

COMMISSION ON MEDICOLEGAL INVESTIGATIONS MEETING MINUTES

November 17, 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, November 17, 2023.

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

Also Present: James R. Gill, M.D., Chief Medical Examiner
Maura E. DeJoseph, D.O., Deputy Chief Medical Examiner
Lincoln Dwayne Gordon, OCME Administrator
Jody Terranova, D.O., Deputy Commissioner DPH

Absent: Holly Cuomo, Executive Secretary, CT OCME

Chairman Fernow called the meeting to order at 2:02 pm. This was a hybrid meeting as members who were unable to attend in-person were given a web-based link. All COMLI members were present for this meeting.

Commissioner Fernow recognized Dr. Juthani and Dr. Terranova as being new attendees / visitors at this meeting.

The Commission also recognized Jennifer Bourn as the newly appointed COMLI member representing the Connecticut Bar Association. Attorney Bourne is the Head of the Appellate Unit of the Public Defender's Office.

Jennifer Bourn took the Administrative Oath of Commissioners and was officially sworn into her position.

The minutes had been previously distributed for review. No additional corrections or changes were required, and the minutes were adopted.

Medical Examiner Summary:

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

Facility Updates: It was discussed that OCME has outgrown our facility, and this has been recognized and is being addressed. The COMLI was updated on the ongoing meetings between

DAS, OCME and the architecture firm. Updates will continue to be offered during subsequent meetings.

Fellowship Program: The two current forensic pathology fellows in our program are progressing well.

EDRS / Case Management System Interface / DCP: The COMLI and visitors were updated on the electronic death registry system (EDRS), and it was explained how OCME is in progress on an electronic interface to our Case Management system. An interface with the Department of Consumer Protection (DCP) Prescription Monitoring Program (PMP) is also in construction. This will allow significant benefits to the medical examiners investigating deaths and also to prescribing physicians, with the goal of future harm reduction.

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. Each doctor is projected to perform fewer than 325 autopsies, meeting the NAME absolute requirement. The per diem physicians have made a significant impact on the reduced number of autopsies per doctor. The turnaround time for case completion has become longer, but 90% are complete within 90 days and just under 90% within 60 days. Further discussion was had on this topic, with the concern that without the support of per diems, the Medical Examiners would be at risk of performing more than 325 autopsies each. It was explained that the Per Diems amount to nearly two full-time equivalents based on workload. This segued into a conversation on a workforce shortage. Dr. Sinard and Dr. Krinsky shared that there is an increase in the number of US Medical School graduates entering pathology and the fill rate for pathology residency has also increased and that there is a movement within the US to make it easier for foreign medical graduates to obtain Visas. This is important for growing a group who could select fellowship training in Forensics. The COMLI has asked to be informed of any possible hirings, at any time. The casework impact of the Fellows was also discussed, and it was clarified to the COMLI that the fellows are counted as 50% of a full-time Medical Examiner, although they will perform around 225 autopsies during their training year.

Scene Investigations: Investigator scene attendance was 98% in September and October.

Storage at Facility: We have 77 decedents stored at OCME, including 23 remains that have been onsite for over 30 days. We maintain one refrigerated trailer on-site; two previously leased trailers have been returned.

NAME Accreditation Review Outcome: OCME was granted a continuation of Provisional Accreditation by the National Association of Medical Examiners (NAME). Provisional status is due to two (2) Phase II deficiencies, which are both linked to deficiencies from our facility. Discussions were had on the methodology for determining inadequate / insufficient space. Dr. Gill explained that NAME uses professional standards from within the forensic community to make their determinations. Commissioner Pinzi asked for clarification on how NAME handles chronic deficiencies. Dr. Gill explained that we must demonstrate to NAME that the issues are being addressed, even if progress is slow. We are able to do that given the ongoing meetings regarding the facility expansion / renovation. Dr. Gill highlighted that our forensic accuracy is not deficient; all of the deficiencies are facility related. The importance of a well-built, up to date facility in recruitment efforts was also discussed. Applicants are looking for modern autopsy suites and CT scanners.

Fiscal Summary:

Lincoln Dwayne Gordon provided the fiscal update for OCME.

Agency Staffing: The most recent organization chart was provided. 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 is projecting a \$320,000 deficiency in personnel appropriation (PS). If OPM will consider releasing the budgetary holdback of \$400,000, then OCME will come out even. OPM will make this decision around April 2024.

ARPA: State agencies are in the second year of ARPA funding. In the ARPA line the surplus reflects funding that is not yet available to OCME, it is for the next fiscal year.

OD2A: DPH Overdose to Action (OD2A) grant funding has been extended, allowing OCME to fully utilize the award. The majority will be used for reimbursement for postmortem toxicology, and decedent transportation, and a small fraction on personal protective equipment.

Commissioner Fernow raised the question of what service expansion we may consider as we plan for an expansion of our facility. Dr. Gill suggested that an idea OCME may consider an expansion of service for DNA testing for genetic diseases to assist in cause of death determinations. Cost-benefit / volume assessment would be necessary before making any expansions.

Commissioner Juthani asked about the scope of toxicology testing. Dr. Gill explained that the testing is very comprehensive.

Commissioner Juthani also asked if our facility size would be adequate if the overdose deaths continue to decrease. Dr Gill explained that we have outgrown the facility regardless.

Revenue: A summary of revenue streams was reviewed. Most of the revenue collected and posted comes from cremation certificates, about \$900,000 fiscal year to date. OCME is projecting cremation review revenue to be \$3.3 – 3.5 million by the end of the fiscal year. The remaining revenue comes from record requests, histology, and photographs (about \$50,000 to \$60,000 per year). All revenue goes directly to the State General Fund.

Comparative Revenue: OCME provided the COMLI with a new graphic to demonstrate the trends in total cremations cross referenced with the number of those cremations that were paid electronically through EDRS vs. billed.

OCME Safety Committee / Other Topics: The curbing at the OCME parking lot / sidewalk will be repaired in the upcoming weeks.

Commissioner Pinzi offered positive feedback on the EDRS. One limitation being that some large medical groups and nursing homes are not yet on board. Beth Frugale explained that DPH is

continuing trainings and will begin specific trainings to Funeral Directors on starting a death record for deaths occurring outside of a medical setting.

Unclaimed Unidentified Remains: OCME proceeded to burial of seven individual remains this week. This effort was a collaborative effort with a cemetery (South End Burial Ground) and CT Funeral home (Carpino).

Agency Goals for Spending with Small Business (SBE) and Minority Businesses (MBE): OCME has notified DAS that we will be unable to meet the SBE and MBE goals that were established for OCME based on the Other Expenses (OE) appropriation. Mr. Gordon explained that the fraction of OE that should be set aside for SBE and MBE is taken from the entire appropriation and does not consider monies that are contractually obligated.

Account Receivables: The cremation billing reconciliation process has been completed for July through September. Of 7000 cremations, only 107 cases required further billing review. Of those most were easily resolved through a query in CaseManager. Several were cremations where the fee is waived (persons under 18 years at the time of death). The outstanding balances across funeral homes has greatly decreased as a result of the increased electronic payments through EDRS.

Lepow Fund: The Lepow Summary Sheet shows the steady balance with some accumulated interest. There is no expected usage of this fund.

Auditors of Public Accounts Report: The auditors had one finding regarding OCME handling funds. The finding was mitigated immediately with a change in process where deposits are being recorded in a spreadsheet since March 2023.

Other Conversations:

COMLI Officers: Tom Scanlon remains in contact with Commissioner Fernow. There are no names for the Law Professor appointee as of this time. They are considering whether a statutory change may be necessary to include academic attorneys that are not full professors.

Election of Officers: Election of Officers remains a standard agenda item. Commissioner Fernow confirmed that there was no interest in having a vote to change officers at this time. As previously determined, 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.

Format of COMLI Meetings: The format of COMLI meetings was discussed and three formats were offered (full virtual, hybrid (in-person and virtual option for those that cannot attend), and full in-person). A vote was taken and all COML members voted unanimously to utilize the hybrid format. There were no abstentions.

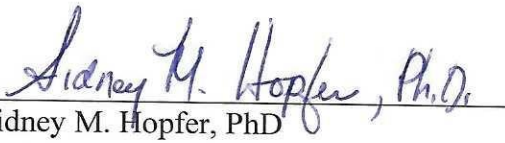
Meeting Dates for 2024: Commissioner Fernow reminded that statute requires only one meeting per year. The proposed five dates will be sufficient. A motion to adopt the meeting dates was made and a unanimous vote of all members resulted in the dates passing.

Executive Session (3:23 pm): All COMLI members participated in the Executive Session. Dr. DeJoseph was asked to attend and witness the discussions. Lincoln Dwayne Gordon was excused as was Deputy Commissioner Terranova. Commissioner Juthani had departed from the meeting at 3 pm.

- Personnel Matters
- No Votes were required.
- Return to Routine Meeting at 3:50 pm.

Adjournment:

There were no other matters to address. Followed by a motion to adjourn. The meeting adjourned at 3:52 pm.



Sidney M. Hopfer, PhD
Secretary