

Tennessee Medical Examiner Advisory Council
Friday, October 19, 2018, 12:00 P.M. - 1:51 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
Dewayne Johnson	Assistant 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)	Present
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)	Present
Mayor Jake Bynum	Weakley County Mayor	Present
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
GUESTS	REPRESENTATION	STATUS
Jim Farris	Forensic Medical	Present
Emily Dennison, M.D.	Forensic Medical	Present
Griff Gleason	Forensic Medical	Present
Yarnell Beatty, J.D.	TN Medical Association	Present
Nicole Ussery	Assistant to Rep Van Huss	Present
Patrick Powell	TN Dept. of Health	Present
Todd Matthews	NamUs	Present

The meeting was called to order at 12:05 P.M. on Friday, October 19, 2018 in Conference Room A, 5th Floor, Andrew Johnson Tower.

12:05 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 and Public Defender Ed Miller. Dr. Mileusnic moved to approve the minutes from July 13, 2018, which were electronically distributed prior to the meeting, Bob Batson seconded the motion and the minutes were approved by unanimous vote of "Aye."

12:07 P.M. 2. State Medical Examiner Office Update:

Dr. Lewis gave a presentation to the council on the progress of the Office of the State Chief Medical Examiner (OSCME).

- The Mass Fatality Plan has been completed, and has been posted on the state website.
- One Justice Assistance Grant (JAG) training has occurred and an additional five events are scheduled, with training location, dates, and registration links on the state website and newsletter.
- 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. Toxicology reimbursement to forensic centers for opioid positive toxicology cases. The grant will pay for 90 death investigation kits.
- Sudden Death in the Young (SDY) grant sent or will send 24 medical examiners and investigators to the St. Louis Death Investigation Course.
- National Violent Death Reporting System (NVDRS). Tennessee is one of the ten remaining states that does not participate in NVDRS. The OSCME was recently awarded the NVDRS grant. The OSCME has hired two additional death investigators as data abstractors for the grant, and will hire an epidemiologist.
- Quincy Tech - The OSCME is currently working with the case management system vendor, Quincy Tech, on interoperability with other state and local systems.
- OSCME Annual Report - The OSCME is currently preparing the 2017 Annual Report for release.
- VRISM - The electronic death registration system is now at a 3.2-day turn around, compared to the paper turn around of 10 to 15 days.

12:11 P.M. **3. Open Discussion Following Update from OSCME:**

Dr. Darden asked if the state has done anything to track methadone, as other controlled substances are tracked on CSMD. Dr. Mileusnic and Dr. Lewis advised that federal law prohibits tracking methadone. Dr. Mileusnic asked if there is any educational campaign in the works for VRISM, citing an email received regarding issues Seymour Medical Center has had with VRISM. Dr. Lewis advised that she was aware of the issue, and has since had several discussions with the Summitt Medical Group compliance lawyer, and all issues have been fixed. Dr. Emison relayed his frustrations with physicians' inability to fill out death certificates on natural deaths, and wants the state to teach the physicians in residency. Dr. Mileusnic agreed that physicians need to know how to properly fill out death certificates, as it is their final act of patient care. Dr. Mileusnic inquired how NVDRS is moving along. Dr. Lewis advised that the OSCME is seeking help from TBI to ensure accurate data. Dewayne Johnson advised that they will help if they can.

12:25 P.M. **4. Legislative Concerns:**

Dr. Mileusnic suggested amendment to the Anatomical Gift Act, as Tennessee is one of very few states that adopted the act without any amendments. Dr. Mileusnic advised the council of the increase in issues medical examiners are having with donor services, sometimes resulting in no cause or manner of death. Dr. Mileusnic suggested families should be aware that the medical examiner might be unable to render a diagnosis after donation. Dr. Darden suggested instead of legislative change there could be a management-to-management agreement, not unlike a "gentleman's agreement." Dr. Mileusnic cited a recent case where the length of time the decedent was on life support for donor services resulted in an undetermined cause and manner of death. Dr. Mileusnic advised the council that it is time to update the legislation. Dr. Figura told the council

that his office would definitely support amending the law. Dr. Lewis suggested seeking support from attorneys general and law enforcement to put forth legislation. Dr. Mileusnic brought forth her concerns about privacy and autopsy reports. Last year when legislation was brought forward to make autopsy reports private the media opposed the legislation saying it would hide facts from the public. Dr. Mileusnic advised why she believes autopsy reports should be treated as medical records, as they contain information that could be recognized as personal health information of other people. Dr. Mileusnic cited a recent case in Knoxville regarding a boxing match where the media received the autopsy report before the family did. Dr. Mileusnic advised that Representative Smith would be willing to sponsor the legislation again; he would just need a senate sponsor. Dr. Mileusnic asked the council for feedback on making autopsy reports private. Dr. Emison advised he supports the idea. Dr. Darden referenced an anesthesiology group that hired a lobbyist to get legislation passed, and suggests the council hire a lobbyist, or find a good representative as a point person to work it through legislature. Dr. Lewis suggested adding a member of the general assembly to the council by amending the law. Dr. Darden advised that unions cement relationships, rollover prevents solid relationships. Dr. Mileusnic agreed it would be a good idea to add a member of the general assembly to the MEAC.

12:43 P.M. **5. Suicide Legislation:**

Dr. Mileusnic acknowledged Yarnell Beatty, and asks if he would like to address the council. Mr. Beatty advised he did not prepare any presentation, but would be happy to answer any questions. Dr. Darden advised he believes mental illnesses should be listed on death certificates when the manner of death is suicide. Mr. Beatty agreed and said the clause encourages, but does not require mental illnesses to be listed on the death certificate. Dr. Darden repeated that mental illnesses should be listed on death certificates. Mr. Beatty asked if accrediting body is the same as regulatory, does NAME have penalties if you change the manner of death. Dr. Mileusnic advised that there is no penalty, but that internal peer reviews are required. Dr. Mileusnic advised a letter was sent to the Bar Association in response to their article regarding manner of death, which explained the actual process medical examiners go through. Mr. Beatty suggested the state remove the statute of limitations from amending death certificates. Dr. Lewis advised there is no statute of limitations on death certificates. Dr. Mileusnic cited a death certificate she recently changed from the 1970s. Dr. Metcalfe asked Mr. Beatty if there are any upcoming proposed changes to the suicide legislation that the council should anticipate. Mr. Beatty advised that there will be no amendments coming from his family, nor will TMA bring any further legislation.

12:56 P.M. **6. Unclaimed Remains:**

Dr. Darden advised that unclaimed bodies are a huge problem. Dr. MacDonald concurred it is a big problem, and there is not enough room. Bob Batson advised that unclaimed remains may be disposed of after 90 days. Dr. Mileusnic advised that medical examiners do not want to be in the funeral home business. Dr. Emison said that he will hold a body for a month, and then he will get a court order to have the decedent cremated. Dr. Emison's county pays for the cremation, and then if the family wants the cremains they must pay the county the cost of the cremation. Bob Batson agreed that is a good system. Dr. Emison said he will send his court order template to the group.

1:07 P.M. **7. NamUs:**

Todd Matthews with NamUs asked to address the MEAC regarding recent legislation for NamUs and lack of compliance. Mr. Matthews told the council that even though legislation has passed, many rural agencies in Tennessee do not know NamUs exists. Mr. Matthews further addressed the

issue of lack of consequences for not following the new law. Mr. Matthew advised that currently the backlog in NamUs is due to Law Enforcement's lack of compliance. Dr. Mileusnic commented on a Missing Persons event in Knoxville, but nobody showed up. Mr. Matthews agreed, and said not enough media coverage, but sometimes the second year is most effective. Dr. Mileusnic clarified for the council that the remains and DNA are entered by forensic centers; it is the missing person data that is not being entered by law enforcement or families. Mr. Matthews reminded the council that there is a 30-day period for information to be put in NamUs. Mr. Matthews also advised that NamUs was mentioned in 700 articles last year, and yet still people do not know about it. Dr. Mileusnic agreed that the council will work to spread the word.

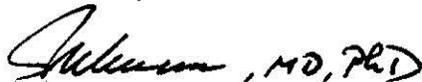
1:28 P.M. **8. Succession Plans:**

Dr. Lewis acknowledged that succession of medical examiners is going to be a problem. Mayor Bynum told the council of a time their medical examiner left town, and the doctor assigned as backup also left town. Dr. Mileusnic asked what the county did when that happened, and Mayor Bynum advised they called the state. Dr. Mileusnic asked Dr. Emison what their county will do when he retires. Dr. Emison instructed that he has a person but he will not do it without pay. Dr. Lewis opined this might be where the state ends up with regional state investigators, paid by the state, not medical examiners. Mayor Bynum recommended using development districts, not judicial. Dr. Emison advised funding should come from legislation, "If it's going to cost money, if the state won't pay we might as well not even be here." Dr. Mileusnic concurred that the state is constantly requesting data but the state does not want to pay for it. Dr. Emison agreed, "The state has not done any thing! Put it in the minutes! We are wasting our time with no money. The state won't pay for what the state needs." Dr. Mileusnic further commented on her disdain with the state omitting the council from discussions on the suicide bill. Dr. Lewis emphasized that the suicide bill did not originate from the state chief office, and their official position was neutral. Dr. Darden reiterated the earlier proposal to amend the MEAC code to add a member of the general assembly.

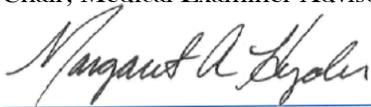
1:48 P.M. **9. Council Wrap-Up:**

Dr. Mileusnic advised the council that a new chair will need to be elected at the next meeting. Dr. Mileusnic suggested Dr. Figura consider being chair. The next meeting of the council was set for January 11, 2019 at 12:00 P.M.

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