

Therapeutic Recreation Committee

The Therapeutic Recreation Committee of the Board of Medical Licensure and Supervision met on September 6, 2018, in accordance with the Open Meeting Act. The meeting was held at the office of the Board, 101 NE 51st Street, Oklahoma City, Oklahoma. Advance notice of this regularly scheduled meeting was transmitted to the Oklahoma Secretary of State on October 10, 2017. The notice and agenda were posted on the Board's website and front door of the Board office at 101 NE 51st Street, Oklahoma City, Oklahoma, on September 4, 2018 at 11:26 a.m. in compliance with 25 O.S. §311.9.

Members Present:

Tim Passmore, Ed.D., TRS, Chair
Angela Roberts, TRS
Ms. Michelle Higgins

Member Absent:

Ms. Rendy Janssen
TRS Member – Vacant

Others present:

Barbara J. Smith, Executive Secretary
Lisa Cullen, Acting Director of Licensing
Thomas Schneider, Assistant Attorney General, Committee Advisor

Having noted a quorum, Mr. Passmore called the meeting to order at 3:01 p.m. The Committee reviewed the special meeting minutes of March 1, 2018. Ms. Higgins moved to approve the minutes as written. Ms. Roberts seconded the motion and the vote was unanimous in the affirmative.

Next the Committee reviewed applications for licensure. Following Committee review and discussion, Ms. Higgins moved to recommend approval of the following complete applications for Therapeutic Recreation Specialist. Ms. Roberts seconded the motion and the vote was unanimous in the affirmative.

MARILYN LATASHA WOODS

MICHELLE MILLER BATEMAN

In a previous meeting, the committee members had asked Thomas Schneider, AAG, if they could attend state meetings and/or conventions together and if, in doing so, a quorum of the committee was present, would that make the meeting or convention subject to the Oklahoma Open Meeting Act. Mr. Schneider presented his findings which stated that the members could attend the same state meetings and/or conventions together, however, they were cautioned against discussing “discrete proposals or specific matters within the Committee’s jurisdiction.”
(See Attachment #1)

Then, the Committee heard from Robert Nisbet, MD, Coordinator, Oklahoma Allied Professional Peer Assistance Program (“APPA”). Dr. Nisbet explained that APPA is a voluntary program. APPA serves allied health professionals who have had substance abuse and/or behavioral issues and seek assistance. Dr. Nisbet stated that he has received no referrals from

committee members and wanted to remind the committee that the APPA program is available. Members of the Committee were each provided an APPA brochure and Dr. Nisbet's business card. Dr. Nisbet answered questions of the Committee and the Committee expressed their appreciation for the information.

There being no further business, Ms. Roberts moved to adjourn the meeting. The time was 3:18 p.m.



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

March 2, 2018



Tim Passmore, Ed.D, Chairman
Therapeutic Recreation Committee
OKLAHOMA BOARD OF MEDICAL LICENSURE AND SUPERVISION
101 NE 51st St.
Oklahoma City, OK 73105-1821

**RE: OPEN MEETINGS ACT COMPLIANCE AT STATE MEETINGS
AND CONVENTIONS OF A PROFESSIONAL ORGANIZATION**

Dear Chairman Passmore,

At the Committee's special meeting yesterday, March 1, 2018, you asked me how Committee members should comply with the requirements of the Open Meetings Act, 25 O.S. 2011, § 301 et seq. ("Act"), at the state meetings and conventions of a professional organization. You indicated that you, in your capacity as chairperson, or another Committee member regularly update the organization on the business of the Therapeutic Recreation Committee ("Committee"), including among other things, a legislative update, at these meetings and conventions. Further, you specifically wanted to know if the Act would be violated if a quorum of the Committee were in the room at the time of this presentation.

Pursuant to 25 O.S. 2011, § 304(2), a meeting "shall not include informal gatherings of a majority of the members of the public body when no business of the public body is discussed. None of the cases interpreting this subsection of the Act has ruled on this specific factual situation or one similar to it. Yet, a 2012 Attorney General opinion did determine that gatherings of a majority of Corporation Commissioners at a meeting of a private entity concerning a topic of interest to the Oklahoma Corporation Commission "do not constitute a meeting unless the commissioners are considering discrete proposals or specific matters within the Court's jurisdiction." 2012 OK AG 24, ¶ 40. Like the Corporation Commission, the Committee is also a public body under the Act. Moreover, as a public body, the Committee must follow the all of the requirements set forth in the Act. The meeting described in the Attorney General Opinion is comparable to one that you are concerned about. A majority of the members of the Committee will be purportedly attending a state meeting or organization of their professional organization. Topics of interest to the therapeutic

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Attachment #1

Tim Passmore

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recreating specialist profession, including the practice thereof, will likely be discussed at a state meeting or convention.

In light of the determinations set forth in 2012 OK AG 24 and subsequent analysis, a majority of the Committee may attend a professional organization's state meeting or convention. At the time of the presentation by the chairman or another Committee member, other members of the Committee do not have to exit the room. However, members of the Committee attending the meeting or convention **should not at any time** initiate discussion and/or consideration of discrete proposals or specific matters within the Committee's jurisdiction. Discussion and consideration of proposals or matters under the Committee's purview should only take place at properly noticed, regularly scheduled or special meetings of the Committee consistent with the Act.

As chairman of the Committee, you have authority to include items on the agenda. Any emerging issues needing to be discussed, proposals requiring prompt consideration, or matters of concern learned about at a meeting or convention can be added to the next meeting's agenda. Should immediate action need to be taken, you have the right to call a special meeting. If it can wait until the next regular meeting, it may be best to wait until that meeting. If you have any questions, please feel free to contact me by phone at (405) 522-4413 or by email at thomas.schneider@oag.ok.gov.

Respectfully,



Thomas R. Schneider, LL.M.

Assistant Attorney General
State of Oklahoma

cc: **Barbara Smith, Board Secretary**
Lyle Kelsey, Executive Director
Reji Varghese, Deputy Director

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**THIS IS NOT AN OFFICIAL ATTORNEY GENERAL OPINION, BUT THE OPINION OF
THE AUTHOR.**