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

**BOARD OF MEDICOLEGAL INVESTIGATIONS  
SPECIAL MEETING**

Board Meeting Minutes from  
Thursday, October 10, 2013 at 2:00 p.m.  
Location Office of the Chief Medical Examiner  
901 N. Stonewall, Oklahoma City, OK 73117, 405-239-7141 and  
Via Videoconference at 1115 W. 17<sup>th</sup> St., Tulsa, OK 74117, 918-582-0985

*In conformity with the Oklahoma Open Meeting Act, advance notice of this meeting was transmitted to the Oklahoma Secretary of State on October 7, 2013 at 1:49 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. 17<sup>th</sup>, Tulsa at 1:25 PM, October 9, 2013.*

Members Present: Mr. Chris Ferguson, Mr. Rocky McElvany, Mr. Charles Curtis, Dr. Barbara Bane, Dr. Eric Pfeifer

Members Attended via Videoconference: Dr. Doug Stewart, Mr. Thomas Mortensen and Dr. Karlis Sloka.

Members Absent: Dr. Michael Ogle

Others Present: Amy Elliott (OCME), Kari Learned (OCME), Martha Kulmacz (OAG), Timothy Dwyer (OCME), Callie Farrar (OCME via videoconference) and Lori Shively (OCME)

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

Dr. Stewart motioned to adopt the minutes from the September 12, 2013 meeting. Mr. McElvany seconded the motion. Roll was called, Dr. Bane, Dr. Sloka and Mr. Curtis abstained, and all others were in favor.

Mr. McElvany motioned to adopt the minutes from the September 20, 2013 meeting. Mr. Curtis seconded the motion. Roll was called, Dr. Bane, Dr. Stewart and Mr. Mortensen abstained, and all others were in favor.

Dr. Pfeifer provided the following update:

- The financial snapshot continues to show the typical carryover. The monthly deposits are robust and we continue to run in the black. Mr. Ferguson asked about the funeral home collections. Mrs. Elliott advised there are currently three funeral homes that are making payments.

- The Supreme Court ruling approved the Master Lease Program as a valid funding mechanism of projects such as building a new Medical Examiner's office in Oklahoma City. Just over a week ago the Council on Oversight approved the sale of \$38.5M in bonds. The sale could happen as early as 60-90 days. Construction of the building could start as early as the beginning of 2014 with occupancy in early 2017. The repayment of the \$38.5M bonds could begin as early as spring or summer of 2014. The Agency would begin to make payments of approximately \$208K per month. This would take the \$2.5M with about a \$50K margin of appropriations which was appropriated to the Agency this year. The next fiscal year we are requesting an additional \$873K in appropriations for staffing of two physicians, a fellow, a chemist, investigators in the McAlester area and a forensic anthropologist. For long term consideration, the Tulsa autopsy lab needs to be brought to standard. We have received six prospectuses from various firms and are looking at \$2-3M for that project. We need to discuss with the Governor and Legislators how we might obtain this funding.
- Dr. Ruth Kohlmeier will join the Agency in January in Oklahoma City. Dr. Cheryl Niblo will join the Tulsa office in July of 2014. This brings us to eleven pathologists and one fellow.
- Dr. Josh Lanter has transitioned from Interim Deputy Chief Medical Examiner to Deputy Chief Medical Examiner.

Update from Chief Administrative Officer, Amy Elliott.

- We continue to move forward with our priority project of cremation and out of state transport permits. Tod with Discover Soft is currently at a testing phase. Once he has finalized his testing, the process will be available to our beta group of funeral homes. If all goes well with the beta group, the new permit process should be rolled out to all funeral homes during the November/December time period. Mrs. Elliott has gone to district funeral director meetings with the OFDA and has presented the new permit process. She has received positive feedback about their willingness to use the system when it becomes available.
- We are very close to having our fax server available. This will send the fax directly to an established email address.
- Annual report for 2011 should be complete by next week at the latest and the 2012 is report is underway. We currently have 73 2012 open cases. The pathologists are diligently working to complete.
- The fellowship position for 2014-2015 has already been filled by Dr. Roquero. Within the last two weeks, Mrs. Elliott has received 4 applications for the 2015-2016 academic years.
- 17 of 28 investigators are ABMDI certified. The remaining 11 are newer investigators who have 2 years from their date of employment to obtain their certification. They are currently working and studying the required 640 hours prior to sitting for the test.
- The agency has requested an additional 8.5 FTE for 2014-2015 fiscal year. Of the 8.5 FTE, 3 positions will be investigators. Dr. Pfeifer advised he was contacted by a previous colleague that is relocating to the Tulsa area. She is ABMDI certified and might be willing to work on a contract basis. Mrs. Elliott was also approached by Brant Jones at one the OFDA meetings she attended. He is a former OCME investigator and is also willing to work as a contract investigator.
- Mrs. Elliott met with Life Share to create a protocol. The protocol is currently in the draft stage
- Within the last two weeks we were notified by funeral directors of two cases that went unreported by hospitals/hospice. Mrs. Elliott is preparing a communication to hospitals and hospice that they must communicate deaths that meet the requirements of our jurisdiction. Dr. Stewart mentioned that Oklahoma Hospital Association will be meeting soon and it would be nice for someone from the Agency to speak to them every other year. He also mentioned that both physician licensing boards should be able to send out

an email to the physicians reminding them of the type of deaths that must be reported to the Medical Examiner.

- 600 boxes of case files have been picked up to be scanned. Phase one will include scanning all case files, phase two will include 35 mm pictures and miscellaneous items and third phase will be scanning all index cards.
- During the NAME conference, Dr. Pfeifer and Mrs. Elliott plan on visiting with a couple of doctors that are currently in their fellowship and are interested in interviewing with the agency.
- We have a section of the parking lot in Oklahoma City that is sinking. Mrs. Elliott is looking into having that area of the parking lot repaved and potentially adding additional spaces.
- A majority of the Oklahoma City facility has been painted and updated. The old scale in the autopsy lab was removed to make room for two additional autopsy tables. The new digital scale was installed in the garage and will be taken to the new building. One room off the garage housed many boxes of case files which were taken to be scanned. That room has been cleaned and painted and now houses tissue cups that were previously stored in the garage. Our forensic anthropologist is storing her cases in the closet as well. We are installing a key card access to this room.
- The agency met with EMSA and the State Health Department concerning grant money for tornado related needs. They have agreed to buy personal trackers for the Agency's investigators. This helps in determining locations with there are no visible street markers. We have asked for additional funds for 800 MHz radios.
- Construction of the new doctors' offices in Tulsa are being completed and the drying cabinet is being installed. The roof is scheduled to be replaced in January. We are working with the Department of Construction and Maintenance to finalize the paperwork to remodel the Tulsa autopsy lab. The bidding process is open until November 1<sup>st</sup>.
- Callie Farrar is having the air ducts repaired, the electrical in the physicians' offices has been fixed. Old furniture has been removed and replace, the carpet has been cleaned, all the toilets have been repaired and the shower for the doctors is now functional.

Ms. Kulmacz advised Dr. Trant was the only one who requested oral argument and he withdrew his request. No oral argument took place and the case was submitted on the briefs. At this point we are waiting on the 10<sup>th</sup> Circuit to enter a decision. Ms. Kulmacz also advised the 10<sup>th</sup> Circuit does not follow any time line so the decision could take many months or years.

Dr. Bane motioned to enter into executive session to discuss the continued employment, duties to be performed and performance evaluation of the Chief Medical Examiner. Mr. Curtis seconded the motion, roll was called and all were in favor.

Mr. Ferguson stated only this case was discussed in executive session and no votes were taken. Mr. McElvany motioned to return to open session. Mr. Curtis seconded the motion, roll was called and all were in favor.

Mr. Curtis motioned for an increase of Dr. Pfeifer's salary from \$225,000K to \$256,176K. This is based on the recent Hays group study of State employees, which shows the mid-point of a Chief Medical Examiner in Oklahoma to be \$256,176K. The increase is to become effective November 1, 2013. Mr. Curtis advised the maximum salary in the study is \$307,411.

Ms. Kulmacz advised the statute was changed effective July 1, 2013. It states that each Agency shall establish a salary of each Chief Executive Officer for which they have appointing authority. Such salary shall be set between a minimum and maximum range specified in the annual compensation reports required by paragraph 5, section 840-1.6A of this title for full time employees. On September 12, 2013, the Office of Management and Enterprise Services sent out a memorandum with a chart attached which lists the minimum, mid-point and maximum for all the Agencies. The salary discussed here is the amount that was taken from that chart dated August 30, 2013. Ms. Kulmacz advised, for the Board of Medicolegal Investigations, the minimum salary is \$204,941K, mid-point of \$256,176 and a maximum of \$307,411K. The Agency must also certify that any increase can be implemented for the current fiscal year and subsequent fiscal year without the need for additional funding.

Mr. Mortensen seconded the motion, roll was called and all were in favor.

Mr. McElvany motioned to enter into executive session to discuss the matter of the U.S. Department of Labor, Wage and Hour Division in the Matter of Oklahoma Office of the Chief Medical Examiner/Jazmine Goins. Case ID 1691630.

Ms. Martha Kulmacz with the Attorney General's office advised that it is the advice of the attorney for this Agency that any disclosure of discussions between the attorneys and the Board would seriously impair the ability of the of the public body to process the claim or conduct its defense in pending claim and it is her recommendation that the Board enter into executive session.

Dr. Bane seconded the motion, roll was called and all were in favor.

Mr. Ferguson stated only this case was discussed in executive session and no votes were taken. Mr. McElvany motioned to return to open session. Dr. Bane seconded the motion, roll was called and all were in favor.

No official action to be taken as a result of the executive session.

Mr. Curtis motioned to adjourn the meeting. Mr. McElvany seconded the motion. Roll was called and all were in favor.

The meeting was adjourned at 3:09 pm.