

CENTRAL OFFICE
921 NE 23rd Street
Oklahoma City, OK 73105
Tel: (405) 239-7141
Fax: (405) 239-2430



EASTERN OFFICE
1115 West 17th St.
Tulsa, OK 74107
Tel: (918) 295-3400
Fax: (918) 585-1549

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

**BOARD OF MEDICOLEGAL INVESTIGATIONS
SPECIAL MEETING**

Board Meeting Minutes from
Tuesday, November 7, 2019 at 2:00 p.m.
921 NE 23rd Street, Oklahoma City, OK 73105
405-239-7141
And via videoconference at
1115 W. 17th St., Tulsa, OK 74107
918-295-3400

In conformity with the Oklahoma Open Meeting Act, advance notice of this meeting was transmitted to the Oklahoma Secretary of State on December 3, 2018 at 2:38 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, 921 NE 23rd Street, Oklahoma City, OK and on the front door of the Office of the Chief Medical Examiner Eastern Division, 1115 W. 17th, Tulsa.

Members present: Mr. Glen Huff, Mr. Ricky Adams, Mr. Rocky McElvany, Dr. Doug Stewart, Mr. Chris Ferguson, Dr. Roy Zhang and Dr. Eric Pfeifer.

Members absent: Dr. Robert Allen and Dr. Steve Vogel.

Others Present: Amy Elliott (OCME), Kari Learned (OCME), Lori Shively (OCME), Renee Steward (OCME), and John Crittenden (OAG). Via video conference; Dr. Josh Lanter (OCME) and Alisha Heinen (OCME).

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

Mr. McElvany motioned to adopt the minutes as written from the August 1, 2019, meeting. Dr. Stewart seconded the motion. Roll was called, Dr. Zhang abstained and all others were in favor.

Update from the Chief Medical Examiner – Dr. Eric Pfeifer

- Financial snapshot -
~ Our monthly appropriations have increased since last year. This increase is due to the funding for construction of the new Tulsa practice. Until we begin paying for the construction, the carryover will continue to grow. The carryover for last month was over \$600K. As of our August 1st meeting, we had cash reserves of \$9.6M.

Dr. Pfeifer said that Mrs. Elliott informed him that the State has encouraged us to create a new account for capital improvements. (Account number to be used is 9000002) Mrs. Elliott added, the Governor has recommended this account through Agency Business Services at the Office of Management and Enterprise Services (OMES) all agencies will voluntarily create this account to track capital related funds and expenditures, as it helps increase transparency. When the additional monthly appropriations for the new building are received, it will be moved to this account. Mrs. Elliott expects we will discontinue use of the account once the new Tulsa practice is complete.

- Staff update –

~ Dr. Pfeifer announced that Dr. Lisa Barton passed her forensic pathology boards. Among the pathology specialty boards, forensic boards have the highest first attempt failure rate, which is well over 50%. The agency will have 2 fellows joining us in July 2020. Drs. Doel and Cobb are both very interested in staying on with the agency after their fellowship has ended. Yesterday, both were offered staff positions contingent upon successful completion of their fellowships. After Drs. Doel and Cobb are full time staff, we will still have 2 openings for forensic pathologists. By 2021/2022 the agency should have 16 full time forensic pathologists and 2 fellows.

- Priority projects –

~ National Association of Medical Examiners (NAME) reaccreditation is now a possibility for 2021/2022. The Tulsa facility must be finished and occupied before we are able to invite the inspection team to visit.

Dr. Pfeifer and Mrs. Elliott have been talking with the leadership of NAME in an attempt to have their national annual meeting in Oklahoma City.

Groundbreaking for the Tulsa practice is still on schedule for spring of 2020, contacts and agreements are being formalized.

Update from Chief Administrative Officer – Mrs. Amy Elliott

- Budget –

~ The budget for FY21 has been submitted. No financial changes have been requested. At this point we have no reason to believe funding for the Tulsa practice will not continue, however, it is not guaranteed. Mrs. Elliott met with the agency's general counsel, Mr. John Crittenden to discuss the contract for the new building. Mrs. Elliott added that we will need a clause in the contract to protect the agency if funding for the Tulsa practice is not provided in the future. Mrs. Elliott, Mr. Crittenden and OCME procurement officer, Renee Steward will be meeting with OMES real estate division as well as Oklahoma State University (OSU) to discuss the Joint Operating Agreement, Joint Design and Construction Agreement and a Ground lease.

- Legislation –

~ The only potential legislation Mrs. Elliott is aware of at this time concerns funeral directors. This legislation proposes that a person is declared dead (presumption of death) after 2 years instead of the current 7 years. Mrs. Elliott visited with Dr. Pfeifer and they are certain the proposed legislation does not affect our agency.

The most important legislation Mrs. Elliott watches for is related to organ procurement. Dr. Pfeifer added that Mrs. Elliott was recently made aware that there is a possibility of LifeShare pushing for legislative change to allow them to take possession of a body prior the Medical Examiner's (ME) office received the

body. Dr. Pfeifer vehemently opposes this change. We will closely watch for any and all language related to organ transplant, donation, and ME's office, etc. Mrs. Elliott added that the District Attorney's offices have shown support for the ME's office in this area before.

Dr. Pfeifer, Dr. Lanter and Mrs. Elliott will attend the agency's budget performance hearing on November 15th.

Mr. Huff announced that recently the agency was directed to invite a group of legislators to the ME's Board meeting. Mrs. Elliott emailed the group and extended the invitation. Mr. Huff said one of the legislators called him last week and its Mr. Huffs understanding that the Speaker has issued a directive to have legislators on various committees to stay in close touch with what is going on with State Boards.

- Agency updates –

~ The agency audit began this week. This is the agency's first audit since 2015.

Update from the Deputy Chief Medical Examiner – Dr. Josh Lanter

- Tulsa office updates –

~ Meetings for the new building are going very smoothly. The floor plans for the autopsy suite and the administrative offices have been completed. We have no immediate concerns regarding the new building.

Mr. Huff asked the timeframe for occupancy. Dr. Lanter said they expect construction to take anywhere from 18 to 24 months with groundbreaking February 2020.

- Discussion of 2020 Board of Medicolegal Investigations (OCME) meeting dates.

~ After some discussion, Mr. Ferguson motioned to adopt February 7, March 5, April 2, May 7, August 6 and November 5, 2020 as regular meeting dates for the Board of Medicolegal Investigations (OCME). Mr. Adams seconded the motion, roll was called and all were in favor.

- Executive session regarding pending litigation. (Casey Trant vs. The Board *et al.* CJ-2010-1244)

~ Mr. Crittenden announced that as one of the Board's attorneys he advised the Board to go into executive session to keep the privacy and prevent any unnecessary disclosure of information.

Dr. Stewart motioned to enter into executive session to protect the confidentiality of the litigation against the Board. Mr. Adams seconded the motion, roll was called and all were in favor.

* Videoconference with Tulsa was disconnected at this time.

Mr. Ferguson motioned to exit executive session. Mr. McElvany seconded the motion, roll was called and all were in favor.

Mr. McElvany motioned to approve the guidance that was given to counsel for handling the case discussed in agenda item VII (Casey Trant vs. The Board *et al.* CJ-2010-1244). Mr. Ferguson seconded the motion, roll was called and all were in favor.

- Executive session regarding the performance, evaluation and employment of the Chief Medical Examiner.

~Mr. Ferguson motioned to enter into executive session for the purpose of discussing the performance, evaluation and employment of the Chief Medical Examiner.

Dr. Stewart motioned to exit executive session. Mr. Adams seconded the motion, roll was called and all were in favor.

Mr. Adams motioned that former Judge Patricia Parrish be retained as an outside investigator to investigate the matters discussed during executive session regarding agenda item VIII. Additionally, that Dr. Pfeifer and Mrs. Elliott take all necessary administrative efforts to help bring this about. Mr. McElvany seconded the motion, roll was called and all were in favor.

Mr. Crittenden also recommended that Mr. Huff supervise this action along with Mr. Crittenden's participation.

- New business –
- ~ No new business

Mr. McElvany motioned to adjourn the meeting, Dr. Zhang seconded the motion. Roll was called, all were in favor and the meeting was adjourned at 5:05 pm.