held at OCME.

- The November 2023 will be a hybrid meeting. During that meeting, we will discuss if we continue to offer a hybrid option or resume in-person meetings. Commissioner Fernow prefers to have one designated in-person meeting a year, but it will be discretionary.
- If a vote occurs during the meeting, the vote of each member must be put in writing and made available to the public within 48 hours, excluding weekends and holidays.
- COMLI meetings are open to the public. The agenda posted online directs them to call the Executive Secretary for meeting access. Commissioner Fernow will seek clarification on whether the public need to identify themselves if they observe and/or participate in the meeting.

Legislature Updates:

- HB 6701: The maximum amount paid for funeral expenses for persons of limited income has been raised from \$1,350 to \$1,800. This will go into effect in July 2024 for persons dying after that date.
- HB 6835: Parents who experience a stillbirth (a fetal death occurring at 20 or more weeks gestation), with a fetal death certificate filed with Vital Records can request the \$2,500 personal income tax credit.
 - Vital Records is working on the certificate of fetal death module in EDRS. The system will offer the documents necessary for cremation or burial of fetuses less than 20 weeks, who do not meet the criteria for a fetal death certificate.

EDRS: In January 2024, out-of-state funeral directors, with Connecticut licenses, will have access to the EDRS system.

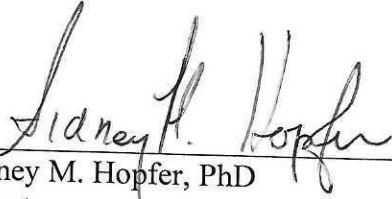
Alkaline Hydrolysis: Alkaline Hydrolysis is a form cremation where chemicals are used to dissolve the human remains. Statute states that a funeral director can use alkaline hydrolysis for cremations but doesn't address the necessary approvals/steps required for approval. DPH is proposing language that incorporates the disposition and the approval process.

Executive Session (3:15 pm): All attending members participated in the Executive Session. Dr. DeJoseph and Lincoln Dwayne Gordon were asked to attend and witness the discussions. Lincoln Dwayne Gordon was excused prior to the personnel discussions.

- Contract Updates
- Security Updates
- Personnel Matters

Adjournment:

There were no other matters to address. Followed by a motion to adjourn. The meeting adjourned at 4:21pm.



 Sidney M. Hopfer, PhD
 Secretary