

**BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
SPECIAL MEETING
Oklahoma Department of Public Safety
Commissioner's Conference Room
3600 Martin Luther King Ave. DPS building, South East entrance
March 9, 2012
MINUTES**

BOARD MEMBERS PRESENT:

Dr. Kenneth Blick, O.U. Health Sciences Center
Mr. Kevin Kramer, OSBI
Dr. Terence Dunn, OK Dept. of Health
Mr. Steve Emmons, CLEET
Major Rusty Rhoades, Oklahoma Highway Patrol
Sheriff John Whetsel, Oklahoma County

STAFF PRESENT:

J. Robert Blakeburn, State Director
Toby Taylor, Administrative Asst.
Shelly Schultz, Ignition Interlock P.A.
Jenifer Martin, Admin. Tech.

BOARD MEMBERS ABSENT:

Chief Byron Cox, Weatherford Police Dept.

GUESTS:

Jeff Skinner
Stephen G. Fabian
Thomas Hosty

ORGANIZATION:

Lifesaver
(left blank)
Attorney

1. Call Meeting to Order

Action Taken: Chairman Blick called the meeting to order at 10:07 a.m. Roll was taken; six members were present representing a quorum. Sheriff Whetsel arrived at 10:09 a.m.

2. Approval of Minutes

Action Taken: Mr. Emmons made a motion to approve the minutes of the August 31, 2011, Regular Meeting as written. The motion was seconded by Dr. Dunn. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Mr. Emmons voted yes; Major Rhoades voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 6-0.

3. Report from State Director

Director Blakeburn presented the Director's Report dated March 9, 2012. There was no discussion.

Action Taken: Sheriff Whetsel made a motion to accept the Directors Report. The motion was seconded by Major Rhoades. A roll call vote was taken with the following

results: Mr. Kramer voted yes; Dr. Dunn voted yes; Mr. Emmons voted yes; Major Rhoades voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 6-0.

4. Current Business

A. Consideration or discussion of press publications involving Board personnel matters.

Director Blakeburn referenced the press publication involving Board personnel matters included in the packets distributed to the members. There was no discussion.

Action Taken: No action taken.

B. Discussion and possible action on the employment of Robert Blakeburn as the State Director of Tests for Alcohol and Drug Influence. The Board may convene an executive session pursuant to 25 OS 307 B 1.

Action Taken: Sheriff Whetsel made a motion to convene an executive session. The motion was seconded by Dr. Dunn. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Mr. Emmons voted yes; Major Rhoades voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 6-0. The Board went into executive session at 10:18 a.m.

Chairman Blick announced the return to open session at 11:04 a.m.

Action Taken: Sheriff John Whetsel made a motion to reconvene the Special Meeting. The motion was seconded by Mr. Emmons. Mr. Kramer voted yes; Dr. Dunn voted yes; Mr. Emmons voted yes; Major Rhoades voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 6-0.

C. Consideration and discussion of amendment to OAC 40:10-9-1 to approve Emergency Medical Technicians licensed at the intermediate, advanced and paramedic levels by the Oklahoma Board of Health to withdraw blood for testing.

Major Rhoades questioned the necessity of the amendment. Director Blakeburn explained the request came from the Traffic Safety Resource Prosecutor who stated this had been an issue in court. Director Blakeburn stated the Oklahoma Department of Health advised they would be creating the Advanced Emergency Medical Technician (AEMT) designation in about 1 – 1 ½ years and this change is preemptive so when the status came into existence the class would already be approved. Chairman Blick stated he was not convinced this was necessary. Director Blakeburn agreed by stating he felt it is more appropriately handled by the Appellate Courts.

Action Taken: No action taken.

Sheriff Whetsel asked Director Blakeburn which agenda was legally posted. Sheriff Whetsel stated he had two separate agendas. Director Blakeburn advised the agenda with the separate agenda item 4B is the correct agenda and confirmed the agenda was properly posted.

D. Consideration and discussion of approval of modification to the Intoxilyzer I-8000 to allow removal of a jumper from the circuit board to prevent failure of the instrument in the event the battery fails and preventing the display from scrolling until the start button is pushed.

Director Blakeburn read his response to an email from Matt Midnight, Product Testing and Service Supervisor with CMI, Inc. Sheriff Whetsel questioned the need for the modification. Director Blakeburn advised when the external power source for the instrument is lost the instrument looks to the internal battery. If the internal battery goes down this creates some conflict that costs the Board about \$1,200.00 to repair. Sheriff Whetsel and Chairman Blick both expressed the need for additional information before the Board proceeds.

Action Taken: No action taken.

5. Consideration and discussion of approval of modification to the Intoxilyzer I-8000 to allow the instrument to display and/or print data about the time, pressure and/or volume of the breath sample(s) delivered by the individual to be tested.

Director Blakeburn explained the proposed modification. Sheriff Whetsel asked Director Blakeburn if this capability is currently available in the I-8000. Director Blakeburn indicated the feature was currently available. Chairman Blick clarified the Board would be approving the use of the feature and not a modification to the instrument. Comments from the public indicated this feature had been activated on a municipal owned instrument.

Action Taken: Sheriff John Whetsel made a motion to approve implementation of the features on the Intoxilyzer I-8000 to allow the instrument to display and/or print data about the time, pressure and/or volume of the breath sample(s) delivered by the individual to be tested. The motion was seconded by Mr. Kramer. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Mr. Emmons voted yes; Major Rhoades voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 6-0.

6. Consideration and discussion of approval of modification to the Intoxilyzer I-8000 to allow the instrument to retain test data after the information is uploaded, rather than deleting it immediately upon upload.

Director Blakeburn explained the proposed modification. Chairman Blick clarified the Board would be approving the use of the feature and not a modification to the instrument.

Action Taken: Sheriff John Whetsel made a motion to approve implementation of the features on the Intoxilyzer I-8000 to allow the instrument to retain test data after the information is uploaded, rather than deleting it immediately upon upload, up to the instruments capacity. The motion was seconded by Mr. Kramer. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Mr. Emmons voted yes; Major Rhoades voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 6-0.

7. Chairman Report.

Chairman Blick commented the meeting was quite useful and complimented the public and Board members.

Action Taken: No action taken.

8. Consideration of any statements by the public.

Mr. Hosty solicited Director Blakeburn to speak at a Municipal Judges Conference. Mr. Hosty also asked the Board to consider going back to four blood vials rather than three blood vials. Chairman Blick indicated the Board would need to revisit and informed Mr. Kramer to notify the OSBI. Mr. Kramer acknowledged Chairman Blick's request.

Action Taken: No action taken.

9. Adjournment.

Action Taken: Dr. Dunn made a motion to adjourn. The motion was seconded by Mr. Emmons. A roll call vote was taken with the following results: Mr. Kramer voted yes; Dr. Dunn voted yes; Mr. Emmons voted yes; Major Rhoades voted yes; Sheriff Whetsel voted yes and Chairman Blick voted yes. The motion carried unanimously 6-0.

Chairman Blick adjourned the meeting at 11:58 a.m.

Respectfully submitted,



Dr. Kenneth Blick
Chairman

Board of Tests for Alcohol and Drug Influence