



Legislation Details (With Text)

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File created: 3/28/2022 **In control:** Sheriff's Office
On agenda: 5/3/2022 **Final action:** 5/3/2022
Title: Agreement for Forensic Pathology Services
Sponsors: Sheriff's Office

Indexes:

Attachments: 1. Summary Report.pdf, 2. Agreement for Forensic Pathology Services with Kimi Verilhac, P.C..pdf

Date	Ver.	Action By	Action	Result
5/3/2022	1	Board of Supervisors	Approved as recommended	Pass

To: Board of Supervisors of Sonoma County
Department or Agency Name(s): Sheriff's Office
Staff Name and Phone Number: Melissa MacDonald, 565-3922
Vote Requirement: Majority
Supervisorial District(s): Countywide

Title:
Agreement for Forensic Pathology Services

Recommended Action:

Authorize the Sheriff to execute an Agreement for Forensic Pathology Services with Kimi Verilhac, P.C., from July 1, 2022 through June 30, 2025, with the option to extend for two additional one-year terms for an average annual estimated cost of \$700,000.

Executive Summary:

The Sheriff's Office's current primary agreement for forensic pathology services is set to expire on June 30, 2022. The Sheriff's Office is requesting approval to execute a new agreement with Kimi Verilhac, P.C. as a primary provider of forensic pathology services in order to ensure the continuation of timely and quality pathology services to Sonoma County citizens.

Discussion:

The Sheriff-Coroner is responsible for performing investigations to determine cause of death on certain deceased persons in Sonoma County, which includes providing forensic pathology services. A forensic pathologist is a medical professional who conducts postmortem examinations, or autopsies, which may include x-rays, microscopic exams, toxicological analysis of tissue samples, and cultures of body fluids and organs for evidence of infection. The forensic pathologist also conducts on-scene examinations and postmortem examinations of sudden infant death syndrome cases (SIDS). The Sheriff's Office has been contracting these specialized, professional services out since the Sheriff became the Sheriff-Coroner in 1974.

The Sheriff's Office has maintained multiple forensic pathology service agreements in recent years in order to ensure adequate coverage, given the chronic low supply of forensic pathologists across the US. In FY 16-17,

the Sheriff's Office issued the most recent RFP for forensic pathology services. Only two responses were received, one from Regional Pathology and Autopsy Services, Inc. (RPAS), and the other from Forensic Medical Group (FMG). The Sheriff's Office executed agreements with both vendors through June of 2022, using RPAS as the primary provider and FMG as a backup provider based on vendor capacity.

In July 2018, FMG notified the Sheriff's Office that they would no longer be operating and they terminated their Agreement as of September 2018. At that time, the Sheriff's Office was able to secure an agreement with Dr. Arnold Josselson, formerly of FMG, as an independent contractor providing backup pathology services to the primary provider. In late March 2019, RPAS notified the Sheriff's Office that they, too, would be closing their doors and would no longer be able to provide forensic pathology services. RPAS ceased providing services as of April 5, 2019. On April 8, 2019, with the approval of County Purchasing and County Counsel, the Sheriff's Office was able to execute a short-term agreement with Kimi Verilhac, P.C., the pathologist assigned to the Sheriff's Office under RPAS, in order to secure the immediate need for pathology services until the Board could authorize a longer-term agreement. In May 2019, the Board authorized a longer-term agreement to continue services through June 2022, the original term of the agreements issued as a result of the RFP in FY 16-17.

For years there has been a nationwide shortage of forensic pathologists, making it extremely difficult to find quality providers with the capacity to take on the workload generated in Sonoma County. Dr. Verilhac is a highly sought after board certified pathologist with the capacity to carry the bulk of the casework in Sonoma County. The Sheriff's Office has been extremely satisfied with the services she provided under RPAS and under her own professional corporation. The Sheriff's Office had originally intended to issue an RFP for continued pathology services starting in July 2022. Staff began researching vendors in fall of 2021 and were unable to identify any forensic pathology companies currently operating in Northern California. The National Association of Medical Examiners (NAME) has documented the nationwide shortage of forensic pathologists, and pointed to the limited number of medical students choosing pathology as a career path as a driving factor of the shortage. NAME estimates that approximately 500 forensic pathologists are currently working, though there is a need for about 1,200 nationwide.

Unable to find any companies, staff looked for individual providers in the area. Unfortunately, all of the individual providers in the area are either already utilized in some capacity by the Sheriff's Office, or are under contract to provide services to neighboring counties. Sheriff's Office staff reached out to Coroner's Office staff in Marin, Napa, Solano, and Contra Costa Counties and confirmed that neighboring counties are encountering the same struggles with securing additional pathology service providers. Both Marin and Napa Counties share the same primary pathologist, and the only backup pathologist that Marin has is Dr. Verilhac. Solano and Contra Costa Counties utilize pathologists who contract with multiple counties, including Dr. Josselson who provides backup services to our Office. Additionally, the Cal OES Coroner Liaison Assistant Chief regularly sends out requests from various California Coroner's Offices for pathology services, as agencies statewide are feeling the impacts of the nationwide shortage. After this extensive research and communication with neighboring counties, the Sheriff's Office could not identify any vendors to establish a vendor list for an RFP. County Purchasing has approved a Single Source Waiver for Dr. Verilhac's services.

The Sheriff's Office currently holds back-up contracts with Dr. Arnold Josselson and the County of Sacramento, but has been unable to find another service provider with the capacity to act as a primary provider. Neither Dr. Josselson, nor Sacramento County are able to manage the Sheriff's Office's workload. Staff will continue to seek and enter into contracts with other qualified providers for backup services. If qualified pathologists with

full-time capacity become more accessible and available in the area, the Sheriff’s Office will issue an RFP to ensure we are receiving the most effective and cost-efficient services.

Due to the critical nature of the services and the extreme national shortage of available providers, the Sheriff’s Office requests that the Board authorize the Sheriff to enter into another three-year contract with Kimi Verilhac, P.C., with the option to extend for two additional one-year terms. Sheriff’s Office staff, in consultation with County Counsel and County Purchasing, have drafted the Agreement with the option to extend for two additional years in order to provide continuity of services. The Sheriff’s Office will continue to look for additional service providers, and execute contracts with qualified vendors if they become available.

Strategic Plan:

N/A

Prior Board Actions:

The Board approved Agreements with Regional Pathology and Autopsy Services, Inc. and with Forensic Medical Group in May 2017. The Board approved the current Agreement with Kimi Verilhac, P.C. in May 2019.

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$617,301	\$682,963	\$717,111
Additional Appropriation Requested			
Total Expenditures	\$617,301	\$682,963	\$717,111
Funding Sources			
General Fund/WA GF	\$617,301	\$682,963	\$717,111
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
Total Sources	\$617,301	\$682,963	\$717,111

Narrative Explanation of Fiscal Impacts:

The FY 21-22 Sheriff’s Office Adopted Budget includes \$617,301 for autopsy services. The FY 22-23 Recommended Budget includes \$682,963 for autopsy services. Projected expenses for FY 23-24, based on the projected number of cases and the supplier rates, are \$717,111.

Though supply and demand allows service providers to control rates, Dr. Verilhac has maintained her current rates for the proposed agreement. Rates for primary forensic pathology services have remained the same since FY 16-17. The increased annual costs correspond with increased caseload projections.

Staffing Impacts:			
Position Title (Payroll Classification)	Monthly Salary Range (A-I Step)	Additions (Number)	Deletions (Number)

Narrative Explanation of Staffing Impacts (If Required):

There are no staffing impacts associated with this Agreement.

Attachments:

Agreement for Forensic Pathology Services with Kimi Verilhac, P.C.

Related Items "On File" with the Clerk of the Board:

N/A