

Tennessee Medical Examiner Advisory Council
Friday, October 11, 2019, 12:05 P.M. – 2:05 P.M. CST

| MEMBERS | REPRESENTATION | STATUS |
|-------------------------------------|---------------------------------------|---------------|
| Benjamin Figura, Ph.D. | Admin Regional Forensic Center (West) | Present |
| Bob Batson | Licensed Funeral Director | Present |
| Adele Lewis, M.D. | State Chief Medical Examiner | Present |
| Darinka Mileusnic, M.D., Ph.D. | Forensic Pathologist Forensic Center | Telephonic |
| Honorable Amy Weirich | District Attorney General | Not Present |
| Tony R. Emison, M.D. | County Medical Examiner (West TN) | Present |
| Josh Melton | TBI | Present |
| Ed Miller, J.D. | District Public Defender | Not Present |
| Lorraine MacDonald, M.D. | County Medical Examiner (Middle TN) | Present |
| Matrina Schmidt, M.D. | Forensic Pathologist Forensic Center | Telephonic |
| Feng Li, M.D., Ph.D., J.D. | Forensic Pathologist Forensic Center | 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) | Present |
| Mayor Jake Bynum | Weakley County Mayor | Telephonic |
| Joey Hensley, M.D. | Tennessee Senate | Telephonic |
| NON-MEMBERS | REPRESENTATION | STATUS |
| Margaret A. Hyder, M.A. | Deputy Director | Present |
| Denise Martin, M.C.J, J.D., ABMDI-D | State Medicolegal Death Investigator | Present |
| GUESTS | REPRESENTATION | STATUS |
| Amy Hawes, M.D. | Knox Regional Forensic Center | Telephonic |
| Will Denami | Hamilton County Lobbyist | Present |
| Joe Craig | TBI | Present |
| Jennifer Hall | TBI | Present |
| Mike Lyttle | TBI | Present |
| Trey Alderman | FBI | Telephonic |
| Richard Baer | FBI | Telephonic |
| James Doran | FBI | Telephonic |

The meeting was called to order at 12:05 P.M. on Friday, October 11, 2019 in Conference Room A, 5th Floor, Andrew Johnson Tower.

12:05 P.M. **1. Roll Call and Voting**

Dr. Figura welcomed the council and requested introductions from each member, their names and representations. All council members were present in-person or telephonic, except for General Weirich and Public Defender Ed Miller. Bob Batson moved to approve the minutes from July 12, 2019, which were electronically distributed prior to the meeting, Dr. Lewis seconded the motion and the minutes were approved by unanimous vote of “Aye.”

12:06 P.M. **2. OSCME Update:**

Dr. Figura asked Dr. Lewis if she would provide the council with an update. Dr. Lewis advised the council she had a presentation to go over all the projects the office is currently involved in.

- Justice Assistance Grant (JAG) Death Investigation Training – Death Investigation 101 – FY19-20 planned with first training at Montgomery Bell State Park. DI 101 recently

delivered to Sevier, McNairy, and Chester Counties, with requests for training from White, Putnam, and Moore Counties.

- Opioid Grant Funds – Many opioid grant funds have been obtained for the four forensic centers that contract with the state, though not all the funds are being claimed. The OSCME is awaiting invoices from the centers. CoAg grant was extended until November.
- TNVDRS – Four year grant. A new Epidemiologist, Molly Golladay, has been hired, and the office is in the process of hiring a third data abstractor.
- Case Management System – The office has suspended work with Quincy Tech, and is exploring other options, such as DIDI.
- Annual Report, MEAC report, Mass Fatality Plan, and Quarterly newsletter are all available online.

Dr. Mileusnic asked about interoperability of DIDI with their case management system, MDILog. Dr. Metcalfe advised that his office also uses MDILog. Dr. Li advised the council that DIDI was specifically developed for the state, and details needed to be worked out to accomplish what everyone wants. Dr. Mileusnic commented that DIDI is not modernized, or updated. Dr. Lewis advised that interoperability is a goal. Dr. Figura suggested DIDI could be upgraded with state funds, which Dr. Lewis agreed was the overarching goal.

12:33 P.M. **3. FBI – Prescription Opioid Overdose Deaths:**

Dr. Figura advised the council that a few members of the FBI had asked to address the council regarding their regional opioid taskforces in the state. Richard Baer, located in central Tennessee advised the council of their Appalachian Regional Prescription Taskforce, which encompassed ten judicial districts, the TBI, FBI, THP, and DEA. Mr. Baer advised that the taskforce had been working with Dr. Mileusnic. Mr. Baer advised the council that the FBI invites them to join their meetings, and provided the names and regions covered of agents across the state.

12:49 P.M. **4. Legislative Efforts:**

Dr. Li brought up the issues his forensic center has had obtaining mental health records, as it is a requirement of the Suicide Bill. Dr. Figura explained that Memphis has been able to avoid that issue. Dr. Li suggested legislation to help medical examiners attain mental health records. Dr. Lewis suggested the legislators on the council could help. Senator Hensley advised he would sponsor legislation to help. Dr. Metcalfe made a motion to pursue legislative efforts, seconded by Dr. Li, and the motion to pursue legislative efforts was approved by unanimous vote of “Aye.” Dr. Figura advised the council of the problems medical examiners face regarding the Anatomical Gift Act, and the fact that the state adopted the federal act without any changes. Dr. Mileusnic agreed that the law should be amended to allow the medical examiner to determine when donation is appropriate in a medical examiner case. Senator Hensley advised he could file a caption bill to amend the Anatomical Gift Act. Dr. Emison motioned for legislative efforts to amend the Anatomical Gift Act, Dr. Metcalfe seconded the motion, and the motion was approved by unanimous vote of “Aye.” Per agenda, Dr. Figura asked the council thoughts on syncing the postmortem act to remove deputy state chiefs. Dr. Lewis advised that if you open the postmortem act it is open for any amendments. The council unanimously agreed not to open the postmortem act. Dr. Figura asked if there were any other legislative concerns. Dr. Lewis advised of the possible reoccurrence of HB0163, a bill to only allow district attorneys to order autopsies. Dr. Metcalfe motioned that the council opposes HB0163, Senator Hensley seconded the motion, and the motion was approved by unanimous vote of “Aye.”

1:22 P.M. **5. Fact vs Expert Witness**

Dr. Figura advised the council that his office recently had an issue regarding a forensic pathologist's testimony as fact versus witness. Dr. Figura asked Dr. Ross to explain the occurrence to the council. Dr. Ross advised the council that throughout his employment in the state, regardless of office, the standard practice for cases undergoing civil litigation is for the forensic pathologist to testify as an expert witness, and receive compensation for the time to review the case. Dr. Ross further explained that recently one of their doctors, Dr. Curry, was involved in a civil case where during deposition the question arose of what was and was not expert testimony, which led to a motion to compel her as an expert for free, which the Judge viewed Dr. Curry as a public servant who should not require compensation. Dr. Ross advised the council that due to the time and effort required for civil cases, there should be compensation. Dr. Ross asked the council if any other offices have had any issues regarding testimony. Dr. Mileusnic advised the council that civil cases are for personal benefit, which does not involve public servants.

1:27 P.M. **6. TBI Toxicology**

Dr. Figura introduced the Assistant Director of Forensic Services for TBI, Mike Lyttle, and asked the council if any members had any questions for Mr. Lyttle. Dr. Lewis asked if TBI has expanded toxicology testing. Mr. Lyttle advised that they are testing for 6-MAM, but that it was harder to stay on top of the fentanyl types. Dr. Lewis asked the turnaround time for toxicology results. Mr. Lyttle advised that there is a 25-week turnaround time for toxicology. Dr. Darden asked if the length of time for results was due to a lack of funding. Mr. Lyttle advised funding is always helpful. Dr. Lewis advised it would be helpful for THP to stop taking heart blood. Dr. Figura commented on how helpful TBI has been with fingerprint identification. Mr. Lyttle thanked the council for their time.

1:36 P.M. **7. Regional Forensic Center (RFC) Updates**

Dr. Figura referred to the next item on the agenda regarding updates from the RFCs, and advised he would start with an update from Memphis. Dr. Figura told the council that the West TN Regional Forensic Center was awarded an NIJ grant opportunity for their fellowship program, with one position filled, and funds to start a second position. Dr. Figura also announced that their most recent fellow, Dr. Sago, passed his boards. Dr. Li advised the council that his office has a big issue regarding the size of the Davidson County forensic center. Dr. Li further mentioned the building was built twenty years ago, and has had no expansion regardless of the population growth. Dr. Metcalfe advised the council his office had their NAME inspection and they have had they will maintain their full NAME accreditation. Dr. Metcalfe also advised the council that his office was enjoying their digital x-ray, and thanked Ms. Hyder. Dr. Metcalfe also commended the VRISM staff for being very good and kind. Dr. Li advised the council that his office needs to hire someone to deal with VRISM. Dr. Mileusnic agreed that VRISM is cumbersome. Dr. Mileusnic advised the council that John Lott is no longer with Knox County Regional Forensic Center, and Morgan Maples is the new supervisor to the medicolegal death investigators. Dr. Schmidt advised the council the WLJFC will submit their NAME accreditation checklist items October 16th, and the inspection will be in December.

1:50 P.M. **8. Council Wrap-Up:**

Dr. Emison reiterated his concerns regarding legislative efforts previously discussed. Dr. Emison highlighted the lack of funding for small counties, the increased costs for the medical examiner system that have not existed before and the fact some of these laws are disregarding the medical

component of death. Dr. Emison explained he had met with county commissions and they always ask why the cost is increased. Dr. Mileusnic advised that the increased costs are coming from the bottom up, the families; taxpayers are the ones changing the laws increasing the costs. Dr. Mileusnic advised that if the lawmakers are not willing to pay for the increased costs, then they should not encourage these bills to be passed. Dr. Schmidt agreed that these laws being introduced and passed have been an attack on the medical examiner system. Dr. Lewis advised the council that the state chief office does spend an ample amount of time on the phones advocating for the small counties and the regional forensic centers. Dr. Schmidt agreed with Dr. Lewis and advised she was aware of the work of the state chief office. Senator Hensley advised the council that as a medical examiner in a small county, he was aware of the raising costs of ordering autopsies. Dr. Darden advised that Polk County pays for autopsies, but now his county has a deputy that wants to be a death investigator, but the sheriff cannot pay him to be a death investigator because he needs him to maintain his regular duties. The county will not fund another position for the sheriff to replace that position. Dr. Lewis advised Dr. Darden the requirements to be a death investigator. Dr. Darden reiterated the need for the county to fund a death investigator position. Dr. Emison asked Dr. Darden if the county had any plans after his retirement. Dr. Emison advised the council he had been talking to the county about their need to have a real line item for paying the next medical examiner. Dr. Lewis agreed succession planning is a serious problem. Dr. Figura advised the council that time was up, but he would cover a couple of issues quickly. Dr. Figura advised first that the MEAC report needed to be started, and a draft would be available at the next meeting, January 10, 2020. Dr. Lewis advised the council that all future meetings would be at Lentz Health Department. Dr. Figura advised the council will also need to think about electing a new chair and asked for any suggestions, which none were given. The meeting ended at 2:05 p.m.

Next Meeting:

- January 10, 2020 – 12:00 P.M. CST