



County of San Mateo

Inter-Departmental Correspondence

Department: CORONER

File #: 20-511

Board Meeting Date: 7/7/2020

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Robert J. Foucrault, Coroner

Subject: Amendment of Forensic Pathology Agreements with Forensic Doctors Group, PC and Raven Forensic Pathology & Autopsy Services

RECOMMENDATION:

Adopt a resolution waiving the Request for Proposal (RFP) process and authorizing:

- A) An amendment of agreement with Forensic Doctors Group, PC, owned by Dr. Michael D. Hunter, M.D. ("Forensic Doctors Group") for the provision of forensic pathology services extending the term through June 30, 2021 and increasing the not-to-exceed amount by \$494,500 to \$594,000; and
- B) An amendment of agreement with Raven Forensic Pathology & Autopsy Services, owned by Dr. Katherine Raven, M.D. ("Raven Forensic Pathology & Autopsy Services") extending the term through June 30, 2021 and increasing the not-to-exceed amount by \$178,000 to \$277,500.

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 (the "County"). To carry-out this statutory duty, the Coroner's Office contracts with forensic pathologists certified by the American Board of Forensic Medicine.

On January 28, 2020, pursuant to Resolution No. 077191, the Board approved a new model for the provision of forensic pathology services in the County, which, at that time, were performed by Thomas W. Rogers, M.D. ("Dr. Rogers") and Peter A. Benson, M.D. ("Dr. Benson"), who had been performing such services for the County since 1962. According to the new model, both Dr. Rogers and Dr. Benson would provide forensic pathology services pursuant to fee-for-service contracts covering the term February 1, 2020 through June 30, 2021 and a combined not-to-exceed amount of \$1,126,350. The expectation was that each would provide 50% (\$563,175) of the forensic pathology services.

Unfortunately, Dr. Benson passed away shortly after the fee-for-service agreements were executed. Before his death, Dr. Benson was paid \$198,775.50 for forensic pathology services under his agreement.

On March 12, 2020, to assist Dr. Rogers with the increased workload following Dr. Benson's death, the Coroner's Office contracted with Forensic Doctors Group and Raven Forensic Pathology & Autopsy Services, both of which are staffed by physicians who are part of an exclusive group of less than 500 full-time licensed practicing, board-certified forensic pathologists in the entire United States. Each agreement has a not-to-exceed amount of \$99,500; the agreement with Forensic Doctors Group, PC, expires June 30, 2020 while the agreement with Raven Forensic Pathology & Autopsy Services expires August 30, 2020.

Through May 2020, Forensic Doctors Group has been paid \$79,200 and Raven Forensic Pathology & Autopsy Services has been paid \$36,000. In addition, from March 1, 2019 through May 2020, Dr. Rogers has been paid a total of \$316,175.50 under the original agreement and the amended fee-for-service agreement. To further assist with the backlog caused by Dr. Benson's death, the Coroner's Office also entered into a temporary contract with a fourth Board-certified pathologist, Greg B. Pizarro, M.D., who was paid \$17,600.

These amounts, plus the \$198,775.50 paid to Dr. Benson described above, have been applied to the \$1,126,350 not-to-exceed amount for forensic pathology services approved by the Board in Resolution No. 077191. Thus, from that original amount, \$478,599 (\$1,126,350 - \$647,751) remains available for forensic pathology services from June 1, 2020 through June 30, 2021.

DISCUSSION:

A. Proposed Amendments

Staff recommends amending the agreements with Forensic Doctors Group, PC and Raven Forensic Pathology & Autopsy Services to extend the term of both agreements through the June 30, 2021, the term for forensic pathology services authorized by the Board in Resolution No. 077191. The extension is necessary in light of Dr. Benson's death.

Based on availability of the contractors and services each has provided through May 2020, staff also recommends increasing the not-to-exceed amount for the agreement with Forensic Doctors Group by \$494,500 from \$99,500 to \$594,000 and increasing the not-to-exceed amount for the agreement with Raven Forensic Pathology & Autopsy Services by \$178,000 from \$99,500 to \$277,500.

The amended agreements continue to utilize the same fee-for-service model approved by the Board in Resolution No. 077191 and, thus, payment would be based on fees for the following services:

Description of Service	Fee
Clinical Inspection 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 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. The forensic pathologists will be required to submit monthly invoices specifying the types of services provided under the Agreement.

In addition, the Coroner's Office requests that the Coroner, or designee, be granted authorization to execute additional amendments to each agreement that modify the County's maximum fiscal obligation by no more than \$25,000 (in aggregate), 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 RFP Process

The Coroner's Office is requesting a waiver of the RFP process because, as physician groups providing medical services, Forensic Doctors Group, PC and Raven Forensic Pathology & Autopsy Services are specifically exempt from the process under County Administrative Memorandum B-1, § IV.B.15.

Moreover, as discussed above, Forensic Doctors Group, PC and Raven Forensic Pathology & Autopsy Services are staffed by physicians who are 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.

County Counsel has reviewed and approved the resolution and agreements as to form. Risk Management has reviewed and approved the insurance.

FISCAL IMPACT:

Approving the amendments will increase the total amount previously authorized for forensic pathology services through June 30, 2021 by \$524,700.50 from \$1,126,350 to \$1,651,050.50.