

Tennessee Medical Examiner Advisory Council
Friday, January 11, 2019, 12:00 P.M. – 1:43 P.M. CST

MEMBERS	REPRESENTATION	STATUS
Darinka Mileusnic, M.D., Ph.D.	Forensic Pathologist Forensic Center	Present
Bob Batson	Licensed Funeral Director	Present
Julia Goodin, M.D., M.P.A.	State Chief Medical Examiner	Not Present
Honorable Amy Weirich	District Attorney General	Not Present
Tony R. Emison, M.D.	County Medical Examiner (West TN)	Present
David Rausch	Director of the TBI	Present
Ed Miller, J.D.	District Public Defender	Not Present
Lorraine MacDonald, M.D.	County Medical Examiner (Middle TN)	Present
Benjamin Figura, Ph.D.	Admin Regional Forensic Center (West)	Telephonic
Matrina Schmidt, M.D.	Forensic Pathologist Forensic Center	Telephonic
Feng Li, M.D., Ph.D., J.D.	Forensic Pathologist Forensic Center	Not Present
James Metcalfe, M.D.	Forensic Pathologist Forensic Center	Present
Marco Ross, M.D.	Forensic Pathologist Forensic Center	Telephonic
David D. Darden, D.O., M.P.H.	County Medical Examiner (East TN)	Not Present
Mayor Jake Bynum	Weakley County Mayor	Telephonic
NON-MEMBERS	REPRESENTATION	STATUS
Adele Lewis, M.D.	Deputy State Chief Medical Examiner	Present
Margaret A. Hyder, M.A.	Deputy Director	Present
Denise Martin, M.C.J, J.D., ABMDI-D	State Medicolegal Death Investigator	Present
Lindsey Crim, M.C.J., ABMDI-F	State Medicolegal Death Investigator	Present
Wilson Koech, Epidemiologist	Epidemiologist	Present
GUESTS	REPRESENTATION	STATUS
Jim Farris	Forensic Medical	Present
Dewayne Johnson	Assistant Director of the TBI	Present
John Lott	Knox Regional Forensic Center	Telephonic
Amy Hawes, M.D.	Knox Regional Forensic Center	Telephonic
Yarnell Beatty, J.D.	TN Medical Association	Present
Liz Beatty	Citizen	Present
Nicole Ussery	Assistant to Rep Van Huss	Present
Patrick Powell	TN Dept. of Health	Present
Pam Beck	TBI	Present

The meeting was called to order at 12:02 P.M. on Friday, January 11, 2019 in Conference Room A, 5th Floor, Andrew Johnson Tower.

12:02 P.M. 1. Roll Call and Voting

Dr. Mileusnic welcomed the council and requested introductions from each member, their names and representations. All council members were present in-person or telephonic, except for Dr. Julia Goodin, Dr. Feng Li, General Weirich, Public Defender Ed Miller, Dr. David Darden and Mayor Bynum. Dr. MacDonald moved to approve the minutes from October 19, 2018, which were electronically distributed prior to the meeting, Bob Batson seconded the motion and the minutes were approved by unanimous vote of “Aye.” Dr. Mileusnic takes a moment to introduce Director Rausch and his guest Pam Beck.

12:08 P.M. **2. Old Business:**

Yarnell Beatty, Senior Vice President and General Counsel for the Tennessee Medical Association asked to address the Council regarding the July 13, 2018 meeting minutes as a private citizen. On page three of the minutes, bullet titled “Manner of Death” TBA Article: quote “Dr. Farris advised the council that the article is inaccurate and the forensic center did meet with the family.” Mr. Beatty advised the council that the forensic center did not meet with the family, and asked that the statement be stricken or amended. Mr. Beatty further told the council that there would be no article or law had the medical examiner in the case met with him and his wife as they requested. Again Mr. Beatty asked the statement to be stricken from the minutes, or in current minutes (1.11.19) say the family disagrees. Mrs. Beatty addressed the council and Dr. Farris, and advised she wanted to know why Dr. Farris said that. Dr. Farris agreed with Mr. and Mrs. Beatty and advised it was a misstatement, he was incorrect, and would like to leave it at that. Dr. Farris advised the council that Dr. Dennison did offer to meet with the family but it never happened. Mrs. Beatty referenced an email chain with Dr. Dennison that disputes that claim.

Dr. Mileusnic thanked Mr. and Mrs. Beatty for their attendance and agreed that it is important for the medical examiners to meet with families. Mr. Beatty thanked the council for allowing him to address the council, and again asked that this discussion be cross-referenced with the July minutes if they cannot be amended.

12:17 P.M. **3. TBA Article**

Dr. Mileusnic advised the council that an article written by Dr. Amy Hawes was recently submitted to the TBA was pertinent to the previous discussion. Dr. Mileusnic advised the article was distributed prior to the meeting and was also available at the meeting, and that it would be published in the TBA journal. Dr. Mileusnic advised the council that there are many references to the job of the medical examiner, and thanked Dr. Hawes for her work. Mr. Beatty advised the council he thought it was a good article. Dr. Mileusnic continued to assert that the article is very valid to what the medical examiner system does, and agreed that family input is very important. Dr. Mileusnic thanked Mr. Beatty for opening the door for more robust discussion.

12:20 P.M. **4. Annual Report**

Dr. Mileusnic advised the council of their statutory duty to produce an annual report to the health committees of the General Assembly. Dr. Mileusnic referenced a draft annual report that she would be sending out to the council very soon, and that the report referenced the positive work coming from the state office organizing education, and also the topics of discussion from prior meeting minutes such as succession planning and death certification.

- **Physicians Refusing to Certify Death Certificates:**

Dr. Mileusnic remarked on the ongoing issue regarding physicians refusing to certify death certificates and suggested a possibility of proposing fines. Dr. Mileusnic advised that Dr. Lewis has done a great job, but there is only one of her and too many doctors failing at their last act of patient care. Dr. Mileusnic advised that medical school trainees receive formal training on the importance of accurate, timely death certification.

- **Unclaimed Remains:**

Dr. Mileusnic asked the council their suggestions on eliminating the increasing burden of unclaimed remains, and suggested the possibility of changing the law by reducing the timeframe from 180 days to 30 days. Dr. MacDonald added that in Rutherford County, the

medical examiner is notified in cases of unclaimed bodies, which are then cremated at county expense. These so-called “free” cremations may be increasing the numbers of unclaimed bodies.. Dr. MacDonald agreed that the amount of time to hold unclaimed remains should be reduced. Mr. Lott advised that Knox Regional will hold unclaimed remains for 30 days and then they cremate the decedent. If family later comes forward, they charge a fee for the cremation and mausoleum. Mr. Batson asked the council if many people leave cremains unclaimed. Dr. Emison advised the council that he has a Court Order that cites a 30 day wait period, before he proceeds with cremation. Dr. Emison also advised that many people do not claim cremains.

- **TN Comptroller Report**

Dr. Mileusnic brought up the recent Comptroller report regarding the audit of the Department of Health and the Office of the State Chief Medical Examiner. Dr. Mileusnic cited the observation of non-compliance of county reporting, and the lack of a statewide data system.

- **Council Membership**

Dr. Mileusnic brought attention to the fact that by statute members of the council must be present for at least fifty percent of council meetings, unless they have given just cause. Dr. Mileusnic advised the council that Public Defender and District Attorney General have missed more than half of the meetings. Dr. Mileusnic suggested that legislative efforts of the council may be better received if members of the general assembly would attend the council meetings, or possibly add members of the general assembly to the council. Ms. Ussery advised the council that the general assembly changes every two years, and are extremely busy during session. Dr. Mileusnic asked Ms. Ussery if she had any recommendation, and Ms. Ussery advised that a delegate of the council should make themselves present to legislators.

- **Death Certification**

Dr. Emison advised the council that physicians must start certifying deaths that do not fall under medical examiner jurisdiction. Dr. Emison pointed out that all physicians have a license in Tennessee, and the license could require continued medical education for death certification. Dr. Lewis advised the council that medical examiners could file complaints with the boards, and she can provide the council the complaint form. Dr. Schmidt agreed that physicians are not completing final patient care, and suggested residency programs should have training on certifying deaths even when their nurse practitioner sees the patient. Dr. MacDonald suggested bringing something forward like a reduction in malpractice insurance premiums with CME regarding death certification. Dr. Mileusnic advised that proper death certification is dependent on funding.

1:14 P.M. **5. Election of Chair**

Dr. Mileusnic suggested to the council that a different member should be chair each year. Dr. MacDonald nominated Dr. Figura to be chair. Dr. Schmidt seconded the vote.

1:17 P.M. **6. State Medical Examiner Update**

Dr. Lewis presented an update on the work the state office had been involved with:

- The Mass Fatality Plan was posted on the state website.
- The State Medical Examiner Annual Report was completed and posted on the state website.

- The office hired an epidemiologist as part of the National Violent Death Reporting System (NVDRS).
- Enhanced State Opioid Overdose Surveillance (ESOOS) funds were used to reimburse forensic centers for opioid positive toxicology results.
- Cooperative Agreement Grant (CoAg) funds will be used to pay for suspected overdose autopsies ordered by fifteen counties with the lowest number of autopsies and highest number of overdoses and for toxicology reimbursement to forensic centers for opioid positive toxicology cases. The grant will also pay for 90 death investigation kits.
- VRISM – The electronic death registration system is now at a 3.2-day turnaround time, compared to the paper turnaround time of 10 to 15 days.

1:23 P.M. **7. NVDRS Presentation**

Epidemiologist Wilson Koech presented a brief overview of the NVDRS system to the council, and thanked them for their interest in accurate data. Director Rausch advised the TBI will work with OSCME to achieve the goal. Dr. Figura thanked Mr. Koech for his presentation.

1:38 P.M. **8. Election of Chair**

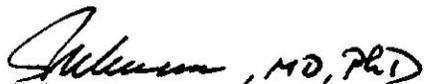
Mr. Batson advised the council that there was no vote on the new chair, just the motions, and suggested the council vote. The council voted unanimously for Dr. Figura to be the new chair. Mr. Batson also advised that the council must vote on Mr. Beatty's request regarding old business and prior minutes. Mr. Batson made the motion to cross reference the minutes, Dr. MacDonald seconded the motion, and the council unanimously approved the motion.

1:41 P.M. **9. Council Wrap-Up:**

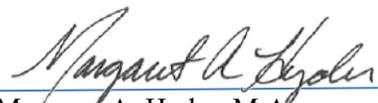
Dr. Figura set the future council meetings for 2019, listed below, and thanked Dr. Mileusnic for her service as the prior chair of the council.

- April 12, 2019 – 12:00 P.M. CST
- July 12, 2019 – 12:00 P.M. CST
- October 11, 2019 – 12:00 P.M. CST

Submitted by



Darinka Mileusnic, M.D., Ph.D.
Knox County Chief Medical Examiner
Chair, Medical Examiner Advisory Council



Margaret A. Hyder, M.A.
Deputy Director
Office of the State Chief Medical Examiner