



**STATE OF OKLAHOMA
BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE**

Dr. Kenneth E. Blick, Ph.D.
Chairman

Post Office Box 36307
Oklahoma City, Oklahoma 73136-2307
Phone: (405) 425-2460 Fax: (405) 425-2490
www.bot.ok.gov

Kevin Behrens
Director

The agenda for this meeting was posted in accordance with Title 25 Section 311.A.9, at the Administrative Offices of the Board of Tests for Alcohol and Drug Influence, 3600 North Martin Luther King Avenue, Building 9, Oklahoma City, OK, 73111.

**Regular Meeting AT OKLAHOMA CITY, OKLAHOMA
Of the Board of Tests for Alcohol and Drug Influence
Oklahoma Department of Public Safety Complex,
W.C. Sarg Smith Classroom
3600 North Martin Luther King Avenue, Oklahoma City, OK, 73111**

**Tuesday February 12, 2019
10:00 A.M. CDT**

MINUTES

BOARD MEMBERS PRESENT:

Dr. Kenneth Blick, OUHSC
Charles Gerhart, CLEET
Major Todd Blish, OHP
Dr. Jarrad Wagner, OSU Health Science
Dr. Terence Dunn, Department of Health
Sheriff Chris West, Canadian County
Kevin Kramer, OSBI
Chief Griffin, Comanche Nation

STAFF PRESENT:

Kevin Behrens, Director
Jenifer Martin, Office Manager
Josh Smith, Maintenance Administrator
Vince Barnard, Training Administrator
David Barnett, Interlock Administrator

1. Call Meeting to Order

Action Taken: Dr. Blick called the meeting to order at 10:00 a.m. Roll was taken; seven members were present representing a quorum.

Dr. Dunn entered the meeting at 10:09 am

2. Statement of Compliance with the Open Meeting Act

Dr. Blick gave statement of compliance

3. Approval of Minutes of November 6, 2018 Regular Meeting

Action Taken: Chief Griffin moved to approve minutes, Kevin Kramer seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Griffin voted yes

4. **Director's Report**

Director Behrens stated the next regular board meeting will be August 13, 2019 at 10:00 am. He stated the board members will receive advance notice of the meeting closer to the date. The state audit began last fall and should conclude in the next few weeks. The audit findings will be reported to the board at the August meeting. Regarding legislation there are two bills we are tracking HB2378 and SB712. They are virtually identical, basically they are reboots of past years legislation regarding impaired driving. There are two big elements the director wanted to bring to boards attention. The first does not impact the agency directly, but the bill seems to eliminate the driver's license appeal process through the department of public safety. That means all records from the Intoxilyzer will go directly to district court. The part that will directly impact the agency is the bills both will create some model interlock participant monitoring through the department of public safety in conjunction with the board of tests. The director stated he will be working with the legislature and the department of public to make this a smooth transition between all parties. The director will update the board via email as the bills progress.

Director Behrens gave updates on the agencies programs starting with the breath testing program. Josh has installed 15 of the wireless gateways on the instruments in the field since January 11, 2019. In regards to the training program, the Dubowski/Esary Course is June 26 – 28, 2019 in Tulsa. Vince has secured several top notch speaker for the event. Director Kevin Behrens invited any board that would like to attend or speak at the event to reach out to Vince. David with the interlock program has compliance tested one new device for an existing approved company and is also compliance testing a device for a company that is not yet approved for Oklahoma. In regards to administration, we are exploring digitizing our record keeping. We have installed monitor in the hall with a dashboard of the agency activity. The board members will start receiving weekly emails of the agency activity from now on.

Action Taken: Sheriff West moved to approve minutes, Chuck Gerhart seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn abstained, Kevin Kramer voted yes, Sheriff West voted yes, Chief Griffin voted yes

5. **Discussion and possible action on agency travel**

Kevin stated executive order 2015-46 discusses agency travel, specific non-essential and in the past we have requested board approval that travel to specific events is essential for agency. This year we are requesting the agency send two employees to IACT in Cour de Lane, Idaho in April totaling approximately \$3,000. Some of that cost will be offset due to Kevin being asked to speak at the conference. The next travel will be to AIIPA in May, we are asking the board approve to send two employees to that conference as well. The approximate cost is \$4,000, again some of the cost for Director Behrens to attend will be offset as he is the president of AIIPA and they will cover some of his expenses. We are also requesting approval to send up to two employees to the IACP/DAID conference in Anaheim, CA in August approximate cost is \$4,000. Director Behrens also stated the travel will only happen if the agency budget allows for it.

Action Taken: Chuck Gerhart moved to approve minutes, Major Blish seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Griffin voted yes

6. Discussion and possible action on proposed Permanent Rulemaking

Dr. Blick explained the proposed permanent rules along with public comments have been placed in the packets for the board members. The board members have been given an opportunity to review the rule changes and public comments. Dr. Blick asked for any comments or questions concerning said rule making.

Dr. Dunn asked on rule 40:30-1-3 about the comment from Brain Morton; the possibility of approving the operating procedure. Dr. Dunn asked if there was a reason the board would not approve the operating procedure. Director Behrens explained that is what the board is deciding right, he further explained right now the rule states the test will be done in accordance to the operating procedure approved by the State Director of Tests. That language is being taken out and the only place the operating procedure will exist is in this rule which will have board approval is the board votes to approve the proposed permanent rulemaking.

There were no other comments or questions from the board members and Dr. Blick asked for a motion to approve not only the changes but also the recommendations to include the comments.

Action Taken: Chief Griffin moved to approve minutes, Sheriff West seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Griffin voted yes

7. Chairman's Report

Dr. Blick stated his laboratory is no longer doing independent testing for blood alcohol. He stated the blood kit has a third tube that the individual can have sent off to laboratory for independent testing. He feels it would be wise for the Board of Tests to come up with at least a recommendation for which laboratories could be used for such testing.

Director Behrens commented that any action taken by the board in that regard would be a rule making action. Unfortunately, there are provision in the rules that require the independent testing to be in Oklahoma and as of right now there are some criminal procedure statutes indicating that if the lab ISO17025 accredited then testing result of said labs are approved to be admitted into court.

Dr. Blick stated the board needs to take a look at this to get ahead of any issues that may arise from this.

9. Public Comments

Tom Hosty

10. Adjournment

Action Taken: Kevin Kramer moved to approve minutes, Chief Griffin seconded the motion. A roll call vote was taken with the following results Dr. Blick voted yes, Dr. Wagner voted yes, Major Blish voted yes, Charles Gerhart voted yes, Dr. Dunn voted yes, Kevin Kramer voted yes, Sheriff West voted yes, Chief Griffin voted yes

Respectfully submitted,

Chairman Kenneth Blick
Board of Tests for Alcohol and Drug Influence

A digital copy of these minutes is kept on record at the Board of Tests
Available upon request.

DRAFT