

OKLAHOMA STATE BOARD OF EXAMINERS OF PERFUSIONISTS

Minutes of Meeting

The Oklahoma State Board of Examiners of Perfusionists met on July 9, 2019, in accordance with the Oklahoma Open Meeting Act. The regularly scheduled meeting was held at the office of the Board, 101 NE 51st Street, Oklahoma City, Oklahoma. Advance notice of this meeting was transmitted to the Oklahoma Secretary of State on October 10, 2018. The notice and agenda were posted on the Board's website on July 8, 2019, at 8:39 a.m. in accordance with 25 O.S. § 311.9.

Members Present were:

Michael Giese, LP, Vice-Chairman
Leah Davidson, LP, Secretary-Treasurer
Justin Stone, LP
Steven Miller, MD
Ms. Claudia Kamas

Member(s) Absent:

Tyler McKeon, LP, Chairman
Mr. Rick Ross
Mr. Bill Fiddler, Jr.
MD Member - Vacant

Others present:

Reji Varghese, Deputy Director
Barbara J. Smith, Executive Secretary
Lisa Cullen, Director of Licensing
Thomas Schneider, Assistant Attorney General, Board Advisor

Having noted a quorum, Mr. Giese called the meeting to order at 7:00 p.m. Mr. Giese presided over the meeting in Mr. McKeon's absence. Justin Stone, LP, the newest member of the Board was introduced.

Following Board review, Dr. Miller moved to approve the minutes of April 16, 2019 as written. Ms. Davidson seconded the motion and the vote was unanimous in the affirmative.

Next, the Board considered the complete application of **LAUREN HERGET** for Provisional Perfusionist licensure. Ms. Davidson moved to approve the application of **LAUREN HERGET** for Provisional Perfusionist licensure. Dr. Miller seconded the motion and the vote was unanimous in the affirmative.

The Board then reviewed the complete application of **ALEX DEATON** for Provisional Perfusionist licensure. Dr. Miller moved to approve the application of **ALEX DEATON** for Provisional Perfusionist licensure. Ms. Davidson seconded the motion and the vote was unanimous in the affirmative.

Mr. Varghese provided an update on SB685 which would have allowed complete applications to be circularized electronically for Board review and then voted upon electronically by the Board. The bill passed through all the committees but was vetoed by Governor Stitt regarding concerns that it allowed actions not in compliance with the Oklahoma Open Meeting Act. Mr. Varghese advised the Board that he is making modifications to the language to ensure there is no potential violation and will attempt bill passage again next legislative session. The circularization process was outlined for the Board and Mr. Varghese advised that more work was needed to help the legislators understand the process. Mr. Schneider advised the Board briefly regarding the requirements for open meeting video conferencing, emergency meetings, and special meetings.

Next, Thomas Schneider, AAG and Board Advisor, discussed proposed rule amendments as they pertain to how vacancies in the positions of Chair, Vice-Chair and Secretary/Treasurer are currently treated. He provided a handout for Board review. Mr. Schneider asked the Board to give him feedback regarding the proposed language. Mr. Giese stated he would like to see the positions for all three officers be rotated every year, i.e., the Secretary-Treasurer moves up to Vice-Chair and the Vice-Chair moves up to the Chair position. Under that scenario, the only election held annually would be the position of Secretary-Treasurer. A staff directive was issued for Mr. Schneider to re-draft proposed language to present at the next meeting which is scheduled for October 22, 2019. *(See Attachment #1)*

There being no further business, Mr. Giese adjourned the meeting. The time was 7:36 p.m.

OKLA. ADMIN. CODE § 527:1-1-2. DESCRIPTION OF ORGANIZATION

*This is not an exhaustive list of possibilities but rather a starting point for discussion. Any one of the suggested "options" below can undergo some amendment to meet the Board's desires. **THE FOLLOWING IS NOT AN OFFICIAL OPINION OF THE ATTORNEY GENERAL BUT RATHER ONE OF THE AUTHOR SUBMITTED TO THE BOARD FOR ITS CONSIDERATION AND DELIBERATION.***

Current

- (a) The Board is created by the Oklahoma Legislature, 59 O.S. 1996 Supp. §2053. The Board has the authority and duty to regulate and administer the practice of perfusion in this state.
- (b) The Board consists of nine (9) members who are qualified and appointed in accordance with the provisions of 59 O.S. 1996 Supp. §2053 and §2054.
- (c) The officers of the Board shall serve one year terms; the Vice-Chair shall automatically assume the position of Chair at the end of the one year term and a new Vice-chair shall be elected by majority vote of the members in attendance at the meeting.

Option No. 1 – Current language with some languages regarding vacancies

- (a) The Board is created by the Oklahoma Legislature, 59 O.S. 1996 Supp. §2053. The Board has the authority and duty to regulate and administer the practice of perfusion in this state.
- (b) The Board consists of nine (9) members who are qualified and appointed in accordance with the provisions of 59 O.S. 1996 Supp. §2053 and §2054.
- (c) The officers of the Board shall serve one-year terms; the Vice-Chair shall automatically assume the position of Chair at the end of the one-year term and a new Vice-chair shall be elected by majority vote of the members in attendance at the meeting. **Should the member serving as Chair unable to serve as Chair due to death, incapacity, absence, or resignation, the Vice-Chair shall automatically assume the position of Chair.¹ A vacancy in the Vice-Chair and Secretary offices shall be filled by election at the next meeting of the Board.**

Option No. 2 – Annual elections with Vice-Chair becoming Chair the next year

- (a) The Board is created by the Oklahoma Legislature, 59 O.S. 1996 Supp. §2053. The Board has the authority and duty to regulate and administer the practice of perfusion in this state.
- (b) The Board consists of nine (9) members who are qualified and appointed in accordance with the provisions of 59 O.S. 1996 Supp. §2053 and §2054.
- (c) The officers of the Board shall serve one-year terms **and shall be elected at the first meeting of the calendar year by a majority vote of the members attending the meeting.;** ~~The the~~ Vice-Chair shall automatically assume the position of Chair at the end of ~~his or her the~~ one-year term ~~as~~

¹ Might include language about the Vice-Chair serving the rest of the unexpired term and having a full one-year term.

Vice-Chair. ~~and a new Vice-chair shall be elected by majority vote of the members in attendance at the meeting.~~ Should the member serving as Chair unable to serve as Chair due to death, incapacity, absence, or resignation, the Vice-Chair shall automatically assume the position of Chair. A vacancy in the Vice-Chair and Secretary offices shall be filled by election at the next meeting of the Board.

Option No. 3 – “Movin’ on up”

(a) The Board is created by the Oklahoma Legislature, 59 O.S. 1996 Supp. §2053. The Board has the authority and duty to regulate and administer the practice of perfusion in this state.

(b) The Board consists of nine (9) members who are qualified and appointed in accordance with the provisions of 59 O.S. 1996 Supp. §2053 and §2054.

(c) The officers of the Board shall serve one-year terms and shall be elected at the first meeting of the calendar year by a majority vote of the members attending the meeting; ~~the Vice-Chair shall automatically assume the position of Chair at the end of the one year term and a new Vice-chair shall be elected by majority vote of the members in attendance at the meeting.~~ Should the member serving as Chair unable to serve as Chair due to death, incapacity, absence, or resignation, the Vice-Chair shall automatically assume the position of Chair and the Secretary-Treasurer shall become the Vice-Chair. In the event of a vacancy in the Vice-Chair or Secretary-Treasurer offices, the Board shall elect a member to the vacant office at the next meeting of the Board.

Option No. 4 – Annual election of all officers

(a) The Board is created by the Oklahoma Legislature, 59 O.S. 1996 Supp. §2053. The Board has the authority and duty to regulate and administer the practice of perfusion in this state.

(b) The Board consists of nine (9) members who are qualified and appointed in accordance with the provisions of 59 O.S. 1996 Supp. §2053 and §2054.

(c) The officers of the Board shall serve one-year terms and shall be elected at the first meeting of the calendar year by a majority vote of the members attending the meeting; ~~the Vice-Chair shall automatically assume the position of Chair at the end of the one year term and a new Vice-chair shall be elected by majority vote of the members in attendance at the meeting.~~ Should the member serving as Chair unable to serve as Chair due to death, incapacity, absence, or resignation, the Vice-Chair shall automatically assume the position of Chair. A vacancy in the Vice-Chair and Secretary offices shall be filled by election at the next meeting of the Board.