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**Brad Henry, Governor**  
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**Secretary of State**  
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# Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

*For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.*

## **TITLE 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 15. LICENSURE AND REGULATION OF ACCOUNTANCY**

*[OAR Docket #07-1639]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 15. Licensure and Regulation of Accountancy  
[AMENDED]

### **SUMMARY:**

Chapter 15 sets forth the rules for administering the licensure for and regulation of the accounting profession.

Subchapter 1, General Provisions, amendments delete the definitions of "audit sensitive," "firm," and "principal place of business" because they are either not used anywhere in the Oklahoma Accountancy Act (Act) or the Oklahoma Administrative Code (Code) or are already defined in the Act.

Subchapter 3, Requirements to Practice Public Accountancy, amendments clarify the permit requirements for individuals who provide expert witness testimony in Oklahoma.

Subchapter 21, Reciprocity, amendment removes the archaic requirement that a certificate of good standing submitted by an applicant for reciprocity must have been issued not more than sixty (60) days prior to filing the application for reciprocity.

Subchapter 22, Substantial Equivalency, amendment provides that a non-resident sole proprietorship seeking to perform attest services in Oklahoma must register the firm and obtain a firm permit within thirty (30) days of accepting the attest engagement.

Subchapter 24, Return of Certificate or License, is a new subchapter added to replace Board policy regarding requirements for the return of certificates or licenses from individuals who voluntarily surrender them.

Subchapter 25, Permits, amendment clarifies that registrants who are licensed attorneys that provide tax services are not required to hold a permit as long as they do not display their certificate or license and do not have any reference thereto on professional stationery, business cards, or printed or electronic format.

Subchapter 27, Fees, amendments incorporate new language from the AICPA Peer Review Standards which will change the term "modified" peer review report to either

"pass with deficiency" or "fail." No fees are being added or changed.

Subchapter 30, Continuing Professional Education, amendments change the ethics CPE requirement from two (2) hours per year to four (4) hours within each rolling three (3)-calendar-year period and provide that the AICPA Ethics Examination or its equivalent as determined by the Board must have been earned with the previous calendar year or within the 365-day period that immediately precedes the date of an application to obtain an original permit or to renew a lapsed permit. An additional amendment clarifies that the ethics requirement may be met by courses from other licensed professional disciplines that related directly to the practice of public accounting and by courses on ethical codes in jurisdictions other than Oklahoma. Another amendment makes clarifications to the rules regarding the verification of CPE credit which were previously handled by Board policy. A final amendment clarifies the requirement for ethics CPE for registrants re-entering active status.

Subchapter 33, Peer Review, amendments add definitions for "deficiency," "deficient report," "fail," "pass," "pass with deficiencies," and significant deficiency," which are terms used in the new AICPA Peer Review Standards. The rules requiring that any individual or firm performing a peer review for registrants in Oklahoma be registered and hold a valid permit to practice are revoked. Another amendment removes outdated wording and provides updated verbiage regarding services that require a peer review. Additional amendments are added to accommodate the new terminology that will be used effective January 1, 2009 in order to be consistent with terminology used in the AICPA Peer Review Standards.

Subchapter 37, Enforcement Procedures, amendment adds to the rules a previous Board policy that the results of hearings for applicants or candidates will not be published in the Board's newsletter.

Subchapter 39, Rules of Professional Conduct, amendments remove outdated references and provide needed clarification resulting from the revocation of Subparagraph 10:15-39-6 in a previous rules promulgation. An additional amendment provides that, effective July 1, 2010, registrants may not hold out and/or engage in the practice of public accounting under a "d/b/a" designation.

Any other changes to the rules in Chapter 15 are non-substantive and made for purposes of clarification.

### **AUTHORITY:**

Oklahoma Accountancy Board, 59 O.S. Section 15.5

# Notices of Rulemaking Intent

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## COMMENT PERIOD:

Written and oral comments will be accepted through close of business February 15, 2008. Comments can be submitted directly through the Oklahoma Accountancy Board (OAB) website at [www.ok.gov/oab](http://www.ok.gov/oab). Click on the link in the "In the Spotlight" section to submit your comments. Comments can also be submitted by contacting Edith Steele, Executive Director, or Kelly Brown, Deputy Director, Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413. Telephone: 405-521-2397, E-mail: [okaccybd@oab.ok.gov](mailto:okaccybd@oab.ok.gov) or FAX: 405-521-3118.

## PUBLIC HEARING:

A public hearing to take comments on the proposed rules will be held by the Board at 9:00 a.m. on February 15, 2008, Suite 284, Lincoln Office Plaza, 4545 North Lincoln Boulevard, Oklahoma City, Oklahoma.

## REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Edith Steele at the above address during the period from January 15, 2008 through February 15, 2008.

## COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the OAB website at [www.OK.gov/oab](http://www.OK.gov/oab) or from the Oklahoma Accountancy Board, 4545 North Lincoln Boulevard, Suite 165, Oklahoma City, Oklahoma 73105-3413.

## RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement will be prepared and will be available January 30, 2008 on the OAB website or from the OAB at the address and contact numbers listed above.

## CONTACT PERSONS:

Edith Steele or Barbara Walker at 405-521-2397

*[OAR Docket #07-1639; filed 12-20-07]*

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## TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

*[OAR Docket #07-1656]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 3. Fee Schedules  
35:2-3-2.1 [AMENDED]

35:2-3-2.2 [AMENDED]

35:2-3-2.3 [AMENDED]

35:2-3-2.4 [AMENDED]

35:2-3-2.6 [AMENDED]

35:2-3-2.8 [AMENDED]

## SUMMARY:

The proposed rules amend certain fees contained in Subchapter 3 pertaining to animal health, elemental analysis, meat chemistry, dairy, food, water, microbiological, and Bureau of Standards. These rules allow the Oklahoma Department of Agriculture, Food, and Forestry's Laboratory Services Division to recoup some of the costs associated with conducting the specific tests addressed by the amendments.

## AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(20) and 14-83; Article 6, Section 31, Constitution of the State of Oklahoma

## COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 15, 2008 through February 14, 2008.

## PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., February 14, 2008, in the *Board Room* of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 15, 2008 through February 14, 2008.

## COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [oda.state.ok.us/ogc-laws.htm](http://oda.state.ok.us/ogc-laws.htm) or by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, 405-522-4576.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

## CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: [teena.gunter@oda.state.ok.us](mailto:teena.gunter@oda.state.ok.us)

*[OAR Docket #07-1656; filed 12-20-07]*

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**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 3. FINE MATRICES**

[OAR Docket #07-1655]

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

- Subchapter 1. Fine Schedules
- Part 11. Livestock Market Violations
- 35:3-1-11 [NEW]
- 35:3-1-12 [NEW]

**SUMMARY:**

The purpose of the proposed rules is to create a fine matrix for the Livestock Dealers Act and the Livestock Auction Market Act to address the imposition of administrative penalties in relation to violations of the Oklahoma Agricultural Code and corresponding rules. The implementation of the fine matrices in the rules will provide guidance to the Department and to the public on potential fines for specific violations. Penalties for referenced violations will be more consistently applied, while still allowing the Department to make determinations on a case-by-case basis.

**AUTHORITY:**

State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 2-18, 9-130 et seq., and 9-141 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

**COMMENT PERIOD:**

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 15, 2008 through February 14, 2008.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m., February 14, 2008, in the *Board Room* of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 15, 2008 through February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained by visiting [oda.state.ok.us/ogc-laws.htm](http://oda.state.ok.us/ogc-laws.htm) or by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, 405-522-4576.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above address.

**CONTACT PERSON:**

Teena Gunter, (405) 522-4576, e-mail address: [teena.gunter@oda.state.ok.us](mailto:teena.gunter@oda.state.ok.us)

[OAR Docket #07-1655; filed 12-20-07]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 15. ANIMAL INDUSTRY**

[OAR Docket #07-1654]

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

- Subchapter 22. Swine Pseudorabies
- Part 1. General Provisions
- 35:15-22-1 [AMENDED]
- Part 7. Requirements for Swine Exhibitions
- 35:15-22-71 [AMENDED]
- Subchapter 24. Swine Brucellosis
- Part 1. General Provisions
- 35:15-24-2 [AMENDED]
- 35:15-24-3 [AMENDED]

**SUMMARY:**

These rules are necessary to ensure that all swine exhibitions in the state of Oklahoma are consistently held responsible for all animal health requirements. The proposed changes state that the official in charge of the swine exhibition event is responsible for ensuring that all swine present at the event have complied with all pseudorabies and swine brucellosis testing requirements.

**AUTHORITY:**

State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), (17), (27) and (29); and 6-2; Article 6, Section 31, Constitution of the State of Oklahoma

**COMMENT PERIOD:**

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804, [teena.gunter@oda.state.ok.us](mailto:teena.gunter@oda.state.ok.us) during the period from January 15, 2008 through February 14, 2008.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m., February 14, 2008, in the *Plant Industry and Consumer Services* Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar

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amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 15, 2008 through February 14, 2008.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting [www.oda.state.ok.us](http://www.oda.state.ok.us) or by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, (405) 522-4576, [teena.gunter@oda.state.ok.us](mailto:teena.gunter@oda.state.ok.us).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the above addresses.

### CONTACT PERSON:

Dr. Becky Brewer, (405) 522-6134, e-mail address: [becky.brewer@oda.state.ok.us](mailto:becky.brewer@oda.state.ok.us)

*[OAR Docket #07-1654; filed 12-20-07]*

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## TITLE 85. STATE BANKING DEPARTMENT CHAPTER 1. REQUIRED RULES

*[OAR Docket #07-1645]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- Subchapter 1. General Provisions
- 85:1-1-1. Purpose [AMENDED]
- 85:1-1-2. Definitions [AMENDED]
- 85:1-1-4. Operation and location of the Board and Department [AMENDED]
- 85:1-1-5. Communication with the Board and Commissioner [AMENDED]
- 85:1-1-6. Requests for information [NEW]
- Subchapter 3. Procedural Rules
- 85:1-3-1. Records and transcripts [AMENDED]
- 85:1-3-2. Service of pleadings [AMENDED]
- 85:1-3-3. Commencement of a proceeding; intervention; consolidation [AMENDED]
- 85:1-3-7. Production of documents [AMENDED]
- 85:1-3-9. Examiner testimony [AMENDED]
- 85:1-3-10. Examination reports - confidentiality [AMENDED]
- 85:1-3-11. Pre-hearing conference [AMENDED]
- 85:1-3-12. Witness and subpoenas [AMENDED]
- 85:1-3-14. Order of proof [AMENDED]
- 85:1-3-19. Complaint procedure [NEW]
- 85:1-3-20. Petitions for rulemaking [NEW]
- 85:1-3-21. Declaratory rulings [NEW]

### SUMMARY:

The proposed rule changes are a result of a review of all rules in Chapter 1 and Chapter 10 of Title 85 in the Oklahoma

Administrative Code. The circumstances that created the need for the new and amended rules are (1) the lack of certain rules required under the Administrative Procedures Act, and (2) a need to update certain rules to reflect the current operation of the Banking Department (the "Department") and any statutory changes in the Oklahoma Banking Code (Title 6 O.S. section 101 *et seq.*, the "Code") occurring since the last complete review of these rules. The intended effect of the new and amended rules is to bring the provisions of Chapter 1 of Title 85 into conformity with statutory requirements and to update Chapter 1 of Title 85 to reflect the current operation of the Department. Several amendments are suggested with respect to typographical issues or clarification of language, with no substantive change intended.

In Subchapter 1, obsolete definitions have been deleted and other terms have been defined. For example, the terms "deposits," "established," "investment securities," and "land" have been deleted from the definitions in section 85:1-1-2 because they are either no longer used in Chapter 1 of Title 85 or were a product of a statute that has since been amended or revoked. Other terms, such as "complaint," "Code," and "Department," have been added for clarity in Chapter 1.

Rule 85:1-1-4 is amended to provide flexibility with respect to the Department's office hours, but also to create a certain period of time (from 8:30 a.m. to 4:30 p.m.) when the Department will be open to the public. Rule 85:1-1-4 is also amended to reflect the Department's new address which will become effective during 2008. Rule 85:1-1-6 is added to describe the method whereby the public may obtain information and records from the Department.

In Subchapter 3, changes are made to update the rules of practice with regard to formal and informal proceedings before the Banking Commissioner and the Banking Board. For example, the complaint procedure has been removed from the formal proceedings before the Board and is now described in detail in new proposed rule 85:1-3-19 as a matter to be decided by the Banking Commissioner or his designee. On the other hand, appeals to the Banking Board from certain decisions of the Commissioner are added to rule 85:1-3-3 as a type of formal proceeding that follows the other procedural rules of Subchapter 3.

Proposed rules 85:1-3-20 (Petitions for rulemaking), and 85:1-3-21 (Declaratory rulings), are new rules added to comply with the requirements of sections 305 and 307 of the Oklahoma - Administrative Procedures Act (Title 75 O.S. section 250 *et seq.*)

### AUTHORITY:

State Banking Board; 6 O.S., § 203; 75 O.S., §§ 302(A)(1), 302(A)(2), 305, and 307.

### COMMENT PERIOD:

Written and oral comments will be accepted during the period from January 15, 2008, through February 18, 2008, at: Oklahoma State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, Attn: Dudley Gilbert

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Wednesday, February 20, 2008, at the State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105. Anyone who wishes to speak will be allowed a maximum of 5 minutes and must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Banking Department with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing during the period from January 15, 2008, through February 18, 2008, at: Oklahoma State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, Attn: Dudley Gilbert.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Angela Morris at the State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, (405) 521-2782.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and available at the State Banking Department office at the above address on and after January 30, 2008.

**CONTACT PERSON:**

Dudley Gilbert, Legal Counsel, State Banking Department, (405) 521-2782.

*[OAR Docket #07-1645; filed 12-20-07]*

**TITLE 85. STATE BANKING DEPARTMENT  
CHAPTER 10. SUPERVISION,  
REGULATION AND ADMINISTRATION OF  
BANKS, TRUST COMPANIES, AND THE  
OKLAHOMA BANKING CODE**

*[OAR Docket #07-1644]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions and Definitions
  - 85:10-1-1. Purpose [AMENDED]
  - 85:10-1-2. Definitions [AMENDED]
- Subchapter 3. Departmental Requirements
  - 85:10-3-1. Report of condition [AMENDED]
  - 85:10-3-2. Report of change of controlling interest [AMENDED]
  - 85:10-3-3. Report of change of chief executive officer or director [AMENDED]
  - 85:10-3-4. Report of change of director [REVOKED]
  - 85:10-3-10. Increase/decrease in capital stock [AMENDED]

- 85:10-3-11. Change in number or par value of shares [AMENDED]
- 85:10-3-12. Change in name - procedures and requirements [AMENDED]
- 85:10-3-14. Applying for trust powers [AMENDED]
- 85:10-3-15. Abandonment of trust powers [AMENDED]
- 85:10-3-16. Issuance of debentures or capital notes [AMENDED]
- 85:10-3-17. Merger/conversion - national bank or savings association to a state ~~bank~~-charter [AMENDED]
- 85:10-3-18. Records and retention [AMENDED]
- 85:10-3-19. Reserve requirements [REVOKED]
- 85:10-3-20. Registration of bank or trust related activities [AMENDED]
- 85:10-3-21. Fees [AMENDED]
- 85:10-3-22. Organizational expenses [AMENDED]
- 85:10-3-23. Suspicious activity reports [AMENDED]
- Subchapter 5. Requirements, Standards and Procedures for an Internal Control Program
  - 85:10-5-1. Internal controls [AMENDED]
  - 85:10-5-2. Internal control program [AMENDED]
  - 85:10-5-3. Minimum control elements for bank internal control program [AMENDED]
    - 85:10-5-3.1. Internal control program for fiduciary activities of trust departments and trust companies [AMENDED]
  - 85:10-5-4. Reports [AMENDED]
  - 85:10-5-5. Review and appointments [AMENDED]
- Subchapter 7. Director's Examinations
  - 85:10-7-1. Examination procedures [AMENDED]
  - 85:10-7-2. Scope of examination [AMENDED]
  - 85:10-7-3. Minimum examination procedures [AMENDED]
  - 85:10-7-4. Trust companies [REVOKED]
  - 85:10-7-5. Performance of an audit in lieu of examination [NEW]
- Subchapter 9. New Banks, Branches, and Other Facilities
  - 85:10-9-1. Application for a new bank or trust company [AMENDED]
  - 85:10-9-2. Application to establish or relocate a branch ~~or a detached facility~~ [AMENDED]
  - 85:10-9-3. Military banking facilities [REVOKED]
  - 85:10-9-4. Consumer banking electronic facility [REVOKED]
  - 85:10-9-6. Branch/~~detached facility~~ closing [AMENDED]
  - 85:10-9-7. Loan production office/deposit origination office [AMENDED]
- Subchapter 11. Substantive Guidelines and Restrictions
  - 85:10-11-1. Pledging requirements for banks and trust companies [AMENDED]
  - 85:10-11-2. Investment securities [AMENDED]
  - 85:10-11-3. Real estate lending [AMENDED]
  - 85:10-11-4. Safe deposit boxes [AMENDED]
  - 85:10-11-5. Interest on deposits [AMENDED]
  - 85:10-11-6. Loans and investments in other banks [AMENDED]

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- 85:10-11-7. Adjustable rate mortgage loans, graduated payment adjustable mortgage loans and reserve annuity mortgage loans [AMENDED]
  - 85:10-11-8. Interest rate futures transactions [AMENDED]
  - 85:10-11-9. Operating subsidiaries [AMENDED]
  - 85:10-11-9.1. Financial subsidiaries [AMENDED]
  - 85:10-11-10. Lending limits [AMENDED]
  - 85:10-11-11. ~~Split dollar insurance~~ Bank-owned life insurance [AMENDED]
  - 85:10-11-12. Letter of credit; contingent liabilities [AMENDED]
  - 85:10-11-13. Loan participations [AMENDED]
  - 85:10-11-14. Repurchase agreements of banks with security dealers and others [AMENDED]
  - 85:10-11-15. Insurance [AMENDED]
  - 85:10-11-16. Deposit and safekeeping agreements and fees [AMENDED]
  - 85:10-11-17. Unsafe and unsound bank or trust practices [AMENDED]
  - 85:10-11-18. Persons qualified to sell title insurance for trust companies [AMENDED]
  - 85:10-11-19. Use of confusingly similar names [AMENDED]
  - 85:10-11-20. Leasing [AMENDED]
- Subchapter 13. Investor Protection
- 85:10-13-1. Prohibition against deceptive advertising [AMENDED]
  - 85:10-13-2. Offering circular [AMENDED]
  - 85:10-13-3. Advertising [AMENDED]
  - 85:10-13-4. Complaint procedure for violations [AMENDED]

### SUMMARY:

The proposed rule changes are a result of a review of all rules in Chapter 1 and Chapter 10 of Title 85 in the Oklahoma Administrative Code. The circumstances that created the need for the new and amended rules were (1) a need to update the rules to reflect the current operation of banks and trust companies, and (2) statutory changes in the Oklahoma Banking Code (Title 6 O.S. section 101 *et seq.*, the "Code") and federal law occurring since the last complete review of these rules. The intended effect of the new and amended rules is to bring the provisions of Chapter 10 of Title 85 into conformity with statutory requirements, to reflect advances in technology, to create clarity and certainty with respect to compliance with various statutes and rules, and to reflect the current operation of banks and trust companies. Several amendments are suggested with respect to typographical issues or clarification of language, with no substantive change intended.

Subchapter 1. The primary revisions to subchapter 1 are found in section 85:10-1-2 relating to definitions. Many definitions were deleted because such terms are defined in Chapter 1 of Title 85 and such terms are used exclusively in Chapter 1, rather than Chapter 10. For example, the terms "attorney," "party," "party of record," and "protestant," are defined in Chapter 1 and are used in Chapter 1 with respect to formal proceedings before the Banking Department (the

"Department"). Those terms need not also be defined in Chapter 10. Therefore, they are deleted. Other terms, such as "established," are deleted because they relate to statutory provisions in the Code that have been amended or revoked.

Subchapter 3. There are many changes to subchapter 3 proposed to make it more convenient for banks and trust companies (referred to as "Institutions") to submit various reports to the Department and to accommodate an Institution's control over the effective date of various corporate activities for which it must file applications with the Department. For instance, the proposed change to rule 85:10-3-1 (Report of condition) will allow an Institution to file its report of condition with the Federal Deposit Insurance Corporation ("FDIC") without filing a duplicate with the Department. Proposed changes to rules 85:10-3-2 (Report of change of controlling interest), 85:10-3-3 (Report of change of chief executive officer) and 85:10-3-4 (Report of change of director) will allow an Institution to use the same form that it is required to file with the FDIC or the Federal Reserve System ("Fed") when submitting notices to the Department.

Amendments are proposed to rules 85:10-3-10 (Increase/decrease in capital stock), 85:10-3-11 (Change in number or par value of shares), 85:10-3-12 (Change in name - procedures and requirements), 85:10-3-14 (Applying for trust powers), 85:10-3-15 (Abandonment of trust powers), 85:10-3-17 (Merger/conversion - national bank or savings association to a state charter) and 85:10-3-21 (Fees) to delete the requirement that an Institution submit a blank check (made payable to the Oklahoma Secretary of State) with various applications. This will allow an Institution to retain control over when various corporate documents are filed with the Secretary of State and will avoid having a blank check of the Institution outside of Institution control. These changes will also be beneficial to the Department by removing the requirement that the Department file an Institution's corporate documents.

Rule 85:10-3-12 (Change in name - procedures and requirements) has been amended to impose on the Institution the requirement to search state and federal governmental records regarding whether a new name is eligible for use and not infringing on another company's name. The proposed amendment also removes any requirement that the Commissioner make a determination as to whether an Institution's new name is deceptive or misleading.

Rule 85:10-3-16 (Issuance of debentures or capital notes) is amended to remove definitions of "private offering" and "public offering" because these terms are defined in rule 85:10-13-2.

Proposed changes to rule 85:10-3-18 (Records and retention) remove the lengthy and detailed record retention schedule for numerous types of documents. The lengthy retention schedule is replaced by a proposed retention schedule that refers to other state or federal laws that already prescribe a retention schedule for certain documents (such as consumer disclosure documents). The proposed amended schedule also refers to statute of limitation laws when no state or federal

law prescribes a retention period for specific records. The proposed amended schedule also allows the Commissioner to issue rulings, with the approval of the Banking Board, that require Institutions to retain certain records for a period of time that is longer than may be required under the general rule.

Rule 85:10-3-20 (Registration of bank or trust related activities) is proposed to be amended to include installation of automated teller and/or cash dispensing machines as a bank or trust-related activity, for which a registration statement must be filed with the Department. Also, the definitions of the terms "deposit" and "transaction account" are deleted and the meaning of those terms is defined by reference to federal regulations.

Proposed changes are made to rule 85:10-3-21 (Fees) but no fees are increased or decreased. In addition to the change described above, changes are proposed to remove any requirement that fees be paid by "check" and to include authorization for electronic payments to the Department if and when the Department develops electronic payment procedures.

The proposed change to rule 85:10-3-22 (Organizational expenses) removes language that is repetitive of language already found in the Code and clarifies what expenses can and cannot be considered "organizational expenses."

An amendment is proposed to Rule 85:10-3-23 (Suspicious activity reports) to remove any differences between state and federal law as to when an Institution must file suspicious activity reports (SARs). The amendment also authorizes an Institution to file only with its primary federal regulator if and when the Department has electronic access to SARs filed with a federal regulatory agency.

Rule 85:10-3-19 (Reserve requirements) is proposed to be deleted because the topic is adequately covered by federal law.

Subchapter 5. Proposed amendments to Subchapter 5 address the requirements of an Institution's internal control program. Many proposed changes are clarifying or typographical changes with few substantive amendments. A new subsection (f) is added to rule 85:10-5-2, which provides that the failure of an Institution to meet the requirements of this subchapter does not by itself establish or diminish any private right of action otherwise available under other state or federal law against an Institution. Subsection (d) of rule 85:10-5-3.1 (relating to trust company reports) is deleted but added to rule 85:10-5-4 (Reports) as new subsection (b). The proposed amendments also permit an Institution's board of directors to determine when certain credits (*e.g.*, loans and overdrafts) become "past due" for purposes of being reported to the board of directors. The proposed amendments also include a requirement that an Institution's board of directors receive a report when a loan causes the aggregate indebtedness from a single borrower to exceed the lesser of 20% of the Institution's capital or such lesser percentage as set by the Institution's board of directors.

Subchapter 7. Proposed amendments to Subchapter 7 address the requirements of an Institution's director's examination. Many proposed changes are for clarification or are typographical changes with few substantive amendments.

Other proposed changes are for the purpose of deleting obsolete terms. A new subsection (r) is added to rule 85:10-7-3 (Minimum examination procedures) to require trust companies to follow the minimum requirements of that rule. Because of the addition of subsection (r) to rule 85:10-7-3, rule 85:10-7-4 (Trust companies) is deleted as duplicative. A proposed new section 85:10-7-5 is added, primarily for clarification, that an audit by an independent certified public accountant resulting in an unqualified opinion being rendered constitutes satisfaction of the examination requirements of this Subchapter.

Subchapter 9. Many proposed amendments to Subchapter 9 reflect changes to the Code regarding state bank branching laws. Because most of the branching restrictions have been removed from the Code, the proposed amendments remove the requirements that an Institution publish its intent to open a new branch. The proposed amendments also remove the opportunity for protests of branch applications. The proposed amendments remove the references to "detached facilities" because changes to the Code resulted in such facilities being considered branches when the branch restrictions were removed from the Code.

Because the Commissioner may approve most branch applications, the number of branch application copies to be filed with the Department is reduced from ten to two in rule 85:10-9-2.

Rule 85:10-9-3 (Military banking facilities) has been deleted but a new subsection (j) has been added to rule 85:10-9-2 relating to applications for a military installation branch.

Rule 85:10-9-4 (Consumer banking electronic facility) has been deleted in its entirety because its provisions are now obsolete in today's electronic banking environment.

Subchapter 11. Proposed amendments to Subchapter 11 address guidelines and restrictions on various powers and activities of an Institution. Many proposed changes are for clarification or are typographical changes. Other proposed changes are for the purpose of deleting language that is duplicative of language already in the Code or federal law or to delete language that is obsolete due to changes in the Code or federal law.

In rule 85:11-4 (Safe deposit boxes), a change is proposed to clarify that an Institution need not give a receipt to a customer regarding the contents of a safe deposit but must only provide a copy of the lease contract to the customer.

Proposed changes to rules 85:10-11-9 (Operating subsidiaries) and 85:10-11-9.1 (Financial subsidiaries) delete the requirement that an Institution submit a blank check (made payable to the Oklahoma Secretary of State) with operating and financial subsidiary applications. This will allow an Institution to retain control over when various corporate documents are filed with the Secretary of State and will avoid having a blank check of the Institution outside of Institution control. These changes will also be beneficial to the Department by removing the requirement that the Department file an Institution's corporate documents.

## Notices of Rulemaking Intent

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Proposed changes to rule 85:10-11-10 (Lending limits) include changes made for clarification of existing provisions and substantive changes. Substantive changes are proposed to the definition of "contractual commitment to advance funds" to include most any type of agreement whereby an Institution may be called upon to advance funds to a customer (*e.g.*, borrower or letter of credit beneficiary). However, paragraph (3) to subsection (d) of rule 85:10-11-10 is amended to clarify that with respect to any contractual commitment to advance funds, only those funds that have been advanced under the terms of a contractual commitment to advance funds will be considered a loan or extension of credit for purposes of section 802 of the Code and rule 85:10-11-10.

Another substantive change is proposed in rule 85:10-11-10 regarding when loans to separate persons are combined when made for the purpose of acquiring an interest in a company to be owned by the borrowers. The proposal changes the borrower's minimum collective ownership of the company from "more than 50%" to "50% or more." Likewise, the definition of a "subsidiary" in paragraph 3 of subsection (b) is proposed to be changed so that a company will be a "subsidiary" if any person owns "50% or more" of the company, rather than "more than 50%," as is currently the rule.

Rule 85:10-11-11 (Split-dollar insurance) is proposed to be changed by deleting all existing language and replacing it with an authorization for Institutions to maintain "bank-owned life insurance" under the same circumstances allowed under federal law and guidelines.

Rule 85:10-11-13 (Loan participations) is proposed to be changed to clarify that if a loan is classified, either internally or externally, the originating bank shall notify all participants of the classification status within 30 days of classification.

Rule 85:10-11-15 (Insurance) is proposed to be changed to clarify that if a bank acts as insurance agent in a place that, at the time the insurance agency was established, had a population of less than 5,000 but which has grown in size to exceed 5,000, the bank may continue to maintain the agency in such place without regard to its population.

Rule 85:10-11-16 (Deposit and safekeeping fees) is proposed to be changed to clarify that a bank may determine by policy when an account is considered "dormant" and such policy may determine an account is dormant even though it may not be considered abandoned or unclaimed under applicable law.

Subchapter 13. Many of the proposed amendments to Subchapter 13 are intended to clarify certain provisions of the rules relating to investor protection (*viz.*, offering circulars). The proposed amendments also include substantive changes, such as when a transaction is exempt from rule 85:10-13-2 (Offering circular). Under the proposed revision to subsection (c) to rule 85:10-13-2, an offering is exempt from the rule if it is solely to existing equity security holders or where the amount of the securities offered for sale, when aggregated with the amount of all other sales by the Institution of its securities within the 12 months immediately preceding commencement

of the subject offering, does not exceed \$1,000,000. The existing rule limited the aggregate of all sales during the previous 12 months to \$500,000. The definition of "nonpublic offering" in subsection (d) of rule 85:10-13-2 is amended to say that if an Institution's securities are sold to not more than 25 persons during any continuous 12 month period, it may qualify as a nonpublic offering (so long as other conditions are met). The existing limit is 15 persons.

In rule 85:10-13-3 (Advertising) a change is proposed to remove the strict prohibition against using the name of the Department in an offering circular or other advertising. Instead, a proposed amendment states that references to the Department in an offering circular may provide that the Institution shall be subject to the jurisdiction of the Department and subject to periodic examination by the Department. However, the amendment prohibits and reference to the Department that may imply that the Department's supervision or examination will afford protection from loss on any investment in the Institution's securities.

### **AUTHORITY:**

State Banking Board; 6 O.S., § 203

### **COMMENT PERIOD:**

Written and oral comments will be accepted during the period from January 15, 2008, through February 18, 2008, at: Oklahoma State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, Attn: Dudley Gilbert

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Wednesday, February 20, 2008, at the State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105. Anyone who wishes to speak will be allowed a maximum of 5 minutes and must sign in at the door by 10:05 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Banking Department with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing during the period from January 15, 2008, through February 18, 2008, at: Oklahoma State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, Attn: Dudley Gilbert.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Angela Morris at the State Banking Department, 4545 N. Lincoln Blvd., Suite 164, Oklahoma City, Oklahoma 73105, (405) 521-2782.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and available at the State Banking Department office at the above address on and after January 30, 2008.

**CONTACT PERSON:**

Dudley Gilbert, Legal Counsel, State Banking Department, (405) 521-2782.

*[OAR Docket #07-1644; filed 12-20-07]*

**TITLE 135. COMMISSION ON CHILDREN AND YOUTH  
CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION**

*[OAR Docket #07-1661]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 23. Interagency Child Abuse Prevention Task Force [NEW]
- 135:10-23-1 [NEW]
- 135:10-23-2 [NEW]
- 135:10-23-3 [NEW]

**SUMMARY:**

The proposed new rules provide the manner in which the Commission will appointment members of the Interagency Child Abuse Prevention Task Force pursuant to 63 O.S. § 1-227.4.

**AUTHORITY:**

10 O.S., 2001, § 601.4(9); Oklahoma Commission on Children and Youth.

**COMMENT PERIOD:**

Written and oral comments will be accepted until the conclusion of the rules hearing on March 19, 2008. Comments may be submitted to Janice Hendryx, Executive Director, 500 North Broadway, Suite 300, Oklahoma City, Oklahoma 73102. The comment period is from January 15, 2008, to February 20, 2008.

**PUBLIC HEARING:**

A public hearing has been scheduled for Wednesday, February 20, 2008, at 2:00 p.m., at 500 North Broadway, Suite 300, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 2:05 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janice Hendryx at the above address during the period from January 15, 2008, to February 20, 2008. The Commission is not aware of any business entities affected by these proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention of Janice Hendryx, Executive Director, 500 North Broadway, Suite 300, Oklahoma City, Oklahoma 73102.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after January 30, 2008. A copy of the rule impact statement may be obtained by written request mailed to the attention of Janice Hendryx, Executive Director, 500 North Broadway, Suite 300, Oklahoma City, Oklahoma 73102.

**CONTACT PERSONS:**

Janice Hendryx, Executive Director, at (405) 606-4900; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

*[OAR Docket #07-1661; filed 12-21-07]*

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS  
CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS**

*[OAR Docket #07-1697]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

**PROPOSED RULES:**

- Chapter 1. Administrative Organization and Operations [AMENDED]

**SUMMARY:**

The proposed revisions to Chapter 1 include amending language to incorporate language that clearly defines certain definitions throughout the chapter.

**AUTHORITY:**

59 O.S. Supp. 2002, SEC. 161.2 et seq., 59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

**COMMENT PERIOD:**

Written comments will be accepted January 16, 2008 through February 16, 2008 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

**PUBLIC HEARING:**

Public hearing is scheduled on February 18, 2008 at 10:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38<sup>th</sup>

## Notices of Rulemaking Intent

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Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

### **RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

### **CONTACT PERSON:**

Beth Carter (405) 524-6223

*[OAR Docket #07-1697; filed 12-21-07]*

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### **TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 3. DISCIPLINARY PROCEDURES**

*[OAR Docket #07-1698]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

### **PROPOSED RULES:**

Chapter 3. Filing and Disposition of Complaints  
[AMENDED]

### **SUMMARY:**

The proposed revisions to Chapter 3 include amending language in this rule to coincide with current statutes in Title 59 O.S. Section 161.12 regarding letters of concern, and sections of this law that relate to disciplinary and investigative procedures.

### **AUTHORITY:**

59 O.S. Supp. 2002, SEC. 161.2 et seq., 59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

### **COMMENT PERIOD:**

Written comments will be accepted January 16, 2008 through February 16, 2008 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

### **PUBLIC HEARING:**

Public hearing is scheduled on February 18, 2008 at 10:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

### **RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup>

Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

### **CONTACT PERSON:**

Beth Carter (405) 524-6223

*[OAR Docket #07-1698; filed 12-21-07]*

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### **TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS**

*[OAR Docket #07-1699]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

### **PROPOSED RULES:**

Chapter 10. Licensure of Chiropractic Physicians  
[AMENDED]

### **SUMMARY:**

The proposed revisions to chapter 10 include changes necessary to amend current language regarding licensure and amendments to definitions in the chapter.

### **AUTHORITY:**

59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

### **COMMENT PERIOD:**

Written comments will be accepted January 16, 2008 through February 16, 2008 Oklahoma Board of Chiropractic Examiners. 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

### **PUBLIC HEARING:**

Public hearing is scheduled on February 18, 2008 at 10:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

### **RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

### **CONTACT PERSON:**

Beth Carter (405) 524-6223

*[OAR Docket #07-1699; filed 12-21-07]*

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**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS  
CHAPTER 15. SPECIAL CERTIFICATES AND MISCELLANEOUS PROVISIONS**

[OAR Docket #07-1700]

**INTENDED RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

**PROPOSED RULES:**

Chapter 15. Special Certificates and Miscellaneous Provisions [AMENDED]

**SUMMARY:**

The proposed revisions to chapter 15 include changes necessary to amend current rules that the Board sees necessary to strengthen language as they relate to certifications, specialties and additional certifications that the Board feels is necessary to have new language promulgated into rules to ensure public safety, health, and welfare.

**AUTHORITY:**

59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

**COMMENT PERIOD:**

Written comments will be accepted January 16, 2008 through February 16, 2008 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

**PUBLIC HEARING:**

Public hearing is scheduled on February 18, 2008, 10:00 a.m. at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**CONTACT PERSON:**

Beth Carter (405) 524-6223

[OAR Docket #07-1700; filed 12-21-07]

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS  
CHAPTER 20. ADVISORY COMMITTEE**

[OAR Docket #07-1701]

**INTENDED RULEMAKING ACTION:**

Notice of proposed Permanent rulemaking

**PROPOSED RULES:**

Chapter 20. Advisory Committee [AMENDED]

**SUMMARY:**

The proposed revisions to chapter 20 include changes necessary to amend current rules that the Board sees necessary to amend as it relates to the Advisory Committee

**AUTHORITY:**

59 O.S. Supp 2004, SEC.; Board of Chiropractic Examiners

**COMMENT PERIOD:**

Written comments will be accepted January 16, 2008 through February 16, 2008 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

**PUBLIC HEARING:**

Public hearing is scheduled on February 18, 2008, 10:00 a.m. at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38<sup>th</sup> Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**RULE IMPACT STATEMENT:**

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38<sup>th</sup> Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

**CONTACT PERSON:**

Beth Carter (405) 524-6223

[OAR Docket #07-1701; filed 12-21-07]

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

[OAR Docket #07-1648]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

# Notices of Rulemaking Intent

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210:10-1-5. Audits [AMENDED]

**SUMMARY:**

The purpose of the proposed rule change is to clarify and limit the number of parent-teacher conference days that can be counted for attendance purposes as regular school days.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 27, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, February 28, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 16, 2008.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

[OAR Docket #07-1648; filed 12-20-07]

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**TITLE 210. STATE DEPARTMENT OF  
EDUCATION  
CHAPTER 15. CURRICULUM AND  
INSTRUCTION**

[OAR Docket #07-1646]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Priority Academic Student Skills
- Part 26. Personal Finance [NEW]
- 210:15-3-198. Overview of Personal Finance for grades 7-12 [NEW]
- 210:15-3-199. Personal Finance for grades 7-12 [NEW]

**SUMMARY:**

The proposed rules will revise the core curriculum to comply with the requirements set forth in Title 70 O. S. 11 § 11-103.6h (*Passport to Financial Literacy Act of 2007*).

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 27, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, February 28, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 16, 2008.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

[OAR Docket #07-1646; filed 12-20-07]

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**TITLE 210. STATE DEPARTMENT OF  
EDUCATION  
CHAPTER 15. CURRICULUM AND  
INSTRUCTION**

[OAR Docket #07-1652]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 30. Supplemental Educational Service Providers [NEW]
- 210:15-30-1. Purpose [NEW]
- 210:15-30-2. Local Educational Agency Role and Responsibilities [NEW]
- 210:15-30-3. SES Provider Responsibilities [NEW]
- 210:15-30-4. Removal of an SES provider [NEW]

**SUMMARY:**

The proposed rule will provide specific roles and responsibilities of the local educational agency and the Supplemental Educational Service providers to ensure appropriate implementation of services to students.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 27, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, February 28, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 16, 2008.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1652; filed 12-20-07]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 15. CURRICULUM AND INSTRUCTION**

*[OAR Docket #07-1653]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 33. Celebrate Freedom Week [NEW]
- 210:15-33-1. Purpose [NEW]
- 210:15:33-2. Celebrate Freedom Week Requirements [NEW]

**SUMMARY:**

Public schools will provide certain required activities during the Celebrate Freedom Week, which is the week in

which November 11 falls. For purposes of this subsection, Sunday shall be considered the first day of the week.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 27, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, February 28, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 16, 2008.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1653; filed 12-20-07]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 20. STAFF**

*[OAR Docket #07-1650]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 9. Professional Standards: Teacher Education and Certification
- Part 17. Full (Subject Matter) Competencies for Licensure and Certification
- 210:20-9-172. Full (subject matter) competencies for licensure and certification [AMENDED]

**SUMMARY:**

The proposed rule amendments will add computer science as a licensure/certification area and would establish the teacher competencies for the licensure/certification.

# Notices of Rulemaking Intent

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**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 27, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, February 28, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 16, 2008.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1650; filed 12-20-07]*

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**TITLE 210. STATE DEPARTMENT OF  
EDUCATION  
CHAPTER 20. STAFF**

*[OAR Docket #07-1651]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-99. National Board certification [AMENDED]

210:20-9-99.1. National certification bonus for school psychologists, speech-language pathologists, and audiologists [AMENDED]

**SUMMARY:**

The purpose of the rule amendments is to define full-time for National Board certified teachers, psychologists who are nationally certified by the National School Psychology Certification Board, or a speech-language pathologist or audiologist who holds a Certificate of Clinical Competence

awarded by the American Speech-Language Hearing Association and are eligible for the bonus prescribed in Oklahoma Statute 70 O.S. § 6-204.2 and 70 O.S. § 6-206.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 27, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, February 28, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 16, 2008.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

*[OAR Docket #07-1651; filed 12-20-07]*

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**TITLE 210. STATE DEPARTMENT OF  
EDUCATION  
CHAPTER 35. STANDARDS FOR  
ACCREDITATION OF ELEMENTARY,  
MIDDLE LEVEL, SECONDARY, AND  
CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #07-1647]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 7. Additional Standards for Middle Level Schools

Part 9. Standard V: The School Staff

210:35-7-44. Staff qualifications [Amended]

Subchapter 9. Additional Standards for Secondary Schools

Part 9. Standard V: The School Staff

210:35-9-44. Staff qualifications

**SUMMARY:**

The rule amendments will require all coaches to take a course of care and prevention of athletic injuries and have valid teaching certificates.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 27, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, February 28, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 16, 2008.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

[OAR Docket #07-1647; filed 12-20-07]

**TITLE 210. STATE DEPARTMENT OF EDUCATION**

**CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #07-1649]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 9. Additional Standards for Secondary Schools  
Part 7. Standard IV: Curriculum, Instruction, Assessment and Climate  
210:35-9-31. Program of studies and graduation requirements [AMENDED]

**SUMMARY:**

The proposed rule amendments revise the core curriculum to comply with the requirements set forth in 70 O. S. § 11-103.6h. Beginning with the 2008-2009 school year the law requires public schools to provide personal financial literacy education in Grades 7-12. The law outlines 14 areas of instruction that the student must demonstrate satisfactory completion in order to obtain a *Passport to Financial Literacy*, which will be required to graduate with a standard diploma.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., February 27, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9:30 a.m. on Thursday, February 28, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on January 16, 2008.

**CONTACT PERSON:**

Connie Holland, 405-521-3308

[OAR Docket #07-1649; filed 12-20-07]

**TITLE 300. GRAND RIVER DAM AUTHORITY  
CHAPTER 10. PUBLIC PURPOSE SUPPORT AND ASSISTANCE**

[OAR Docket #07-1704]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

300:10-1-2 [AMENDED]

## Notices of Rulemaking Intent

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### SUMMARY:

The proposed amendments simplify the Grand River Dam Authority's policy on public purpose support and assistance by eliminating unnecessary provisions from the policy statement and by replacing the enumerated list of communities that may be supported with a generalized, identifying statement. The proposed revisions also clarify the Community Relations Department's responsibilities in processing support requests and increase the expenditure amount that may be approved by the Community Relations Director.

### AUTHORITY:

Grand River Dam Authority; 82 O.S.Supp.2007, § 861A(B)(1); 82 O.S.Supp.2007, § 863.2(B), 82 O.S.Supp.2007, § 862(t)

### COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2008 through February 18, 2008 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

### PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, March 12, 2008 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 16, 2008 through February 18, 2008 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

### CONTACT PERSON:

Gretchen Zumwalt-Smith, General Counsel, (918) 256-5545

[OAR Docket #07-1704; filed 12-21-07]

## TITLE 300. GRAND RIVER DAM AUTHORITY CHAPTER 20. PURCHASING POLICY

[OAR Docket #07-1702]

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

300:20-1-1 [AMENDED]  
300:20-1-4 [AMENDED]  
300:20-1-8 [AMENDED]  
300:20-1-9 [AMENDED]  
300:20-1-10 [AMENDED]  
300:20-1-11 [AMENDED]  
300:20-1-16 [NEW]

### SUMMARY:

The proposed rule amendments make modifications to the Grand River Dam Authority's purchasing policy by clarifying the types of purchases that can be made, the means by which these purchases can be made, and the responsibilities of various personnel in making these purchases. The proposed changes exempt employee training and conference registration expenses from the purchasing policy's competitive bidding requirements. The modifications allow for the purchase of certain safety equipment and purchases for employee recognition purposes allowed by statute. The amendments allow GRDA to utilize purchasing contracts available to public utilities when such contracts would provide the best value. The proposed rules clarify that the requisition review process applies to all projects or work orders whose total cost is in excess of \$2,500 or where the purchase is made pursuant to 300:20-1-8.

The proposed amendments allow the General Manager or Chief Operating Officer to approve routine purchases in amounts not exceeding \$50,000. The changes allow personnel outside of the Purchasing Department to negotiate the return of rejected equipment or supplies.

The new section 300:20-1-16 allows GRDA to make acquisitions by reverse auction bidding. It establishes guidelines for how these auctions will be conducted and permits GRDA to contract with outside vendors to conduct these auctions on its behalf.

### AUTHORITY:

Grand River Dam Authority; 82 O.S.Supp.2007, § 861A(B)(1); 82 O.S.Supp.2007, § 863.2(B).

### COMMENT PERIOD:

Written and oral comments will be accepted January 16, 2008 through February 18, 2008 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

### PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign

in at the door. The public hearing will be held on Wednesday, March 12, 2008 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 16, 2008 through February 18, 2008 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

**CONTACT PERSON:**

Gretchen Zumwalt-Smith, General Counsel, (918) 256-5545

*[OAR Docket #07-1702; filed 12-21-07]*

**TITLE 300. GRAND RIVER DAM  
AUTHORITY  
CHAPTER 35. LAKE RULES**

*[OAR Docket #07-1703]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 27. Vegetation Management Plan
- 300:35-27-1 [AMENDED]
- 300:35-27-2 [AMENDED]
- 300:35-27-3 [AMENDED]
- 300:35-27-4 [AMENDED]
- 300:35-27-5 [AMENDED]
- 300:35-27-6 [AMENDED]
- 300:35-27-7 [AMENDED]
- 300:35-27-8 [NEW]

**SUMMARY:**

The proposed amendments modify the existing permitting standards and procedures for allowing vegetation management

activities on Grand River Dam Authority property. The proposed changes clarify the types of vegetation management activities that can be permitted and that are prohibited. The new section 300:35-27-8 allows the Chief Operating Officer to issue general permits in response to natural disasters and other emergencies.

**AUTHORITY:**

Grand River Dam Authority; 82 O.S.Supp.2007§ 861A(B)(1), 82 O.S.Supp.2007§ 863.2(B).

**COMMENT PERIOD:**

Written and oral comments will be accepted January 16, 2008 through February 18, 2008 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

**PUBLIC HEARING:**

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Wednesday, March 12, 2008 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity or public member due to compliance with the proposed rules. This information may be submitted in writing from January 16, 2008 through February 18, 2008 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

**CONTACT PERSON:**

Gretchen Zumwalt-Smith, General Counsel, (918) 256-5545

*[OAR Docket #07-1703; filed 12-21-07]*

## Notices of Rulemaking Intent

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1671]*

#### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 1. Physicians  
317:30-5-10. [AMENDED]  
Part 45. Optometrists  
317:30-5-431. through 317:30-5-432. [AMENDED]  
317:30-5-432.1. [NEW]  
Part 47. Optical Companies  
317:30-5-451. [AMENDED]  
317:30-5-452. [REVOKED]  
(Reference APA WF # 07-26)

#### **SUMMARY:**

Agency rules are revised to limit payment for lenses and frames to one pair of glasses per 12 month period and to allow physicians to separate the refractive service from the medical evaluation when billing ophthalmology services. There is no provision in the SoonerCare program for the coverage of glasses for adults; however, for children, payment is made for lenses and frames required to correct visual defects or to protect children with monocular vision. Current policy does not address repairs or frequency of replacement. Based upon several recent audits, some providers have been dispensing multiple sets of glasses at each exam. Rule revisions would save the agency the cost of supplying member(s) with multiple pairs of eyeglasses when not medically necessary as well as encourage providers to repair frames rather than dispensing both new frames and lenses when only frames are broken. Proposed rule revisions would also allow physicians performing ophthalmology services to bill based on current CPT guidelines and update policy to be consistent with Medicare and other third party payors. Current OHCA policy requires providers to bill routine checkups and eye examinations for the purpose of prescribing, fitting, or changing eyeglasses and eye refractions using the CPT code for the Intermediate exam. This is inconsistent with current coding guidelines which have separated the refraction from the medical exam. Rule revisions are needed to clarify and update rules to comply with current CPT guidelines.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.230(d)

#### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care

Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

#### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

#### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

#### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1671; filed 12-21-07]*

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1672]*

#### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 3. General Provider Policies  
Part 3. General Medical Program Information  
317:30-3-59. [AMENDED]  
Part 4. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program/Child Health Services  
317:30-3-65.9. [AMENDED]  
Part 5. Eligibility  
317:30-3-79. [AMENDED]  
Subchapter 5. Individual Providers and Specialties  
Part 1. Physicians  
317:30-5-2. [AMENDED]  
Part 51. Habilitation Services  
317:30-5-482. [AMENDED]  
Part 73. Early Intervention Services

317:30-5-641. [AMENDED]  
Part 77. Speech, Language, and Hearing Services  
317:30-5-675. [AMENDED]  
Part 103. Qualified Schools as Providers of Health Related Services  
317:30-5-1023. [AMENDED]  
**(Reference APA WF # 07-27)**

**SUMMARY:**

Rules are being revised to: (1) separate speech/language pathologists and audiologists and give the specific definition of criteria for each profession; (2) expand audiology services to adults; and (3) take hearing and vision screenings out of Child Health Encounters. Currently both speech pathologists and audiologists are listed together with the same definition of credentialing criteria. Rules need to be revised to be consistent with 42 CFR ' 440.110. Current rules state that audiology services are not available to adults. Changes are needed to cover hearing examinations for adults and bring the policy into agreement with current practice. Hearing and vision screenings are currently billed as Child Health Encounters. There are CPT codes for these services. They should be billed under the code that better defines the service provided. Additionally, revisions are needed to clarify that a vision screening by a Doctor of Optometry is considered a component of the doctor's eye exam and should not be billed separately.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 441.56; 42 CFR 440.110

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1672; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1673]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. General Provider Policies  
Part 1. General Scope and Administration  
317:30-3-6. [AMENDED]  
317:30-3-12. [AMENDED]  
317:30-3-23. [REVOKED]  
**(Reference APA WF # 07-37)**

**SUMMARY:**

Rules are revised to update the agency's designated agent that reviews the length of stay and appropriateness of hospital admissions from the "Oklahoma Foundation for Medical Quality (OFMQ)" to the generic term, "Quality Improvement Organization (QIO)" since the agency no longer contracts with the OFMQ. Also changes are made to remove an invalid billing and inquiries reference and replace it with current references.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping,

## Notices of Rulemaking Intent

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equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1673; filed 12-21-07]*

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1674]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 85. ADvantage Program Waiver Services  
317:30-5-760. through 30-5-764.[AMENDED]  
(Reference APA WF # 07-49)

### **SUMMARY:**

Rules are revised to concur with recent changes to the ADvantage Home and Community Based Services Waiver document as approved by the Centers for Medicare and Medicaid Services. Agency rules are amended to: (1) update the methodology for approval of a spouse or legal guardian to provide personal care services; (2) update the covered localities for the Consumer-Directed Personal Assistance Services and Supports (CD-PASS) program to allow for state wide expansion; (3) remove the requirement that the member receive State Plan or ADvantage personal care for one year before being considered for the CD-PASS program; (4) expand on the requirement for Specialized Medical Equipment and supplies to require that providers of reoccurring services which are mailed verify that the member is still eligible and needs the supply; (5) eliminate Comprehensive Home Care (CHC) and CHC Personal Care; (6) update the nutritional requirement for Home Delivered Meals and add the requirement that the provider obtain a signature from the member or member's representative; (7) update the requirement and definitions for Financial Management Services for the CD-PASS program; (8) revise the service definition, scope and requirements for Institutional Transitions Services for the CD-PASS program;

(9) revise the reimbursement methodology requirements for Advanced Supportive/Restorative Assistance to reflect current practices; and (10) revise the CD-PASS budget allocation requirement process.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1674; filed 12-21-07]*

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1675]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 1. Physicians

317:30-5-7. [AMENDED]  
(Reference APA WF # 07-52)

**SUMMARY:**

Rules are revised to concur with recent changes to the reimbursement methodology for anesthesia services. The agency was reimbursing anesthesia services using a flat fee schedule. Current rules state that qualifying circumstance i.e., physical status, emergency, etc., have been structured into the total allowable for the procedure and additional payment can be made for extremes of age, total body hypothermia, and controlled hypertension. The new reimbursement methodology is a "base plus time" model and does not provide additional reimbursement for physical status.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #07-1675; filed 12-21-07]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #07-1676]

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 30. Medical Providers-Fee for Service [AMENDED]

(Reference APA WF # 07-61)

**SUMMARY:**

Rules are being revised to correct several scrivener's errors in agency policy regarding modifiers as well as to update terminology to be consistent with the terminology used in the Physicians' Current Procedural Terminology (CPT) book. Further revisions are being made to this Chapter in order to move certain provisions to more appropriate and fitting parts of the Chapter. **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

## Notices of Rulemaking Intent

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**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development,  
405-522-7272.

*[OAR Docket #07-1676; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE  
FOR SERVICE**

*[OAR Docket #07-1678]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 21. Outpatient Behavioral Health Services  
317:30-5-245. [AMENDED]

(Reference APA WF # 07-56)

**SUMMARY:**

Rule revision strikes current outpatient behavioral health reimbursement language and replaces it with language that refers to the state plan. This makes the behavioral health reimbursement section consistent with other reimbursement sections in rules.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development,  
405-522-7272.

*[OAR Docket #07-1678; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE  
FOR SERVICE**

*[OAR Docket #07-1679]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 6. Inpatient Psychiatric Hospitals  
317:30-5-96.8. [NEW]

(Reference APA WF # 07-59)

**SUMMARY:**

Agency rules are issued to add language to policy that protects Psychiatric Residential Treatment Facilities (PRTFs) from having to pay billed charges when they must use other providers. As of October 2005, PRTFs are paid a bundled per diem that includes, but is not limited to physician services, pharmacy and hospital services. If a child requires one of these services while living and receiving care at the facility, the PRTF is responsible for the payment of these additional services. The payment methodology on which the per diem is based was established on the premise that these additional services would be paid at the Medicaid allowable. These other providers or "subcontractors" may currently charge the PRTF their billed rate rather than the Medicaid allowable which is often times much higher. New rules are needed to keep the PRTFs from being charged more for services they must provide than what they are being compensated for by the SoonerCare program for SoonerCare members. Rules are revised to limit subcontractor allowable charges for SoonerCare members in PRTF facilities to the Medicaid fee schedule.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 447.15

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1679; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE  
FOR SERVICE**

*[OAR Docket #07-1680]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 39. Skilled and Registered Nursing Services  
317:30-5-390. [AMENDED]
- Part 51. Habilitation Services  
317:30-5-480. [AMENDED]  
317:30-5-482. [AMENDED]
- Part 53. Specialized Foster Care  
317:30-5-495. through 317:30-5-499. [AMENDED]
- Part 59. Homemaker Services  
317:30-5-535. through 317:30-5-538. [AMENDED]

(Reference APA WF # 07-60A)

**SUMMARY:**

Developmental Disabilities Services rule revisions are needed to: (1) reflect current services in the Home and

Community-Based Services (HCBS) Waivers; (2) reflect changes in prescreening requirements and home standards in the home profile process; (3) allow experienced designated Developmental Disabilities Services Division (DDSD) staff to complete certain architectural modification assessments; (4) specify dental services for members receiving services through HCBS Waivers; (5) clarify individual placement for job coaching services and update requirements for employment services through HCBS Waivers; (6) update terminology; (7) eliminate obsolete provisions; and (8) correct scrivener's errors.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1680; filed 12-21-07]*

## Notices of Rulemaking Intent

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1682]*

#### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-14. through 317:30-5-15. [AMENDED]

(Reference APA WF # 07-62)

#### **SUMMARY:**

Agency rules are revised to comply with Section 6002 of Public Law 109-171, known as the Deficit Reduction Act of 2005 (DRA), regarding multiple source, physician administered drugs. The DRA requires the National Drug Code (NDC) to be collected on multiple source, physician administered drugs in order to secure drug rebates. Currently, these drugs are billed using only the Healthcare Common Procedure Coding System (HCPCS) code. Unlike the NDC, HCPCS codes do not specify which drug products are being dispensed and therefore drug rebates cannot be collected on these drugs. Revisions are needed to require providers to bill the appropriate NDC for physician administered drugs in addition to the Healthcare Common Procedure Coding System (HCPCS) code.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Public Law 109-171, the Deficit Reduction Act of 2005.

#### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

#### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to

Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

#### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

#### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1682; filed 12-21-07]*

### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1683]*

#### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 32. SoonerRide Non-Emergency Transportation

317:30-5-327.5 [AMENDED]

(Reference APA WF # 07-63)

#### **SUMMARY:**

The purpose of this rule change is to allow stretcher services to be included as a covered service under the SoonerRide Program. Currently, stretcher services are excluded from the Program. Stretcher service is currently being provided by ambulance companies. The change removes the exclusion from SoonerRide. The funds that were used to reimburse ambulance companies for their services will now be calculated in the cap rate for SoonerRide. This will allow all non-emergency transportation to be provided by the contracted NET provider. The effect on public health is positively impacted by this rule change as it allows members whose medical condition requires transport by stretcher, to be transported and treated accordingly.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.60.

#### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1683; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1684]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 110. Indian Health Services, Tribal Programs, and Urban Indian Clinics (I/T/Us)
- 317:30-5-1085. through 317:30-5-1088. [AMENDED]
- 317:30-5-1090. through 317:30-5-1091. [AMENDED]
- 317:30-5-1093. through 317:30-5-1096. [AMENDED]
- 317:30-5-1098. through 317:30-5-1099. [AMENDED]
- 317:30-5-1100. [NEW]

(Reference APA WF # 07-64)

**SUMMARY:**

Agency rules are revised to update current Indian health rules and add a Section regarding medical care by Indian

Health Services (IHS). Currently, the Oklahoma Health Care Authority's (OHCA) Indian Health rules do not address inpatient days. A new Section will be added to the Indian Health rules to state that: the Inpatient hospital per diem rate for inpatient medical care provided by IHS facilities is published annually in the Federal Register or Federal Register Notices. In order to receive the inpatient hospital per diem rate, the IHS facility must be contracted as a provider with OHCA. Rules are also revised to provide additional clarification regarding what is included in the outpatient encounter rate as well as instances when a provider can bill for multiple encounters.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1684; filed 12-21-07]*

## Notices of Rulemaking Intent

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1686]*

#### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-126. [AMENDED]

317:30-5-131.1. [REVOKED]

317:30-5-131.2. [AMENDED]

317:30-5-132. [AMENDED]

317:30-5-134. [AMENDED]

**(Reference APA WF # 07-67)**

#### **SUMMARY:**

Long Term Care Facility rule revisions are needed to: (1) remove outdated information regarding payment to the nursing facility when the member is in the hospital; (2) remove the section regarding wage enhancement as it is no longer needed (no home is non-compliant due to the passage of time and due to later legislation implementing facility-specific payments for Direct Care and bonus payment for Quality of Care); (3) add language to freeze the Quality of Care Fee at levels in effect July 1, 2004, and implement 5.5% as a maximum, as per federal law; (4) add language to include additional items needed in the Quality of Care Report in order to implement the Focus on Excellence Program; (5) update language to add the requirement regarding the filing of cost reports on the Secure Website and to change the due date from September 1<sup>st</sup> to October 31<sup>st</sup>; (6) define the cost report requirement for partial year reports; and (7) delete obsolete language.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

#### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

#### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping,

equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

#### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

#### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

#### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1686; filed 12-21-07]*

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### **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1687]*

#### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 79. Dentists

317:30-5-696. [AMENDED]

**(Reference APA WF # 07-69 and 07-70)**

#### **SUMMARY:**

Rules are revised to add definitions for certain terminology, clarify that permanent restoration is not billable to the OHCA when performing Pulpotomy or Pupal debridement on a permanent tooth, clarify a clinical examination must not precede any radiographs, and consider patient history, prior radiographs, caries risk assessment and both dental and general health needs of the patient, clarify panoramic films are allowable once in a three year period and clarify placement of a stainless steel crown includes all related follow up service for a period of two years.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

#### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1687; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1688]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 21. Outpatient Behavioral Health Services  
317:30-5-241. [AMENDED]

(Reference APA WF # 07-71)

**SUMMARY:**

Outpatient Behavioral Health rules are revised to eliminate coverage for Program of Assertive Community Treatment (PACT) services after June 30, 2008. The revision is necessary to comply with the decision by the Centers for Medicare and Medicaid to sunset coverage for PACT services in Oklahoma's Medicaid State Plan.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1688; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1689]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 85. ADvantage Program Waiver Services  
317:30-5-761. [AMENDED]  
317:30-5-763. through 317:30-5-764. [AMENDED]

(Reference APA WF # 07-72A)

**SUMMARY:**

ADvantage Program Waiver Services rules are revised to add Assisted Living services as a compensable service under the ADvantage Waiver program. Assisted Living

## Notices of Rulemaking Intent

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services are personal care and supportive services that are furnished to ADvantage members who reside in a homelike, non-institutional setting. Services include 24-hour on-site response capability to meet scheduled or unpredictable resident needs and to provide supervision, safety and security. ADvantage reimbursement for Assisted Living Services includes personal care, housekeeping, laundry, meal preparation, periodic nursing evaluations, nursing supervision during nursing intervention, intermittent or unscheduled nursing care, medication administration, assistance with cognitive orientation, assistance with transfer and ambulation, planned programs for socialization, activities and exercise and for arranging or coordinating transportation to and from medical appointments. Services, except for planned programs for socialization, activities and exercise, are to meet specific needs of the participant as determined through individualized assessment and documented on the participant's service plan. Provider standards regarding physical environment, sanitation, health and safety, staff to resident ratios, staff training and qualifications, staff supervision, residents' rights, incident reporting, and provision of or arrangement for necessary health services are included. Three per diem reimbursement rate levels based on different levels of the member's need for service are established. ADvantage members who reside in an ADvantage Assisted Living Services Center have a personal needs allowance set at 150% of the SSI Federal Benefit Rate; the member is responsible for room and board costs which will not exceed 90% of the SSI Federal Benefit Rate.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.180; 42 CFR 440.181

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1689; filed 12-21-07]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1691]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 30. Medical Providers-Fee For Service

[AMENDED]

(Reference APA WF # 07-73A)

### **SUMMARY:**

Rules are revised to add a self direction option whereby members receiving SoonerCare in-home supports benefits have higher levels of direct involvement and choice in managing the services they obtain to meet their personal assistance and health related needs. Additionally, members are given the opportunity to manage resources in a way that allows greater freedom to lead a more meaningful life in the community.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 198.12 of Title 56 of the Oklahoma Statutes.

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1691; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE  
FOR SERVICE**

*[OAR Docket #07-1694]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 83. Residential Behavior Management Services in  
Foster Care Settings  
317:30-5-740. [AMENDED]  
(Reference APA WF # 07-74)

**SUMMARY:**

The purpose of this rule change is to eliminate obsolete provisions and to set out the required qualifications for individual providers who render Individual Rehabilitative Treatment Services for redevelopment therapy in a foster care setting. Though not already defined, the provider types already exist and provide services. However, the foster care facilities are reimbursed using a bundled rate. By clearly defining the separate provider types, this rule allows for flexibility in the event that the agency eliminates the bundled rate and chooses to reimburse the foster care facilities based upon individual billing by each provider type.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.60.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care

Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1694; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE  
FOR SERVICE**

*[OAR Docket #07-1695]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 1. Physicians  
317:30-5-11 [AMENDED]  
(Reference APA WF # 07-75)

**SUMMARY:**

The purpose of this rule change is to update terminology, clarify correct billing procedures for general physicians performing psychiatric services, and remove language regarding submission of documentation of training to the agency. Current rules require documentation of training for physicians who are not board eligible or board certified psychiatrists be submitted to the agency. This practice has never been to request such documentation but rather rely on the state licensing board to ensure that general physicians practice

## Notices of Rulemaking Intent

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within their approved scope of work. The current rules do not specify the appropriate medical procedure code(s) for general physicians to use when performing psychiatric services. The proposed rules direct general physicians to use appropriate medical procedure code(s) for the services rendered and not psychiatric procedure codes.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.60.

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1695; filed 12-21-07]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

*[OAR Docket #07-1696]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 5. ~~Pharmacists~~ Pharmacies

317:30-5-70. through 317:30-5-70.1. [AMENDED]

317:30-5-70.3. [AMENDED]

317:30-5-72. [AMENDED]

317:30-5-77. through 317:30-5-77.3. [AMENDED]

317:30-5-78. through 317:30-5-78.2. [AMENDED]

317:30-5-86. [AMENDED]

**(Reference APA WF # 07-76)**

### **SUMMARY:**

Agency rules are revised to comply with the federal mandate requiring the use of the prescriber's National Provider Identification number, remove specific drug names from policy, and clean up out-dated terminology. Section 6001 of the Deficit Reduction Act of 2005 establishes a new formula for calculating Federal upper limits. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) mandated the adoption of standard unique identifiers for health care providers. The purpose of these provisions is to improve the efficiency and effectiveness of the electronic transmission of health information. Pharmacy providers are required to use the prescriber's National Provider Identification number in order to identify the prescribing provider. Rules are also revised to update drug categories that are covered under SoonerCare as well as drug categories that are excluded or subject to limitations.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes, the Health Insurance Portability and Accountability Act of 1996, and Section 6001 of the Deficit Reduction Act of 2005.

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1696; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #07-1677]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

317:35-5-42. [AMENDED]

(Reference APA WF # 07-55)

**SUMMARY:**

SoonerCare eligibility rules for adults are revised to exempt the \$90 Veterans Affairs (VA) pension received by certain SoonerCare members who are residing in a nursing facility. Under Section 8003 of Public Law 1001-508, VA may reduce the pension of a veteran or their surviving spouse if the veteran does not have dependents, lives in a SoonerCare approved facility, and is a SoonerCare member. Current SoonerCare rules state that the \$90 pension is allowed as the individual's monthly maintenance standard; the standard for most SoonerCare nursing facility members is \$50 per month. OHCA has recently received clarification from the Centers for Medicare and Medicaid that the \$90 VA pension is to be excluded when determining the member's share of the nursing facility vendor payment; therefore, the member will be entitled to the \$90 reduced VA pension as well as the \$50 nursing facility maintenance standard. Rule revisions are needed to comply with federal regulations.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority,

4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1677; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #07-1685]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 17. ADvantage Waiver Services

317:35-17-12. [AMENDED]

317:35-17-15. [AMENDED]

317:35-17-16. [AMENDED]

(Reference APA WF # 07-66)

**SUMMARY:**

ADvantage eligibility rules are revised to require the State to redetermine level of care annually for members participating in the ADvantage program. The ADvantage program is a Medicaid Home and Community Based Waiver used to finance non-institutional long-term care services for elderly and a targeted group of physically disabled adults who do not reside in an institution, room and board, licensed residential care facility, or licensed assisted living facility. Current rules allow SoonerCare members to be medically approved for ADvantage services for a period of up to 36 months. Rules are revised to reduce this medical certification period to 12 months. Other revisions update the procedures for the annual service plan development and recertification process.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 441.365

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

### **CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1685; filed 12-21-07]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #07-1690]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 17. ADvantage Waiver Services

317:35-17-1. [AMENDED]

317:35-17-3. [AMENDED]

317:35-17-11. [AMENDED]

**(Reference APA WF # 07-72B)**

### **SUMMARY:**

ADvantage Program Waiver Services rules are revised to add Assisted Living services as a compensable service under the ADvantage Waiver program. Assisted Living services are personal care and supportive services that are furnished to ADvantage members who reside in a homelike, non-institutional setting. Services include 24-hour on-site response capability to meet scheduled or unpredictable resident needs and to provide supervision, safety and security. ADvantage reimbursement for Assisted Living Services includes personal care, housekeeping, laundry, meal preparation, periodic nursing evaluations, nursing supervision during nursing intervention, intermittent or unscheduled nursing care, medication administration, assistance with cognitive orientation, assistance with transfer and ambulation, planned programs for socialization, activities and exercise and for arranging or coordinating transportation to and from medical appointments. Services, except for planned programs for socialization, activities and exercise, are to meet specific needs of the participant as determined through individualized assessment and documented on the participant's service plan. Provider standards regarding physical environment, sanitation, health and safety, staff to resident ratios, staff training and qualifications, staff supervision, residents' rights, incident reporting, and provision of or arrangement for necessary health services are included. Three per diem reimbursement rate levels based on different levels of the member's need for service are established. ADvantage members who reside in an ADvantage Assisted Living Services Center have a personal needs allowance set at 150% of the SSI Federal Benefit Rate; the member is responsible for room and board costs which will not exceed 90% of the SSI Federal Benefit Rate.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.180; 42 CFR 440.181

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

### **PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular

business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1690; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY**

*[OAR Docket #07-1692]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 35. Medical Assistance for Adults and Children-Eligibility [AMENDED]

(Reference APA WF # 07-73B)

**SUMMARY:**

Rules are revised to add a self direction option whereby members receiving SoonerCare in-home supports benefits have higher levels of direct involvement and choice in managing the services they obtain to meet their personal assistance and health related needs. Additionally, members are given the opportunity to manage resources in a way that allows greater freedom to lead a more meaningful life in the community.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 198.12 of Title 56 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1692; filed 12-21-07]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 40. DEVELOPMENTAL DISABILITIES SERVICES**

*[OAR Docket #07-1681]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. ~~Client~~ Member Services

Part 3. Guidelines to Staff

317:40-5-40. [AMENDED]

Part 9. Service Provisions

317:40-5-101. [AMENDED]

317:40-5-112. [AMENDED]

Part 11. Other Community Residential Supports

317:40-5-152. [AMENDED]

Subchapter 7. ~~Waiver~~ Vocational Employment Services  
Through Home and Community-Based Services Waivers

317:40-7-7. [AMENDED]

317:40-7-15. [AMENDED]

317:40-7-21. [AMENDED]

(Reference APA WF # 07-60B)

**SUMMARY:**

Developmental Disabilities Services rule revisions are needed to: (1) reflect current services in the Home and Community-Based Services (HCBS) Waivers; (2) reflect changes in prescreening requirements and home standards in the home profile process; (3) allow experienced designated

## Notices of Rulemaking Intent

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Developmental Disabilities Services Division (DDSD) staff to complete certain architectural modification assessments; (4) specify dental services for members receiving services through HCBS Waivers; (5) clarify individual placement for job coaching services and update requirements for employment services through HCBS Waivers; (6) update terminology; (7) eliminate obsolete provisions; and (8) correct scrivener's errors.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

*[OAR Docket #07-1681; filed 12-21-07]*

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## TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 40. DEVELOPMENTAL DISABILITIES SERVICES

*[OAR Docket #07-1693]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 40. Developmental Disabilities Services [AMENDED]

(REFERENCE APA WF # 07-73C)

**SUMMARY:**

Rules are revised to add a self direction option whereby members receiving Soonercare in-home supports benefits have higher levels of direct involvement and choice in managing the services they obtain to meet their personal assistance and health related needs. Additionally, members are given the opportunity to manage resources in a way that allows greater freedom to lead a more meaningful life in the community.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 198.12 of Title 56 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and Oral comments will be accepted January 15, 2008, through February 14, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for 1:00 p.m. on Thursday, February 21, 2008, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on February 14, 2008.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development,  
405-522-7272.

*[OAR Docket #07-1693; Filed 12-21-07]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 2. ADMINISTRATIVE COMPONENTS**

*[OAR Docket #07-1658]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Human Resources Management Division (HRMD)

Part 1. General Provisions

340:2-1-5 [AMENDED]

340:2-1-8 [AMENDED]

Part 3. Internal Human Resources

340:2-1-25 through 340:2-1-29 [AMENDED]

Part 7. Recruitment, Selection, and Placement

340:2-1-76 through 340:2-1-79 [AMENDED]

340:2-1-81 through 340:2-1-82 [AMENDED]

340:2-1-84 through 340:2-1-86 [AMENDED]

**(Reference APA WF 07-38)**

**SUMMARY:**

The purpose of the proposed revisions to Subchapter 1 of Chapter 2 amend rules to: (1) denote Oklahoma Department of Human Services (OKDHS) responsibility regarding response to unemployment benefit claims; (2) remove language that is internal OKDHS procedure; (3) correct a scrivener error; (4) indicate procedural changes due Office of Personnel Management (OPM) requirements; (5) correct an authority citation; (6) clarify processes for applying for OKDHS employment; (7) reflect changes in OKDHS form numbers created by the OKDHS forms system; (8) denote documentation a new employee is required to provide; (9) clarify probationary requirements for specific types of newly hired employees; (10) clarify processes regarding employee selection criteria; (11) remove unnecessary language; and (12) improve wording.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 1-1950.1 of Title 63 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008 through February 14, 2008 during regular business hours by contacting Kevin Sharp, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-6829.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 14, 2008 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #07-1658; filed 12-21-07]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)**

*[OAR Docket #07-1659]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-3 through 340:20-1-4 [AMENDED]

340:20-1-7 through 340:20-1-8 [AMENDED]

340:20-1-11 [AMENDED]

340:20-1-13 [AMENDED]

340:20-1-15 [AMENDED]

340:20-1-17 [AMENDED]

**(Reference APA WF 07-20 and 07-39)**

**SUMMARY:**

The proposed revisions to Subchapter 1 of Chapter 20 amend the rules to: (1) correct when Low Income Home Energy Assistance Program (LIHEAP) payments are made; (2) clarify how income eligibility is determined; (3) remove resource standards for the program as they are shown on an OKDHS appendix instead; (4) remove reference to an obsolete form; (4) add clarifying language; (5) use current terminology; (6) show current form names and numbers; (7) establish rules regarding the verification of the lawful presence in the United States (U.S.) for persons 14 years of age or older who are applying for state or federal public benefits; and (8) update rules regarding who is an eligible alien.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 96.80 through

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96.89 of Title 45 of the Code of Federal Regulations; Public Law 97-35, as amended; and Section 71 of Title 56 and Section 20j of Title 74 of the Oklahoma Statutes.

## COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2008 through February 14, 2008 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

## PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 14, 2008 at 5:00 p.m.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

## COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

## CONTACT PERSON:

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #07-1659; filed 12-21-07]*

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## TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 25. CHILD SUPPORT ENFORCEMENT DIVISION

*[OAR Docket #07-1705]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

- Subchapter 1. Scope and Applicability  
340:25-1-1.1 through 340:25-1-2.1 [AMENDED]
- Subchapter 5. Operational Policies
- Part 11. CSED System Security  
340:25-5-75 [AMENDED]
- Part 15. Case Initiation, Case Management, and Case Closure  
340:25-5-110.1 [AMENDED]  
340:25-5-114 [AMENDED]  
340:25-5-117 [AMENDED]  
340:25-5-123 through 340:25-5-124 [AMENDED]  
340:25-5-124.2 through 340:25-5-124.3 [AMENDED]
- Part 17. Past Support  
340:25-5-140 [AMENDED]
- Part 20. Medical Support  
340:25-5-168 [AMENDED]  
340:25-5-171 [AMENDED]

- Part 21. Establishment  
340:25-5-176 [AMENDED]  
340:25-5-178 [AMENDED]  
340:24-5-179.1 [AMENDED]
  - Part 22. Review and Modification  
340:25-5-198.2 [AMENDED]
  - Part 23. Enforcement  
340:25-5-200 [AMENDED]  
340:25-5-212 [AMENDED]
  - Part 25. Federal Offset Programs  
340:25-5-215 [AMENDED]
  - Part 27. State Tax Refund Offset Program  
340:25-5-235 [AMENDED]  
340:25-5-244 [AMENDED]
  - Part 33. Interstate and International Cases  
340:25-5-270 [AMENDED]
  - Part 39. Accounting and Distribution  
340:25-5-350.3 through 340:25-5-351 [AMENDED]
- (Reference APA WF 07- 35)**

## SUMMARY:

Child Support Enforcement Division rules are revised to: (1) remove and add definitions; (2) specify that judgments for medical support include birthing costs; (3) change location information; (4) add teletypewriter numbers for the hearing impaired, and telephone numbers for the Cherokee and Osage Nation Child Support Offices; (5) specify that noncooperation also means authorizing child supports be made through, or failing to forward to CSED child support payments received from, other entities other than the Centralized Support Registry; (6) add that a case may be closed due to a noncustodial parent's disability and lack of income; (7) add policy to clarify CSED office assignment and case transfer when the case is a Family and Domestic district court case; (8) add policy to clarify CSED office assignment and case transfer when the applicant is eligible for tribal child support services; (9) add policy to clarify CSED office assignment and case transfer when there is no Family and Domestic district court case and parental rights have been terminated; (10) specify CSED does not calculate a past-due support balance or take action to enforce past-due support until 30 days from the date of mailing of the notice; (11) specify that both parents are required to secure health insurance for minor child(ren) and standards for health coverage and exceptions to those standards; (12) specify CSED modifies a child support order when review indicates modification would result in an enforceable medical support order; (13) add policy to direct that when noncustodial parent contacts CSED within 30 days of a default paternity order, CSED requests the court vacate the default paternity order and pursues genetic testing; (14) describe what CSED considers as best evidence available that when determining a parent's child support obligation and specifying that when the noncustodial parent contacts CSED within 30 days of a default child support order, and provides information to calculate an accurate child support obligation, CSED requests the court enter a new order; (15) specifies that CSED reserve the issue of support for a prior period until the noncustodial

parent is no longer receiving TANF or Supplemental Security Income; (16) specifies CSED modifies a child support order when there is evidence enforcement of a medical support order against a custodial person is inappropriate; (17) adds policy that when CSED discovers assets not previously reported, levies against a noncustodial parent's assets may manually or automatically issue unless the noncustodial parent is in full and timely compliance with a court-ordered payment plan and specifies what CSED considers as full and timely compliance with a court-ordered payment plan; provides for release of funds from levy; (18) specifies federal income tax refund intercepts must be distributed as past-due support to the custodial person; (19) specifies interest is considered as past child support; (20) adds policy that CSED sends a notice to the noncustodial parent whenever a state tax refund is offset and changes the time for requesting a hearing from 60 days to 30 days; (21) specifies that a payor must submit payment by cashier's check or money order when CSED refuses to accept a personal check or direct debit; (22) adds policy on the debit card program; (23) specifies that CSED does not apply interest collections from federal income tax refund offsets to state debt unless CSED has been unable to locate the custodial person; (24) amendments to make a variety of housekeeping changes, including reformatting, updating legal citations, clarifying language to be consistent with current usage, and correcting punctuation and syntax.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 453, 454, 454A, and 454B of the Social Security Act, codified in Sections 653, 654, 654a and 654b of Title 42 of the United States Code (U.S.C.);

Section 1738B of Title 28 U.S.C.; United States House Resolution 3130, Public Law 105-200; Sections 302.31, 302.32, 302.38, 303.6, 307.11, 307.13, and Part 310 of Title 45 of the Code of Federal Regulations (CFR); Section 303.32 of Title 45 CFR (National Medical Support Notice Parts A and B); Sections 652 and 666 of Title 42 of the U.S.C. (federal Deficit Reduction Act of 2005); Section 1171.2 of Title 12 of the Oklahoma Statutes (federal Deficit Reduction Act of 2005); Sections 112, 139, and 139.1 of Title 43; Sections 237 and 240.20 of Title 56 of the Oklahoma Statutes; and Section 205.2 of Title 68 of the Oklahoma Statutes (Oklahoma Senate Bill 814).

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008 through February 14, 2008 during regular business hours by contacting Judy Elwell, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-2259.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 14, 2008 at 5:00 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed person.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #07-1705; filed 12-21-07]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 50. FOOD STAMP PROGRAM**

*[OAR Docket #07-1659A]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 15. Overpayments and Fraud

Part 1. Overpayments

340:50-15-1 through 340:50-15-7 [AMENDED]

340:50-15-9 [AMENDED]

Part 3. Fraud

340:50-15-25 [AMENDED]

340:50-15-27 [AMENDED]

(Reference APA WF 07-40)

**SUMMARY:**

The proposed revisions to Subchapter 15 of Chapter 50 amend the rules to provide clarifying and updated information regarding overpayment procedures to: (1) include information about the new Oklahoma Program Integrity (OPI) system that is now used to complete overpayments; (2) reflect current responsibilities for who writes and establishes overpayments; (3) revise the name of the Family Support Services Division (FSSD) Section that receives overpayments; (4) remove information about overpayment claims not being required in certain instances for categorically eligible households as this language was removed from federal regulations; (5) show current form names and numbers; (6) remove language about using expunged benefits toward overpayment debts; (7) correct a state statute reference; and (8) use current terminology.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Section 273.18 of Title 7 of the Code of Federal Regulations (CFR); and Sections 171 and 243 of Title 56 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008 through February 14, 2008 during regular business

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hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 14, 2008 at 5:00 p.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed person.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

### **CONTACT PERSON:**

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #07-1659A; filed 12-21-07]*

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## **TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 70. SOCIAL SERVICES**

*[OAR Docket #07-1660]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 9. Health Related Services  
340:70-9-3 through 340:70-9-4 [REVOKED]

(Reference APA WF 07-36)

### **SUMMARY:**

The proposed revisions to Subchapters 9 of Chapter 70 revoke rules as information is either outdated or included in another Section of this Subchapter.

### **AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 501 of Title V and Sections 1902 and 1905 of Title XIX of the Social Security Act.

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008 through February 14, 2008 during regular business hours by contacting Laura Brown, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 14, 2008 at 5:00 p.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed person.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

### **CONTACT PERSON:**

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #07-1660; filed 12-21-07]*

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## **TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE**

*[OAR Docket #07-1706]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions of Child Welfare Services

Part 1. Scope and Applicability

340:340:75-1-86 [AMENDED]

Subchapter 3. Child Protective Services

340:340:75-3-5 [AMENDED]

340:75-3-6.1 [AMENDED]

340:75-3-7.1 [AMENDED]

340:75-3-7.3 [AMENDED]

340:75-3-8 [AMENDED]

340:75-3-8.2 [AMENDED]

340:75-3-8.6 [AMENDED]

340:75-3-9.1 [AMENDED]

340:75-3-12 [AMENDED]

340:75-3-13 [AMENDED]

Subchapter 7. Foster Home Care

Part 1. General Provisions

340:75-7-2 [AMENDED]

Part 2. Development of Resources

340:75-7-12 [AMENDED]

340:75-7-15 [AMENDED]

340:75-7-18 [AMENDED]

340:75-7-24 [AMENDED]

Part 4. Roles and Responsibilities

340:75-7-37 through 340:75-7-38 [AMENDED]

Part 5. Eligibility and Payments

340:75-7-51 through 340:75-7-53 [AMENDED]

Part 6. Foster Home Care Support Services

340:75-7-65 [AMENDED]

Part 8. Continuous Quality Assessment of a Resource Home

340:75-7-94 [AMENDED]

Part 25. Emergency Foster Care Program  
 340:75-7-262 [AMENDED]  
 Subchapter 10. Emergency Shelter Care  
 340:75-10-9 [AMENDED]  
 Subchapter 13. Other Child Welfare Services and Medical  
 Services for Children in Out-of-home Care  
 Part 7. Medical Services  
 340:75-13-79 [AMENDED]  
 Subchapter 15. Adoptions  
 Part 10. Adoptive Family Assessment and Preparation  
 Process  
 340:75-15-88 [AMENDED]  
**(Reference APA WF 07- 37)**

**SUMMARY:**

Children and Family Services Division rules are revised to: (1) delete exception of determination of a report made in bad faith, to making a home visit as part of the investigation; (2) re-position information from Instructions to Staff, to rule, to clarify definitions and types of placements, and exceptions to the ICPC; (3) detail ICPC home study time frames; (4) update the protocol for investigating reports of abuse in child care centers or homes by repositioning and updating language; (5) update time frames for completion of investigations or assessments; (6) provide a definition of a Bridge resource family; (7) add a procedure for determination of other services; (8) require a search of all applicable out-of-state child abuse and neglect registries for any foster parent applicant or adult household member who has not lived continuously in Oklahoma for the past five years; (9) require OKDHS to request a name based National Crime Information Center (NCIC) criminal history search by local law enforcement after normal business hours or on a holiday for kinship applicants; (10) require a resource family assessment completed if a foster home has been closed two or more years; (11) require that reference information for alternate caregiver is documented on specific form; (12) require the resource specialist during the re-assessment to ensure the home is clean, safe, and in good repair; (13) remove length of stay time frame in shelter care prior to admission to emergency foster care; (14) authorize an exception to fingerprinting in limited, case-specific circumstances and authorize an alternate procedure for obtaining a national criminal records check for any applicant or adult residing in the home who has a severe condition that precludes such person from being fingerprinted; (15) direct that any available information be obtained from the applicable state if no child abuse and neglect registry exists in the applicable state; (16) repeal time frame for kinship applicant's equivalent records check to be received; (17) repeal Court's authority to approve a prospective adoptive parent or long-term placement provider who has convictions for specified felonies and further amend to require a committee review of any criminal history of foster parent applicants and other household members; (18) include an assessment of the condition of the interior and exterior of a home when doing a house assessment; (19) include reasons for denying an assessment as the applicant has applied for a child that OKDHS

reasonably believes may not be available for placement or one or more factors concerning the applicant, a family or household member or conditions in the home as described renders the applicant or home environment inappropriate as a resource home; (20) ensure that other specified safety guidelines are followed when the home being assessed has a pool; (21) provide that upon application, the foster parent with whom the child has been placed at least nine months may be the payee to receive the child's Social Security benefits; (22) correct Department of Public Services to Department of Public Safety (DPS); (23) update capacity and position titles; (24) clarify that the prospective resource parent is not approved without the results of the state-maintained child abuse and neglect registry checks if a registry is maintained in the applicable state; (25) clarify that when an equivalent records check from another state is required, it must be received prior to placement of the child; (26) clarify that when a baby is born to a person responsible for the child (PRFC) or to a minor child in OKDHS custody, the information is documented on Form 04KI001E; (27) clarify that an accepted report is responded to according to priority guidelines; (28) clarify requirement to become a foster parent to include: if married, be married or in a committed relationship for one year or more; provide a home that is clean, safe, and in good repair; and be willing to actively mentor the parent to help them improve their ability to safely care for their child; (29) clarify the purpose of the Interstate Compact on the Placement of Children (ICPC); (30) during the emergency rulemaking process language was deleted to allow the court to conditionally approve the home of an adoptive applicant or adult household member with certain criminal convictions, and was further amended to require a committee review of any criminal history of foster parent applicants and other household members; (31) clarify that kinship foster homes are entitled to receive a training stipend at enrollment and completion of the pre-service training when a child has been placed in the home; (32) clarify that foster parent responsibilities include helping the child maintain a connection to the child's kin, culture, and community; cooperating and assisting the CW worker in the placement of siblings together; and attending school conferences and Individualized Education Plan (IEP) meetings; (33) clarify physical restraint may only be used when the foster parent has been properly trained and practiced in the restraint technique demonstrated in Behavior Crisis Management Training (BCMT); (34) clarify the foster parent is sent a notice of overpayment by the county of service; (35) clarify that reimbursement is paid the month after the service rendered; (36) clarify that when a child is out of the foster home for family reunification purposes, pre-placement visits, or is absent without leave for up to seven consecutive days, the foster parent receives reimbursement if the child is expected to return to the foster home at the end of the seven days; (37) clarify that liability insurance questions are referred to the designated insurance company; (38) set out difficulty of care (DOC) reimbursement rates as shown in Appendix C-20 as guidelines for increase recommendations; (39) limit each DOC authorization to six months; (40) update agency division

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name, section taglines and references; (41) restructure current information; and (42) update form numbers and terminology.

### **AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; SB 553, and Federal Interstate Placement of Foster Children Act of 2006.

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2008 through February 14, 2008 during regular business hours by contacting Linda Smith, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3777.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than February 14, 2008 at 5:00 p.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed person.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

### **CONTACT PERSON:**

Dena Thayer, Programs Administrator, 405-521-4326.

*[OAR Docket #07-1706; filed 12-21-07]*

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## **TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 15. CONSUMER RIGHTS**

*[OAR Docket #07-1662]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

450:15-1-2. Definitions [AMENDED]

Subchapter 3. Consumer Rights

Part 1. Mental Health and Drug or Alcohol Abuse Services

Consumer Bill of Rights

450:15-3-20.1. Consumer rights regarding confidentiality of mental health and drug or alcohol abuse treatment information [AMENDED]

450:15-3-20.2. Validity of written consent [NEW]

Part 7. Consumer Access to Health Information, Facilities Operated by ODMHSAS

450:15-3-60. Right to access designated record set from facilities operated by ODMHSAS [AMENDED]

### **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 15 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

### **AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 15, 2008, 8:00 a.m., in Conference Room C of the Department at the address given above.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### **CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1662; filed 12-21-07]*

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**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 16. STANDARDS AND CRITERIA FOR COMMUNITY RESIDENTIAL MENTAL HEALTH FACILITIES**

*[OAR Docket #07-1663]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 450:16-1-2. Definitions [AMENDED]
- 450:16-1-4. Annual review of standards and criteria [REVOKED]
- Subchapter 5. Services
- 450:16-5-1. Continuity of care agreements, other service providers [AMENDED]
- Subchapter 17. Security and Disclosure of Resident Information
- 450:16-17-3.1. Confidentiality of mental health and drug or alcohol abuse treatment information [AMENDED]
- 450:16-17-4. Validity of written consent [REVOKED]
- Subchapter 21. Personnel, Staffing and Training
- 450:16-21-4. Residential care staff training requirements, administrator [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 16 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 15, 2008, 9:00 a.m., in Conference Room C of the Department at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be

incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1663; filed 12-21-07]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 17. STANDARDS AND CRITERIA FOR COMMUNITY MENTAL HEALTH CENTERS**

*[OAR Docket #07-1664]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 450:17-1-2. Definitions [AMENDED]
- 450:17-1-4. Annual review of standards and criteria [REVOKED]
- Subchapter 7. Facility Clinical Records
- 450:17-7-10. Progress Notes [AMENDED]
- Subchapter 9. Consumer Records and Confidentiality
- 450:17-9-1.1. Confidentiality of mental health and drug or alcohol abuse treatment information [AMENDED]
- Subchapter 21. Staff Development and Training
- 450:17-21-3. Annually required inservice training for all employees [AMENDED]
- 450:17-21-5. CAPE training [REVOKED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 17 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

# Notices of Rulemaking Intent

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## COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

## PUBLIC HEARING:

The Department will conduct a public hearing on February 15, 2008, 10:00 a.m., in Conference Room C of the Department at the address given above.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

## COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

## CONTACT PERSON:

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1664; filed 12-21-07]*

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## TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 18. STANDARDS AND CRITERIA FOR ALCOHOL AND DRUG TREATMENT PROGRAMS

*[OAR Docket #07-1665]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 1. General Provisions

450:18-1-2. Definitions [AMENDED]

450:18-1-6. Annual review of standards and criteria [REVOKED]

Subchapter 5. Organizational and Facility Management

450:18-5-3.2. Standards for food service [AMENDED]

Subchapter 7. Consumer Records

Part 1. Record Systems

450:18-7-3.1. Confidentiality of mental health and drug or alcohol abuse treatment information [AMENDED]

Subchapter 13. Substance Abuse Treatment Services

Part 3. Outpatient Services

450:18-13-21. Outpatient services [AMENDED]

Part 5. Intensive Outpatient Services

450:18-13-42. Service requirements [AMENDED]

Part 15. Residential Treatment for Adults with Co-occurring Disorders

450:18-13-141. Adult residential treatment for consumers with co-occurring disorders [AMENDED]

Part 21. Halfway House Services for Persons with Dependent Children

450:18-13-201. Halfway house services for persons with dependent children [AMENDED]

## SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 18 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

## AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

## COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

## PUBLIC HEARING:

The Department will conduct a public hearing on February 15, 2008, 11:00 a.m., in Conference Room C of the Department at the address given above.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

## COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1665; filed 12-21-07]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 30. STATE-OPERATED INPATIENT SERVICES**

*[OAR Docket #07-1666]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 15. Forensic Review Board
- 450:30-15-2. Definitions [AMENDED]
- 450:30-15-3. Composition, powers and duties [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 30 are part of the Department's review of Title 450. The proposed rules clarify existing rules. Forensic Review Board reviews are expanded, strengthened and clarified.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 15, 2008, 12:00 p.m., in Conference Room A of the Department at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information

until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1666; filed 12-21-07]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 55. STANDARDS AND CRITERIA FOR PROGRAMS OF ASSERTIVE COMMUNITY TREATMENT**

*[OAR Docket #07-1667]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 450:55-1-2. Definitions [AMENDED]
- Subchapter 3. Program Description and Pact Services
- 450:55-3-7. Staffing requirements [AMENDED]
- Subchapter 7. Confidentiality
- 450:55-7-1. Confidentiality, mental health consumer information and records [AMENDED]
- Subchapter 17. Staff Development and Training
- 450:155-17-3. In-service [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 55 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at

## Notices of Rulemaking Intent

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1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 15, 2008, 1:00 p.m., in Conference Room C of the Department at the address given above.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### **CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1667; filed 12-21-07]*

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### **TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 60. STANDARDS AND CRITERIA FOR CERTIFIED EATING DISORDER TREATMENT PROGRAMS**

*[OAR Docket #07-1668]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

450:60-1-4. Annual review of standards and criteria  
[REVOKED]

Subchapter 9. Consumer Records and Confidentiality

450:60-9-1. Confidentiality of mental health and drug or alcohol abuse treatment information [AMENDED]

### **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 60 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory

changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

### **AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 15, 2008, 2:00 p.m., in Conference Room C of the Department at the address given above.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### **CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1668; filed 12-21-07]*

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### **TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 65. STANDARDS AND CRITERIA FOR GAMBLING TREATMENT PROGRAMS**

*[OAR Docket #07-1669]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

- 450:65-1-2. Definitions [AMENDED]
- 450:65-1-4. Applicability [AMENDED]
- 450:65-1-5. Annual review of standards and criteria [REVOKED]
- Subchapter 3 Gambling Treatment Services and Documentation
- 450:65-3-1. Gambling treatment professional requirements and privileging [AMENDED]
- 450:65-3-2. Treatment Services [AMENDED]
- 450:65-3-3. Assessment and diagnostic services [AMENDED]
- 450:65-3-5. Individual, group and family counseling services [AMENDED]
- 450:65-3-9. Unplanned discharges [AMENDED]
- 450:65-3-10. Consumer records, basic requirement [AMENDED]
- 450:65-3-11. Consumer record system [AMENDED]
- 450:65-3-12. Confidentiality of gambling ~~addiction~~ treatment information [AMENDED]
- Subchapter 5. Certified Gambling ~~Addiction~~ Treatment Programs
- 450:65-5-1. Level of Care [AMENDED]
- 450:65-5-2. Gambling ~~addiction~~ treatment services [AMENDED]
- 450:65-5-3. Admission criteria [AMENDED]
- 450:65-5-4. Discharge criteria [AMENDED]
- 450:65-5-5. Consumer rights [AMENDED]
- Subchapter 7. Organizational and Facility Management
- 450:65-7-2. Hygiene and sanitation [AMENDED]
- 450:65-7-3. Standards for food service [AMENDED]
- 450:65-7-5. Critical incidents [AMENDED]
- 450:65-7-6. Organizational and facility description [AMENDED]
- 450:65-7-8. Performance improvement program [AMENDED]
- 450:65-7-9. Community information, consultation, outreach and street outreach [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 65 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes. Gambling treatment professional qualifications are expanded, strengthened and clarified.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 15, 2008, 3:00 p.m., in Conference Room A of the Department at the address given above.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

**CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1669; filed 12-21-07]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOD SUBSTITUTION TREATMENT PROGRAMS**

*[OAR Docket #07-1670]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 450:70-1-2. Definitions [AMENDED]
- Subchapter 3 Facility Record System
- Part 1. Record System
- 450:70-3-4. Confidentiality of drug or alcohol abuse or mental health treatment information [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 70 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes. Consumer rights regarding confidentiality are expanded, strengthened and clarified.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-108 and 2-109.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so until 5:00 p.m., February 14, 2008, to the attention of Misty Anne Jobe, Administrative Programs Officer IV. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK or by facsimile, at (405) 522-0401.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 15, 2008, 4:00 p.m., in Conference Room C of the Department at the address given above.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 14, 2008, to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, Attention: Misty Anne Jobe.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 29, 2008. Copies may be obtained from Misty Anne Jobe, Administrative Programs Officer IV, at the above address.

### **CONTACT PERSON:**

Misty Anne Jobe, Administrative Programs Officer IV, (405) 522-6917.

*[OAR Docket #07-1670; filed 12-21-07]*

## **TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #07-1635]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULES:**

Subchapter 5. General Course in Method of Operation

535:1-5-5.1. Complaint confidentiality [AMENDED]

Subchapter 7. Individual Proceedings

535:1-7-5. Subpoenas [AMENDED]

### **SUMMARY:**

The revisions in 535:1-5-5.1 Complaint confidentiality and the revision in 535:1-7-5 Subpoenas are at the recommendation of our Assistant Attorney General.

### **AUTHORITY:**

Title 51 O.S. 24A et seq., Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.3, 353.5 - 353.7, 353.9, 353.11, 353.18; 353.20, 353.22, 353.24 - 353.26, 353.29, 353.30; and Title 75 O.S., Section 302, 305, 307, and 309; and Title 63 O.S., Sec 2-201, 2-208 and 2-210. Title 51 Sec. 24 A.5(3) and Title 59 O.S. Sec. 353.7(15).

### **COMMENT PERIOD:**

The comment period will run from January 15, 2008 through February 15, 2008, at 1:00 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on February 20, 2008, at 1:00 p.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than February 15, 2008, at 1:00 p.m.

### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

### **COPIES OF PROPOSED RULES:**

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after January 25, 2008, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

### **CONTACT PERSON:**

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

*[OAR Docket #07-1635; filed 12-19-07]*

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY  
CHAPTER 10. PHARMACISTS; INTERNS, PRECEPTORS AND TRAINING AREAS**

*[OAR Docket #07-1636]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- Subchapter 3. Pharmacists  
535:10-3.1.2. Violations of professional conduct [AMENDED]
- Subchapter 7. Pharmacist Licensure  
535:10-7-8. Foreign pharmacy graduates licensure applicants [AMENDED]

**SUMMARY:**

The rule change in 535:10-1.2 clarifies the rule regarding theft in (15) and adds violation of any voluntary or Board ordered rehabilitation program for the impaired contract to violations of professional conduct.

The change in 535:10-7-8 allows foreign graduates once they have met the requirements in (a) and (b) of this section to either apply for licensure by Naplex, Reciprocity or Score Transfer, if eligible.

In 535:15-3-10 (c) the revision adds the ability for the Board to request an inventory within ten days for certain circumstances.

**AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.9, 353.11, 353.16A, 353.18, 353.20, 353.22, and 353.24 - 353.26 and 364.

**COMMENT PERIOD:**

The comment period will run from January 15, 2008 through February 15, 2008, at 1:00 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on February 20, 2008, at 1:00 p.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than February 15, 2008, at 1:00 p.m.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

**COPIES OF PROPOSED RULES:**

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after January 25, 2008, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

**CONTACT PERSON:**

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

*[OAR Docket #07-1636; filed 12-19-07]*

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY  
CHAPTER 15. PHARMACIES**

*[OAR Docket #07-1637]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- Subchapter 5. Hospital Pharmacies  
535:15-5-2. Definitions [AMENDED]
- 535:15-5-18. Drug rooms [AMENDED]

**SUMMARY:**

The revision in 535:15-5-2 removes the drug room definition from hospital rules, since there is a new section for hospital drug rooms.

The revision in 535:15-5-18 (a) and (b) are removed.

**AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354.

**COMMENT PERIOD:**

The comment period will run from January 15, 2008 through February 15, 2008, at 1:00 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on February 20, 2007, at 1:00 p.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than February 15, 2008, at 1:00 p.m.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board, within the comment period,

## Notices of Rulemaking Intent

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in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

### COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after January 25, 2008, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

### CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

*[OAR Docket #07-1637; filed 12-19-07]*

## TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 25. RULES AFFECTING VARIOUS REGISTRANTS

*[OAR Docket #07-1638]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

Subchapter 9. Violation of the Rules of Registrant Conduct 535:25-9-7. Theft [AMENDED]

### SUMMARY:

The revision in 535:25-9-7 clarifies theft as a conduct violation.

### AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354.

### COMMENT PERIOD:

The comment period will run from January 15, 2008 through February 15, 2008, at 1:00 p.m. Written comments may be sent to the offices of the Board, 4545 N Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488.

### PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on February 20, 2008, at 1:00 p.m. in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Written notice of intent to make oral comment must be received by this office no later than February 15, 2008, at 1:00 p.m.

## REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

### COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Suite 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after January 25, 2008, at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

### CONTACT PERSON:

Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

*[OAR Docket #07-1638; filed 12-19-07]*

## TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #07-1631]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 11. Purchasing

610:1-11-14. Purchases in excess of \$25,000 [AMENDED]

610:1-11-15. Purchases in excess of \$100,000 [AMENDED]

### SUMMARY:

The proposed amendments would make the following changes:

- In order to address an emergency which requires a purchase in excess of \$100,000, the amendment provides the Chancellor with the authority to declare an acquisition an "emergency acquisition" as defined by the administrative rules. The Chancellor's declaration of an "emergency acquisition" would allow for purchases exceeding \$100,000 when the agency is faced with "an unforeseen condition believed to endanger human life or safety or pose imminent danger to significant property." (OAC 610:1-11-3).

- Clarification of procedure concerning purchases in excess of \$25,000.

•Correction of error in definition of "emergency acquisition".

**AUTHORITY:**

Oklahoma State Regents for Higher Education, Okla. Const. Art. XIII-A; 70 O.S. §3206; 74 O.S. §85.3A; 74 O.S. §85.9E.

**COMMENT PERIOD:**

Interested persons may submit written and oral comments to Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 15, 2008.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 15, 2008.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 15, 2008.

**CONTACT PERSON:**

Nancy E. Connally, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

*[OAR Docket #07-1631; filed 12-13-07]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

*[OAR Docket #07-1630]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 23. Oklahoma Higher Learning Access Program

- 610:25-23-1. Purpose [AMENDED]
- 610:25-23-2. Eligibility of participants [AMENDED]
- 610:25-23-3. Applications [AMENDED]
- 610:25-23-4. Program requirements [AMENDED]
- 610:25-23-5. Securing program benefits [AMENDED]
- 610:25-23-6. Retaining eligibility in postsecondary education [AMENDED]

610:25-23-7. Payment of awards; policies and limitations [AMENDED]

610:25-23-8. Administrative responsibilities [AMENDED]

**SUMMARY:**

The proposed amendments would make the following changes:

Changes required by SB 820 of the 2007 legislative session are incorporated into the rules. These statutory changes include:

•**Second Income Limit Requirement:** Beginning with Oklahoma's Promise college students receiving the scholarship for the first time in 2009-10 (primarily high school graduates of 2009 and thereafter), students will be subject to a second family income limit requirement. Students will not receive the scholarship if their parents' income exceeds \$100,000 at the time the student goes to college (if the student is independent, the student's income may not exceed \$100,000). To enroll in the program in the 8th, 9th, or 10th grade, a student's family income still must be under \$50,000 at the time of application. As one possible method to implement this requirement, the proposed rules would require all students to complete a federal financial aid application. In 2006-07, about 84% of the Oklahoma's Promise scholarship recipients completed the federal application.

•**Minimum College GPA Requirement:** Also effective for students receiving the award for the first time in 2009-10, a unique minimum college GPA of 2.0 will be required for courses taken during the sophomore year and a minimum 2.5 GPA for courses taken during the junior year and thereafter.

•**College Conduct Requirement:** Effective January 1, 2008, an Oklahoma's Promise college student that is suspended for more than one semester for conduct reasons will lose the scholarship permanently.

•**Immigration Status:** Beginning with students applying for the program in 2007-08, the student must be a U.S. citizen or lawfully present in the U.S. to receive the award in college. Undocumented immigrant students can still enroll in the program in the 8th, 9th, or 10th grade, but must attain lawful status before they can actually receive the award in college. Undocumented students already enrolled in the program by the end of 2006-07 are "grandfathered" into the program and not subject to this requirement.

•**Homeschool Student Eligibility:** Homeschool students are now eligible to participate in Oklahoma's Promise and receive the scholarship. Homeschool students must apply between the ages of 13 - 15. Like students attending non-accredited schools, homeschool students must also achieve at least a 22 ACT composite score on a test given on a national test date ("residual" ACT scores do not qualify).

In addition, there are other changes unrelated to SB 820. These include:

•**Allowing students whose legal custody is currently subject of an active legal proceeding to submit an application without parental or guardian information.**

## Notices of Rulemaking Intent

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•Beginning in 2010-11, all students receiving the Oklahoma's Promise scholarship would be required to meet the federal "satisfactory academic progress" (SAP) standards that are required to remain eligible for federal financial aid. SAP standards require students to complete at least two-thirds of the courses they attempt and also require students to achieve at least a 2.0 GPA or its equivalent by the end of their sophomore year in college. This would apply one more level of accountability for Oklahoma's Promise students with a standard that is common for all students receiving federal financial aid.

•Adds language recognizing the use of the name "Oklahoma's Promise" as authorized in SB 1493 of the 2006 legislative session.

•Deletion of uses of the acronym "OHLAP".

### **AUTHORITY:**

70 O.S. §2601 *et seq.*; 70 O.S. §3206 (i); Oklahoma State Regents for Higher Education

### **COMMENT PERIOD:**

Interested persons may submit written and oral comments to Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 15, 2008.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 15, 2008.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 15, 2008.

### **CONTACT PERSON:**

Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #07-1630; filed 12-13-07]

## **TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #07-1632]

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Oklahoma Tuition Aid Grant Program  
610:25-7-6. Eligibility; amount of grant; application procedures and deadlines; disbursement of funds [AMENDED]

### **SUMMARY:**

The proposed amendment would make the following change:

•Deleting language identifying the maximum Expected Family Contribution (EFC) eligibility limit for OTAG awards as calculated using Housing and Urban Development (HUD) data. The amendment does not change how the program currently operates. The deletion of this language allows the State Regents to use simpler, more understandable criteria for establishing the potential pool of eligible OTAG applicants. For example, using federal Pell Grant eligibility to define potential OTAG recipients is more understandable to students, parents, legislators and the general public.

### **AUTHORITY:**

70 O.S. §626.1 *et seq.*; 70 O.S. §3206(i); Oklahoma State Regents for Higher Education

### **COMMENT PERIOD:**

Interested persons may submit written and oral comments to Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., February 15, 2008.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., February 15, 2008.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

### **RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after January 15, 2008.

**CONTACT PERSON:**

Nancy E. Connally, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #07-1632; filed 12-13-07]

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 10. AD VALOREM TAX**

[OAR Docket #07-1640]

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 10. Ad Valorem Tax [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Ad Valorem rules have been made to implement recent legislation. All legislative references unless otherwise indicated are to the 51st Legislature, 1st Regular Session (2007).

Amendments to **Subchapter 2, "Business Personal Property Valuation Schedules"** has been made to reflect the provisions of House Bill 1485 which provides for specific valuation sources and methodology for taxable personal property used in the exploration of oil, natural gas, or other minerals including drilling equipment and rigs.

Amendments to **Subchapter 7, "Manufacturing Facilities"**, have been made to reflect the provisions of Section 1 of Senate Bill 798 which amends the five year manufacturing exemption for ad valorem tax to include designated distribution establishments meeting certain investment, employment, and wage requirements and to delete a provision, rendered obsolete by Senate Bill 1577 [2006], regarding the allowance of an additional exemption year when an otherwise qualifying manufacturing facility fails to file a timely exemption application.

Amendments to **Subchapter 14, "Full Fair Cash Value Exemption for One Hundred Percent Disabled Veterans"** have been made to clarify the administration of the exemption.

New **Subchapter 15, "Freeport Exemption"** and new sections contained therein have been added to implement the provisions of Senate Bill 685 made pursuant to authority granted the Legislature by adoption of State Question 734 at election held November 7, 2006.

**AUTHORITY:**

68 O.S. §§ 203, 2817, 2902(H); Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m. February 20, 2008, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request

placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing is as follows: February 21, 2008 at 10:00 a.m., in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat Mc Donald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.oktax.state.ok.us](http://www.oktax.state.ok.us) or obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2008, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa R. Haws, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@oktax.state.ok.us](mailto:lhaws@oktax.state.ok.us)

[OAR Docket #07-1640; filed 12-20-07]

## Notices of Rulemaking Intent

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### TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 23. CHARITY GAMES

[OAR Docket #07-1641]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

#### **PROPOSED RULES:**

Chapter 23. Charity Games [AMENDED]

#### **SUMMARY:**

The 2006-2007 Legislative Session enacted statutory changes which require amendments to the existing rules in the following areas:

Section 710:23-1-4 has been amended to require documentation from distributors concerning exempt sales to group homes for mentally disabled individuals. [3A:422]

Section 710:23-1-8 has been amended to add the provision that sales of charity game equipment to group homes for mentally disabled individuals are exempt from sales tax and the charity games tax levied by Section 421 of Title 3A [HB 1094 §1] [68:1355] and to reference the charity games tax exemption for "veterans' organizations". [HB 1889 (2004)]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

#### **AUTHORITY:**

Oklahoma Tax Commission; 68 O.S., § 203; 3A O.S. § 422

#### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., February 25, 2008, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133

#### **PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing is as follows: February 26, 2008 at 10:00 a.m., in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Boulevard, Oklahoma City, Oklahoma. In order to facilitate entry into the building those wishing to appear should contact Pat McDonald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written request for placement on the docket will have an opportunity to speak.

#### **REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

#### **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.oktax.state.ok.us](http://www.oktax.state.ok.us) or obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

#### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2008, from the same source listed above for obtaining copies of proposed rules.

#### **CONTACT PERSON:**

Lisa R. Haws, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: [lhaws@oktax.state.ok.us](mailto:lhaws@oktax.state.ok.us)

[OAR Docket #07-1641; filed 12-20-07]

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### TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #07-1642]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

#### **PROPOSED RULES:**

Chapter 50. Income [AMENDED]

#### **SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, insure accurate internal cross-reference and comply with statutory changes. All legislative references are to the First Regular Session of the 51<sup>st</sup> Legislature (2007).

Section 710:50-3-3 has been amended to implement the provisions of Senate Bill 1076 which provides for a later due date for filing a state income tax return if the Internal Revenue Code authorizes a later due date for filing the federal income

tax return and allows individual income taxpayers to file and pay on or before April 20<sup>th</sup> if the return is filed electronically.

Section 710:50-7-2 has been amended to clarify policy regarding the application of payments and to conform with Section 710:1-3-46.

Section 710:50-15-45 has been amended to implement the provisions of Senate Bill 685 which modifies the treatment of Oklahoma capital gains that arise when intangible assets are sold and to clarify the holding period requirements.

Section 710:50-15-66 has been amended to implement the provisions of Senate Bill 854 which provides that a deposit into an Oklahoma College Savings Plan which is rolled over will not be eligible for the deduction.

New Section 710:50-15-67 has been added to implement the provisions of Senate Bill 806 which provides for an income tax deduction of up to \$10,000 for persons that donate an organ to another human being for human organ transplantation.

Section 710:50-15-71 has been amended to implement the provisions of Senate Bill 861 which allows taxpayers to claim either the existing Oklahoma childcare tax credit or the new Oklahoma childcare tax credit available for tax year 2008.

Sections 710:50-15-86.1 and 710:50-15-87.1 have been amended to limit the scope of letter rulings issued pursuant to the Small Business Capital Formation Incentive Act and the Rural Venture Capital Formation Incentive Act.

Section 710:50-15-96 has been amended to implement the provisions of Senate Bill 1076 which requires a taxpayer who has an income tax filing requirement to file the claim for sales tax credit relief by April 15 as part of the regular income tax return (or until April 20 if the taxpayer is filing electronically) unless the taxpayer has been granted a valid extension of time to file said income tax return.

Sections 710:50-15-98 and 710:50-15-106 have been amended to implement the provisions of House Bill 1513 which extends the sunset provisions of the Ethanol Production Credit and the Biodiesel Production Credit to December 31, 2012.

Section 710:50-15-107 has been amended to correct a scrivener's error.

**AUTHORITY:**

68 O.S. §§ 203; 2357.66(F); 2357.67(F); 2358

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., February 25, 2008, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 522-3133.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: February 26, 2008, 9:00 a.m. in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the

building, those wishing to appear should contact Pat McDonald at (405) 522-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.oktax.state.ok.us](http://www.oktax.state.ok.us) or obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2008, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa R. Haws, Agency Liaison. Phone: 405-522-5519; FAX: 405-522-0063; Email: [lhaws@oktax.state.ok.us](mailto:lhaws@oktax.state.ok.us)

*[OAR Docket #07-1642; filed 12-20-07]*

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 65. SALES AND USE TAX**

*[OAR Docket #07-1643]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 65. Sales and Use Tax [AMENDED]

## Notices of Rulemaking Intent

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### SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Sales Tax rules have been made to implement recent legislation. All legislative references are to the 51st Legislature, 1st Regular Session (2007).

New Section 710:65-7-8.1 has been added and Section 710:65-13-90 has been amended to implement the provisions of Section 4 of Senate Bill 806 which places the responsibility for providing the documentation on the sale of tangible goods and products for export by a vendor on a purchaser in certain circumstances. **[68:1352(2)(c)]**

Section 710:65-7-15, dealing with vendor liability has been amended to reflect the exempt status of sales to certain child care centers providing pre-kindergarten instruction and 501(c)(3) organizations which shelter abused, neglected, or abandoned children. **[68:1361]**

New Section 710:65-7-18 has been added to Subchapter 7. Duties and Liabilities to reflect the exempt status of sales to qualifying organizations providing services to developmentally disabled persons. **[68:1361]**

Section 710:65-9-8 dealing with special event permits has been amended according to the provisions of Section 7 of Senate Bill 806 which modifies the definition of special event to exclude any event sponsored by a 501(c)(3) church organization and to update contact information for the application process. **[68:1364.2]**

Sections 710:65-13-1 has been amended in conformity with the provisions of Section 5 of Senate Bill 806 which exempts the sale of advertising in travel brochures and promotional materials produced at the direction of the Oklahoma Tourism and Recreation Department. **[68:1356]**

Section 710:65-13-30 has been amended to conform with the provisions of House Bill 1094 which creates a new exemption for sales of charity games equipment to a group home for mentally disabled individuals which is exempt from taxation pursuant to 501(c)(3) of the Internal Revenue Code. **[68:1355]**

Section 710:65-13-123 dealing with the sales tax exemption for certain sales of electricity used on enhanced recovery projects in oil production has been amended to reflect the provisions of Section 2 of HB 1544, which deleted certain exemption qualification language. **[68:1357]**

Section 710:65-13-172 has been amended to clarify the exemption application process for Community Mental Health Centers. **[68:1357]**

Sections 710:65-13-169, 710:65-13-170, 710:65-13-171 and 710:65-13-173 have been amended to delete obsolete language and to clarify the categories of qualifying exempt purchases for purposes of the exemption for sales to Medicare and Medicaid recipients and for sales of prosthetic devices to individuals. **[68:1357.6 and 68:1357(22)]**

Part 39 of Subchapter 13 has been amended to include child care centers and a new section 710:65-13-220 have been added to note the provisions of Section 5 of Senate Bill 806 which provides for an exemption for sales to certain child care centers

providing on-site universal pre-kindergarten education to four-year-old children through a contractual relationship with a public school. **[68:1356]**

A New Part 16 dealing with the refitting or refurbishing of certain electronic goods has been added to Subchapter 13. New Section 710:65-13-85 has been added to reflect the provisions of Section 1 of House Bill 1544 which exempts sales of tangible personal property and services to repairers of certain electronic goods when purchased from the original manufacturer for refurbishing and subsequent sale. **[68:1357]**

Several new Sections have been added to Part 43 consistent with the provision of Section 5 of Senate Bill 806 which provides for new statutory exemptions: Section 710:65-13-354 dealing with sales to certain 501(c)(3) organization providing training and education to and promoting unity among developmentally disabled individuals and educating the community about the rights, abilities and strengths of these individuals; Section 710:65-13-355 dealing with sales to a 501(c)(3) organization which is a shelter for abused, neglected, and abandoned children from birth to age twelve; and Section 710:65-13-356 dealing with sales to a 501(c)(3) organization known as the Blue Star Mothers of America which sends personal property to United States Military personnel overseas serving in a combat zone.

A New Part 51, dealing with a Sales Tax Holiday has been added to Subchapter 13. New Sections 710:65-13-510 through 710:65-13-512 have been adopted to set forth the provisions of Sections 2-6 of Senate Bill 861 which provide for a sales tax exemption for sales of clothing and footwear priced at less than \$100.00 for a three day period in August and for reimbursement of lost tax revenue to the cities and counties. **[68:1353, 1357.10, 1370 1377 & 2701]**

Additional sections have been revised in accordance with the statutory amendments made in House Bill 1076 for Streamlined Sales Tax compliance purposes; Section 710:65-1-2, provides a definition of bundled transaction and an amended definition of gross receipts and sale for resale; **[68:1352]**, Sections 710:65-19-330 dealing with telecommunications provides a revised definition of telecommunication services, clarifies treatment of certain transactions and exempts nonrecurring charges not associated with a retail customer sale; 710:65-18-5 sets forth a revised definition of post paid calling services, defines prepaid wireless calling services and clarifies the sourcing of various telecommunications services; **[68:1354]**, 710:65-1-9 references the revised definition of gross receipts; Section 710:65-18-3 notes destination sourcing applicable to florists 1/1/09 instead of 1/1/08 **[68:1354.27]**, and 710:65-7-6 extends relief from liability to certified service providers and vendors that timely accept fully completed exemption certificates-later determined to be erroneous-within 90 days of the date of sale. **[68:1361.1]**

Section 710:65-19-45 has been amended to reflect language deleted from 710:65-13-170 regarding the sales tax exemption for chiropractic sales of vitamins, minerals, and supplements. **[68:1357(37)]**

Section 710:65-19-89 dealing with merchandise returns has been amended for clarification consistent with the Commission's policy regarding treatment of restocking fees.

Section 710:65-19-260 dealing with commercial photographers has been amended deleting obsolete and unnecessary language.

In addition, other rule changes will be made to improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

68 O.S. §§ 203 and 1354.18; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m. February 20, 2008, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Pat McDonald at (405) 521-3133

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing is as follows: February 21, 2008 at 9:00 a.m., in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Pat Mc Donald at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.oktax.state.ok.us](http://www.oktax.state.ok.us) or obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 30, 2008, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa R. Haws, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@oktax.state.ok.us](mailto:lhaws@oktax.state.ok.us)

*[OAR Docket #07-1643; filed 12-20-07]*

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# Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

*For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.*

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**TITLE 429. OKLAHOMA LOTTERY  
COMMISSION  
CHAPTER 10. RETAILER PROVISIONS**

*[OAR Docket #07-1657]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

429:10-1-3. Retailer Compensation [AMENDED]

429:10-1-5. Acceptance and return of instant lottery tickets  
[AMENDED]

**SUBMITTED TO GOVERNOR:**

December 21, 2007

**SUBMITTED TO HOUSE:**

December 21, 2007

**SUBMITTED TO SENATE:**

December 21, 2007

*[OAR Docket #07-1657; filed 12-21-07]*

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# Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.

*For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.*

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**TITLE 310. OKLAHOMA STATE  
DEPARTMENT OF HEALTH  
CHAPTER 410. WIC**

*[OAR Docket #07-1708]*

**RULEMAKING ACTION:**

Gubernatorial approval of permanent rules

**PROPOSED RULES:**

Subchapter 3. Vendor Management

310:410-3-2 [AMENDED]

310:410-3-3 [AMENDED]

Part 3. WIC Vendor Application and Authorization Process

310:410-3-10 [AMENDED]

310:410-3-12 [AMENDED]

310:410-3-13 [AMENDED]

310:410-3-14 [AMENDED]

Part 7. WIC Vendor Authorization and Responsibilities

310:410-3-33 [AMENDED]

310:410-3-34 [AMENDED]

Part 9. WIC Vendor Compliance and Sanctions

310:410-3-52 [AMENDED]

**GUBERNATORIAL APPROVAL:**

December 18, 2007

*[OAR Docket #07-1708; filed 12-21-07]*

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# Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] . . . . [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

*For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

## TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH

[OAR Docket #07-1707]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 27. Contracts with Charitable Health Care Providers [NEW]

310:2-27-1 [NEW]

310:2-27-2 [NEW]

310:2-27-3 [NEW]

310:2-27-4 [NEW]

310:2-27-5 [NEW]

310:2-27-6 [NEW]

### AUTHORITY:

Oklahoma State Board of Health; 51 O.S. Section 152.2

### DATES:

#### Public Hearing:

November 8, 2007

#### Adoption:

November 8, 2007

#### Approved by Governor:

December 14, 2007

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature

#### SUPERSEDED EMERGENCY ACTIONS:

n/a

#### INCORPORATIONS BY REFERENCE:

n/a

#### FINDING OF EMERGENCY:

The State Board of Health finds that an emergency rule is required to implement Senate Bill 930 (codified at 51 O.S. 2007, §§ 152 and 152.2), which is effective November 1, 2007. With adoption and approval of this emergency rule a charitable health care provider may contract with the State to provide health care services to medically indigent persons as a state employee, and thus, be immune from personal liability for such contract services provided at or on behalf of a free clinic.

#### ANALYSIS:

The proposed rules will implement the requirements of Senate Bill 930, codified at 51 O.S. Supp. 2007, Sections 152 and 152.2, as last amended by Section 19, Chapter 368, O.S.L. 2004, which relates to the Governmental Tort Claims Act and authorizes the State Department of Health, or a city-county department of health, to enter into contracts with charitable health care providers who provide health care services to medically indigent persons at, or upon referral from, free clinics. Charitable health care providers acting in good faith who provide health care services pursuant to such contracts would be immune from personal liability. Damages for any claims against the state for alleged negligence committed for services rendered under these contracts are limited as provided in the Oklahoma Governmental Tort Claims Act.

### CONTACT PERSON:

Michael W. Brown, Director, Office of Primary Care and Rural Health Development, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone:(405) 271-8428; facsimile:(405) 271-5493; electronic mail: Mikebr@health.ok.gov

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D):**

### **SUBCHAPTER 27. CONTRACTS WITH CHARITABLE HEALTH CARE PROVIDERS**

#### **310:2-27-1. Purpose**

The rules of this Subchapter are adopted to implement Senate Bill 930, Oklahoma Sessions 2007, for the administration of contracts between charitable health care providers and the Oklahoma State Department of Health or a city-county health department for the benefit of Oklahoma residents who are medically indigent. These rules establish eligibility criteria for charitable health care providers and medically indigent persons, procedures for entering into and revoking contracts between the Oklahoma State Department of Health or a city-county health department and a charitable health care provider and responsibilities and obligations pursuant to such contracts.

#### **310:2-27-2. Definitions**

The following words or terms used in this Subchapter shall have the meaning described below unless the context clearly indicates otherwise:

"Charitable health care provider" or "charitable provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of business or the practice of a profession and who provides care to a medically indigent person, as defined in this subchapter, with no expectation of or acceptance of compensation of any kind. [51 O.S.Supp.2007, § 152(3)]

"Charitable provider contract" means an annual agreement executed in compliance with this subchapter between a

## Emergency Adoptions

charitable health care provider and a contracting agency for the provision of health care services to the medically indigent.

**"Claim"** as used in 'claims history' means any written demand presented by a claimant or the claimant's authorized representative to recover money as compensation for an act or omission committed by a person who provides health care.

**"Claims history"** means a summary of the claims made against the applicant for a charitable provider contract with a contracting agency, including the number of claims, a brief description of each claim, the type of health care services being provided that precipitated each claim, and the money that was paid, or is being paid, for each claim, if any.

**"Commissioner"** means the Commissioner of Health and the chief executive officer of the Oklahoma State Department of Health.

**"Contracting agency"** means either the Oklahoma State Department of Health or a city-county health department.

**"Department"** means the Oklahoma State Department of Health.

**"Free clinic"** means a facility where the health care professional receives no form of compensation as provided at 76 O.S.Supp.2004, § 32 and the clinic requires no form of compensation from any patient.

**"Medically indigent"** means a person requiring medically necessary hospital or other health care services for the person or the dependents of the person who has no public or private third-party coverage, and whose personal resources are insufficient to provide for needed health care. [51 O.S.Supp.2007, § 152(8)]

**"Person"** means a human being or natural person, and does not include governmental agencies, corporations or other business entities.

**"Person whose personal resources are insufficient to provide for needed health care"** means a person who has declared that the person, or family of the person seeking health care services, does not have sufficient resources to pay for the needed health care.

**"Risk Management"** means the Office of the Risk Management Administrator of the Department of Central Services as provided at 51 O.S.Supp.2006, § 156.

### **310:2-27-3. Contingency**

The execution or continuation of a contract between a contracting agency and a charitable health care provider, as defined within and provided for in this subchapter, is contingent upon funding being available to the contracting agency for this purpose, and nothing within this subchapter shall be construed to grant to a charitable health care provider any greater rights than those otherwise provided by law.

### **310:2-27-4. Application to contract as a charitable health care provider**

(a) The Department shall develop and provide an application form for a person to use when applying with a contracting agency to enter into a charitable provider contract.

(b) A person may apply to enter into a charitable provider contract as a charitable health care provider if such applicant:

(1) is licensed, certified, or otherwise authorized by the laws of Oklahoma to administer, in the ordinary course of business or in the practice of a profession, the health care that is the subject of the charitable health care contract;

(2) will provide health care to the medically indigent, as defined in section 310:2-27-2; and

(3) submits a complete application to a contracting agency requesting to enter into a charitable provider contract, and the application must include:

(A) the scope of service the applicant will provide to the medically indigent; and

(B) the applicant's claims history for the last five (5) years.

(c) The claims history of the applicant will be reviewed by Risk Management to determine the amount of the insurance premium the Department would be required to pay into the State's self-insurance pool. This assessment shall be considered by the contracting agency when determining if the applicant will be awarded a charitable provider contract.

(d) A health care provider whose application to be granted a charitable provider contract from a contracting agency is denied may re-submit the application with a different scope of service.

### **310:2-27-5. Charitable provider responsibilities**

(a) The charitable provider is responsible for determining the patient is medically indigent before providing health care services by confirming that the person seeking services has:

(1) no health insurance;

(2) not been informed that he or she is Medicaid eligible; and

(3) insufficient income to pay for the needed health care services.

(b) All professional services rendered by the charitable provider to the medically indigent must be provided gratuitously and with no expectation or acceptance of compensation of any kind.

(c) Upon receipt of a claim by the charitable health care provider indicating that the claimant is seeking compensation for an act or omission by the charitable provider occurring when rendering professional services to a medically indigent person at, or on referral from, a free clinic, the charitable health care provider shall submit the claim to Risk Management and the contracting agency and shall not submit such claims to a professional malpractice insurance carrier.

(d) The charitable provider shall keep records related to the performance of the charitable health care contract during the term of the contract for a period of two years after the contract ends. Upon request, the charitable provider shall make these records available to the contracting agency or Risk Management.

### **310:2-27-6. Termination or rescission of charitable health care contracts**

(a) Charitable health care contracts may be terminated or rescinded by the Department in the event of noncompliance with any provision of the charitable provider contract or this

subchapter or the unavailability of funding for such contracts. Before terminating or rescinding a contract, the Department will give the charitable health care provider thirty (30) days written notice and request information as to why the charitable health care contract should not be terminated or rescinded.

(b) Upon completing the review of any information submitted in re-consideration of terminating or rescinding the charitable provider contract, the Department will provide the charitable health care provider its decision in writing. This final decision is not appealable.

*[OAR Docket #07-1707; filed 12-21-07]*

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