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03-30-2018 Board of Medical Investigators State of New Mexico Meeting Minutes

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SCHOOL OF
MEDICINE

OFFICE OF
THE MEDICAL INVESTIGATOR

**NEW MEXICO BOARD OF MEDICAL INVESTIGATORS
MINUTES OF MEETING- March 30, 2018**

NM Office of the Medical Investigator
The University of New Mexico Health Sciences Center
Albuquerque, New Mexico

PRESENT:

Lynn Gallagher Cabinet Secretary, New Mexico Department of Health
Board Chair
Paul Roth, MD Chancellor of HSC, Dean School of Medicine
Board Vice Chair
Pete Kassetas Chief, New Mexico State Police
Board Secretary
David Houston Chairman of the Board of Thanatopractice
Professional Member

ABSENT:

Suzette Shije Acting Cabinet Secretary, New Mexico Department of Indian Affairs
Professional Member

GUESTS:

Kurt B. Nolte, MD Chief Medical Investigator, NM OMI
Douglas Clark, MD Chairperson, Dept. of Pathology, UNM
Scott Sauder University Counsel, UNM
Lori Proe, DO Medical Investigator, NM OMI
Amy Wyman Supervisor of Field Investigations, NM OMI
Thu Luu Accounting Manager, NM OMI
Anthony Cervantes Unit Administrator, NM OMI
Mary Farias Sr. Employee & Org Devt. Conslt., EOD, UNM

1. CALL TO ORDER AND CONFIRMATION OF QUORUM

Secretary Gallagher called the meeting to order at 3:00 P.M.

2. ADOPTION OF THE AGENDA (action item)

The **MOTION** to adopt the agenda **PASSED** unanimously
(**MOTION** Houston; 2nd Kassetas)

3. APPROVAL OF MINUTES (action item)

Dr. Roth **MOVED** to approve December 13, 2017 general meeting minutes, Mr. Houston **SECONDED** the motion. Motion **CARRIED**.

4. ANNUAL DETERMINATION OF REASONABLE NOTICE OF MEETINGS (action item)

The Open Meetings Act states that a public body may review their Policy on Public Notice and Open Nature of Meetings to determine reasonable notice. The following was presented to the board for amendment to the current Policy on Public Notice of Meetings of the Board of Medical Investigators of the NM Office of the Medical Investigator.

- a) Notice of each regular meeting will be given at least ten (10) days prior to the meeting and the written notice will be placed on the OMI's public website <https://omi.unm.edu/>
- b) Notice of each special meeting will be given at least seventy-two (72) hours prior to the meeting and the written notice will be placed on the OMI's public website <https://omi.unm.edu/>
- c) Notice of each emergency meeting will be given at least twenty-four (24) hours prior to the meeting or by such other notice as soon as possible and as may be practicable under the circumstances.
- d) Report to the New Mexico Attorney General within five (5) days of taking action on an emergency matter, the Board shall report to the New Mexico Attorney General's Office the action taken and the circumstances creating the emergency.
- e) A copy of the agenda for each regular and special meeting of the board will be available and posted onto the OMI website as least seventy-two (72) hours prior to the meeting (and the notice of the regular or special meeting shall so state as provided in Sections 2b and/or 3b, respectively) at the HSC PAO and at such other locations chosen by the Chief Medical Investigator, and will be placed on the public <https://omi.unm.edu/> website. Except for emergency matters, the Board shall take action only on items appearing on the agenda. The intent to close a regular or special meeting and the subject matter involved shall be included in the agenda.
- f) Audio tapes recordings of the Board's meetings shall be retained, at minimum, for three (3) years.

The board was asked to review the Resolutions Adopting Board of Medical Investigators Policy on Public Notice and Open Nature of Meetings of the Board of Medical Investigators; a copy of which is attached to the resolutions as Exhibit A.

Dr. Roth **MOVED** to approve the Resolution adopting the Board of Medical Investigators Policy on Public Notice. Chief Kassetas **SECONDED** the motion. Motion **APPROVED**.

5. FACULTY TRANSITIONS (information item)

- Dr. Ross Zumwalt will be retiring from the OMI and UNM Dept. of Pathology after 31 years of service. Dr. Zumwalt will remain a working retiree at 25%
- Dr. Veena Singh will be moving to Anoka County Medical Examiner's Office, Minnesota.
- Dr. Lauren Decker will replace Dr. Singh. Dr. Decker completed her pathology residency and forensic pathology fellowship at UNM and OMI, and will start on August 27, 2018.

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- Dr. Heather Jarrell, OMI Forensic Pathologist and Neuropathologist, is away on maternity leave, and will return working 60% time.
- Dr. Ian Paul who is currently 60% time will be working 70% time.

6. NON-AUTOPSY MORPHOLOGY FEE (action item)

The Non-autopsy morphology fee has been in existence for many years and for reasons unknown, has been left off the OMI service fee schedule. The fee has also been part of UNMH and SRMC contracts for many years, but has never come before the board. The fee is for \$540 including records review, generation of death certificate and up to 10 days of body storage.

Secretary Gallagher asked for confirmation that the board understands that this is a current fee that is already in existence. There was no discussion. Mr. Houston **MOTIONED** to accept the morphology fee as presented. Chief Kassetas **SECONDED** the motion. Motion **CARRIED**.

7. LEGISLATIVE UPDATE (information item)

FY18 Recurring general fund appropriation \$4,707,200

a) Appropriations:

The 2018 New Mexico Legislature made the following appropriation for FY19.

- FY19 State funding for salary and fringe increase- ESTIMATE \$106,200
- FY19 Recurring program change \$500,000

Total general fund recurring appropriation \$5,313,400

- FY19 Special nonrecurring appropriation \$475,000
(will be used for the upgrade to the MRI scanner)

b) HM 97 Grief Services (information item)

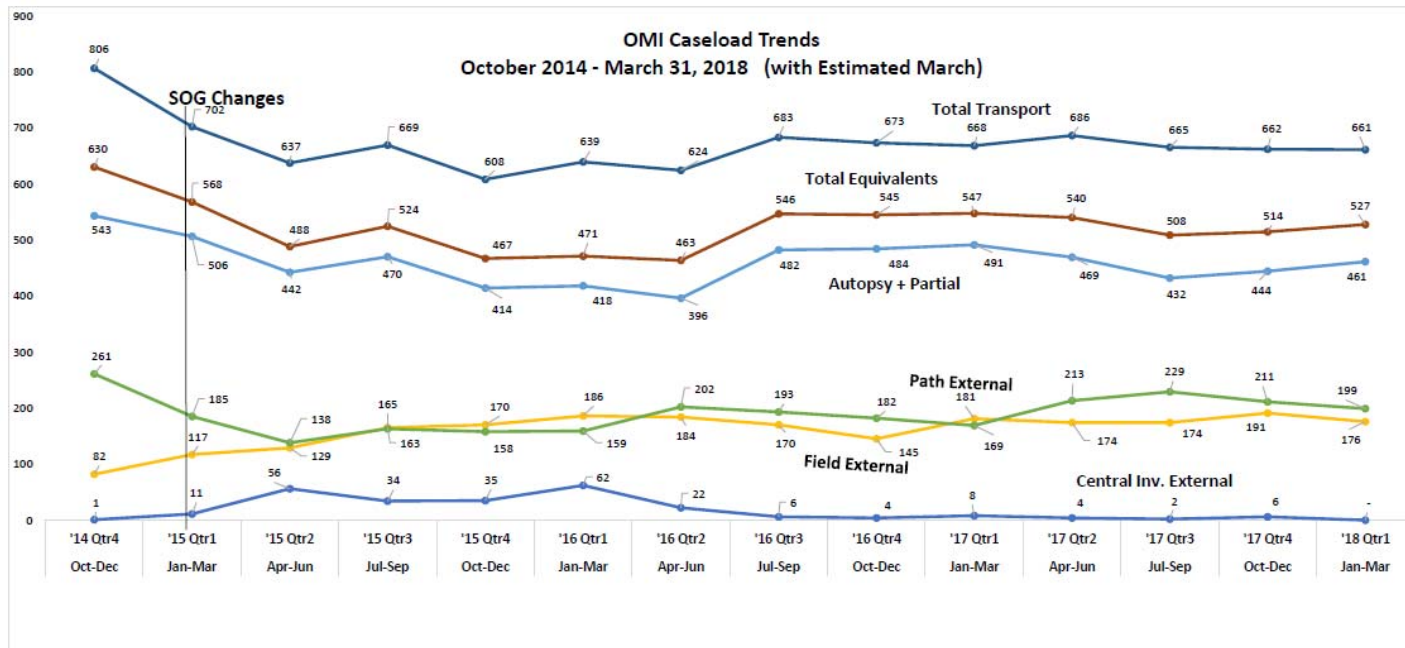
The NM Office of the Medical Investigator will work with The Grief Resource Center to develop a financial and care proposal that includes criteria necessary to meet the grief counseling needs for citizens of New Mexico. The Grief Resource Center is a non-profit organization created by French Funeral Home.

8. BUDGET UPDATE (information item)

Dr. Nolte identified items in the board packet and gave an update about the OMI budget.

Documents presented:

- Baseline data: Caseload trends Oct. 2014 – March 2018
- FY18 Income Statement Projection 7/1/17 – 6/30/18
- FY19 Income Statement Projection (full professor position for full yr.) 7/1/18 – 6/30/19
- FY19 Income Statement Projection (full professor position for half yr.) 7/1/18 – 6/30/19
- FY20 Income Statement Projection 7/1/19 – 6/30/20



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OMI FY18 Income Statement Projection		7/1/17 - 6/30/18
Revenue		
Operating Revenue		
University Hospital Revenue Gen		\$638,855
Sandoval Regional MC Revenue Gen		\$28,764
Other Revenue Services		\$3,393,383
Non-operating Revenue		
State Appropriation		\$4,707,200
Intra University Activities		
Transfer & Allocation		\$278,177
Total Revenue		<u>\$9,046,379</u>
Expenses		
Salary & Fringe		\$5,579,589
Body Transportation		\$938,483
Utilities & Plant Maintenance (SLD, Security, Kone Elevator, Pest Control, Repairs		\$606,938
Equipment Warranties (Philips Med System, Siemens)		\$233,994
Services (J&J, Janitorial, Waste Destruction, Malpractice, Tricare, Siemen Upgrade ..)		\$433,859
Patient Care Expenses		\$226,949
NMS - Toxicology (\$86,491 Offset by Grants)		\$153,099
Other Expenses (Appropriation's Overhead Charge, Supplies, Computers, Travels, Pc		\$686,054
FY18 Remaining Debt		\$48,000
Total Expenses		<u>\$8,906,965</u>
Projected Net		\$139,414
Reserves from FY17 (Debt)		(\$1,031,758)
Total FY18 Projected Net		(\$892,344)

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OMI FY19 Income Statement Projection		7/1/18 - 6/30/19
Revenue		
Operating Revenue		
University Hospital Revenue Gen		\$644,015
Sandoval Regional MC Revenue Gen		\$31,264
Other Revenue Services		\$3,508,064
Non-operating Revenue		
Recurring - State Appropriation with Add't Increase of \$500K PI and \$106K Special Program		\$5,313,400
Intra University Activities		
Fund Transfer to CFI		(\$5,000)
Transfer & Allocation		\$202,383
Total Revenue		\$9,694,126
Expenses		
Salary & Fringe		\$6,135,204
Body Transportation		\$668,637
Utilities & Plant Maintenance (BLD, Security, Kone Elevator, Pest Control, Repairs)		\$625,146
Equipment Warranties (Phillips Med System, Siemens)		\$241,014
Services (J&J, Janitorial, Waste Destruction, Malpractice, Tricare, Siemen Upgrade ...)		\$511,135
Patient Care Expenses		\$233,757
NMS - Toxicology (\$90,132 offset by Grants)		\$154,068
Other EXPENSES (Appropriation's Overhead Charge, Supplies, Computers, Travels, Pk FY19 Debt Payment		\$651,895
		\$140,000
Total Expenses		\$9,658,657
Projected Net		\$35,470
Estimated FY18 Reserves		(\$914,544)
Total FY19 Projected Net		(\$879,074)
FY19 Projected with:		
Faculty raise as per Dept of Pathology to 25th percentile, Staff - 1% raise		
3 Fellows & 1 Resident		
Dr. Jarrell 60% FTE (9% Path, 31% OMI, 20% NIJ)		
Dr. Edgar's 50% FTE salary + fringe		
Dr. Zumwalt 25% FTE		
Dr. Paul's FTE increase by Add't 10%, or 70% FTE		
New Hire Full Professor \$254K plus fringe (Full Year - estimated start date July 2018)		
Dr. Decker on board 8/29 - July plus 20 days in Aug salary Saving		
Dr. Singh off budget		
Security \$79K salary + fringe		
1 Administrative Assistant \$50K		
1 Morphology Technician \$47K		
1 Central Office Investigator \$55K		
On-Call Field Deputy Investigators Salary Increase \$15K		
Histology Labeler \$50K		
Service Contracts \$38K		
Contract Grief Counselors \$20K		
Obsolete Computer Workstations Replacement \$10K		
Plant Fund Balance		\$354,552
Estimated CMS Total Costs to be Paid Out Of:		
Vital Records Vital Statistics - CMS		\$88,200
SW Border HIDTA - CMS		\$125,000
Plant Fund - CMS		\$100,000
Total CMS		\$313,200

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OMI FY19 Income Statement Projection		7/1/18 - 6/30/19
Revenue		
Operating Revenue		
University Hospital Revenue Gen		\$644,015
Sandoval Regional MC Revenue Gen		\$31,284
Other Revenue Services		\$3,508,064
Non-operating Revenue		
Recurring - State Appropriation with Add't Increase of \$500K PI and \$100K Special Program		\$5,313,400
Intra University Activities		
Fund Transfer to CFI		(\$5,000)
Transfer & Allocation		\$202,383
Total Revenue		\$9,694,126
Expenses		
Salary & Fringe		\$5,991,098
Body Transportation		\$966,637
Utilities & Plant Maintenance (BLD, Security, Kone Elevator, Pest Control, Repairs)		\$625,146
Equipment Warranties (Phillips Med System, Siemens)		\$241,014
Services (J&J, Janitorial, Waste Destruction, Malpractice, Tricore, Siemen Upgrade ..)		\$511,135
Patient Care Expenses		\$233,757
NMS - Toxicology (\$90,132 offset by Grants)		\$154,068
Other Expenses (Appropriation's Overhead Charge, Supplies, Computers, Travels, Pc)		\$651,895
FY19 Debt Payment		\$140,000
Total Expenses		\$9,514,550
Projected Net		\$179,576
Estimated FY18 Reserves		(\$914,544)
Total FY19 Projected Net		(\$734,968)
FY19 Projected with:		
Faculty raise as per Dept of Pathology to 25th percentile, Staff - 1% raise		
3 Fellows & 1 Resident		
Dr. Jarrell 60% FTE (9% Path, 31% OMI, 20% NIJ)		
Dr. Edgar's 50% FTE salary + fringe		
Dr. Zumwalt 25% FTE		
Dr. Paul's FTE increase by Add't 10%, or 70% FTE		
New Hire Full Professor \$254K plus fringe (Half year - estimated start date Jan 2019)		
Dr. Decker on board 8/29 - July plus 20 days in Aug salary Saving		
Dr. Singh off budget		
Security \$79K salary + fringe		
1 Administrative Assistant \$50K		
1 Morphology Technician \$47K		
1 Central Office Investigator \$55K		
On-Call Field Deputy Investigators Salary Increase \$15K		
Histology Labeler \$50K		
Service Contracts \$38K		
Contract Grief Counselors \$20K		
Obsolete Computer Workstations Replacement \$10K		
Plant Fund Balance		\$354,552
Estimated CMS Total Costs to be Paid Out Of:		
Vital Records Vital Statistics - CMS		\$88,200
SW Border HIDTA - CMS		\$125,000
Plant Fund - CMS		\$100,000
Total CMS		\$313,200

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OMI FY20 Income Statement Projection		7/1/19 - 6/30/20
Revenue		
Operating Revenue		
University Hospital Revenue Gen		\$858,000
Sandoval Regional MC Revenue Gen		\$33,500
Other Revenue Services		\$3,581,398
Non-operating Revenue		
State Appropriation Plus Recurring \$500K & \$108K		\$5,313,400
Intra University Activities		
Transfer & Allocation		\$203,078
Total Revenue		\$9,787,376
Expenses		
Salary & Fringe		\$8,441,714
Body Transportation		\$995,636
Utilities & Plant Maintenance (BLD, Security, Kone Elevator, Pest Control, Repairs)		\$843,900
Equipment Warranties (Phillips Med System, Siemens)		\$248,244
Services (J&J, Janitorial, Waste Destruction, Malpractice, Tricare, Siemen Upgrade ..)		\$494,444
Patient Care Expenses		\$240,770
NMS - Toxicology		\$250,000
Other Expenses (Appropriation's Overhead Charge, Supplies, Computers, Travels, Pc)		\$615,929
FY19 Debt Payment		\$140,000
Total Expenses		\$10,070,637
Projected Net		(\$283,261)
Estimated FY19 Reserves		(\$724,968)
Total FY20 Projected Net		(\$1,008,229)

FY20 Projected with:

3% Fee Increase

Unknown Faculty & Staff Raises at this time

4 Fellows & 1 Resident

Dr. Jarrell 80% FTE (9% Path, 31% OMI, 20% NIJ)

Dr. Edgar's 50% FTE salary + fringe

Security \$79K salary + fringe

Dr. Zumwalt 25% FTE

Dr. Kastenbaum & Dr. Proe - Associate Professor

Dr. Paul's 0.70 FTE - Full Professor

Continue FY19 New Hire Full Professor Assuming Start date January 2019

Continue FY19 1 FTE Administrative Assistant

Continue FY19 1 FTE Morphology Technician

Continue FY19 1 FTE Central Office Investigator

Continue FY19 Service Contracts \$37K

Assume No Tax funding

9. COMPUTED TOMOGRAPHY (CT) SCANNER STATUS UPDATE (Information item)

The OMI CT scanner works ten times as hard as a clinical hospital scanner, and is failing. There are no resources to replace the failing scanner. A replacement scanner will cost \$1,500,000. If the CT scanner fails, a portable scanner could cost the OMI up to \$25,000 a month. It was recommended that the Image Reconstructive System (IRS) in the scanner be replaced. Only a Phillips IRS works with the OMI Phillips Scanner. Three years ago, the OMI successfully wrote a grant to fund a new IRS that would cost \$50,000. A Phillips factory closed causing a delay and they were unable to honor the request for the replacement IRS, and funding was lost. Today a replacement IRS will cost \$120,000. Because the Phillips delay caused the OMI to lose the grant funding, the OMI has been working with UNM purchasing, who is working with Phillips to negotiate a replacement IRS at a reduced cost of \$50,000. Phillips agreed to replace the IRS at a reduced cost of \$45,000. The OMI will move ahead to purchase the IRS for \$75,000. Replacing the IRS is a temporizing measure only. The OMI still needs a new CT scanner. It should be noted that the OMI is listed for a replacement scanner on the UNM Regents capital requests for next year.

10. STRATEGIC PLAN (action item)

Mary Farias is with UNM Employee Organizational Development and was asked to help facilitate the discussion process for the strategic plan. OMI Faculty and staff supervisors initiated a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis to develop a draft strategic plan. Faculty and staff leaders have been divided into four groups. Subgroups met at least twice to discuss the SWOT analysis for their area. In February, Mary and all four groups met together multiple times to discuss the draft strategic plan. The draft was given to Dr. Nolte for review. Group leads, along with Mary Farias met with Dr. Nolte for further discussion/edits and consensus.

- Administration- Group lead: Yvonne Villalobos
- Clinical- Group lead: Dr. Cline-Parhamovich
- Education- Group lead: Dr. Ian Paul
- Research- Group lead: Dr. Sarah Lathrop

The strategic plan was framed in three years. The board was asked to review the draft strategic plan prior to this board meeting. If approved by the Board, Dr. Nolte and all four group leads will meet with Mary Farias and Jillian Gonzales of UNM EOD to develop a process to implement the strategic plan.

Chief Kassetas **MOTIONED** to approve the strategic plan of the OMI.
Dr. Roth **SECONDED**. Motion **APPROVED**.

11. NIOSH REPORT (information item)

Dr. Nolte reached out to National Institute of Occupational Safety and Health (NIOSH) for a health hazard evaluation for the NM OMI. The request concerned possible exposure to fentanyl

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and its analogues among OMI Investigators and Morphology tech. NIOSH spoke with UNM staff, union representatives, faculty epidemiologist, human resources and the OMI director of operations. They also reviewed OMI standard operating procedures and policies, and occupational injuries. Dr. Nolte presented the NIOSH report to the board which included their conclusions and recommendations. Staff leaders met to discuss how they will address the recommendations from the NIOSH report. Amy Wyman, Supervisor of Field Investigations gave an update to the board. The recommendations will be addressed through the following:

- Updated procedures
 - Hazards encountered on scene; illicit drugs; firearms; explosives; difficult terrains
 - Decedents in the autopsy suite with fentanyl on the body
- Training
 - Medical clearance with UNM employee health
 - Fit testing with UNM Safety and Risk for respirators
 - Training provided via OMI ECHO
- New equipment
 - Upgraded P100 face masks to field investigators

12. PUBLIC COMMENT

No Public Comment

VOTE TO CLOSE GENERAL MEETING AND PROCEED IN EXECUTIVE SESSION

Chief Kassetas **MOVED** to close the general meeting and proceed to executive session (**SECONNED** Houston) **PASSED** by unanimous approval. Let the record show that the Board entered Executive Session at 4:11 P.M. and the recorder was turned off.

13. The VOTE to re-open the general meeting PASSED unanimously.

The meeting re-opened at 5:41 P.M. Certification that only the matters described in the executive session agenda were discussed during closed session and there was no formal action taken upon the two items.

14. ADJOURNMENT

FIRST; Kassetas, **SECONNED**; Houston. The meeting **ADJOURNED** at 5:42 P.M.