



**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**

**Thursday March 12, 2015
2:00 P.M. CST**

MINUTES

BOARD MEMBERS PRESENT:

Dr. Kenneth Blick, O.U. Health Sciences Center
Sheriff John Whetsel, Oklahoma County
Chief Vernon Griffin, Comanche Nation
Steve Emmons, CLEET
Kevin Kramer, OSBI
Dr. S. Terence Dunn, Oklahoma State Health Dept.

STAFF PRESENT:

Kevin Behrens, Director
Jenifer Martin, Office Manager
Shelly Schultz, Interlock Program Admin
Vince Barnard, Senior Training Officer

BOARD MEMBERS ABSENT:

Major Rusty Rhoades, Oklahoma Highway Patrol

1. Call Meeting to Order

Action Taken: Chairman Blick called the meeting to order at 2:00 p.m. Roll was taken; six members were present representing a quorum.

2. Approval of Minutes of November 18, 2014 Regular Meeting

Action Taken: Sheriff Whetsel made a motion to approve minutes. The motion was seconded by Chief Griffin. A roll call vote was taken with the following results Chairman Blick voted yes; Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn yes, and Chief Griffin voted yes. The motion carried unanimously 6-0.

3. **Director's Report**

Director Behrens updated the board about what has been happening with legislation. He stated he has testified in front of the House review board for House Bill 1013. House Bill 1013 was attached to the agency's Sunset for 2015. However, the Bill never made it to the house floor because House Bill 1494 has Sunset language in it. They struck House Bill 1013 and left House Bill 1494 active. Director Behrens gave a brief summary of House Bill 1494. He went on to update the board on House Bill 1607 implied consent advisory. At this time House Bill 1607 has been passed through the House to the Senate. Director Behrens House Bill 1659 and it will create a separate class of blood testing in fatality and serious injury accidents. House Bill 1659 has also passed through to the Senate. Director Behrens goes onto to update the Board on Senate Bill 58.

Director Behrens then discusses Board of Tests 2015 plan. He stated in 2015 we will plan to move all maintenance records to electronic filing and hopefully available to everyone to access. We are also moving forward with the research plan for the E-Cigarette study that was approved by the board back in November 2014. Director Behrens went on to tell the board himself, Josh, Vince and Shelly are working on reference material for the attorneys and courts. This material will be placed on a flash drive and contain case law, statues, rule, and studies. He went on to say Josh has been and is continuing to work on instrument connectivity. He has been working on moving all instruments from dial up to a high speed Ethernet connection. We are implementing the software updates approved at the last board meeting in November 2014. We are also working with GIDPAC to implement their plans, especially with regards to the ignition interlock. This year we are also focusing on implementing ignition interlock best practices.

Action Taken: Steve Emmons made a motion to accept Director's report. The motion was seconded by Kevin Kramer. A roll call vote was taken with the following results Chairman Blick voted yes; Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes and Chief Griffin voted yes. The motion carried unanimously 6-0.

4. **Discussion and possible action on proposed permanent rulemaking:**

Director Behrens stated on December 23, 2014, the Board of Tests filed Notices of Proposed Rulemaking with the Oklahoma Secretary of State. The notices were published in the Oklahoma Register on January 15, 2015. A hearing was conducted on February 19, 2015. Director Behrens provided the board with the Summary of Comments 2015 Rulemaking Action.

a. OAC Title 40:10-3-7 Instructors for breath alcohol training courses

Proposed changes to the language on policies pertaining to breath alcohol training instructors and qualifications of instructor.

It was discussed the current language is outdated and needs to be updated to better fit the present practices of the Board of Tests.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:10-3-7. The motion was seconded by Kevin Kramer. A roll call vote was taken with the following results Chairman Blick abstained, Sheriff Whetsel voted yes, Steve Emmons voted yes,

Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried 5-1.

b. OAC Title 40:20-1-3 Specimens

Proposed change to the language on handling and disposition of state's blood specimen.

The proposed changes were discussed in great length amongst the board members and members of the public who were present. All parties were in agreement there is not enough scientific backing or merit to warrant these changes.

Action Taken: Sheriff Whetsel made a motion to deny the changes to 40:20-1-3. The motion was seconded by Kevin Kramer. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried unanimously 6-0.

c. OAC Title 40:50 Ignition Interlock Devices

40:50-1-1.1 Definitions.

Proposed changes to the definitions.

Director Behrens state the proposed changes are to update the Board of Tests definitions to match the standardized terminology and definitions put forth by the Association for Ignition Interlock Program Administrators.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-1.1. The motion was seconded by Steve Emmons. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried unanimously 6-0.

40:50-1-2.3 Revocation of certification

Proposed changes to the language on revocation of certification

The board read over the proposed changes.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-2.3. The motion was seconded by Steve Emmons. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried unanimously 6-0.

40:50-1-2 Device Certification Process

Proposed changes to the language on the device certification process.

The board read over the proposed changes.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-2.3. The motion was seconded by Steve Emmons. A roll call vote was taken with the

following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried unanimously 6-0.

40:50-1-3.1 Violation Reset

Proposed changes to the language on the Violation Reset

The board read over the proposed changes and director Behrens discussed the comments submitted by the Oklahoma Ignition Interlock Association and Smart Start concerning the violation reset.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-3.1. The motion was seconded by Dr. Terence Dunn. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried unanimously 6-0.

40:50-1-3.2 Reportable Violation

Proposed changes to the language on the reportable violation

The board read over the proposed changes.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-3.2. The motion was seconded by Steve Emmons. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried unanimously 6-0.

40:50-1-3 Standards and Specifications

Proposed changes to the language on the Standards and Specifications

The board read over the proposed changes and director Behrens discussed the comments submitted by the Oklahoma Ignition Interlock Association.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-3. The motion was seconded by Chief Griffin. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried 6-0.

40:50-1-7.3 Inactivation, suspension, and revocation (service center license)

Proposed changes to the language on the Inactivation, suspension, and revocation (service center license)

The board read over the proposed changes and director Behrens discussed the comments submitted by Smart Start.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-7.3. The motion was seconded by Kevin Kramer. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes,

Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried 6-0.

40:50-1-7 Service Center Licensing Process

Proposed changes to the language on the Service Center Licensing Process

The board read over the proposed changes and director Behrens discussed the comments submitted.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-7. The motion was seconded by Kevin Kramer. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried 6-0.

40:50-1-8.3 Inactivation, suspension, and revocation (technician license)

Proposed changes to the language on the inactivation, suspension, and revocation (technician license)

The board read over the proposed changes and director Behrens discussed the comments submitted.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-8.3. The motion was seconded by Kevin Kramer. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried 6-0.

40:50-1-12 Reciprocity

Proposed changes to the language on reciprocity

The board read over the proposed changes.

Action Taken: Sheriff Whetsel made a motion to approve the changes to 40:50-1-12. The motion was seconded by Steve Emmons. A roll call vote was taken with the following results Chairman Blick voted yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried 6-0.

5. Discussion of potential changes to Board structure pursuant to HB 1494

Director Behrens gave a summary of what house bill 1494 covers. Stating if it passes all changes will go into effect July 1, 2015. The potential changes to the Board would be: extends Sunset date to 2022, adds an 8th member to the Board, provides for election the Chair and a Vice-Chair, eliminates the specific statutory position of Administrative Assistant to the Board and directs the Board to regulate pre-screening devices.

The Board, Director Behrens, and the public discussed the implementation and effects of house bill 1494 in great length.

6. **Public Comments**

Thomas Hosty voiced his concern with the screening devices/testing. He advised the Board to consider tabling rule making until there is more science to back up the idea.

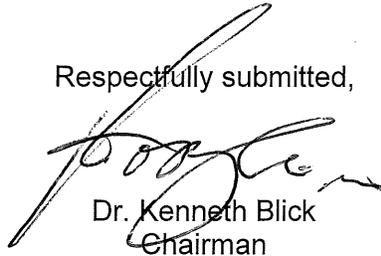
7. **New Business**

There was no new business

8. **Adjournment**

Action Taken: Steve Emmons made a motion to adjourn the meeting. The motion was seconded by Dr. Terence Dunn. A roll call vote was taken with the following results Chairman Blick yes, Sheriff Whetsel voted yes, Steve Emmons voted yes, Kevin Kramer voted yes, Dr. Terence Dunn voted yes, and Chief Griffin voted yes. The motion carried 6-0.

Respectfully submitted,



Dr. Kenneth Blick
Chairman

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.