

Special Notice / Hearing: None__
Vote Required: Majority

To: Honorable Board of Supervisors
From: Robert J. Foucrault, Coroner
Subject: Forensic Pathology Agreements with Thomas Rogers, M.D., Forensic Doctors Group, PC, and Pathemis, PC

RECOMMENDATION:

Adopt a resolution:

- A) Authorizing an agreement with Thomas Rogers, M.D. (“Dr. Rogers”) for the provision of forensic pathology services for the term July 1, 2022 through June 30, 2025 with a not-to-exceed amount of \$639,754.00; and
- B) Authorizing an agreement with Forensic Doctors Group, PC, owned by Dr. Michael D. Hunter, M.D. (“Forensic Doctors Group”) for the provision of forensic pathology services for the term July 1, 2022 through June 30, 2025 with a not-to-exceed amount of \$300,000; and
- C) Authorizing an agreement with Pathemis, PC, owned by Dr. Angellee Chen, M.D. (“Pathemis”) for the provision of forensic pathology services for the term July 1, 2022 through June 30, 2025 with a not-to-exceed amount of \$639,754.00; and
- D) Granting a waiver of the competitive bidding process for the provision of the above forensic pathology services pursuant to County Ordinance Code 2.83.050(e).

BACKGROUND:

The Coroner’s Office is required by statute to investigate and determine the cause and manner of death in all violent, sudden, or unusual deaths in the County of San Mateo. To carry-out this statutory duty, the Coroner’s Office contracts with forensic pathologists certified by the American Board of Forensic Medicine.

Since January 2020, the Coroner’s Office has contracted for such services based on a fee-for-services model, under which the forensic pathologists are paid based on the type and number of clinical inspections and/or autopsies they actually perform, rather than receiving set monthly payments regardless of the amount of work performed. This method of payment is consistent with the fee schedule paid by other counties in the State who contract for forensic pathology services, and has allowed the Coroner’s Office to better track the type of services performed by contracted forensic pathologists.

Under the fee-for-services model, the Coroner's Office has contracted with Dr. Rogers since January 28, 2020, Forensic Doctors Group since March 12, 2020, and Pathemis since January 31, 2022. All three agreements expire June 30, 2022.

For fiscal year (FY) 2022-23, a total of \$904,900.00 has been budgeted for forensic pathology services. The Coroner's Office anticipates a 4.1% increase in caseload each year based on the six-year average of increase in case load. For FY 2023-24, the anticipated need for forensic pathology services is \$942,000.00 and for FY 2024-25, the anticipated need for such services is \$980,622.00.

DISCUSSION:

A. Proposed Agreements

Staff recommends approving new agreements with Dr. Rogers, Forensic Doctors Group, and Pathemis, each with a three-year term of July 1, 2022 through June 30, 2025 and the following not-to-exceed amounts:

- \$639,754.00 for the agreement with Dr. Rogers;
- \$300,000.00 for the agreement with Forensic Doctors Group; and
- \$639,754.00 for the agreement with Pathemis.

The recommended not-to-exceed amount for each of the three contractors is determined by the number of days they are scheduled to perform forensic autopsy services each week. Combined, the maximum fiscal obligation of the three agreements totals \$1,579,508.

The agreements continue to utilize the same fee-for-service model previously approved by the Board in Resolution Nos. 077191, 077579, and 078444(a-c) and, thus, payment would be based on fees for the following services:

Description of Service	Fee
Clinical Inspection (External) and/or Review of Records	\$500.00
Limited Autopsy	\$800.00
Full Autopsy	\$1,850.00
Specialized Protocol (SUID/Homicide)	\$2,550.00

A clinical inspection refers to an external examination and review of case history and medical records. A review of records refers to an accepted non-removal case where the decedent does not undergo any type of physical examination but includes a thorough review of medical records and determination of a cause and manner of death. A limited autopsy refers to a partial internal examination. A full autopsy refers to a complete internal examination including cranial vault examination. A specialized protocol refers to a complete internal examination including cranial vault examination and following specialized protocols. Each forensic pathologist will be required to submit

monthly invoices specifying the types of services provided under their respective agreement.

In addition, the Coroner's Office requests that it be granted authorization to execute additional amendments to each agreement that modify the County's maximum fiscal obligation by no more than \$25,000 for each agreement (\$75,000.00 in total), and/or modify the contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

B. Requested Waiver of Competitive Bidding Process

The Coroner's Office is also requesting a waiver of the competitive bidding process for the provision of the above forensic pathology services pursuant to County Ordinance Code 2.83.050(e) because, as physicians and physician groups providing medical services, Dr. Rogers, Forensic Doctors Group, and Pathemis are specifically exempt from the process under County Administrative Memorandum B-1, Section IV.B.15.

Moreover, Dr. Rogers, Forensic Doctors Group, and Pathemis are all part of an exclusive group of less than 500 full-time licensed practicing, board-certified forensic pathologists in the entire United States. Thus, there are an extremely limited number of qualified and available medical professionals to perform these services. The Coroner's Office became accredited by the medicolegal death investigation office accreditation board, International Association of Coroners and Medical Examiners (IAC&ME), in November 2019. A requirement of accreditation mandates performance of forensic autopsies by board-certified forensic pathologists.

The County Attorney has reviewed and approved the resolution and agreements as to form.

PERFORMANCE MEASURE:

International Association of Coroners and Medical Examiners (IAC&ME) recommends the completion of all autopsy reports within 60 calendar days of autopsy performance as a forensic pathology best practice and requires the completion of all autopsy reports within 90 calendar days of autopsy performance.

Measure	FY 21-22 Actual (as of 12/31/2021)	FY 22-23 Projected
% of autopsy reports completed within 60 days (IAC&ME standard)	63%	75%
% of autopsy reports completed within 90 days (IAC&ME requirement)	93%	95%
Average number of days elapsed from date of autopsy performance to date of autopsy report completion	49	49

FISCAL IMPACT:

Approving the agreements will authorize three contracts for forensic pathology services through June 30, 2025 with a total not-to-exceed amount of \$1,579,508.