



County of San Mateo

Inter-Departmental Correspondence

Department: CORONER

File #: 21-425

Board Meeting Date: 6/8/2021

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 authorizing:

- A) A second amendment of the agreement with Forensic Doctors Group, PC, owned by Dr. Michael D. Hunter, M.D. ("FDG"), to increase the not-to-exceed amount by \$75,000 to \$669,000; and
- B) A second amendment of the agreement with Raven Forensic Pathology & Autopsy Services, owned by Dr. Katherine Raven, M.D. ("Raven"), to increase the not-to-exceed amount by \$75,000 to \$352,500; and

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 board-certified by the American Board of Forensic Medicine, of which there are currently less than 500 practicing in the entire United States. The County currently holds contracts with FDG, Raven, and Thomas W. Rogers, M.D. ("Dr. Rogers").

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. At the time, the services were performed by Dr. Rogers and Peter A. Benson, M.D. ("Dr. Benson"), who had been under contract with the County since 1962. According to the new model, both Dr. Rogers and Dr. Benson were to provide forensic pathology services pursuant to fee-for-service contracts covering the term February 1, 2020 through June 30, 2021, with a combined not-to-exceed amount of \$1,126,350 (the "January 2020 Fee-for-Service Agreements"). The expectation was that each would provide 50% (\$563,175) of the total forensic pathology services.

Unfortunately, Dr. Benson passed away after the January 2020 Fee-for-Service Agreements was executed. Before his death, Dr. Benson was paid \$198,775.50 under the January 2020 Fee-for-Service Agreement.

On March 12, 2020, to assist Dr. Rogers with forensic pathology services after Dr. Benson's death, the County entered into agreements with both FDG and Raven. Their original agreements were intended to be short-term (FDG's expired June 30, 2020 and Raven's expired August 30, 2020) and each had a not-to-exceed amount of \$99,500, which amounts were applied against Dr. Benson's 50% share of the \$1,126,350 (\$563,175) authorized under the January 2020 Fee-for-Service Agreements. 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, which amount was also applied against Dr. Benson's 50% share of the \$1,126,350.

On July 7, 2020, pursuant to Resolution No. 077579, the Board increased the not-to-exceed amount for FDG to \$594,000.00 and Raven to \$277,500.00, and extended the term of both agreements to June 30, 2021. These amounts were added to Dr. Benson's 50% share of the total not-to-exceed amount under January 2020 Fee-for-Service Agreements. As a result, total forensic pathology services for the term ending June 30, 2021 increased to \$1,651,050.5, as summarized in the following table:

VENDOR	AMOUNT
Dr. Rogers	\$563,175.00
Dr. Benson	\$198,775.50
Dr. Pizarro	\$17,600.00
FDG	\$594,000.00
Raven	\$277,500.00
TOTAL	\$1,651,050.50

DISCUSSION:

A. Proposed Amendments

Since March 12, 2020, when both FDG and Raven originally contracted with the County, the Coroner's Office has seen an unanticipated increase in cases and related forensic pathology services as a result of the COVID-19 pandemic, a homicide rate that doubled from the previous year, and an increase in suicides and fentanyl and illicit drug-related overdoses. As a result, the cost of forensic pathology services provided by FDG and Raven has been greater than anticipated and will exceed the amended not-to-exceed amounts in their respective agreements.

Staff recommends increasing the not-to-exceed amount for both agreements by an additional \$75,000. Thus, the not-to-exceed amount in the agreement with FDG would increase from \$594,000 to \$669,000 and the not-to-exceed amount in the agreement with Raven would increase from \$277,500 to \$352,500. It is anticipated that these increased amounts will cover all necessary forensic pathology services provided by FDG and Raven through the existing term of their contracts, both of which end June 30, 2021. The agreement with Dr. Rogers entered into under the January 2020 Fee-for-Service Agreements still has a balance of \$127,099.50 and does not need to be

amended.

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. Transfer of Funds

In order to fund the amendments to the contracts for forensic pathology services, the Coroner's Office proposes the transfer of \$150,000 from the County's Public Safety Trust (Prop 172 Trust). As a public safety department, the Coroner's Office is eligible to receive such monies and, after consultation with the County Manager's Office, is requesting this be the funding source for these services.

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 proposed amendments will increase the total amount previously authorized for forensic pathology services through June 30, 2021 by \$150,000 from \$1,651,050.50 to \$1,801,050.50. The funds for these amendments will be transferred from the Public Safety Trust through a Year-End Authorization for Transfer Request.