

## BUSINESS MEETING

8:00 AM – 12:00 PM Monday, September 22, 2014

Portland Marriott Downtown Waterfront, Portland, Oregon

Salons A-E, Lower Level 1

I. A moment of silence was held for:

- a. Robert M. Brissie, M.D. – Birmingham, Alabama
- b. Byron Gilliam “Gil” Brogdon, M.D. – Mobile, Alabama
- c. Phillip M. Burch, M.D. – St. Louis, Missouri
- d. John E. Pless, M.D. – Indianapolis, Indiana

II. Approval of Minutes, 2013 Annual Business Meeting

- a. A motion was made and approved to accept the 2013 Annual Business Meeting Minutes

III. Action Items of the Board of Directors Meeting, September 19, 2014

- a. A motion was made and unanimously approved to accept the 2014 Interim Board of Directors Meeting Minutes held in Seattle, Washington.
- b. A motion was made and approved to continue with Academic Forensic Pathology (AFP) as the official Journal of NAME for 4 years. This was approved for all members and affiliates in electronic only.
- c. A motion was made and approved to accept the following position paper “Medical Examiner Release of Organs and Tissues for Transplantation”
- d. A motion was made and approved to accept the following position statement: “Death certification is a process that integrates clinical, circumstantial and death scene information, autopsy findings, and other laboratory findings. It is the position of NAME that death certification is the practice of medicine and as such should be performed only by licensed physicians. Specifically, it is the position of NAME that the forensic pathologist directing a medicolegal death investigation should be responsible for determining the cause and manner of death for that case and recording the findings on the death certificate.”
- e. A motion was made and approved to accept the following position statement: “The National Association of Medical Examiners autopsy standards have been approved by and represent the consensus of the professional community. NAME does not recognize any other forensic autopsy standards.”

IV. Secretary-Treasurer’s Report

- a. Snapshot of Accounts of NAME as of September 3, 2014:
- b. Bank of America checking/operating account: \$401,808.03 (+110K as of 9/13; +181K 2012)
- c. Edward Jones Reserve Account: \$657,469.75 (+100K as of 9/13 from VM)
- d. Vanguard Mutual Fund: \$129,627.24 ( \$146K as of 9/13)

V. Bylaws Committee

- a. The Following Amendment Failed

Proposed Amendment 1:

Add as a Preamble to the Bylaws the following:

### PREAMBLE

The specific purposes for which the National Association of Medical Examiners is organized are as follows:

To provide a professional organization for medical examiners, being those physicians who investigate sudden, violent and suspicious deaths and perform autopsies in connection therewith, as well as for those

physicians who investigate such deaths but do not perform autopsies; to obtain and participate in educational, research and professional development activities and literature; for the discussion of administrative, career and financial problems affecting the ability of medical examiners to carry out their professional duties without offering opinions regarding specific death investigations or trials to third parties except as required by the National Association of Medical Examiners or the committees thereof to carry out their respective functions; to promote the exchange of professional experiences so as to promote the betterment of the overall profession; to develop consensus professional standards and guidelines; to promote the recognition, value and confidence in the medical examiner system and medicolegal death investigation to the families, the justice system, public health agencies, governmental officials, the medical community and the public; to promote excellence in medicolegal death investigation; to promote the highest practice of medical professional and ethical conduct; to provide professional education and training to the membership; to promote forensic pathology as a career choice for physicians and to encourage diversity within the profession; to act as a clearinghouse of relevant scientific information and administrative procedures and policy matters; to assist and support the membership of the National Association of Medical Examiners; to act as a representative and voice for death investigators and administrative partners in the medical examiner community; to provide leadership and advocacy for the medical examiner, medicolegal death investigator, and medical examiner administrator professions; and to encourage research in forensic medicine.

b. The Following Amendments Failed

Proposed Amendments 2A & 2B:

ARTICLE III, Section 2, Number and Qualification:

Proposed Amendment 2A:

ARTICLE III

BOARD OF DIRECTORS

Section 2. Number and Qualification.

The number of voting Directors of the Association shall be twenty-seven (27) or such other number, but not fewer than three (3), as may be designated from time-to-time by amendment to these By-Laws. The Board of Directors shall be comprised of the Officers elected from time-to-time pursuant to Article V, Section I of these By-Laws, who shall serve ex officio with full voting privileges; the immediate past President, who shall also be the Chairperson of the Board of Directors; twenty-one (21) Fellows (with the allowance that no more than two (2) Members may be elected to any of the Director positions allotted for Fellows); and two Affiliates from either the Investigator Affiliate or Administrator Affiliate categories one (1) Investigator Affiliate; and one (1) Administrator Affiliate. The Chairperson of the National Association of Medical Examiners Foundation shall serve as a non-voting ex-officio member of the Board. All other members of the Board of Directors, including those members who are Members and Affiliate Members, shall be entitled to one vote for each matter presented for consideration. A member of the Association must have been in good standing with the Association for a minimum of five (5) years in order to be eligible to be a member of the Board of Directors. Additionally, in order to be eligible to be a member of the Board of Directors, Fellow and Member candidates must attend not less than one-half (1/2) of the annual and special meetings of the members during the five (5) year period prior to being elected to the Board of Directors, and Affiliate Members must either present a paper or poster at a meeting or participate as a member of a committee of the Association during the preceding five (5) years. Failure to attend at least one-half (1/2) of the annual and special meetings after election shall cause such Director to be ineligible for re-election and may, except for good cause shown, subject such Director to suspension from the Board.

Proposed Amendment 2B:

In the final two sentences of this subsection:

...Fellow candidates must attend not less than one-half (1/2) of the annual and special meetings of the members and participate as a member of a committee of the Association during the five (5) year period prior to being elected to the Board of Directors, and Affiliate Members must either present a paper or poster at a meeting or participate as a member of a committee of the Association during the preceding five (5) years. Failure to attend at least 50% 70% of the annual and special meetings after election shall cause such Director to be ineligible for re-election and may, except for good cause shown, subject such Director to suspension from the Board.

c. The following proposed amendment failed

Proposed Amendment 3: Requires a 2/3 majority vote to pass a bylaw amendment.

Add ARTICLE IV, Section 12, Organ and Tissue Procurement Committee.

The Organ and Tissue Procurement Committee shall serve as the primary interface between the Association and organ and tissue procurement organizations and the transplantation community, and shall advise the Executive Committee on such matters. It may advocate for the Association on issues relative to organ and tissue procurement, and serve as a resource for organ and tissue procurement policies and procedures. It may prepare potential publications regarding organ and tissue procurement in forensic cases, subject to established review procedures for publications by the Association.

d. The following proposed amendment failed.

Proposed Amendment 4:

ARTICLE II, Section B., Voting, Subsection 3:

B. Members and Resident Members.

Members and Resident Members shall be entitled to vote for Officers, members of the Board of Directors, and on such other matters as may be determined from time-to-time by a two-thirds (2/3) vote of the Board of Directors. Voting may be restricted to a selected subset of membership categories. If an issue arises at a membership meeting that requires a vote and the Board of Directors has not previously decided upon which categories of Members and Resident Members may participate, the members of the Board of Directors in attendance must convene prior to the vote to determine which membership categories may vote on such issue.

Rationale: The current Bylaws grant AP/CP residents equal voting privileges with non-Board-certified practicing pathologist/medical examiners, and with FP fellows in training. Given the first stated purpose of the Association as being a professional organization for medical examiners, it does not make sense that general pathology residents have rights equal to practicing medical examiners. Resident Members also have free membership; voting privileges should be accorded to paying members and Emeritus Members.

Recommendation of the Committee: The majority of the Bylaws Committee supports this amendment to rescind voting privileges for AP/CP residents. The minority opinion was to retain voting rights for residents, in part because other professional organizations grant them voting rights, and in part because NAME is coming up for its 5-year review to retain its seat in the AMA House of Delegates, which requires

a certain percentage of AMA members. Analysis of the NAME membership statistics indicates that granting voting rights to residents will not change the status of NAME regarding AMA membership.

e. The following proposed amendment passed

Proposed Amendment 5:

ARTICLE X, Section 7, Expulsion of Members:

Members who have been expelled from membership for violations of law may apply to the Board of Directors for reinstatement if the member is found not guilty of the offense, if the conviction is overturned or expunged, or if the member is pardoned for the offense. Members who have been expelled from membership for reasons other than violations of law may apply to the Board of Directors for reinstatement if the basis for expulsion can be shown to have been materially inaccurate, or if probative new information is produced that was not available at the initial Ethics Committee hearing that resulted in expulsion. The Board of Directors may forward the request for reinstatement to the Ethics Committee and/or the Membership and Credentials Committee for further review and recommendation. The expelled member may be reinstated to membership upon a vote of three-fourths (3/4) of the members of the Board of Directors present and voting. An expelled member shall not be required to pay dues during the period of expulsion. If reinstated, the required dues payment shall be the annual dues less the prorated amount for the period of expulsion. The reinstated member will resume the same level of membership as at the time of expulsion.

Rationale: The Bylaws Committee was asked to formulate a proposed amendment to address reinstatement for members expelled for violations of law by President Davis. The Bylaws contain no procedures or allowances for reinstatement of a member expelled for violation of law. NAME has had to address such an issue recently, which was accomplished on an ad hoc basis. This proposed addition to the Bylaws will authorize such a procedure and creates a basic structure for the process. The wording is largely taken from the analogous section of the AAFS Bylaws, but in addition this proposed amendment incorporates language that further allows for consideration of reinstatement of a member expelled for reasons other than a violation of law.

Recommendation of the Committee: Several members of the Bylaws Committee supported this proposed amendment, and one supported it with reservations; no member expressly opposed it.

VI. Standards Committee

• The following proposed Standard changes were approved:

B3.7 the death is by apparent intoxication by alcohol, drugs, or poison (unless a significant interval has passed and the medical findings and absence of trauma are well documented).

D10.3 document or describe apparent race or racial characteristics

B5 Interpretation and Opinions

Interpretations and opinions must be formulated only after consideration of available information and only after all necessary information has been obtained. As the person directing the investigation, the forensic pathologist must be responsible for these activities, as well as the determination of cause of death and manner of death (for the death certificate).

Autopsies shall be performed as follows:

B5.1 the forensic pathologist reviews and interprets all laboratory results the forensic pathologist requested.

B5.2 the forensic pathologist reviews all ancillary and consultative reports the forensic pathologist requested.

B5.3 the forensic pathologist determines cause of death.

### H31 Documentation and Reports

Postmortem inspection and forensic autopsy reports must be readable, descriptive of findings, and include interpretations and opinions to make them informative. The report typically includes two separate parts of the forensic pathologist's work product, (1) the objective forensic autopsy with its findings including toxicological tests, special tests, microscopic examination, etc., and (2) the interpretations of the forensic pathologist.

The forensic pathologist shall:

H31.1 prepare a written narrative report for each postmortem examination.

H31.2 include the date, place, and time of examination.

H31.3 include the name of deceased, if known.

H31.4 include the case number.

H31.5 include observations of the external examination, and when performed, the internal examination.

H31.6 include a separate section on injuries.

H31.7 include a description of internal and external injuries.

H31.8 include descriptions of findings in sufficient detail to support diagnoses, opinions, and conclusions.

H31.9 include a list of the diagnoses and interpretations in forensic autopsy reports.

H31.10 include cause of death.

H31.11 include the name and title of each forensic pathologist.

H31.12 sign and date each postmortem examination report.

G26 Specimens must be routinely collected, labeled, and preserved to be available for needed laboratory tests, and so that results of any testing will be valid. The blood specimen source should be documented for proper interpretation of results. Blood or other appropriate samples should be collected, whenever possible, for potential genetic testing in sudden, unexplained deaths that remain unexplained at the completion of the autopsy.

The forensic pathologist or representative shall:

G26.1 collect blood, urine, and vitreous.

G26.2 collect, package, label, and preserve biological samples.

G26.3 document whether blood is central, peripheral, or from cavity.

### VII. Nominating Committee

A motion was made and approved to accept the Nominating Committee slate of officers and Board of Directors:

President – Marcus Nashelsky, M.D. (Iowa)

Vice President – David Fowler, M.D. (Maryland)

Secretary-Treasurer – J. Scott Denton, M.D. (Illinois)

Board of Director to return for a second term

Joseph Felo, M.D. (Ohio)

Christopher Rogers, M.D. (California)

Michael Ward, M.D. (South Carolina)

Board of Directors for first term

Tracey Corey, M.D. (Kentucky)

Kathryn Haden-Pinneri, M.D. (Texas)

Dianne Little, M.D. (Australia)

Michelle Stauffenberg, M.D. (Georgia)

Suzanne Utley-Bobak, M.D. (Florida)

AMA

Delegate – Aldo Fusaro, M.D. (Washington)

Alternate Delegate – J. Scott Denton, M.D. (Illinois)