



April 26, 2024

**VIA EMAIL**

Oklahoma State Department of Health  
123 Robert S. Kerr Avenue, Ste. 1702  
Oklahoma City, OK 73102  
[OSDHOOpenRecords@health.ok.gov](mailto:OSDHOOpenRecords@health.ok.gov)

**Re: Open Records Act Request**

Dear Records Access Officer(s):

Pursuant to the Oklahoma Open Records Act, O.S. tit. 51, §§ 24A.1 et seq., American Oversight makes the following request for records.

**Requested Records**

American Oversight requests that your office produce the following records within five business days:

All email communications (including emails, email attachments, complete email chains, calendar invitations, and calendar invitation attachments) sent by any of the officials listed below and containing any of the key terms listed below.

**State Department of Health:**

1. Keith Reed, Commissioner
2. Jackie Shawnee, Chief of Staff
3. Baylee Williams, Legislative Liaison
4. Josh Anderson, General Counsel
5. Tina Johnson, Assistant Deputy Director of Family Health
6. Gitanjali Pai, Chief Medical Officer
7. Chris Sudduth, Board of Health Member
8. Mark McCroskey, Board of Health Member
9. R. Murali Krishna, Board of Health Member
10. Ronald Osterhout, Board of Health Member
11. Bruce Storms, Board of Health Member
12. Kinion Whittington, Board of Health Member
13. Travis Wolff, Board of Health Member
14. Jeffrey James Lim, Board of Health Member
15. Randy Grellner, Board of Health Member

**Key Terms:**

- a. "AL Supreme Court"
- b. "Alabama Supreme Court"



- c. “assisted reproduction”
- d. “assisted reproductive”
- e. “in vitro”
- f. “in-vitro”
- g. “juridical person”
- h. “legal person”
- i. “life at conception”
- j. “standard of care”
- k. “TRAP law”
- l. “TRIP law”
- m. “wrongful death of a minor”
- n. cryo
- o. embryo
- p. fertility
- q. fertilization
- r. fertilize
- s. gamete
- t. “I.V.F.”
- u. invitro
- v. IVF
- w. personhood
- x. unborn
- y. utero
- z. zygote

In an effort to accommodate your office and reduce the number of potentially responsive records to be processed and produced, American Oversight has limited its request to emails sent by the listed officials. To be clear, however, American Oversight still requests that complete email chains be produced, displaying both sent and received messages. This means, for example, that both a listed official’s response to an email containing a listed key term and the initial received message are responsive to this request and should be produced.

**Please provide all responsive records from February 16, 2024, through the date the search is conducted.**

### **Fee Waiver Request**

In accordance with 51 O.S. tit. 51, § 24A.5(4), American Oversight requests that your office charge no search fees in connection with processing this request for records. Release of the requested records “is in the public interest,” because American Oversight, in accordance with its organizational mission, makes this request “to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.”<sup>1</sup> Specifically, the requested records have the potential to shed light on state officials’ roles in shaping policies

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<sup>1</sup> O.S. tit. 51, § 24A.5(4).

regarding in vitro fertilization.<sup>2</sup> Records with the potential to shed light on this matter would contribute significantly to public understanding of how public servants are fulfilling their duties, including whether and to what extent they have communicated about plans to address care for in vitro fertilization patients in Oklahoma.

American Oversight's work is aimed solely at serving the public interest.<sup>3</sup> As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. Rather, American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. Similar to members of the news media, American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.com.<sup>4</sup> American Oversight has also demonstrated its commitment to the public disclosure of documents and creation of editorial content through regular substantive analyses posted to its website.<sup>5</sup>

American Oversight is committed to transparency and makes the responses public bodies provide to public records requests publicly available, and the public's understanding of the government's activities—including whether public servants are honestly, faithfully, and competently performing their duties—would be enhanced through American Oversight's analysis and publication of these records.

Therefore, in accordance with O.S. tit. 51, § 24A.5(4), American Oversight respectfully requests that you limit any copying fees to the reasonable, direct costs of record copying, or mechanical reproduction, if any such costs are incurred.

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<sup>2</sup> See, e.g., Samson Tamijani, *State Bill Would "End IVF As We Know It," Advocate Argues*, 2 News Oklahoma (Mar. 8, 2024, updated 6:34 PM), <https://www.kjrh.com/news/local-news/state-bill-would-end-ivf-as-we-know-it-advocate-argues>.

<sup>3</sup> See O.S. tit. 51, § 24A.5(4).

<sup>4</sup> American Oversight currently has approximately 16,000 followers on Facebook and 111,200 followers on Twitter.com. American Oversight, Facebook, <https://www.facebook.com/weareoversight/> (last visited Apr. 23, 2024); American Oversight (@weareoversight), Twitter.com, <https://twitter.com/weareoversight> (last visited Apr. 23, 2024).

<sup>5</sup> See generally *News*, American Oversight, <https://www.americanoversight.org/blog>; *State Investigations*, American Oversight, <https://www.americanoversight.org/states>; see also, e.g., *State Government Contacts with Voting-Restriction Activists*, American Oversight, <https://www.americanoversight.org/investigation/state-government-contacts-with-voting-restriction-activists>; *Georgia's Voting Machines and Election Security*, American Oversight, <https://www.americanoversight.org/investigation/georgias-voting-machines-and-election-security>; *Tulsa Health Officials Initially Estimated Trump Rally Would Directly Lead to 2 to 9 Deaths*, American Oversight, <https://www.americanoversight.org/tulsa-health-officials-initially-estimated-trump-rally-would-directly-lead-to-2-to-9-deaths>.

American Oversight asks that if its request for a fee waiver is denied in whole or in part, that you contact us prior to incurring any costs.

### **Guidance Regarding the Search & Processing of Requested Records**

In connection with its request for records, American Oversight provides the following guidance regarding the scope of the records sought and the search and processing of records:

- Our request for records includes any attachments to those records or other materials enclosed with those records when they were previously transmitted. To the extent that an email is responsive to our request, our request includes all prior messages sent or received in that email chain, as well as any attachments to the email.
- Please search all relevant records or systems containing records regarding agency business. Do not exclude records regarding agency business contained in files, email accounts, or devices in the personal custody of your officials, such as personal email accounts or text messages.
- In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records.<sup>6</sup> If a request is denied in whole, please state specifically why it is not reasonable to segregate portions of the record for release.
- Please take appropriate steps to ensure that records responsive to this request are not deleted by the agency before the completion of processing for this request. If records potentially responsive to this request are likely to be located on systems where they are subject to potential deletion, including on a scheduled basis, please take steps to prevent that deletion, including, as appropriate, by instituting a litigation hold on those records.

### **Conclusion**

If you have any questions regarding how to construe this request for records or believe that further discussions regarding search and processing would facilitate a more efficient production of records of interest to American Oversight, please do not hesitate to contact American Oversight to discuss this request. American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight and your agency can decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in an electronic format by email. Alternatively, please provide responsive material in native format or in PDF format on a

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<sup>6</sup> O.S. tit. 51, § 24A.5(2).

USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15th Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, please contact Emma Lewis at [records@americanoversight.org](mailto:records@americanoversight.org) or (202) 919-6303.

Sincerely,

/s/ Emma Lewis  
Emma Lewis  
on behalf of  
American Oversight