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**OFFICE OF THE CHIEF MEDICAL EXAMINER
BOARD OF MEDICOLEGAL INVESTIGATIONS**

**BOARD OF MEDICOLEGAL INVESTIGATIONS
REGULAR MEETING**

Board Meeting Minutes from
Thursday, December 13, 2012 at 2:00 p.m.
Location Office of the Chief Medical Examiner
901 N. Stonewall, Oklahoma City, OK 73117, 405-239-7141

In conformity with the Oklahoma Open Meeting Act, advance notice of this meeting was transmitted to the Oklahoma Secretary of State on Friday, December 2, 2011 at 1:43 PM and public notice of this meeting, together with the agenda, was posted in prominent public view on the front door of the Office of the Chief Medical Examiner, 901 N. Stonewall, Oklahoma City, OK and on the front door of the Office of the Chief Medical Examiner Eastern Division, 1115 W. 17th, Tulsa .at 12:05 pm. December 12, 2012.

The Board may discuss and take action on any item listed on the Agenda.

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Members Present: Mr. Chris Ferguson, Dr. Doug Stewart, Mr. Thomas Mortensen, Dr. Barbara Bane, Mr. Charlie Curtis, Dr. Michael Ogle, Dr. Karlis Sloka and Dr. Eric Pfeifer.

Members Absent: Mr. Rocky McElvany

Others Present: Amy Elliott (OCME), Kari Learned (OCME), Timothy Dwyer (OCME), Jesse Kemp (OCME), Timothy Dwyer (OCME), Geoff Long (OAG)

Mr. Ferguson called the meeting to order at 2:00 p.m. Roll was called and a quorum was established.

Mr. Curtis motioned to adopt the minutes from the November 8, 2012 meeting. Dr. Sloka seconded the motion. Roll was called, Mr. Mortensen and Dr. Stewart abstained, all were in favor.

Dr. Pfeifer provided an Agency update.

- A financial snapshot, appropriations and receivables totaled 758K, with total expenditures of 652K.
- Dr. Alex John started with the Agency on December 3rd in our Tulsa office. In early January, there are 2 scheduled interviews with forensic pathologist for Oklahoma City.
- Dr. Pfeifer also announced Mrs. Elliott was appointed by the Governor to the Anatomical Board.
- He also added that a couple of weeks ago he met with Dr. Allen with OSU - Tulsa to formalize curriculum for the forensic science program. Dr. Pfeifer believes 2 candidates have been identified to start the program.

Mr. Ferguson commended Dr. Pfeifer and Mrs. Elliott on the new staff in the permit department. He also advised the funeral industry appreciated the email communication regarding the long weekend, what the hours of operation would be and what to expect for a turn around time.

Ms. Elliott provided the following updates:

- The IT consolidation process has begun; we have purchased all new desktops and laptops. The Agency will be moved to the ok.gov email system. Everything that is currently separate between Oklahoma City and Tulsa will be combined.
- We have signed an agreement to change out our entire fleet of vehicles. With the exception of district investigators, all cars will be CNG powered. This will be a significant savings to the agency.
- She also advised, Dr. Pfeifer presented at the DA's Council where all counties were represented and he was very well received. We have hired a new investigative assistant in Tulsa, Sonja Dunkley. Autum Roe has resigned and is being replaced by Bianca Cole. Our vacant chemist position has been filled by Charla Jenkins. Dr. Pfeifer appointed Dr. Lanter as Interim Deputy Chief Medical Examiner for the Agency.
- We have received four applications for a fellowship in Tulsa for the 2014-2015 year. Mrs. Elliott and Kari Learned will be preparing the paperwork required to have Tulsa part of the overall program.
- Mrs. Elliott has completed the annual review and revision of policies and procedures; they are ready for Dr. Pfeifer's signature.
- We had over 20 legislators visit our office, Mr. Ferguson and Dr. Ogle were also in attendance. There was a unanimous decision that the Oklahoma City building needs to be replaced. At this point, the location has yet to be determined.
- Dr. Pfeifer, Mrs. Elliott and Mr. Ferguson have met with Senator Anderson; he has agreed to carry two of our proposed bills. First, that we are NAME accredited. Secondly, that out of state transportation of a decedent by common carrier will no longer need the approval of the State Health Department.
- Mrs. Elliott and Mr. Ferguson also met with Senator Rob Standridge to discuss the language in the Chanda Turner Act. The language would include a Medical Examiner Review Committee within the Medical Examiners office.

- New permit personnel are fully trained. The funeral homes have been notified that permit requests can now be sent via email.
- Mrs. Elliott discussed the paperwork that must be submitted to the Office of Administrative Rules at the Secretary of States offices.
- By the end of January Tulsa office will have all new phone lines ran; new cubicals installed and network lines dropped so everyone will have a work station and computer to work on.
- Mrs. Elliott has also met with OHP to schedule debriefing sessions for scene investigators and other employees on an as needed basis.
- Affirmative Action plan was approved today.

Dr. Ogle motioned to accept the changes to the Permanent Rules for FY13. Dr. Stewart seconded the motion. Roll was called and all were in favor.

After discussion regarding changes to the Statutes, the following actions were taken.

****63 6 § 101-Shipment of Dead Body**

“No railroad or other common carrier shall receive for shipment to any point within the state or to any point outside the state the body of a deceased person unless there is attached to the shipping case, in a strong envelope, a burial-transit permit duly issued and signed by the ~~local registrar of the district in which the death occurred or the body was found.~~ Chief Medical Examiner”

This would remove the Health Department from the process of taking a body out of state.

Dr. Stewart motioned to approve the language change to the statute Dr. Ogle seconded the motion, roll was called and all were in favor.

****63:37 § 942a-Appeals-Evidentiary Hearing**

A. The spouse of the deceased or any person within one degree of consanguinity of the deceased shall appeal the findings of the medical examiner to the Medical Examiner Review Committee. If the committee’s findings are not satisfactory, the inquiring party may appeal the findings of the Medical Examiner Review Committee to the district court of Oklahoma County under a petition for judicial review within two (2) years from the completion of the report. Such appeal of the Medical Examiner Review Committee or district court shall be made in writing, shall state the nature and reasons for the appeal, and shall be supported by affidavit. The burden of proof shall be on the petitioner to establish by a preponderance of the evidence that the death certificate is in error. The petitioner shall notify the Office of the Chief Medical Examiner in writing upon filing the petition for judicial review. No jury shall be impaneled and no monetary damages shall be awarded under a cause of action filed pursuant to this subsection.

B. The court shall conduct an evidentiary hearing. Should the court find that the findings of the medical examiner are erroneous; the court shall immediately order the Chief Medical Examiner to correct the report and transmit the appropriate paperwork to the State Department of Health for the correction of the death certificate.

C. Reports of the medical examiner made prior to November 1, 2011, may be appealed by the spouse of the deceased or any person within one degree of consanguinity of the deceased under the procedures specified in

subsection A of this section. Appeals made pursuant to this subsection shall be filed no later than November 1, 2013.

D. The Medical Examiner Review Committee shall consist of at least three (3) Forensic Pathologist, designated by the Chief Medical Examiner, excluding the original signing Forensic pathologist.

Dr. Ogle motioned approved the language change to the statute. Dr. Bane seconded the motion, roll was called and all were in favor.

****63: 37 § 933 Establishment of Office of the Chief Medical Examiner**

The Office of the Chief Medical Examiner of the State of Oklahoma is hereby established to be operated under the control and supervision of the Board. The Office shall be directed by the Chief Medical Examiner, and the Chief Medical Examiner may employ such other staff members as the Board shall specify. The agency shall receive accreditation from the National Association of Medical Examiners (NAME). The agency shall receive accreditation within one (1) year of November 1, 2013, maintain that accreditation, and operate pursuant to NAME guidelines

Dr. Stewart motioned to approve the language change to the statute. Mr. Curtis seconded the motion, roll was called and all were in favor.

Mr. Mortensen motioned to adjourn the meeting. Dr. Sloka seconded the motion, all were in favor. The meeting was dismissed at 3:24