

Commission on Post-Mortem Examinations

Public Meeting, Thursday, November 18, 2021

Meeting Minutes

ITC Building, 2nd Floor, OAG Training Room

I. Meeting Call to Order

AG Camacho: Hafa Adai, Good Morning, we would like to call this meeting to order, today's date is Thursday, November 18, 2021 and the time is 10:05am. For the record, members of the public may trickle into this Zoom meeting. They will be admitted, muted and given the opportunity to speak at the public comment portion of the agenda, should they seek to provide any comment.

This Zoom meeting is also being broadcasted live on YouTube. We will move on to the Roll Call.

II. Roll Call of Members

AG Camacho: for the record pursuant to 10 G.C.A. § 81101, the following members of the Commission shall be and you can identify yourself when we call you, Attorney General Camacho, myself, present;

AG Camacho: Guam Police Department Police Chief, Stephen Ignacio
Chief Stephen Ignacio: Present

AG Camacho: Dr. Taitano is not here on behalf of the Guam Medical Society at this moment, hopefully he will be joining us later. Guam Memorial Hospital Administrator, Lillian Perez-Posadas

Lillian Perez-Posadas: Present

AG Camacho: And I do not see Direct San Agustin yet, hopefully he will be joining us as well. We do have a quorum for the record, so we are going to continue on with our agenda.

III. Open Government Compliance

AG Camacho: Compliance of Open Government Law, publication of the agenda meeting details were published in the Guam Daily Post and the Attorney General website on November 11, 2021. Publication of the agenda and meeting were also done on the Guam Daily Post on November 16, 2021. This Zoom meeting is being broadcasted live on YouTube. So we have complied with Open Government Law and Public Law 36-34.

IV. Approval of Prior Minutes, October 28, 2021

AG Camacho: If the other commission members could take a moment to look over the meeting minutes of September 23, 2021 and let me know if you have any revisions or corrections to make.

Lillian Perez-Posadas: I read the minutes, I don't have anything substantive to change but just in certain areas Johanna Bamba's name was not completely spelled out correctly, so that's it. Other than that, substantively, it reflects our discussion. I move to accept the minutes with those minor corrections.

AG Camacho: Chief, anything from you? Or are you ok?

Chief Stephen Ignacio: None for me, I am ok.

AG Camacho: with those corrections, Administrator, we will try to be consistent and refer to Johanna, not as to her first name, I guess, we will refer to her as Ms. Bamba throughout, we will make that change, otherwise we will approve the minutes and we will move on to our next item Old Business.

V. Old Business

A) *Locum Tenens* Pathology MOU Status

AG Camacho: We are in the process of renewing this fiscal year's MOU's, and Johanna if you can give us a quick update of where we are at.

Johanna Bamba: That's correct Chairman, it is in the process of being cleared by the Governor's office and as far as the status of what has been performed in November, 37 cases for just November.

AG Camacho: And that's forensic and non-forensic? Is that right?

Johanna Bamba: no that is just for the pathology services with the MOU

Lillian Perez-Posadas: We don't do forensic exam because our pathologist is not certified in forensic exams as Ms. Bamba said, it is for basic Pathology services.

AG Camacho:my apologies this is for the MOU with Dr. Abe and Guam Memorial Hospital

Lillian Perez-Posadas: Yes

AG Camacho: Are there any other questions? If not we can move on to the next item which is the Medical Examiners' contract status

B) Medical Examiners' Contract Status

AG Camacho: I believe this is with Dr. Dauterman?

[AAG Janice Camacho clarifies this is Hawaii]

AG Camacho: This is with Dr. Ishikawa, Dr. Brown and Dr. Lang. Johanna, do you have an update for us?

Johanna Bamba: So this contract is in place, it has already been approved and registered, it is active. And as of November, within November, Dr. Ishikawa has already performed three (3) cases, we had one (1) pending case that he will be performing in November as well, so that is a total of four (4) cases.

AG Camacho: Okay, if there are no other questions from the Commissioners we can move on to the Locum Tenens contract which I believe is Dr. Dauterman.

[AAG Janice Camacho clarifies that is correct]

C) *Locum Tenens* Contract Status

AG Camacho: Okay, if Johanna can give us an update on that as well.

Johanna Bamba: So as far as this one as well, it is in circulation for signature. Dr. Dauterman has performed nine (9) cases for November and I am anticipating to possibly call him out sometime this week, or the following week, if not, sometime in December.

AG Camacho: Are there any questions from the other members on the contract status for Dr. Dauterman? There are none, we will move on to the next item on the agenda which is the update of the FY2022 budget for the Medical Examiner's office. Johanna?

Lillian Perez-Posadas: My apologies sir, but can we just go back to the contract with the *Locum Tenens*? It doesn't say when this contract expires, it just went goes into effect when all the signatures are in place, how long is this contract?

AG Camacho: This one was set to expire at the end of this fiscal year, Administrator, September 30, 2022.

Lillian Perez-Posadas: Ok, alrighty then. Thank you.

AG Camacho: I would note that Director San Agustin just joined us. Good Morning Director.

[Director San Agustin raises his hand]

AG Camacho: Administrator, do you have any comments or can we proceed to the FY2022 Budget Status?

[Lillian Perez-Posadas nods her head for the record]

D) FY2022 Budget Status

AG Camacho: Johanna can you give us an update on FY2022 and where things stand?

Johanna Bamba: So for the FY2022 budget, approved budget, the General Fund, total, in total anticipated lapse at this time, is a little over \$236,000, and this is due to the fact that we still do not have a medical examiner, um so this is just as far as what funds is already expended as well as what we are anticipating for the next month. This is not something that includes for January through September of next year um for contractual services. And this is just under personnel benefits and overtime for the Medical Examiner's Office. It doesn't include contractual or supplies, equipment uh, telecommunications.

AG Camacho: Do any of the Commission Members have any questions about FY2022 Budget Status?

Art San Agustin: Yes, I just needed clarification if I may, did you say that there was \$236,000 lapsing?

Johanna Bamba: Yes and that's un....

AG Camacho: Well, Johanna, I think just to clarify Director, Dr. Ishikawa's contract is on an as needed basis, so that would be the projected lapse for salaries and benefits, but every time Dr. Ishikawa comes out or Dr. Dauterman or Dr. Abe, all of that will be taken from the \$236,000 salaries and benefits. It will not be a true lapse, it is just a projection based on not knowing how many additional autopsies will be needed to perform contractual services.

Art San Agustin: So this is not for FY2021....

Lillian Perez-Posadas: We just started FY2022 correct?

AG Camacho: We just started FY2022, that is correct.

Art San Agustin: So we lapsed 236 in FY21? What was our budget for FY22 for this specific category?

AG Camacho: I don't...so FY...Johanna can talk about FY21, I don't....it was about.....Johanna what was the number? It was like \$30,000 to \$40,000? If I recall?

Art San Agustin: Oh ok, so this 236 is.....I'm sorry, so this FY I'm sorry...236 is FY22 operations funds, so that is available....ok,ok....

AG Camacho: That is available in salaries and benefits not projecting what we would need for contractual with the various object categories.

Art San Agustin: So the lapse in 21, Chair, is \$30,000 to \$40,000 more like?....

AG Camacho: It was definitely a lot lower, yes, I believe what we did was we certified \$25,000-\$30,000 for each contract with Dr. Brown, Dr. Lang and Dr. Ishikawa, and if we fortunately....uh, I mean this is a unique situation, that it is good if we lapse because that means fewer forensic pathologist....autopsies we had to perform, so any lapse would mean that we came in below what the projections were.

Art San Agustin: Thank you so much, appreciate it.

AG Camacho: And Johanna, please if I am misspeaking feel free to correct me, this is my understanding of what you had reported.

Johanna Bamba: That is correct, your numbers of \$35,000 for the forensic pathologist was correct.

AG Camacho: On a related note, Johnanna if you can talk to us about the ARPA funds.

E) American Rescue Plan Act Funding Status

Johanna Bamba: The proposed approved amount originally was \$315,000, we were approved a little over \$485,000 of ARPA funds, um at this time I am still working on allocating those funds into the object classes. We still have, as far as salaries and benefits, we are projecting about \$186,000 out of that \$485,000 to go just to salaries and benefits at this time. And then the remaining will go into operations.

AG Camacho: Johanna, how much has been approved?

Johanna Bamba: \$485, 000

Lillian Perez-Posadas: So that was what was approved even though the request was, the budget request was \$432,000 right?

Johanna Bamba: So the general fund was \$432,000 that was the status quo from FY2021, pretty much a copy of the previous year and then when we were notified of the Governor's approval of the ARPA, it was higher than what was previously approved which was the \$315,000

AG Camacho: And Director San Agustin, it goes back to one of the questions you asked, FY22 total general fund appropriation was \$432,000. And I would note for the record that Dr. Taitano has joined us. Good Morning Dr. Taitano.

[Dr. Taitano raises his hand]

AG Camacho: Are there any other additional questions on the ARPA funds or funding status for Johanna? If not, we will move to the next item on the agenda which is the Chief Medical Examiner Position Recruitment Status.

F) Chief Medical Examiner Position Recruitment Status

AG Camacho: I wanted to start by thanking everyone on the Commission for your work in this effort. Um you have gone above and beyond, I especially want to recognize Administrator Posadas and GMH's role and having the assistance of Dr. Abe and also with the staff when we have been short with morgue attendants and other operational needs, um we will continue to support the office, Johanna so please know that, as Commission members, so hopefully we won't have to meet as often. We do want to support you and we understand the mission that your office fulfills for the island. We are at the finish line now. Dr. Taitano and I had a good meeting with Dr. Su, the candidate that the Commission had authorized us to extend an offer to was selected and just to give you a quick recap of those discussions. He informed us that his current salary is \$300,000 and any package would have to include benefits, he has tentatively identified a start date of June 2022 and he also made a request that there will be moving and travel allowances. During those discussions, he brought up staffing that he would like to potentially bring on, for example an Investigator that would assist the office. And we told him that we would do our part to support his request with the Legislature. Which kind of leads us to the next point, we can put together a package and we will go over the specifics now for FY22, but moving forward we will need the support of the Legislature, um to get us long term setup for the office, along with Johanna. For reference point, Dr. Espinola's salary at the time of his retirement was \$207,000, so we have included an analysis within your packages offering \$310,000 to Dr. Su. And we have also provided a breakdown of funding sources, FY22 we will be ok, we are sending....I know the Commission has previously authorized to send the request to allow the Medical Examiner Office to implement a fee schedule and that fee schedule will generate the \$50,000 to \$80,000, which will be critical to the Medical Examiner Office, to being able to support full staffing and also to modernize its facilities over there, so we are going to be asking the Legislature to consider that piece of legislation or renewed request. And we will also need to support Dr. Su, assuming that accepts his request for FY23 to give the Medical Examiner Office a budget that would bring it up to modern times and to give Johanna and the rest of the staff there, the adequate resources to perform their function. We provided a breakdown, again based on a salary of \$310,000. You will see there that we have included potential funding from the NMI, to assist in that package. The ARPA funds that Johanna mentioned also are taken into account in projections and the last thing again would be the fee schedule, we've

proposed or sent over or will be transmitting over to the Legislature. So all three of those pieces will be critical to kind of getting us there, but again at this point, this fiscal year, we are on very solid ground for the \$310,00, so with that, do we have any questions, comments or concerns from the Commissioners? Or Dr. Taitano, do you have anything to add?

Dr. JohnRay Taitano: Not at this time AG, um I think you covered all the pertinent facts.

AG Camacho: Other Commission Members, do you have any questions?

Lillian Perez-Posadas: No, but congratulations and kudos for that accomplishment. We have been trying to get a CME, so that's great progress and great accomplishment, thank you.

Art San Agustin: No comment on my end, just again congratulations to all that made this happen, thank you.

AG Camacho: With that, is there a motion to authorize myself and Dr. Taitano, again we are doing these projections based on a \$310,000 salary. Is there a motion to authorize us to meet with Dr. Su and inform him of the most that would be available um based on the current budget and to offer him that position and to give him two weeks assuming he accepts to review the contract and execute the current document.

Art San Agustin: I so move Chairman to allow you and Dr. Taitano to negotiate and give him the two weeks to be on board.

Dr. JohnRay Taitano: I second the motion.

AG Camacho: All in favor say "I"

Commission Members say "I": Administrator Lillian Perez-Posadas
Chief Stephen Ignacio
Director Art San Agustin
Dr. John Ray Taitano

AG Camacho: Ok, it looks unanimous, Dr. Taitano we will be contacting you for setting up another call with Dr. Su to inform him of where things are at.

Dr. JohnRay Taitano: Great! Hopefully we can move forward and complete this by June of next year.

AG Camacho: For certainty purposes we want to make sure that we something on board and we want to talk to Dr. Ishikawa and let him know long term where we are at. With that, if there are no other questions on the recruitment status, I don't know, do we have anyone in the public that has joined? No? Ok, with that, it is 10:24 a.m. Thank you all for running an efficient meeting and we will be reporting back to you hopefully with good news and executed contract. Thank you all.

Lillian Perez-Posadas: Thank you.

Chief Stephen Ignacio: I wish all my meetings were like this.

Art San Agustin: Happy Thanksgiving everyone, if I don't see you.

Johanna Bamba: Thank you board members so much for your continued support with the Medical Examiner's Office, I couldn't be more happier right now.

Chief Stephen Ignacio: Happy Thanksgiving!

[end]