



County of San Mateo

Inter-Departmental Correspondence

Department: CORONER

File #: 21-743

Board Meeting Date: 9/28/2021

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 Raven Forensic Pathology & Autopsy Services

RECOMMENDATION:

Adopt a resolution waiving the competitive bidding process and authorizing:

- A) An agreement with Thomas Rogers, M.D. ("Dr. Rogers") for the provision of forensic pathology services for the term July 1, 2021 through June 30, 2022 with a not-to-exceed amount of \$160,000; and
- B) 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, 2021 through June 30, 2022 with a not-to-exceed amount of \$430,000; and
- C) An agreement with Raven Forensic Pathology & Autopsy Services, owned by Dr. Katherine Raven, M.D. ("Raven Forensic Pathology & Autopsy Services") for the term July 1, 2021 through June 30, 2022 with a not-to-exceed amount of \$102,588.

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.

The Coroner's Office has contracted with Dr. Rogers since January 28, 2020, and Forensic Doctors Group and Raven Forensic Autopsy & Pathology Services since March 12, 2020, to provide forensic pathology services pursuant to fee-for-service contracts through the term of June 30, 2021. A Continuing Resolution was passed to extend the payment for services through September 30, 2021.

For fiscal year (FY) 2021-22, a total of \$692,588.00 has been budgeted for forensic pathology services, and as of August 31, 2021, \$137,850.00 has been paid for these services. Specifically,

Forensic Doctors Group has been paid \$111,800.00, Dr. Rogers has been paid \$11,850.00, and Raven Forensic Pathology & Autopsy Services has been paid \$14,200.00. The remaining budgeted amount for FY 2021-22 is \$554,738.00 (\$692,588.00 - \$137,850.00).

DISCUSSION:

A. Proposed Amendments

Staff recommends approving new agreements with Dr. Rogers, Forensic Doctors Group, and Raven Forensic Pathology & Autopsy Services each with a term of July 1, 2021 through June 30, 2022. The combined not to exceed amount of the Agreements totals \$692,588.00:

- \$160,000.00 for the agreement with Dr. Rogers;
- \$430,000.00 for the agreement with Forensic Doctors Group; and
- \$102,588.00 for the agreement with Raven Forensic Pathology & Autopsy Services.

The recommended contract amounts for each of the three contractors are determined by the number of days they are scheduled to perform forensic autopsy services each week.

The Agreements continue to utilize the same fee-for-service model approved by the Board in Resolution No. 077191 and No. 077579 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 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. 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 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 (in aggregate) 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 requesting a waiver of the competitive bidding process because, as physicians and physician groups providing medical services, Dr. Rogers, Forensic Doctors Group, and Raven Forensic Pathology & Autopsy Services are specifically exempt from the process under

Moreover, Dr. Rogers, Forensic Doctors Group, 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.

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 Projected
% of autopsy reports completed within 60 days (IAC&ME standard)	73%
% of autopsy reports completed within 90 days (IAC&ME requirement)	83%
Average number of days elapsed from date of autopsy performance to date of autopsy report completion	47

FISCAL IMPACT:

Approving the agreements will authorize three contracts for forensic pathology services through June 30, 2022 with a total not-to-exceed amount of \$692,588.