



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

Post Office Box 36307

Oklahoma City, Oklahoma 73136-2307

Phone: (405) 425-2460 Fax: (405) 425-2490

www.bot.ok.gov

Dr. Jarrad Wagner, Ph.D.
Chairman

Joshua Smith
State 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
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 21, 2023
10:00 A.M.**

MINUTES

BOARD MEMBERS PRESENT:

Dr. Jarrad Wagner, OSU Health Science - Chair
Kevin Kramer, Oklahoma State Bureau of Investigation
Sheriff Damon Devereaux, Sheriffs and Peace Ofc Assoc.
Curt Terry, CLEET
Major Eric Cannaday, Dept.of Public Safety
Dr. Kenneth Blick, OU Health Science
Dr. LaTrina Frazier, Dept. of Health

BOARD MEMBERS NOT PRESENT:

Chief Michael Bell, Oklahoma Chiefs of Police

STAFF PRESENT:

Josh Smith, Director
Christopher Pape, Breath-Test Admin
David Cravens, Training Admin

1. Call to Order and Roll Call

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

2. Statement of Compliance with the Open Meetings Act

Action Taken: Dr. Wagner gave statement of compliance for the record.

3. Approval of Minutes

Action Taken: Dr. Blick motioned to approve minutes from the December 6, 2022 Regular Board Meeting. Sheriff Devereaux seconded the motion.

A roll call was taken with the following results Dr Wagner voted yes, Kevin Kramer voted yes, Dr. Blick voted yes, Dr. Frazier voted yes, Curt Terry voted yes, Major Cannaday abstained, Sheriff Devereaux voted yes.

4. Director's Report

THENTIA – An executive decision was made to discontinue business with Thentia after continued failure for the project to take flight. Thentia has made approximately 25% progress since May 2022. The Director reported that the agency will stand down with modernizing the breath testing licensing management system until the state identifies a reliable and qualified provider.

BOT IDAP UPDATES – Enrollments have now begun, the Director reported that the agency has at least ten fully enrolled participants. The agency expects March 2023 to have a considerable increase.

SUNSET BILL PROGRESS UPDATE – The Director reported that the Sunset Bill will be heard tomorrow Wednesday Feb. 22 at 3 p.m. The Director reported that he had a good conversation with Chairman Kendrix regarding the agency. The Director reported that Rep. Kendrix is aware of our requested amendments to the Board's enacting legislation but does not want to make any aggressive changes since the Board's existence is in jeopardy. Rep. Kendrix reported that he will discuss the changes with his legal team and possibly entertain introducing the amendments.

AGENCY UPDATES – The Director reported that all programs were operating normally with no issues or changes to report. The Director took time to thank the hard work of the staff with such limited resources and technology available to them. The Director informed the Board that the staff are doing a fantastic job carrying out the mission of the agency.

5. Discussion and possible action to adopt permanent proposed administrative rules for 2023.

The Board and Director reviewed and discussed each comment received and the amendments to the rules. The Director reviewed each proposed chapter with the Board during the meeting providing an overview of each amendment.

Action Taken: Dr. Blick motioned to approve all the proposed administrative rules. Kevin Kramer seconded the motion.

A roll call was taken with the following results Dr Wagner voted yes, Kevin Kramer voted yes, Dr. Blick voted yes, Dr. Frazier voted yes, Curt Terry voted yes, Major Cannaday voted yes, Sheriff Devereaux voted to yes

6. Discussion and possible action to approve state plan regarding new breath alcohol testing instrumentation.

The Board reviewed the drafted "state plan" and had lengthy discussion. The Board elected to take no action to adopt the plan and allow it to remain fluid as they move forward for now. The chairman identified that action regarding items #1 and #2 have now been completed. The Board requested that the Director begin drafting an evaluation policy with the members offline for adoption at a later meeting date. The Board also requested the Director solicit feedback from other states utilizing candidate instruments that fit the needs of the state program.

DRAFT: "State Plan"

1. Identify the need for new instrumentation (current situation of the state).
2. Modify the administrative rules to accommodate incorporation of the new instrumentation.
3. Develop and adopt Board policy and procedure for instrument evaluation.
4. Solicit feedback from other states currently using candidate instruments.
5. Select instruments to evaluate that meet the statutory requirements, rules, and needs of the State.
6. Evaluate instruments pursuant to the Board adopted evaluation policy and procedure.
7. Board selects best candidate/instrument to adopt based on evaluation report/results.
8. Work with the selected instrument manufacturer to negotiate a purchase and service contract.
9. Identify funding sources and acquisition of new instrumentation.
10. Send qualified staff to manufacturer maintenance and repair training.
11. Develop and identify level of training and curriculum for current operators and new operators.
12. Create roll-out and distribution plan for new instrumentation.

Action Taken: No action taken.

7. Chairman's Report

Dr. Wagner complimented the staff for a job well done and expressed that he believes the Board is well informed with the ongoing activities of the agency with the monthly report prepared and delivered by the Director.

8. Public Comments

Brian Morton gave comment to the Board regarding equipment evaluation. Mr. Morton asked if the Board might consider blood tests being collected from drinkers during any evaluations. The Board had a quick discussion with clarification that collecting blood is invasive and may deter participation. Kevin Kramer reported that the OSBI lab would more than likely be unable to accommodate the testing due to the current backlog of pending analysis requests. The Board answered Mr. Morton that collection of blood will not be conducted when evaluating candidate instrumentation.

9. Adjournment

Action Taken: Kevin Kramer motioned for adjournment. Dr. Blick seconded the motion.

A roll call vote was taken with the following results Dr. Wagner voted yes, Kevin Kramer voted yes, Dr. Blick voted yes, Sheriff Devereaux voted yes, Major Cannaday voted yes, Curt Terry voted yes, and Dr. Frazier voted yes.

Respectfully submitted,



Chairman Dr. Jarrad Wagner
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.**