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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.

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #11-808]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Subchapter 1. General Provisions
690:1-1-5. [AMENDED]
Subchapter 3. Board Organization and Proceedings
690:1-3-1. [AMENDED]
690:1-3-2. [AMENDED]
690:1-3-6. [AMENDED]
690:1-3-7. [REVOKED]
690:1-3-8. [AMENDED]
690:1-3-9. [AMENDED]
690:1-3-10. [AMENDED]
690:1-3-11. [AMENDED]
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[OAR Docket #11-808; filed 6-1-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 5. RULES OF PRACTICE

[OAR Docket #11-809]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Subchapter 3. Proceedings upon Denial of License [REVOKED]
690:5-3-1 [REVOKED]
690:5-3-2 [REVOKED]
690:5-3-3 [REVOKED]
690:5-3-4 [REVOKED]
690:5-3-5 [REVOKED]
690:5-3-6 [REVOKED]
690:5-3-7 [REVOKED]
Subchapter 5. Individual Proceedings
690:5-5-1 [AMENDED]
Subchapter 7. Procedures in Individual Proceedings
690:5-7-5 [AMENDED]
Subchapter 9. Proceedings for Adoption, Amendment and Repeal of Rules
690:5-9-2 [AMENDED]
Subchapter 13. Requests for ~~Decalatory~~ Declaratory Rulings [AMENDED]
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[OAR Docket #11-809; filed 6-1-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 10. LICENSURE AND FEES

[OAR Docket #11-810]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Subchapter 3. Licensure of Speech-language Pathologists and Audiologists
690:10-3-9. [NEW]
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[OAR Docket #11-810; filed 6-1-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 10. LICENSURE AND FEES

[OAR Docket #11-811]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

RULES:
Subchapter 3. Licensure of Speech-language Pathologists and Audiologists
690:10-3-1 [AMENDED]
690:10-3-5 [AMENDED]
690:10-3-6 [AMENDED]
690:10-3-8 [AMENDED]
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690:10-5-1 [AMENDED]
690:10-5-6 [AMENDED]
Subchapter 7. Licensure of Speech-language Pathology Assistants and Audiology Assistants
690:10-7-1 [AMENDED]
690:10-7-2 [AMENDED]
690:10-7-3 [AMENDED]
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690:10-7-11 [AMENDED]
Subchapter 9. Fees
690:10-9-2 [AMENDED]
690:10-9-7 [AMENDED]
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[OAR Docket #11-811; filed 6-1-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 15. PROFESSIONAL CODE OF ETHICS

[OAR Docket #11-812]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
690:15-1-1 [AMENDED]
690:15-1-3 [AMENDED]
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[OAR Docket #11-812; filed 6-1-11]

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.

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

[OAR Docket #11-886]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 3. Fee Schedules
35:2-3-1 [AMENDED]
35:2-3-2.1 [AMENDED]
35:2-3-2.2 [AMENDED]
35:2-3-2.3 [AMENDED]
35:2-3-2.4 [AMENDED]
35:2-3-2.5 [AMENDED]
35:2-3-2.6 [AMENDED]
GUBERNATORIAL APPROVAL:
April 12, 2011

[OAR Docket #11-886; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS

[OAR Docket #11-885]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions
35:10-1-3 [AMENDED]
Subchapter 19. Examination Procedures for Price Verification
35:10-19-1 [REVOKED]
GUBERNATORIAL APPROVAL:
May 3, 2011

[OAR Docket #11-885; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 13. FUEL ALCOHOL

[OAR Docket #11-883]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
35:13-1-1 [AMENDED]
35:13-1-2 [AMENDED]
GUBERNATORIAL APPROVAL:
April 12, 2011

[OAR Docket #11-883; filed 6-9-11]

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

[OAR Docket #11-876]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 44. Farmed Cervidae
35:15-44-2 [REVOKED]
35:15-44-3 [AMENDED]
35:15-44-4 [AMENDED]
35:15-44-5 [AMENDED]
35:15-44-6 [AMENDED]
35:15-44-8 [AMENDED]
35:15-44-9 [AMENDED]
35:15-44-10 [AMENDED]
35:15-44-13 [AMENDED]
35:15-44-14 [REVOKED]
35:15-44-15 [REVOKED]
35:15-44-16 [REVOKED]
35:15-44-17 [REVOKED]
35:15-44-18 [AMENDED]
35:15-44-19 [AMENDED]
35:15-44-20 [NEW]
GUBERNATORIAL APPROVAL:
May 3, 2011

[OAR Docket #11-876; filed 6-9-11]

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

[OAR Docket #11-877]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 11. Importation of Livestock, Poultry, and Pets
Part 13. Equine Piroplasmosis [NEW]

35:15-13-1 [NEW]
35:15-13-2 [NEW]
35:15-13-3 [NEW]
35:15-13-4 [NEW]
35:15-13-5 [NEW]
35:15-13-6 [NEW]

GUBERNATORIAL APPROVAL:
May 3, 2011

[OAR Docket #11-877; filed 6-9-11]

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

[OAR Docket #11-879]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 9. Livestock Dealers and Livestock Special Sales [REVOKED]
Part 1. Livestock Dealers [REVOKED]
35:15-9-1 through 35:15-9-6 [REVOKED]

GUBERNATORIAL APPROVAL:
April 12, 2011

[OAR Docket #11-879; filed 6-9-11]

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

[OAR Docket #11-880]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 5. Biological Products and Laboratories
35:15-5-1 [AMENDED]

GUBERNATORIAL APPROVAL:
May 3, 2011

[OAR Docket #11-880; filed 6-9-11]

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

[OAR Docket #11-881]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 45. Brucellosis in Cervidae
Part 11. Animal Movement
35:15-45-111 [AMENDED]

GUBERNATORIAL APPROVAL:
May 3, 2011

[OAR Docket #11-881; filed 6-9-11]

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

[OAR Docket #11-882]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 22. Swine Pseudorabies and Brucellosis
35:15-22-1 [AMENDED]
35:15-22-2 [REVOKED]
35:15-22-3 [AMENDED]
35:15-22-4 [NEW]
Part 3. Requirements for Swine Entering Oklahoma
35:15-22-31 [AMENDED]
35:15-22-32 [REVOKED]
35:15-22-33 [AMENDED]
35:15-22-35 [AMENDED]
Part 5. Requirements for a Validated/Qualified ~~Pseudorabies Negative Herd~~ [AMENDED]
35:15-22-51 [AMENDED]
35:15-22-52 [AMENDED]
35:15-22-53 [AMENDED]
Part 7. Requirements for Swine Exhibitions
35:15-22-71 [AMENDED]
35:15-22-72 [NEW]
Part 9. Requirements for Approved Markets [REVOKED]
35:15-22-91 [REVOKED]
Part 11. Psuedorabies ~~Testing, Vaccine, and Quarantine Procedures~~ Brucellosis [AMENDED]
35:15-22-109 [NEW]
35:15-22-110 [REVOKED]
35:15-22-111 [REVOKED]
35:15-22-112 [REVOKED]
35:15-22-113 [REVOKED]
35:15-22-114 [REVOKED]
35:15-22-115 [REVOKED]
Part 13. Violations of Requirements for Testing or Movement of Swine Into or Within the State of Oklahoma [REVOKED]
35:15-22-131 [REVOKED]
Subchapter 24. Swine Brucellosis [REVOKED]
Part 1. General Provisions [REVOKED]
35:15-24-1 [REVOKED]
35:15-24-2 [REVOKED]
35:15-24-3 [REVOKED]

GUBERNATORIAL APPROVAL:
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[OAR Docket #11-882; filed 6-9-11]

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

[OAR Docket #11-884]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 16. Contagious Equine Metritis
35:15-16-1 [AMENDED]
Subchapter 36. Scrapie
35:15-36-1 through 35:15-36-2 [AMENDED]
GUBERNATORIAL APPROVAL:
April 12, 2011

[OAR Docket #11-884; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

[OAR Docket #11-871]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 29. Fertilizer
Part 3. Liquid, Dry, and Anhydrous Ammonia
35:30-29-38 [AMENDED]
GUBERNATORIAL APPROVAL:
April 12, 2011

[OAR Docket #11-871; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

[OAR Docket #11-873]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 17. Combined Pesticide
Part 6. Pesticidal Product Producing Establishments
35:30-17-13 [AMENDED]
Part 21. Standards for Disposal of Pesticide and Pesticide Containers
35:30-17-89.1 [AMENDED]
GUBERNATORIAL APPROVAL:
April 12, 2011

[OAR Docket #11-873; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

[OAR Docket #11-875]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 4. Thousand Cankers Disease [NEW]
35:30-4-1 [NEW]
35:30-4-2 [NEW]
35:30-4-3 [NEW]
35:30-4-4 [NEW]
35:30-4-6 [NEW]
GUBERNATORIAL APPROVAL:
April 12, 2011

[OAR Docket #11-875; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

[OAR Docket #11-874]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 3. Meat Inspection
Part 1. General Provisions
35:37-3-1 [AMENDED]
35:37-3-2 [AMENDED]
35:37-3-3 [AMENDED]
35:37-3-4 [AMENDED]
Part 3. Mobile Farm Slaughter Regulations
35:37-3-6 [AMENDED]
35:37-3-7 [AMENDED]
35:37-3-11 [AMENDED]
35:37-3-12 [AMENDED]
35:37-3-13 [AMENDED]
Part 5. Application for Inspection: Grant or Refusal of Inspection
35:37-3-16 [AMENDED]
Part 13. Plants Identified as Unsanitary
35:37-3-42 [AMENDED]
35:37-3-42.1 [NEW]
Subchapter 5. Poultry Products Inspection
Part 1. General Provisions
35:37-5-1 [AMENDED]

35:37-5-2 [AMENDED]
35:37-5-3 [AMENDED]
Part 9. Miscellaneous
35:37-5-25 [AMENDED]
35:37-5-26 [AMENDED]
Subchapter 13. Milk and Milk Products
35:37-13-2 [AMENDED]
35:37-13-7 [NEW]
Appendix A. Chemical, Bacteriological, and Temperature Standards for Milk and Milk Products [REVOKED]
Appendix A. Chemical, Bacteriological and Temperature Standards for Milk and Milk Products [NEW]

GUBERNATORIAL APPROVAL:
May 3, 2011

[OAR Docket #11-874; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 37. FOOD SAFETY

[OAR Docket #11-878]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 15. Organics Products
35:37-15-3 [AMENDED]

GUBERNATORIAL APPROVAL:
May 3, 2011

[OAR Docket #11-878; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT

[OAR Docket #11-872]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 13. Healthy Corner Store [NEW]
35:40-13-1 [NEW]
35:40-13-2 [NEW]

GUBERNATORIAL APPROVAL:
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[OAR Docket #11-872; filed 6-9-11]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

[OAR Docket #11-870]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 1. Agriculture Environmental Permitting and AgPDES
Part 1. General Provisions
35:44-1-3 [AMENDED]
Subchapter 3. Permit Conditions and Requirements
35:44-3-3 [AMENDED]

GUBERNATORIAL APPROVAL:
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[OAR Docket #11-870; filed 6-9-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

[OAR Docket #11-820]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 1. Function and structure of the Office of Juvenile Affairs
377:1-1-2 through 377:1-1-11 [AMENDED]

GUBERNATORIAL APPROVAL:
March 3, 2011

[OAR Docket #11-820; filed 6-2-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #11-821]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 1. Office of the Executive Director
Part 1. ~~Legislative Liaison~~Director of Government Relations [AMENDED]
377:3-1-1 [AMENDED]
Part 3. Office of the Advocate General
377:3-1-20 [AMENDED]
377:3-1-26 [AMENDED]
377:3-1-34 [AMENDED]
Part 5. Media and Community Relations

377:3-1-46 [AMENDED]
377:3-1-47 [AMENDED]
Subchapter 3. Office of General Counsel Services
Part 1. General Provisions
377:3-3-2 [AMENDED]
Subchapter 5. Office of Human Resources Management
Part 1. Overview of the Office of Human Resources Management
377:3-5-1 [AMENDED]
Subchapter 7. Finance Department
377:3-7-1 [AMENDED]
Subchapter 9. Office of Policy
Part 7. Policy and Accreditation
377:3-9-40 [AMENDED]
Subchapter 13. Office of Public Integrity
Part 3. Requirements for Secure Juvenile Detention Centers
377:3-13-35 [AMENDED]
377:3-13-37 [AMENDED]
377:3-13-39 [AMENDED]
377:3-13-45 [AMENDED]
Part 5. Requirements for Municipal Juvenile Facilities
377:3-13-60 [AMENDED]
377:3-13-62 [AMENDED]
Part 7. Requirements for Community Intervention Centers (CIC)
377:3-13-80 [AMENDED]
377:3-13-81 [AMENDED]
377:3-13-82 [AMENDED]
377:3-13-88 [AMENDED]
377:3-13-90 [AMENDED]
Subchapter 15. Information Technology Department
Part 1. General Provisions [NEW]
377:3-15-2 [AMENDED]
377:3-15-3 [AMENDED]
Subchapter 17. Federal Funds Development Unit
Part 1. General Provisions
377:3-17-2 [AMENDED]
Subchapter 19. Contract, Procurement and Support Services
377:3-19-1 [AMENDED]
377:3-19-3 [AMENDED]

GUBERNATORIAL APPROVAL:
March 3, 2011

[OAR Docket #11-821; filed 6-2-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 5. ~~OFFICE OF THE PAROLE BOARD~~RELEASE FROM INSTITUTIONAL PLACEMENT

[OAR Docket #11-822]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 1. General Provisions
377:5-1-1 [AMENDED]
377:5-1-3 [AMENDED]
377:5-1-4 [NEW]
Subchapter 3. Pre-Release planning
377:5-3-1 through 377:5-3-4 [AMENDED]
377:5-3-6 [NEW]
Subchapter 5. Hearings
377:5-5-3 [AMENDED]
377:5-5-4 [AMENDED]

GUBERNATORIAL APPROVAL:
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[OAR Docket #11-822; filed 6-2-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[OAR Docket #11-823]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
Subchapter 1. General Provisions
377:10-1-1.1 [AMENDED]
377:10-1-3 [AMENDED]
377:10-1-4 [AMENDED]
377:10-1-4.1 [NEW]
377:10-1-4.2 [NEW]
377:10-1-7 through 377:10-1-11 [AMENDED]
Subchapter 3. Placement
377:10-3-1 through 377:10-3-3 [AMENDED]
Subchapter 7. Contract Programs and Services
Part 1. General Provisions and Foster Care
377:10-7-1 [AMENDED]
377:10-7-3 [AMENDED]
377:10-7-4 [AMENDED]
377:10-7-5 [AMENDED]
377:10-7-7 [AMENDED]
Part 5. Detention
377:10-7-30 [AMENDED]
Part 7. Independent and Transitional Living
377:10-7-40 through 377:10-7-42 [AMENDED]
Part 9. Contracted Services
377:10-7-50 [AMENDED]
Subchapter 11. Child in Need of Mental Health Treatment
377:10-11-1 [AMENDED]
Subchapter 13. Regimented Juvenile Training Program Standards
Part 1. General Provisions
377:10-13-1 [AMENDED]
Part 17. Security and Control
377:10-13-89 [AMENDED]

377:10-13-90 [AMENDED]
GUBERNATORIAL APPROVAL:
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[OAR Docket #11-823; filed 6-2-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 15. COMMUNITY-BASED YOUTH SERVICES

[OAR Docket #11-824]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions
377:15-1-2 [AMENDED]
Subchapter 5. Designation of Community-Based Youth Services Agencies
377:15-5-2 [AMENDED]
377:15-5-4 [AMENDED]
GUBERNATORIAL APPROVAL:
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[OAR Docket #11-824; filed 6-2-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT

[OAR Docket #11-825]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions
377:25-1-2 [AMENDED]
Subchapter 3. Pre-Court
Part 1. Juvenile Detention
377:25-3-1 [AMENDED]
377:25-3-2 [AMENDED]
Part 3. Intake/Preliminary Inquiry
377:25-3-15 [AMENDED]
Part 5. Restitution
377:25-3-40 [AMENDED]
Subchapter 5. Court
377:25-5-2 [AMENDED]
Subchapter 7. Custody
Part 3. Services to Custody Juveniles
377:25-7-17 [AMENDED]
Part 9. Extended Custody
377:25-7-50 [AMENDED]
Subchapter 9. Caseworker Services
Part 1. Services Provided by the JSU Worker
377:25-9-1 through 377:25-9-3 [AMENDED]
Subchapter 11. Case Records and Reports
377:25-11-3 [AMENDED]
377:25-11-5 [AMENDED]
GUBERNATORIAL APPROVAL:
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[OAR Docket #11-825; filed 6-2-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 30. RESIDENTIAL SERVICES

[OAR Docket #11-826]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions
377:30-1-1 [AMENDED]
GUBERNATORIAL APPROVAL:
March 3, 2011

[OAR Docket #11-826; filed 6-2-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 35. INSTITUTIONAL SERVICES

[OAR Docket #11-827]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions
377:35-1-1 [AMENDED]
Subchapter 9. Juvenile Rights
377:35-9-1 [AMENDED]
377:35-9-2 [AMENDED]
Subchapter 11. Juvenile Rules/Discipline
377:35-11-1 [AMENDED]
377:35-11-6 [AMENDED]
Subchapter 17. Ancillary Programs
377:35-17-1 [AMENDED]
GUBERNATORIAL APPROVAL:
March 3, 2011

[OAR Docket #11-827; filed 6-2-11]

TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD CHAPTER 10. LIQUEFIED PETROLEUM GAS ADMINISTRATION

[OAR Docket #11-865]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules

RULES:
420:10-1-5. Permits [AMENDED]
420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]
GUBERNATORIAL APPROVAL:
May 3, 2011

[OAR Docket #11-865; filed 6-8-11]

TITLE 515. PARDON AND PAROLE BOARD CHAPTER 1. PROCEDURES OF THE PARDON AND PAROLE BOARD

[OAR Docket #11-863]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 3. General Operation
515:1-3-1 Office location and hours; communications [AMENDED]
GUBERNATORIAL APPROVAL:
May 12, 2011

[OAR Docket #11-863; filed 6-7-11]

TITLE 515. PARDON AND PAROLE BOARD CHAPTER 5. IT ACCESSIBILITY COMPLIANCE REPRESENTATIVE

[OAR Docket #11-864]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Chapter 5 IT Accessibility Compliance Representative [NEW]
GUBERNATORIAL APPROVAL:
May 12, 2011

[OAR Docket #11-864; filed 6-7-11]

TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

[OAR Docket #11-894]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions
Part 1. General Provisions
530:10-1-2 [AMENDED]
Subchapter 5. Position Allocation and Employee Classification System
Part 5. Audits of Positions
530:10-5-52 [AMENDED]
Subchapter 7. Salary and Payroll
Part 1. Salary and Rate of Pay
530:10-7-12 [AMENDED]
Subchapter 9. Recruitment and Selection
Part 3. Written and Performance Tests
530:10-9-40 [AMENDED]
Part 11. Direct Hire Authority
530:10-9-111 [AMENDED]
Subchapter 11. Employee Actions
Part 11. Other Transactions
530:10-11-120 [AMENDED]
Subchapter 13. Reduction-in-Force
Part 1. General Provisions for Reduction-in-Force
530:10-13-3 [AMENDED]
530:10-3-12 [AMENDED]
Part 3. Reduction-In-Force Plan Requirements
530:10-13-32 [AMENDED]
Subchapter 15. Time and Leave
Part 5. Miscellaneous Types of Leave
530:10-15-43 [AMENDED]
530:10-15-48 [AMENDED]
GUBERNATORIAL APPROVAL:
May 6, 2011

[OAR Docket #11-894; filed 6-9-11]

TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 15. VOLUNTARY PAYROLL DEDUCTION

[OAR Docket #11-893]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions
530:15-1-9[AMENDED]
Subchapter 3. Administrative Provisions
530:15-3-13[AMENDED]
GUBERNATORIAL APPROVAL:
May 6, 2011

[OAR Docket #11-893; filed 6-9-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #11-813]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions
690:1-1-5. [AMENDED]
Subchapter 3. Board Organization and Proceedings
690:1-3-1 [AMENDED]
690:1-3-2 [AMENDED]
690:1-3-6 [AMENDED]
690:1-3-7 [REVOKED]
690:1-3-8 [AMENDED]
690:1-3-9 [AMENDED]
690:1-3-10 [AMENDED]
690:1-3-11 [AMENDED]
GUBERNATORIAL APPROVAL:
May 6, 2011

[OAR Docket #11-813; filed 6-1-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 5. RULES OF PRACTICE

[OAR Docket #11-814]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 3. Proceedings upon Denial of License [REVOKED]
690:5-3-1 [REVOKED]
690:5-3-2 [REVOKED]
690:5-3-3 [REVOKED]
690:5-3-4 [REVOKED]
690:5-3-5 [REVOKED]
690:5-3-6 [REVOKED]
690:5-3-7 [REVOKED]
Subchapter 5. Individual Proceedings
690:5-5-1 [AMENDED]
Subchapter 7. Procedures in Individual Proceedings
690:5-7-5 [AMENDED]
Subchapter 9. Proceedings for Adoption, Amendment and Repeal of Rules
690:5-9-2 [AMENDED]
Subchapter 13. Requests for ~~Decalatory~~ Declaratory Rulings [AMENDED]
GUBERNATORIAL APPROVAL:
May 6, 2011

[OAR Docket #11-814; filed 6-1-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 10. LICENSURE AND FEES

[OAR Docket #11-815]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 3. Licensure of Speech-language Pathologists and Audiologists
690:10-3-9 [NEW]
GUBERNATORIAL APPROVAL:
May 12, 2011

[OAR Docket #11-815; filed 6-1-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 10. LICENSURE AND FEES

[OAR Docket #11-816]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 3. Licensure of Speech-language Pathologists and Audiologists
690:10-3-1 [AMENDED]
690:10-3-5 [AMENDED]
690:10-3-6 [AMENDED]
690:10-3-8 [AMENDED]
Subchapter 5. Licensure of Speech-language Pathology Clinical Experience Interns
690:10-5-1 [AMENDED]
690:10-5-6 [AMENDED]
Subchapter 7. Licensure of Speech-language Pathology Assistants and Audiology Assistants
690:10-7-1 [AMENDED]
690:10-7-2 [AMENDED]
690:10-7-3 [AMENDED]
690:10-7-4 [AMENDED]
690:10-7-5 [AMENDED]
690:10-7-6 [AMENDED]
690:10-7-7 [REVOKED]
690:10-7-8 [AMENDED]
690:10-7-9 [AMENDED]
690:10-7-10 [AMENDED]

690:10-7-11 [AMENDED]
Subchapter 9. Fees
690:10-9-2 [AMENDED]
690:10-9-7 [AMENDED]
GUBERNATORIAL APPROVAL:
May 6, 2011

[OAR Docket #11-816; filed 6-1-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 15. PROFESSIONAL CODE OF ETHICS

[OAR Docket #11-817]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
690:15-1-1 [AMENDED]
690:15-1-3 [AMENDED]
GUBERNATORIAL APPROVAL:
May 6, 2011

[OAR Docket #11-817; filed 6-1-11]

TITLE 735. STATE TREASURER
CHAPTER 80. UNCLAIMED PROPERTY

[OAR Docket #11-799]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 3 Reporting Requirements [AMENDED]
GUBERNATORIAL APPROVAL
April 26, 2011

[OAR Docket #11-799; filed 5-27-11]

TITLE 748. UNIFORM BUILDING CODE COMMISSION
CHAPTER 20. ADOPTED CODES

[OAR Docket #11-807]

RULEMAKING ACTION:
Gubernatorial approval of permanent rules
RULES:
Subchapter 1. General Provisions [RESERVED]
Subchapter 3. [RESERVED]
Subchapter 5. IRC 2009 [NEW]
748:20-5-1. Adoption of IRC 2009 [NEW]
748:20-5-2. Effect of Adoption [NEW]
748:20-5-3. IRC 2009 Appendices [NEW]
748:20-5-4. IRC 2009 Provisions Adopted and Modified [NEW]
748:20-5-5. IRC 2009 Chapter 1 Scope and Administration [NEW]
748:20-5-6. IRC 2009 Chapter 3 Building Plans [NEW]
748:20-5-7. IRC 2009 Chapter 4 Foundations [NEW]
748:20-5-8. IRC 2009 Chapter 5 Floors [NEW]
748:20-5-9. IRC 2009 Chapter 6 Wall Construction [NEW]
748:20-5-10. IRC 2009 Chapter 7 Wall Covering [NEW]
748:20-5-11. IRC 2009 Chapter 8 Roof-Ceiling Construction [NEW]
748:20-5-12. IRC 2009 Chapter 11 Energy Efficiency [NEW]
748:20-5-13. IRC 2009 Chapter 15 Exhaust Systems [NEW]
748:20-5-14. IRC 2009 Chapter 24 Fuel Gas [NEW]
748:20-5-15. IRC 2009 Chapter 25 Plumbing Administration [NEW]
748:20-5-16. IRC 2009 Chapter 26 General Plumbing Requirements [NEW]
748:20-5-17. IRC 2009 Chapter 27 Plumbing Fixtures [NEW]
748:20-5-18. IRC 2009 Chapter 28 Water Heaters [NEW]
748:20-5-19. IRC 2009 Chapter 29 Water Supply and Distribution [NEW]
748:20-5-20. IRC 2009 Chapter 30 Sanitary Drainage [NEW]
748:20-5-21. IRC 2009 Chapter 31 Vents [NEW]
748:20-5-22. IRC 2009 Chapter 34 General Requirements (Electrical) [NEW]
748:20-5-23. IRC 2009 Chapter 40 Devices and Luminaries [NEW]
GUBERNATORIAL APPROVAL:
May 10, 2011

[OAR Docket #11-807; filed 5-31-11]

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 165. CORPORATION COMMISSION CHAPTER 5. RULES OF PRACTICE

[OAR Docket #11-857]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 7. Commencement of a Cause
Part 3. Oil and Gas
165:5-7-6.1. Horizontal well unitization for shale reservoirs [NEW]
165:5-7-6.2. Multiunit horizontal wells in shale reservoirs [NEW]
AUTHORITY:
Oklahoma Corporation Commission
17 O.S. §52, 27A O.S. §1-3-101, 52 O.S. §139, Enrolled House Bill No. 1909 (2011) and OAC 165:5-1-7
DATES:
Public hearing:
May 17, 2011
Adoption:
May 17, 2011
Approved by Governor:
May 19, 2011
Effective:
Immediately upon Governor's approval
Expiration:
Effective through July 14, 2012, unless superseded by another rule or disapproved by the Legislature.
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATIONS BY REFERENCE:
n/a
FINDING OF EMERGENCY:
On April 13, 2011, Governor Mary Fallin signed Enrolled House Bill No. 1909 (HB 1909) into law. The 2011 Shale Reservoir Development Act (new sections of law to be codified as 52 O.S. §§ 87.6 through 87.9), and amendments to 52 O.S. §§ 87.1 and 287.3 were included in HB 1909. The Legislature declared an emergency affecting the public peace, health and safety existed and provided the act shall, therefore, take effect and be in full force from and after its passage and approval. Oil and gas operators are currently prepared to drill wells pursuant to the provisions of HB 1909. Drilling of these wells is expected to bring economic benefits to mineral owners, production companies, well service companies, and others supplying the oil and gas industry. Production from these wells is expected to provide meaningful tax revenue to the State of Oklahoma. Delay in drilling these wells will reduce or delay economic benefits to all involved. The Legislature's desire to immediately implement HB 1909 cannot occur without the Commission enacting rules to provide for the filing of applications to operate under the 2011 Shale Reservoir Development Act. The Oklahoma Corporation Commission (Commission) made a finding in Order No. 585432 that substantial evidence exists pursuant to 75 O.S. § 253(A)(1)(b) that the rules are necessary as an emergency measure to comply with deadlines in amendments to the Commission's governing law appearing in HB 1909. The Commission also found that compelling extraordinary circumstances exist regarding the emergency rulemaking pursuant to OAC 165:5-1-7(b).
ANALYSIS:
In the emergency rulemaking regarding OAC 165:5, the Commission adds new OAC 165:5-7-6.1 establishing application, notice and order requirements regarding horizontal well unitizations for shale reservoirs, and new OAC 165:5-7-6.2 for such requirements pertaining to multiunit horizontal wells in shale reservoirs, in accordance with the provisions of HB 1909.
CONTACT PERSON:
Susan Dennehy Conrad, Assistant General Counsel, Office of General Counsel, Oklahoma Corporation Commission, 2101 North Lincoln Boulevard, PO Box 52000, Oklahoma City, OK 73152-2000, telephone: (405) 521-3939.

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(F):

SUBCHAPTER 7. COMMENCEMENT OF A CAUSE

PART 3. OIL AND GAS

165:5-7-6.1. Horizontal well unitization for shale reservoirs

(a) The application, and the notice of hearing on the application, for an order creating a horizontal well unitization for a shale reservoir pursuant to 52 O.S. §87.9 shall be served no less than fifteen (15) days prior to the date of the hearing, by regular mail, upon:

(1) Each person or governmental entity having the right to share in production from the proposed unitization covered by the application; and

(2) The operator, as shown by the records of the Commission, of each well that is commencing to or currently producing from the shale reservoir in any unit or any separate tract of land for which no unit has been formed for such shale reservoir adjoining, cornering or adjacent to the proposed unitization.

(b) If the applicant is the operator of a well commencing to or currently producing from the shale reservoir in a unit or a separate tract of land for which no unit has been formed for such shale reservoir adjoining, cornering or adjacent to the proposed unitization, notice of hearing shall be served by the applicant no less than fifteen (15) days prior to the date of the

hearing, by regular mail, upon each owner, as shown by the records of the operator, with a working interest in such well in the shale reservoir.

(c) Notice of hearing regarding an application for an order creating a horizontal well unitization for a shale reservoir pursuant to 52 O.S. §87.9 shall be published as provided in OAC 165:5-7-1(n)(2).

(d) The application for an order creating a horizontal well unitization for a shale reservoir shall contain the following:

(1) The legal description of the lands covered.

(2) The names and addresses of the applicant and proposed operator or operators of the proposed unitization.

(3) Allegations concerning the existence of facts relating to the proposed unitization as provided in 52 O.S. §87.9(B).

(4) A map or plat showing the governmental sections included within the proposed unitization and the location of proposed horizontal well(s) to be drilled for the recovery of oil and gas from the shale reservoir. If applicable, the map or plat should show the location of all other wells, including abandoned and drilling wells and dry holes, within the shale reservoir.

(5) The name and depth of each shale reservoir to be affected, including any potential associated common source of supply.

(6) A log of a representative well completed in the shale reservoir which is the subject of the application.

(7) A plan of development of the area included within the proposed unitization as provided in 52 O.S. §87.6(B)(11) and 52 O.S. §87.9(E). The plan of development must also address the conditions upon which the unit shall terminate.

(e) Each application for an order creating a horizontal well unitization for a shale reservoir shall be limited to two (2) governmental sections, although the size of the unitization may be expanded by including additional governmental sections up to a maximum unit size of four (4) governmental sections for good cause shown pursuant to 52 O.S. §87.9(C).

(f) An order approving an application for a horizontal well unitization for a shale reservoir shall include the elements identified in 52 O.S. §87.9(F) and other applicable portions of 52 O.S. §87.9.

(g) Any pooling application filed pursuant to 52 O.S. §87.9(I) regarding a horizontal well unitization for a shale reservoir shall be filed pursuant to OAC 165:5-7-7.

165:5-7-6.2. Multiunit horizontal wells in shale reservoirs

(a) The application, and the notice of hearing on the application, for an order approving a multiunit horizontal well in a shale reservoir pursuant to 52 O.S. §87.8 shall be served no less than fifteen (15) days prior to the date of the hearing, by regular mail, upon each person or governmental entity having the right to share in production from each of the affected units covered by the application.

(b) Notice of hearing regarding an application for an order approving a multiunit horizontal well in a shale reservoir pursuant to 52 O.S. §87.8 shall be published as provided in OAC 165:5-7-1(n)(2).

(c) The application for an order approving a multiunit horizontal well in a shale reservoir shall contain the following:

(1) The legal description of the affected units.

(2) The name and address of the applicant and proposed operator of the proposed well.

(3) The name and depth of each shale reservoir to be affected, including any potential associated common source of supply.

(4) The information required by 52 O.S. §87.8(B)(4).

(5) Allegations concerning the existence of facts relating to the proposed well as provided in 52 O.S. §87.8(B)(6).

(d) An order approving an application for a multiunit horizontal well in a shale reservoir shall require the allocation of the reasonable drilling, completion and production costs and of the commingled production and proceeds in accordance with 52 O.S. §87.8(B).

(e) Any pooling application filed pursuant to 52 O.S. §87.8(B)(3) involving a multiunit horizontal well for a shale reservoir shall be filed pursuant to OAC 165:5-7-7.

[OAR Docket #11-857; filed 6-3-11]

TITLE 165. CORPORATION COMMISSION
CHAPTER 10. OIL & GAS CONSERVATION

[OAR Docket #11-858]

RULEMAKING ACTION:
EMERGENCY adoption
RULES:
Subchapter 3. Drilling, Developing, and Producing
Part 5. Operations
165:10-3-28. Horizontal drilling [AMENDED]
AUTHORITY:
Oklahoma Corporation Commission
17 O.S. §52, 27A O.S. §1-3-101, 52 O.S. §139, Enrolled House Bill No. 1909 (2011) and OAC 165:5-1-7
DATES:
Public hearing:
May 17, 2011
Adoption:
May 17, 2011
Approved by Governor:
May 19, 2011
Effective:
Immediately upon Governor's approval
Expiration:
Effective through July 14, 2012, unless superseded by another rule or disapproved by the Legislature.
SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATIONS BY REFERENCE:
n/a
FINDING OF EMERGENCY:
On April 13, 2011, Governor Mary Fallin signed Enrolled House Bill No. 1909 (HB 1909) into law. The 2011 Shale Reservoir Development Act (new sections of law to be codified as 52 O.S. §§ 87.6 through 87.9), and amendments to 52 O.S. §§ 87.1 and 287.3 were included in HB 1909. The Legislature declared an emergency affecting the public peace, health and safety existed and provided the act shall, therefore, take effect and be

in full force from and after its passage and approval. Oil and gas operators are currently prepared to drill wells pursuant to the provisions of HB 1909. Drilling of these wells is expected to bring economic benefits to mineral owners, production companies, well service companies, and others supplying the oil and gas industry. Production from these wells is expected to provide meaningful tax revenue to the State of Oklahoma. Delay in drilling these wells will reduce or delay economic benefits to all involved. The Legislature's desire to immediately implement HB 1909 cannot occur without the Commission enacting rules to provide for the filing of applications to operate under the 2011 Shale Reservoir Development Act. The Oklahoma Corporation Commission (Commission) made a finding in Order No. 585433 that substantial evidence exists pursuant to 75 O.S. § 253(A)(1)(b) that the rule is necessary as an emergency measure to comply with deadlines in amendments to the Commission's governing law appearing in HB 1909. The Commission also found that compelling extraordinary circumstances exist regarding the emergency rulemaking pursuant to OAC 165:5-1-7(b).

ANALYSIS:

In the emergency amendment of OAC 165:10, the Commission amends OAC 165:10-3-28 to include certain definitions appearing in HB 1909 and to address horizontal well location and allowable requirements for horizontal well unitizations and multiunit horizontal wells in shale reservoirs.

CONTACT PERSON:

Susan Dennehy Conrad, Assistant General Counsel, Office of General Counsel, Oklahoma Corporation Commission, 2101 North Lincoln Boulevard, PO Box 52000, Oklahoma City, OK 73152-2000, telephone: (405) 521-3939.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULE IS CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. SECTION 253(F):

SUBCHAPTER 3. DRILLING, DEVELOPING, AND PRODUCING

PART 5. OPERATIONS

165:10-3-28. Horizontal drilling

(a) **Scope.** This Section affects a horizontal well with one or more laterals.

(b) **Definitions.** The following words and terms, when used in this Section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"Horizontal well"** shall mean a well drilled, completed, or recompleted with one or more laterals in a common source of supply in a manner in which, for at least one lateral, the horizontal component of the completion interval in the common source of supply exceeds the vertical component thereof and the horizontal component extends a minimum of 150 feet in the formation.

(2) **"Point of entry"** shall mean the point at which the borehole first intersects the top of the common source of supply.

(3) **"True vertical depth"** shall mean that depth at the point of entry perpendicular to the surface as measured from the elevation of the kelly bushing on the drilling rig.

(4) **"Terminus"** shall mean the end point of the borehole in the common source of supply.

(5) **"Completion interval"** shall mean, for open hole completions, the interval from the point of entry to the terminus and, for cased and cemented completions, the interval from the first perforations to the last perforations.

(6) **"Horizontal well unit"** shall mean a drilling and spacing unit established by the Commission, after application, notice, and hearing, for a common source of supply into which a horizontal well has been or will be drilled.

(7) **"Standard horizontal well unit"** shall mean a horizontal well unit that is a square 10-, 40-, 160-, or 640-acre tract or a rectangular 20-, 80-, or 320-acre tract in accordance with OAC 165:10-1-22.

(8) **"Non-standard horizontal well unit"** shall mean a horizontal well unit that is not a standard horizontal well unit.

(9) **"Conventional reservoir"** shall mean a common source of supply that is not an unconventional reservoir.

(10) **"Unconventional reservoir"** shall mean a common source of supply that is a shale or a coal bed. "Unconventional reservoir" shall also mean any other common source of supply designated as such by Commission order or rule.

(11) **"Directional survey"** shall mean that survey or report showing the location of any point of the wellbore as it relates to the surveyed surface location from the surface to the terminus of each lateral.

(12) **"Date of first production"** shall mean the date hydrocarbons are first produced from the horizontal well, whether or not production occurs during drilling, completion, or through permanent surface equipment.

(13) **"Vertical component"** shall mean the calculated vertical distance from the point of entry to the terminus of the lateral.

(14) **"Horizontal component"** shall mean the calculated horizontal distance from the point of entry to the terminus.

(15) **"Horizontal well unitization"** shall mean a unitization for a shale reservoir created pursuant to 52 O.S. § 87.6 et seq.

(16) **"Multiunit horizontal well"** shall mean a horizontal well in a shale reservoir wherein the completion interval of the well is located in more than one unit formed for the same shale reservoir, with the well being completed in and producing from such shale reservoir in two or more of such units.

(17) **"Associated common source of supply"** shall mean a common source of supply which is subject to a drilling and spacing unit formed by the Commission and located in all or a portion of the lands in which the completion interval of a horizontal well is located, and which is immediately adjoining the shale common source of supply in which the completion interval of the horizontal well is located, and which is inadvertently encountered in the drilling of the lateral of such horizontal well when such well is drilled out of or exits, whether on one or multiple occasions, such shale common source of supply.

(18) **"Shale reservoir"** shall mean a common source of supply which is a shale formation that is so designated by

the Commission through rule or order, and shall also include any associated common source of supply as defined in this subsection.

(c) **General horizontal well requirements.**

(1) Within 30 days after completion of a horizontal well, the operator shall show that the location of the completion interval complies with the applicable general rule, location exception order, or other order of the Commission by submitting the following to the Technical Services Department:

(A) A directional survey run in the horizontal well.

(B) A plat constructed from the results of the directional survey showing the completion interval.

(2) The completion interval of a horizontal well shall be located not closer than the minimum distance as set out below from any other oil or gas well completed in the same common source of supply except as authorized by a special order of the Commission:

(A) Three hundred feet from any other oil or gas well completed in the same common source of supply, ~~that~~the top of which is less than 2,500 feet in true vertical depth.

(B) Six hundred feet from any other oil or gas well completed in the same common source of supply, ~~that~~the top of which is 2,500 feet or more in true vertical depth.

(C) This paragraph does not apply to horizontal wells drilled in a unit created for secondary or enhanced recovery operations pursuant to 52 O.S. § 287.1 et seq. or to horizontal wells drilled in a horizontal well unitization created pursuant to 52 O.S. § 87.6 et seq.

(d) **Horizontal well requirements in an unspaced common source of supply.** In a horizontal well drilled in a common source of supply in which the Commission has not established any drilling and spacing units or horizontal well units, the completion interval of a horizontal well may not be located closer to the boundaries of the applicable mineral estate, oil and gas leasehold estate, or voluntary unit than the minimum distance set out below except as authorized by a special order of the Commission:

(1) Not less than 165 feet when the top of the common source of supply is less than 2,500 feet in true vertical depth.

(2) Not less than 330 feet when the top of the common source of supply is 2,500 feet or more in true vertical depth.

(e) **Drilling and spacing units.**

(1) A horizontal well may be drilled on any drilling and spacing unit.

(2) A horizontal well unit may be created in accordance with 165:10-1-22 and 165:5-7-6. Such units shall be created as new units after notice and hearing as provided for by the Rules of Practice, OAC 165:5.

(3) The Commission may create a non-standard horizontal well unit covering contiguous lands in any configuration or shape deemed by the Commission to be necessary for the development of a conventional reservoir or an unconventional reservoir by the drilling of one or more horizontal wells. A non-standard horizontal well unit may not exceed 640 acres plus the tolerances and variances allowed pursuant to 52 O.S. § 87.1.

(4) A horizontal well unit may be established for a common source of supply for which there are already established non-horizontal drilling and spacing units, and said horizontal well unit may include within the boundaries thereof more than one existing non-horizontal drilling and spacing unit for the common source of supply.

(A) Horizontal well units may exist concurrently with producing non-horizontal drilling and spacing units.

(B) Horizontal well units shall supersede existing non-developed non-horizontal drilling and spacing units.

(f) **Horizontal well location requirements ~~in~~for horizontal well units and horizontal well unitizations.**

(1) **Conventional reservoirs.** In a conventional reservoir, the completion interval of a horizontal well in a horizontal well unit shall be located not less than the minimum distance from the unit boundary as follows:

(A) Not less than 165 feet from the boundary of any 10-, 20-, or 40-acre horizontal well unit.

(B) Not less than 330 feet from the boundary of any 80- or 160-acre horizontal well unit.

(C) Not less than 660 feet from the boundary of any 320- or 640-acre horizontal well unit.

(2) **Unconventional reservoirs.** In an unconventional reservoir, the completion interval of a horizontal well in a horizontal well unit shall be located not less than the minimum distance from the unit boundary as follows:

(A) Not less than 165 feet from the boundary of any 10-, 20-, or 40-acre horizontal well unit.

(B) Not less than 330 feet from the boundary of any 80-, 160-, 320-, or 640-acre horizontal well unit.

(3) **Horizontal well unitizations.** The completion interval of a horizontal well in a horizontal well unitization shall not be located less than 330 feet from the unit boundary.

(g) **Alternative well location requirements.** The Commission may establish well location requirements different from those provided in subsection (f) of this Section when necessary to prevent waste and protect correlative rights. These requirements may be established in the order creating a standard or non-standard horizontal well unit or through a special rule of the Commission covering a conventional or unconventional reservoir in a designated geographic area. (see OAC 165:10, Subchapter 29, Special Area Rules).

(h) **Allowable.**

(1) Horizontal oil well allowables may be established administratively using the standard allowables provided in Appendix A (Allocated Well Allowable Table) supplemented by the additional allowables provided in Appendix C (Table HD) to this Chapter.

(2) The allowable for a horizontal gas well shall be computed in the manner prescribed for a non-horizontal

gas well in the same common source of supply. ~~The allowable for a horizontal well unit with multiple horizontal gas wells shall be the sum of the allowables for the separate horizontal gas wells. For this summation, the allowable for each horizontal gas well will be calculated as if it were the only well in the unit.~~

(3) The allowable for a horizontal well unit or horizontal well unitization with multiple horizontal gas wells shall be the sum of the allowables for the separate horizontal gas wells. For this summation, the allowable for each horizontal gas well will be calculated as if it were the only well in the unit.

(4) The allowable for a multiunit horizontal well shall be allocated to each affected unit using the allocation factors determined in accordance with 52 O.S. § 87.8(B)(1).

(i) **Pooling.** Horizontal well units, horizontal well unitizations and multiunit horizontal wells may be pooled as provided in 52 O.S. § 87.1, 52 O.S. § 87.6 et seq. and Commission Rules of Practice, OAC 165:5.

[OAR Docket #11-858; filed 6-3-11]

Permanent Final Adoptions

An agency may promulgate rules on a permanent basis upon "final adoption" of the proposed new, amended, or revoked rules. "Final adoption" occurs upon approval by the Governor and the Legislature, or upon enactment of a joint resolution of approval by the Legislature. Before proposed permanent rules can be reviewed and approved/disapproved by the Governor and the Legislature, the agency must provide the public an opportunity for input by publishing a Notice of Rulemaking Intent in the *Register.*

Permanent rules are effective ten days after publication in the *Register*, or on a later date specified by the agency in the preamble of the permanent rule document.

Permanent rules are published in the *Oklahoma Administrative Code*, along with a source note entry that references the *Register* publication of the permanent action.

For additional information on the permanent rulemaking process, see 75 O.S., Sections 303, 303.1, 303.2, 308 and 308.1.

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

[OAR Docket #11-887]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Fee Schedules
35:2-3-1 [AMENDED]
35:2-3-2.1 [AMENDED]
35:2-3-2.2 [AMENDED]
35:2-3-2.3 [AMENDED]
35:2-3-2.4 [AMENDED]
35:2-3-2.5 [AMENDED]
35:2-3-2.6 [AMENDED]
AUTHORITY:
Oklahoma Statutes, 2 O.S. §§ 2-4(2), (20) and (29) and 14-83.
DATES:
Comment period:
February 15, 2011 through March 17, 2011
Public hearing:
March 17, 2011
Adoption:
March 22, 2011
Submitted to Governor:
March 31, 2011
Submitted to House:
March 31, 2011
Submitted to Senate:
March 31, 2011
Gubernatorial approval:
April 12, 2011
Legislative approval:
Failure of the Legislature to disapprove the rules resulted in approval on May 27, 2011
Final Adoption:
May 27, 2011
Effective:
July 11, 2011
SUPERSEDED EMERGENCY ACTIONS:
N/A
INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
The proposed rules amend certain fees contained in Subchapter 3 pertaining to fee payment, animal health, feed, and fertilizer, meat chemistry, dairy, food, water, microbiological, pesticide, and water and sediment inorganics. 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. In some cases, fees are lowered due to changes in the Department's cost to conduct the analyses.
CONTACT PERSON:
Teena Gunter, General Counsel, Oklahoma Department of Agriculture, Food, and Forestry, Office of General Counsel, P.O. Box 528804, Oklahoma City, OK 73152-8804, phone: (405) 522-4576, email: teena.gunter@ag.ok.gov

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 3. FEE SCHEDULES

35:2-3-1. Fee payment

(a) All bills owed to the Oklahoma Department of Agriculture, Food, and Forestry for services rendered are payable no later than forty-five (45) days from the time a proper invoice is received. Proper invoice means any invoice which is complete in all requirements for processing for payment.

(b) A signed request by a farmer or individual ~~must~~ shall accompany a sample sent for laboratory analysis by a dealer or other person acting ~~in~~ on behalf of a farmer or individual. ~~Otherwise~~ If no signed request is received, the charge for analysis ~~will~~ shall be made to the dealer or person sending the sample to the laboratory.

35:2-3-2.1. Schedule of animal health testing fees

(a) Equine Infectious Anemia:
(1) AGID (agar gel immuno-diffusion) - ~~$5.00~~ $7.50.
(2) ELISA (enzyme linked immuno-sorbant assay):
(A) Routine - $7.50
(B) One day turn around - $20.00.
(b) Pseudorabies - $4.00.
(c) Brucellosis - $3.00.

35:2-3-2.2. Schedule of feed and fertilizer testing fees

(a) Feeds and grains testing fees.
(1) Proximate analysis:
(A) Ash - $5.00.
(B) Fat, dry pet foods ~~(Mojonnier)~~ and milk replacers - $25.00.
(C) Fat, all other feeds ~~(Soxtec)~~ - $15.00.
(D) Fiber, acid detergent (ADF) - $8.50.
(E) Fiber, crude - $10.00.
(F) Moisture - $5.00.
(G) Non-protein nitrogen - $15.00.
(H) Protein - ~~($20.00)~~ $10.00.
(2) Other feed analysis:
(A) Aflatoxins - $35.00.
(B) Fumonisin - $35.00.

(C) Salt, from chloride - ~~$19.00~~ $20.00.
(D) Salt, from sodium - ~~($20.00)~~.
(E) Sulfur - $18.00.
(F) Sugar, total as invert - $50.00.
(G) Vitamin A - $60.00.
(3) Drugs in feeds:
(A) Amprolium - $50.00.
(B) Chlortetracycline - $50.00.
(C) Decoquinate - $65.00.
(D) Lasalocid - $65.00.
(E) Oxytetracycline - $50.00.
(F) Sulfamethazine - $65.00.
(G) Sulfathiazole - $65.00.
(H) Tylosin - $65.00.
(b) Fertilizer testing fees.
(1) Major nutrients:
(A) Total Nitrogen - ~~$20.00~~ $10.00.
(B) Available Phosphate - $20.00.
(C) Soluble Potash - $20.00.
(2) Micro nutrients: Total Sulfur - $105.00.
(A) Combined Sulfur - $30.00.
(B) Free Sulfur - $75.00.
(c) Lime analysis, sieve, and effective calcium carbonate equivalent (ECCE) - $40.00.
(1) Calcium in Lime - $20.00.
(2) Magnesium in Lime - $20.00.
(3) Calcium carbonate equivalent (CCE) - $20.00.
(d) Elemental analysis testing fees by atomic absorption (AA) or inductively coupled plasma (ICP) spectrometry, each element - $20.00.

35:2-3-2.3. Schedule of meat chemistry testing fees

(a) Cereal (Starch Qualitative) - $20.00.
(b) Corn syrup solids - $32.00.
(c) Fat, total - $30.00.
(d) ~~Maximum internal temperature - $10.00.~~
~~(e)~~ Non-fat dry milk - $32.00.
~~(f) Phosphate - $20.00.~~
(~~g~~e) Protein, total - $20.00.
(~~h~~f) Salt - $20.00.
(~~i~~g) Sodium nitrite, quantitative - $20.00.
(~~j~~h) Sodium sulfite, qualitative - $9.00.
(~~k~~i) Soy protein - $30.00.
(~~l~~j) Water, total - $13.00.
(k) Water activity - $30.00.

35:2-3-2.4. Schedule of ~~dairy, food, water, and~~ microbiological testing fees

(a) Aerobic plate count - $12.00.
(b) Bacillus cereus, confirmed - $61.00.
(c) Bacillus cereus, presumptive - $14.00.
(d) Campylobacter - $25.00.
(e) Clostridium perfringens - $20.00.
(f) Coliform (PA or MF) - ~~$18.00~~ $20.00.
(g) Confirmed membrane filter (MF), lauryl sulfate tryptose (LST) and brilliant green bile (BGB) - ~~$18.00~~ $20.00.
(h) E. coli - $40.00.
(i) E. coli O157 - $40.00.
(j) Enterococcus - $40.00.
(k) Fecal coliform, membrane filter (MF), or most probable number (MPN) - ~~$18.00~~ $20.00.
(l) Filth and adulteration of foods, gross examination - $10.00.
(m) Gram stain - $10.00.
(n) Listeria - $40.00.
(o) pH food products - $10.00.
(p) Plate count, coliform - $12.00.
(q) Residual bacteria count - $12.00.
(r) Residual coliform count - $12.00.
(s) Ribotyping, individual bacteria - $105.00.
(t) Salmonella - $40.00.
(u) Shigella - $40.00.
(v) Staphylococcus - $40.00.
(w) Staphylococcus, confirmation of coagulase positive (+) - $10.00.
(x) Swab or utensil count - $12.00.
(y) Thermometer check - $15.00.
(z) ~~Water activity - 30.00.~~
~~(aa)~~ Yeast and mold count - $18.00.
(~~bb~~aa) Antibiotics in dairy products (non-permitted dairies) - $15.00.
(~~cc~~bb) Sulfa and tetracycline drugs in milk - $20.00.
(~~dd~~cc) Fat (percent) in milk and milk products (raw) - $6.00.
(~~ee~~dd) Direct microscopic somatic cell count - $10.00.
(~~ff~~ee) Electronic somatic cell count - $10.00.
(~~gg~~ff) Added water in milk - $12.00.
(~~hh~~gg) Fat, protein, and lactose (pasteurized milk and retail products) - $6.00.
(~~ii~~hh) Bacterial DNA isolation and enrichment (Applied Biosystems PCR and Pathatrix for E. coli, Listeria, and Salmonella (not pooled samples) - $30.00.
(~~jj~~ii) Bacterial DNA isolation and enrichment (Applied Biosystems PCR and Pathatrix for E. coli, Listeria, Salmonella (pooled samples, twenty (20) or more) - $20.00.
(~~kk~~jj) Bacterial DNA identification (Applied Biosystems PCR and Qiacube PCR-prep) for E. coli, Listeria, and Salmonella - $20.00

35:2-3-2.5. Schedule of pesticide testing fees

(a) Residue analyses:
(1) Water samples:
(A) Organochloride/organophosphate/organonitrogen analysis - $200.00.
(B) Herbicide analysis - ~~$250.00.~~
~~(C) Glyphosate analysis~~ - $325.00.
(~~D~~C) Unknown/other - $375.00.
(2) Soil samples:
(A) Organochloride/organophosphate/organonitrogen analysis - $200.00.
(B) Herbicide analysis - ~~$300.00~~ $350.00.
(C) ~~Glyphosate~~ Termiticide analysis - ~~$350.00~~ $200.00.
(D) Unknown/other - $375.00.
(3) Vegetation samples:

(A) Organochloride/organophosphate/organonitrogen analysis - $250.00.
(B) Herbicide analysis - ~~$300.00.~~
~~(C) Glyphosate analysis - $375.00.~~
(~~D~~C) Unknown/other - $400.00.
(4) Organic food program or food samples:
(A) Organochloride/organophosphate/organonitrogen analysis - $275.00.
(B) Herbicide analysis - ~~$325.00.~~
~~(C) Glyphosate analysis - $375.00.~~
(~~D~~C) Unknown/other - $400.00.
(5) Surface/Swab samples:
(A) Organochloride/organophosphate/organonitrogen analysis - ~~$250.00~~ $200.00.
(B) Herbicide analysis - $325.00.
(C) ~~Glyphosate analysis - $400.00.~~
~~(D)~~ Unknown/other - ~~$400.00~~ 375.00.
(6) Air Samples:
(A) Organochloride/organophosphate/organonitrogen analysis - ~~$300.00~~ $200.00.
(B) Herbicide analysis - ~~$350.00~~ $325.00.
(C) ~~Glyphosate analysis - $400.00.~~
~~(D)~~ Unknown/other - $400.00.
(7) Animal Tissue:
(A) Organochloride/organophosphate/organonitrogen analysis - $375.00.
(B) Herbicide analysis - ~~$375.00.~~
~~(C) Glyphosate analysis - $400.00.~~
(~~D~~C) Unknown/other - $400.00.
(8) Other matrices not listed above:
(A) Organochloride/organophosphate/organonitrogen analysis - $375.00.
(B) Herbicide analysis - $400.00.
(C) ~~Glyphosate analysis - $400.00.~~
~~(D)~~ Unknown/other - $400.00.
(b) Formulations or tank mixes:
(1) ~~Single components - $100.00.~~ Concentrates or tank mixes:
(A) Single component - $100.00.
(B) Two components - $125.00.
(C) Three or more components - $200.00.
(2) ~~Two components - $125.00.~~
~~(3) Three or more components - $200.00.~~
~~(4)~~ Aerosols - ~~$225.00~~ $275.00.
(~~5~~3) Baits - ~~$250.00~~ $300.00.
(~~6~~4) Unknowns/other - ~~$250.00~~ $325.00.

35:2-3-2.6. Schedule of water and sediment inorganic testing fees

(a) Alkalinity, total - $15.00.
(b) Biochemical oxygen demand, 5-day (BOD5) - ~~$37.00~~ $30.00.
(c) Biochemical oxygen demand, 20-day (BOD20) - $47.00.
(d) Biochemical oxygen demand, 30-day (BOD30) - $52.00.
(e) Carbonate/Bicarbonate - $20.00.
(f) Chloride - $20.00.
(g) Electrical conductivity (EC) - $10.00.
(h) Hardness - $25.00.
(i) Ion balance, cation/anion balance - $85.00.
(j) Ion screen, anions (chloride, sulfate, nitrate-nitrogen, and nitrite-nitrogen) - $40.00.
(k) Ion screen, cations (sodium, potassium, calcium, and magnesium) - $40.00.
(l) Kjeldahl nitrogen, total (TKN) - $24.00.
(m) Monochromatic chlorophyll a and pheophytin - $40.00.
(n) Monochromatic chlorophyll a and pheophytin, pre-extracted and ground - $10.00.
(o) Nitrogen from ammonia - $20.00.
(p) Nitrogen from nitrates - $20.00.
(q) Nitrogen from nitrites - $20.00.
(r) pH - $10.00.
(s) Phosphorus from ortho-phosphorus - $20.00.
(t) Phosphorus, total (TP) - $24.00.
(u) Solids, total dissolved (TDS) - $22.00.
(v) Solids, total suspended (TSS) - $22.00.
(w) Sulfate - $20.00.
(x) Trichromatic chlorophyll a, b, and c - $35.00.
(y) Turbidity - $15.00.
(z) LMFO assessment for licensed managed feeding operations pursuant to the Oklahoma Concentrated Animal Feeding Operations Act, Title 2 of the Oklahoma Statutes, Section 20-12 (electrical conductivity, pH, ammonia-nitrogen, nitrate-nitrogen and total phosphorus) - $45.00.
(aa) Water well assessment (non-potable) (anion screen, hardness, pH, total alkalinity, and TDS) - $90.00.

[OAR Docket #11-887; filed 6-9-11]

TITLE 38. OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS
CHAPTER 10. LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS

[OAR Docket #11-890]

RULEMAKING ACTION:
PERMANENT final adoption.
RULES:
Subchapter 9. Supervision
38:10-9-5 [AMENDED]
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Oklahoma Board of Licensed Alcohol and Drug Counselors; 59 O.S. § 43B-1875-1
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n/a
INCORPORATIONS BY REFERENCE:
n/a
ANALYSIS:
38:10-9-5 Changes made to clarify wording of supervisor Responsibilities to correct a mathmatical error in number of sessions allowed by video means to coincide with 1/8 time.
CONTACT PERSON:
Richard D. Pierson, Executive Director, Oklahoma Board of Licensed Alcohol and Drug Counselors 101 N. E. 51st Street, Oklahoma City, OK 73105, 405 521-0779.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 25, 2011:

SUBCHAPTER 9. SUPERVISION

38:10-9-5. Requirements for Supervision Status

(a) **Qualifications.** To be eligible for Board approval to supervise LADC and CADC candidates for licensure, a Licensed Alcohol and Drug Counselor must be licensed and in good standing and:

(1) if originally licensed in Oklahoma, must have practiced alcohol and drug counseling for at least two years after licensure; or

(2) if licensed by endorsement from another state, must have practiced alcohol and drug counseling for at least one year beyond Oklahoma licensure; or

(3) also hold a license in good standing with supervision privileges in another behavioral health
field as determined by the Board; or

(4) hold a current valid IC&RC Certified Clinical supervisor credential, and

(5) successfully complete the Board approved alcohol and drug counselor supervision training
course, and

(6) pass the Oklahoma LADC Supervisor Examination(s)

(A) Examination Part A shall consist of clinical supervision skills and knowledge by NAADAC or IC&RC CCS course and exam.

(B) Examination Part B shall consist of Oklahoma State Laws, Rules, and procedures.

(b) **Application Process.**

(1) Complete an application form provided by the Board.

(2) Submit two letters of reference. At least one letter must be from a current Board approved LADC supervisor. The other shall be from another professional holding a current Oklahoma behavioral health license.

(3) Sign a supervision agreement and supervisor code of ethics.

(4) Pay an application processing fee.

(c) **Supervision Training Course and Supervisor Examination.**

(1) The Supervision course shall consist of a fifteen hour Board approved workshop on counseling supervision in combination with thirty hours of directed individual study of Board approved counseling supervision literature for a total of forty-five contact hours. The workshop or class must have a minimum of four enrolled supervisor candidates.

(2) For persons who meet the qualifications in subsection (a)(3) or (4), or were Board approved supervisors prior to the effective date of this rule, the supervision course shall consist of a seven and one-half hour Board approved advanced LADC supervisor training workshop and exam Part B - Oklahoma State Laws, Rules and procedures only.

(d) **LADC's with Prior Supervisor Status.** LADC's who were approved by the Board as supervisors prior to the effective date of this rule must complete the 7 $\frac{1}{2}$ hour advanced supervision training course and pass the Oklahoma LADC Supervisor Examination Part B within eighteen months of the effective date of this rule to retain their Board approved supervision status. Such persons who fail to complete the supervision training course and pass the exam within this time period shall lose their supervision privileges and must reapply.

(e) **Renewal of Supervisor Status.** To maintain Board approved supervisor status, LADC supervisors must complete, prior to June 30 of each year

(1) Three (3) clock hours of continuing education in counseling supervision, and

(2) These hours are included in the twenty (20) continuing education hours required forLicensure renewal.

(3) With the exception of the twenty hour requirements in 38:10-13-2(a), the Rules in subchapter 13 regarding continuing education requirements for licensure renewal shall also apply to continuing education requirements for supervision status.

(4) Approved supervisor designation will not be renewed until renewal fee has been paid and

(5) Continuing education requirements have been met.

(f) **Supervisor Responsibilities.**

(1) The supervisor is responsible for having and maintaining knowledge about the supervisee's practice whether in a private or agency setting.

(2) The supervisor is responsible for providing professional consultation and monitoring the supervisee's ethical and professional practices.

(3) The supervisor must provide an average of one hour per week of live, interactive and visual supervision until the candidate becomes licensed or certified. Group supervision is acceptable if such supervision does not exceed at least one half of the total supervisory time per

evaluation period. Group size is limited to a maximum of six (6) supervisees.

(A) The phrase 'an average of one hour per week of live, interactive and visual supervision' means one continuous hour in one day of each week of face-to-face or interactive video supervision relating to the supervisee's skills, knowledge, and practices in providing alcohol and drug counseling to clients. Video supervision shall not exceed 1/8 of the total supervision time (~~13~~ 6 sessions for LADC or ~~26~~ 12 sessions for CADC). Video supervision must meet all Federal and State Laws of confidentiality.

(B) The Supervisor must provide four hours of face-to-face supervision per calendar month, at the rate of one hour per week, or two hours per week, every other week.

(C) When unforeseen circumstances arise that result in a supervisor providing less than four hours per month, or less than two hours every other week of face-to-face contact, the Supervisor and supervisee shall provide notice of such circumstances to the Board, and shall submit a plan to make up the missed hours to the Board for approval. The plan may include designation of a back-up or alternate supervisor, providing that the supervisee has entered into a supervision contract with the alternate supervisor and such contract has been approved by the Board.

(D) Clinical staff meetings attended by supervisees or meetings with supervisees that consist of discussion of issues other than supervisee's skills, knowledge, and practices in providing alcohol and drug counseling to clients shall not be counted as group supervision.

(4) When the proposed supervisor is not a staff member of the supervisee's agency, the proposed supervisor will ensure that the agency administration, or its representative, is in accord with the arrangements for supervision. This is essential whether these arrangements are made by the agency or the supervisee and regardless of whether the agency contributes to the financial compensation of the supervisor. The supervisor is responsible for securing agreement from the agency administration as to the purpose and content of the desired supervision and the supervisor's specific role responsibilities and limitations. The supervisor is also responsible for learning agency functions and policies so that any supervisory suggestions are constructive and realistic within agency purposes and resources.

(5) The Supervisor must be available to the supervisee for consultation 'on call' 24 hours a day, seven days a week, and arrange for alternate 'on call' supervisor to provide consultation when the primary supervisor is unavailable.

(6) The supervisor must immediately notify the Board of any ethical or professional violations by supervisee.

(7) The supervisor must notify the Board in writing within 14 days of the date supervision is terminated.

[OAR Docket #11-890; filed 6-9-11]

TITLE 75. ATTORNEY GENERAL
CHAPTER 1. ADMINISTRATION

[OAR Docket #11-828]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Information
75:1-1-1.1. Definitions [AMENDED]
75:1-1-4. Organization [AMENDED]
75:1-1-5. Objectives [AMENDED]
75:1-1-7. Requests for agency public information [AMENDED]
Subchapter 7. Certification and Designation of Domestic Violence Programs, Sexual Assault Programs, Including Programs Serving Adult Victims of Sex Trafficking, and Batterers Intervention Programs
75:1-7-3. Reviewing authority [AMENDED]
75:1-7-4. Qualifications for certifications Certification of facilities and programs and individuals [AMENDED]
75:1-7-5. Procedures for application for certification [AMENDED]
AUTHORITY:
Office of Attorney General; 74 O.S., Sections 18p-1 et seq.
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SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATIONS BY REFERENCE:
n/a
ANALYSIS:
Pursuant to Title 74 O.S. § 18-p1 et seq. the Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence and sexual assault programs and for private facilities and organizations which offer domestic violence and sexual assault services in this state. These rules set forth the administrative requirements which are necessary pursuant to 74 O.S. § 18p-1 et seq. to meet the responsibilities related to oversight, management, evaluation, performance improvement and auditing of domestic violence and sexual assault services in this state.
CONTACT PERSON:
Susan Damron Krug(405) 522-0042

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET

FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL INFORMATION

75:1-1-1.1. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Certification" means a status which is granted to a person or an entity by the Oklahoma Attorney General, and indicates approval to provide a particular service. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Certification report" means a written notice of the deficiencies developed by the Office of the Attorney General.

"Certified facility" means any facility which has received a certification status by the Oklahoma Attorney General.

"Conditional Certification" means a status which is granted to a person or entity by the Oklahoma Attorney General, and indicates approval to provide a particular service or services for a specified period of time, typically four (4) months) in order to give ~~an~~ a renewal applicant an opportunity to achieve 100% compliance with applicable rules.

"Contractor" or **"contractors"** means any person or entity under contract with the Office of the Attorney General for the provision of goods, products or services.

"Domestic Violence and Sexual Assault Advisory Council" means a nine-member committee appointed by the Attorney General as described in 74 O.S. § 18p-2.

"Entities" or **"entity"** means sole proprietorships, partnerships, corporations, limited partnerships, limited liability partnerships, and limited liability companies.

"Facilities" or **"facility"** means entities as described in 74 O.S. § 18p-6 and Chapters 15, 25 and 30 in Title 75 of the Oklahoma Administrative Code, domestic violence shelters and programs, sexual assault programs, including programs serving adult victims of sex trafficking, and batterers intervention programs.

"Individual proceeding" means the formal process employed by an agency having jurisdiction by law to resolve issues of law or fact between parties and which results in the exercise of discretion of a judicial nature.

"Levels of performance" ~~or **"level of performance"**~~ means a unit of service by types of service.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Probationary certification" means a certification status granted for a period less than three (3) years.

"Reimbursement rates" means the rates at which all contractors are reimbursed (paid) for services they provide under their contract with the Office of the Attorney General, and which are reported to the Office of the Attorney General as required.

"Respondent" means the person(s) or entity(ies) named in a petition for an individual proceeding against whom relief is sought.

"Site Review Protocol" means an Office of the Attorney General internal document used by the Office of the Attorney General Victims Services Unit staff as a work document in the certification site visit(s) that is based primarily upon the rules (standards/criteria) being reviewed. The Site Review Protocol is used in preparing the Certification Report, which is provided to the facility, and in preparing recommendations regarding certification to the Attorney General for his consideration and action.

"Temporary Certification" means a status which is granted to a person or entity by the Oklahoma Attorney General, and indicates approval to provide a particular service or services for one (1) year in order to give an initial applicant an opportunity to achieve 100% compliance with applicable rules.

"Units" or **"unit"** means an hour, or part of an hour, or group of hours, or a 24-hour day during which a specific service is rendered.

"Victims Services Unit" means the Unit created within the Office of the Attorney General to provide services for persons who require domestic violence or sexual assault services through a domestic violence program, ~~or~~ sexual assault program, including programs serving adult victims of sex trafficking, or batterers intervention program.

75:1-1-4. Organization

(a) The Oklahoma Attorney General is vested with the authority to make rules for the implementation of the Office of the Attorney General's statutorily mandated and permissible functions related to domestic violence programs ~~and~~ ,sexual assault programs, including programs serving adult victims of sex trafficking, and/or batterers intervention programs under 74 O.S. §§ 18p-6.

(b) The Oklahoma Attorney General shall maintain such staff as authorized by law and assign said staff to carry out the duties and responsibilities required to fulfill the statutory requirements of 74 O.S. §§ 18p-1 et seq., and the rules and directives of the Oklahoma Attorney General.

75:1-1-5. Objectives

The objectives of the Oklahoma Attorney General are as follows:

(1) The provision of quality domestic violence ~~and~~ sexual assault and batterers intervention services, within the resources available, to those persons, and their families, receiving services from the facilities, certified by and/or under contract with the Office of the Attorney General.

(2) The services by domestic violence and sexual assault providers shall be rendered in an environment of safety, dignity and with respect to the rights of those persons and their families.

(3) Adherence to and compliance with applicable state and federal statutes, including but not limited to Title 74

§§ 18p-1 et seq. of the Oklahoma Statutes and the Public Health Services Act (42 U.S.C.) by all facilities operated by, under contract with, and certified by the Oklahoma Attorney General.

75:1-1-7. Requests for agency public information

Any person making a request pursuant to 75:1-1-6 shall comply with the following:

(1) Although the law does not require requests under the Open Records Act to be in writing, it is preferred that requests be in writing and mailed to the Office of the Attorney General, Victims Services Unit or sent via facsimile to (405) 557-1770, or made in person during regular office hours between 8:00 a.m. and 5:00 p.m.

(2) The request should describe the record(s) requested, indicate the name of the party making the request, and have the party's mailing address and telephone number.

(3) The requesting party shall pay a fee for copies. Said fee shall be twenty-five cents (25¢) per page, twelve dollars ($12.00) per $3\frac{1}{2}$-inch diskette, and $1.00 per page for certified documents. Copies provided via FAX machine cost $1.00 per page, regardless of the destination of the Faxed copy. For commercial requests or those that would cause excessive disruption of office function, such as documents that are archived, either internally or with the Oklahoma Archives and Records Commission, a search fee will be charged based upon the hourly rate of the individual(s) searching for, and locating, the requested records.

(4) Client records of a domestic violence program or sexual assault program, including programs serving adult victims of sex trafficking, ~~program~~ are confidential and not subject to release by statutes and federal regulations including, but not limited to, 74 O.S. §§ 18p-3 and 18p-8, and 42 CFR, Part 2.

(5) Certain Office of the Attorney General employee personnel records are confidential and not subject to the Oklahoma Open Records Act, including employee evaluations, payroll deductions, applications submitted by persons not hired by the Office of the Attorney General; internal personnel investigations including examination and selection material, employees' home addresses, telephone numbers, and social security numbers, medical and employee assistance records, and other personnel records where disclosure would constitute a clear invasion of privacy. Personnel records information that are subject to release are the application of a person who becomes an employee of the Office of the Attorney General, gross receipt of public funds, dates of employment, title or position and any final disciplinary action resulting in loss of pay, suspension, demotion or termination.

(6) Any other document protected, as confidential, by any Oklahoma or federal law, or Oklahoma or federal administrative rule, or by order of a court of competent jurisdiction, is not subject to the Oklahoma Open Records Act.

SUBCHAPTER 7. CERTIFICATION AND DESIGNATION OF DOMESTIC VIOLENCE PROGRAMS, SEXUAL ASSAULT PROGRAMS, INCLUDING PROGRAMS SERVING ADULT VICTIMS OF SEX TRAFFICKING, AND BATTERERS INTERVENTION PROGRAMS

75:1-7-3. Reviewing authority

The Attorney General ~~may~~ shall certify domestic violence shelters and programs, sexual assault programs, including programs serving adult victims of sex trafficking, programs, and batterers intervention programs and direct that such shall be carried out as stated in this subchapter.

75:1-7-4. ~~Qualifications for certifications~~ Certification of facilities and programs and individuals

~~Qualifications for certification are~~ Certification requires compliance with applicable Standards and Criteria as set forth in Chapter 15, Chapter 25 and/or Chapter 30 of OAC Title 75 regulating Standards and Criteria for Domestic Violence Programs, Sexual Assault Programs, including programs serving Adult Victims of Sex Trafficking, and Batterers Intervention Programs.

75:1-7-5. Procedures for application for certification

(a) Applications for certification as a domestic violence shelter or program, sexual assault program, including programs serving adult victims of sex trafficking, or batterers intervention program must be made to the Office of the Attorney General in writing on a form and in a manner prescribed by the Attorney General and include the following:

(1) A fully completed application for certification form signed by authorized officials;

(2) The necessary written documentation or supporting evidence required on the application for certification form; and

(3) The required certification fee in the form of a check or money order, payable to the Office of the Attorney General.

(b) The following fees are required: Applicants for domestic violence shelters or programs, sexual assault programs, including programs serving adult victims of sex trafficking, and batterers intervention programs shall submit $150.00 with an initial application and $150.00 with each renewal application. Fees paid by applicants are not refundable.

(c) The application for certification form, required written documentation and fee must be submitted to the Office of Attorney General, Victims Services Unit.

(d) The application may require a listing of all services provided by the applicant, as well as specifics about the applicant including but not limited to governing authority, administrative, fiscal, all locations or sites where applicant will provide services and types of services to be provided.

(e) If, after being certified, a program desires to provide services at a new office location maintained and operated by

the certified program or change its current office location, the facility must submit an application on a form and in a manner prescribed by the Victims Services Unit of the Office of the Attorney General, the required documentation and fee, if any. Approval may be granted by the Attorney General upon submission of the required application and documentation to the Victims Services Unit. Before constructing a new facility, the program shall consult with the OAG for review and recommendations regarding victim safety and confidentiality. Approval from the Attorney General must be obtained prior to providing services at the new location. The Victims Services Unit may conduct a visit of the facility in accordance with 75:1-7-8.

(f) If, after being certified, a program desires to provide services at a public facility maintained for or used by the people or community, the certified program must notify the Victim Services Unit in writing of the name and location of the public facility and the type of service(s) offered. Additionally, the certified program must assure that the facility provides the necessary safety, confidentiality, and privacy of victims being served. Approval may be granted by the Attorney General upon submission of the required documentation to the Victims Services Unit. Approval from the Attorney General must be obtained prior to providing services at the new location.

(g) If after being certified, a program desires to offer a new type of service, the facility must submit an application for certification, the required documentation and fee to the Victims Services Unit of the Office of Attorney General prior to providing a new service. Failure to become certified prior to providing services shall be grounds for injunctive relief pursuant to 74 O.S. § 18p-7.

[OAR Docket #11-828; filed 6-2-11]

TITLE 75. ATTORNEY GENERAL CHAPTER 15. STANDARDS AND CRITERIA FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS

[OAR Docket #11-829]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Chapter 15. Standards and Criteria for Domestic Violence and Sexual Assault Programs [AMENDED]
AUTHORITY:
Office of Attorney General; 74 O.S., Sections 18p-1 et seq.
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May 27, 2011
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n/a
ANALYSIS:
Pursuant to Title 74 O.S. § 18p-6, the Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence programs and for private facilities and organizations which offer domestic violence, sexual assault and stalking services in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. and to meet the responsibilities related to oversight, management, evaluation, performance improvement, and auditing of domestic violence and sexual assault services. Amendments are necessary to amend definitions in order to mirror the definitions of services as approved by the Department of Central Services for fee for service contracts. The definition of "client record," will ensure that all communication is included, not just paper records. The definition of "behavioral health professional" was taken out of the definition for counseling, and definitions for "release" or "waiver" and "referral" and "substance abuse services" were added. The difference between "staff" and "volunteer" is also enumerated. Amended language will also require certified programs to have a policy for provision of services to teenage boys over the age of twelve. Additionally, in order to ensure compliance with state and federal law, a provision was added that identifying information such as initials, age, year of birth or gender shall not be part of the client ID and that the same discreet identifier shall be the client ID that is entered into the OAG data base without further encryption. The need for programs to screen for stalking and providing evidence-based safety planning is clarified. Required training of staff and volunteers will include how to access services for persons with special needs. Governing authorities will also be required to have a conflict of interest agreement and receive training on rules and standards to ensure multi-cultural needs of clients are met.
CONTACT PERSON:
Susan Damron Krug(405) 522-0042

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

75:15-1-1.1. Mission and underlying philosophy

(a) The mission of the standards and criteria for domestic violence and sexual assault programs, including programs serving adult victims of sex trafficking, is to eliminate domestic violence, sexual assault, sex trafficking and stalking in the State of Oklahoma.

(b) The philosophy underlying the standards and criteria for domestic violence, ~~and~~ sexual assault, and batterers intervention programs, including programs that serve victims of sex trafficking and stalking, is that:

(1) All persons have the right to live without fear, abuse, oppression and violence;

(2) There should be equality in relationships and survivors of domestic violence, sexual assault and stalking should be helped to assume power over their own lives;
(3) No one deserves to be victimized by assaultive or abusive behavior;
(4) Survivors should be treated with dignity and respect;
(5) All people involved in violent crimes are affectedCvictims, children, families, partners, friends, the community, and perpetrators;
(6) Offending is a choice, and perpetrators of domestic violence, sexual assault, sex trafficking and stalking are solely responsible for their behavior;
(7) These perpetrators must be held accountable for their behavior;
(8) A coordinated community response is the best approach to eliminating domestic violence, sexual assault, sex trafficking and stalking in Oklahoma, and
(9) Safety for the victims/survivors and their dependants is the primary focus of intervention and services.

75:15-1-2. Definitions

The following words or terms, when used in this chapter, shall have the defined meaning, unless the context clearly indicates otherwise:

"Admission" means to accept a client for services or treatment.

"Advocacy" means the assistance provided which supports, supplements, intervenes and/or links the clients and their dependents with the appropriate service components to encourage self-reliance and provide information that will enable independence. This can be viewed as a combination of active listening and facilitating personal problem solving along with researching options of action, safety planning, community outreach and education and include medical, dental, financial, employment, legal and housing assistance.

"Advocate" means a person, providing support to ensure clients receive appropriate services.

"Assessment" means an appropriate course of assistance based on a face-to-face formal screening.

"Batterer" means a person, male or female, who perpetrates domestic violence, stalking or other harassment against present or past intimate partners, another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

"Batterers intervention" means services provided to batterers, or perpetrators of domestic violence that hold a batterer accountable for his or her abusive behavior, provide consequences for engaging in violent or abusive behavior, provide monitoring of batterer's behavior, and require him or her to change his or her behavior and attitudes and are also protective of the victim(s). Anger control or management, substance abuse treatment or mental health treatment alone or in combination with each other shall not constitute batterers intervention; neither may these interventions alone nor in combination with each other be utilized as the primary means of facilitating the required changes in behavior and attitudes.

"Behavioral Health Professional" means either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault or stalking and their dependents.

"Business day" shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 o'clock p.m. of the next business day.

"Case consultation" means review of a client's case by the primary service provider and other program personnel, consultants or both.

"Case management" means the process of supporting and helping victims/survivors and their dependents as they cope with and overcome the effects of domestic violence, sexual assault and stalking. Actions may include activities such as 1)developing, reviewing, and updating the service plan that is designed to solve specific problems in the current life situation; 2) supporting adult/child survivor's skills in making their desired life changes through activities such as introducing new skills, modifying previous ways of coping with their situation and linking to resources to address immediate needs and secondary issues, and/or 3) exit planning as part of the individual supportive services. The service provider must be a Certified Domestic and Sexual Violence Response Professional (CDSVRP) certified by the Oklahoma Coalition Against Domestic Violence and Sexual Assault.

"Certified batterer intervention program" means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to provide batterers intervention services and treatment programs pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Certified Domestic and Sexual Violence Response Professional" means a professional certified by the Oklahoma Coalition Against Domestic Violence and Sexual Assault.

"Certified domestic violence and sexual assault program" or **"Certified DV / SA program"** means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to provide domestic violence, sexual assault and stalking services pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Child" or **"Children"** means any individual from birth to eighteen years of age.

"Children's Activities" means direct child contact that is temporary in nature and is not intended to address the effects of domestic violence, sexual assault/abuse and trauma on children i.e., child care, special events such as Christmas parties, Easter egg hunts, that is supervised by program personnel or volunteers.

"Children's Services" means direct child contact that is intended to address the effects of domestic violence, sexual assault/abuse and trauma on children including but not limited to intake, needs assessment, groups, advocacy and any other service related to domestic violence, sexual assault/abuse and trauma.

"Client" means an individual, adult or child, who has applied for, is receiving or has received assistance or services of a DV/SA or batterer's program.

"Client record" ~~means written information including assessment information, description of services provided services plan, and other~~ includes but is not limited to, all communication, records and information on an individual client.

"Community" means ~~the~~ people, groups, agencies or other facilities within the locality served by the program.

"Contract" means a formal document adopted by the governing authority of the program and any other organization, agency, or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.

"Counseling" means a ~~method of using various commonly acceptable treatment approaches provided face-to-face by a behavioral health professional either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault or stalking and their dependents. Counseling is goal directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution focused brief therapy, psycho educational interventions or another widely accepted theoretical framework for treatment~~ face-to-face therapeutic session with one-on-one interaction between a behavioral health professional and an individual to promote emotional and/or behavioral change focused on victim safety and perpetrator accountability. Those individuals providing professional therapy to adult/child victims/survivors of domestic violence/sexual assault and stalking must be prepared to provide education and information about:

(A) Safety;

(B) How perpetrators maintain control and dominance over their victims;

(C) The need to hold perpetrators accountable for their actions;

(D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior, and the role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or educational status, religion and national origin.

"Court advocate" means a qualified, trained staff or volunteer whose duties are to provide assistance to victims and any dependents in legal matters relevant to their situation. A Court Advocate provides court advocacy through support, information, assistance, safety planning, accompaniment and intervention with any aspect of the civil or criminal legal system on behalf of a victim of domestic violence, sexual assault or stalking.

"Crisis intervention" means ~~an immediately available service to meet the psychological, physiological or safety aspects of domestic violence or sexual assault related crises in response to emergencies, to provide crisis resolution to stabilize conditions and may include triage, danger assessment, screening, planning, intervention, referral and documentation~~ services based upon a problem-solving model to provide information and referrals that assist an individual domestic violence, sexual assault or stalking victim/survivor in crisis. Crisis intervention services include but are not limited to assessing dangerousness, safety planning, information about available legal remedies, establishing rapport and communication, identifying major problems, exploring feelings and providing support, exploring possible alternatives, and/or formulating an action plan and follow-up measures.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Direct services" means services delivered by a qualified staff member or volunteer, in direct contact with a client or client's child, including child care and telephone contact.

"Director" means the person hired by the governing authority to direct all the activities of the organization.

"DV/SA" means domestic violence and sexual assault.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, and photographs.

"Domestic violence" means assaultive or coercive behaviors, including physical, sexual and psychological attacks and economic coercion, against another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of the community concerning domestic violence, sexual assault or batterer's intervention and other related problems and services and may include a systematic presentation of selected information to impart knowledge or instructions, to increase understanding

of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

"Emergency services" or **"crisis services"** means a twenty-four (24) hour capability for danger assessment, intervention and resolution of a client crisis or emergency that is provided in response to unanticipated, unscheduled emergencies requiring prompt intervention.

"Emergency transportation" means transportation for a victim of DV/SA to a secured identified location at which emergency services or crisis services can be provided.

"Executive director" means the person in charge of a facility as defined in this section.

"Facility" means the physical location(s) of a certified program governed by this chapter of Title 75.

"Family" means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

"Governing authority" means a group of persons having the legal authority, and final responsibility for the operations and functions of the entire DV/SA program, or shelter, in and of all geographical locations and administrative divisions.

"Group counseling" means a ~~method of using various commonly acceptable treatment approaches provided face-to-face by qualified staff with not more than twelve (12) clients to promote positive emotional or behavioral change. Counseling is goal-directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution focused brief therapy psycho-educational interventions or another widely accepted theoretical framework for treatment~~ face-to face therapeutic session with a group of adult/child victims/survivors to promote emotional or behavioral change. Those individuals providing professional therapy to victims/survivors of domestic violence must be prepared to provide education and information about:

(A) Safety;

(B) How perpetrators maintain control and dominance over their victims;

(C) The need to hold perpetrators accountable for their actions;

(D) The recognition that individuals victimized are not responsible for a perpetrator's violent behavior, and the role of society in perpetuating violence against women and the social change necessary to eliminate violence against women, including the elimination of discrimination based on race, color, gender, sexual orientation, age, disabilities, economic or educational status, religion or national origin.

"Guardian" means an individual who has been given the legal authority for managing the affairs of another individual.

"Indirect services" means services delivered by a staff member or volunteer, that does not involve direct services with a client or client's child.

"Initial contact" means a person's first contact with the program or facility requesting information or service by telephone or in person.

"Intake" means ~~the written information about a client as a basis for assessment or services, obtained by the program at time of admission~~ an interaction intended to discover what has happened, determine what the crisis is, assess dangerousness indicators, do safety planning, and/or establish the immediate needs of domestic violence/sexual assault & stalking victims and any dependents to determine appropriate services and referrals. This includes interaction with an individual determined to be appropriate for ongoing service in order to obtain basic demographic information, gather vital information on the adult and the children, orient the victim/survivor to the program, program rules, and if applicable, the facilities. Cultural needs should also be identified at this time.

"Language Interpretation" means activities that involve a client who is deaf or hearing impaired or has limited English proficiency requiring an interpreter for a staff member or volunteer to provide services.

"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

"Medical care" means those diagnostic and treatment services which can only be provided or supervised by a licensed physician.

"Medication" means any prescription or over-the-counter drug, that is taken as prescribed or directed.

"Mental health services" means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders~~, including substance abuse~~.

"Neglect" means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

"OAG" means the Office of the Attorney General.

"Objectives" means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Operation" means that clients are receiving services provided by the program.

"Personnel record" means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

"Persons with special needs" means persons with a condition which is considered a disability or impairment under the "American with Disabilities Act of 1990" including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness. See "Americans with Disabilities Handbook," published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

"Primary Victim" means a client who has experienced domestic violence, sexual assault, stalking or the consequences of these crimes first hand.

"Procedures" means the standard methods by which policies are implemented.

"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its staff, volunteers, activities and planning process to determine whether program goals are met, staff, volunteers and activities are effective, and what effect, if any a program or service has on the problem which it was created to address or on the population which it was created to serve.

"Program goals" means broad general statements of purpose or intent.

"Qualified staff" means someone who has met the criteria for provision of direct services as defined in 75:15-13-20.

"Rape crisis response services" means "sexual assault services" as defined in this section.

"Release" or "Waiver" means consent that is informed, written and reasonably time-limited. The terms may be used interchangeably to mean the same thing. "Release" implies that confidential information is released (despite confidentiality or privilege protection), and "Waiver" implies waiving the right (to maintain privilege). If release of information is compelled by statutory or court mandate, the program shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"Referral" means information disseminated and/or coordinated access to agency and community services to meet victims'/survivors' and their dependents' identified needs.

"Safe Home" means private dwellings available for the temporary housing of victims of domestic violence, sexual assault and stalking to ensure safety of victims and ~~their~~ any dependents until other housing arrangements can be made.

"Safe Home Provider" means an individual or family providing ~~safe home~~ Safe Home services through a formal agreement with a Certified DV/SA Program.

"Safety Planning" means the process of working with the adult/child victim/survivor to develop tools in advance of potential abuse or violence for the immediate and long term safety of the victim/survivor. The plans should be based on the individual's dangerousness indicators and should include the safety needs of dependents.

"Screening" means the process of determining, preliminarily the nature and extent of a person's problem in order to establish the service needs of an individual. At a minimum, a screening shall include a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors and referral needs.

"Secondary Victim" means a person with a relationship with the primary victim.

"Service agreement" means a written agreement between two or more service agencies or service agencies and individual service providers defining the roles and responsibilities of each party. The purpose of service agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

"Service note" means the documentation of the time, date, location and description of services provided, and signature of staff or volunteer providing the services.

"Service plan" means a plan of action developed and agreed upon by the client and service provider that contains service appropriate goals and objectives for the client.

"Sexual assault services" means personal advocacy and support services provided to primary and secondary victims of rape and sexual assault in settings such as law enforcement, medical settings or program offices.

"Shelter services" means a residential living arrangement in a secure setting with support and advocacy services provided by qualified staff, for victims of domestic violence, sexual assault and stalking and their dependents.

"Staff" means personnel that function with a defined role within the program whether full-time, part-time or contracted.

"Substance Abuse services" means the assessment and treatment of diagnosable substance abuse and dependence disorders, as defined by current DSM criteria, by qualified alcohol and drug treatment professionals.

"Support" or **"Supportive Services"** means services provided to victims of domestic violence/sexual assault and/or their families which augment or complement a defined service plan.

"Transitional living services" means ~~housing maintained and operated by a Certified domestic violence and sexual assault program~~ temporary, independent living programs with support services provided by the staff or volunteers of the sponsoring domestic violence, sexual assault and stalking program. These services are extensions of domestic violence shelter services to victims of domestic violence, sexual assault and/or stalking and their dependents. These services permit victims to develop their financial capacity and other means to live independently.

"Universal precautions for transmission of infectious diseases" means those guidelines promulgated by the U.S. Occupational Health and Safety Administration which are designed to prevent the transmission of Human Immunodeficiency Virus, hepatitis and other infectious diseases.

"Update" means a dated and signed review of a report, plan or program with or without revision.

"Victim recovery services" mean a face-to-face service, provided one on one by qualified staff to groups or individuals to maintain or develop skills necessary to perform activities of daily living and successful integration into community life. This service includes educational and supportive services regarding independent living, self care, and social skills regarding development and lifestyle changes.

"Volunteer" means any person who is not on the program's payroll, but provides either indirect or direct services

and fulfills a defined role within the program and includes interns and practicum students.

SUBCHAPTER 2. DOMESTIC VIOLENCE AND SEXUAL ASSSAULT PROGRAMS

75:15-2-1. Service programs

(a) All certified programs shall serve victims of domestic violence, sexual assault and stalking and their dependents or family members.

(b) The program shall have policy and procedures to maintain facilities, staffing, and operational methods, including a policy on the recruitment of board members, staff and volunteers who are representative of the diversity in the local community and the diversity of their clients.

(c) All certified programs shall provide sexual assault services and be part of a sexual assault response team in their service area, providing that there is a sexual assault response team in place. The program shall collaborate with other certified DV/SA providers in their service area. When appropriate staff or volunteers ~~is~~are available, the program shall assist the Council on Law Enforcement Education and Training (CLEET) by providing appropriate staff or volunteers to assist in sexual assault and sexual violence training to law enforcement. The program shall provide at a minimum the following services:

(1) Counseling or advocacy and support services shall be provided in the social service, legal, law enforcement or medical setting, in program offices or at any safe and appropriate site, as needed by the client.

(2) Twenty four (24) hours, seven (7) days per week access to these services through the program's crisis hotline.

(3) A twenty-four (24) hour hotline, crisis intervention, in-person advocacy as needed, active listening, or support by trained staff or volunteers with a knowledge of the issues and processes of sexual assault, rape trauma recovery, assessment, referral when indicated and family involvement where chosen by the victim.

(4) Needed clothing for the sexual assault victim.

(5) Follow-up contact that does not compromise privacy and safety needs of the victim shall be offered to all sexual assault clients seen in the medical setting. If written permission is granted by the client for follow-up contact, it shall be done no later than fourteen (14) business days after face-to-face crisis intervention. Follow-up will offer the client agency services or other available resources needed by the client.

(d) All certified programs shall provide crisis intervention including, but not limited to:

(1) Twenty-four (24) hour crisis telephone services staffed by trained staff or volunteers, 24-hour immediate, direct access to crisis advocates. Pagers, answering machines or answering services that do not provide immediate access to a crisis advocate shall not be sufficient to meet this requirement.

(2) Emergency housing such as hotel or motel available for victims and their dependent(s).

(3) Arrangement for safe shelter, food, clothing, and incidentals needed by victim/dependents.

(4) The crisis intervention program shall provide transportation or access to transportation for necessary or emergency services. This shall not require service providers to be placed in a situation that could result in injury.

(5) Cooperation with law enforcement to provide assistance to the victim and accompanying dependent(s). Programs should ensure victims are educated about participating in the legal prosecution of their offender and that an appropriate release or waiver may be necessary.

(6) Provision of advocacy and referral to assist the victims in obtaining needed services or resources.

(7) Foreign language interpretation.

(~~7~~8) Follow-up services shall be offered to all victims if victim safety is not compromised.

(e) All ~~Certified~~ certified programs shall provide counseling or support, support groups, advocacy, and victim recovery. Group and/or individual counseling or support services shall be made available before or after normal business hours (8 am to 5 pm), if needed by clients. These services shall minimally provide the following:

(1) A facility with offices, individual and group counseling space to provide services.

(2) Advocacy services, both in person and by telephone, either in the locations of other community services and systems, or in the program's offices. Other locations include but are not limited to those necessary to provide court advocacy services to clients.

(3) Current service agreement to be renewed every three (3) years with available community services to provide access to a continuum of needed services for the client. If unable to establish a current service agreement with all appropriate resources in the community, efforts to do so or reasons/opinions why this is not or cannot be done shall be documented.

(4) A resource document of local, area, or state resources to facilitate referrals for clients.

(5) Service approaches that focus on the empowerment of victims to access needed resources and make healthy and safe decisions for themselves and dependents.

(6) For agencies that do not have a behavioral health professional on staff, the agency shall maintain an updated list of identified behavioral health professionals in their community who treat clients with sexual assault related trauma who need additional mental health or substance abuse services.

(f) All certified programs are required to conduct a name search of employees at least annually against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act while such person is working with or serving children. All persons working with or providing services to children shall be required to sign a statement declaring that he or she is not currently required to register under the provisions of the Oklahoma Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act. Compliance with the signed statement shall be mandatory for all persons

working with or providing services to children, and there shall be no liability or obligation placed upon any person or business to ascertain the truthfulness of the affidavit.

(g) Within five (5) business days of entry into shelter or transitional living or prior to providing children's services (excluding advocacy or children's activities or crisis intervention), all certified programs shall assess the risk and needs of the children accompanying primary victims and provide children's services to address the impact of violence and trauma in their lives and to facilitate healing. A risk and needs screening and assessment on each child shall minimally include information on his or her:

(1) Safety, including but not limited to:

(A) History of child abuse or neglect;

(B) Exposure or witnessing violence;

(C) Child's response to witnessing violence;

(D) History of involvement in the child welfare system; including the presence of current child welfare involvement;

(E) Visitation with the perpetrator;

(2) Brief trauma screening to assess the impact of trauma;

(3) Developmental history to include speech and language, hearing and visual;

(4) Medical or physical health history;

(5) Social history to include interactions with peers;

(6) History of use of tobacco, alcohol or other drugs;

(7) Parent/guardian custodial status;

(8) Community referral needs.

(h) Services provided to each child shall be culturally sensitive while addressing the identified risk and needs and shall minimally include:

(1) safety planning that is appropriate with respect to the child or adolescent's age, development, and education;

(2) a specific safe, protected play area for children;

(3) advocacy with community systems;

(4) referral to community resources for needed services;

(5) linkage and advocacy with the local school system to provide for ongoing educational needs;

(6) parenting support for clients, if applicable; and

(7) Children's groups using age appropriate topics and based on established best practices.

(i) Pursuant to Title 10A O.S. § 1-2-101, any person having reason to believe that a child under the age of eighteen (18) years is a victim of abuse or neglect, shall report the matter promptly to the Department of Human Services.

(j) All ~~Certified~~ certified programs shall maintain an atmosphere and provide services that are free from all forms of unlawful discrimination based on race, sex, religion, color, age, national origin, and/or disability (~~including~~ i.e., physical, mental illness, and substance abuse), including a policy that services to immigrant women will not be denied or diminished on the basis of immigration status.

(k) All certified programs shall provide public education to increase the community's awareness and understanding of domestic violence, sexual assault and stalking, available and needed resources, and identify the role community can play in eliminating domestic violence, sexual assault, and stalking.

(l) Compliance with 75:15-2-1 shall be determined by a review of the program's policy and procedures, service agreements, on site observation, client and staff or volunteer interviews and/or other supporting documentation.

75:15-2-2. Shelter program

(a) All shelter programs shall comply with section 75:15-2-1 and each shelter program shall provide long-term (thirty [30] days or more) shelter services and staffing to provide services twenty-four (24) hours per day, seven (7) days per week and provide the following services:

(1) A group living program providing room, board, bathing and laundry facilities, necessary clothing and toiletries for victims and their children.

(2) Shelters shall be staffed at all times when clients are in residence. When there are no clients in residence, each shelter program must assure availability for immediate contact or services.

(3) The shelter's policy shall have written procedures regarding the supervision of children.

(4) In the event the shelter does not provide services to clients with dependent boys over the age of twelve, the shelter shall have written policies regarding linkage to alternative provision of services including emergency shelter.

(~~4~~5) Shelter programs shall provide screening, referral and linkage to clients and callers to appropriate community resources, to include assistance in making initial contact.

(~~5~~6) The shelter program shall maintain cooperation/liaison with the local school system.

(~~6~~7) Each shelter program must ensure to the best of their ability the safety, security, and confidentiality of clients and the location of the shelter.

(~~7~~8) The shelter shall maintain involuntary discharge criteria.

(b) Compliance with 75:15-2-~~1~~2 shall be determined by a review of policy and procedures, service agreements, on site observation, and/or other supporting documentation.

75:15-2-3. Transitional living program

(a) All transitional living programs shall comply with 75:15-2-1 and the following:

(1) The program shall maintain homes, apartments, or other residential living environments suitable for survivors of domestic and sexual violence, stalking and their dependents, if applicable, and which provide the reasonable safety and privacy needed by this population. The program shall provide access to necessary furniture and equipment.

(2) The program shall include heating and refrigerated cooling systems to maintain a reasonable comfort level.

(3) Supportive services for residents are available through the twenty-four (24) hour program hotline by trained staff or volunteers.

(4) The program shall assign staff or a volunteer as the advocate or liaison for the clients residing in the transitional living program(s). This person, or a crisis line staff person or volunteer, shall be available for emergencies at all times.

(5) The program shall have a written agreement with each resident that outlines specific responsibilities of both the program and the resident to include expectations, responsibilities, and limitations. The agreement shall be signed by both parties.

(6) The program shall offer weekly support groups for transitional living residents and children.

(7) The program shall offer at least one 30 minute face to face service contact per week with each transitional living residents and children.

(b) Compliance with 75:15-2-~~2~~3 shall be determined by a review of program policy and procedures, client records, onsite observation, written agreements and/or other supporting documentation.

75:15-2-4. Safe ~~home~~ Home program

(a) All ~~safe home~~ Safe Home programs shall comply with section 75:15-2-1 and the following:

(1) The program shall provide confidential housing 24 hours a day, 365 days a year.

(2) Certified DV/SA providers that have a formal agreement for a ~~safe home~~ Safe Home shall:

(A) assure that each ~~safe home~~ Safe Home provides residents with access to minimum necessities including bedding, clothing, articles for grooming and personal hygiene, and food;

(B) develop and disseminate to ~~safe home~~ Safe Home providers and residents written rules, policies and procedures that include admission and exit criteria including security measures;

(C) have written procedures for monitoring ~~safe homes~~ Safe Homes to ensure that the homes meet standards for cleanliness and safety;

(D) provide orientation to all clients and require they sign a contract acknowledging they have read and understand the rules of their stay;

(E) assign an advocate or liaison for clients. This person, or a crisis line staff or volunteer, shall be available for emergencies and support at all times; and

(F) provide at least one 30 minute face-to-face service contact per week with each ~~safe home~~ Safe Home resident.

(b) The program shall establish criteria to screen potential ~~safe home~~ Safe Home providers. Screening will include an application with references, an interview, and a site visit. Each Safe Home will be reassessed annually.

(c) All ~~safe homes~~ Safe Homes must be supervised by the certified program who will conduct on-site observations at least monthly when clients are in residence.

(d) The certified program shall have a written agreement with each ~~safe home~~ Safe Home provider that outlines specific responsibilities of both the program and the provider to include expectations and limitations (e.g., no babysitting or individual advocacy) and compliance with confidentiality. The agreement shall clearly state that the program will not be held liable for damage incurred by the ~~safe home~~ Safe Home provider. Both parties will sign the agreement.

(e) Compliance with 75:15-2-~~3~~4 shall be determined by a review of program policy and procedures, client records, on site observation, written agreements, and/or other program documentation.

SUBCHAPTER 5. CLIENT RECORDS AND CONFIDENTIALITY

75:15-5-2. Client records

(a) A certified program shall have and maintain a master client index system containing the client's name, and the program's discreet numerical or letter identifier. No identifying information such as initials, age, year of birth or gender shall be part of the client id. That same discreet identifier shall be the client ID that is entered into the OAG data base without further encryption.

(b) A certified program shall have written policy and procedures for correcting errors on record material by lining through, initialing the error, and inserting the correct material either above the error or at the end of the entry. Further, the policy and procedures shall forbid the use of "white-out" or any action which obliterates the error.

(c) Compliance with 75:15-5-2 shall be determined by on-site observation, client records and any other supporting program documentation.

75:15-5-3. Record content - general

(a) Client records for both residential and non-residential clients shall contain, at a minimum, the following information:

(1) Intake and screening information:

(A) Client's name;

(B) Date of initial contact/intake;

(C) Pertinent medical information, including substance abuse;

(D) Emergency contact information;

(E) History/nature of abuse including dangerousness assessment and screening for stalking including a description of the event that precipitated the request for services and safety planning~~;~~, and

(F) Perpetrator information if known.

(2) Service notes, which shall minimally include:

(A) The date, location, start time, duration and description of services provided delineated by time spent and service code;

(B) The signature of staff or volunteer providing the services~~;~~, and

(3) Service plan focusing on victim safety and, well-being which shall minimally include:

(A) Goals and objectives of the client, which shall be developed and agreed upon between the client and staff or volunteer~~;~~, and

(B) Service plans and their updates shall be signed and dated by the client and staff or volunteer.

(4) Exit information, which shall minimally include:

(A) Documentation that the client participated in planning for his or her exit from the program;

(B) The reasons for the client's exit or departure; and

(C) Client and staff or volunteer dated signatures or an explanation if staff or the volunteer were unable to obtain the client's signature.

(b) Each client record entry shall be legible, dated, and signed by the staff member or volunteer making the entry.

(c) Compliance with 75:15-5-3 shall be determined by a review of program policy and procedures; review of the client records for content; and/or other supporting program documentation.

75:15-5-3.1. Record content - service specific

(a) Client records for specific services shall conform to the following:

(1) Shelter Services:

(A) On a client's entry to the shelter, staff or volunteer shall record the client's name, emergency contact person(s) and any referral for medical or emergency services. This information may be a part of the full intake interview if the full intake is done on entering the shelter. An evidence-based, dangerousness assessment and safety planning shall also be done at this time.

(B) Shelter clients shall have the full intake interview and screening completed within forty-eight (48) hours of entry into the shelter.

(C) Service plans shall be completed within five (5) business days of the shelter client's entry to the shelter.

(D) The service plan shall be reviewed and updated at least every two (2) weeks.

(E) The client's service plan shall include components which address the needs of each child accompanying the client.

(F) The service plan shall include safety issues for client and children.

(G) A daily note.

(2) Crisis Intervention Services:

(A) All face-to-face contacts with active clients are documented and contacts with persons not receiving additional services shall be documented. Documentation shall minimally include the following:

(i) Staff/Volunteer Name and signature;

(ii) Date, time, length, and location of intervention;

(iii) Client's name, age, race, county of residence, and contact number if given.

(iv) Protective order information if applicable;

(v) Personnel involved such as police, hospital, etc.;

(vi) Summary of contact including visible injuries, treatment and services requested;

(vii) Outcome;

(B) All telephone contacts shall be documented. Documentation shall minimally include the following:

(i) Staff/Volunteer name;

(ii) Date, time and length of call;

(iii) Caller's name and contact number, if given; However, no caller shall be required to give a name, phone number or any other identifying information as a condition to receive information or domestic violence, sexual assault or stalking services;

(iv) Summary of the call including services needed;

(v) Outcome; and

(vi) Follow-up services offered if victim safety is not compromised.

(C) Contact information is kept by the crisis intervention program.

(D) Clients to be transported to shelter facilities shall be screened before the shelter referral is made. If the client is in immediate danger, or no safe housing is available, this screening may be initially waived. If the screening is waived, documentation shall reflect the reason(s) and the notification of such to the shelter.

(3) Counseling, Support and Advocacy Services:

(A) An assessment of the client's needs shall be completed by the third (3rd) counseling or advocacy session.

(B) A service plan shall be completed by the fifth (5th) advocacy or counseling session.

(C) A service plan review and update shall be completed at least every six (6) months.

(4) Sexual Assault Services:

(A) For victims who continue in support or counseling sessions, a service plan shall be developed by the fifth (5th) visit.

(B) Service plans shall be reviewed and updated at least every ninety (90) days.

(5) Transitional Living Services:

(A) A service plan shall be developed within five (5) business days of the client moving in.

(B) The service plan shall be reviewed and updated at least every ninety (90) days.

(6) Safe ~~home~~ Home Services

(A) A service plan that includes goals agreed upon by the client and sponsoring family shall be developed within five (5) business days of the client moving in. On a client's entry to the ~~safe home~~ Safe Home, the safe home provider shall record the client's name, emergency contact information, and pertinent medical information.

(B) Safe Home clients shall receive a full intake interview and screening by program staff or volunteer within twenty-four (24) hours of admission or by the first business day following admission.

(C) A service plan shall be developed within five (5) business days of the client's entry to the ~~safe home~~ Safe Home.

(D) All records regarding the client shall be retained in the client's record at the sponsoring program.

(b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.

(c) Compliance with this 75:15-5-3.1 shall be determined by a review of client records, policy and procedures, call logs, and/or other supporting documentation.

75:15-5-6. Client record, handling, retention, and disposal

(a) A program shall have written policy and procedures addressing the storage, retention period, and method of disposal of client records. This policy and procedures shall be compatible with protecting clients' rights against unauthorized confidential information disclosures.

(b) Client records shall be easily retrieved by staff or volunteer as needed for providing and documenting services.

(c) Compliance with 75:15-5-6 shall be determined by a review of the program's policy and procedures, and a review of office and
files.

SUBCHAPTER 7. PHYSICAL ENVIRONMENTS

75:15-7-1. Physical plant, primary role

(a) The primary role of programs is to provide safety; and to protect the confidentiality and privacy of victims of domestic violence, sexual assault, stalking and their dependent family members. The physical plants of programs shall not be utilized in any manner which fails to guarantee the confidentiality, safety, and protection of the victims, their dependents and staff or volunteers.

(b) Facilities that serve both victims and batterers in the same facility shall have written procedures to ensure that its services do not jeopardize the safety and psychological well being of victims.

(c) Programs shall obtain written permission from the Office of the Attorney General Victims Services Unit before using any shelter or housing option, for purposes other than housing for victims of DV/SA.

(d) Compliance with 75:15-7-1 shall be determined by a review of program policies and procedures and a tour of the facility.

75:15-7-3. Fire fighting and first aid equipment

(a) All facilities shall have a first aid supply kit and annually maintained fire extinguishers.

(b) Compliance with 75:15-7-3 shall be determined by on-site observation and by interviewing staff or volunteers.

75:15-7-4. Disaster procedures

(a) There shall be written procedures describing the emergency plans in case of a disaster, whether internal or external, or in case of threat to the safety of any client, ~~or~~ staff or volunteer ~~person~~. Evacuation routes, inside sheltering sites~~,~~ and fire extinguisher locations shall be posted.

(b) Fire, tornado, bomb threat and intruder drills shall be conducted annually. The date, time, and type of the drill shall be documented.

(c) Compliance with 75:15-7-4 shall be determined by on-site
observation, a review of written procedures, staff or volunteer interviews, and documentation of drills.

75:15-7-6. Program environment

(a) The program environment shall meet the following conditions:

(1) The facility shall be accessible by an all-weather road.

(2) The facility shall have adequate space in which to carry out the program's goals and objectives, including outdoor areas and equipment when appropriate.

(3) The facility shall have heating and air conditioning equipment adequate to maintain the temperature in areas utilized by clients at between 65oF and 85oF.

(4) The facility shall have adequate ventilation and air circulation provided in the facility to assure an environment that will be comfortable for the clients.

(5) The facility shall have water from an approved tested potable source.

(6) The facility shall have, at minimum, a commode and, lavatory facility. The privacy of individuals shall be assured while using these facilities.

(7) All doors, including those for each closet, bedroom, bathroom, and office, shall be easily opened from both sides.

(8) Smoking shall not be allowed in any indoor portion of any facility.

(9) Facility sanitation shall be maintained to prevent offensive odors and insect infestation.

(10) All facilities shall have emergency back up lighting.

(11) Telephones shall be provided for the convenience of the staff or volunteers, and the necessary accommodation of the clients. Pay telephones only are not acceptable.

(12) There shall be written policy and procedures addressing the use of any outdoor recreational space, including required supervision and the safety of pre-schoolers.

(13) Toxic materials and dangerous substances, such as toxic cleaners, insecticides, and matches shall be stored in a non-client area, locked space where they are not accessible to children.

(14) Combustible materials shall be stored in locked non-flammable containers.

(15) The Poison Control Center's toll-free telephone number shall be posted and visible to staff, volunteers and clients at all times.

(b) Compliance with 75:15-7-6 shall be determined by a review of program policy and procedures, staff, volunteer and client interviews, and on-site observation.

75:15-7-7. Program environment, shelter services programs

(a) All certified shelter services programs shall comply with section 75:15-7-6 and the following:

(1) Baby beds and high chairs that ensure children's safety and comfort shall be available for infants and small children.

(2) The facility shall have access to outdoor recreational space and playground equipment located, installed, and maintained as to ensure the safety of the clients and their children. The grounds and access thereto shall be maintained in a manner that shall ensure the area is free of any hazard to health or safety.

(3) Safe and adequate internal play space for children, including outlet protectors and gated stairwells.

(4) Kitchens used for meal preparation in the residential facility shall be provided with the necessary equipment for the preparation, storage, serving, and clean-up of all meals. All equipment shall be maintained in working order.

(5) Provisions shall be made to assist or make food available for meal preparation that accommodates special diets.

(6) The facility shall have, at minimum, a commode, lavatory, and bathing facility at a ratio of one (1) to twelve (12) residents, including infants and children. The privacy of individuals or families shall be assured while using these facilities.

(7) Residents' rooms shall be so arranged that the client has direct access to a hallway or common area without having to pass through other resident's rooms or areas.

(8) There shall be written policy and procedures for laundry and linens, addressing frequency of changing linens, and laundry arrangements within the facility.

(9) Laundry equipment shall be provided within the residential facility, and shall be kept clean, well-maintained, and properly ventilated.

(10) Reasonable space shall be provided for storage of clients' personal belongings.

(11) Written policy and procedures shall address secure storage of client valuables.

(12) Written policy and procedures shall address the secure handling and storage of client medications, including policy to document client access to medication.

(13) The facility shall be secured by double locks or locking devices such as chains, bolts, etc. on ground floor doors. However, documentation that the locking system meets state and local fire code inspection shall be accepted. When key-locked deadbolts are used, the location of the keys must be identified and readily accessible.

(14) All outdoor openings such as windows shall be covered for privacy.

(15) Provision shall be made for cleaning the facility minimally once per week. A written work schedule or other form of notification shall be posted, which clearly delineates each individual's responsibility for various tasks.

(b) Compliance with 75:15-7-7 shall be determined by a review of program policy and procedures; shelter rules, staff, volunteer and client interviews where appropriate, and on-site observation.

75:15-7-8. Program environment, ~~safe home~~ Safe Home services program

(a) All ~~safe home~~ Safe Home services programs shall comply with section 75:15-7-6 (a) (1)-(11) and the following:

(1) The facility shall have, at minimum, a commode, lavatory, and bathing facility at a ratio of one (1) for every eight (8) persons, including infants and children. The privacy of individuals or families shall be assured while using these facilities.

(2) Written policy and procedures shall address the secure handling and storage of client medications, including policy to document client access to medication.

(3) The ~~safe home~~ Safe Home shall be secured by double locks or locking devices such as chains, bolts, etc. on ground floor doors which meets state and local fire code inspection. When key-locked deadbolts are used, the location of the keys must be identified and readily accessible.

(4) All outdoor openings such as windows shall be covered for privacy.

(b) Compliance with 75:15-7-8 shall be determined by a review of program policy and procedures, provider and client interviews where appropriate, and on-site observation.

SUBCHAPTER 9. PROGRAM MANAGEMENT AND PERFORMANCE IMPROVEMENT

75:15-9-2. Program management, policy and procedures

(a) The agency shall maintain written policy and procedures which describe each program service component, the rules client's are expected to follow for each component~~,~~ and staff or volunteer duties. Policies shall include but are not limited to:

(1) Physical punishment of children shall not be allowed.

(2) Length of stay limitations, if any.

(3) Participation in housekeeping, food preparation or other activities, if applicable.

(b) Clients shall be given a copy of program rules and the provision of such shall be documented in the client record.

(c) The program shall have a written policy of the intent to comply with the Americans with Disabilities Act of 1990.

(d) Compliance with 75:15-9-2 shall be determined by a review of the program's written policy and procedures; rules; client interviews and record documentation.

75:15-9-7. Program mission and goals

(a) The program shall have a written mission statement, and annually state in writing the program's goals.

(b) The annual program goals shall be approved by the agency's governing body each year, and shall be disseminated to ~~personnel~~ staff and volunteers.
(c) Compliance with 75:15-9-7 shall be determined by a review of the mission statement, program's annual goals, governing body minutes, staff meeting minutes and any other relevant documentation provided by the program.

75:15-9-8. Annual program evaluation
(a) The agency shall conduct an annual evaluation of the program's services, facilities and policy and procedures. This evaluation shall be carried out according to a written plan established in policy and procedures to include the plan of evaluation, data to be reviewed, and the persons to conduct the evaluation, e.g., governing body members, staff, volunteers or other persons. The evaluation shall include an assessment to identify special populations of victims of sexual assault, domestic violence and stalking who are underserved or who have special needs.
(b) Upon completion, this evaluation shall be submitted and reviewed by the governing body, and made available to ~~personnel~~staff and volunteers.
(c) Compliance with 75:15-9-8 shall be determined by a review of the program evaluation, policy and procedures, staff meeting minutes and/or any other supporting documentation.

75:15-9-9. Critical incidents
(a) The program shall have policy and procedures requiring documentation and reporting of critical incidents.
(b) Each critical incident shall be recorded and monitored as follows:
(1) agency name and name and signature of the person(s) reporting the critical incident;
(2) Client ID(s), staff member(s) volunteers, and/or property, involved in the critical incident;
(3) the date, time and physical location of the critical incident, if known, and the name of the staff ~~person~~ or volunteer the incident was reported to;
(4) a description of the incident;
(5) severity of each injury, if applicable. Severity shall be indicated as follows:
(A) no off-site medical care required or first aid care administered on-site;
(B) medical care by a physician or nurse or follow-up attention required; or
(C) hospitalization or immediate off-site medical attention was required;
(6) resolution or action taken, date action taken and signature of the agency director or authorized designee;
(c) Critical incidents that shall be reported to the Office of the Attorney General are reported as follows:
(1) Critical incidents requiring medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered via fax or mail including electronic mail to the Office of the Attorney General Victims Services Unit within forty-eight (48) hours, or if the incident occurs on a weekend or holiday, the next business day of the incident being documented.
(2) Critical incidents involving disaster at a facility, death or client abuse shall be reported to the Safeline at 1-800-522-7233 immediately via telephone. The notification shall be followed with a written report from the reporting agency within twenty-four (24) hours of the incident and delivered via fax or mail including electronic mail to the Office of the Attorney General Victims Services Unit.
(d) Compliance with 75:15-9-9 shall be determined by a review of policy and procedures, critical incident reports at the program and those submitted to the Office of the Attorney General Victims Services Unit.

SUBCHAPTER 13. PERSONNEL AND VOLUNTEERS

PART 1. PERSONNEL

75:15-13-1. Personnel policies and procedures
(a) The program shall have written policies and procedures governing the conditions of agency employment to include appropriate screening and background inquiries to ensure client safety and confidentiality.
(b) The agency's policy and procedures shall be accessible to all personnel and each shall be informed of personnel policies and procedures, and any other materials regulating or governing the conditions of their employment.
(c) Written policies and procedures shall ensure personnel are informed of any changes to these a fore stated materials.
(d) Compliance with 75:15-13-1 shall be determined by a review of the program's personnel policies and procedures, interviews with staff and volunteers, review of staff meeting minutes and/or other supporting documentation.

75:15-13-3. Non-discrimination
(a) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with personnel in accordance with applicable state and federal laws.
(b) Compliance with 75:15-13-3 shall be determined by a review of the program's written policy and procedure, and staff or volunteer interviews.

75:15-13-8. Personnel records
(a) The agency shall maintain record(s) for each staff member or volunteer selected and utilized; documentation shall minimally include:
(1) job description;
(2) employment application or resume;
(3) documentation of current qualifications and training as required and defined in the job description;
(4) duty or work assignment;

(5) record of hours worked or hours of service performed;
(6) record of participation in training;
(7) staff or volunteer performance evaluation(s)~~;~~, and
(8) emergency notification information.

(b) Compliance with 75:15-13-8 shall be determined by a review of personnel records.

75:15-13-10. Performance evaluation of personnel

(a) The agency shall have policies and procedures mandating the evaluation of personnel employment and service performance. These policies and procedures shall minimally include:
(1) performance evaluations shall be completed at least annually, to include an evaluation of the executive director;
(2) define the reason(s) for any evaluation other than annual;
(3) performance evaluations shall be in writing and based on the staff's or volunteer's job description;
(4) each evaluation shall be individually discussed with the staff or volunteer~~;~~, and
(5) personnel shall have a documented opportunity to respond, in writing, to each of their individual performance evaluations;
(6) both staff or volunteer and supervisor shall sign and date the performance evaluation. However, the evaluation document shall state the staff's or volunteer's signature does not necessarily constitute agreement with the evaluation content.

(b) Compliance with 75:15-13-10 shall be determined by a review of:
(1) program policies and procedures, governing authority meeting minutes where applicable, and
(2) review of personnel files.

PART 3. TRAINING

75:15-13-20.1. Orientation - general, personnel and volunteers

(a) A certified program shall provide a minimum of 16 hours orientation training that incorporates the use of adult learning techniques (i.e., scenarios, role playing)to familiarize new personnel and volunteers providing direct services with the program which includes, but is not limited to:
(1) Program goals and services of each service component;
(2) Program policy and procedures;
(3) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
(4) Facility safety and disaster plans;
(5) First aid kits and fire extinguishers, their location, contents and use;
(6) Universal precautions;
(7) Client rights;
(8) Domestic violence and its effects on victims and children;
(9) The cycle of domestic violence;
(10) Power and control tactics of abuse;
(11) Crisis intervention techniques;
(12) Sexual assault;
(13) Stalking;
(14) Victim advocacy;
(15) Parenting and disciplinary techniques;
(16) Active and empathetic listening techniques including hotline skills;
(17) Accessing resources needed by victims and their families including how to ensure services and access resources for persons with special needs including cognitive disabilities or who are deaf or hard of hearing, non-English speaking persons, or undocumented immigrants to include basic information on U visas and T visas;
(18) Safety planning for adults and age appropriate safety planning for children;
(19) Basic child development;
(20) Legal and ethical issues;
(21) Cultural Sensitivity, and
(22) Effects of trauma including post traumatic stress disorder.

(b) Volunteers providing indirect services and children's activities are required to complete orientation as prescribed by the Executive Director which shall include training on confidentiality and facility safety and disaster plans.

(c) Orientation for personnel must take place within 30 days of employment or prior to unsupervised direct client contact and services. Volunteer orientation must occur within 6 months or prior to unsupervised, direct client contact and services. The Executive Director of a facility may waive orientation training if documented that the staff or volunteer has completed the requisite program training within the past year.

(d) Compliance with 75:15-13-20.1 shall be determined by a review of the written policies and procedures, and personnel and
volunteer training manuals and records.

75:15-13-24. Personnel training, children's services

(a) Prior to providing any direct services, children's services personnel shall receive the prescribed orientation training and minimally have one (1) year employment or volunteer experience in a child care or service related field, or an equivalent combination of education, training and experience in child care or development issues.

(b) Compliance with ~~75:15-15-24~~ 75:15-13-24 shall be determined by:
(1) Review of program's policy and procedures.
(2) Review of program's training records and other provided documentation of staff or volunteer training.
(3) Review of personnel or volunteer records.

75:15-13-25. Personnel training, sexual assault services

(a) Prior to providing any direct services or CLEET training, all sexual assault services staff or volunteers shall receive a minimum of six(6)hours classroom training in addition to basic orientation which shall include but not be limited to:

(1) Sexual abuse within the family (i.e., incest, sibling abuse, marital and domestic relationship rapes).
(2) Sexual assault outside the family (i.e., stranger, non-stranger, abuse by professionals, sexual harassment and bullying)
(3) Sexual assault within institutions (i.e., nursing homes, residential facilities, prisons, military)
(4) Commercial sexual exploitation (i.e., prostitution, trafficking, pornography, escort services)
(5) Non-traditional client populations (i.e., males, victims of same sex, bisexual or transgender, non-English speaking, undocumented immigrants, victims with cognitive disabilities or who are deaf or hard of hearing.
(6) Other topics to increase skills such as post-traumatic stress syndrome as it relates to rape trauma, rape trauma syndrome, self-injury and alcohol and drug use.

(b) Compliance with 75:15-13-25 shall be determined by:
(1) Review of program's policy and procedures.
(2) Review of program's training records and other provided documentation of staff or volunteer training.
(3) Review of personnel or volunteer records.

75:15-13-26. Personnel training, transitional living services

(a) Prior to providing any direct services, all transitional living services personnel shall receive the prescribed orientation training and minimally have at least six (6) months experience working or volunteer experience in a certified domestic violence/sexual assault program, or related service. When there ~~is~~ are staffing shortage situations, ~~a~~ staff ~~person~~ in-training or volunteer may be utilized if under the direct supervision of ~~a~~ trained, experienced staff ~~person~~ or volunteer.

(b) Compliance with 75:15-13-26 shall be determined by:
(1) Review of program's policy and procedures.
(2) Review of program's training records and other provided documentation of staff or volunteer training.
(3) Review of personnel records.

75:15-13-27. Provider training, ~~safe home~~ Safe Home services

(a) Prior to providing any direct services, all ~~safe home~~ Safe Home providers shall minimally receive ten (10) training hours provided by a staff member or volunteer of a DV/SA program certified to provide ~~safe home~~ Safe Home services, which shall minimally include:
(1) the nature and scope of domestic violence and sexual assault including its effects on victims and children;
(2) societal attitudes toward domestic violence and sexual assault;
(3) orientation in the services, structure, philosophy and history of the sponsoring agency;
(4) safety planning and disaster plans;
(5) first aid kit and fire extinguisher use;
(6) confidentiality, to include verbal confidentiality whether inside or outside the home;
(7) client rights; and
(8) universal precautions.

(b) The program shall have policy and procedures mandating a minimum of four (4) hours annual training for ~~safe home~~ Safe Home providers.

(c) Compliance with 75:15-13-27 shall be determined by:
(1) Review of program's policy and procedures.
(2) Review of program's training records.

75:15-13-29. Personnel training, Court Advocates

(a) Prior to providing services, Court Advocates shall receive the prescribed orientation training, and training in the following:
(1) protective orders (i.e., the requirements for obtaining an ex parte emergency protective order and permanent protective order and an understanding of what happens after a protective order is issued);
(2) full faith and credit;
(3) the court process including safety planning during this time; and,
(4) at least three (3) hours of accompanied court time with a trained court advocate that includes observation of an ex parte emergency protective order hearing and a final protective order hearing.

(b) Compliance with 75:15-13-29 shall be determined by:
(1) Review of program's policy and procedures.
(2) Review of program's training records and other provided documentation of staff or volunteer training.
(3) Review of personnel records.

SUBCHAPTER 15. GOVERNING AUTHORITY

75:15-15-1. Governing authority

(a) The agency shall have a governing authority. In the instance of Native American programs, the tribal council may be the governing body.

(b) The governing authority shall establish, and function under, written by-laws. These bylaws shall minimally include:
(1) Designation of regular quarterly meetings to be held in accordance with the Open Meeting Act;
(2) Recording and retention of written minutes;
(3) Eligibility criteria, selection, terms, responsibilities, power and duties of members;
(4) Term limitations, removal and filling of vacancies;
(5) Attendance policy;
(6) Prohibition on staff serving as voting members of the governing authority~~, and~~;
(7) Establishment of a quorum, and
(8) Conflict of interest agreement.

(c) Compliance with 75:15-15-1 shall be determined by:
(1) Documents of incorporation or registration as a business entity or documentation from the appropriate Tribal Council.
(2) Review of the written by-laws.
(3) Review of the governing authority's minutes.

75:15-15-5. Governing authority, orientation

(a) A certified program shall provide a minimum of 2 hours orientation training to members of the governing authority which includes, but is not limited to:

(1) Program goals and services of each service component;

(2) Program policy and procedures;

(3) Underlying philosophy [OAC 75:15-1-1.1];

(4) Confidentiality, to include verbal confidentiality whether inside or outside of the facility and client records;

(5) Client rights and grievance procedure;

(6) Legal and ethical issues;

(7) Overview of domestic violence, sexual assault & stalking;

(8) Open Meeting Act and recording of meeting minutes;

(9) Open Records Act;

(10) Rules, including standards and criteria to ensure multi-cultural needs of clients are met, used in certifying programs;

(11) Role and responsibility of the executive director; and

(12) Role and responsibility of the governing authority.

(b) Orientation training shall take place within 90 days of election to the governing authority.

(c) Members of the governing authority providing volunteer direct or indirect services to clients shall receive the prescribed orientation and training required for program personnel in addition to the orientation set forth in this Section.

(d) Compliance with 75:15-15-5 shall be determined by a review of written policy and procedures, training materials, training records, and minutes of meetings.

SUBCHAPTER 17. CLIENT RIGHTS, DOMESTIC VIOLENCE, SEXUAL ASSAULT PROGRAMS AND SHELTERS

75:15-17-3. Client rights

(a) Each client shall have and enjoy all constitutional and statutory rights of all citizens of the State of Oklahoma and the United States, unless abridged through due process of law by a court of competent jurisdiction. Each program shall ensure each client has the rights which are listed below:

(1) Each client has the right to be treated with respect and dignity. This shall be construed to protect and promote human dignity and respect for individual dignity.

(2) Each client has the right to a safe, sanitary, and humane living environment.

(3) Each client has the right to a humane psychological environment protecting him or her from harm, abuse, and neglect.

(4) Each client has the right to an environment which provides reasonable privacy, promotes personal dignity, and provides opportunity for the client to improve her or his functioning.

(5) Each client has the right to receive services suited to her or his needs without regard to his or her race, religion, sex, ethnic origin, age, degree of disability, handicapping condition, legal status, or ability to pay for the services.

(6) Each client, on admission, has the absolute right to communicate with a relative, friend, clergy, or attorney, by telephone or mail, at the expense of the program if the client is indigent.

(7) Each client shall have and retain the right to confidential communication with an attorney, personal physician, or clergy.

(8) Each client has the right to uncensored, private communications including, but not limited to, letters and telephone calls. Copies of any personal letter, sent or received, by a client shall not be kept in her or his client record without the written consent of the client.

(9) No client shall be neglected or sexually, physically, verbally, or otherwise abused.

(10) Each client shall have the right to practice his or her own religious beliefs, and be afforded the opportunity for religious worship that does not infringe on the health or safety of others. No client shall be coerced into engaging in, or refraining from, any personal religious activity, practice, or belief.

(11) Each client has the right to be provided with prompt, competent, appropriate services and an individualized service plan.

(A) The client shall be afforded the opportunity to participate in her or his service plan.

(B) The client may consent, or refuse to consent, to the proposed services.

(12) The records of each client shall be treated as confidential.

(13) Each client has the right to refuse to participate in any research project or medical experiment without informed consent of the client, as defined by law. A refusal to participate shall not affect the services available to the client.

(14) Each client has the right to assert grievances with respect to any alleged infringement of these stated rights of clients, or any other subsequently statutorily granted rights.

(15) No client shall ever be retaliated against, or subject to, any adverse conditions or services solely or partially because of having asserted her or his rights as stated in this section.

(16) Each client has the right to review his or her own records, or authorize his or her attorney or others to do so. However, where the program is providing the treatment of a mental health or substance abuse illness, the provisions of 43A O.S. § 1-109 and 42 CFR then apply. Each client also has the right that all information and records regarding him or her shall be treated as confidential.

(17) Each client has the right to know why services are refused and can expect an explanation concerning the reason he or she was refused certain services.

(b) Each client shall be given a copy of these rights and the provision of such shall be documented in the client record.

(c) Programs shall have written policy and procedures to ensure each client enjoys, and has explained to him or her,

these rights; and these rights are visibly posted in client areas of the facility.

(d) The OAG, in any investigation or program monitoring regarding client rights, shall have unimpeded access to clients, program records and program staff or volunteers.

75:15-17-4. Client grievance policy and procedures

(a) Each program shall have a written client grievance policy providing for, but not limited to, the following:

(1) Written notice of the grievance and appeal procedure provided to the client; and, if involved with the client, to family members or significant others;

(2) Time frames for the grievance policy's procedures, which allow for an expedient resolution of client grievances;

(A) Transitional living, shelter services, and ~~safe home~~ Safe Home timeframes for resolution of grievances by program staff or volunteers shall be seven (7) days unless appealed;

(B) Non-transitional living and non-shelter services' timeframes for resolution of grievances by program staff or volunteers shall be fourteen (14) days unless appealed;

(3) Name(s) of the individual(s) who are responsible for coordinating the grievance policy and the individual responsible for or authority to make decision(s) for resolution of the grievance and the individual responsible for or authorized to make decisions for resolution of grievance. In the instance where the decision maker is the subject of a grievance, decision-making authority shall be delegated;

(4) Provide for notice to the client that he or she has a right to make a complaint to the OAG Victims Services Unit.

(5) Clients shall be given a copy of the grievance policy including the right to make a complaint to the OAG and the provision of such shall be documented in the client record;

(6) Mechanism to monitor the grievance process and improve performance based on outcomes; and

(7) Annual review of the grievance policy and procedures, with revisions as needed.

[OAR Docket #11-829; filed 6-2-11]

TITLE 75. ATTORNEY GENERAL CHAPTER 20. ADDRESS CONFIDENTIALITY PROGRAM

[OAR Docket #11-830]

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75:20-1-2 [AMENDED]
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75:20-1-6 [AMENDED]
75:20-1-9 [AMENDED]
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75:20-1-11 [AMENDED]
75:20-1-13 [AMENDED]
75:20-1-15 [AMENDED]

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ANALYSIS:
The Attorney General is required to adopt and promulgate rules for the management of the Address Confidentiality Program. These rules set forth the requirements which are necessary to meet the responsibilities of oversight, management, evaluation, improvement and participation in the program. The proposed amendments define and clarify duties performed by the Address Confidentiality Program Manager and ensure inclusion of federal and tribal agencies as eligible to participate in the program per the statute. Additional amendments include clarification of a designated agency where potential participants may enroll. Finally, an incorrect statutory citation was amended.

CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

75:20-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless context clearly indicates otherwise.

"ACP" means Address Confidentiality Program.

"Address Confidentiality Program" means the statutorily created program responsible for implementing the provisions of 22 O.S., ~~Sections~~ §§ 60.14 et. seq. within the Office of the Oklahoma Attorney General.

"Application Assistant" means a representative of a designated agency who is a domestic violence and/or sexual assault advocate that has been trained and registered by the Office of the Oklahoma Attorney General to assist individuals in the application process.

"Authorization Card" means the card issued by the ~~Attorney General~~ Program Manager to a program participant upon certification identifying them as a program participant.

"Authorization Number" means a number assigned to a program participant by the ~~Attorney General~~ Program Manager upon certification.

"Certification" means the process by which an applicant is determined eligible to participate in the program.

"Designated Agency" means a state or local agency, federal government, a federally recognized tribal government agency, or a nonprofit agency that provides counseling, shelter, or other services to victims of domestic abuse, sexual assault, or stalking that has been designated by the Attorney General as a place where persons apply to be program participants.

"Minor" means a person who is less than eighteen (18) years of age.

"Program Manager" means the employee of the Victims Services Unit of the Office of the Attorney General designated by the Attorney General to administer the Address Confidentiality Program.

"Record" means a public record as defined in 51 O.S., ~~Section~~§ 24A.3.

"Substitute Mailing Address" means the address assigned to a program participant by the Attorney General.

75:20-1-5. Criteria for program participation

To participate in the Address Confidentiality Program, an individual must meet the following criteria:

(1) A person attempting to escape from actual or threatened domestic violence, sexual assault or stalking or a person residing with another person who is attempting to escape from actual or threatened domestic violence, sexual assault or stalking;

(2) Fears for his or her safety and/or the safety of other family members;

(3) Recently established a residence address in Oklahoma unknown to the abuser or is planning to move in the near future~~;~~, and

(4) Is eighteen (18) years of age or older or a parent or guardian acting on behalf of a minor or incapacitated person.

75:20-1-6. Applying for participation

(a) Any person meeting the criteria to be a program participant who wishes to apply to the Address Confidentiality Program shall complete the required application. The application consists of an Address Confidentiality Program Application, Checklist for Application, and Authorization Card Form.

(b) Forms shall be obtained from an Application Assistant at ~~selected state or local agencies, federally recognized tribes, or nonprofit agencies that have been designated by the Attorney General~~ a designated agency to assist persons in the application process.

(c) The completed and signed application documents shall be filed with the ACP.

(d) *Any assistance and counseling rendered by the Office of the Attorney General or its designees to applicants shall in no way be construed as legal advice.* [22 O.S., § 60.14(H)]

75:20-1-9. Certification withdrawal and cancellation

(a) A program participant may withdraw from participating in the program by submitting to the ACP written notice of withdrawal and his or her current authorization card. The withdrawal will be effective on the day of receipt of the notification by the ACP.

(b) The ~~Attorney General~~ Program Manager shall cancel a program participant's certification and invalidate his or her authorization card if:

(1) A program participant's certification term has expired and a renewal application had not been filed.

(2) A program participant knowingly provided false or incorrect information when applying for certification.

(3) A program participant obtains a name change.

(c) The ~~Attorney General~~ Program Manager may cancel a program participant's certification for any of the following reasons:

(1) The program participant no longer resides at the residential address listed on the application and has not provided written notice after the change in address has occurred.

(2) Mail forwarded to the participant is returned nondeliverable or unclaimed.

(d) The ACP shall attempt to send written notification of the cancellation to the participant at the last known mailing or residential address.

75:20-1-10. Use of the substitute address

(a) The substitute address serves as the participant's residential, school and work address.

(b) When creating state and local government or tribal records or updating existing records, a program participant shall show his or her authorization card to the agency and request address confidentiality through the use of the substitute address as it appears on the authorization card, in lieu of his or her actual address.

(c) The agency employee assisting the program participant may make a file photocopy of the authorization card.

(d) The agency shall accept the substitute address unless the agency has received a written exemption from the Attorney General. See ~~655:30-1-14~~ OAC 75:20-1-14.

(e) The agency shall not question the program participant about the details or circumstances of his or her inclusion in the program.

(f) All mail addressed to the participant at the substitute address shall include the authorization number appearing on the participant's authorization card.

(g) Mail received at the substitute address will be forwarded by the Program Manager at no charge to the participant at his or her actual mailing address with the exception of magazines, books, periodicals, packages, and junk mail.

(h) Delivery of a participant's mail may be delayed as much as three (3) to five (5) days. It is important to remember this fact when sending time sensitive documents to a participant.

(i) The Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a participant unless the mail is certified or registered mail.

75:20-1-11. Public schools

(a) At the time of enrollment, students participating in the Address Confidentiality Program shall go to the school's administrative office for assistance and present his or her authorization card.

(b) The school shall contact the Program ~~Director~~ Manager and request verification of enrollment eligibility.

(c) Eligibility for enrollment will be determined using the residential address shown in the participant's records.

(d) The ACP will notify the school of its findings both verbally and in writing.

(e) If questions are raised regarding the student's eligibility, the Program ~~Director~~ Manager will work directly with the school superintendent or his or her designee to resolve the matter.

(f) All school correspondence mailed to the student and/or the student's parent shall be sent to the substitute address.

(g) Requests for the transfer of a student's records from one school to another shall be handled by the Program Director upon written authorization from the parent or legal guardian.

75:20-1-13. Service of process

(a) The Office of the Attorney General is designated as agent for service of process and receipt of mail for all program participants.

(b) Service on the Attorney General of any summons, writ, notice, demand or process can be made by mailing to the substitute address or by delivering in person to the Office of the Attorney General 313 NE 21st Street, Oklahoma City, OK.

(c) When a summons, writ, notice, demand or process is served on the Attorney General, the ACP Program Manager shall immediately forward a copy to the program participant by first-class mail at the participant's current mailing address shown on the ACP records.

(d) The ACP Program Manager shall maintain in the program participant's file, a record of all summonses, writs, notices, demands and processes served upon the Attorney General for that participant, which shall include the date of such service and the action taken.

75:20-1-15. Disclosure of records

(a) The Attorney General shall not make any records in a program participant's files available for inspection or copying unless directed by a court order to the person identified in the order. [22 O.S., § 60.14(G)] The participant information disclosed to a person identified in a court order shall be maintained in strict confidentiality by the party receiving the information.

(b) The Attorney General may verify the participation of a specific program participant to state ~~or~~, local, federal or tribal government agencies in which case the Attorney General may only confirm information supplied in writing ~~as prescribed by~~ tothe Attorney General by the requestor. State or local agencies are prohibited from knowingly and intentionally disclosing a program participant's actual address unless disclosure is permitted by law.

(c) The substitute address assigned to a program participant is not confidential.

(d) The ~~Attorney General~~ Program Manager shall provide immediate notification of disclosure to a program participant when disclosure takes place if not otherwise prohibited by law.

[OAR Docket #11-830; filed 6-2-11]

TITLE 75. ATTORNEY GENERAL CHAPTER 25. STANDARDS AND CRITERIA FOR BATTERERS INTERVENTION PROGRAMS

[OAR Docket #11-831]

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Subchapter 1. General Provisions
75:25-1-1. Purpose [AMENDED]
75:25-1-2. Mission and underlying philosophy [AMENDED]
75:25-1-3. Definitions [AMENDED]
75:25-1-5. Annual review of standards and criteria [AMENDED]
Subchapter 3. Batterers Intervention
75:25-3-1. Batterers intervention program [AMENDED]
75:25-3-2. Victim safety and confidentiality [AMENDED]
75:25-3-3. Client records [AMENDED]
75:25-3-4. Record content [AMENDED]
75:25-3-14. Critical incidents [AMENDED]
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Part 5. Training
75:25-5-19. Orientation - general, personnel and volunteers [AMENDED]
75:25-5-20. Inservice and ongoing training for personnel and volunteers [AMENDED]
75:25-5-21. Personnel training, batterers intervention services [AMENDED]
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ANALYSIS:
The Attorney General is required to adopt and promulgate rules and standards for certification of batterers intervention programs in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. The proposed amendments expand the definition of a client record to include all communication and eliminate redundancies and inappropriate references that were not revoked when batterers intervention standards were moved from Chapter 15 to Chapter 25.

Additional proposed changes clarify victim-centered safety planning with the batterer and set a deadline for completion of the plan, add accommodation for programs that keep electronic files as well as update training requirements for program facilitators. The requirements for written releases, victim notification and batterers assessments have been reorganized to reflect the order in which services are provided without substantive amendments. It was also clarified that an excused absence from a court-ordered batterers intervention program shall not include inability to pay.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

75:25-1-1. Purpose

The purpose of this chapter is to set forth the standards and criteria governing services provided by ~~Certified~~ certified batterers intervention programs. The rules regarding factors relating to the certification processes including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title 75, Chapter 1.

75:25-1-2. Mission and underlying philosophy

(a) The mission of the standards and criteria for batterers intervention programs is to eliminate domestic violence, sexual assault and stalking in the State of Oklahoma.

(b) The philosophy underlying the standards and criteria for domestic violence, ~~and~~ sexual assault, and batterers intervention programs, including programs that serve victims of sex trafficking and stalking, is that:

(1) All persons have the right to live without fear, abuse, oppression and violence;

(2) There should be equality in relationships, and survivors of domestic violence, sexual assault and stalking should be helped to assume power over their own lives;

(3) No one deserves to be victimized by assaultive or abusive behavior;

(4) Survivors should be treated with dignity and respect;

(5) All people involved in violent crimes are affected, including victims, children, families, partners, friends, the community, and perpetrators;

(6) Offending is a choice, and perpetrators of domestic violence, sexual assault, sex trafficking and stalking are solely responsible for their behavior;

(7) These perpetrators must be held accountable for their behavior;

(8) A coordinated community response is the best approach to eliminating domestic violence, sexual assault, sex trafficking and stalking in Oklahoma, and

(9) Safety for the victims/survivors and their dependants is the primary focus of intervention and services.

75:25-1-3. Definitions

The following words or terms, when used in this chapter, shall have the defined meaning, unless the context clearly indicates otherwise:

"Admission" means to accept a client for services or treatment.

~~**"Advocate"** means a person, providing support to ensure clients receive appropriate services.~~

"Assessment" means an appropriate course of assistance based on a face-to-face formal screening.

"Batterer" means a person, male or female, who perpetrates domestic violence, stalking or other harassment against present or past intimate partners, another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

"Batterers intervention" means services provided to batterers, or perpetrators of domestic violence that hold a batterer accountable for his or her abusive behavior, provide consequences for engaging in violent or abusive behavior, provide monitoring of batterer's behavior, and require him or her to change his or her behavior and attitudes and are also protective of the victim(s). Anger control or management, substance abuse treatment or mental health treatment alone or in combination with each other shall not constitute batterers intervention; neither may these interventions alone nor in combination with each other be utilized as the primary means of facilitating the required changes in behavior and attitudes.

"Business day" shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 o'clock p.m. of the next business day.

"Certified batterers intervention program" or **"Certified treatment program for batterers"** means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to provide batterers intervention services and treatment programs pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Child" or **"Children"** means any individual from birth to eighteen years of age.

"Client" means an individual, adult or child, who has applied for, is receiving or has received assistance or services of a DV/SA or batterer's program.

"Client record" ~~means written information including assessment information, description of services provided services plan, and other~~ includes, but is not limited to, all communication, records and information on an individual client.

"Community" means the people, groups, agencies or other facilities within the locality served by the program.

~~**"Contract"** means a formal document adopted by the governing authority of the program and any other organization, agency, or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.~~

"Coordinated Community Response Team" means a multi-disciplinary group of individuals from agencies and

programs in the community whose purpose is to keep victims safe and hold batterers accountable.

"Counseling" means a method of using various commonly acceptable treatment approaches provided face-to-face by a behavioral health professional either licensed or under supervision for licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. ~~A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault or stalking and their dependents.~~ Counseling is goal directed and utilizes techniques such as cognitive behavioral treatment, narrative therapy, solution-focused brief therapy, psycho-educational interventions or another widely accepted theoretical framework for treatment.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Director" means the person hired by the governing authority to direct all the activities of the organization.

"DV/SA" means domestic violence and sexual assault.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, and photographs.

"Domestic violence" means assaultive or coercive behaviors, including physical, sexual and psychological attacks and economic coercion, against another adult, emancipated minor or minor child, who are family or household members or who are or were in a dating relationship.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of the community concerning domestic violence, sexual assault or batterer's intervention and other related problems and services and may include a systematic presentation of selected information to impart knowledge or instructions, to increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

"Executive director" means the person in charge of a facility as defined in this section.

"Facility" means the physical location(s) of a certified program governed by this chapter of Title 75.

"Family" means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

"Intake" means the written information about a client as a basis for assessment or services, obtained by the program at time of admission.

"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

"Medical care" means those diagnostic and treatment services which, under the laws of the jurisdiction in which the program is located, can only be provided or supervised by a licensed physician.

"**Mental health services**" means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.

"Neglect" means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

"OAG" means the Oklahoma Office of the Attorney General.

"Objectives" means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Operation" means that clients are receiving services provided by the program.

"Personnel record" means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

"Persons with special needs" means persons with a condition which is considered a disability or impairment under the "American with Disabilities Act of 1990" including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness. See "Americans with Disabilities Handbook," published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

"Procedures" means the standard methods by which policies are implemented.

"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its staff, activities and planning process to determine whether program goals are met, staff and activities are effective, and what effect, if any, a program or service has on the problem which it was created to address or on the population which it was created to serve.

"Program goals" means broad general statements of purpose or intent.

"Safety Planning" means the process of working with the ~~adult/child victim/survivor~~ batterer to develop tools in advance of potential abuse or violence for the immediate and long term safety of the victim/survivor. The plans should be based on the individual's dangerousness indicators and should include the safety needs of ~~dependents~~ the victim and any dependents.

"Screening" means the process of determining, preliminarily the nature and extent of a person's problem in order to establish the service needs of an individual. At a minimum, a screening shall include a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors and referral needs.

"Service agreement" means a written agreement between two or more service agencies or service agencies and individual service providers defining the roles and responsibilities of each party. The purpose of service agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

"Service note" means the documentation of the time, date, location and description of services provided, and signature, including electronic signature, of staff or volunteer providing the services.

"Staff" means personnel that function with a defined role within the program whether full-time, part-time or contracted.

"Support" or **"Supportive Services"** means services provided to victims of domestic violence/sexual assault and/or their families which augment or complement a defined service plan.

"Volunteer" means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program and includes interns and practicum students.

75:25-1-5. Annual review of standards and criteria

This chapter shall be reviewed annually by the ~~Office of the Attorney General~~OAG.

SUBCHAPTER 3. BATTERERS INTERVENTION

75:25-3-1. Batterers intervention program

(a) Each certified batterer intervention program shall have the policy, procedures, staffing, training, operational methods and facilities to meet the following requirements:

(1) Services shall be provided in a facility with offices available for private individual and group sessions.

(2) Services shall be provided to self or court-referred batterers. Group services shall be the primary modality. Referral to domestic violence services is provided for the batterer's partner or victim, when possible.

(3) The focus shall be on victim safety and the elimination of violence within the home and assisting the batterer in developing personal responsibility and accountability for his or her behaviors, understanding the fundamentals of anger and emotions, learning effective coping strategies and recognizing cyclic behavior. The service shall be based on non-victim blaming strategies.

(4) Anger control or management, and/or substance abuse treatment and/or mental health treatment alone shall not constitute batterers intervention; neither may these interventions be utilized as the primary means of facilitating the required changes in behavior and attitudes. However, these secondary interventions may be used to supplement ~~the~~ batterers intervention curriculum.

(5) Services shall include client assessments as described herein.

(b) Education shall be provided to the batterer utilizing written curriculum specifically developed for batterers intervention that comprehensively addresses, at a minimum:

(1) the dynamics of domestic violence and power and control issues;

(2) the socio-cultural basis for violence, including domestic violence;

(3) issues of sexism and gender role stereotyping;

(4) non-abusive communication techniques;

(5) effective coping strategies;

(6) parenting;

(7) effects of domestic violence on children;

(8) developing healthy relationships;

(9) safety planning for the prevention of violence, including establishment of personal goals and objectives to eliminate violent, controlling and abusive behavior;

(10) effects of domestic violence on victims from a victim perspective, and

(11) the potential consequences of domestic violence.

(c) Services shall be provided during hours which make them available for clients whose work hours are between 8:00 A.M. and 5:00 P.M. Monday through Friday.

(d) The program shall maintain admission criteria for batterers intervention services.

(e) The program shall provide individual assessment sessions, crisis intervention and group sessions.

(f) Service policy shall not permit the substitution of individual counseling appointments for group participation except in a situation where only one batterer of a gender has been court-ordered to the program.

(g) Group sizes shall be limited to not less than two (2) and not more than sixteen (16) clients.

(h) Discharge criteria shall be contingent on the satisfactory meeting of specific criteria by the participant, and NOT only upon the end of a specified period of time or a specified number of sessions.

(i) Joint participation shall not be allowed of the victim as part of batterers intervention.

(j) Male and female batterers shall not be served, or counseled, in the same group or session, i.e., together.

(k) The program shall maintain annually renewed service agreements with appropriate referral sources such as, but not limited to:

(1) substance abuse; and

(2) mental health services.

(l) In the case of court referred clients, the program shall develop a written process for coordinating with and reporting to the court, judge, probation officer, and/or district attorney, ~~that~~ which shall include a current description of the program and the requirements for participation and successful completion of the program.

(m) If other services for the batterer are necessary, appropriate referrals shall be made for such issues, including but not limited to mental health and/or substance abuse issues.

(n) Certified batterer intervention programs shall not be less than 52 weeks in duration. The 52 weekly group sessions shall be no less than ninety (90) minutes in length. Completion of a batterers intervention program requires at a minimum 52 weekly attended sessions as well as a favorable evaluation from the program.

(o) The batterers intervention program shall report any client absence of three (3) unexcused, consecutive sessions or seven (7) unexcused absences in a period of fifty-two (52) weeks to the court. Inability to pay shall not be considered an excused absence.

(~~n~~p) Compliance with 75:25-3-1 shall be determined by a review of program policy and procedures; client records; service referral agreements, and other program documentation. Compliance may also include client interviews and/or observation of direct client services.

75:25-3-2. Victim safety and confidentiality

(a) **Victim safety.**

~~(1)~~ Whereas confidentiality is a fundamental underpinning of services for victims of domestic violence, limited confidentiality is critical in ~~batterer~~ batterers intervention services. Victim safety shall supersede all consideration of batterer confidentiality.

~~(2) Appropriate releases shall be obtained to facilitate communication with the partner or victim; other needed community agencies; the law enforcement or judicial systems, to assure that sufficient information is obtained to increase partner or victim safety and to properly apprise all parties of services, including the victim, court personnel, law enforcement personnel, staff of other programs serving batterers and the staff of programs providing victims' services.~~

(~~3~~b) There shall be a written, cooperative, accountable working relationship between the batterers intervention program, and the DV/SA providers that serve victims so potential victims and others are warned of imminent danger.

~~(4) Initial victim or partner contact shall be attempted when the batterer has been accepted or denied admission to the program. The victim or partner shall be provided with general information including:~~

~~(A) A brief description of the program, including program expectations, program content and philosophy;~~

~~(B) The limitations of the program including a statement that the batterer's participation does not ensure the participant will stop any or all battering behaviors nor guarantee victim or partner safety;~~

~~(C) Information related to victim services.~~

~~(5) The batterers intervention program shall maintain contact with the victim or partner at the victim's discretion. If the victim or partner elects not to receive information, the program is still required to notify the individual in the case of imminent threat or danger to the victim's safety.~~

~~(6) If the victim or partner elects to receive information after initial contact by the program, at a minimum, partner or victim notification is required when:~~

~~(A) The batterer begins attending the intervention program;~~

~~(B) The batterer terminates the intervention program for noncompliance;~~

~~(C) There is an imminent threat or danger to the victim's safety.~~

~~(7) The efforts to find and notify the batterer's partner or victim shall be documented.~~

(~~8~~c) Collaboration shall be established with other domestic violence/sexual assault programs certified by the Attorney General.

~~(b) Certified batterer intervention programs shall not be less than 52 weeks in duration. The 52 weekly group sessions shall be no less than ninety (90) minutes in length. Completion of a batterers intervention program requires at a minimum 52 weekly attended sessions as well as a favorable evaluation from the program.~~

(~~c~~d) Compliance with 75:25-3-2 shall be determined by a review of program policy and procedures; client records; service referral and cooperative agreements, and/or other program documentation.

75:25-3-3. Client records

(a) A certified program shall have written policy and procedures for correcting errors on record material by lining through, initialing the error, and inserting the correct material either above the error or at the end of the entry. Further, the policy and procedures shall forbid the use of "white-out" or any action which obliterates the error.

(b) Each client record entry shall be legible, dated, and signed by the staff member making the entry.

(c) Copies of all service documentation including assessments, exit interviews and reports shall be kept in the batterer's file.

(~~b~~d) Compliance with 75:15-4-4 shall be determined by on-site observation, client records, policy and procedures and any other supporting program documentation.

75:25-3-4. Record content

(a) Client records shall contain, at a minimum, the following information:

(1) Intake and screening information:

(A) Client's name;

(B) Date of initial contact/intake;

(C) Pertinent medical information, including substance abuse;

(D) Emergency contact information, and

(E) Court Order if applicable.

(2) Appropriate releases shall be obtained to facilitate communication with the partner or victim; other needed community agencies; the law enforcement or judicial systems, to assure that sufficient information is obtained to increase partner or victim safety and to properly apprise all parties of services, including the victim, court personnel, law enforcement personnel, staff of other programs serving batterers and the staff of programs providing victims' services.

(3) An assessment of the client shall be made prior to acceptance into the program. The assessment shall at a minimum include:

(A) current and past history of violence;

(B) lethality risk indicators risk instrument must be evidence-based and developed specifically for batterers intervention;

(C) drug and alcohol use/abuse history and screening;

(D) mental health history and screening;

(E) criminal history and a report of the incident that generated the referral; and

(F) current or past history with child protective or adult protective services.

(~~2~~4) Service notes, which shall minimally include:

(A) The time, date, location and description of services provided;

(B) The signature of staff providing the services; and

(C) A service note for each contact for services that shall include:

(i) personal responsibility and accountability;

(ii) level of participation in services;

(iii) change(s) in family, social, personal, legal or work environment(s);

(iv) inference of use or increased use of drugs/alcohol;

(v) whether or not facilitator observed sufficient indications of risk requiring notification of victim or others, and

(vi) referrals for supplemental services.

(D) Service notes shall document the ongoing provision of educational components addressing the risk of battering and other violence as set forth in 75:25-3-1(b).

~~(3) Exit information, which shall minimally include:~~

~~(A) Documentation that the client participated in planning for his or her exit from the program;~~

~~(B) The reasons for the client's exit or departure; and~~

~~(C) Client and staff dated signatures or an explanation if staff were unable to obtain the client's signature.~~

~~(b) Each client record entry shall be legible, dated, and signed by the staff member making the entry.~~

~~(c) Client records for batterers intervention services shall conform to the following:~~

~~(1) An assessment of the client shall be made prior to acceptance into the program. The assessment shall at a minimum include:~~

~~(A) current and past history of violence;~~

~~(B) lethality risk indicators;~~

~~(C) drug and alcohol use/abuse history and screening;~~

~~(D) mental health history and screening;~~

~~(E) criminal history and a report of the incident that generated the referral; and~~

~~(F) current or past history with child protective or adult protective services.~~

(~~2~~5) An individualized written client-contract shall be completed upon acceptance into the program prior to the first (1st) session ~~by the third (3rd) session~~; signed by the batterer; and shall include, but not be limited to:

(A) Initial safety plan for protection of the victim.

(~~A~~B) Attendance policy, including the length of intervention, minimum number of sessions required and the maximum length of time for completion of the required sessions.

(~~B~~C) The criteria for suspension and termination.

(~~C~~D) The program's rules.

(~~D~~E) A written notice in bold type which specifies **"Please be advised any reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim, her or his property, or to third persons, or any attempt, threat or gesture to commit suicide, or any belief that child abuse or neglect is present or has occurred, will be reported to the appropriate person(s) or authorities."**

(~~E~~F) A list of provider program expectations, such as participation, homework and that the batterer will be held accountable for all abusive and violent behavior.

(~~F~~G) The batterer's responsibilities for safety planning, including, but not limited to, an awareness of abusive and violent behavior and patterns, e.g., time out procedures, procedures which inform the partner or victim appropriately and are not used to control her or him, logging or writing a journal of efforts to control behavior and nonviolence maintenance such as buddy telephone calls, additional support groups, relaxation and exercise, etc.

(~~G~~H) ~~Providing releases~~ Releases of information for collateral treatment, i.e., substance abuse or mental health treatment.

~~(3) Service notes shall document the ongoing provision of educational components addressing the risk of battering and other.~~

(~~4~~6) Reports. In the case of court-ordered or otherwise referred batterers, without jeopardizing the safety of the victim, a written report to the court or referring agent, shall be submitted within seven (7) business days of the following events:

(A) Acceptance into or rejection from the program including but not limited to a summary of the results of the initial assessment or the reason for rejection;

(B) Reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim or to third persons, and;

(C) Exit from the program including but not limited to the service termination report.

(7) All reports shall include any perceived areas of concern which may include, but are not limited to, substance abuse or mental health issues that the court may want to seriously consider.

(8) Initial victim or partner contact shall be attempted when the batterer has been accepted or denied admission to the program. Efforts to notify the referring agent, the victim or the victim's advocate shall be documented in the batterer's file, which may include an electronic file, without including any confidential victim identification information.

(9) Whenever possible, the batterers intervention program shall maintain contact with the victim or partner at the victim's discretion. If the victim or partner elects not to receive information, the program is still required to notify the individual in the case of imminent threat or danger to the victim's safety.

(10) If the victim or partner elects to receive information after initial contact by the program, at a minimum, partner or victim notification is required when:

(A) The batterer begins attending the intervention program;

(B) The batterer terminates the intervention program for noncompliance;

(C) There is an imminent threat or danger to the victim's safety.

(11) The efforts to find and notify the batterer's partner or victim shall be documented.

(12) Service termination reports shall be completed for all types of conditions under which services are ended and shall include, at a minimum, the reason for termination, summary of lethality risk indicators, and any concerns for the safety of victims, children, and/or others. Types and reasons for terminating services include:

(A) **Rejection.** Reasons for rejection shall be documented and include, but are not limited to: psychiatric history, including active or recent mental health related problems; criminal record of violent crimes; chemical dependency requiring completion of an inpatient or residential treatment program; or inability to function in a group due to limited mental cognitive abilities;

(B) **Involuntary termination.** Reasons for involuntary termination shall be documented and include, but are not limited to: recurrence of violence; arrest; absences from program sessions and activities; failure to actively participate in sessions attended; attending a session when under the influence of alcohol or drugs; violation of any rules of the treating program or violation of the client-contract~~; and~~ or

(C) **Completion.** Upon completion of the program, an exit interview and service termination report shall be completed and documented in the client record. The service termination report shall include a disclosure stating that completion of batterers intervention does not indicate that the client will not re-offend; it is a report that the person has satisfactorily completed the necessary requirements of the certified program without any other known or reported re-offending during the time of enrollment in the program.

~~(5) In the case of court ordered or otherwise referred batterers, without jeopardizing the safety of the victim, a written report to the court or referring agent, shall be submitted within seven (7) business days of the following events:~~

~~(A) Acceptance into or rejection from the program including but not limited to a summary of the results of the initial assessment or the reason for rejection;~~

~~(B) Reasonable knowledge or suspicion of illegal activities or bodily harm, or a threat of such, to the victim or to third persons, and;~~

~~(C) Exit from the program including but not limited to the service termination report.~~

~~(6) All reports shall include any **perceived areas of concern** which may include, but are not limited to, substance abuse or mental health issues that the court may want to seriously consider.~~

(13) Exit information, which shall minimally include:

(A) Documentation that the client participated in planning for his or her exit from the program;

(B) The reasons for the client's exit or departure; and

(C) Client and staff dated signatures or an explanation if staff were unable to obtain the client's signature.

~~(7) The batterers intervention program shall report any client absence of three (3) unexcused, consecutive sessions or seven (7) unexcused absences in a period of fifty-two (52) weeks to the court~~

~~(8) Efforts to notify the referring agent, the victim or the victim's advocate shall be documented in the batterer's record without including any confidential victim identification information.~~

~~(9) Copies of all service documentation including assessments, exit interviews and reports shall be kept in the batterer's file.~~

(~~d~~b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.

(~~e~~c) Compliance with this 75:25-3-4 shall be determined by a review of client records for content, review of program policy and procedures; or other supporting program documentation.

75:25-3-14. Critical incidents

(a) The program shall have policy and procedures requiring documentation and reporting of critical incidents.

(b) Each critical incident shall be recorded and monitored as follows:

(1) agency name and name and signature of the person(s) reporting the critical incident;

(2) Client name, staff member(s), and/or property, involved in the critical incident;
(3) the date, time and physical location of the critical incident, if known, and the name of the staff person the incident was reported to;
(4) a description of the incident;
(5) severity of each injury, if applicable. Severity shall be indicated as follows:
(A) no off-site medical care required or first aid care administered on-site;
(B) medical care by a physician or nurse or follow-up attention required; or
(C) hospitalization or immediate off-site medical attention was required;
(6) resolution or action taken, date action taken and signature of the agency director or authorized designee.

(c) Critical incidents that shall be reported to the ~~Office of the Attorney General~~ OAG are reported as follows:
(1) Critical incidents requiring medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered via fax or mail including electronic mail to the Office of the Attorney General Victims Services Unit within forty-eight (48) hours, or if the incident occurs on a weekend or holiday, the next business day of the incident being documented.
(2) Critical incidents involving disaster at a facility, death or client abuse shall be reported to the Safeline at 1-800-522-7233 immediately via telephone. The notification shall be followed with a written report from the reporting agency within twenty-four (24) hours of the incident and delivered via fax or mail including electronic mail to the Office of the Attorney General Victims Services Unit.

(d) Compliance with 75:25-3-14 shall be determined by a review of policy and procedures, critical incident reports at the program and those submitted to the Office of the Attorney General Victims Services Unit.

SUBCHAPTER 5. PERSONNEL AND VOLUNTEERS

PART 5. TRAINING

75:25-5-19. Orientation - general, personnel and volunteers

(a) A certified program shall provide a minimum of 16 hours orientation training to familiarize new personnel and volunteers providing direct services with the program which includes, but is not limited to:
(1) Program goals and services of each service component;
(2) Program policy and procedures;
(3) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
(4) Facility safety and disaster plans;
(5) First aid kits and fire extinguishers, their location, contents and use;
(6) Universal precautions;
(7) Client rights;
(8) Domestic violence and its effects on victims and children;
(9) The cycle of domestic violence;
(10) Power and control tactics of abuse;
(11) Crisis intervention techniques;
(12) Sexual assault;
(13) Intimate partner ~~Stalking~~ stalking;
(14) Victim advocacy;
(15) Parenting and disciplinary techniques;
(16) Active listening techniques;
(17) Accessing resources needed by victims and their families including how to ensure services and access resources for persons with disabilities;
(18) Safety planning ~~for adults and age appropriate safety planning for children~~;
(19) Basic child development;
(20) Legal and ethical issues surrounding domestic violence;
(21) Cultural Sensitivity, and
(22) Effects of trauma including post traumatic stress disorder.

(b) Volunteers providing indirect services are required to complete orientation as prescribed by the Executive Director which shall include training on confidentiality and facility safety and disaster plans.

(c) Orientation for personnel must take place within 30 days of employment or prior to unsupervised direct client contact and services. Volunteer orientation must occur within 6 months or prior to unsupervised, direct client contact and services. The Executive Director of a facility may waive orientation training if documented that the staff or volunteer has completed the requisite program training within the past year.

(d) Compliance with 75:25-5-19 shall be determined by a review of the written policies and procedures, and personnel and volunteer training manuals and records.

75:25-5-20. Inservice and ongoing training for personnel and volunteers

(a) A certified program shall have policy and procedures mandating, at the minimum, sixteen (16) hours of annual training of all staff which shall include:
(1) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
(2) Facility safety and disaster plans;
(3) First aid kits and fire extinguishers, their location, contents and use;
(4) Universal precautions, and
~~(5) Client rights, and~~
(~~6~~5) Legal and ethical issues.

(b) The remaining hours of annual training shall be related to domestic violence, sexual assault, stalking, batterers intervention and administration as prescribed and approved by the Executive Director as appropriate for the assigned staff duties.

(c) A certified program shall have policy and procedures mandating a minimum of four hours annual training of all volunteers providing direct services, related to domestic violence, sexual assault, and stalking as prescribed and approved by the Executive Director.

(d) Individuals that volunteer indirect services and do not meet the requirements for a volunteer providing direct services as defined in OAC 75:25-1-3 shall receive annual training as prescribed by the Executive Director, but do not have a minimum number of training hours required.

(e) Documentation of training must include the topic of the training, the name of the trainer(s), the date of the training, the length of the training session, the sponsor of the training, and approval of the training by the Executive Director of the agency.

~~(f) A Certified Domestic and Sexual Violence Response Professional in good standing with the Oklahoma Coalition Against Domestic Violence and Sexual Assault (OCADVSA) shall be deemed to be current with annual training requirements upon completion of required annual training set forth in subsection (a) above. A copy of the current certification card issued by the OCADVSA shall be evidence of good standing.~~

(~~g~~f) Compliance with 75:25-5-20 shall be determined by a review of policy and procedures; review of training records and other provided documentation of personnel training; and a review of personnel or volunteer records.

75:25-5-21. Personnel training, batterers intervention services

(a) Personnel facilitating batterers intervention groups shall minimally have a graduate degree in a behavioral health or criminal justice related field and one-year related work experience, have a Bachelors degree in a behavioral health or criminal justice related field and two years related work experience, or have been employed as a facilitator in a certified batterers intervention program prior to July 1, 2008.

(b) A certified batterers intervention program shall contract with or employ a qualified licensed professional as defined in 75:25-1-3 under "Counseling" for purposes of providing case and programmatic consultation to personnel facilitating batterers intervention groups and for conducting individual client evaluations before and after attendance of the program.

(c) Prior to providing any direct services, personnel facilitating batterers intervention services shall observe a minimum of 12 batterers intervention group sessions from an OAG certified program, ~~in addition to training requirements.~~ and must complete 16 hours training that includes, but is not limited to:

(1) Causes and dynamics of domestic violence;

(2) Identification of cultural and social influences that contribute to violence;

(3) Identification of coercive behavior and the development of cooperative skills;

(4) Coercive sexual behavior;

(5) Impact of domestic violence on children and the dynamics of the batterer as a parent;

(6) Lethality indicators and assessment procedures such as: perceived loss of control over the victim through separation, divorce, victim fleeing, extreme jealousy, escalation of abuse, acts of abuse, suicide/homicide threats, plan to carry out either of above, use of, or threat to use weapon (especially a gun), strangulation, stalking, history of mental health problems, substance abuse, history of sexual abuse of victim or children and kidnapping of partner;

(7) The effects of alcohol and drug use/abuse and domestic violence;

(8) Exploring myths and beliefs about domestic violence, including myths about provocation;

(9) Impact of domestic violence on victims;

(10) Batterers who re-offend;

(11) Group dynamics and group structure;

(12) Planning for non-violence and victim and dependent safety, and

(13) Defining and identifying dominant aggressors.

~~Additionally, the Executive Director shall certify the proficiency of any personnel facilitating batterers intervention in each of the curriculum topics and in group facilitation.~~

(d) Personnel who provide batterers intervention service may not provide services for the victim that may result in a conflict of interest.

(e) Compliance with 75:25-3-~~12~~ 21 shall be determined by:

(1) Review of program's policy and procedures.

(2) Review of program's training records and other provided documentation of staff training.

(3) Review of personnel records.

[OAR Docket #11-831; filed 6-2-11]

TITLE 75. ATTORNEY GENERAL CHAPTER 30. STANDARDS AND CRITERIA FOR ADULT VICTIMS OF SEX TRAFFICKING PROGRAMS

[OAR Docket #11-832]

RULEMAKING ACTION:
PERMANENT final adoption
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This chapter sets forth the rules, including standards and criteria, used in certifying sexual assault programs and shelters for adult victims/survivors of sexual violence as a result of human trafficking pursuant to 74 O.S. § 18p-6. Although similarities exist between services provided to victims of domestic or sexual violence and victims of sex trafficking, there are also important differences between the two groups of victims. Victims of trafficking are often eligible for special benefits including housing, legal assistance and refugee services that differ from the types of services that are available to domestic violence or sexual violence victims. These standards serve as guidance in understanding, providing and advocating for the needs of victims of sex trafficking. The rules regarding factors relating to the process to determine status as a certified program including applications, fees, requirements and administrative sanctions, are found in 75 OAC 1.
CONTACT PERSON:
Susan Damron Krug(405) 522-0042

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

75:30-1-1. Purpose

This chapter sets forth the rules, including standards and criteria, used in certifying sexual assault programs and shelters for adult victims/survivors of sexual violence as a result of human trafficking pursuant to 74 O.S. § 18p-6. Sex trafficking occurs when a person uses force, fraud, or coercion to get a victim to perform sexual acts for commercial reasons. The victim is recruited, transferred, harbored, obtained or moved by a person. The person uses force, fraud, coercion, abduction, threat, deception or the abuse of power to gain control over the victim. The victim is exploited for forced labor, involuntary servitude, slavery, and/or debt bondage of commercial sex acts. Under federal law, the use of minors for commercial sexual activity is always considered to be a severe form of trafficking, even if there is no force, fraud or coercion. Minors are intended to be served under a different program, the Unaccompanied Refugee Minor (URM) program. However, minors may still need immediate medical care, housing, food and clothing until they can be transferred. Although similarities exist between services provided to victims of domestic or sexual violence and victims of sex trafficking, there are also important differences between the two groups of victims. Victims of trafficking are often eligible for special benefits including housing, legal assistance and refugee services that differ from the types of services that are available to domestic violence or sexual violence victims. These standards serve as guidance in understanding, providing and advocating for the needs of victims of sex trafficking. The rules regarding factors relating to the process to determine status as a certified program including, but not necessarily limited to, applications, fees, requirements for and administrative sanctions, are found in OAC Title 75, Chapter 1.

75:30-1-1.1. Mission and underlying philosophy

(a) The mission of the standards and criteria for programs serving adult victims of sexual assault is to eliminate sex trafficking in the State of Oklahoma.

(b) The philosophy underlying the standards and criteria for domestic violence, sexual assault, and batterers intervention programs, including programs that serve victims of sex trafficking and stalking, is that:

(1) All persons have the right to live without fear, abuse, oppression and violence;

(2) There should be equality in relationships, and survivors of domestic violence, sexual assault and stalking should be helped to assume power over their own lives;

(3) No one deserves to be victimized by assaultive or abusive behavior;

(4) Survivors should be treated with dignity and respect;

(5) All people involved in violent crimes are affected, including victims, children, families, partners, friends, the community, and perpetrators;

(6) Offending is a choice, and perpetrators of domestic violence, sexual assault, sex trafficking and stalking are solely responsible for their behavior;

(7) These perpetrators must be held accountable for their behavior;

(8) A coordinated community response is the best approach to eliminating domestic violence, sexual assault, sex trafficking and stalking in Oklahoma, and

(9) Safety for the victims/survivors and their dependants is the primary focus of intervention and services.

75:30-1-2. Definitions

The following words or terms, when used in this chapter, shall have the defined meaning, unless the context clearly indicates otherwise:

"Admission" means to accept a client for services or treatment.

"Advocacy" means the assistance provided which supports, supplements, intervenes and/or links the client and their dependents with the appropriate service components to encourage self-reliance and provide information that will enable independence. This can be viewed as a combination of active listening and facilitating personal problem solving along with researching options of action, safety planning, community outreach and education and include medical, dental, financial, employment, legal and housing assistance.

"Advocate" means a person, providing support to ensure clients receive appropriate services.

"Assessment" means an appropriate course of assistance based on a face-to-face formal screening.

"Behavioral Health Professional" means either licensed or under supervision for licensure as a Licensed Professional

Counselor, Licensed Marriage and Family Therapist, Licensed Behavioral Practitioner, Licensed Clinical Social Worker, psychiatrist or psychologist with clients in individual, group or family settings to promote positive emotional or behavioral change. A practicum student or intern in an accredited graduate program in preparation for one of the above licenses may provide counseling to victims of domestic violence, sexual assault, sex trafficking or stalking and their dependents.

"Business day" shall mean a calendar day other than a Saturday, Sunday, or state holiday. In computing any period of time where the last day would fall on a Saturday, Sunday, or state holiday, the period shall run until 5:00 o'clock p.m. of the next business day.

"Case consultation" means review of a client's case by the primary service provider and other program personnel, consultants or both.

"Case management" means a professional practice in which the service recipient is a partner, to the greatest extent possible, in assessing needs, defining desired outcomes, obtaining services, treatments, and supports, and in preventing and managing crisis. Case management is a central service that includes: explanation of social services, service system advocacy, basic case coordination, assessments, and service plan development. It may also include transportation, translation, emotional support and counseling depending upon the training and resources of the case manager.

"Case manager" means someone with experience serving victims of crime, trafficking victims, refugees, immigrants, crime victims or other related populations. Ideally, they will have received specific training to serve trafficking victims. The Case Manager will ensure that victims receive the services they need and coordinate to transition them to as needed.

"Certification" means a process that the Department of Health and Human Services, Office of Refugee Resettlement (HHS or ORR) uses to officially say that a person is a victim of a severe form of trafficking. Advocates assisting victims of trafficking can assist in the certification process by informing victims of their rights generally, and working with law enforcement and attorneys to ensure that they understand and advocate for the victim's individual needs once certified.

"Certified adult victims of sex trafficking program" means a status which is granted to an entity by the Oklahoma Attorney General, and indicates approval to provide services pursuant to 74 O.S. § 18p-6. In accordance with the Administrative Procedures Act, 75 O.S. § 250.3(8), certification is defined as a "license."

"Client" means an adult individual who has applied for, is receiving or has received assistance or services of a certified sexual assault program for adult victims of sex trafficking.

"Client record" includes, but is not limited to, all communication, records and information on an individual client.

"Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display.

"Community" means the people, groups, agencies or other facilities within the locality served by the program.

"Contract" means a formal document adopted by the governing authority of the program and any other organization, agency, or individual that specifies services, personnel or space to be provided to the program and the monies to be expended in exchange.

"Counseling" means face-to-face therapeutic session with one-on-one interaction between a licensed behavioral health professional and an individual to promote emotional and/or behavioral change focused on victim safety and perpetrator accountability. Those individuals providing professional therapy to adult victims of human trafficking as a result of sexual violence understand that victims of trafficking may exhibit depression, post-traumatic stress disorder, memory problems, fear, suspicion, rape trauma syndrome and physical distress as a result of the psychological stress, such as headaches, stomachaches, chest pain and numbing of parts of the body. Interviews requiring them to recount their experiences can trigger these behaviors. Initially, many victims may be more comfortable with less formal, supportive counseling or "conversations" (not counseling) geared toward immediate problem solving, adjusting to life at the center and coping with loneliness and isolation from their communities.

"Crisis intervention" means services based upon a problem-solving model to provide information and referrals that assist an individual domestic violence, sexual assault or stalking victim/survivor in crisis. Crisis intervention services include but are not limited to assessing dangerousness, safety planning, information about available legal remedies, establishing rapport and communication, identifying major problems, exploring feelings and providing support, exploring possible alternatives, and/or formulating an action plan and follow-up measures.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of the facility, or the routine care of a client. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to clients, personnel, volunteers and visitors; incidents involving medication; neglect or abuse of a client; fire; unauthorized disclosure of information; damage to or theft of property belonging to a client or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Cultural" means the unique needs, worth, thoughts, communications, actions, customs, beliefs and values that reflect an individual's racial, ethnic, religious, sexual orientation and/or social group.

"Direct services" means services delivered by a qualified staff member or volunteer, in direct contact with a client including telephone or other electronic contact.

"Director" means the person hired by the governing authority to direct all the activities of the organization.

"Documentation" means the provision of written, dated and authenticated evidence to substantiate compliance with standards, e.g., minutes of meetings, memoranda, schedules, notices, logs, records, policies, procedures, announcements, correspondence, services, and photographs.

"Education" means the dissemination of relevant information specifically focused on increasing the awareness of the community and the receptivity and sensitivity of human trafficking problems and services and may include a systematic presentation of selected information to impart knowledge or instructions, to increase understanding of specific issues or programs, to examine attitude or behaviors and stimulate social action or community support of the program and its clients.

"Emergency services" or **"crisis services"** means a twenty-four (24) hour capability for danger assessment, intervention and resolution of a client crisis or emergency that is provided in response to unanticipated, unscheduled emergencies requiring prompt intervention.

"Emergency transportation" means transportation for a victim of sex trafficking to a secured identified location at which emergency services or crisis services can be provided.

"Executive director" means the person in charge of a facility as defined in this section.

"Facility" means the physical location(s) of a certified program governed by this chapter of Title 75.

"Family" means the children, spouse, parents, brothers, sisters, other relatives, foster parents, guardians and others who perform the roles and functions of family members in the lives of clients.

"Governing authority" means a group of persons having the legal authority, and final responsibility for the operations and functions of the entire certified adult victims of sex trafficking program, or shelter, in and of all geographical locations and administrative divisions.

"Guardian" means an individual who has been given the legal authority for managing the affairs of another individual.

"Human trafficking" or **"Victims of trafficking"** means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor.

"Indirect services" means services delivered by a staff member or volunteer, that does not involve direct services with a client.

"Initial contact" means a person's first contact with the program or facility requesting information or service by telephone or in person.

"Intake" means an interaction intended to discover what has happened, determine what the crisis is, assess dangerousness indicators, do safety planning, and/or establish the immediate needs of adult victims of sex trafficking to determine appropriate services and referrals. Includes interaction with an individual determined to be appropriate for ongoing service in order to obtain basic demographic information, gather vital information on the client, orient the victim/survivor to the program, program rules, and, if applicable, the facilities . Cultural needs should also be identified at this time.

"Licensure" means the official or legal permission to persons or health facilities meeting qualifications to engage in a given occupation or use a particular title.

"Medical care" means those diagnostic and treatment services which can only be provided or supervised by a licensed physician.

"Medication" means any prescription or over-the-counter drug, that is taken as prescribed or directed.

"Mental health services" means a range of diagnostic, therapeutic, and rehabilitative services used in treating mental illness or emotional disorders, including substance abuse.

"Neglect" means failing to provide adequate personal care or maintenance, or access to medical care which results or may result in physical or mental injury or harm to a client.

"OAG" means the Office of the Oklahoma Attorney General.

"Objectives" means a specific statement of planned accomplishments or results which are quantitative, qualitative, time-limited and realistic.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Operation" means that clients are receiving services provided by the program.

"Personnel record" means a file containing the employment history and actions relevant to individual personnel and volunteer activities within an organization such as application, evaluation, salary data, job description, citations, credentials, etc.

"Persons with special needs" means persons with a condition which is considered a disability or impairment under the "American with Disabilities Act of 1990" including, but not limited to the deaf and hard of hearing, blind, physically disabled, developmentally disabled, persons with disabling illness, persons with mental illness. See "Americans with Disabilities Handbook," published by U.S. Equal Employment Opportunity Commission and U.S. Department of Justice.

"Policies" means statements of program intent, strategy, principle, or rules for providing effective and ethical services.

"Procedures" means the standard methods by which policies are implemented.

"Program" means a set of activities designed and structured to achieve specific objectives relative to the needs of the clients.

"Program evaluation" means the documented assessment activities, performed internally or externally, of a program or a service and its staff, activities and planning process to determine whether program goals are met, staff and activities are effective, and what effect, if any a program or service has on the problem which it was created to address or on the population which it was created to serve.

"Program goals" means broad general statements of purpose or intent.

"Qualified staff" means someone who has met the criteria for provision of direct services as defined in 75:30-6-20.

"Release" or **"Waiver"** means consent that is informed, written and reasonably time-limited. The terms may be used interchangeably to mean the same thing.'Release' implies that confidential information is released (despite confidentiality or privilege protection), and 'Waiver'implies waiving the right (to maintain privilege). If release of information is compelled by

statutory or court mandate, the program shall make reasonable attempts to provide notice to victims affected by the disclosure of information and take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

"Referral" means information disseminated and/or coordinated access to agency and community services to meet victim/survivor's and their dependents identified needs.

"Safe Home" means private dwellings available for the temporary housing of adult victims of sex trafficking to ensure safety of victims until other housing arrangements can be made.

"Safe Home Provider" means an individual or family providing Safe Home services through a formal agreement with a certified human trafficking program.

"Safety Planning" means the process of working with the victim/survivor to develop tools in advance of potential abuse or violence for the immediate and long term safety of the victim/survivor. The plans should be based on the individual's dangerousness indicators and should include the safety needs of dependents. Trafficked persons face danger from organized crime, and the levels of danger depend on a host of factors including how much a victim's testimony can harm the perpetrators and how violent and extensive a trafficking organization may be. Additional risks may include isolation due to inability to speak English and distrust of law enforcement and the criminal justice system and unfamiliarity with ways to seek help and safety.

"Screening" means the process of determining, preliminarily the nature and extent of a person's problem in order to establish the service needs of an individual. At a minimum, a screening shall include a brief personal history related to abuse, a review of the individual's strengths and resources, risk factors and referral needs.

"Service agreement" means a written agreement between two or more service agencies or service agencies and individual service providers defining the roles and responsibilities of each party. The purpose of service agreements is to promote coordination and integration of service programs for the purpose of curbing fragmentation and unnecessary service duplication in order to assure a continuation of services.

"Service note" means the documentation of the time, date, location and description of services provided, and signature, including electronic signature of staff or volunteer providing the services.

"Service plan" means a plan of action developed and agreed upon by the client and service provider that contains service appropriate goals and objectives for the client.

"Sexual assault services" means personal advocacy and support services provided to adult victims of sex trafficking in settings such as law enforcement, medical settings or program offices.

"Sex trafficking" also known as **"Human Trafficking for Commercial Sex"** means recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act, or benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex;

"Shelter" means a residential living arrangement in a secure setting with support and advocacy services provided by qualified staff, for adult victims of sexual assault as a result of human trafficking.

"Staff" means personnel that function with a defined role within the program whether full-time, part-time or contracted.

"Support" or **"Supportive Services"** means services provided to victims of domestic violence/sexual assault and/or their families which augment or complement a defined service plan.

"Universal precautions for transmission of infectious diseases" means those guidelines promulgated by the U.S. Occupational Health and Safety Administration which are designed to prevent the transmission of Human Immunodeficiency Virus, hepatitis and other infectious diseases.

"Update" means a dated and signed review of a report, plan or program with or without revision.

"Victim recovery services" mean a face-to-face service, provided one on one by qualified staff to groups or individuals to maintain or develop skills necessary to perform activities of daily living and successful integration into community life. This service includes educational and supportive services regarding independent living, self care, social skills, development and lifestyle changes.

"Volunteer" means any person who is not on the program's payroll, but provides either indirect or direct services and fulfills a defined role within the program and includes interns and practicum students.

75:30-1-3. Meaning of verbs in rules

The attention of the facility is drawn to the distinction between the use of the words "shall," "should," and "may" in this chapter:

(1) **"Shall"** is the term used to indicate a mandatory statement, the only acceptable method under the present standards.

(2) **"Should"** is the term used to reflect the most preferable procedure, yet allowing for the use of effective alternatives.

(3) **"May"** is the term used to reflect an acceptable method that is recognized but not necessarily preferred.

75:30-1-4. Annual review of standards and criteria

This chapter shall be reviewed annually by the Office of the Attorney General.

SUBCHAPTER 3. SEXUAL ASSAULT PROGRAMS FOR ADULT VICTIMS/SURVIVORS OF SEXUAL VIOLENCE AS A RESULT OF HUMAN TRAFFICKING

75:30-3-1. Service programs

(a) Programs serving victims of sexual violence as a result of human trafficking and their dependents or family members

should consider special service needs when developing a plan to offer services. Victims of human trafficking may exhibit depression, post-traumatic stress disorder, memory problems, fear, suspicion, rape trauma syndrome and physical distress as a result of the psychological stress, such as headaches, stomachaches, chest pain, and numbing of parts of the body. These symptoms may be exhibited at different times and in varying degrees. Interviews requiring victims to recount their experiences can trigger these symptoms. Symptoms of trauma may include avoidance of activities, places, people, thoughts and conversations that arouse recollections. Initially, many victims may be more comfortable with less formal, supportive counseling or "conversations" geared toward immediate problem solving, adjusting to life at the shelter and coping with loneliness and isolation from their communities.

(b) The program shall have policy and protocols for accepting victims of sex trafficking and develop procedures to maintain facilities, staffing, and operational methods, including a policy on the recruitment of board members, staff and volunteers who are representative of the diversity in the local community and the diversity of their clients.

(c) All certified programs shall ensure shelter is provided and be able to respond to special needs which may include:

(1) Length of stay: Shelter and housing may be needed for much longer lengths of time than is typical for non-trafficked victims.

(2) Safety planning: Safety planning should be designed to meet individual, unique needs. Safety planning can be complex due to danger created by an extensive trafficking organization. Perpetrators often threaten the trafficked person's family in the country of origin as well, and such threats impact decisions made by a trafficked person.

(3) Mental health/trauma: Victims of human trafficking have issues that are more akin to victims of torture. They may not want to receive mental health services immediately, and it is important that they not be pushed into receiving them. Cultural issues may also come into play and there may be greater stigmas to receiving these services.

(4) Participation in activities: Trafficking victims may never have assimilated into the local community or U.S. culture. Such lack of assimilation, in addition to language barriers and lack of family or community support may make it difficult to meet shelter requirements such as communal meals, support groups and roommates of different ethnic, cultural or religious backgrounds.

(5) Unique interpretation needs: accessing an interpreter for particular dialects within a spoken language and obtaining translations of written consent forms and other documents may be necessary.

(6) Intensive Case Management: Trafficking victims often need intensive case management and advocacy for long periods of time to assist them with immigration issues, federal prosecution of the perpetrator, accessing special benefits and other areas.

(7) Labor exploitation: A victim of human trafficking may feel that she has to babysit for free, cook meals or do more than her fair share of the chores. Programs should be aware of this dynamic and ensure that staff and other residents do not unwittingly allow this dynamic to occur.

(8) Cooperation with law enforcement: Programs should ensure victims are educated about the value of participating in the legal prosecution of offenders and that an appropriate release or waiver may be necessary. Programs may have to educate law enforcement about certain policies, confidentiality and privilege laws, victim issues, including safety concerns, and whether or not law enforcement may enter the shelter. Programs shall also inform law enforcement that victims cannot be restricted from leaving the shelter. When necessary, programs should offer alternate, secure locations for interviews. It should also be decided whether or not the advocate may be present during interviews and court hearings.

(9) Criminal culpability of victims of trafficking: Victims of trafficking may themselves be charged with federal or state crimes. Shelters should develop relationships with qualified criminal defense lawyers, including the federal and state public defender offices that can assist them.

(10) Establishing networks with additional service providers: Because of the unique needs of trafficking victims, shelters may have to identify and establish relationships with service providers such as those who do refugee settlement, with whom they have no previous relationship, and assess the providers as potential referral sources.

(d) All certified programs shall provide services including, but not limited to:

(1) Twenty-four (24) hour crisis telephone services staffed by trained staff or volunteers, 24-hour immediate, direct access to crisis advocates. Pagers, answering machines or answering services that do not provide immediate access to a crisis advocate shall not be sufficient to meet this requirement.

(2) Emergency screenings for immediate needs including safety, flight risk, medical, mental health, substance abuse, and status including eligibility for other services and HHS or ORR certification.

(3) Emergency housing such as hotel or motel available for victim and any dependent(s).

(4) Arrangement for safe shelter, food, clothing, and incidentals needed by victim and any dependent(s)as soon as practicable.

(5) Be provided protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a perpetrator, including: taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals and ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

(6) The program shall provide transportation or access to transportation for necessary or emergency services. This shall not require service providers to be placed in a situation that could result in injury.

(7) Assignment or referral to Case Manager.

(8) Provision of advocacy and referral to assist the victims in obtaining needed services or resources.

(9) Follow-up services shall be offered to all victims if victim safety is not compromised.

(10) Crisis intervention or support services, case management or referral for case management, advocacy, and victim recovery services. These programs shall minimally either directly provide or make provision for the following services:

(11) Life and job skills training.

(12) Establishment of contact with families of victims if appropriate and desired by the client.

(13) Advocacy services, both in person and by telephone or other electronic means, either in the locations of other community services and systems, or in the program's offices and assist with obtaining certification and public benefits.

(14) A resource document of local, area, or state resources to facilitate referrals for clients for longer term counseling and housing and legal services, particularly immediate legal assistance from an attorney.

(15) The agency shall maintain an updated list of identified behavioral health professionals in their community who treat clients with trauma related to sex trafficking victims who need additional mental health or substance abuse services.

(16) Provide access to legal assistance, information about their rights and translation services as necessary.

(f) All certified programs shall maintain an atmosphere and provide services that are free from all forms of unlawful discrimination based on race, color, gender, sexual orientation, age, disabilities, (i.e., physical, mental illness and substance abuse) economic or educational status, religion and national origin, including a policy that services to immigrant women will not be denied or diminished on the basis of immigration status.

(g) All certified programs are required to conduct a name search of employees at least annually against the registries maintained pursuant to the Oklahoma Sex Offenders Registration Act and the Mary Rippy Violent Crime Offenders Registration Act while such person is working with or serving children. All persons working with or providing services to children shall be required to sign a statement declaring that he or she is not currently required to register under the provisions of the Oklahoma Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act. Compliance with the signed statement shall be mandatory for all persons working with or providing services to children, and there shall be no liability or obligation placed upon any person or business to ascertain the truthfulness of the affidavit.

(h) Compliance with 75:30-2-1 shall be determined by a review of the program's policy and procedures, service agreements, on site observation, client and staff interviews and/or other supporting documentation.

75:30-3-2. Shelter

(a) All shelters shall comply with section 75:30-2-1 and each shelter program shall provide long-term shelter services and staffing to provide services twenty-four (24) hours per day, seven (7) days per week and provide the following services:

(1) A group living program providing room, board, bathing and laundry facilities, necessary clothing and toiletries for victims.

(2) Shelters shall be staffed at all times when clients are in residence. When there are no clients in residence, each shelter program must assure availability for immediate contact or services.

(3) Shelter programs shall provide screening, referral and linkage to clients and callers to appropriate community resources, to include assistance in making initial contact.

(4) Each shelter program must ensure to the best of their ability the safety, security, and confidentiality of clients and the location of the shelter.

(5) The shelter shall maintain involuntary discharge criteria.

(b) Compliance with 75:30-2-2 shall be determined by a review of policy and procedures, service agreements, on site observation, and/or other supporting documentation.

75:30-3-3. Safe Home for adult victims of sex trafficking

(a) All Safe Home programs shall comply with section 75:30-2-1 and the following:

(1) The program shall provide confidential housing 24 hours a day, 365 days a year.

(2) Certified programs for victims of sexual violence as a result of human trafficking that have a formal agreement for a Safe Home shall:

(A) assure that each Safe Home provides residents with access to minimum necessities including bedding, clothing, articles for grooming and personal hygiene, and food;

(B) develop and disseminate to Safe Home providers and residents written rules, policies and procedures that include admission and exit criteria including security measures;

(C) have written procedures for monitoring Safe Homes to ensure that the homes meet standards for cleanliness and safety;

(D) provide orientation to all clients and require they sign a contract acknowledging they have read and understand the rules of their stay;

(E) assign an advocate or liaison for clients. This person, or a crisis line staff, shall be available for emergencies and support at all times; and

(F) provide at least one, 30-minute face-to-face service contact per week with each Safe Home resident.

(b) The program shall establish criteria to screen potential Safe Home providers. Screening will include an application with references, an interview, and a site visit. Each Safe Home will be reassessed annually.

(c) All Safe Homes must be supervised by the certified program who will conduct on-site observations at least monthly when clients are in residence.

(d) The certified program shall have a written agreement with each Safe Home provider that outlines specific responsibilities of both the program and the provider to include expectations and limitations (e.g., no babysitting or individual advocacy) and compliance with confidentiality. The agreement shall clearly state that the program will not be held liable for damage incurred by the Safe Home provider. Both parties will sign the agreement.
(e) Compliance with 75:30-2-3 shall be determined by a review of program policy and procedures, client records, on site observation, written agreements, and/or other program documentation.

SUBCHAPTER 5. CLIENT RECORDS AND CONFIDENTIALITY

75:30-5-1. Purpose

The purpose of this subchapter is to set forth the standards and criteria governing client records and confidentiality of client information, including client records, for victims of sex trafficking.

75:30-5-2. Client records

(a) A certified program shall have and maintain a master client index system containing the client's name, and the program's discreet numerical or letter identifier. No identifying information such as initials, age, year of birth or gender shall be part of the client id. That same discreet identifier shall be the client ID that is entered into an OAG approved data base without further encryption.
(b) A certified program shall have written policy and procedures for correcting errors on record material by lining through, initialing the error, and inserting the correct material either above the error or at the end of the entry. Further, the policy and procedures shall forbid the use of "white-out" or any action which obliterates the error.
(c) Compliance with 75:30-3-2 shall be determined by on-site observation, client records and any other supporting program documentation.

75:30-5-3. Record content - general

(a) Client records for both residential and non-residential clients shall contain, at a minimum, the following information:
(1) Intake and screening information:
(A) Client's name;
(B) Date of initial contact/intake;
(C) Pertinent medical information, including substance abuse;
(D) Emergency contact information, if applicable, and
(E) History/nature of abuse including dangerousness assessment and safety planning, flight risk, screening for medical, mental health and substance abuse, status including eligibility for other services and HHS or ORR certification.
(2) Service notes, which shall minimally include:
(A) The date, location, start time, duration and description of services provided delineated by time spent and service code, if applicable, or documentation of referral to other services or case management;
(B) The signature of staff providing the services or referral, and
(3) Service plan focusing on victim safety and, well-being which shall minimally include:
(A) Goals and objectives of the client, which shall be developed and agreed upon between the client and staff, and
(B) Service plans and their updates shall be signed and dated by the client and staff.
(4) Exit information, which shall minimally include:
(A) Documentation that the client participated in planning for his or her exit from the program;
(B) The reasons for the client's exit or departure, and
(C) Client and staff dated signatures or an explanation if staff were unable to obtain the client's signature.
(b) Each client record entry shall be legible, dated, and signed by the staff member making the entry.
(c) Compliance with 75:30-3-3 shall be determined by a review of program policy and procedures; review of the client records for content, and/or other supporting program documentation.

75:30-5-3.1. Record content - service specific

(a) Client records for specific services shall conform to the following:
(1) Shelter Services:
(A) On a client's entry to the shelter, staff shall record the client's name, emergency contact person(s), if applicable, and any referral for medical or emergency services. This information may be a part of the full intake interview if the full intake is done on entering the shelter. An evidence-based, dangerousness assessment and safety planning shall also be done at this time.
(B) Shelter clients shall have the full intake interview and screening completed within forty-eight (48) hours of entry into the shelter.
(C) Service plans shall be completed within five (5) business days of the shelter client's entry to the shelter.
(D) The service plan shall be reviewed and updated at least every two (2) weeks.
(E) The service plan shall include safety issues for the client.
(F) A daily note.
(2) Crisis Intervention Services:
(A) All face-to-face contacts with active clients are documented and contacts with persons not receiving additional services shall be documented. Documentation shall minimally include the following:
(i) Staff/Volunteer Name and signature;
(ii) Date, time, length, and location of intervention;

(iii) Client's name, age, race, county of residence, and contact number if given.

(iv) Protective order information, if applicable;

(v) Personnel involved such as police, hospital, etc.;

(vi) Summary of contact including visible injuries, treatment and services requested;

(vii) Outcome;

(B) All telephone contacts shall be documented. Documentation shall minimally include the following:

(i) Staff/Volunteer name;

(ii) Date, time and length of call;

(iii) Caller's name and contact number, if given; However, no caller shall be required to give a name, phone number or any other identifying information as a condition to receive information or domestic violence, sexual assault or stalking services;

(iv) Summary of the call including services needed;

(v) Outcome, and

(vi) Follow-up services offered if victim safety is not compromised.

(C) Contact information is kept by the crisis intervention program.

(D) Clients to be transported to shelter facilities shall be screened before the shelter referral is made. If the client is in immediate danger, or no safe housing is available, this screening may be initially waived. If the screening is waived, documentation shall reflect the reason(s) and the notification of such to the shelter.

(3) Counseling, Support and Advocacy Services:

(A) An assessment of the client's needs shall be completed by the third (3rd) counseling or advocacy session.

(B) A service plan shall be completed by the fifth (5th) advocacy or counseling session.

(C) A service plan review and update shall be completed at least every six (6) months.

(4) Sexual Assault Services:

(A) For victims who continue in support or counseling sessions, a service plan shall be developed by the fifth (5th) visit.

(B) Service plans shall be reviewed and updated at least every ninety (90) days.

(5) Safe Home Services:

(A) A service plan that includes goals agreed upon by the client and sponsoring family shall be developed within five (5) business days of the client moving in. On a client's entry to the Safe Home, the Safe Home provider shall record the client's name, emergency contact information, and pertinent medical information.

(B) Safe Home clients shall receive a full intake interview and screening by program staff within twenty-four (24) hours of admission or by the first business day following admission.

(C) A service plan shall be developed within five (5) business days of the client's entry to the Safe Home.

(D) All records regarding the client shall be retained in the client's record at the sponsoring program.

(b) Where required information is not obtained, efforts to comply with the requirements of this subsection shall be documented in the client record.

(c) Compliance with this 75:30-3-3.1 shall be determined by a review of client records, policy and procedures, call logs, and/or other supporting documentation.

75:30-5-4. Client confidentiality

(a) Protecting the confidentiality of trafficking victims is critical to protecting their safety and establishing trust. Case or client records, files or notes, of a certified sexual assault program for adult victims of trafficking program shall be confidential and shall only be released under certain prescribed conditions pursuant to Oklahoma law (74 O.S. § 18p-3).

(b) The program shall have written policy and procedures to ensure confidentiality of client information and identity and shelter location and govern the disclosure of information including verbal disclosure contained in client records. When a client record is established, the program shall discuss the confidentiality requirements and limitations with each client and maintain documentation in the client record that they have reviewed the circumstances under which confidential information may be revealed. Assisting trafficking victims requires the release of confidential information more often, and to more organizations, than when assisting non-trafficked victims. This is particularly true if the victim is seeking certification from HHS or ORR. Staff should always obtain the informed, written consent of the victim when relaying confidential information to any person, including law enforcement, federal prosecutors, state attorneys, victim advocates and social services agencies. The written consent forms must be translated into the victim's native language, state the name of the person or organization receiving the information, and contain an expiration date. The person or agency receiving the information should be asked to complete a form that agrees to keep the information confidential, and should screen all referral sources for any potential conflict prior to release of information.

(c) Compliance with 75:30-3-4 shall be determined by a review of the program's policy and procedures; and on-site observation of the handling and review of client records.

75:30-5-5. Physical safety and integrity of client records

(a) Client records shall be maintained in a locked and secure manner. The program shall have written policies and procedures to safeguard the record and information contained in the record against loss, theft, defacement, tampering, or unauthorized access or use.

(b) Compliance with 75:30-3-5 shall be determined by a review of the program policy and procedures; on-site review of locking mechanisms and procedures to assure security; and on-site observation of the handling of client records.

75:30-5-6. Client record, handling, retention, and disposal

(a) A program shall have written policy and procedures addressing the storage, retention period, and method of disposal of client records. This policy and procedures shall be compatible with protecting clients' rights against unauthorized confidential information disclosures.

(b) Client records shall be easily retrieved by staff as needed for providing and documenting services.

(c) Compliance with 75:30-3-6 shall be determined by a review of the program's policy and procedures, and a review of office and files.

SUBCHAPTER 7. PHYSICAL ENVIRONMENTS

75:30-7-1. Physical plant, primary role

(a) The primary role of programs is to provide safety; and to protect the confidentiality and privacy of victims of sexual violence as a result of human trafficking. The physical plants of programs shall not be utilized in any manner which fails to guarantee the confidentiality, safety, and protection of the victims, their dependents and staff.

(b) Facilities that serve both victims of sexual violence as a result of human trafficking as well as domestic victims of domestic violence, sexual assault, stalking and/or batterers in the same facility shall have written procedures to ensure that its services do not jeopardize the safety and psychological well being of sex trafficking victims.

(c) Programs shall obtain written permission from the Office of the Attorney General Victims Services Unit before using any shelter or housing option, for purposes other than housing for victims of sex trafficking.

(d) Compliance with 75:30-4-1 shall be determined by a review of program policies and procedures and a tour of the facility.

75:30-7-2. Fire and safety codes and inspections

(a) The physical environments of shelter facilities, housing options and all office space shall meet safety, zoning, and building code regulations required by local, state, and federal authorities; and shall obtain and maintain an annual fire and safety inspection from local or state authorities.

(b) Compliance with 75:30-4-2 shall be determined by a review of the annual fire and safety inspection report.

75:30-7-3. Fire fighting and first aid equipment

(a) All facilities shall have a first aid supply kit and annually maintained fire extinguishers.

(b) Compliance with 75:30-4-3 shall be determined by on-site observation and by interviewing staff.

75:30-7-4. Disaster procedures

(a) There shall be written procedures describing the emergency plans in case of a disaster, whether internal or external, or in case of threat to the safety of any client or staff person. Evacuation routes, inside sheltering sites, and fire extinguisher locations shall be posted.

(b) Fire, tornado, bomb threat and intruder drills shall be conducted annually. The date, time, and type of the drill shall be documented.

(c) Compliance with 75:30-4-4 shall be determined by on-site observation, a review of written procedures, staff interviews, and documentation of drills.

75:30-7-5. Persons with special needs

(a) Pursuant to the Americans with Disabilities Act of 1990, the program shall ensure that persons with disabilities are not excluded from services. Programs are required to integrate a person with a disability into agency services, unless providing separate services is the only way to provide equal opportunities for services. Referrals must be provided when necessary, and the program shall have written procedures for referrals of disabled persons who can not be served on-site. Service and companion animals should be allowed in facilities unless the animal poses a direct threat to the health/safety of others. Auxiliary aids/services should be provided as necessary to ensure effective communication unless doing so would cause an undue burden (i.e., significant difficulty or expense) or fundamental alteration in services. Alterations to existing buildings must be accessible to the maximum extent feasible. All newly constructed facilities must be accessible to persons with disabilities unless it is structurally impractical. (Americans with Disabilities Act of 1990) Resource: Americans with Disabilities Handbook, published by (U.S.) Equal Employment Opportunities Commission, and the (U.S.) Department of Justice.

(b) Compliance with 75:30-4-5 shall be determined by a review of program policy and procedures.

75:30-7-6. Program environment

(a) The program environment shall meet the following conditions:

(1) The facility shall be accessible by an all-weather road.

(2) The facility shall have adequate space in which to carry out the program's goals and objectives, including outdoor areas and equipment when appropriate.

(3) The facility shall have heating and air conditioning equipment adequate to maintain the temperature in areas utilized by clients at between 65°F and 85°F.

(4) The facility shall have adequate ventilation and air circulation provided in the facility to assure an environment that will be comfortable for the clients.

(5) The facility shall have water from an approved tested potable source.

(6) The facility shall have, at minimum, a commode and, lavatory facility. The privacy of individuals shall be assured while using these facilities.

(7) All doors, including those for each closet, bedroom, bathroom, and office, shall be easily opened from both sides.
(8) Smoking shall not be allowed in any indoor portion of any facility.
(9) Facility sanitation shall be maintained to prevent offensive odors and insect infestation.
(10) All facilities shall have emergency back up lighting.
(11) Telephones shall be provided for the convenience of the staff, and the necessary accommodation of the clients. Pay telephones only are not acceptable.
(12) There shall be written policy and procedures addressing the use of any outdoor recreational space.
(13) Toxic materials and dangerous substances, such as toxic cleaners, insecticides, and matches shall be stored in a non-client area, locked space.
(14) Combustible materials shall be stored in locked non-flammable containers.
(15) The Poison Control Center's toll-free telephone number shall be posted and visible to staff and clients at all times.

(b) Compliance with 75:30-4-6 shall be determined by a review of program policy and procedures, staff and client interviews, and on-site observation.

75:30-7-7. Program environment, shelter

(a) All certified shelters shall comply with section 75:30-4-6 and the following:
(1) The facility shall have access to outdoor recreational space. The grounds and access thereto shall be maintained in a manner that shall ensure the area is free of any hazard to health or safety.
(2) Kitchens used for meal preparation in the residential facility shall be provided with the necessary equipment for the preparation, storage, serving, and clean-up of all meals. All equipment shall be maintained in working order.
(3) Provisions shall be made to assist or make food available for meal preparation that accommodates special diets.
(4) The facility shall have, at minimum, a commode, lavatory, and bathing facility at a ratio of one (1) to twelve (12) residents. The privacy of individuals or families shall be assured while using these facilities.
(5) Residents' rooms shall be so arranged that the client has direct access to a hallway or common area without having to pass through other resident's rooms or areas.
(6) There shall be written policy and procedures for laundry and linens, addressing frequency of changing linens, and laundry arrangements within the facility.
(7) Laundry equipment shall be provided within the residential facility, and shall be kept clean, well-maintained, and properly ventilated.
(8) Reasonable space shall be provided for storage of clients' personal belongings.
(9) Written policy and procedures shall address secure storage of client valuables.
(10) Written policy and procedures shall address the secure handling and storage of client medications, including policy to document client access to medication.
(11) The facility shall be secured by double locks or locking devices such as chains, bolts, etc. on ground floor doors. However, documentation that the locking system meets state and local fire code inspection shall be accepted. When key-locked deadbolts are used, the location of the keys must be identified and readily accessible.
(12) All outdoor openings such as windows shall be covered for privacy.
(13) Provision shall be made for cleaning the facility minimally once per week. A written work schedule or other form of notification shall be posted, which clearly delineates each individual's responsibility for various tasks.

(b) Compliance with 75:30-4-7 shall be determined by a review of program policy and procedures; shelter rules, staff and client interviews where appropriate, and on-site observation.

75:30-7-8. Program environment, Safe Home services program

(a) All Safe Home services programs shall comply with section 75:30-4-6 (a) (1)-(11) and the following:
(1) The facility shall have, at minimum, a commode, lavatory, and bathing facility at a ratio of one (1) for every eight (8) persons. The privacy of individuals or families shall be assured while using these facilities.
(2) Written policy and procedures shall address the secure handling and storage of client medications, including policy to document client access to medication.
(3)The Safe Home shall be secured by double locks or locking devices such as chains, bolts, etc. on ground floor doors which meets state and local fire code inspection. When key-locked deadbolts are used, the location of the keys must be identified and readily accessible.
(4) All outdoor openings such as windows shall be covered for privacy.

(b) Compliance with 75:30-4-8 shall be determined by a review of program policy and procedures, provider and client interviews where appropriate, and on-site observation.

SUBCHAPTER 9. PROGRAM MANAGEMENT AND PERFORMANCE IMPROVEMENT

75:30-9-1. Admission criteria

(a) The agency shall have specific written criteria for each program service component identifying persons for whom the services are intended, and persons who are excluded from receiving services.
(b) The program shall have a written policy requiring referral of any individual who does not meet services criteria.
(c) Compliance with 75:30-9-1 shall be determined by a review of written program policy and procedures.

75:30-9-2. Program management, policy and procedures

(a) The agency shall maintain written policy and procedures which describe each program service component, the rules client's are expected to follow for each component, and staff duties. Policies shall include but are not limited to:

(1) Length of stay limitations, if any.

(2) Participation in housekeeping, food preparation or other activities, if applicable.

(b) Clients shall be given a copy of program rules and the provision of such shall be documented in the client record.

(c) The program shall have a written policy of the intent to comply with the Americans with Disabilities Act of 1990.

(d) Compliance with 75:30-5-2 shall be determined by a review of the program's written policy and procedures; rules; client interviews and record documentation.

75:30-9-3. Program mission and goals

(a) The program shall have a written mission statement, and annually state in writing the program's goals.

(b) The annual program goals shall be approved by the agency's governing body each year, and shall be disseminated to personnel and volunteers.

(c) Compliance with 75:30-5-7 shall be determined by a review of the mission statement, program's annual goals, governing body minutes, staff meeting minutes and any other relevant documentation provided by the program.

75:30-9-4. Annual program evaluation

(a) The agency shall conduct an annual evaluation of the program's services, facilities and policy and procedures. This evaluation shall be carried out according to a written plan established in policy and procedures to include the plan of evaluation, data to be reviewed, and the persons to conduct the evaluation, e.g., governing body members, staff, or other persons. The evaluation shall include an assessment to identify special populations of victims of sexual assault, domestic violence and stalking who are underserved or who have special needs.

(b) Upon completion, this evaluation shall be submitted and reviewed by the governing body, and made available to personnel and volunteers.

(c) Compliance with 75:30-5-8 shall be determined by a review of the program evaluation, policy and procedures, staff meeting minutes and/or any other supporting documentation.

75:30-9-5. Critical incidents

(a) The program shall have policy and procedures requiring documentation and reporting of critical incidents.

(b) Each critical incident shall be recorded and monitored as follows:

(1) agency name and name and signature of the person(s) reporting the critical incident;

(2) Client ID(s), staff member(s), and/or property, involved in the critical incident;

(3) the date, time and physical location of the critical incident, if known, and the name of the staff person the incident was reported to;

(4) a description of the incident;

(5) severity of each injury, if applicable. Severity shall be indicated as follows:

(A) no off-site medical care required or first aid care administered on-site;

(B) medical care by a physician or nurse or follow-up attention required; or

(C) hospitalization or immediate off-site medical attention was required;

(6) resolution or action taken, date action taken and signature of the agency director or authorized designee;

(c) Critical incidents that shall be reported to the Office of the Attorney General are reported as follows:

(1) Critical incidents requiring medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered via fax or mail to the Office of the Attorney General Victims Services Unit within forty-eight (48) hours, or if the incident occurs on a weekend or holiday, the next business day of the incident being documented.

(2) Critical incidents involving disaster at a facility, death or client abuse shall be reported to the Safeline at 1-800-522-7233 immediately via telephone. The notification shall be followed with a written report from the reporting agency within twenty-four (24) hours of the incident and delivered via fax or mail to the Office of the Attorney General Victims Services Unit.

(d) Compliance with 75:30-5-9 shall be determined by a review of policy and procedures, critical incident reports at the program and those submitted to the Office of the Attorney General Victims Services Unit.

SUBCHAPTER 11. PERSONNEL AND VOLUNTEERS

PART 1. PERSONNEL

75:30-11-1. Personnel policies and procedures

(a) The program shall have written policies and procedures governing the conditions of agency employment to include appropriate screening and background inquiries to ensure client safety and confidentiality.

(b) The agency's policy and procedures shall be accessible to all personnel and each shall be informed of personnel policies and procedures, and any other materials regulating or governing the conditions of their employment.

(c) Written policies and procedures shall ensure personnel are informed of any changes to these a fore stated materials.

(d) Compliance with 75:30-6-1 shall be determined by a review of the program's personnel policies and procedures, interviews with staff, review of staff meeting minutes and/or other supporting documentation.

75:30-11-2. Non-discrimination

(a) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with personnel in accordance with applicable state and federal laws.

(b) Compliance with 75:30-6-3 shall be determined by a review of the program's written policy and procedure, and staff interviews.

75:30-11-3. Selection of personnel

(a) The methods for selecting personnel shall be described in policy and procedures and shall include, but not be limited to:

(1) The processes for recruitment, selection and appointment; and

(2) Written criteria demonstrably related to the position being filled.

(b) Compliance with 75:30-6-4 shall be determined by:

(1) A review of the policies and procedures.

(2) A review of job descriptions for personnel.

(3) A review of any other supporting documentation.

75:30-11-4. Job descriptions, personnel

(a) The agency shall have written job descriptions for personnel defining the duties of, and minimum qualifications for, each position.

(b) Compliance with 75:30-6-5 shall be determined by:

(1) a review of the program's policies and procedures, and

(2) a review of the program's job descriptions.

75:30-11-5. Personnel records

(a) The agency shall maintain record(s) for each staff member selected and utilized; documentation shall minimally include:

(1) job description;

(2) employment application or resume;

(3) documentation of current qualifications and training as required and defined in the job description;

(4) duty or work assignment;

(5) record of hours worked or hours of service performed;

(6) record of participation in training;

(7) staff performance evaluation(s); and

(8) emergency notification information.

(b) Compliance with 75:30-6-8 shall be determined by a review of personnel records.

75:30-11-6. Supervision of personnel

(a) A certified program shall establish in writing lines of supervision for all personnel.

(b) Compliance with 75:30-6-9 shall be determined through a review of the program's policy and procedures, or any other supporting documentation provided, including but not limited to, personnel manuals, organizational charts, job descriptions, and personnel files.

75:30-11-7. Performance evaluation of personnel

(a) The agency shall have policies and procedures mandating the evaluation of personnel employment and service performance. These policies and procedures shall minimally include:

(1) performance evaluations shall be completed at least annually, to include an evaluation of the Executive Director;

(2) define the reason(s) for any evaluation other than annual;

(3) performance evaluations shall be in writing and based on the staff's job description;

(4) each evaluation shall be individually discussed with the staff;

(5) personnel shall have a documented opportunity to respond, in writing, to each of their individual performance evaluations;

(6) both staff and supervisor shall sign and date the performance evaluation. However, the evaluation document shall state the staff's signature does not necessarily constitute agreement with the evaluation content.

(b) Compliance with 75:30-6-10 shall be determined by a review of:

(1) program policies and procedures, governing authority meeting minutes where applicable, and

(2) review of personnel files

PART 3. VOLUNTEERS

75:30-11-8. Volunteer policies and procedures

(a) The program shall have written policies and procedures governing volunteer utilization to include appropriate screening and background inquiries to ensure client safety and confidentiality.

(b) The agency's policies and procedures shall include provisions for non-discrimination with regard to the agency's relationship with volunteers in accordance with applicable state and federal laws.

(c) Compliance with 75:30-6-12 shall be determined by a review of the program's written policy and procedure, and volunteer interviews.

75:30-11-9. Supervision of volunteers

(a) A certified program shall establish in writing lines of supervision for all volunteers.

(b) A certified program shall ensure each volunteer has the knowledge appropriate to his or her job duties and are supervised by personnel.

(c) Compliance with 75:30-6-13 shall be determined through a review of the program's policy and procedures, and any other supporting documentation provided, including but not limited to, volunteer manuals, and organizational charts.

75:30-11-10. Volunteer records

(a) The agency shall maintain record(s) for each volunteer selected and utilized; documentation shall minimally include:

(1) duty or work assignment;
(2) record of hours worked or hours of service performed;
(3) record of participation in training; and
(4) emergency notification information.

(b) Compliance with 75:30-6-14 shall be determined by a review of personnel records.

PART 5. TRAINING

75:30-11-12. Orientation - general, personnel and volunteers

(a) Personnel and volunteers must receive specific training to understand the unique needs of trafficking victims.

(b) A certified program shall provide a minimum of 16 hours orientation training that incorporates the use of adult learning techniques (i.e., scenarios, role playing)to familiarize new personnel and volunteers providing direct services with the program which includes, but is not limited to:

(1) Program goals and services of each service component;
(2) Program policy and procedures;
(3) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
(4) Facility safety and disaster plans;
(5) First aid kits and fire extinguishers, their location, contents and use;
(6) Universal precautions;
(7) Interviewing a person staff suspects is a victim of trafficking;
(8) Interviewing known victims of trafficking;
(9) Hotline calls from trafficking victims and active and empathetic listening techniques;
(10) Use of interpreters, and related technology;
(11) Safety planning for sex trafficking victims;
(12) Relationships with victim's family;
(13) Dynamics involved in the prosecution of persons who commit human trafficking;
(14) General familiarity with immigration issues;
(15) General familiarity with available benefits;
(16) Staff trauma and self care;
(17) Client rights;
(18) Power and control tactics of abuse;
(19) Crisis intervention techniques;
(20) Dynamics and impact of Sexual assault;
(21) Dynamics and impact of captivity and trafficking;
(22) Parenting and disciplinary techniques;
(23) Accessing resources needed by victims and their families including how to ensure services and access resources for persons with disabilities;
(24) Mental health issues
(25) Legal and ethical issues;
(26) Diversity and cultural sensitivity, and
(27) Effects of trauma, including post traumatic stress disorder.

(c) Volunteers providing indirect services are required to complete orientation as prescribed by the Executive Director which shall include training on confidentiality and facility safety and disaster plans.

(d) Orientation for personnel must take place within 30 days of employment or prior to unsupervised direct client contact and services. Volunteer orientation must occur within 6 months or prior to unsupervised, direct client contact and services. The Executive Director of a facility may waive orientation training if documented that the staff or volunteer has completed the requisite program training within the past year.

(e) Compliance with 75:30-6-20.1 shall be determined by a review of the written policies and procedures, and personnel and volunteer training manuals and records.

75:30-11-12.1. Inservice and ongoing training for personnel and volunteers

(a) A certified program shall have policy and procedures mandating, at the minimum, sixteen (16) hours of annual training of all staff which shall include:

(1) Confidentiality, to include verbal confidentiality whether inside or outside the facility and client records;
(2) Facility safety and disaster plans;
(3) First aid kits and fire extinguishers, their location, contents and use;
(4) Universal precautions,
(5) Client rights and;
(6) Legal and ethical issues.
(7) The remaining hours of annual training shall be related to sex trafficking and administration as prescribed and approved by the Executive Director.

(b) A certified program shall have policy and procedures mandating a minimum of four hours annual training of all volunteers providing direct services, related to sex trafficking as prescribed and approved by the Executive Director.

(c) Individuals that volunteer indirect services and do not meet the requirements for a volunteer providing direct services as defined in OAC 75:30-1-2 shall receive annual training as prescribed by the Executive Director, but do not have a minimum number of training hours required.

(d) Documentation of training must include the topic of the training, the name of the trainer(s), the date of the training, the length of the training session, the sponsor of the training, and approval of the training by the Executive Director of the agency.

(e) Compliance with 75:30-6-20.2 shall be determined by a review of policy and procedures; review of training records and other provided documentation of personnel training; and a review of personnel or volunteer records.

75:30-11-13. Personnel training, sexual assault services

(a) Prior to providing any direct services, all sexual assault services staff shall receive a minimum of six(6)hours classroom training in addition to basic orientation which shall include but not be limited to:

(1) Sexual abuse within the family (i.e., incest, sibling abuse, marital and domestic relationship rapes).

(2) Sexual assault outside the family (i.e., stranger, non-stranger, abuse by professionals, sexual harassment and bullying).
(3) Sexual assault within institutions (i.e., nursing homes, residential facilities, prisons, military)
(4) Commercial sexual exploitation (i.e., prostitution, trafficking, pornography, escort services).
(5) Non-traditional client populations (i.e., males, victims of same sex, bisexual or transgender, non-English speaking, undocumented immigrants, victims with cognitive disabilities or who are deaf or hard of hearing).
(6) Other topics to increase skills such as post-traumatic stress syndrome as it relates to rape trauma, rape trauma syndrome, self-injury and alcohol and drug use.
(b) Compliance with 75:30-6-24 shall be determined by:
(1) Review of program's policy and procedures.
(2) Review of program's training records and other provided documentation of staff training.
(3) Review of personnel or volunteer records.

75:30-11-14. Provider training, Safe Home services

(a) Prior to providing any direct services, all Safe Home providers shall minimally receive ten (10) training hours provided by a staff member of a human trafficking program certified to provide Safe Home services, which shall minimally include:
(1) the nature and scope of domestic violence and and sex trafficking including its effects on victims and children;
(2) societal attitudes toward domestic violence and sexual assault;
(3) orientation in the services, structure, philosophy and history of the sponsoring agency;
(4) safety planning and disaster plans;
(5) first aid kit and fire extinguisher use;
(6) confidentiality, to include verbal confidentiality whether inside or outside the home;
(7) client rights; and
(8) universal precautions.
(b) The program shall have policy and procedures mandating a minimum of four (4) hours annual training for Safe Home providers.
(c) Compliance with 75:30-6-25 shall be determined by:
(1) Review of program's policy and procedures.
(2) Review of program's training records.

SUBCHAPTER 13. GOVERNING AUTHORITY

75:30-13-1. Governing authority

(a) The agency shall have a governing authority. In the instance of Native American programs, the tribal council may be the governing body.
(b) The governing authority shall establish, and function under, written by-laws. These bylaws shall minimally include:
(1) Designation of regular quarterly meetings to be held in accordance with the Open Meeting Act;
(2) Recording and retention of written minutes;
(3) Eligibility criteria, selection, terms, responsibilities, power and duties of members;
(4) Term limitations, removal and filling of vacancies;
(5) Attendance policy;
(6) Prohibition on staff serving as voting members of the governing authority,
(7) Establishment of a quorum, and
(8) Conflict of interest agreement.
(c) Compliance with 75:30-7-1 shall be determined by:
(1) Documents of incorporation or registration as a business entity or documentation from the appropriate Tribal Council.
(2) Review of the written by-laws.
(3) Review of the governing authority's minutes.

75:30-13-2. Duties of the governing authority

(a) The duties of the governing authority shall include, but are not limited to:
(1) Approving all policy for the operation of the agency, and ensuring procedures for the implementation of policy are in place and enforced.
(2) Ensuring the agency operates in compliance with established agency policy, applicable state and federal law and administrative rules.
(3) Compliance with the by-laws of the governing authority.
(4) Ensuring all financial transactions and events requiring the approval of the governing authority are reviewed and authorized by the governing authority prior to any commitment by agency personnel.
(5) The selection, annual evaluation and continuance of retention of the Executive Director.
(6) Review and approve all contractual agreements.
(7) Review the program audit and site visit reports from the VSU and approve all plans of correction.
(8) Oversee the financial administration of the program.
(b) Compliance with 75:30-7-3 shall be determined by a review of:
(1) by-laws and minutes of the meetings of the governing authority;
(2) posted, or otherwise distributed, written materials regarding decisions, and other notifications, of the governing authority;
(3) personnel meeting minutes of the program and its various divisions or geographical locations where applicable; and
(4) written evaluation, and any other documentation regarding the retention or selection or hiring, of the Executive Director.

75:30-13-3. Governing authority, meeting minutes

(a) Minutes of the governing authority shall be kept in written form; reviewed at the next following meeting; corrected if such is approved; and signed by the presiding or authorized officer or chairperson.

(b) Meeting minutes shall include, but are not limited to, recording of:

(1) the date, time and place of the meeting;

(2) names of those members attending;

(3) whether, or not, the meeting was convened; and if not why;

(4) approval of minutes from past meeting.

(5) topics and issues discussed and decisions reached;

(6) recording of motions and of votes on the motion; and

(7) time of adjournment.

(c) Compliance with 75:30-7-4 shall be determined by the review of the meeting minutes of the governing authority.

75:30-13-4. Governing authority, orientation

(a) A certified program shall provide a minimum of 2 hours orientation training to members of the governing authority which includes, but is not limited to:

(1) Program goals and services of each service component;

(2) Program policy and procedures;

(3) Underlying philosophy [OAC 75:30-1-1.1];

(4) Confidentiality, to include verbal confidentiality whether inside or outside of the facility and client records;

(5) Client rights and grievance procedure;

(6) Legal and ethical issues;

(7) Overview of domestic violence, sexual assault, including sexual violence as a result of human trafficking, and stalking;

(8) Open Meeting Act and recording of meeting minutes;

(9) Open Records Act;

(10) Rules, including standards and criteria to ensure multi-cultural needs of clients are met, used in certifying programs;

(11) Role and responsibility of the Executive Director; and

(12) Role and responsibility of the governing authority.

(b) Orientation training shall take place within 90 days of election to the governing authority.

(c) Members of the governing authority providing volunteer direct or indirect services to clients shall receive the prescribed orientation and training required for program personnel in addition to the orientation set forth in this Section.

(d) Compliance with 75:30-7-5 shall be determined by a review of written policy and procedures, training materials, training records, and minutes of meetings.

SUBCHAPTER 15. CLIENT RIGHTS, FOR ADULT VICTIMS OF SEX TRAFFICKING PROGRAMS

75:30-15-1. Applicability

This Part is applicable to those domestic violence, and sexual assault programs and shelters certified by the OAG pursuant to 74 O.S. § 18p-1 et seq.

75:30-15-2. Client rights

(a) Each client shall have and enjoy all constitutional and statutory rights of all citizens of the State of Oklahoma and the United States, unless abridged through due process of law by a court of competent jurisdiction. Each program shall ensure each client has the rights which are listed below:

(1) Each client has the right to be treated with respect and dignity. This shall be construed to protect and promote human dignity and respect for individual dignity.

(2) Each client has the right to a safe, sanitary, and humane living environment.

(3) Each client has the right to a humane psychological environment protecting him or her from harm, abuse, and neglect.

(4) Each client has the right to an environment which provides reasonable privacy, promotes personal dignity, and provides opportunity for the client to improve her or his functioning.

(5) Each client has the right to receive services suited to her or his needs without regard to his or her race, religion, sex, ethnic origin, age, degree of disability, handicapping condition, legal status, or ability to pay for the services.

(6) Each client, on admission, has the absolute right to communicate with a relative, friend, clergy, or attorney, by telephone or mail, at the expense of the program if the client is indigent.

(7) Each client shall have and retain the right to confidential communication with an attorney, personal physician, or clergy.

(8) Each client has the right to uncensored, private communications including, but not limited to, letters and telephone calls. Copies of any personal letter, sent or received, by a client shall not be kept in her or his client record without the written consent of the client.

(9) No client shall be neglected or sexually, physically, verbally, or otherwise abused.

(10) Each client shall have the right to practice his or her own religious beliefs, and be afforded the opportunity for religious worship that does not infringe on the health or safety of others. No client shall be coerced into engaging in, or refraining from, any personal religious activity, practice, or belief.

(11) Each client has the right to be provided with prompt, competent, appropriate services and an individualized service plan.

(A) The client shall be afforded the opportunity to participate in her or his service plan.

(B) The client may consent, or refuse to consent, to the proposed services.

(12) The records of each client shall be treated as confidential.

(13) Each client has the right to refuse to participate in any research project or medical experiment without informed consent of the client, as defined by law. A refusal to participate shall not affect the services available to the client.

(14) Each client has the right to assert grievances with respect to any alleged infringement of these stated rights

of clients, or any other subsequently statutorily granted rights.

(15) No client shall ever be retaliated against, or subject to, any adverse conditions or services solely or partially because of having asserted her or his rights as stated in this section.

(16) Each client has the right to review his or her own records, or authorize his or her attorney or others to do so. However, where the program is providing the treatment of a mental health or substance abuse illness, the provisions of 43A O.S. § 1-109 and 42 CFR then apply. Each client also has the right that all information and records regarding him or her shall be treated as confidential.

(17) Each client has the right to know why services are refused and can expect an explanation concerning the reason he or she was refused certain services.

(b) Each client shall be given a copy of these rights and the provision of such shall be documented in the client record.

(c) Programs shall have written policy and procedures to ensure each client enjoys, and has explained to him or her, these rights; and these rights are visibly posted in client areas of the facility.

(d) The OAG, in any investigation or program monitoring regarding client rights, shall have unimpeded access to clients, program records and program staff.

75:30-15-3. Client grievance policy and procedures

Each program shall have a written client grievance policy providing for, but not limited to, the following:

(1) Written notice of the grievance and appeal procedure provided to the client; and, if involved with the client, to family members or significant others;

(2) Time frames for the grievance policy's procedures, which allow for an expedient resolution of client grievances shall be seven (7) days unless appealed;

(3) Name(s) of the individual(s) who are responsible for coordinating the grievance policy and the individual responsible for or authority to make decision(s) for resolution of the grievance and the individual responsible for or authorized to make decisions for resolution of grievance. In the instance where the decision maker is the subject of a grievance, decision-making authority shall be delegated;

(4) Provide for notice to the client that he or she has a right to make a complaint to the OAG Victims Services Unit.

(5) Clients shall be given a copy of the grievance policy including the right to make a complaint to the OAG and the provision of such shall be documented in the client record;

(6) Mechanism to monitor the grievance process and improve performance based on outcomes; and

(7) Annual review of the grievance policy and procedures, with revisions as needed.

[OAR Docket #11-832; filed 6-2-11]

TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL
CHAPTER 10. FLEXIBLE BENEFITS PLAN

[OAR Docket #11-818]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
87:10-1-2. Definitions [AMENDED]
Subchapter 13. Eligibility Requirements
87:10-13-3. Termination of participation [AMENDED]
AUTHORITY:
Oklahoma State Employees Benefits Council; 74 O.S.2001 §1366(B)
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SUPERSEDED EMERGENCY ACTIONS:
Superseded rules:
Subchapter 1. General Provisions
87:10-1-2. Definitions [AMENDED]
Subchapter 13. Eligibility Requirements
87:10-13-3. Termination of participation [AMENDED]
Gubernatorial approval:
December 27, 2010
Register publication:
28 Ok Reg 433
Docket number:
11-04
INCORPORATIONS BY REFERENCE:
n/a
ANALYSIS:

These permanent administrative rules are identical to and supersede emergency rules approved by Governor Brad Henry on December 27, 2010. These rules are necessary to bring the administrative rules that govern the administration of the State's flexible benefits plan into compliance with the Patient Protection and Affordable Care Act, Public Law 111-148, enacted March 23, 2010, and the Health Care and Education Reconciliation Act, Public Law 111-152, enacted March 30, 2010, as implemented at 26 CFR 54.9815-2714, 29 CFR 2590.715-2714, 45 CFR 147.120, as published on May 13, 2010, in Volume 75, Number 92, Federal Register, 27122.

These permanent administrative rules revise Subchapters 1 and 13 of Chapter 10 of Title 87 of the Oklahoma Administrate Code. Chapter 10 serves as the "Plan Document" for the administration of the flexible benefits plan for active Oklahoma state employees. These revisions are necessary to prevent the "Plan Document" from being in violation of federal law referenced above. Said revisions are limited to changes to the definition of "dependent" and striking a reference to "student status," which is no longer applicable.

CONTACT PERSON:

Craig A. Cates, Executive Manager, Agency & Regulatory Affairs and Human Resources, Oklahoma State Employees Benefits Council, 120 North Robinson Avenue, Suite 1100, Oklahoma City, Oklahoma 73102, 405-609-3440

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

87:10-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise, and wherever appropriate, the singular shall include the plural, the plural shall include the singular, and the use of any gender shall include the other gender.

"Account" means a record keeping account established on the books of the Plan Administrator.

"Act" means the Oklahoma State Employees Benefits Act, 74 O.S. Supp 1992, Section 1361 et seq.

"Authorized Submission Procedure" means an acceptable method of submitting enrollment and/or change documents which may include submission via electronic transmissions to the Plan Administrator.

"Board" means the Oklahoma State and Education Employees Group Insurance Board.

"Cafeteria plan" means an employer-maintained benefit plan under which participants are employees and the participants may choose between cash and nontaxable benefits, as defined in Internal Revenue Code Section 125(d) and regulations promulgated thereunder.

"Change in Status" means a change that a participant may be allowed to make during a Plan Year provided that the change is based on prevailing IRS guidance, is allowed by the Plan Administrator, and complies with all eligibility rules and consistency requirements.

"COBRA" means the Consolidated Omnibus Budget Reconciliation Act of 1985 as it applies to an employee's right to continue certain coverage under the Flexible Benefits Plan.

"Dependent" means the primary member's spouse (if not legally separated), including common law. Dependents also include a member's unmarried or married natural born child, a step child, an adopted child, or a foster child up to the child's ~~twenty-fifth [25th]~~twenty-sixth [26th] birthday, regardless of residence, ~~provided that the member is primarily responsible for the child's support~~ or a child under legal guardianship~~. This includes a stepchild or child who lives with the member in a regular parent-child relationship, or a child living with the member in a normal parent-child relationship where the member has adopted the child, or has been appointed guardian by a court. It also includes a stepchild who does not live with the member, when the primary member's spouse is covered by the Plan and has been ordered by a court to provide health insurance for his/her children, regardless of residence~~. A child may also be covered regardless of age if the child is incapable of self-support because of mental or physical incapacity that existed prior to reaching age ~~twenty-five [25]~~twenty-six [26]. Coverage is not automatic and must be approved with a review of medical information. A disabled dependent deemed disabled by Social Security does not automatically mean that this disabled dependent will meet the Plan requirements. [74 O.S.Supp.2006, §1303(13)].

"Effective date of the plan" means January 1, 1990 or as restated.

"Employer" or **"Employing agency"** has the same meaning as "Participating employer" as defined in Section 1363(14) of Title 74.

"Enrollment period" means the period of time, as determined and announced by the Plan Administrator each Plan Year during which eligible employees shall make an election of benefits. The period of time shall end no later than thirty (30) days before the beginning of the Plan Year for which the elections are to be effective.

"Entry date" means the first day of the Plan Year except for an employee who first satisfies the requirements for eligibility during the Plan Year (including rehired employees), in which case the entry date shall be the first day of the month next following the satisfaction of the application requirements for eligibility, in accordance with 87:10-3-1.

"FMLA" means the Family and Medical Leave Act of 1993.

"Flexible Benefits Plan" means the Flexible Benefits Plan authorized pursuant to the State Employees Flexible Benefits Act as modified by the provisions under the State Employees Benefits Act.

"Flexible Benefits Plan Rules" means the rules promulgated by the Plan Administrator to implement and administer the State Employees Flexible Benefits Plan.

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996.

"Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States, 26 USC, I et seq. as amended from time to time.

"Irrevocability Rule" means the rule that requires an enrollment election in any Plan benefit to remain in force throughout the entire Plan Year.

"Period of coverage" means the Plan Year during which coverage of benefits under the Flexible Benefits Plan is available to a participant. An employee who becomes eligible to participate during a Plan Year may participate for a period lasting until the end of that Plan Year. In this case, the interval commencing on the employee's entry date and ending as of the last day of eligibility for that Plan Year.

"Permitted Exception" means an exception allowed to the Irrevocability Rule by the Plan. Any changes based on these exceptions must be on account of and correspond with the underlying event.

"Plan Administrator" means the Oklahoma State Employees Benefits Council.

"QMCSO" means a Qualified Medical Child Support Order.

"Statutory nontaxable benefit" means a benefit provided to a participant under the Flexible Benefits Plan, the value of which is not included in the participant's gross income by a specific provision in the Internal Revenue Code and is

permissible under the Flexible Benefits Plan in accordance with Section 125 of the Internal Revenue Code.

"USERRA" refers to the Uniformed Services Employment and Reemployment Rights Act of 1994.

SUBCHAPTER 13. ELIGIBILITY REQUIREMENTS

87:10-13-3. Termination of participation

(a) A participant will cease participation in the Flexible Benefits Plan as of the earliest of the following events:

(1) The last day of the month of termination of employment with the employer; or

(2) The last day of the month the participant ceases to be eligible to participate in the Flexible Benefits Plan; or

(3) The date of termination of the Flexible Benefits Plan.

(b) Benefit plan coverage shall terminate as follows:

(1) For termination as a result of voluntary election, the coverage shall terminate on the last day of the month of receipt and approval of a valid change form at the offices of the Plan Administrator.

(2) For termination of coverage as a result of ineligibility ~~other than the loss of student status~~, the coverage shall terminate on the last day of the month of the event causing the loss of eligibility.

(c) No vendor, including the Board, shall terminate coverage on any participant unless authorized by the Plan Administrator.

[OAR Docket #11-818; filed 6-2-11]

TITLE 165. CORPORATION COMMISSION CHAPTER 10. OIL & GAS CONSERVATION

[OAR Docket #11-819]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Chapter 10. Oil & Gas Conservation [AMENDED]
AUTHORITY:
Oklahoma Corporation Commission; 17 O.S. §52, 27A O.S. §1-3-101, 52 O.S. §139, 68 O.S. §1001 and OAC 165:5-1-7
DATES:
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December 15, 2010, through February 1, 2011
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Submitted to Senate:
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Gubernatorial approval:
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Failure of the Legislature to disapprove the rules resulted in approval on May 6, 2011.
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SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATIONS BY REFERENCE:
n/a
ANALYSIS:
OAC 165:10-21-45, OAC 165:10-21-47, OAC 165:10-21-47.1, OAC 165:10-21-65, OAC 165:10-21-66, OAC 165:10-21-67, OAC 165:10-21-68 and OAC 165:10-21-69 in Subchapter 21, Applications for Tax Exemptions, were amended to conform to 68 O.S. §1001 and amendments thereto in Enrolled House Bill No. 2432 (2010). Other rules were amended in an effort to update, standardize and streamline language and procedures appearing in OAC 165:10, as well as to address changes in technology, especially with respect to horizontal drilling.
CONTACT PERSON:
Susan Dennehy Conrad, Assistant General Counsel, Office of General Counsel, Oklahoma Corporation Commission, 2101 North Lincoln Boulevard, PO Box 52000, Oklahoma City, OK 73152-2000, telephone: (405) 521-3939.

DUE TO EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT THE OKLAHOMA CORPORATION COMMISSION, WESTERN REGIONAL SERVICE OFFICE, JIM THORPE OFFICE BUILDING, 2101 NORTH LINCOLN BOULEVARD, OKLAHOMA CITY, OKLAHOMA, AT THE OKLAHOMA CORPORATION COMMISSION, EASTERN REGIONAL SERVICE OFFICE, KERR BUILDING, 440 SOUTH HOUSTON, SUITE 114, TULSA, OKLAHOMA, AND AT THE SECRETARY OF STATE'S OFFICE OF ADMINISTRATIVE RULES. THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT TO 75 O.S., SECTION 255(B):

SUMMARY:
OAC 165:10-1-4 is amended to update the list of effective dates for OAC 165:Chapter 10 rulemakings; OAC 165:10-1-7 concerning prescribed forms to renumber certain paragraphs, to delete a reference to one form and to include a reference to obtaining the issuance of a Commission order regarding proposed flow back water pits with a capacity in excess of 50,000 barrels; OAC 165:10-1-10 to delete the requirement that social security numbers be included on OCC Form 1006B Operator Agreements to Plug Oil, Gas and Service Wells Within the State of Oklahoma; OAC 165:10-1-21 to add references to tops of common sources of supply regarding general well spacing requirements; OAC 165:10-1-24 regarding witnessing of tests associated with offpattern wells; OAC 165:10-3-1 concerning the time frame and means by which operators notify the Commission of changes in the method of drilling fluid disposal; OAC 165:10-3-4 regarding notice of hydraulic fracturing operations to Commission staff, use of blowout preventers and associated equipment, and the means by which operators notify the Commission of certain events concerning casing and cementing of wells, and OAC 165:10-3-25, OAC 165:10-3-26, OAC 165:10-3-39, OAC 165:10-5-6, OAC 165:10-5-7, OAC 165:10-5-15, OAC 165:10-7-7, OAC 165:10-7-14 and OAC 165:10-8-7 to modify language concerning the assessment of fines.

OAC 165:10-3-28 is amended to add references to tops of common sources of supply regarding horizontal drilling; OAC 165:10-7-16 concerning who may utilize flow back water pits with capacities in excess of 50,000 barrels and notices of application for permits for flow back water pits with a capacity in excess of 100,000 barrels; OAC 165:10-9-1 regarding the width of the top of berms associated with commercial pits; OAC 165:10-9-3 concerning freeboard levels of pits in commercial disposal well surface facilities; OAC 165:10-11-6 regarding the plugging of rat and mouse holes associated with the drilling of wells; OAC 165:10-11-8 concerning procedures for identification and control of well bores in which radioactive sources have been lost; OAC 165:10-21-45, OAC 165:10-21-47, OAC 165:10-21-47.1, OAC 165:10-21-65, OAC 165:10-21-66, OAC 165:10-21-67, OAC 165:10-21-68 and OAC 165:10-21-69 in Subchapter 21, Applications for Tax Exemptions, in accordance with 68 O.S. §1001 and amendments thereto in Enrolled House Bill No. 2432 (2010) and to streamline refund procedures for deep wells and horizontally drilled producing wells, and Appendix A (Allocated Well Allowable Table), Appendix B (Discovery Well Allowable Table) and Appendix C (Table HD) (Recommended Additional Allowable for

Horizontal Oil Wells based on True Vertical Depth and Completion Interval) to add references to completion intervals. The full text of these rules may be obtained by interested parties at the Oklahoma Corporation Commission's Oklahoma City Court Clerk's Office located in the Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105, at the Commission's Tulsa Court Clerk's Office located in the Kerr Building at 440 South Houston, Suite 114, Tulsa, Oklahoma, 74127, and on the Commission's website at http://www.occeweb.com.

[OAR Docket #11-819; filed 6-2-11]

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

[OAR Docket #11-867]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Priority Academic Student Skills
Part 23. Instructional Technology
210:15-3-183. Overview [AMENDED]
210:15-3-183.1. Definitions [AMENDED]
210:15-3-184. ~~Introductory level prior to completion of grade 5~~Standards [AMENDED] **AUTHORITY:**
70 O. S. § 3-104, State Board of Education
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N/A
INCORPORATION BY REFERENCE:
N/A
ANALYSIS:
The rule will bring the Instructional Technology *Priority Academic Student Skills (PASS)* up-to-date to address the new challenges and opportunities of educational technology.
CONTACT PERSON:
Connie Holland, 405-521-3308

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN O. S. 75, SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 3. PRIORITY ACADEMIC STUDENT SKILLS

PART 23. INSTRUCTIONAL TECHNOLOGY

210:15-3-183. Overview

~~(a) These *Priority Academic Student Skills* (PASS) have been created using the International Society for Technology in Education (ISTE) National Education Technology Standards (NETS). This has been done in order to provide access to the resources of the ISTE organization and their efforts to correlate the National Education Technology Standards to the national curriculum standards in math, science, language arts, etc.~~

~~(b) These standards should not to be viewed as "stand alone" standards for technology, but as technology that facilitates teaching and learning across the entire curriculum. These priority skills were purposely designed to be broad in defining the basic skills for instructional technology statewide.~~

These PRIORITY ACADEMIC STUDENT SKILLS are the International Society for Technology in Education (ISTE) National Education Technology Standards for Students (NET-S), used with their permission.

210:15-3-183.1. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

~~**"Computer"** means a device capable of performing a series of arithmetic or logical operations. A computer is distinguished from a calculating machine, such as an abacus or electronic calculator, by being able to store a computer program (so that it can repeat its operations and make logical decisions) and to store and retrieve data without human intervention.~~

~~**"Database"** means a collection of data arranged for ease and speed of search and retrieval. Also called data bank.~~

~~**"Distance learning"** means a type of education where students work at a site remote from the instructor and communicate via e-mail, electronic forums, videoconferencing and/or other forms of electronic media.~~

~~**"Multimedia"** means the use of computers to present integrated text, graphics, video, animation, and sound.~~

~~**"Peripheral device"** means an electronic device that attaches to a computer, but is not a part of the standard operating hardware. Examples of such devices are disk drives, printers, scanners, drawing tablets, speakers, projectors.~~

~~**"Productivity tools"** means software applications used to perform standard tasks. The most common productivity tools are word processors, spreadsheets, databases, presentation software, email, etc.~~

~~**"Software"** means the programs, routines, and symbolic languages that control the functioning of the hardware and direct its operation.~~

~~**"Spreadsheet"** means an accounting or bookkeeping program for a computer. The display, with multiple columns and rows, that such a program allows to be printed.~~

~~**"Technology"** means the body of knowledge available that is of use in extracting, creating, distributing, manipulating or collecting data and/or information.~~

~~**"Telecommunications"** means the science and technology of communication at a distance by electronic transmission of impulses, as by cable, telephone, radio, computer or television.~~

~~**"Word processor"** means a computer system either specially designed for or capable of word processing.~~

"Browser" means the program used to search and locate information on the World Wide Web.

"Collaborative Electronic Authoring Tools" means the tools that allow multiple authors from multiple locations simultaneously. Examples: Google? Documents or wikis

"Digital Citizenship" means the Mike Ribble and Gerald Bailey definition of digital citizenship as the norms of appropriate and responsible behavior with regard to technology use, indicated through nine elements. The nine elements are:

(A) **Digital Etiquette.** Electronic standards of conduct or procedure. Technology users often see this area as one of the most pressing problems when dealing with Digital Citizenship. We recognize inappropriate behavior when we see it, but before people use technology they do not learn digital etiquette (i.e., appropriate conduct). Many people feel uncomfortable talking to others about their digital etiquette. Often rules and regulations are created or the technology is simply banned to stop inappropriate use. It is not enough to create rules and policy, we must teach everyone to become responsible digital citizens in this new society.

(B) **Digital Communication.** Electronic exchange of information. One of the significant changes within the digital revolution is a person's ability to communicate with other people. In the 19th century, forms of communication were limited. In the 21st century, communication options have exploded to offer a wide variety of choices (e.g., e-mail, cellular phones, instant messaging). The expanding digital communication options have changed everything because people are able to keep in constant communication with anyone else. Now everyone has the opportunity to communicate and collaborate with anyone from anywhere and anytime. Unfortunately, many users have not been taught how to make appropriate decisions when faced with so many different digital communication options.

(C) **Digital Literacy.** Process of teaching and learning about technology and the use of technology. While schools have made great progress in the area of technology infusion, much remains to be done. A renewed focus must be made on what technologies must be taught as well as how it should be used. New technologies are finding their way into the work place that are not being used in schools (e.g., videoconferencing, online sharing spaces such as wikis). In addition, workers in many different occupations need immediate information (just-in-time information). This process requires sophisticated searching and processing skills (i.e., information literacy). Learners must be taught how to learn in a digital society. In other words, learners must be taught to learn anything, anytime, anywhere. Business, military, and medicine are excellent examples of how technology is being used differently in the 21st century. As new technologies emerge, learners need to learn how to use that technology quickly and appropriately. Digital Citizenship involves educating people in a new way-these individuals need a high degree of information literacy skills.

(D) **Digital Access.** Full electronic participation in society. Technology users need to be aware of and support electronic access for all to create a foundation for Digital Citizenship. Digital exclusion of any kind does not enhance the growth of users in an electronic society. All people should have fair access to technology no matter who they are. Places or organizations with limited connectivity need to be addressed as well. To become productive citizens, we need to be committed to equal digital access.

(E) **Digital Commerce.** Electronic buying and selling of goods. Technology users need to understand that a large share of market economy is being done electronically. Legitimate and legal exchanges are occurring, but the buyer or seller need to be aware of the issues associated with it. The mainstream availability of Internet purchases of toys, clothing, cars, food, etc. has become commonplace to many users. At the same time, an equal amount of illegal/immoral goods and services are surfacing such as pornography and gambling. Users need to learn about how to be effective consumers in a new digital economy.

(F) **Digital Law.** Electronic responsibility for actions and deeds. Digital law deals with the ethics of technology within a society. Unethical use manifests itself in form of theft and/or crime. Ethical use manifests itself in the form of abiding by the laws of society. Users need to understand that stealing or causing damage to other people's work, identity, or property online is a crime. There are certain rules of society that users need to be aware in an ethical society. These laws apply to anyone who works or plays online. Hacking into others information, downloading illegal music, plagiarizing, creating destructive worms, viruses or creating Trojan Horses, sending spam, or stealing anyone's identify or property is unethical.

(G) **Digital Rights & Responsibilities.** Those freedoms extended to everyone in a digital world. Just as in the American Constitution where there is a Bill of Rights, there is a basic set of rights extended to every digital citizen. Digital citizens have the right to privacy, free speech, etc. Basic digital rights must be addressed, discussed, and understood in the digital world. With these rights also come responsibilities as

well. Users must help define how the technology is to be used in an appropriate manner. In a digital society these two areas must work together for everyone to be productive.

(H) **Digital Health & Wellness.** Physical and psychological well-being in a digital technology world. Eye safety, repetitive stress syndrome, and sound ergonomic practices are issues that need to be addressed in a new technological world. Beyond the physical issues are those of the psychological issues that are becoming more prevalent such as Internet addiction. Users need to be taught that there inherent dangers of technology. Digital Citizenship includes a culture where technology users are taught how to protect themselves through education and training.

(I) **Digital Security (self-protection).** Electronic precautions to guarantee safety. In any society, there are individuals who steal, deface, or disrupt other people. The same is true for the digital community. It is not enough to trust other members in the community for our own safety. In our own homes, we put locks on our doors and fire alarms in our houses to provide some level of protection. The same must be true for the digital security. We need to have virus protection, backups of data, and surge control of our equipment. As responsible citizens, we must protect our information from outside forces that might cause disruption or harm.

"Digital Imaging" means objects created from a camera, scanner, etc.

"Digital Media" means digitized content that can be transmitted over the Internet or computer networks including text, graphics, audio, and video.

"Digital Storytelling" means some mix of computer-based images, text, audio, and/or video.

"Digital Tools" means any technological resource including, but not limited to, word processors, presentation tools, desktop publishers, geographical information systems, instant messaging or SMS, audio tools, video tools, mind mapping tools, graphic tools, modeling tools, time line tools, data processing, and spreadsheet tools.

"Editing" means content decisions including additions, deletions, and modifications of text, graphics, etc.

"Electronic Authoring Tools" means computer-based system that allows users to create content.

"File Types" mean

(A) .pdf - portable document file (Adobe Acrobat)

(B) .mpeg - typical music file

(C) .xls - Microsoft Excel? file

(D) .dat - database file

(E) bit/bmp - picture/clip art file

(F) .wmv - Windows movie file

(G) .jpeg - picture file (Most digital cameras take pictures in this format.)

"Graphical Organizers" means Visual representations of knowledge, concepts or ideas.

"Hyperlink" means embedded text directing to a web page or remote site.

"Lifelong Learning"means the "lifelong, voluntary, and self-motivated" pursuit of knowledge for either personal or professional reasons. As such, it not only enhances social inclusion, active citizenship, and personal development, but also competitiveness and employability.

"Mapping Software"means software that chart data on a map.

"Media-Rich Presentation"means mixed media (audio, video, text, still images, animation, video interactivity).

"Online Learning Community"means common place on the Internet that addresses the learning needs of its members.

"Simulation"means acting out or mimicking an actual or probable real-life condition, event, or situation to solve or explore a problem, issue, or topic.

"Streaming Media"means media compressed to be viewed on a Web site.

"Technology"means the body of knowledge available that is of use in extracting, creating, distributing, manipulating or collecting data and/or information.

"(Technology) Applications" means the technology system designed to solve a specific problem.

"Technology Systems"means the interactive and interdependent components of technology (See technology.) that combine to form a solution.

"Upload/Download" means download is moving a digital file (such as a media file or word processing file) from a server where it is stored to a local system for viewing or editing. Upload is moving a digital file from a local system to a server for storage or distribution.

"URL" means the address of a Web page.

210:15-3-184. ~~Introductory level prior to completion of grade 5~~Standards

~~(a) **Standard.** The student will demonstrate knowledge of basic operations and concepts.~~

~~(1) Use keyboards and other common input and output devices (including adaptive devices when necessary) efficiently and effectively.~~

~~(2) Discuss common uses of technology in daily life and the advantages and disadvantages those uses provide.~~

~~(b) **Standard.** The student will demonstrate knowledge of social, ethical, and human issues, discuss basic issues related to responsible use of technology and information and describe personal consequences of inappropriate use.~~

~~(c) **Standard.** The student will demonstrate knowledge of technology productivity tool.~~

~~(1) Use general purpose productivity tools and peripherals to support personal productivity, remediate skill deficits, and facilitate learning throughout the curriculum.~~

~~(2) Use technology tools (e.g., multimedia authoring, presentation, Web tools, digital cameras, scanners) for individual and collaborative writing, communication, and publishing activities to create knowledge products for audiences inside and outside the classroom.~~

~~(d) **Standard.** The student will demonstrate knowledge of technology communications tools.~~

~~(1) Use technology tools (e.g., multimedia authoring, presentation, Web tools, digital cameras, scanners) for individual and collaborative writing, communication, and publishing activities to create knowledge products for audiences inside and outside the classroom.~~

~~(2) Use telecommunications efficiently to access remote information, communicate with others in support of direct and independent learning, and pursue personal interests.~~

~~(3) Use telecommunications and online resources (e.g., e-mail, online discussions, Web environments) to participate in collaborative problem-solving activities for the purpose of developing solutions or products for audiences inside and outside the classroom.~~

~~(e) **Standard.** The student will demonstrate knowledge of technology research tools.~~

~~(1) Use telecommunications and online resources (e.g., e-mail, online discussions, Web environments) to participate in collaborative problem-solving activities for the purpose of developing solutions or products for audiences inside and outside the classroom.~~

~~(2) Use technology resources (e.g., calculators, data collection probes, videos, educational software) for problem solving, self-directed learning, and extended learning activities.~~

~~(3) Determine which technology is useful and select the appropriate tool(s) and technology resources to address a variety of tasks and problems.~~

~~(f) **Standard.** The student will demonstrate knowledge of technology problem-solving and decision-making tools.~~

~~(1) Use technology resources (e.g., calculators, data collection probes, videos, educational software) for problem solving, self-directed learning, and extended learning activities.~~

~~(2) Determine which technology is useful and select the appropriate tool(s) and technology resources to address a variety of tasks and problems.~~

~~(3) Evaluate the accuracy, relevance, appropriateness, comprehensiveness, and bias of electronic information sources.~~

(a) **Creativity and Innovation.** Students demonstrate creative thinking, construct knowledge, and develop innovative products and processes using technology. Students will:

(1) apply existing knowledge to generate new ideas, products, or processes.

(2) create original works as a means of personal or group expression.

(3) use models and simulations to explore complex systems and issues.

(4) identify trends and forecast possibilities.

(b) **Communication and Collaboration.** Students use digital media and environments to communicate and work collaboratively, including at a distance, to support individual learning and contribute to the learning of others. Students will:

(1) interact, collaborate, and publish with peers, experts, or others employing a variety of digital environments and media.

(2) communicate information and ideas effectively to multiple audiences using a variety of media and formats.

(3) develop cultural understanding and global awareness by engaging with learners of other cultures.

(4) contribute to project teams to produce original works or solve problems.

(c) **Research and Information Fluency.** Students apply digital tools to gather, evaluate, and use information. Students will:

(1) plan strategies to guide inquiry.

(2) locate, organize, analyze, evaluate, synthesize, and ethically use information from a variety of sources and media.

(3) evaluate and select information sources and digital tools based on the appropriateness to specific tasks.

(4) process data and report results.

(d) **Critical Thinking, Problem Solving, and Decision Making.** Students use critical thinking skills to plan and conduct research, manage projects, solve problems, and make informed decisions using appropriate digital tools and resources. Students will:

(1) identify and define authentic problems and significant questions for investigation.

(2) plan and manage activities to develop a solution or complete a project.

(3) collect and analyze data to identify solutions and/or make informed decisions.

(4) use multiple processes and diverse perspectives to explore alternative solutions.

(e) **Digital Citizenship.** Students understand human, cultural, and societal issues related to technology and practice legal and ethical behavior. Students will:

(1) advocate and practice safe, legal, and responsible use of information and technology.

(2) exhibit a positive attitude toward using technology that supports collaboration, learning, and productivity.

(3) demonstrate personal responsibility for lifelong learning.

(4) exhibit leadership for digital citizenship.

(f) **Technology Operations and Concepts.** Students demonstrate a sound understanding of technology concepts, systems, and operations. Students will:

(1) understand and use technology systems.

(2) select and use applications effectively and productively.

(3) troubleshoot systems and applications.

(4) transfer current knowledge to learning of new technologies.

[OAR Docket #11-867; filed 6-9-11]

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

[OAR Docket #11-869]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 4. Common Core State Standards [NEW]
210:15-4-1. Purpose [NEW]
210:15-4-2. Definitions [NEW]
210:15-4-3 Adoption and implementation [NEW]
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70 O. S. § 3-104, State Board of Education
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Subchapter 4. Common Core State Standards [NEW]
210:15-4-1. Purpose [NEW]
210:15-4-2. Definitions [NEW]
210:15-4-3 Adoption and implementation [NEW]
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ANALYSIS:
The new rules explain the purpose, provide definitions, and describe adoption and implementation procedures for the Common Core State Standards. The rules direct that the Common Core State Standards for English Language Arts, Literacy in History/Social Studies and Science, and Mathematics shall be adopted and implemented. The rules also provide a process for reviewing, revising, and supplementing the Common Core State Standards.
CONTACT PERSON:
Connie Holland, 405-521-3308

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN O. S. 75, SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 4. COMMON CORE STATE STANDARDS

210:15-4-1. Purpose

The rules of the Subchapter have been adopted for the purpose of adopting and implementing the Common Core State Standards as developed by the National Governors Association Center for Best Practices and the Council of Chief State School Officers as part of a multi-state initiative to increase the rigor and comparability of state standards to meet the desired levels of competencies for students in public schools according to 70 O.S. § 11-103.6 and to review and revise core curriculum requirements according to provisions of 70 O.S. § 11-103.6(a).

210:15-4-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning:

"Common Core State Standards" means the standards and expectations developed and/or revised by the National Governors Association Center for Best Practices and the Council of Chief State School Officers.

"English Language Arts" means the set of Common Core State Standards developed and/or revised for grades K-12 including reading (foundational skills, reading literature, and reading informational text), writing, speaking and listening, and language.

"Literacy in History/Social Studies and Science" means the set of Common Core State Standards developed and/or revised for grades 6-12 including reading standards for history/social studies, reading standards for science, and writing standards for history/social studies and science.

"Mathematics" means the set of Common Core State Standards developed and/or revised for grades K-12 including number (counting and cardinality, operations and the problems they solve, base ten, and fractions), measurement and data, geometry, ratios and proportional relationships, the number system, expressions and equations, functions, statistics and probability, High School - number and quantity, High School - algebra, High School - functions, High School - modeling, High School - probability and statistics, and High School - geometry.

210:15-4-3. Adoption and implementation

(a) The Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics shall be adopted and implemented as follows:

(1) Effective immediately, the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics are adopted by the State of Oklahoma;

(2) Beginning with the 2010-2011 school year, the school districts of the state shall develop and begin implementing a plan for transitioning from the Priority Academic Student Skills to full implementation of the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics as described in (b) of this rule by

the 2014-2015 school year or the school year in which common assessments aligned to the Common Core State Standards will be available, whichever is later;

(3) Beginning with FY 2011, the Oklahoma State Department of Education shall pursue participation in consortia of states, as appropriate, to develop common assessments aligned to the Common Core State Standards; and

(4) The Priority Academic Student Skills shall remain as the assessed standards until such time that full implementation of the Common Core State Standards are required and common assessments aligned to those standards are available.

(b) By the 2014-2015 school year or the school year in which common assessments aligned to the Common Core State Standards will be available, whichever is later, the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, and Mathematics shall be fully implemented by replacing or being added to the Priority Academic Student Skills as follows:

(1) English Language Arts for grades K-12 shall replace the Priority Academic Student Skills in Language Arts for grades K-12 with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate;

(2) Literacy in History/Social Studies and Science for grades 6-12 shall be added to the Priority Academic Student Skills in:

(A) World studies for grade 6, world geography for grade 7, and United States History 1760-1877 for grade 8;

(B) Economics for high school, Oklahoma history for high school, United States government for high school, United States History 1850 to the Present for high school, world geography for high school, and World History for high school;

(C) Inquiry, physical, life, and earth/space science for grades 6-8; and

(D) Biology I, Chemistry, and Physics; and

(3) Mathematics for grades K-12 shall replace the content and process standards of the Priority Academic Student Skills in:

(A) Mathematics for grades K-8 with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate; and

(B) Algebra I, Algebra II, and Geometry with the provision that the State Board of Education reserves the right to add up to 15 percent additional standards to the Common Core State Standards as appropriate, provided that a committee of Oklahoma stakeholders assembled by the State Department of Education has separated the Common Core State Standards for high school mathematics into appropriate courses.

(c) At any point in time that the National Governors Association Center for Best Practices and the Council of Chief State School Officers or any other consortia of which Oklahoma is a member and that represents the best interests of a majority of states reviews or revises the Common Core State Standards in English Language Arts, Literacy in History/Social Studies and Science, or Mathematics, these revisions shall be adopted, effective immediately upon approval of the State Board of Education, and implemented through a transition process similar to that described in (a)(2) with full implementation by the school year in which common assessments aligned to those revisions are available.

(d) At any point in time that the National Governors Association Center for Best Practices and the Council of Chief State School Officers or any other consortia of which Oklahoma is a member and that represents the best interests of a majority of states develops Common Core State Standards in any additional content areas, these standards shall be reviewed and adopted by the State Board of Education as appropriate, and implemented through a transition process similar to that described in (a)(2) with full implementation by the school year in which common assessments aligned to those standards are available.

[OAR Docket #11-869; filed 6-9-11]

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

[OAR Docket #11-868]

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RULES:
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210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program [NEW]
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210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program [NEW]

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INCORPORATION BY REFERENCE:
N/A
ANALYSIS:
The rule will clarify scholarship requests, payments, private school eligibility, the amount of the scholarship, and tracking of students receiving the scholarship.
CONTACT PERSON:
Connie Holland, 405-521-3308

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN O. S. 75, SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 13. SPECIAL EDUCATION

210:15-13-7. Lindsey Nicole Henry Scholarship for Students with Disabilities Program

(a) **Scholarship Requests.** When a parent of an eligible student requests a scholarship, they must notify the district of residence. The district of residence is defined as the legal district of residence, unless the child is a child with an IEP who has been on a transfer of any kind for three consecutive years, in which case the district is then defined as the receiving district, as required by 70 O.S. 13-103(d). If a child is on a transfer of any kind, that does not meet the three-year rule, and accepts the scholarship, the transfer is effectively terminated.

(b) **Payments.** Payments will be made to the private school on a quarterly basis upon verification of continued enrollment and attendance at the private school. Payments will be made in arrears, following the completion of each quarter. The payments will be made after the private school provides the public school with a quarterly attendance record for each child receiving the scholarship.

(c) **Private School Eligibility.** In order to be eligible to accept students on the scholarship, private schools must be accredited by the State Board of Education or another accrediting association approved by the State Board of Education. Only school districts within the state of Oklahoma can be accredited by the State Board of Education. No out of state schools are eligible to participate in the scholarship program.

(d) **Amount of Scholarship.** Within ten business days of receipt by the public school district of the parental request, the State Department of Education must receive from the public school a request form for a determination of the calculation of the maximum scholarship amount. The State Department of Education must provide the calculation of the maximum amount of the scholarship to the public school in writing within fifteen business days of the receipt of the request. The parent shall be notified in writing by the district of the maximum amount of the scholarship in a timely manner, not to exceed thirty business days from the date of the parents' original request. Scholarship amounts will be calculated at the time of the parental request and will not change during the course of the school year regardless of a school district's mid-year adjustments. The amount of the scholarship will be calculated annually as required by 70 O.S. 13-101.1, Section 2(F)(1).

(e) **Tracking.** School districts providing scholarships shall annually report for child-count and funding purposes, all students who are attending a private school under the scholarship program to the State Department of Education. Students must be reported as Lindsey Nicole Henry Scholarship Students on both the Special Education Child Count and the First Quarter Statistical Report (FQSR) and the Annual Statistical Report (ASR). These scholarship students will also be tracked through the WAVE.

[OAR Docket #11-868; filed 6-9-11]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #11-845]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
365:1-1-2. Office of the Insurance Commissioner [AMENDED]
Subchapter 9. Description of Forms and Instructions
365:1-9-11. Applications [AMENDED]
365:1-9-13. Suggested language for ~~agents~~producers bonds [AMENDED]
365:1-9-14. Producer and adjuster continuing education forms [REVOKED]
365:1-9-15.1. License renewals and reinstatements [AMENDED]
365:1-9-16. ~~Agents license~~Producer licensing forms [AMENDED]
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ANALYSIS:
The amendment to 365:1-1-2 updates the general description of the principal operating units of the office of Insurance Commissioner. The

amendment to 365:1-9-11 updates the type of applications needed to be completed by applicants for certain licenses to be granted by the Insurance Department. The amendments to 365:1-9-13 and 365:1-9-16 strike the word "agent" in the title and throughout the sections and replaces it with the word "producer" as this is the term of art used to denote a person who sells insurance to a consumer. Section 365:1-9-14 is being revoked to promote uniformity and reciprocity with other states. The amendment to 365:1-9-15.1 removes the language for a renewal period and submission and changes the license reinstatement period from a ninety-day period to a period of within one year after the expiration date. It also states that a reinstatement fee shall be double the license fee.

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 14, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

365:1-1-2. Office of the Insurance Commissioner

The office of the Insurance Commissioner is composed of the Insurance Commissioner and such employees as are required and provided for by law. The Insurance Commissioner exercises executive and administrative supervision over the Office of the Insurance Commissioner.

(1) **General description of organization.** The office of the Insurance Commissioner is divided into divisions.~~the following principal operating units:~~

~~(A) Administrative Services Division~~
~~(B) Producer Licensing Division~~
~~(C) Bail Bond Division~~
~~(D) Consumer Assistance and Claims Division~~
~~(E) Comptroller Division~~
~~(F) Communications Division~~
~~(G) Executive Division~~
~~(H) Financial and Examination Division~~
~~(I) Information Technology Division~~
~~(J) Legal and Investigation Division~~
~~(K) Rate and Form Compliance Division~~
~~(L) Real Estate Appraisers Division~~
~~(M) Senior Health Care Programs Division~~
~~(N) Utilization Review Division~~

(2) **Administrative Services Division.** The Administrative Services Division is ~~under the direction of the Chief of Staff and is~~ responsible for various administrative services as directed by the Insurance Commissioner including personnel, mail, and file maintenance.

(3) ~~**Producer**~~ **Licensing Division.** The ~~Producer~~ Licensing Division ~~,headed by the Director of the Producer Licensing Division,~~ is responsible for determining whether applicants for bail bond licenses, insurance ~~agents~~ producers, limited ~~insurance representatives~~ lines producers, insurance adjusters, ~~third party administrators,~~ life, accident and health insurance brokers and insurance consultants licenses meet the qualifications set forth in the statutes of the State of Oklahoma and is also responsible for administering the examinations given as required to applicants and for issuing renewal licenses. The ~~Producer~~ Licensing Division is also responsible for monitoring continuing education requirements ~~for producers~~.

(4) **Bail Bond Division.** The Bail Bond Division ~~is composed of the Director and necessary assistants and~~ is responsible for ~~determining whether applicants for bail bond licenses meet the qualifications set forth in the statutes of the State of Oklahoma, for administering the examinations given to all bail bondsmen, yearly renewal of license and surety/ professional appointments,~~ processing of monthly reports for each type of license held by ~~bondsman~~ bondsmen, collection of 2/10 of 1% ~~reviewal~~ fee of new liability written monthly, enforce statutory deposit requirements of professional bondsmen and initial investigation of complaints regarding possible violation of statutes.

(5) **Consumer Assistance and Claims Division.** The Consumer Assistance and Claims Division ~~is composed of the Director of this division and necessary Policy Analysts, and is in charge of processing~~ processes and ~~investigating~~ investigates all complaints lodged against insurance companies and other persons/entities by the public. Further, this division answers all routine requests for information concerning insurance companies and insurance policies.

(6) **Comptroller Division.** The Comptroller Division is composed of the Comptroller and necessary assistants and is responsible for the internal fiscal affairs of the office, including preparation of payroll, purchase of equipment, approval of all travel claims made by staff and keeping of all fiscal records required by law.

(7) **Communications.** The Communications Division ~~consists of the Communications Manager, a Communications Specialist, a Public Information Officer and necessary support staff. This division~~ is responsible for maintaining and furthering internal and external communications. Among the duties performed in this division are development and management of the Insurance Department website, writing and facilitating news releases, responding to media inquiries, assembling materials to be distributed during~~directing the Insurance Commissioner's~~ public ~~event~~ events, ~~calendar and preparing needed materials for each event~~ production of consumer assistance and awareness events, designing ~~collateral~~ publications for producers and consumers, ~~writing and releasing an internal newsletter~~ and any other communications related duties as needed.

(8) **Executive Division.** The Executive Division, composed of the Insurance Commissioner ~~and the Deputy Commissioner~~ and necessary assistants, is charged with general supervision of all activities of the office including personnel and internal organization.

(9) **Financial and Examination Division.** The Financial and Examination Division ~~is composed of the Chief Financial Examiner, the Deputy Chief Financial~~

~~Examiner, the Chief Financial Analyst and various other levels of Financial Analysts and Financial Specialists and~~ is responsible for determining whether insurance companies and other persons/entities applying for admission to do business in the State of Oklahoma meet the qualifications for admittance as set forth in the statutes of the State of Oklahoma. This division, through outside contract examiners, is responsible for conducting the statutory examination of all domestic and foreign insurance companies and other persons/entities and collects all premium taxes and statutory fees due the State. This division is also responsible for the review and analysis of all annual and quarterly financial statements of insurance companies as required by the statutes of the State of Oklahoma.

(10) **Information Technology Division.** The Information Technology Division ~~is composed of the Director and necessary assistants and~~ is responsible for providing all internal data processing services to the other divisions of the Insurance Department. Further, this division provides the public with both summaries and detailed information on many of the records maintained by the Insurance Department.

(11) **Legal and Investigation Division.**

(A) The Legal Division is composed of the General Counsel and Assistant General Counsels who are the chief ~~law officers and consultants~~attorneys for ~~to~~ the Insurance Commissioner and the other divisions within the Oklahoma Insurance Department ~~office~~ on legal matters. The Legal Division defends ~~or~~ and prosecutes all proceedings held before the Insurance Commissioner ~~, including complaint hearings, as well as investigative hearings~~. The Legal Division is charged with the duty of representing the Insurance Commissioner in the courts in matters which are a part of his/her official duties.

(B) The Investigation Division ~~is composed of the Chief Investigator and assistants and~~ is responsible for investigating complaints against licensed insurance entities and if evidence is found of wrongdoing or non-compliance with the insurance laws of the State of Oklahoma forwarding its findings to the Legal Division, ~~if evidence is found of wrongdoing or non-compliance with the insurance laws of the State of Oklahoma.~~.

(C) The Anti-Fraud Unit is within the Legal and Investigation Division. ~~and is composed of the Chief Investigator and~~ Its investigators ~~who~~ are commissioned by the Insurance Commissioner to serve as peace officers who are~~. It is~~ responsible for investigating violations of statute or administrative rules of this state pertaining to insurance fraud.

(12) **Rate and Form Compliance Division.** The Rate and Form Compliance Division is ~~composed of the Director, the Rate Analysts and the Policy Analysts. This division is~~ responsible for the receipt of life, annuity, accident and health policy forms and property and casualty policy forms, manual rules and rates. The Division determines whether such documents conform to the statutes of the State of Oklahoma. The Division is also responsible for determining whether advisory organizations applying for admission to do business in the State of Oklahoma meet the qualifications for admittance as set forth in the statutes of the State of Oklahoma. All references to Life, Accident and Health Division or Property and Casualty Division shall mean Rate and Form Compliance Division.

(13) **Real Estate Appraisers Division.** The ~~Director of the~~ Real Estate Appraisers Division is responsible for determining whether applicants for real estate appraiser licensure/certification meet the qualifications set forth in the statutes of the State of Oklahoma and for administering the examinations given to all real estate appraisers.

(14) **Senior Health Care Programs Division.** The Senior Health Care Programs Division is composed of two federal grant programs, SHICP and SUMMIT. ~~The Division is composed of the Division Director and support staff.~~ The Senior Health Insurance Counseling Program (SHICP) is responsible for providing information, counseling and assistance to Medicare and Medicaid beneficiaries so they may understand and access their health care benefits. SUMMIT Medicare/Medicaid Fraud, Abuse and Waste Program focuses on reducing Medicare/Medicaid fraud, abuse and waste by enhancing public awareness through community presentations and public education. Both programs train volunteers to assist with the programs' mission.

(15) **Utilization Review Division.** The ~~Director of the~~ Utilization Review Division is responsible for determining whether applicants for Utilization Review Certificates of Registration meet the qualifications set forth in the statutes of the State of Oklahoma.

SUBCHAPTER 9. DESCRIPTION OF FORMS AND INSTRUCTIONS

365:1-9-11. Applications

~~The~~ Unless otherwise provided by electronic means by the Insurance Commissioner or an administrator approved by the Commissioner, the following applications must be completed by the person(s) making application and upon completion, must comply with the applicable Oklahoma statutes:

~~(1) Application for Resident Insurance License (IL-1).~~

~~(2) Application for Non-Resident Insurance License (IL-1).~~

~~(3) Application for Insurance License for Partnership or Corporation (R-3).~~

(1) NAIC Uniform Application for Individual Insurance Producer License.

(2) NAIC Uniform Business Entity Application or NAIC Uniform Non-Resident Agency Application.

(~~4~~3) Application for License as Third Party Administrator (TPA-1).

(~~5~~4) Application for Corporate License as Third Party Administrator (TPA-2).

(~~6~~5) Application for License as Insurance Adjuster (CR-1).

(~~7~~6) Application for License as Insurance Consultant (IC-1).
(~~8~~7) Application for License as Managing General Agent or Agency (MGA).
~~(9) Application for Resident Insurance Broker's License (IL-1).~~
(8) Application for Resident Insurance Brokers License should be made using either the NAIC Uniform Application for Individual Insurance Producer License or NAIC Uniform Non-Resident Agency Application.
(~~10~~9) Catastrophe Registration as Emergency Insurance Adjuster (EIA).
(~~11~~10) Application for Customer Service Representative (IL-1).

365:1-9-13. Suggested language for ~~agents~~ producers bonds

(a) **Insurance Bond.** The Insurance Bond form provides suggested language for preparing an insurance bond.
(b) **Insurance Brokers Bond.** The Insurance Brokers Bond form provides suggested language for preparing an insurance brokers bond.
(c) **Insurance Consultants Bond.** The Insurance Consultants Bond form provides suggested language for preparing an insurance consultants bond.
(d) **Non-Resident Agents License Bond.** The Non-Resident Agents License Bond form provides suggested language for preparing a non-resident agents insurance bond.
(e) **Public Adjusters Bond.** The Public Adjusters Bond form provides suggested language for preparing a public adjusters bond.
(f) **Third Party Administrators Bond.** The Third Party Administrators Bond form provides suggested language for preparing a third party administrators bond.

365:1-9-14. Producer and adjuster continuing education forms [REVOKED]

~~(a) **Form Approval.** The Insurance Commissioner shall approve forms to be used by providers of continuing education courses for producers and adjusters. Notice of any form changes shall be given to providers no less than 30 days before the effective date of form revisions.~~
~~(b) **Provider Application.** A provider application shall be submitted and approved in order to provide continuing education courses to producers and adjusters.~~
~~(c) **Course Approval Request.** The request for course approval shall be submitted on a course approval request form. The form and attachments are required the first day of the month one full month before the first course offering.~~
~~(d) **Course Completion.** A list of producers and adjusters successfully completing a course must be submitted by the provider and received by the Commissioner within ten (10) business days from the ending date of the course. The form shall include an affidavit from the provider certifying that the producers or adjusters appearing on the list have been positively identified, have completed the course, and are entitled to continuing education credits. A copy of the list shall be maintained by the provider for no less than four (4) years.~~
~~(e) **Certificate of Course Completion (CE-5).** Each student successfully completing a course shall be provided a certificate of course completion.~~
~~(f) **Schedule of Course Offerings.** The provider shall submit notification to the Insurance Department confirming the date, time, location and instructors for approved course offerings that are not a self-study format.~~
~~(g) **Notice of Approved Course to be Repeated (CE-6).** The provider shall submit notification to the Insurance Department at least fourteen (14) days prior to the beginning date of the approved course to confirm time, location, date and instructor(s).~~
~~(h) **Instructor Qualification.** An instructor qualification form shall be filed for each instructor or speaker for a continuing education course.~~
~~(i) **Course Evaluation.** The provider shall submit a course evaluation form completed by each producer or adjuster listed on the course completion form. The course evaluation form shall be received by the Commissioner within ten (10) business days from the ending date of the course.~~

365:1-9-15.1. License renewals and reinstatements

(a) **Proof of courses.** As a prerequisite for submission of a renewal or reinstatement application, when requested by the Insurance Commissioner, each licensee ~~must submit Certificate(s) of Course Completion with said application to equal~~ shall have completed the total number of continuing education hours required.
~~(b) **Renewal period and required submissions.** Renewals will be accepted up to ninety days after the expiration date with a properly completed renewal form, proof of course completion and double the license fee.~~
(~~c~~b) **Required submissions for reinstatement ~~after ninety days~~.** After the license expires~~the ninety day period~~ and within~~before~~ one ~~two years~~ year after the license expiration date, a licensee shall be eligible for reinstatement by ~~submitting~~ completing required Continuing Education and submitting a new application and double the license fee. ~~applicable fees.~~ A licensee shall not be eligible for reinstatement if previously the license was revoked, suspended or continuance was denied.
(~~d~~c) **Insurance adjusters.** This section shall also apply to insurance adjusters as defined by the Insurance Code.

365:1-9-16. ~~Agents license~~ Producer licensing forms

(a) **Licenses.** The license form is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of ~~an agent's~~ a producer's authority to transact business within Oklahoma.
(b) **Insurance Consultant License Certificate.** The Insurance Consultant License Certificate is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as an insurance consultant in the State of Oklahoma.
(c) **Life or Accident and Health Insurance Broker License Certificate.** The Life or Accident and Health Insurance

Broker License Certificate is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as an insurance broker in the State of Oklahoma.

(d) **Managing General Agent's License.** The Managing General Agent's License is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as a managing general agent in the State of Oklahoma.

(e) **Temporary Insurance ~~Agent's~~ Producer's License.** The Temporary Insurance ~~Agent's~~ Producer's License is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as a temporary insurance agent in the State of Oklahoma. The appointing company that requests the license may receive a temporary license after completion of a properly completed application and an affidavit as prescribed by the Insurance Commissioner. The temporary license shall be valid for up to ~~thirty~~ one hundred eighty (180) days from the date of issuance, or until the applicant ~~takes~~ passes the license examination, whichever time is shorter.

(f) **Third Party Administrator License Certificate.** The Third Party Administrator License Certificate is executed under the hand and seal of the Insurance Commissioner and delivered. This form is evidence of an individual's authority to act as a third party administrator in the State of Oklahoma.

(g) **Renewal Notice.** The ~~Agent's~~ Producer Licensing Division of the Insurance Department ~~sends the~~ may send a Renewal Notice ~~form~~ to ~~agents~~ producers to remind them to comply with renewal requirements by either electronic or paper means.

[OAR Docket #11-845; filed 6-3-11]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 10. LIFE, ACCIDENT AND HEALTH

[OAR Docket #11-846]

RULEMAKING ACTION:
PERMANENT final adoption

RULES:
Subchapter 1. General Provisions
Part 1. General Provisions
365:10-1-6. Oklahoma Life and Health Insurance Guaranty Association ~~disclaimer~~notice requirements [AMENDED]
365:10-1-13. Notification required upon rejection [AMENDED]
365:10-1-15. Eliminating unfair discrimination on basis of children as single applicants [NEW]
Subchapter 5. Minimum Standards; Contract Guidelines
Part 1. Minimum Standards and Benefits for Accident and Health Insurance
365:10-5-4. Prohibited policy provisions [AMENDED]
Part 13. Medicare Supplement Insurance Minimum Standards
365:10-5-128.2. Standard Medicare Supplement Benefit Plans for 2010 Standardized Medicare Supplement Benefit Plan Policies or Certificates issued for delivery on or after June 1, 2010 [AMENDED]
365:10-5-134. Required disclosure provisions [AMENDED]
Appendix S. Outline of Coverage [REVOKED]

AUTHORITY:
Insurance Commissioner, 36 O.S. §§ 307.1, 1204, 2043, 3611, 4403, 4403.1 and 6101.

DATES:
Comment period:
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Legislative approval:
Failure of the Legislature to disapprove the rules resulted in approval on May 27, 2011
Final adoption:
May 27, 2011
Effective:
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INCORPORATIONS BY REFERENCE:
n/a

ANALYSIS:
The amendment to 365:10-1-6 updates language for the notice requirements for coverage or non-coverage by the Oklahoma Life and Health Insurance Guaranty Association Act as a result of the enactment of changes to the Oklahoma Life and Health Insurance Guaranty Association Act in Senate Bill 2043.

The amendment to 365:10-1-13 provides updated contact information for the Oklahoma Health Insurance High Risk Pool and Oklahoma Temporary High Risk Pool which must be contained in a notice of rejection of health insurance coverage.

New Section 365:10-1-15 requires insurers issuing individual accident and health policies within the state to have an open enrollment period for children under the age of 19. The section requires insurers to offer an open enrollment period from September 1 through October 31 for the year 2011 and for every year thereafter, from June 1 through July 31. Insurers must issue the child only policy on a guaranteed issue basis. Insurers may be subject to an administrative hearing and penalty for violating the section.

The amendment to 365:10-5-4 adds limited benefit insurance policies to the provision regarding policy limits and exclusions to further clarify to which types of policies the paragraph applies. The amendment to 365:10-5-128.2 removes the 150 days hospitalization requirement and replaces it with the hospitalization after the lifetime reserves days are exhausted.

The amendment to 365:10-5-134 removes references to Appendix S and replaces it with language referring to the most recent edition of the NAIC Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act. This eliminates confusion as to which outline of coverage insurers shall use when dealing with Medicare Supplement Benefit Plans.

Appendix S is revoked because it is not the current outline of coverage required by the NAIC to be utilized by insurers. Additionally, amendments to 365:10-5-134 encompass the needed reference to the most recent outline of coverage as promulgated by the NAIC.

CONTACT PERSON:
Julie Meaders, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56th St., Suite 100, Oklahoma City, OK 73112, (405) 521-2746

DUE TO THE EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT THE OKLAHOMA INSURANCE DEPARTMENT LOCATED AT 3625 NW 56TH STREET, SUITE 100, OKLAHOMA CITY, OKLAHOMA 73120 AND AT THE SECRETARY OF STATE'S OFFICE OF ADMINISTRATIVE RULES. THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT

TO 75 O.S. § SECTION 255 (B):

SUMMARY:

Appendix S is revoked because it is not the current outline of coverage required by the NAIC to be utilized by insurers. Insurers shall use the most recent edition of the NAIC Model Regulation to Implement the NAIC Medicare Supplement Insurance Minimum Standards Model Act.

[OAR Docket #11-846; filed 6-3-11]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 15. PROPERTY AND CASUALTY

[OAR Docket #11-847]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions
365:15-1-3. Property and casualty form filings [AMENDED]
Subchapter 3. Claims Resolution and Unfair Claim Settlement Practices
365:15-3-5. Failure to acknowledge pertinent communications [AMENDED]
Subchapter 7. Property and Casualty Competitive Loss Cost Rating Regulations
365:15-7-17. Suspension or modification of filing requirements [REVOKED]
365:15-7-32. Use of "a" rates [AMENDED]

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 907, 986, and 1250.16

DATES:

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

ANALYSIS:

The amendment to 365:15-1-3 adds that policies must provide for extended reporting period options based on rating plans filed with the Insurance Commissioner, in addition to the existing requirement of those approved by the Commissioner, since companies' rates are filed and advisory organizations' loss costs are approved. The amendment to 365:15-3-5 provides consistency with the statutory counterpart in allowing insurers to respond to inquiries within 30 days. Section 365:15-7-17 is being revoked because it is no longer needed since 36 O.S. § 903 has been repealed. The amendment to 365:15-7-32 removes "a" rate exemption language and replaces it with the requirement that companies justify the use of an "a" rating.

CONTACT PERSON:

Julie Meaders, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56th St., Suite 100, Oklahoma City, OK 73112, (405) 521-2746

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 14, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

365:15-1-3. Property and casualty form filings

(a) **Purpose.** The purpose of this section is to specify the procedures for submitting form filings to the Insurance Commissioner as required by Article 36 of the Insurance Code.

(b) **Procedures.** Policy forms, endorsements and revisions thereto, by insurance companies and advisory organizations licensed in Oklahoma, shall be submitted in compliance with this section, or shall be rejected for filing, and the entity that made such submission shall be so notified.

(1) **Filing requirements.** The Insurance Code, Article 36, requires that each insurer shall make its form filings by line of business directly with the Insurance Commissioner. Companies may satisfy their obligation to make such filings, where authorized by law, by becoming a member or subscriber to an Oklahoma licensed advisory organization that makes such filings.

(2) **Filing fees.**

(A) Form filings shall be accompanied by the proper fees as specified in the Insurance Code. Fees shall not be paid in cash.

(B) Filings for groups of insurers shall be accompanied by the specified fee for each transaction, regardless of the number of members or subscribers.

(C) Filings by advisory organizations shall be accompanied by the specified fee for each transaction regardless of the number of members or subscribers.

(3) **Address requirements.** All filings shall be addressed as follows: Oklahoma Insurance Commissioner, P.O. Box 53408, Oklahoma City, OK 73152-3408.

(4) **Number of copies.** All filings except those exempted shall be submitted through the System for Electronic Rate and Form Filing (SERFF) pursuant to the SERFF General Instructions. All paper filings including the cover letter, all exhibits, forms and additional information submitted to the Insurance Commissioner shall be typewritten or printed and submitted with one (1) legible copy of all material. Companies that file as a group listing all companies on the transmittal letter may accomplish this requirement by submitting one (1) typewritten or printed legible copy of all material.

(5) **Effective date of filings.** The effective date of form filings and the dates of required action by the Insurance Commissioner are governed by the applicable provisions of the Insurance Code.

(6) **Notice of Insurance Commissioner action.** The Insurance Commissioner shall indicate action taken through the System for Electronic Rate and Form Filing (SERFF). Nothing in this section shall preclude the

Insurance Commissioner from the use of other forms of communication to secure information from the filing entity.

(7) **Life, accident and health insurance.** This section does not apply to Life, Accident and Health. Life, Accident and Health filings shall be made in accordance with the applicable provisions of the Insurance Code and Rules of the Insurance Commissioner.

(8) **Postage requirements.** No submissions shall be accepted which arrive at the offices with postage due. No submissions will be returned unless the necessary postage accompanies the same.

(9) **Filing form and content.** All filings shall contain the following:

(A) The name of the filing entity and complete mailing address to which correspondence shall be sent.

(B) A "RE" or "caption" briefly describing the content and context of the filing.

(C) A list or index of the forms filed in the filing letter or attached thereto including the form numbers and edition date, if applicable.

(D) A complete description and full explanation of the changes made by the filing including, reasoning therefore, illustrative examples, including "John Doe" specimen form, and a comparison of currently approved and proposed materials (side by side comparison or marked copy).

(E) A concise statement to identify the form to be replaced by the filing including the approval date in this jurisdiction and the identifying filing number of the filing containing the form to be replaced as assigned by the Insurance Department.

(F) If a form is being withdrawn or amended due to court decisions in any jurisdiction, the filing entity shall furnish the legal citation, and if from another jurisdiction, a copy of such decision or opinion with its filing.

(G) If a form filing is due to a federal law or regulation of a federal agency, the filing entity shall furnish the legal citation and a copy of the pertinent provisions.

(H) Completed transmittal forms and exhibits.

(10) **Withdrawal of pending filings.** Pending filings may be withdrawn by the filing entity upon notice to the Insurance Commissioner prior to the approval or disapproval thereof. The notice shall include the reason for the withdrawal.

(11) **Duration of filings.** All filings are in effect until withdrawn or amended by the insurer or rating organization, with approval of the Insurance Commissioner or until abrogated by the Insurance Commissioner.

(12) **Advisory organization deviations.** Every member of, or subscriber to, a licensed rating organization may adhere to any filings made on its behalf by its Advisory Organization, except that any such member or subscriber may deviate from such filings as authorized by this section if it has filed with the Advisory Organization and with the Insurance Commissioner, the deviation to be applied and information necessary to justify the deviation. If such deviation is approved, it shall remain in force until such approval is withdrawn or replaced by the insurer with approval of the Insurance Commissioner.

(13) **Group filings.** Where filings are made on behalf of more than one insurer, the filing shall list the insurer or insurers by individual name and not by Company group.

(14) **Members of or subscribers to a licensed advisory organization.**

(A) **Filings.** A licensed advisory organization may make filings on behalf of its members and subscribers except deviation filings.

(B) **Adherence to filings.** Every member of or subscriber to a licensed advisory organization may adhere to any filings made on its behalf by such organization except that any such member or subscriber may deviate from such filings upon compliance with this section and approval of the Insurance Commissioner

(C) **Individual company filings.** Members and subscribers shall not file individual forms that have been filed on their behalf by the appropriate advisory organization. Declaration pages, policy "jackets" and other forms not normally filed by the rating organization shall be filed by the insurer directly with the Insurance Commissioner.

(D) **Filing requirements; advisory organization form deviation.** If form deviations are proposed, the insurer shall file the form including supporting documentation with the Insurance Commissioner and furnish copies to the appropriate rating organization.

(E) **Agency filings.** "Agency Filings" by a Rating Organization on behalf of its members or subscribers shall be accepted by the Insurance Commissioner in instances where the rating organization does not have a filing in effect for the coverage involved.

(15) **Independent filings.** If the insurer is filing an independently developed form, the filing shall comply with the following:

(A) File Policy Forms, Endorsements, and other materials, with the Insurance Commissioner and designate them as "Independent Filings".

(B) File support of each filing in accordance with this section.

(C) For revisions, file form with the Insurance Commissioner.

(16) **Reference filings.**

(A) **Advisory Organization Filings**

(i) **Filings permitted without reference filing agreement.** Advisory Organization forms used in whole or in part may be adopted by participating insurers of a licensed advisory organization by "Reference Filings" subject to the approval of the Insurance Commissioner. When making such type filing submit a filing memorandum identifying the forms used. Departures and exceptions, if

any, shall be accompanied by the necessary supporting data. Such adoption shall apply only to current filings and shall have no automatic effect as to future filings. Each advisory organization filing shall be separately and specifically adopted.

(ii) **Filings permitted with reference filing agreement.** Approved Advisory Organization material may be adopted by participating insurers of a licensed advisory organization by filing a REFERENCE FILING AGREEMENT with the Insurance Commissioner identifying the forms and material to be used. Such adoption shall apply from the date it is approved by the Insurance Commissioner to filings in effect on that date and to all applicable future filings. It shall remain in effect until such time as the agreement is withdrawn with the approval of the Commissioner.

(iii) **Reference filing.** If filing by "Reference Filing" DO NOT file forms.

(B) **Other than Advisory Organization filings.** An insurer may adopt another insurer's filing by filing forms on the filing insurer's format and by advising the Insurance Commissioner of the names(s) of the insurer whose program is being copied, the Oklahoma filing number, and the date(s) the program was filed for that insurer. Unless an exception is granted by the Insurance Commissioner, this procedure applies only to the filing of the initial program for the adopting insurer and is subject to the review of the Insurance Commissioner.

(17) **Resubmittal of filings.** All resubmissions of disapproved or rejected filings shall be presented to the Insurance Commissioner in the same manner as required by this section for an original filing. In addition the cover letter or completed transmittal forms addressed to the Insurance Commissioner shall state the full and complete history of the filing, the reason for disapproval or rejection, and the factors which distinguish the resubmittal so it warrants reconsideration.

(18) **Retroactive filings.** The Insurance Commissioner has no authority to and shall not approve filings proposing a retroactive effective date except in cases of a filing correcting an error in a previously approved filing and in cases where required or necessitated by Statute.

(19) **Delivery of policy to insured.** In any instance whereby a policy of insurance is effected the insured shall be furnished with either:

(A) The original policy;

(B) A copy of the original policy or a duplicate policy printed with ten point or larger type; or

(C) A certificate including provisions and conditions of the original policy printed with ten point or larger type.

(20) **Coverage elimination after policy issuance.** Any endorsement which eliminates or restricts coverage and which is issued during the policy term shall be identified as accepted by the insured, by the signature of the insured thereon, and a signed copy (original, computer generated or microfilm) of such endorsement shall be retained in the files of the insurer for one year after the expiration of the policy.

(21) **Uniform standard mortgage clause.** The mortgage clause to be used by Insurance Companies in Oklahoma shall be uniform Standard Form Number 127B September 1934 Edition or subsequent editions, except upon written application by an insurer or rating organization, a clause providing broader coverage may be approved by the Insurance Commissioner.

(22) **Claims-made policies.**

(A) The policy application and the Declarations page of each claims-made policy shall include a conspicuous notice indicating that the contract is a claims-made policy and advising the policyholder to read its provisions.

(B) The policy shall provide for extended reporting period options based on rules, rates or rating plans approved by or filed with the Insurance Commissioner. If so stated in the policy, the extended reporting period options shall not be required to be offered if a policy is cancelled for nonpayment of premium or a material representation or fraud.

(23) **New forms, reductions in coverage.**

(A) Form filings that may result in the elimination of claims (losses) shall be considered as a relevant factor to be given due consideration by the Insurance Commissioner as respects rates in effect or proposed for the coverage involved.

(B) The filer shall fully disclose the rate consideration so that Commissioner can be notified of the form filing. The form filing may be disapproved if the rate effect has not been considered in rules, rates or rating plans approved by or filed with the Commissioner.

SUBCHAPTER 3. CLAIMS RESOLUTION AND UNFAIR CLAIM SETTLEMENT PRACTICES

365:15-3-5. Failure to acknowledge pertinent communications

(a) **Acknowledgment of receipt of claim.** Every property and casualty insurer, upon receiving notification of a claim shall, within ~~20~~ thirty (30) business days, acknowledge the receipt of such notice unless payment is made within such period of time. If any acknowledgment is made by means other than writing, an appropriate notation of such acknowledgment shall be made in the claim file of the insured and dated. Notification given to an agent of an insurer shall be notification to the insurer.

(b) **Response to inquiries from Insurance Department.** Every property and casualty insurer, upon receipt of any inquiry from the Insurance Department respecting a claim shall, within ~~fifteen business days of receipt~~ thirty (30) days from the date of such inquiry, furnish the Department with an adequate response to the inquiry.

(c) **Response to other pertinent communications.** An appropriate reply shall be made within ~~20 business~~ thirty

(30) days of receipt on all other pertinent communications from a claimant which reasonably suggests that a response is expected.

(d) **Insurer shall provide forms and assistance on claims to first party claimants.** Every property and casualty insurer, upon receiving notification for claim, shall promptly provide necessary claim forms, instructions, and reasonable assistance so that first party claimants can comply with the policy conditions and the insurer's reasonable requirements. Compliance with this paragraph within ~~20 business~~ thirty (30) days of notification of a claim shall constitute compliance with subsection (a) of this section.

SUBCHAPTER 7. PROPERTY AND CASUALTY COMPETITIVE LOSS COST RATING REGULATION

365:15-7-17. Suspension or modification of filing requirements [REVOKED]

~~(a) **Review of rates prior to use.** The Insurance Commissioner in his review of a filing may accept for the filer the use of rates without being filed for the kind of insurance or classes of risks for which he determines that rates cannot be practically filed before the rates are used.~~

~~(b) **Rates submitted on individual risk basis.** The filer shall submit such rates on an individual risk basis or maintain records for future examination as the Insurance Commissioner deems advisable.~~

~~(c) **Loss and expense experience report.** The filer shall maintain loss and expense experience for annual reporting to the Insurance Commissioner or to his designated statistical agent in such form and detail necessary to determine compliance with the standards set forth in the Property and Casualty Competitive Loss Cost Rating Act.~~

365:15-7-32. Use of "a" rates

(a) ~~As used in Section 997 of Title 36 of the Oklahoma Statutes, an~~ An "a" rate is a rating rule or rate expressed as the symbol "a" or the words "refer to company" listed opposite a classification code on the manual rule and rate pages.

(1) An insurer may not use an "a" rate if any advisory organization or any other insurer has established a manual rate based upon experience for the coverage.

(2) Once an advisory organization or any insurer acquires sufficient experience to establish a manual rate for such coverage, then the coverage is no longer considered to be eligible for "a" rating.

(b) An insurer ~~claiming an "a" rate exemption~~ shall file with the Commissioner a statement justifying the use of ~~the exemption~~ an "a" rating. The statement shall include the policies and procedures for underwriting and developing "a" rates and any formal guidelines established by the insurer for these situations. The filing shall include an acknowledgment that the coverage is no longer eligible for "a" rating once an advisory organization or an insurer acquires sufficient experience to establish a manual rate for such coverage. The justification statement shall be filed within thirty (30) days of the use of the rule and rate.

[OAR Docket #11-847; filed 6-3-11]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. LICENSURE OF PRODUCERS, ADJUSTERS, BAIL BONDSMEN, COMPANIES, PREPAID FUNERAL BENEFITS, CEMETERY MERCHANDISE TRUSTS, AND VIATICAL SETTLEMENT PROVIDERS AND BROKERS

[OAR Docket #11-848]

RULEMAKING ACTION:
PERMANENT final adoption

RULES:
Subchapter 3. Producers, Brokers, Limited Lines Producers and Vehicle Protection Product Warrantors
365:25-3-1. Insurance producers continuing education [AMENDED]
365:25-3-1.1. Application for resident producer license [REVOKED]
365:25-3-1.2. Provisional producer license [REVOKED]
365:25-3-1.3. Approved insurance company training program [REVOKED]
365:25-3-14. Insurance adjusters continuing education [AMENDED]
365:25-3-15. Variable ~~annuity~~product licensing [AMENDED]
365:25-3-16. Examination exemptions [AMENDED]
365:25-3-17. Agriculture Revenue Insurance License [REVOKED]
365:25-3-18. Compensation and education for sale of Medicare Advantage (including private fee for service plans) or Medicare prescription drug products and plans [AMENDED]
365:25-3-20.1. Prior approval of vehicle protection product contract forms [NEW]
365:25-3-20.2. Cancellation language for vehicle protection product contract forms [NEW]
365:25-3-20.3. Disapproval of any vehicle protection product contract form [NEW]
Subchapter 5. Bail Bondsmen
Part 1. Continuing Education for Bail Bondsmen
365:25-5-3. Education requirements [AMENDED]
Part 5. General Provisions Pertaining to Bail Bondsmen
365:25-5-35. Bondsman license renewal [AMENDED]
365:25-5-45. Fines and costs due to Commissioner [NEW]
365:25-5-46. Notification of use of business name [NEW]
Subchapter 23. Cemetery Merchandise Trusts [NEW]
365:25-23-1. Purpose [NEW]
365:25-23-2. Permit required [NEW]
365:25-23-3. Contract approval [NEW]
365:25-23-4. Forms [NEW]
365:25-23-5. Trust fund and trustee [NEW]
365:25-23-6. Surety bond [NEW]
365:25-23-7. Reports to trustee [NEW]
365:25-23-8. Annual report [NEW]
365:25-23-9. Notice of sale [NEW]
Appendix T. Insurance Company Training Program Affidavit [REVOKED]

AUTHORITY:
Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19, 1435.29, 6217, 6660, 7124; 59 O.S. §§ 1302 and 1308.1.

DATES:
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SUPERSEDED EMERGENCY ACTIONS:
Superseded rules:
Subchapter 3. Producers, Brokers, Limited Lines Producers and Vehicle Protection Product Warrantors
365:25-3-1. Insurance producers continuing education [AMENDED]
365:25-3-14. Insurance adjusters continuing education [AMENDED]
Subchapter 23. Cemetery Merchandise Trusts [NEW]
365:25-23-1. Purpose [NEW]
365:25-23-2. Permit required [NEW]
365:25-23-3. Contract approval [NEW]
365:25-23-4. Forms [NEW]
365:25-23-5. Trust fund and trustee [NEW]
365:25-23-6. Surety bond [NEW]
365:25-23-7. Reports to trustee [NEW]
365:25-23-8. Annual report [NEW]
365:25-23-9. Notice of sale [NEW]
Gubernatorial approval:
October 19, 2010
Register publication:
28 Ok Reg 214
Docket number:
10-1247
INCORPORATIONS BY REFERENCE:
n/a
ANALYSIS:

The amendments to sections 365:25-3-1 and 365:25-3-14 change the references to continuing education credit to continuing education. The amendments also add a provision for a reinstatement period for providers of continuing education and exempt nonprofit and not-for-profit organizations from payment of the required provider fee, but do require nonprofit and not-for-profit organizations to submit certain information.

The amendments to 365:25-3-1 provide consistency with current terms of art and exempts nonprofit organizations from payment of a continuing education provider fee. The amendment provides a reinstatement period for education providers and allows the Commissioner to take administrative action against a provider that offers a course that has been denied.

Sections 365:25-3-1.1 through 365:25-3-1.3 are being revoked to promote uniformity and reciprocity with other states.

The amendments to section 365:25-3-14 require adjusters adjusting workers' compensation claims in Oklahoma to complete six (6) hours of continuing education relating to the Oklahoma Workers' Compensation Act. The six hours are part of the twenty-four (24) clock hours of continuing education as set forth in 36 O.S. § 6217(D). Additionally, insurers are required to verify compliance by submission of certain documentation to the Insurance Department. Section 365:25-3-15 places requirements on producers selling variable life products in addition to variable annuities. The amendment to 365:25-3-16 removes the requirement that a person provide a clearance letter from a prior state when applying to become a resident producer in this state. It also provides an examination exemption for adjusters who obtain a multi-peril crop license if the person presents the proper federal certification.

Section 365:25-3-17 is revoked because the agriculture revenue insurance license is a limited lines license that no longer exists.

Section 365:25-3-18 is amended to remove the one-time training requirement as this standard is no longer used.

New sections 365:25-3-20.1 through 365:25-3-20.3 provide authority for the Commissioner to approve contract forms and cancellation provision standards.

The amendment to 365:25-5-3 requires an applicant for a bondman's license to complete prelicensing education as required by 59 O.S. § 1308.1(A). Section 365:25-5-35 changes the bail bondsman's license renewal to every two years and provides for payment of the required fee and any late fee every two years. The section also changes the expiration of the bondsman's license to the last day of the bondsman's birth month.

New sections 365:25-5-45 and 365:25-5-46 require fines and costs assessed against bondsmen to be paid within 30 days of the date of the order and require notification by the bondsman if the bondsman uses a name other than the legal name of the bondsman.

The new Subchapter 23 creates rules for the implementation and regulation of the Cemetery Merchandise Trust Act. New section 365:25-23-1 sets forth the purpose of the subchapter.

New section 365:25-23-2 requires any organization accepting money or anything of value for prepaid cemetery merchandise to obtain a permit from the Insurance Department. The rule sets forth reasons that the permit may be denied.

New section 365:25-23-3 requires approval by the Insurance Department of contracts used in the sales of cemetery merchandise. New section 365:25-23-4 sets forth the required forms necessary for the Insurance Department to administer and regulate the Cemetery Merchandise Trust Act. New section 365:25-23-5 requires permit holders to inform the Insurance Department of the identity of the trustee if the funds are held in trust.

New section 365:25-23-6 sets forth requirements for permit holders posting surety bonds. New section 365:25-23-7 provides the requirements for the report that must be submitted by each permit holder if the permit holder chooses to provide a summary of the relevant information contained in each contract. New section 365:25-23-8 requires each permit holder to file an annual report with the Insurance Department. The rule lists the information required to be submitted.

New section 365:25-23-9 provides requirements that must be submitted to the Insurance Department when there is a sale or transfer of ownership.

Appendix T is revoked because it is no longer used by the Insurance Department.

CONTACT PERSON:
Julie Meaders, Assistant General Counsel, Oklahoma Insurance Department, 3625 NW 56th St., Suite 100, Oklahoma City, OK 73112, (405) 521-2746

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 14, 2011:

SUBCHAPTER 3. PRODUCERS, BROKERS, LIMITED LINES PRODUCERS AND VEHICLE PROTECTION PRODUCT WARRANTORS

365:25-3-1. Insurance producers continuing education

(a) **Purpose.** The purpose of this section is to set forth the requirements for continuing education, which an insurance producer must meet and to set forth the requirements for approval by the Insurance Commissioner of a proposed continuing education course.

(b) **Definitions.** The following words or terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) ~~**"CEC"**~~**"CE"** means continuing education ~~credit~~.

(2) **"Certificate of course completion"** means a document acceptable to the Commissioner which signifies satisfactory completion of the course and reflects hours of credit earned.

(3) **"Continuing Education Advisory Committee"** means the committee established by the Commissioner for the purpose of reviewing and recommending approval or disapproval of continuing education courses.

(4) **"Credit hour"** means at least fifty (50) minutes classroom instruction unless a correspondence or self-study course.

(5) **"Instructor"** means a person who presents course materials approved for continuing education credit hours, and who has experience, training, and/or education in the course subject matter and has been approved by the Commissioner.

(6) **"Instructor Qualification Form"** means a form acceptable to the Commissioner and completed by the instructor which documents qualifications of the instructor.

(7) **"Licensee"** means a natural person who is licensed by the Commissioner as an insurance producer.

(8) **"Provider"** means a person, corporation, professional association or its local affiliates, an insurance company or any other entity which is approved by the Commissioner and provides approved continuing education to insurance producers.

(9) **"Provider Course Completion Form"** means a form acceptable to the Commissioner and completed by the provider which documents completion of an approved course by a producer or producers.

(c) **Exceptions.** The requirements for continuing education in this section shall not apply to:

(1) limited lines producers.

(2) a non-resident producer who resides and is licensed in a state or district having continuing education requirements and the producer meets all the requirements of that state or district to practice therein. The non-resident producer shall be responsible for completing any reporting requirements necessary to verify completion.

(3) a non-resident producer of a state that does not require continuing education hours may fulfill the requirements of any other state's continuing education requirements and shall be deemed to have complied with this rule upon proof of completion of said hours.

(d) **Continuing education requirements.**

(1) **~~CEC~~ CE during twenty-four month period.** All licensees shall complete the required hours of continuing education as set forth in 36 O.S. § 1435.29 during each twenty-four month period. The twenty-four month period begins the first day ~~of the month following the month in which the~~ after the license is granted. The credit hours completed must be in those lines in which the producer is licensed. Ethics shall include, but not be limited to, the study of fiduciary responsibility, commingling of funds, payment and acceptance of commissions, unfair claims practices, policy replacement consideration, and conflicts of interest.

(2) **Certificates of course completion required for license renewal.** If requested by the Insurance Department, each producer shall submit upon each licensing renewal certificate(s) of course completion as approved by the Insurance Department, which verify courses completed during the previous twenty-four month period.

(3) **Credits carried over.** Six (6) credit hours in excess of the minimum twenty-four month period requirement shall carry forward to the next twenty-four month period. Excess hours may be applied to bring a lapsed license into compliance.

(4) **Legislative updates.**

(A) At least two (2) of the continuing education credit hours of instruction completed by licensees each twenty-four month period shall be taken in the following topics:

(i) state legislative updates

(ii) federal legislative updates.

(5) **Credits for instructors.** An instructor who is a licensee shall receive the same continuing education credit for presenting approved course materials as a licensee who attends an approved classroom instructional session.

(6) **Prerequisite for renewal or reinstatement.** As a prerequisite for licensure renewal or upon reinstatement following a lapse of license, a producer must submit, on his or her renewal/reinstatement date, the appropriate forms as specified in this section which establish that the education requirements have been met for the previous year(s).

(e) **Approval of continuing education providers.**

(1) **Information required, fee.** Each provider shall apply for approval from the Commissioner. Each provider, with the exception of public funded educational institutions, federal agencies ~~or~~, nonprofit organizations, not-for-profit organizations, and Oklahoma state agencies, shall submit after its approval a provider fee of Two Hundred Dollars ($200.00), and all providers, including public funded educational institutions, federal agencies, nonprofit organizations, not-for-profit organizations, and Oklahoma agencies shall provide:

(A) Name and address of the provider;

(B) Contact person and his or her address and telephone number;

(C) The location of the courses or programs, if known, unless it is an individual self- study course;

(D) The number of ~~CEC~~ CE hours requested for each course;

(E) Topic outlines which list the summarized topics covered in each course and a copy of any course materials. If a prior approved course has substantially changed, a summarization of those changes;

(F) The names and qualification of instructors. An instructor shall have one of the following qualifications:

(i) Three (3) years of recent experience in the subject area being taught; or

(ii) A degree related to the subject area being taught; or

(iii) Two (2) years of recent experience in the subject area being taught and twelve (12) hours of college and/or vocational technical school credit hours in the subject area being taught.

(G) If a prior approved course has materially changed, a summarization of those changes;

(2) **Renewal fee.** An annual renewal fee of Two Hundred Dollars ($200.00) shall be payable on or before the approval anniversary date of each year by each provider

to renew the approval of the provider. A fee of double the annual renewal fee shall be paid if the application for renewal is late or incomplete on the approval anniversary date.

(3) **Reinstatement period.** Providers whose approval has expired may be reinstated pursuant to paragraph 1 of this subsection. The reinstatement period shall be for a period of one (1) year following the expiration of the renewal date. The approval of the provider and any currently active courses shall remain active for the reinstatement period. If the provider and all courses fail to remain active following the reinstatement period, the provider and courses shall not be reinstated and the provider and courses shall be required to be approved pursuant to the provisions of this subsection.

(~~3~~ 4) **Withheld or withdrawn approval.** The Commissioner may withhold or withdraw approval of any provider for violation of or non-compliance with any provision of this section.

(f) **Courses; approval; records; fee.**

(1) **Timeline for approval.** At least thirty (30) days prior to the use of any course and not less than ten (10) days prior to the Continuing Education Advisory Committee meeting immediately preceding the course date, the provider shall apply for and submit the appropriate course review fee to the Commissioner for course approval. The Commissioner shall grant or deny approval based upon information submitted in this section regarding each course or additional information regarding the course, if necessary. The Commissioner will assign the number of ~~CEC~~ CE hours awarded for an approved course and the line or lines of insurance for which the course qualifies.

(2) **Written approval required.** All courses shall require written approval by the Commissioner.

(3) **Withheld or withdrawn approval.** The Commissioner may withhold or withdraw approval for any course approval. This withdrawal will not affect any ~~CEC~~ CE hours attained under the course previous to the withdrawal. If a provider provides a CE course after that course has been denied by the Commissioner, the provider may be subject to an administrative action and penalty.

(4) **Minimum of one credit hour.** Courses submitted for approval must consist of a minimum of one credit hour of course instruction.

(5) **Continuing education course must be separate from meetings.** Courses conducted in conjunction with other meetings must have a separate continuing education course component.

(6) **Content of courses.** Courses must be of a meaningful nature and shall not include items such as prospecting, motivation, sales techniques, psychology, recruiting, and subjects not relating to the insurance license. However, agency management courses designed to assist producers in becoming more efficient, profitable, and assuring their perpetuation, will be deemed to be in the best interest of the insuring public and thereby subject to approval. Each such agency management course must include the description, the effects the course is designed to accomplish toward the purposes of efficiency, profitability, and/or perpetuation and each course will be reviewed for approval on its own merits.

(7) **Certificate of Course Completion.** At the completion of each course, the provider shall provide the insurance producer a "Certificate of Course Completion" Form.

(8) **List of producers completing course to Commissioner; producer license numbers.** Within ten (10) business days after completion of each course, the provider shall provide the Commissioner a list of all insurance producers who completed the course on the Course Completion Form. This list shall contain the course number, date of completion and license numbers of all insurance producers completing the course. If the list is not reported within ten (10) business days, a late report fee of $50.00 shall be paid to the Insurance Department. Failure to pay the late report fee may result in revocation of provider approval. Continued late filing may also result in loss of approval.

(9) **Course records maintained four years.** Providers shall maintain course records for at least four (4) years. The Commissioner may order an examination of a provider, at the provider's expense, for good cause shown.

(10) **Repeated approved course.** At least fourteen (14) days prior to the repetition of an approved course, the Commissioner shall be notified in writing of the repetition, providing course number, name, date and instructor's name.

(11) **Course evaluation.** The continuing education provider shall provide written notification to each producer of the opportunity to offer comments on any continuing education class via the Insurance Department website.

(12) A non-refundable course review fee of thirty dollars ($30.00) per course shall be submitted by all continuing education providers at the time the course submission is first submitted for review and upon submission for renewal at expiration with the exception of publicly funded educational institutions, federal agencies, Oklahoma state agencies, non-profit organizations, and not-for-profit organizations.

(g) **Approved Professional Designation Programs.**

(1) **Definitions.**

(A) **Participation.** As used in 36 O.S. § 1435.29(B)(3), participates means successfully completing any part of a course curriculum totaling twenty (20) classroom or equivalent classroom hours of an approved professional designation program.

(B) **Approved Professional Designation Program.** As used in 36 O.S.§ 1435.29(B)(3), an approved professional designation program means an educational insurance program approved by the Commissioner with a sponsoring organization that administers curriculum requirements and testing standards for candidates.

(2) **Requirements.** A professional designation program shall satisfy the following criteria to receive initial and ongoing approval for the program:

(A) The program shall have a sponsoring organization;

(B) The program's sponsoring organization shall maintain and govern a code of conduct;

(C) The program shall be relevant to the sale, solicitation, or negotiation of insurance products in the State of Oklahoma;

(D) Each course of the professional designation course curriculum shall be a minimum of twenty (20) hours of classroom instruction or equivalent classroom instruction; and

(E) The program shall include an examination requirement that students shall pass before earning the designation.

(3) **Submissions.** The sponsoring organization shall submit the following to the Commissioner for its professional designation program to be considered for initial and ongoing approval for the program:

(A) The sponsoring organization's code of conduct;

(B) The sponsoring organization's membership requirements;

(C) The professional designation program's course requirements; and

(D) The professional designation program's examination requirements.

(4) **Submission exemptions.** Professional designation programs recognized by the National Association of Insurance Commissioners (NAIC) for waiver/exemption of pre-licensing education training shall receive initial and continuing approval without submission by the sponsoring organization.

(h) **Presumptive Continuing Education Credit Approval.**

(1) **Requirements.** A professional association may receive presumptive approval of the association's continuing education courses by satisfying the following requirements:

(A) The association shall have a mission statement that includes a commitment to enhance the professional, educational, or ethical skills of its members;

(B) The association shall maintain and govern a code of member conduct;

(C) The association shall offer educational programs relevant to the sale, solicitation, or negotiation of insurance products in the State of Oklahoma; and

(D) The association shall perpetuate its continuity through the election of officers.

(2) **Submissions.** Each professional association shall submit the following to be considered for initial and ongoing presumptive course approval:

(A) The association's mission statement;

(B) The association's code of member conduct;

(C) The chapter officers, the responsibilities for each officer, and the term of office for each officer;

(D) The mailing address and primary contact for the association; and

(E) The list of continuing education courses approved in Oklahoma and offered by the professional association in the past twenty-four (24) months.

(3) **Notification of approval or disapproval.**

(A) The Commissioner shall notify the association within ninety (90) days from the receipt of submission whether presumptive approval for continuing education courses was granted. The notification shall indicate the reasons for disapproval.

(B) Submissions to the Commissioner by an association seeking presumptive approval of continuing education courses shall include the course summary, instructor name, course date and location and shall be submitted to the Commissioner at least fifteen (15) business days prior to the presentation of the course.

(C) If the Commissioner receives a report or reports that the content of a continuing education course may violate 365:25-3-1(f)(6) of this section, the Commissioner may review the content and determine if the course should be disapproved for noncompliance. The Commissioner shall notify the association if the course has been disapproved due to non-compliance, and the association shall immediately cease offering the course upon receipt of the notification. The association may then make corrections to a disapproved course to bring the course into compliance with 365:25-3-1(f)(6) of this section and submit the course for approval by the Commissioner in the manner of an original submission for presumptive continuing education course approval.

(D) Should an association receive notification of three (3) disapproved courses within a twenty-four (24) month period, the association's presumptive approval for continuing education courses shall be rescinded for twenty-four (24) months after which time the association may re-apply for presumptive approval.

(4) **Assignment of course number.** The Commissioner shall assign a course number once the presumptive approval for continuing education courses has been granted and shall notify the association of the assigned course number. All future correspondence relating to that course shall reference the assigned course number.

(5) **Instructor approval.** Instructors shall be approved by the Commissioner at least fourteen (14) calendar days prior to a presentation of a course. The Commissioner may disapprove any course if instructor approval has not been granted.

(6) **Review.** Course approval shall be reviewed every three (3) years. The association shall re-submit the items required in subparagraph (3)(B) of this section during the fourth quarter of the last approval year.

(7) **Agency Management Courses.** Agency management courses shall not be considered for presumptive continuing education approval.

(i) **Self study and Distance Learning Courses.** The Insurance Commissioner shall determine appropriate guidelines and

standards for self-study and distance learning ~~CEC~~ CE offerings. The guidelines and standards shall include authentication of the registered licensee, technology requirements for course delivery and testing protocols. Guidelines and standards shall be reviewed, updated as appropriate, and published annually. Failure to follow the guidelines and standards established by the Commissioner may result in denial of continuing education credit for the producer and revocation of the course approval and or provider status for the provider.

(j) **Repeating courses.** An insurance producer may repeat a course within the twenty-four month period if the maximum credits designated for the course were not attained in the first attempt. By repeating the course, the producer may not during the twenty-four month period earn more than the maximum credits designated for the course. A producer may repeat a course after two years have elapsed and receive the maximum credits designated for the course. ~~This section shall not apply to ethics courses.~~

(k) **Extension of time.** For good cause shown, the Commissioner may grant an extension of time during which the requirements imposed by the act may be completed. The extension shall not exceed twelve (12) months. The extension will not alter the requirements or due date of the succeeding twenty-four-month period. "Good cause" includes disability, natural disaster, or other extenuating circumstances. Each request for extension of time shall be in writing from the licensee and shall include details and any documentation to support the request. Each request must be received by the Commissioner no less than thirty (30) days before the expiration of the twenty-four month period.

(l) **Course approval.** Prior to the Commissioner's approval or disapproval of a course in 365:25-3-1(f), a continuing education advisory committee will review the course submitted and make its nonbinding recommendation to the Commissioner on granting or denying approval based upon information submitted in 365:25-3-1(e) regarding the course or additional information regarding the course, if necessary, the number of ~~CEC~~ CE hours awarded for an approved course and the line or lines of insurance for which the course qualifies. Each course approval shall be valid for a period of not more than two (2) years, unless the course has a material change. Material changes to courses require course resubmission for overall course review and approval. Course approval following the review of material changes shall reset the validity period. At the expiration of the validity period, providers shall submit the course for approval by the Commissioner if the provider wants to continue to offer the course for continuing education credit.

(m) **Severability provision.** If any provision of this section, or application of such provision to any person or circumstances, shall be held invalid, the remainder of the section, and the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

365:25-3-1.1. Application for resident producer license [REVOKED]

~~(a) **Requirements.** An applicant for a resident insurance producer license shall either hold a provisional producer license and complete eight (8) hours of pre-licensing education required by 36 O.S. § 1435.7A(B)(4) or participate in an approved insurance company training program.~~

~~(b) **Exceptions.** A provisional producer license or participation in an approved insurance company training program is not required for the following producer license applicants:~~

~~(1) Limited lines producer;~~

~~(2) Surplus lines insurance broker;~~

~~(3) A title insurance producer licensed prior to November 1, 2006, who is an applicant for an aircraft title producer license;~~

~~(4) A person licensed as an insurance producer in another state who moves to this state and makes application to become a resident licensee within ninety (90) days of establishing legal residence in Oklahoma; and~~

~~(5) A person reinstating a lapsed license within twenty-four (24) months from the due date of the renewal fee; and~~

~~(6) Variable annuity producers.~~

365:25-3-1.2. Provisional producer licensees [REVOKED]

~~(a) **Sponsoring producers.** A sponsoring producer may supervise no more than ten (10) provisional licensees at any time.~~

~~(b) **Pre-licensing education.** The Commissioner shall develop and publish the topic outlines covered in the eight (8) hours of pre-licensing education. Providers and course submissions shall be approved by the Commissioner in the same manner as applicable to continuing education courses. Course submission shall include all course materials. All courses shall be offered as classroom instruction.~~

~~(c) **Time requirements exceptions.** A provisional producer license may be held for up to six (6) months to complete pre-licensing education requirements. A licensee who is unable to comply with pre-licensing education requirements due to military service, a medical condition, or other extenuating circumstance may request an extension of time to complete the requirements. The request shall be in writing.~~

365:25-3-1.3. Approved insurance company training program [REVOKED]

~~(a) **Requirements.** An insurance company shall certify on the affidavit required by Appendix T of this chapter that its training program satisfies all criteria required by the affidavit.~~

~~(b) **Notification.** An insurance company shall notify the Commissioner within thirty (30) days if changes to its training program do not fulfill the requirements set forth in the affidavit.~~

~~(c) **Participation.** A producer shall document participation by completing a form provided by the Commissioner. The form shall be submitted with the producer application.~~

365:25-3-14. Insurance adjusters continuing education

(a) **Purpose.** The purpose of this section is to set forth the requirements for continuing education which an insurance adjuster must meet, and to set forth the requirements for approval by the Insurance Commissioner of a proposed continuing education course.

(b) **Definitions.** The following words or terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) ~~**"CEC"**~~ **"CE"** means continuing education ~~credit~~.

(2) **"Certificate of course completion"** means a document acceptable to the Commissioner which signifies satisfactory completion of the course and reflects hours of credit earned.

(3) **"Continuing Education Advisory Committee"** means the committee established by the Commissioner for the purpose of reviewing and recommending approval or disapproval of continuing education courses.

(4) **"Credit hour"** means at least fifty (50) minutes of classroom instruction, unless a correspondence or self-study course.

(5) **"Instructor"** means a person who presents course materials approved for continuing education credit hours, and who has experience, training, and/or education in the course subject matter and has been approved by the Commissioner.

(6) **"Instructor Qualification Form"** means a form acceptable to the Commissioner and completed by the instructor which documents qualifications of the instructor.

(7) **"Licensee"** means a natural person who is licensed by the Commissioner as an insurance adjuster.

(8) **"Provider"** means a person, corporation, professional association or its local affiliates, an insurance company or any other entity which is approved by the Commissioner and provides approved continuing education to insurance adjusters.

(9) **"Provider Course Completion Form"** means a form acceptable to the Commissioner and completed by the provider which documents completion of an approved course by an adjuster or adjusters.

(c) **Exceptions.** Continuing education requirements shall not apply to non-resident adjusters licensed in a state that has a continuing education requirement for adjusters.

(d) **Continuing education requirements.**

(1) ~~**CEC**~~ **CE during twenty-four month period.** All licensees shall complete the required hours of continuing education as set forth in Section 6217(B) of Title 36 of the laws of this state during each twenty-four month period. The twenty-four month period begins the first day of the month following the month in which the license is granted. The credit hours completed must be in those lines in which the adjuster is licensed. Six (6) credit hours in excess of the minimum twenty-four month period requirement shall carry forward to the next twenty-four month period. Excess hours may be applied to bring a lapsed license into compliance.

(A) All adjusters who adjudicate workers compensation claims shall complete six (6) hours of continuing education relating to the Workers' Compensation Act as part of the twenty-four (24) clock hours of continuing insurance education as set forth in Section 6217(D) of Title 36 of the Oklahoma Statutes.

(B) Insurers who utilize either a resident or non-resident adjuster for the adjudication of workers compensation claims occurring in this state shall verify that the adjuster has completed the workers compensation biennial continuing education requirement set forth in subparagraph (A) of this paragraph. An insurer may satisfy its responsibility under this subsection by:

(i) Obtaining certificates of completion of the continuing education course,

(ii) Obtaining reports provided by Commissioner-sponsored database systems or vendors, or

(iii) Obtaining reports from a reasonably reliable commercial database vendor that has a reporting arrangement with approved insurance education providers.

(C) Insurers subject to the provisions of this subsection shall maintain records with respect to the continuing education requirement of its adjusters as set forth in subparagraph (A) of this paragraph. These records shall be maintained in accordance with the state's record retention requirements and shall be made available to the Commissioner upon request.

(2) **Certificates of course completion required for license renewal.** If course completion is not reflected on the license renewal form issued by the Insurance Department, each adjuster shall attach, if requested by the Commissioner, an approved course completion certificate to the license renewal form returned to the Department for verification of course completion. The Commissioner shall maintain a cumulative total of continuing education credit hours to insure compliance within the twenty-four (24) month period.

(3) **Legislative Updates.** At least two (2) of the continuing education credit hours of instruction completed by licensees each twenty-four month period shall be taken in the following topics:

(A) State legislative updates, or

(B) Federal legislative updates.

(4) **Credits for instructors.** An instructor who is a licensee shall receive the same continuing education credit for presenting approved course materials as a licensee who attends an approved classroom instructional session by including his/her name and license number on roster.

(5) **Prerequisite for renewal or reinstatement.** As a prerequisite for license renewal or prior to reinstatement following a lapse of license, an adjuster must submit the appropriate forms as specified in this section that establish the educational requirements have been met if not currently recorded by the Oklahoma Insurance Department.

(e) **Approval of continuing education providers.**

(1) **Information required.** Each provider shall apply for approval by the Commissioner. All providers, including publicly funded educational institutions, federal agencies, ~~or~~ nonprofit organizations, not-for-profit organizations, and Oklahoma state agencies, shall provide:

(A) Name and address of the provider.

(B) Contact person and his or her address and telephone number(s).

(C) The location of the courses or programs, if known, unless it is an individual elf-study course.

(D) The number of ~~CEC~~ CE hours requested for each course.

(E) Topic outlines which list the summarized topics covered in each course and a copy of any course materials.

(F) The names and qualification of instructors. An instructor shall have one of the following qualifications:

(i) Three (3) years of recent experience in the subject area being taught; or

(ii) A degree related to the subject area being taught; or

(iii) Two (2) years of recent experience in the subject area being taught and twelve (12) hours of college and/or vocational technical school credit hours in the subject area being taught.

(G) If a prior approved course has materially changed, a summarization of those changes.

(2) **Withheld or withdrawn approval.** The Commissioner may withhold or withdraw approval of any provider for violation of or non-compliance with any provision of this section.

(f) **Courses; approval; records.**

(1) **Course approval timeline.** A provider shall apply to the Commissioner for course approval by submitting forms and materials to the Commissioner the first day of the month one full month prior to the date of the first course offering. The Commissioner shall grant or deny approval based upon information submitted in this section regarding each course or additional information regarding the course, if necessary. The Commissioner will assign the number of ~~CEC~~ CE hours awarded for an approved course and the line or lines of insurance for which the course qualifies.

(2) **Repeated approved course.** At least fourteen (14) days prior to the repetition of an approved course, the Commissioner shall be notified in writing of the repetition, providing course number, name, date, location and instructor's name.

(3) **Written approval required.** All courses shall require written approval by the Commissioner.

(4) **Withheld or withdrawn approval.** The Commissioner may withhold or withdraw approval for any course. This withdrawal will not affect any ~~CEC~~ CE hours attained under the course previous to the withdrawal.

(5) **Minimum of one credit hour.** Courses submitted for approval must consist of a minimum of one credit hour of course instruction.

(6) **Continuing education course must be separate from meetings.** Courses conducted in conjunction with other meetings must have a separate continuing education course component.

(7) **Content of courses.** Courses must be of a meaningful nature and shall not include items such as prospecting, motivation, sales techniques, psychology, recruiting, time management, phone etiquette, basic pre-licensing principles of adjusting, and subjects not relating to the adjuster's license.

(8) **Certificate of Course Completion.** At the completion of each course, the provider shall provide the insurance adjuster a "Certificate of Course Completion" Form.

(9) **List of adjusters completing course to Commissioner.** Within ten (10) business days after completion of each course, the provider shall provide the Commissioner a list of all insurance adjusters who completed the course on the Course Completion Form. This list shall contain the course number, date of completion and license numbers of all insurance adjusters completing the course. If the list is not reported within ten (10) business days, a late report fee of $50.00 shall be paid to the Insurance Department. Failure to pay the late report fee may result in revocation of provider approval. Continued late filing may also result in loss of approval.

(10) **Course records maintained four (4) years.** Providers shall maintain course records for at least four (4) years. The Commissioner may order an examination of a provider, at the provider's expense, for good cause shown.

(11) **Course review fee.** A non-refundable course review fee of thirty dollars ($30.00) per course shall be submitted by all continuing education providers at the time the course submission is first submitted for review and upon submission for renewal at expiration with the exception of publicly funded educational institutions, federal agencies, Oklahoma state agencies, non-profit organizations, and not-for-profit organizations.

(12) **Reinstatement period.** Providers whose approval has expired may be reinstated pursuant to paragraph 1 of this subsection. The reinstatement period shall be for a period of one (1) year following the expiration of the renewal date. The approval of the provider and any currently active courses shall remain active for the reinstatement period. If the provider and all courses fail to remain active following the reinstatement period, the provider and courses shall not be reinstated and the provider and courses shall be required to be approved pursuant to the provisions of this subsection.

(g) **Approved professional designation programs.**

(1) **Definitions.**

(A) **Participation.** As used in 36 O.S. § 1435.29(B)(3), participates means successfully completing any part of a course curriculum totaling twenty (20) classroom or equivalent classroom hours of an approved professional designation program.

(B) **Approved professional designation program.** As used in 36 O.S. § 1435.29(B)(3), an approved professional designation program means an educational insurance program approved by the Commissioner with a sponsoring organization that administers curriculum requirements and testing standards for candidates.

(2) **Requirements.** A professional designation program shall satisfy the following criteria to receive initial and ongoing approval for the program:

(A) The program shall have a sponsoring organization;

(B) The program's sponsoring organization shall maintain and govern a code of conduct;

(C) The program shall be relevant to the sale, solicitation, or negotiation of insurance products in the State of Oklahoma;

(D) Each course of the professional designation course curriculum shall be a minimum of twenty (20) hours of classroom instruction or equivalent classroom instruction; and

(E) The program shall include an examination requirement that students shall pass before earning the designation.

(3) **Submissions.** The sponsoring organization shall submit the following to the Commissioner for its professional designation program to be considered for initial and ongoing approval for the program:

(A) The sponsoring organization's code of conduct;

(B) The sponsoring organization's membership requirements;

(C) The professional designation program's course requirements; and

(D) The professional designation program's examination requirements.

(4) **Submission exemptions.** Professional designation programs recognized by the National Association of Insurance Commissioners (NAIC) for waiver/exemption of pre-licensing education training shall receive initial and continuing approval without submission by the sponsoring organization.

(h) **Presumptive continuing education credit approval.**

(1) **Requirements.** A professional association may receive presumptive approval of the association's continuing education courses by satisfying the following requirements:

(A) The association shall have a mission statement that includes a commitment to enhance the professional, educational, or ethical skills of its members;

(B) The association shall maintain and govern a code of member conduct;

(C) The association shall offer educational programs relevant to the sale, solicitation, or negotiation of insurance products in the State of Oklahoma; and

(D) The association shall perpetuate its continuity through the election of officers.

(2) **Submissions.** Each professional association shall submit the following to be considered for initial and ongoing presumptive course approval:

(A) The association's mission statement;

(B) The association's code of member conduct;

(C) The chapter officers, the responsibilities for each officer, and the term of office for each officer;

(D) The mailing address and primary contact for the association; and

(E) The list of continuing education courses approved in Oklahoma and offered by the professional association in the past twenty-four (24) months.

(3) **Notification of approval or disapproval.**

(A) The Commissioner shall notify the association within ninety (90) days from the receipt of submission whether presumptive approval for continuing education courses was granted. The notification shall indicate the reasons for disapproval.

(B) Submissions to the Commissioner by an association seeking presumptive approval of continuing education courses shall include the course summary, instructor name, course date and location and shall be submitted to the Commissioner at least fifteen (15) business days prior to the presentation of the course.

(C) If the Commissioner receives a report or reports that the content of a continuing education course may violate paragraph 365:25-3-1(f)(7) of this section, the Commissioner may review the content and determine if the course should be disapproved for noncompliance. The Commissioner shall notify the association if the course has been disapproved due to noncompliance, and the association shall immediately cease offering the course upon receipt of the notification. The association may then make corrections to a disapproved course to bring the course into compliance with paragraph 365:25-3-1(f)(7) of this section and submit the course for approval by the Commissioner in the manner of an original submission for presumptive continuing education course approval.

(D) Should an association receive notification of three (3) disapproved courses within a twenty-four (24) month period, the association's presumptive approval for continuing education courses shall be rescinded for twenty-four (24) months after which time the association may re-apply for presumptive approval.

(4) **Assignment of course number.** The Commissioner shall assign a course number once the presumptive approval for continuing education courses has been granted and shall notify the association of the assigned course number. All future correspondence relating to that course shall reference the assigned course number.

(5) **Instructor approval.** Instructors shall be approved by the Commissioner at least fourteen (14) calendar days prior to a presentation of a course. The Commissioner may disapprove any course if instructor approval has not been granted.

(6) **Review.** Course approval shall be reviewed every three (3) years. The association shall re-submit the items required in subparagraph 365:25-3-14(H)(3)(B) of this section during the fourth quarter of the last approval year.

(7) **Agency management courses.** Agency management courses shall not be considered for presumptive continuing education approval.

(i) **Self study and distance learning courses.** The Insurance Commissioner shall determine appropriate guidelines and standards for self-study and distance learning ~~CEC~~ CE offerings. The guidelines and standards shall include authentication of the registered licensee, technology requirements for course delivery and testing protocols. Guidelines and standards shall be reviewed and updated as appropriate and published on the Commissioner's website annually. Failure to follow the guidelines and standards established by the Commissioner may result in denial of continuing education credit for the adjuster and revocation of the course approval and or provider status for the Provider.

(j) **Repeating courses.** An insurance adjuster may repeat a course within the twenty-four month period if the maximum credits designated for the course were not attained in the first attempt. By repeating the course, the adjuster may not during the ~~twelve~~ twenty-four month period earn more than the maximum credits designated for the course. An adjuster may repeat a course after two (2) ~~license renewal dates~~ years have elapsed and receive the maximum credits designated for the course.

(k) **Extension of time.** For good cause shown, the Commissioner may grant an extension of time during which the requirements imposed by the act may be completed. The extension shall not exceed twelve (12) months. The extension will not alter the requirements or due date of the succeeding twelve-month period. "Good cause" includes disability, natural disaster, or other extenuating circumstances. Each request for extension of time shall be in writing from the licensee and shall include details and any documentation to support the request. Each request must be received by the Commissioner no less than thirty (30) days before the expiration of the twenty-four month period.

(l) **Continuing education advisory committee.**

(1) There shall hereby be established the Continuing Education Advisory Committee. This committee shall consist of representatives from the ~~Agents~~ Licensing Division, and representatives from the industry (not to exceed three (3) individuals) as designated by the Commissioner. Members of the Advisory Board established by 36 O.S. § 6221 may also serve on the Continuing Education Advisory Committee. The committee shall meet at least quarterly and additionally as required. Members of the committee shall serve without pay and shall not be reimbursed for any expenses associated therewith.

(2) Prior to the Commissioner's approval or disapproval of a course in subsection 365:25-3-14(e), the Continuing Education Advisory Committee will review the course submitted and make its nonbinding recommendation to the Commissioner on granting or denying approval based upon information submitted pursuant to subsection 365:25-3-14(e) and additional information regarding the course, if necessary. Each course approval shall be valid for a period of no longer than two (2) years, unless the course has a material change. Material changes to courses require course resubmission for overall course review and approval. Course materials may be resubmitted as requested for review at the time of expiration. All existing courses previously approved and current with the Commissioner shall be submitted in accordance with the expiration date as granted by the Commissioner unless the course has a material change, as previously detailed.

(m) **Severability provision.** If any provision of this section, or application of such provision to any person or circumstances, shall be held invalid, the remainder of the section, and the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby.

365:25-3-15. Variable ~~annuity~~ product licensing

(a) ~~An applicant for a variable annuity license shall:~~ Producers who wish to sell a variable life product shall have passed successfully the Oklahoma Life Insurance examination and shall

~~(1)~~ ~~Provide~~ provide proof of current FINRA registration with series 6 or 7 and series 63 or 66~~, and~~.

(b~~2~~) ~~Pay~~ No test shall be required of an applicant for a variable annuity license if:

(1) The applicant provides proof of current FINRA registration with series 6 or 7 and series 63 or 66, and

(2) The applicant shall ~~Pay~~ pay an additional license fee as required by 36 O.S. § 1435.23(A)(4)(b) with the submission of an application as prescribed by the Insurance Commissioner.

365:25-3-16. Examination exemptions

(a) The following applicants are cognizant of and capable of fulfilling the responsibilities of the license without an examination:

(1) limited lines producers,

(2) surplus lines brokers,

(3) aircraft title producer license if the applicant was licensed as a title insurance producer prior to November 1, 2006, and

(4) a person licensed as an insurance producer in another state who moves to this state and makes application to become a resident licensee within ninety (90) days of establishing legal residence. The examination exemption shall apply for the lines of authority held in the prior state. ~~A person shall qualify for this exemption by providing a clearance letter from the prior state dated within ninety (90) days from the date of receipt of the application.~~

(b) Multi-peril crop adjusters certified by the Federal Risk Management Agency working in partner with, or on behalf of, the Federal Crop Insurance Corporation may obtain a crop/hail or a multi-peril crop license upon presentation of the federal certification without having to take an examination.

365:25-3-17. Agriculture Revenue Insurance License [REVOKED]

~~(a) **Purpose.** The purpose of this section is to set forth the requirements for licensing of producers to sell livestock risk insurance, livestock mortality insurance products, and other agricultural revenue insurance lines as determined by the Commissioner by rule.~~

~~(b) **Definitions.** As used in this section:~~

~~(1) **"Agriculture Revenue Insurance "** means crop hail insurance, multiperil crop hail insurance, livestock mortality insurance, livestock risk insurance and any additional lines of insurance as determined by the Commissioner by rule.~~

~~(2) **"Adjuster"** means any person licensed as an adjuster pursuant to 36 O.S. § 6201, et seq. of the Oklahoma Statutes.~~

~~(3) **"Commissioner"** means the Insurance Commissioner of the State of Oklahoma.~~

~~(4) **"Crop Hail Insurance"** and "Multiperil Crop Hail Insurance (crop/hail)" means insurance coverage against hail damage to crops provided by either a private insurer or the Federal Crop Insurance Corporation.~~

~~(5) **"Limited Lines Producer"** means a producer licensed pursuant to 36 O.S. § 1435.20 of the Act.~~

~~(6) **"Livestock Mortality Insurance"** means insurance coverage that protects agriculture livestock against injury or death or perils that result in livestock destruction. Livestock mortality insurance does not include coverage for animals used primarily for racing or show.~~

~~(7) **"Livestock Risk Insurance"** means livestock risk protection insurance that offers price protection for certain livestock producers and is reinsured by the Federal Crop Insurance Corporation pursuant to the authority of 7 U.S.C. § 1508(h) and 1523(b).~~

~~(8) **"The Act"** means the Oklahoma Producer Licensing Act, 36 O.S. § 1435.1, et seq.~~

~~(c) **Limited Lines Producer License - Agriculture Revenue Insurance.** Any person licensed as a limited lines producer license that includes the lines of crop hail and multiperil crop hail insurance may obtain a limited lines license for the line of agriculture revenue insurance.~~

~~(d) **Claims Adjusting.** Persons submitting a claim under a policy authorized by this section shall have their claims adjusted by an adjuster licensed by the Commissioner to adjust claims as a licensed crop/hail, property or casualty adjuster.~~

365:25-3-18. Compensation and education for sale of Medicare Advantage (including private fee for service plans) or Medicare prescription drug products and plans

(a) **Compensation; selling, soliciting or negotiating Medicare Advantage products and plans.**

(1) **Applicability.** The provisions of this section shall apply only to insurance companies and producers who solicit, negotiate or sell Medicare Advantage (including private fee for service plans) or Medicare Prescription Drug products and plans.

(2) **Insurance companies.** An insurance company shall not pay or offer to pay compensation to producers based on the number of sales of Medicare Advantage products and plans. An insurance company may pay a commission for each sale, but compensation shall not be tiered or based on a sales threshold.

(3) **Producers.** A producer shall not accept compensation based on the number of sales of Medicare Advantage products and plans. A producer may receive a commission for each sale, but compensation shall not be tiered or based on a sales threshold.

~~(4) **One-time training requirement.**~~ An individual may not sell, solicit or negotiate Medicare Advantage (including private fee for service plans) or Medicare Prescription Drug products and plans unless the individual is licensed as an insurance producer for accident and health ~~and has completed a one-time training course. The training shall meet the requirements set forth in subsection (b) of this section.~~

~~(5) **Producers licensed prior to July 14, 2008.** An individual already licensed for accident and health who sells, solicits or negotiates Medicare Advantage products and plans may not continue to sell, solicit or negotiate Medicare Advantage products and plans unless the individual has completed a one-time training course as set forth in subsection (b) of this section prior to the individual's first biennial license renewal period occurring after July 14 of the year 2008.~~

(b) **Training Requirements**

~~(1) **One-time training.** The one-time training required by this section shall be no less than eight (8) hours and shall not be applied as continuing education course credit.~~

(~~2~~ 1) ~~**All subsequent biennial**~~ **Biennial renewal periods.** Producers who sell solicit, or negotiate Medicare Advantage (including private fee for service plans) or Medicare Prescription Drug products and plans shall complete four (4) hours of continuing education during each biennial renewal period. The continuing education required by this section may be applied as a continuing education course credit under Section 1435.29 of Title 36 of the Oklahoma Statutes.

(~~3~~ 2) **Company products; sales and marketing information.** The training required by this section shall not include training that is insurer or company product specific or that includes any sales or marketing information, materials, or training, other than those required by state or federal law.

365:25-3-20.1. Prior approval of vehicle protection product contract forms

No vehicle protection product form or related form shall be issued or used in this state unless the form has been filed with and approved by the Insurance Commissioner.

365:25-3-20.2. Cancellation language for vehicle protection product contract forms

Each vehicle protection product contract shall contain a cancellation provision. In the event the contract is canceled by the warranty holder, return of premium shall be based upon ninety percent (90%) of the unearned pro rata premium less the actual cost of any service provided under the contract. In the event the contract is canceled by the vehicle protection product warrantor, return of premium shall be based upon one hundred percent (100%) of unearned pro rata premium less the actual cost of any service provided under the contract.

365:25-3-20.3. Disapproval of any vehicle protection product contract form

The Commissioner shall disapprove any vehicle protection product form filed pursuant to this section if the form:

(1) Violates the Vehicle Protection Product Act;

(2) Is misleading in any respect; or

(3) Is reproduced so that any material provision is substantially illegible.

SUBCHAPTER 5. BAIL BONDSMEN

PART 1. CONTINUING EDUCATION FOR BAIL BONDSMEN

365:25-5-3. Education requirements

(a) **Education verification prior to licensure.** Prior to taking the bail bondsman licensing examination, the applicant shall ~~provide to the Insurance Commissioner an education verification form verifying successful completion of~~ successfully complete the hours of prelicensing education required by 59 O.S. § 1308.1(A) in subjects pertinent to the duties and responsibilities of a bail bondsman.

(b) **Annual continuing education.** All bail bondsmen shall complete the credit hours of continuing education required by 59 O.S. § 1308.1(A) annually prior to license renewal.

~~(c) **Verification of CEC required with license renewal.** Each bondsman shall complete, upon each licensing renewal, an education verification form, in which he or she verifies continuing education courses completed by that bondsman during the previous twelve month period.~~

(~~d~~c) ~~**CEC**~~ **CE credit for instructor.** An instructor who is a licensed bail bondsman shall receive the same continuing education credit for presenting approved course materials as a licensee who attends an approved classroom instructional session.

PART 5. GENERAL PROVISIONS PERTAINING TO BAIL BONDSMEN

365:25-5-35. Bondsman license renewal

(a) Pursuant to 59 O.S. § 1309, bondsmen are required to renew their licenses ~~annually~~ biennially. Requirements for a complete renewal filing for a bondsman shall be submitted by ~~September 15 each year~~ the last day of the bondsman's birth month and must include each of the following:

(1) ~~$100~~ A Two Hundred Dollar ($200.00) renewal fee, and

~~(2) proof of completion of eight (8) hours of continuing education, and~~

(~~3~~2) ~~for~~ For professional bondsmen, a financial statement prepared in accordance with 59 O.S. § 1309(B).

(~~4~~3) In case of renewal of a property bondsman license, the application shall also provide a county assessor's written statement stating the property's assessed value for each property used to post bonds and a written statement from any lien holder stating the current payoff amount on each lien for each property used to post bonds. ~~The written statements shall be submitted by September 15 of each year.~~

(b) Renewal filings or partial renewal filings submitted after ~~September 30~~ the renewal date will be assessed a ~~$100~~ Two Hundred Dollar ($200.00) late renewal fee in addition to the usual ~~$100~~ Two Hundred Dollar ($200.00) renewal fee.

(c) Failure to complete the renewal process by ~~November 30~~ the last day of the bondsman's birth month will result in ~~non-renewal and the bondsman will~~ an automatic expiration of the license. After the expiration, the license may be reinstated for up to one (1) year following the expiration date. If after the one (1) year date, the license has not been renewed, then the licensee shall be required to apply for a license as a new applicant.

(d) All licenses of bail bondsmen shall expire ~~September 30~~ on the last day of the bondsman's birth month unless the Commissioner receives a complete renewal filing. A complete renewal filing consists of all necessary items required by paragraph (a) of this section as well as any other items required by the Commissioner.

(e) ~~The November 30 date utilized in 59 O.S. § 1309(D) does not authorize a bail bondsman to continue acting as a bail bondsman if~~ If the license has not been renewed by ~~September 30~~ the expiration date, a bail bondsman shall not be authorized to continue acting as a bail bondsman.

(f) The Commissioner shall mail all renewal licenses to the bondsman's address of record.

365:25-5-45. Fines and costs due to Commissioner

All fines and costs assessed by order of the Commissioner shall be due and payable to the Oklahoma Insurance Department within thirty (30) days of the date of the order unless otherwise ordered.

365:25-5-46. Notification of use of business name

Any bondsman or surety doing business under any name or names other than the legal name of the bondsman or surety shall notify the Oklahoma Insurance Department prior to using the name or names.

SUBCHAPTER 23. CEMETERY MERCHANDISE TRUSTS

365:25-23-1. Purpose

The purpose of this subchapter is to set forth rules and procedural requirements which the Commissioner deems necessary to carry out the provisions of the Cemetery Merchandise Trust Act. The information called for by the regulations of this subchapter is hereby declared to be necessary and appropriate in the public interest.

365:25-23-2. Permit required

Pursuant to the Cemetery Merchandise Trust Act, any organization which shall accept money or anything of value for prepaid cemetery merchandise pursuant to a prepaid cemetery merchandise contract shall obtain a permit from the Oklahoma Insurance Department authorizing the transaction of this type of business prior to the commencement of this type of business. The Commissioner may deny the issuance of a permit if the organization or any of its owners or officers:

(1) Makes a material misstatement or misrepresentation in an application or permit;

(2) Has been sentenced, convicted, pled guilty or nolo contendre to a crime involving fraud, dishonesty or moral turpitude; or

(3) Fraudulently or deceptively obtains or attempts to obtain a permit for another.

365:25-23-3. Contract approval

No organization shall use in any way any sales contract without having received prior written approval from the Insurance Commissioner to do so. The original and two (2) copies of any such contract, including any amendments thereto, shall be submitted to the Insurance Commissioner for approval.

365:25-23-4. Forms

(a) **Application for Cemetery Merchandise Permit.** An application for Cemetery Merchandise Permit shall be made by filing an Application for Cemetery Merchandise Permit Original Application on a form approved by the Commissioner. The application shall be filed with and approved by the Insurance Commissioner before any contracts covered by this act may be marketed.

(b) **Surety bond.** Organizations purchasing a surety bond shall use the Surety Bond Form as approved by the Commissioner. Any variation from this form must have the prior written approval of the Insurance Commissioner.

(c) **Renewal of Cemetery Merchandise Permit.** A renewal of a Cemetery Merchandise Permit shall be made by filing the Renewal of Cemetery Merchandise Permit form as approved by the Commissioner no later than March 15 of each year. Renewals made after March 15 of the year following the year the permit is first issued shall be made by filing the Application for Cemetery Merchandise Permit and paying any fines that may have been imposed with respect to an expired permit in addition to double the renewal fee.

(d) **Cemetery Merchandise Annual Report.** Every holder of a Cemetery Merchandise Permit shall file a Cemetery Merchandise Annual Report on a form approved by the Commissioner on or before March 15 of each year.

(e) **Oklahoma Quarterly Report of Cemetery Merchandise.** Every holder of a Cemetery Merchandise Permit that maintains a surety bond shall submit an Oklahoma Quarterly Report of Cemetery Merchandise on a form approved by the Commissioner.

(f) **Notice of Sale.** Prior to the sale of a cemetery with a cemetery merchandise permit, a permit holder shall first file a Notice of Sale on a form approved by the Commissioner.

365:25-23-5. Trust fund and trustee

A holder of a Cemetery Merchandise Permit with funds in trust shall keep the Insurance Department informed of the identity of the trustee at all times and at all times shall comply with the provisions of 36 O.S. § 7126. Prior to changing the trustee or trust location, a permit holder shall notify the Commissioner at least thirty (30) days prior to any transfer or change stating the reason for the proposed change.

365:25-23-6. Surety bond

A permit holder posting a surety bond in lieu of making remittances to a trust fund, shall file a quarterly report no later than the thirtieth day after the close of each quarter. The bond shall be in an amount not less than the minimum funding requirement for cemetery merchandise trusts pursuant to the provisions of 36 O.S. § 7126. If at any time the Quarterly Report shows that the bond posted does not meet the minimum funding requirements, the permit holder shall be notified by the Insurance Department and shall post an additional or amended bond within ten (10) days following notification. The additional or amended bond shall be sufficient in size to satisfy the provisions of 36 O.S. §§ 7126 and 7127.

365:25-23-7. Reports to trustee

The Cemetery Merchandise Trust Act provides that each permit holder provide either a copy of each contract to its trustee or may, in lieu thereof, submit a summary of the relevant information from the contracts. If a permit holder chooses to provide a summary, the information shall be submitted on a monthly basis to the trustee on a form provided by the Oklahoma Insurance Department. The report shall contain the following information:

(1) Name of the cemetery;

(2) Town where the cemetery is located;

(3) Period of time covered by the report;

(4) Account numbers assigned to each contract;

(5) Name of the contract beneficiary;

(6) Description of the merchandise purchased;

(7) Cost breakdown on each piece of merchandise sold which is covered by the Cemetery Merchandise Trust Act;

(8) Amount of deposit made on each account;

(9) Beginning and ending balances; and

(10) A current original manufacturer's price list from any and all cemetery merchandise suppliers used by the permit holder.

365:25-23-8. Annual report

On or before March 15 of each year, each permit holder shall file an Annual Report with the Oklahoma Insurance Department which shall include the following information:

(1) Name of the cemetery;

(2) Town where the cemetery is located;

(3) Name and address of person to contact with questions about the report;

(4) Period of time covered by the report;

(5) Trust account numbers;

(6) Merchandise covered by each account;

(7) Amount deposited on each account to the trust fund;

(8) Beginning and ending balance;

(9) Method of determination of wholesale cost;

(10) A current original manufacturer's price list from any and all cemetery merchandise suppliers used by the permit holder; and

(11) Name of the vault company with whom the permit holder deals.

365:25-23-9. Notice of sale

The seller of a cemetery with a cemetery merchandise trust permit, shall make application forty-five (45) days prior to the transfer of ownership using a form approved by the Commissioner. A transfer may only be made to a permit holder in good standing with the Department. In addition to the notice, the seller shall also submit a copy of the proposed Seller's Agreement and a listing of all undelivered prepaid cemetery merchandise contracts. The listing shall provide the contract holder's name; the beneficiary's name or names, contract number, contract value, and the trust value at the time of notice. No transfer may be made without the Commissioner's prior written approval.

APPENDIX T. INSURANCE COMPANY TRAINING PROGRAM AFFIDAVIT [REVOKED]

KIM HOLLAND
OKLAHOMA INSURANCE COMMISSIONER
P.O. Box 53408
Oklahoma City, OK 73152-3408
(405)-521-3916 Fax (405)522-3642

INSURANCE COMPANY TRAINING PROGRAM AFFIDAVIT

Our training program for resident producers includes the following components and satisfies the requirements of 36 O.S. § 1435.7 and OKLA. ADMIN. CODE § 365:25-3-1.3.

1. Instruction in insurance coverage for each line of authority the producer seeks to be licensed.

2. Business practice training associated with placing and servicing contracts of insurance. The training includes, but is not limited to, supervised interaction with customers or prospective customers, role playing, and customer interaction case studies.

3. Standards for measuring successful completion for each segment of the training program.

4. Instruction in Oklahoma statutes and regulations affecting industry and producer licensing, the regulatory and consumer assistance roles of the Oklahoma Insurance Department, and the role of the National Association of Insurance Commissioners in setting policy for the insurance industry.

The training program requirements are standard for all participating resident producer trainees. The instructional material is developed and administered in accordance with corporate requirements for our company. The company is responsible for ensuring course materials and programs satisfy the requirements of this affidavit.

[OAR Docket #11-848; filed 6-3-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

[OAR Docket #11-849]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. Function and structure of the Office of Juvenile Affairs
377:1-1-2 [AMENDED]
377:1-1-3 [AMENDED]
377:1-1-5 [AMENDED]
377:1-1-7 [AMENDED]
377:1-1-11 [AMENDED]
AUTHORITY:
Board of Juvenile Affairs, pursuant to 10A O.S., Section 2-7-101 (H) and (I).
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Rule amendments are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009).
CONTACT PERSON:
Jlynn Hartman, Director of Government Relations, OJA, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, (405) 530-2866.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS

377:1-1-2. Legal Basis

The Office of Juvenile Affairs (OJA) operates under the statutory authority of "The Oklahoma Juvenile Code", Title 10A~~,~~ O.S., §~~7301-1.1~~ 2-1-101 et seq.

377:1-1-3. Description of the Office of Juvenile Affairs (OJA)

(a) **History.** The Office of Juvenile Affairs (OJA) was created on July 1, 1995, as a result of legislation enacting the Oklahoma Juvenile Code.

(b) **Organization.** The Office of Juvenile Affairs consists of programs providing services to juveniles involved in the juvenile justice system and administrative components which provide administrative support.

(1) **Office of the Executive Director.**

(A) Within the Office of Juvenile Affairs, programs and divisions which report directly to the Executive Director include, but are not limited to, the:

(i) Office of Public Integrity;

(ii) Division of the Advocate Defender; and

(iii) Office of General Counsel Service;

(B) The Executive Director of OJA is designated by the Governor as the Interstate Compact Liaison.

(C) Additional responsibilities of the Executive Director are listed in OAC 377: 1-1-11.

(D) The Executive Director shall establish divisions within OJA in addition to those required by law and may employ staff as necessary to perform the duties of the Office of Juvenile Affairs as authorized by statute. Organizational charts are available upon request from the Office of the Executive Director.

(2) **Division of Community-based Youth Services.** The Division of Community-based Youth Services operates under the authority of 10A O.S., §§~~7302-3.3~~ 2-7-202, ~~7302-2.2~~2-7-303, ~~7302-3.5~~2-7-305 and ~~7302-3.6.a~~2-7-306.

(3) **Advocate Defender Division.** The Advocate Defender Division is a Division of the OJA established by 10A O.S., §~~7302-3.2~~ 2-7-302~~(A) and (B)(1-8)~~. Compliance with Oklahoma statutes is obtained by assignment of the Advocate Defenders to the OJA institutions. The Division of Advocate Defender shall be separate and apart from the Office of General Counsel.

(4) **Support Services Division.** The Support Services Division shall provide centralized support function for the Office of Juvenile Affairs.

(5) **Financial Services Division.** The Financial Services Division shall provide the centralized accounting, procurement, reporting, and budgeting for OJA.

(6) **Institutional Services Division.** The Institutional Services Division shall be responsible for all secure institutional services.

(7) **Juvenile Services Division.** The Juvenile Services Division shall be responsible for intake, probation and parole services, supervision and placement of juveniles.

(8) **Office of the Parole Board.** The Office of the Parole Board shall have responsibilities as set forth in 377:5.

(c) **Purpose/mission.** The purpose of the Office of Juvenile Affairs as stated in Title 10A O.S., §~~7301-1.2~~ 2-1-102, is to promote the public safety and reduce delinquency. To execute the purpose of the statutes, OJA has developed its mission to include:

(1) protection of the public from juvenile offenders;

(2) prevention of juvenile delinquency;

(3) implementation of programs ensuring accountability of juveniles for their behavior; and

(4) involvement of the community in creating and implementing solutions to juvenile delinquency and establishing individual accountability.

377:1-1-5. Board of Juvenile Affairs

(a) **Composition.** Title 10A O.S., §~~7302-1.1~~ 2-7-101, authorizes the Board of Juvenile Affairs (Board) as the governing body for the Office of Juvenile Affairs. The Board shall consist of seven (7) members appointed by the Governor with the advice and consent of the Senate in accordance with 10A O.S., §~~7302-1.1~~ 2-7-101.

(b) **Meetings.** Regularly scheduled meetings of the Board shall be held at places, dates, and times fixed by the Board and after appropriate notice. Special meetings may be called by the Chair or by five (5) members of the Board by delivery of written notice to each member of the Board. Emergency meetings of the Board may be called as provided by Oklahoma statutes.

(1) Any member may waive notice of any meeting. The attendance of a member at a meeting shall constitute waiver of notice of such meeting except where the member attends for the express purpose of objecting to the transaction of any business because the meeting was not lawfully called or convened.

(2) All meetings, including executive sessions, shall be conducted in accordance with the provisions of the Open Meeting Act.

(c) **Voting.** A majority of members serving on the Board shall constitute a quorum.

(1) The acts of the majority of the members present at a meeting at which a quorum is present shall be the acts of the Board except that a vote of not less than four (4) members of the Board shall be required to amend these rules.

(2) A member may disqualify himself or herself from a vote at any time and without explanation. A member who disqualifies himself or herself from a vote shall be considered to be not present for purposes of that vote.

(d) **Election of officers.** At the first meeting of each calendar year, the Board shall elect one of its members to serve as Chair and another of its members to serve as ViceChair. The Chair or ViceChair shall hold office until his or her successor has been duly elected or until his or her death, resignation, or removal.

(e) **Vacancies.** A vacancy in the elected position of Chair or ViceChair because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board for the unexpired portion of the term of the position.

(f) **Duties of the position of Chair and ViceChair.** The Chair, or in his or her absence, the ViceChair, shall preside at all meetings of the Board, including executive sessions. The Chair, or ViceChair as the case may be, shall be the final authority on all procedural issues, and may, when appropriate, refer to and follow the recommendations of the legal counsel for the Office of Juvenile Affairs or "Robert's Rules of Order" to resolve a procedural issue.

(1) The Chair, within two weeks of a member's new appointment, shall:

(A) brief the member of the Board regarding the duties and responsibilities of the Board and its members;

(B) provide the new member a copy of the statutes pertinent to the Board and its duties;

(C) provide a copy of the monthly operating budgets of the Office of Juvenile Affairs for the preceding twelve months;

(D) provide a copy of the rules under which the Office of Juvenile Affairs functions and operates; and

(E) provide such other information as is necessary to assure that the new member is advised of his or her duties and responsibilities.

(2) The Chair may delegate the briefing described in paragraph (1) of this subsection in whole or in part to the Executive Director of the Office of Juvenile Affairs or a managing officer of that agency, but the responsibility for its accomplishment shall remain with the Chair.

(g) **Responsibilities.** The purpose of the Board of Juvenile Affairs is to act as the governing board for the Office of Juvenile Affairs and to implement and direct the mandates of the Oklahoma Legislature with respect to the custody, care, and supervision of juveniles adjudicated to be delinquent or in need of supervision or persons sentenced as youthful offenders. The Oklahoma Juvenile Code, Title 10A O.S., §~~7301~~ 2-1-101 *et seq.*, and other provisions of law related to children and youth gives the Board the responsibility for:

(1) promulgating rules for the Office of Juvenile Affairs and for its own governance;

(2) adopting an official seal for the Office of Juvenile Affairs;

(3) appointing and setting the salary of the Executive Director of the Office of Juvenile Affairs;

(4) reviewing and approving OJA's budget request to the Governor;

(5) assisting OJA in conducting regular reviews and planning activities related to the goals, objectives, priorities, and policies of the Office of Juvenile Affairs;

(6) providing a public forum for receiving comments and disseminating information to the public regarding the goals, objectives, priorities, and policies at least quarterly;

(7) adopting nonbinding resolutions requesting action by the Office of Juvenile Affairs in response to comments from the public or upon the Board's own initiative;

(8) establishing OJA contracting procedures and guidelines for rates of payment for services provided by contract; provided the Board may not increase payment rates during the time the Legislature is not in session;

(9) serving as the rulemaking body for the Office of Juvenile Affairs, including promulgating rules which implement the duties and responsibilities of the Office of Juvenile Affairs pursuant to the Oklahoma Juvenile Code;

(10) developing performance standards for programs implemented by the Office of Juvenile Affairs, either directly or by contract;

(11) appointing the Executive Director, or in the event of a vacancy, designating an interim or acting Executive

Director, including the Chief of Staff of the Office of Juvenile Affairs, until a new and permanent Executive Director is appointed;
(12) establishing fee schedules;
(13) advising OJA with respect to real estate leases;
(14) approving criteria for designation of organizations as "Youth Services Agencies";
(15) establishing an administrative hearing and appeal process for denials of "Youth Service Agency" designation;
(16) reviewing annually the OJA report (OJA Annual Report) which analyzes and evaluates the effectiveness of OJA programs and services;
(17) reviewing annually the OJA report (OJA Annual Report) which analyzes and evaluates the effectiveness of the Youthful Offender Act;
(18) promulgating rules for the Office of Juvenile Affairs to obtain national criminal history records searches in accordance with Section 404.1 of Title 10 for personnel working with or around juveniles in the Office of Juvenile Affairs' institutions and Office of Juvenile Affairs' operated facilities;
(19) promulgating rules, outlining policies and procedures governing the operation of facilities operated by or through contract with OJA;
(20) promulgating rules defining contraband for purposes of inspection;
(21) promulgating rules governing the use of mechanical restraints in institutions and other facilities operated by or through contract with the Office of Juvenile Affairs;
(22) receiving and reviewing institutional inspection reports of the State Fire Marshall and Commissioner of Public Health;
(23) establishing standards for regimented juvenile training programs;
(24) establishing the proposal submission and education procedures and criteria for the implementation of the Delinquency and Youth Gang Intervention and Deterrence Act;
(25) promulgating rules necessary for the implementation of the "Juvenile Offender Victim Restitution Work Program";
(26) adopting rules as required to implement the Serious and Habitual Juvenile Offender Program and Juvenile Justice Information System;
(27) establishing certification standards for municipal juvenile facilities for temporary detention;
(28) promulgating standards for certification of juvenile detention facilities;
(29) developing, adopting, and implementing the "State Plan for the Establishment of Juvenile Detention Services";
(30) establishing procedures for the letting of contracts or grants for juvenile detention services or facilities;
(31) approving a form for the statistical reporting of detention of persons under the age of 18;
(32) establishing standards for the certification of detention services;
(33) with the State Department of Health, establishing standards for certification of jails, adult lock-ups and adult detention facilities used to detain juveniles;
(34) establishing guidelines and procedures for Juvenile Bureaus to ensure uniformity in the performance of the Juvenile Bureau's statutory duties;
(35) promulgating rules and forms necessary for the implementation of the juvenile sex offender registry;
(36) promulgating rules for the expansion for criminal records searches or foster care eligibility assessments beyond the records searches conducted by the Oklahoma State Bureau of Investigation:
(37) Designating Youth Services Agencies; and
(38) Adopting the State Plan for Youth Services Agencies.

377:1-1-7. Legal Base for Rates and Standards Committee

The legal base for establishing fixed and uniform rates is found at 74 O.S., § 85.7(A)(11)(d) and (e)~~,~~ (Oklahoma Central Purchasing Act), and 10A O.S., § ~~7302-1.1~~2-7-101(H)(7).

377:1-1-11. Executive Director

(a) The Executive Director of the Office of Juvenile Affairs shall be appointed by the Board of Juvenile Affairs and shall report directly to the Board. As the administrator of the Office of Juvenile Affairs, the Executive Director is responsible for supervising OJA activities and establishing internal policy and procedures for the administration of the Office of Juvenile Affairs.
(b) The Executive Director shall be responsible for selecting staff or contracting with personnel capable of carrying out OJA's mission, goals, and statutory requirements.
(c) The Executive Director shall have the authority to assume all duties and responsibilities of the Chief of Staff of OJA, as found in~~[Title~~ 10A~~,~~ O.S., § ~~7302-2.1~~2-7-201~~(C)(4)]~~.

[OAR Docket #11-849; filed 6-3-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #11-850]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. Office of the Executive Director
Part 1. ~~Legislative Liaison~~Director of Government Relations [AMENDED]
377:3-1-1 [AMENDED]
Part 3. Office of the Advocate General
377:3-1-20 [AMENDED]
377:3-1-26 [AMENDED]
377:3-1-34 [AMENDED]
Part 5. Media and Community Relations
377:3-1-46 [AMENDED]
377:3-1-47 [AMENDED]
Subchapter 3. Office of General Counsel Services
Part 1. General Provisions

377:3-3-2 [AMENDED]
Subchapter 5. Office of Human Resources Management
Part 1. Overview of the Office of Human Resources Management
377:3-5-1 [AMENDED]
Subchapter 7. Finance Department
377:3-7-1 [AMENDED]
Subchapter 9. Office of Policy
Part 7. Policy and Accreditation
377:3-9-40 [AMENDED]
Subchapter 13. Office of Public Integrity
Part 3. Requirements for Secure Juvenile Detention Centers
377:3-13-35 [AMENDED]
377:3-13-37 [AMENDED]
377:3-13-39 [AMENDED]
377:3-13-45 [AMENDED]
Part 5. Requirements for Municipal Juvenile Facilities
377:3-13-60 [AMENDED]
377:3-13-62 [AMENDED]
Part 7. Requirements for Community Intervention Centers (CIC)
377:3-13-80 [AMENDED]
377:3-13-81 [AMENDED]
377:3-13-82 [AMENDED]
377:3-13-88 [AMENDED]
377:3-13-90 [AMENDED]
Subchapter 15. Information Technology Department
Part 1. General Provisions [NEW]
377:3-15-2 [AMENDED]
377:3-15-3 [AMENDED]
Subchapter 17. Federal Funds Development Unit
Part 1. General Provisions
377:3-17-2 [AMENDED]
Subchapter 19. Contract, Procurement, and Support Services
377:3-19-1 [AMENDED]
377:3-19-3 [AMENDED]

AUTHORITY:
Board of Juvenile Affairs, pursuant to 10A O.S., Section 2-7-101 (H) and (I).

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N/A

ANALYSIS:
Rule amendments are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009). Amendments in Subchapter 1, 377:3-1-1, are due to modifications to the Legislative Liaison title and responsibilities. Amendments in Subchapter 1, 377:3-1-46 and 377:3-1-47, are due to modifications to the Director of Media and Community Relations title and responsibilities.

CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. OFFICE OF THE EXECUTIVE DIRECTOR

PART 1. ~~LEGISLATIVE LIAISON~~DIRECTOR OF GOVERNMENT RELATIONS

377:3-1-1. ~~Legislative Liaison~~Director of Government Relations

The ~~legislation liaison~~Director of Government Relations shall develop and work to implement the Office of Juvenile Affairs' (OJA) state legislative agenda. The ~~legislative liaison~~Director of Government Relations shall:

(1) screen requests from OJA units for statutory change, rule change and develop proposals for the changes;

(2) track legislation related to juvenile justice and communicate the status and impact of the proposed legislation to OJA administrators;

(3) generate responses to legislative requests for information;

(4) represent OJA before a legislative body with respect to OJA's viewpoint regarding proposed legislation; and

(5) work with legislators and legislative staff on behalf of OJA.

PART 3. OFFICE OF THE ADVOCATE GENERAL

377:3-1-20. Legal base and authority

The State's legal basis and authority for the rules and procedure in this subchapter are found in 10A O.S., §§~~ 7302-3.2~~ 1-2-101, 2-7-302, and ~~7302-6.3~~2-7-603~~, and 7103~~.

377:3-1-26. Advocate General procedures during an abuse, neglect, or caretaker misconduct investigation for other than OJA secure institutions

(a) Upon receiving a report from OCA concerning an investigation of abuse, neglect, or caretaker misconduct, the Advocate General shall send a copy of the report to the facility administrator and notify the Executive Director or appropriate Division Director. If a facility administrator is named as an accused caretaker in the allegation, the report shall be forwarded to the Chair of the Board of Directors of the facility or to the Director of the state agency operating the facility.

(b) If OCA confirms findings of abuse, neglect, or caretaker misconduct, the Advocate General shall request appropriate corrective action within 21 days of the Advocate General's receipt of OCA's report.

(c) Even if abuse, neglect, or caretaker misconduct is not confirmed by OCA, the Advocate General may recommend to the Executive Director appropriate measures to address systemic or individual concerns raised during the course of the OCA investigation.

(d) Upon receipt of OCA's report, the facility administrator, OJA administration, or Advocate General on behalf of a juvenile who is the subject of the report may request that the DHS Grievance Abuse Review Committee (GARC) review its findings and return a different result.

(e) OCA investigative reports, records, files, and audio tapes are considered confidential under Title 10A O.S., § 1-6-102.

377:3-1-34. Coordination with other monitoring entities

The Advocate General shall coordinate with the Department of Human ~~Services's~~Services' Office of Client Advocacy, the Oklahoma Commission on Children and Youth's Office of Juvenile System Oversight, or such other government entities which possesses overlapping or concurrent jurisdiction of OJA juveniles or placements, in conducting the Advocate General's activities. The Advocate General shall perform the following functions with these entities:

(1) communicate and coordinate, whenever possible, the scheduling of on-site visits to programs and facilities to control disruptions of operations by monitoring entities;

(2) compare and consolidate program information and data needed to minimize duplicate requests;

(3) provide copies of Advocate General reports or grievances when requested;

(4) meet with staff to discuss issues that are of common concern to all offices; and

(5) receive reports from said agencies which raise issues of concern affecting OJA juveniles or policy.

PART 5. MEDIA AND COMMUNITY RELATIONS

377:3-1-46. General provisions

It is the policy of OJA to encourage interaction with the public and the media. The ~~Media and Community Relations (MCR)~~Communications Department, which reports to the Executive Director and Chief of Staff of OJA, coordinates public information activities. OJA staff shall coordinate all media relations, media contacts, news releases, news conferences and other media communications through the ~~Media and Community Relations~~Communications Department.

377:3-1-47. Media access to OJA

(a) The Director of ~~Media and Community Relations~~Communications, or, if unavailable, the Executive Director, Chief of Staff, or designee shall grant the news media access to a juvenile under conditions which ensure:

(1) the preservation of the juvenile's right to privacy;

(2) the preservation of the juvenile's confidentiality; and

(3) the maintenance of order and security when the juvenile is in an out-of-home placement.

(b) The Director of ~~Media and Community Relations~~Communications shall consider the following factors when making a decision regarding media access:

(1) the nature of the inquiry;

(2) whether the best interests of the juvenile are met; and

(3) whether the best interests of the public are met.

(c) The Director of ~~Media and Community Relations~~Communications shall decide whether to grant or deny media access within 48 hours of the request, excluding weekends and holidays.

(d) Whenever possible, parental permission shall be obtained prior to a juvenile's being interviewed. If parental permission cannot be obtained, the Executive Director or Chief of Staff may grant approval for the interview.

(e) When an interview with a juvenile is requested by the media, the Director of ~~Media and Community Relations~~Communications, after consulting with the appropriate superintendent, group home supervisor, or district supervisor, shall approve or deny the media's request according to the provisions of rules contained in this Part.

(f) The guidelines for media activities with juveniles are as follows:

(1) all juveniles have the option to decline to be interviewed or filmed;

(2) no filming is to occur that could result in the juvenile's being identified through facial exposure unless written permission is obtained from the:

(A) juvenile;

(B) parent/guardian, or, if the parent is unavailable, the:

(i) Executive Director/Chief of Staff; or

(ii) judge from the court county of jurisdiction.

(C) Director of ~~Media and Community Relations~~Communications or designee.

(3) a ranking staff person shall accompany film crews and intercede in any filming effort that could identify a juvenile, i.e., facial exposure;

(4) activities of media personnel while in an out-of-home placement must be conducted in a manner that is consistent with the maintenance of order and security;

(5) staff may agree to be interviewed and filmed (in private, if desired) by media personnel on authorized visits to the JSU office, group home, or institution; and

(6) at times of disorder within a residential facility, media access to the facility may be postponed if OJA or the facility believes that the media's presence would prolong or contribute to the disorder.

(g) The Executive Director or Chief of Staff may exempt the limitations in (e) of this Section if he or she considers it necessary, as long as statutory limitations are met.

SUBCHAPTER 3. OFFICE OF GENERAL COUNSEL SERVICES

PART 1. GENERAL PROVISIONS

377:3-3-2. Legal base

The statutory authorization for the Office of General Counsel Services is found in 10A O.S., § ~~7302-2.1~~2-7-201(D).

SUBCHAPTER 5. OFFICE OF HUMAN RESOURCES MANAGEMENT

PART 1. OVERVIEW OF THE OFFICE OF HUMAN RESOURCES MANAGEMENT

377:3-5-1. Purpose

(a) The purpose of this subchapter is to set forth the rules governing the operation of the Office of Human Resources Management. The rules in this Chapter are authorized by the authority of the Office of Juvenile Affairs as set forth in Title 10A O.S., § ~~7302-1.1~~2-7-101 (I) (2), Oklahoma Personnel Act, ~~in~~ 74 O.S., § 840-1.1 et seq., and Oklahoma State Merit Rules.

(b) The purpose of the Office of Human Resources Management (OHRM) is to provide comprehensive human resource management and development programs which support the achievement of the agency's mission, values, and goals. The Office of Human Resources Management programs focus on recruiting, retaining, and developing qualified agency staff.

SUBCHAPTER 7. FINANCE DEPARTMENT

377:3-7-1. Legal basis

(a) The Office of Juvenile Affairs (OJA) Finance Division is designated by OJA to conduct OJA's financial matters.

(b) Title 10A O.S., § ~~7302-3.4~~2-7-304, authorizes the OJA to enter into financial agreements with governmental entities or private agencies for juvenile delinquency prevention and treatment programs.

SUBCHAPTER 9. OFFICE OF POLICY

PART 7. POLICY AND ACCREDITATION

377:3-9-40. Legal basis

Title 10A~~,~~ O.S., § ~~7302-1.1~~2-7-101(I), requires that the Board of Juvenile Affairs shall be the rulemaking body for the Office of Juvenile Affairs (OJA). In developing rules, OJA is bound by the rulemaking requirements of the Administrative Procedures Act (APA), Title 75 O.S., § 250 et seq., as amended.

SUBCHAPTER 13. OFFICE OF PUBLIC INTEGRITY

PART 3. REQUIREMENTS FOR SECURE JUVENILE DETENTION CENTERS

377:3-13-35. Legal basis

Statutory authorization for the Office of Juvenile Affairs to certify secure juvenile detention facilities is found in 10A O.S., § ~~7304-1.3~~2-3-103(C). ~~As provided in 10 O.S., §7302-6.8, all~~All juvenile detention facilities, including those not incorporated in the State Plan as provided in 10A O.S., § 2-7-608(C), must be certified by the Office of Juvenile Affairs.

377:3-13-37. Organization, administration and finances

(a) **Organization.** A statement of the purposes or function of the secure juvenile detention facility is clearly defined and filed with the Office of Juvenile Affairs. The statement includes the services available for the juveniles who are admitted. A secure detention facility may be ~~operated~~organized in any manner provided in 10A O.S. ~~Supp. 1999~~, § ~~7304-1.3~~ 2-3-103(C)(3).

(b) **Administration and responsibility of the governing body.** The governing body of a secure juvenile detention facility shall:

(1) have responsibility for the program and services of the facility;

(2) review and approve all policies and policy changes;

(3) maintain a record of policy approvals in meeting minutes and in an organized form developed by the facility;

(4) obtain all required licenses for operation and continued compliance with Requirements for Secure Juvenile Detention Facilities;

(5) meet twice a year to assure proper operation of the facility;

(6) document meetings of the governing body and keep the documentation on file; and

(7) have responsibility for the physical facility and its use by the juveniles and staff.

(c) **Finances.** The agency shall maintain complete financial records of income and disbursements.

(1) All financial records pertaining to the agency are audited annually by a certified public accountant or public accountant who has a valid current permit to practice in the State of Oklahoma and who is not a staff member of the agency or in accordance with the governmental funding source.

(2) A copy of the auditor's statement substantiating the solvency of the agency and a statement concerning receipts and disbursements is submitted to the Office of Juvenile Affairs annually.

377:3-13-39. Admission procedure and criteria

(a) ~~Facility staff shall have an admission procedure in accordance with state statutes~~Juveniles shall be admitted to the secure detention facility only as provided by 10A O.S., § ~~7304-1.1~~2-3-101 et. seq.

(b) The facility's written policy and procedure for admitting juveniles includes, but is not limited to, provisions which require the facility to:

(1) verify legal authority to detain;

(2) search the individual and the juvenile's possessions;

(3) inventory the juvenile's clothing and personal possessions;

(4) distribute personal hygiene items;

(5) make provisions for shower and hair care;

(6) issue clean, laundered clothing;

(7) ensure that the juvenile's family, custodian or guardian is notified;

(8) assist the juvenile in notifying his or her family, guardian, or custodian of the juvenile's admission;

(9) supervise the juvenile while the juvenile makes two admission phone calls, if desired;

(10) conduct an admission interview of the juvenile to answer questions and obtain information;

(11) complete a medical history questionnaire;

(12) provide an orientation which includes:

(A) juvenile rights;

(B) program description;

(C) program rules;

(D) grievance process; and

(E) discipline policy;

(13) record basic personal data;

(14) review procedures for mail and visiting; and

(15) assign the juvenile to a sleeping unit.

377:3-13-45. Program and services

(a) Activities and services are available to juveniles outside their rooms at least 12 hours a day. The facility shall provide or make available the minimum services and programs given in (1)-(7) of this subsection to detained juveniles.

(1) **Education.** The facility shall provide educational opportunities in compliance with the local school district's rules and regulations and OJA contract requirements. Facilities shall provide or make provisions for an educational program, which includes space for education, necessary equipment and supplies, and supervision.

(2) **Visitation.** Written policy and procedure specify the number of visitors a juvenile may receive and the length of visitation.

(A) Visits may be limited only by the facility's schedule, space, and personnel constraints or where there are substantial reasons to justify such limitations.

(B) Juveniles have the right to refuse visitation.

(C) Legal counsel for a detained juvenile may visit at any reasonable time a request is made.

(3) **Social services.** The facility's social services program shall make a range of resources available to meet the needs of juveniles.

(A) Juveniles shall be afforded access to emergency mental health counseling and crisis intervention services according to their needs.

(B) Counseling services include group or individual counseling and are provided at least weekly.

(4) **Recreation.** Written policy and procedure provide a recreation schedule that includes at least one hour per day of large muscle activity and one hour of structured recreational activities. A variety of recreational materials are made available to detained juveniles and kept in good condition at all times.

(5) **Food service.** Written policy and procedure provide that the dietary needs of juveniles are met.

(A) Special diets as prescribed by appropriate medical or dental personel or as required by religious preference are provided.

(B) Menus are planned at least one week in advance, posted and dated, and kept on file for one year.

(C) Menus are approved before use and reviewed annually by a licensed dietician, nutritionist, or physician to ensure compliance with nationally recommended food allowances. Facilities participating in the National School Lunch Program are not required to have their breakfast and lunch menus approved by a licensed dietician, nutritionist, or physician.

(6) **Medical and health care.** The facility shall have written policy and procedure for delivery of health care services. When health care services are provided by someone other than a physician, the final medical judgement rests with the designated physician.

(A) Written health care policy and procedure is approved by a designated physician.

(B) Medical, mental health, and dental care involving medical judgement are the sole province of the designated physician, mental health professional or dentist.

(C) Personnel who provide health care services to juveniles shall be governed by a written job description approved by the medical authority.

(i) Responsibilities and job duties are in keeping with the individual's professional discipline.

(ii) Verification of current credentials and job descriptions are on file in the facility.

(D) Security regulations applicable to facility personnel also apply to health personnel.

(E) The secure juvenile detention facility shall develop and maintain written policy and procedure which:

(i) requires medical screening upon arrival of any juveniles, including intra system transfers at the facility.

(ii) records all findings on a medical screening form approved by the physician;

(iii) accounts for receiving, storing, dispensing, administering and distributing all medications and first aid supplies;

(iv) prohibits the use of juveniles for medical, pharmaceutical or cosmetic experiments;

(v) assures that detention staff and other personnel are trained to respond to health related situations; and

(vi) establishes a training program that includes:

(I) recognition of signs and symptoms of illness or injury and knowledge of action required in potential emergency situations;

(II) administration of first aid and cardiopulmonary resuscitation (CPR);

(III) methods of obtaining assistance;

(IV) signs and symptoms of mental illness, retardation and drug and alcohol abuse; and

(V) procedures for transfer to appropriate medical facilities or health care providers.

(7) **Medication.** Medication is administered by persons properly trained in medical administration and under supervision of the physician and facility administrator.

(A) Prescription medication is only administered as directed by a physician.

(B) When any medication is administered, a precise record is kept of the juvenile's name, reason for dosage, route, date and time given, and signature of the person who administered it. Any adverse reaction to the medication is documented.

(C) When prescription medications are used, the juvenile, custodian, and all staff members shall be made aware of side effects of the medication.

(D) All medications, syringes, and needles are protected by maximum-security storage and are under the supervision of staff on duty.

PART 5. REQUIREMENTS FOR MUNICIPAL JUVENILE FACILITIES

377:3-13-60. Legal basis

Statutory authorization for the Office of Juvenile Affairs to certify municipal juvenile facilities is found in 10A O.S., § ~~7303-1.2~~2-2-102(~~E~~C).

377:3-13-62. Standards

(a) The facility shall be used for the detention of juveniles taken into custody for commission of an offense as authorized by law.

(b) If the facility is located in any jail, adult lockup, or adult detention facility, there must be total spatial separation between juvenile and adult areas.

(c) The facility shall be in compliance with all applicable health, fire and safety codes.

(d) The facility shall maintain written policy and procedure, which include, but are not limited to, the facilities' rules regarding:

(1) organization and administration;

(2) personnel consistent with OAC 377:3-13-43(a);

(3) confidentiality consistent with state law;

(4) compliance with child abuse or neglect reporting requirements ~~[21 O.S., § 846]~~pursuant to 10A O.S., § 1-2-101 et seq.;

(5) security and control consistent with OAC 377:3-13-44(a)(3), (4), and (8) through (13);

(6) health screening, medical services, and first aid; and

(7) fire and disaster plans.

(e) All facility staff shall:

(1) meet the health requirements pre-scribed for staff in OAC 377:3-13-43(a)(5);

(2) meet the training requirements pre-scribed for staff in OAC 377:3-13-43(a)(8) through programs approved by the Office of Juvenile Affairs; and

(3) meet the requirements relating to criminal history investigations prescribed in OAC 377:3-13-43(a)(6).

(f) When a child is detained, the facility shall ensure that all reasonable steps are immediately taken to:

(1) locate the child's parent, legal guardian, or custodian or attorney;

(2) determine if the parent, legal guardian, or custodian or attorney is willing to appear at the municipal juvenile facility and assume personal custody of the juvenile upon the juvenile's release from the facility;

(3) release the juvenile to the personal custody of his or her parent, legal guardian, or custodian or attorney as soon as practicable and upon the written promise of the parent, legal guardian, or custodian or attorney to return the juvenile to municipal court to answer the municipal charges at the date and time set by the municipal court;

(4) ensure the juvenile is given adequate fresh drinking water;

(5) ensure the juvenile is given adequate food not less than three times in a 24-hour period; and

(6) ensure the juvenile is given any necessary medical care and treatment.

(g) A juvenile shall not be detained in a municipal juvenile detention facility for longer than 24 hours. If the parent, legal guardian, or custodian or attorney does not appear at the municipal juvenile facility with the 24-hour period to assume personal custody of the juvenile, then custody or release of the juvenile is determined by a law enforcement officer or, upon application by the district attorney's office, by the district court as provided in 10A O.S., § ~~7003-2.1~~1-4-201.

(h) The facility shall maintain records, which are sufficient to demonstrate compliance with these standards.

PART 7. REQUIREMENTS FOR COMMUNITY INTERVENTION CENTERS (CIC)

377:3-13-80. Legal basis

Statutory authorization for the Office of Juvenile Affairs to enter into ~~agreements~~contracts for the establishment and maintenance of a CIC is found in 10A O.S., §~~7302-3.3~~ 2-7-305(A). Functions of the CICs are found in 10A O.S., §~~7302-3.5~~ 2-7-305(D).

377:3-13-81. Structure

(a) To establish a CIC, an interlocal agreement must be entered into between:

(1) one or more municipalities; and

(2) the Office of Juvenile Affairs.

(b) The CIC must meet the conditions, requirements, and rules promulgated by the Office of Juvenile Affairs as provided

in 10A O.S., §~~7302-3.5~~ 2-7-305~~(B)(2) and 10 O.S., §7302-3.5 (D)~~.

(c) Each CIC provider shall have a local juvenile justice advisory board comprised of representatives from local law enforcement, the judiciary, social service agencies, education, local businesses and local government.

377:3-13-82. General provisions

(a) **Required functions of a CIC.** A CIC shall:

(1) receive and hold juveniles taken into custody by law enforcement for an alleged violation of a municipal ordinance or state law and for whom detention is unavailable or inappropriate;

(2) be in compliance with all applicable federal, state, and local health, fire, and safety codes;

(3) enter demographic information into the management information system provided for in 10A O.S., § ~~7302-3.8~~2-7-308;

(4) hold a juvenile for no longer than 24 hours;

(5) shall maintain records that are sufficient to demonstrate compliance with the Office of Juvenile Affairs requirements for CICs; and

(6) ensure that when a juvenile is held, all reasonable steps are immediately taken to:

(A) immediately notify the juvenile's parent, legal guardian, custodian, attorney, or other adult legally responsible for the juvenile's care;

(B) release the juvenile to a parent, guardian, or other responsible adult or hold until a temporary placement can be secured, but in no event for longer than twenty-four hours;

(C) release the juvenile to the parent, guardian, custodian, attorney, or responsible adult as soon as practical upon his or her signing a release or written promise to return the juvenile to the court of jurisdiction to answer the charges at a date and time set by the court;

(D) ensure that temporary placement is secured if the parent, guardian, legal custodian, attorney or other responsible adult is unable to assume custody of the juvenile;

(E) ensure that adequate fresh drinking water is made available to the juvenile;

(F) ensure that adequate food is provided to the juvenile not less than three times in a 24-hour period;

(G) gather information to determine if the juvenile is in need of immediate medical attention; and

(H) ensure the juvenile is provided with any necessary medical care and treatment as provided 10A O. S., §~~7303-1.1~~ 2-2-101(E).

(b) **Optional functions.** In addition to the required functions a CIC may:

(1) conduct an initial screening assessment, pursuant to OJA Rule OAC 377:3-13-84;

(2) conduct an assessment, pursuant to OJA Rule OAC 377:3-13-85; and

(3) fingerprint a juvenile who has allegedly committed an offense which would be a felony if committed by an adult.

377:3-13-88. Personnel

(a) **CIC program director.**

(1) **Qualifications.** The qualifications (including education and experience), authority, and responsibilities of the program director shall be specified in writing by the CIC's governing body, and include:

(A) a bachelor's degree; and

(B) one year of experience working with juveniles or working in the juvenile justice system.

(b) **Direct-care staff qualifications.** All direct care staff shall be at least 21 years of age and possess a high school diploma or its equivalent.

(c) **Criminal history investigation.** The CIC shall comply with statutory requirements mandating a criminal history investigation for each applicant for employment [10 O.S., § 404.1, and 10A O.S., § ~~7003-8.1~~1-4-705]. An employee's criminal history investigation record must be kept in a secure location, separate from his or her personnel file.

(1) A facility shall not employ or retain an individual who has been convicted of or entered a plea of guilty or nolo contendere to any felony involving:

(A) violence against a person;

(B) child abuse or neglect;

(C) possession, trafficking, manufacturing, sale or distribution of illegal drugs, or conspiracy to traffic, manufacture, sale, or distribute illegal drugs;

(D) sexual misconduct; or

(E) gross irresponsibility or disregard for the safety of others;

(F) any crime against a child; or

(G) in the case of child abuse and neglect, identified as a perpetrator in a juvenile court proceeding and/or has made an admission of guilt to a person authorized by state or federal laws or regulations to investigate child abuse and neglect.

(2) No employee of the CIC shall use or be under the influence of alcohol or illegal drugs during the hours of work nor shall any employee use or possess illegal drugs at any time.

(3) As to a simple drug possession offender, the facility may, at its own discretion, make exceptions to the prohibition of employment if five years have passed from completion of the applicant's criminal sentence and the facility can document that the health, safety, and well-being of juveniles would not be endangered.

(A) The facility shall consider, document, and submit to the Office of Public Integrity within 10 days of the employees first day of work the;

(i) type of crime or offense for which the individual was convicted or a finding was made; and

(ii) reference letters concerning the individual in question.

(B) The Office of Public Integrity shall make a recommendation to the Executive Director as to whether the applicant shall be approved or disapproved.

(4) If any person is formally charged with any of the offenses described in OAC 377:3-13-88(c)(1), he or she

must be removed from contact with juveniles until the charges are resolved.

(d) **Health requirements.** An employee's health record must be kept in a secure location, separate from his or her personnel file.

(1) Each employee must have a pre-employment physical conducted by a licensed physician.

(2) Upon employment, each employee who has not had a documented skin test within the past 12 months shall have a Mantoux tuberculin skin test unless he or she had a previous positive skin test.

(3) An employee with a positive skin test reaction must have or provide documentation of a chest x-ray.

(A) Additional tests or x-rays are not required unless symptoms develop that are suggestive of tuberculosis.

(B) Employees with a positive skin test reaction must submit annual documentation by medical personnel that signs or symptoms of tuberculosis are not present.

(e) **Personnel records.** Every staff person employed by the CIC shall have a written personnel record, which complies with personnel policies of the municipality or service provider. The CIC shall have written personnel policies. The program director shall make personnel policies, which include written job descriptions, available to all employees. Either the policy or job description specifies the person to whom the employee is responsible and the duties the employee is expected to perform.

(1) Each personnel record must include:

(A) an application, resume, or staff information sheet that documents qualifications for the position;

(B) three reference letters, or if the reference was interviewed by phone, documentation of telephone interview must contain the:

(i) content of the interview;

(ii) date and time of the interview; and

(iii) name of employee conducting the telephone inter-view;

(C) documentation that the staff member was provided a copy of personnel policies, including his or her job description.

(D) written disciplinary action forms and job performance evaluations;

(E) dates of employment; and

(F) date and reason for employment separation or termination.

(2) Personnel records shall be maintained for at least three (3) years following an employee's separation.

(3) All employee records shall be confidential subject to existing federal and state statutes.

(4) All employees shall have access to their personnel files for reviewing purposes upon request to the program director and according to agency policy.

(f) **Staff orientation.**

(1) Each direct-care staff shall be provided orientation before being allowed to work independently In addition to a review of the certification standards and on-the-job training with an experienced staff member, the orientation must include a review of the CIC's:

(A) policies and procedures;

(B) philosophy and goals;

(C) organization;

(D) behavior management/crisis intervention training; and

(E) job expectations for the individual employee.

(2) Within 90 days of employment, each direct-care staff shall successfully complete first aid training. The training must be conducted by a certified instructor from the American Red Cross or its equivalent. The employee must be recertified in first aid every three years. First aid training may be counted as training hours. At least one staff person trained and certified in first aid shall be present in the CIC at all times.

(3) Within 90 days of employment, each direct-care staff shall be certified in cardiopulmonary resuscitation (CPR). The employee shall be recertified annually. CPR certification and recertification may be counted as training hours. At least one staff person trained and certified in CPR shall be present at all times.

(4) Within six (6) months of employment, each direct-care staff shall complete a certified class on behavior management; e.g., MAB, MANDT, CLEET, etc.

(5) The CIC must maintain written documentation of each area in which the employee received orientation.

(g) **Staff training.**

(1) All direct-care staff and program ~~a~~ administrators shall obtain at least 24 clock hours of training per employment year. Hours are prorated for staff who have not been employed for a full year or are part-time employees.

(2) Professional conferences, workshops, seminars, formal education classes, or in-service training are considered training.

(3) Documentation of the employee's training shall be maintained in the employee's file.

377:3-13-90. Security and control

(a) **Rules of conduct.** The rules of conduct shall either be given to each juvenile or posted in a conspicuous and accessible area.

(1) Staff members shall explain the rules of conduct to each juvenile admitted to the facility.

(2) When a literacy or language problem prevents a juvenile from reading the rules, a staff member or translator shall assist the juvenile in reading the rules of conduct.

(b) **Searches.** Each CIC has the option of conducting searches. Searches and property recovery are conducted to preserve the security and safety of the CIC. If the CIC conducts searches, the CIC must develop policies and procedures, which include the guidelines listed in (1) through (3) of this section.

(1) Juveniles and visitors shall be notified that they are subject to search.

(2) Searches shall be conducted by a person of the same sex as the juvenile or visitor.

(3) No strip searches or body cavity searches shall be conducted at a CIC.

(c) **Staff ratio.**

(1) When juveniles are present, there shall be a minimum of two staff on duty. When more than 12 juveniles are present, a ratio of 1:6 direct-care staff to juveniles shall be maintained.

(2) The CIC shall ensure that when a female is placed in the CIC, a female staff member is present and when a male is placed, a male staff member is present.

(3) Juveniles in the CIC shall be monitored at all times.

(d) **Behavior management.**

(1) **Physical intervention.**

(A) Each CIC shall have policies and procedures outlining the use of physical intervention. Written policy and procedure shall limit the use of physical intervention to:

(i) self protection;

(ii) separate juveniles from fighting;

(iii) restrain juveniles in danger of inflicting harm to themselves or others; and

(iv) restrain juveniles who have escaped or who are in the process of escaping;

(B) The least amount of physical intervention necessary to control a situation is used.

(C) Physical intervention shall not be used as punishment or retaliation.

(D) A written report is prepared following all uses of physical intervention and submitted to the program director.

(2) **Use of mechanical restraints.** CIC employees shall not use mechanical restraints.

(3) **Chemical agents.** CIC employees shall not use chemical agents, including pepper spray.

(4) **Weapons.** CIC employees shall not use weapons.

(e) **Room confinement.** Room confinement means locking a juvenile in a designated room for a short-term period of time in order to remove the juvenile from the population. Room confinement is used with juveniles who are combative or self-destructive [10A O.S., Section ~~7302-3.5~~2-7-305(D)(2)] and who require being separated from other juveniles for:

(1) self protection;

(2) separating juveniles from fighting;

(3) restraining juveniles in danger of inflicting harm to themselves or others; or

(4) restraining juveniles who have escaped or who are in the process of escaping;

(f) **Procedure for room confinement.** When room confinement is used, the procedures set forth in (1) - (5) of this paragraph shall be followed.

(1) Prior to room confinement, staff shall explain the reasons for confinement to the juvenile and shall give the juvenile an opportunity to explain his or her behavior.

(2) Any juvenile shall be visibly observed by a staff member every 15 minutes. Staff shall document each observation.

(3) Juveniles placed in room confinement shall be afforded living conditions and essential services approximating those available to the general juvenile population. Exceptions shall be authorized based upon clear and substantial justification.

(4) The juvenile shall be released when staff determines that he or she can safely be returned to the general population or waiting area.

(5) A written record is maintained on any juvenile placed in room restriction or confinement. The written record includes:

(A) a log stating who authorized the action;

(B) names of persons observing the juvenile;

(C) exceptions to provision of essential services provided to other juveniles placed in the CIC;

(D) observations of the juvenile's physical situation;

(E) times of observation;

(F) the person authorizing release; an

(G) the time of release.

(g) **Escape.** The CIC shall develop written policy and procedure for juveniles who escape from the facility. The policy shall include a procedure for notification of law enforcement agencies.

SUBCHAPTER 15. INFORMATION TECHNOLOGY DEPARTMENT

PART 1. GENERAL PROVISIONS

377:3-15-2. Legal basis

The management information systems ~~is~~are authorized by 10A O.S., ~~Supp. 1995~~ §§ ~~7302-3.8~~2-7-308 and ~~§ 7302-9.6~~2-7-905.

377:3-15-3. JOLTS requirements

(a) Pursuant to 10A O.S., §§ ~~7302-3.8~~2-7-308 and ~~§ 7302-9.6~~2-7-905, the OJA management information system:

(1) is based on integration, utilization, or modification of existing systems within the Department;

(2) ensures the privacy, security, and limited access to the information contained within JOLTS;

(3) includes specific case information, including outcomes, and monitors the status of juveniles receiving services from OJA;

(4) provides management reports and information relating to OJA programs, as well as total information required for planning, monitoring, and evaluation of programs; and

(5) ensures that reports are immediately generated by staff requesting the report.

(b) The Information Technology Department shall integrate the JOLTS system with DHS as provided by law.

(c) The management information systems is available to persons authorized to obtain OJA's confidential reports and records as per Article VII of the Oklahoma Juvenile Code, the ~~Serious and Habitual Offender Act~~Juvenile Offender Tracking Program, and OJA rules.

SUBCHAPTER 17. FEDERAL FUNDS DEVELOPMENT UNIT

PART 1. GENERAL PROVISIONS

377:3-17-2. Legal basis

The authority for the functions of the Federal Funds Development Unit ~~to carry out its activities~~ is found in 10A O.S., § ~~7302-3.4~~2-7-304.

SUBCHAPTER 19. CONTRACT, PROCUREMENT, AND SUPPORT SERVICES

377:3-19-1. Purpose and legal base

The purpose of this subchapter is to describe rules pertaining to contract, procurement, and support services. The authority for the Office of Contract, Procurement, and Support Services to carry out its duties is found in 10A O.S., §~~7302-1.1~~ 2-7-101(H)(7).

377:3-19-3. Contracting

(a) In accordance with the Central Purchasing Act, 74 O.S., as amended, OJA shall develop internal procurement procedures, including procedures to ensure that sole source contracts comply with all relevant state and federal laws and the OJA Board will be notified of any approved contracts at the next Board meeting.

(b) In accordance with 10A O.S., §~~7302-1.1~~ 2-7-101(H)(7), OJA shall develop internal contracting procedures.

(c) The Executive Director shall establish final signature authority for all OJA acquisition forms and will notify the OJA Board when changes are made to the signature authority.

[OAR Docket #11-850; filed 6-3-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 5. ~~OFFICE OF THE PAROLE BOARD~~RELEASE FROM INSTITUTIONAL PLACEMENT

[OAR Docket #11-851]

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Subchapter 1. General Provisions
377:5-1-1 [AMENDED]
377:5-1-3 [AMENDED]
377:5-1-4 [NEW]
Subchapter 3. Pre-release Planning
377:5-3-1 through 377:5-3-4 [AMENDED]
377:5-3-6 [NEW]
Subchapter 5. Hearings
377:5-5-3 [AMENDED]
377:5-5-4 [AMENDED]
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Rule amendments are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009). Rule revisions in Chapter 5, heading and Subchapters 1, 3 and 5, have additional and/or new language pertaining to step-down or reentry programs.
CONTACT PERSON:
Jlynn Hartman, Director of Government Relations, OJA, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, (405) 530-2866.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

377:5-1-1. Purpose

The purpose of this subchapter is to provide rules for administrative parole hearings, administrative parole, step-down or reentry programs, and to establish due process for parole revocation and Administrative Transfer Hearings for juveniles.

377:5-1-3. Legal basis

Granting parole, revoking parole, providing for a step-down or reentry program, and administratively transferring juveniles from a community placement (nonsecure) to an institution (secure) are administrative functions authorized by Title 10A ~~of the Oklahoma~~ .~~Statutes~~., §§ ~~7302-3.1~~2-7-301(B)(2), ~~7302-6.1~~2-7-601(A)(3), ~~7302-6.1~~2-7-601(B), ~~7306-2.10~~ and ~~7306-2.11~~2-5-212. The Parole Board is an Office within the Office of Juvenile Affairs (OJA) and is composed of persons designated by the Chief of Staff. The Chief of Staff or Parole Board shall assign staff to conduct hearings.

377:5-1-4. Definitions

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Step-down or reentry program" A step-down or reentry program means the release of a juvenile from institutional placement to a group home, transitional living program, independent living program, or other community-based facility or program, which focuses on reintegration of the juvenile into the community.

SUBCHAPTER 3. PRE-RELEASE PLANNING

377:5-3-1. Pre-release planning

Title 10A O.S., ~~Section~~Sections ~~7302-6.1~~2-7-601(A)~~(3)~~ and ~~7306-2.11~~2-5-212, give OJA authority to place a juvenile or youthful offender on parole whenever OJA determines that such release shall not be detrimental to society and that the juvenile or youthful offender is ready to be returned to the community or has reasonably completed a plan of rehabilitation. The Office of Juvenile Affairs may, pursuant to the same provisions of law, release a juvenile or youthful offender from an institution for placement in a group home, transitional living program, independent living program or other community-based step-down or reentry program.

377:5-3-2. Scheduling of the tentative targeted review date

(a) **Institutional Treatment Plan.** Within 30 days of institutional admission, an Institutional Treatment Plan shall be prepared and signed by the Institutional Supervisor, Youth and Juvenile Justice Specialist (JJS) Worker.

(b) **Scheduling.** Within 45 days of institutional admission a targeted review date shall be set for the juvenile. A meeting shall be held with the juvenile for the purpose of scheduling the targeted review date. At the meeting the criteria for release shall be explained to the juvenile.

(c) **Persons Present.** The juvenile, the Advocate Defender, and the Institutional JJS shall be present at the meeting.

(d) **Guidelines for targeted review date.** The targeted review date is determined by the juvenile's delinquent classification and date of placement in the institution. The dates are given in (1) - (2) of this paragraph:

(1) Class I's, Class II's, and Class III's - twelve months

(2) Class IV's- nine months

(e) Accelerated targeted review date. During the course of the juvenile's stay at the institution, the juvenile's institutional worker and/or local JSU worker can recommend the juvenile's targeted review date be rescheduled to an earlier date than the date previously scheduled.

(f) Criteria for release. Release from an institution is not guaranteed by the fact that a targeted review date has been scheduled. The juvenile must comply with the clearly established treatment goals of the individual treatment plan. Release on parole will be subject to terms and conditions established by OJA, whenever **OJA** determines that such release will not be detrimental to society and that the juvenile is ready to be returned to the community. Release to a step-down or reentry program shall be in accordance with continuing treatment objectives.

377:5-3-3. Parole

(a) **Parole.** The granting of parole is an administrative function, which is authorized by 10A O.S., §§ ~~7302-6.1~~2-7-601(A)(3)~~(4)~~ and ~~7306-2.11~~2-5-212. This function is carried out through a parole hearing or through an administrative parole.

(b) **The Parole Board process.** When a juvenile placed in an institution has made sufficient progress towards meeting the goals of his/her treatment plan and, where applicable, has successfully completed the passes as prescribed by the Office of Juvenile Affairs (OJA), the institution and JSU worker shall submit a parole recommendation to the Parole Board for release consideration.

(c) **Administrative parole.** An administrative parole is the method by which parole may be granted without a parole hearing.

(1) The Executive Director of OJA or his/her designee may grant an administrative parole for a juvenile exiting a program with a projected length of stay.

(2) When JSU and institutional staff recommend that the juvenile should be paroled, the Parole Board may accept the recommendation and grant an administrative parole.

377:5-3-4. ~~Targeted~~Review of the targeted review date

(a) **General Provisions.** The purpose of the review is to assess the juvenile's progress toward the successful completion of his or her individual treatment plan. The review shall provide the juvenile with the opportunity to verbally express any treatment concerns that he or she might have.

(b) **Persons Present.** The juvenile, the Advocate Defender, the JJS, and the JSU worker shall participate in the review.

(c) **Notice.** The juvenile shall receive notice of the review at least 48 hours in advance.

(d) **Recommendations.**

(1) At the conclusion of the review, the institutional staff and JSU worker may recommend to the Parole Board that the juvenile be paroled. If parole is recommended, the recommendation shall be submitted to the Parole Board for release consideration. If the Parole Board rejects the recommendation, the matter shall be scheduled for a parole hearing in accordance with 377:5-5-2 (a).

(2) The institutional staff and/or the JSU worker may or may not recommend parole. If parole is not recommended by either or both, the matter shall be scheduled for a parole hearing in accordance with 377:5-5-2 (b).

(3) The juvenile shall be advised of the recommendation and the reasons for the recommendation at the conclusion of the review.

(e) **Waiver.** A juvenile may waive his/her Parole Hearing. The Advocate Defender and JJS shall be present and sign the

waiver. The waiver shall be sent to the Parole Board and copies placed in the juvenile's file.

(f) **Step-down or reentry program.** A juvenile may be recommended for placement in a step-down or reentry program when the juvenile has reached the appropriate phase level and has otherwise sufficiently achieved treatment plan objectives. If the release to such program has not occurred prior to the targeted review date or is not recommended at the conclusion of the targeted review, the matter shall be scheduled for a parole hearing in accordance with 377:5-5-2(b), unless waived by the juvenile pursuant to paragraph (e) of this rule.

377:5-3-6. Rules of Supervised Community Placement for step-down or reentry

Juveniles placed in step-down or reentry programs shall execute Rules of Supervised Community Placement which shall conform to the requirements of Rules 377:25-7-27 and 377:25-7-28.

SUBCHAPTER 5. HEARINGS

377:5-5-3. Parole revocation hearing

(a) **Parole violations.** When alleged violations of parole occur, the JSU worker and supervisor shall consider specific factors when deciding whether to request a revocation of a juvenile's parole. Factors include the:

(1) seriousness of the juvenile's offense;

(2) overall adjustment of the juvenile; and

(3) demonstrated lack of amenability to treatment.

(b) **Pre-revocation conference.** The first step toward revocation is the pre-revocation conference. The District Supervisor or designee shall meet with the juvenile, the parent, guardian, legal custodian, placement provider (if applicable), and the JSU worker to:

(1) advise the juvenile and the parent(s), guardian(s) or legal custodian(s) of their constitutional and legal rights as documented;

(2) discussed the alleged parole violations;

(3) document the violations on the Application to Revoke Parole forms; and

(4) distribute copies to the juvenile, the parent(s), guardian(s), legal custodian(s) or placement provider.

(c) **Result of pre-revocation hearing.** The juvenile may choose to have a hearing before a Hearing Officer or waive the hearing by signing a Waiver of Parole Revocation form.

(d) **Revocation hearing.** If the decision is to have a hearing, the JSU worker shall file the Application to Revoke Parole with the Parole Administrator and request that the hearing date be scheduled. The hearing shall be held in the county where the alleged violation occurred [10A O.S., §~~7302-6.1~~ 2-7-601(B)2].

(e) **Due process.** Parole revocation hearings are held in accordance with 10A O.S., §~~7302-6.1~~ 2-7-601(B), and OJA rules set forth in this section.

(f) **Waiver of a revocation hearing.** The juvenile may waive a revocation hearing anytime prior to the presentation of evidence by completing and presenting a waiver to the Hearing Officer or other representative of OJA.

(g) **Conducting Interstate Compact Revocation.** For juveniles on parole placed in the State of Oklahoma through the Interstate Compact on Juveniles (ICJ), a Hearing Officer shall perform a fact-finding hearing and determine if the juvenile has violated the terms of his/her parole conditions while residing in the State of Oklahoma.

(h) **General provisions.**

(1) The Parole Administrator shall designate a Hearing Officer to preside over the parole revocation hearing.

(2) As provided in 10A O.S., §~~7302-6.1~~ 2-7-601(B)(3), if legal counsel for the juvenile has not otherwise been obtained, the JSU worker shall file an application for an Order Appointing Counsel with the District Court wherein the alleged violations occurred.

(3) Upon the JSU worker's filing an application, the Hearing Officer shall schedule a revocation hearing within a reasonable period of time.

(4) Notice of the hearing, including the date, time, and place of the hearing, and a copy of the Application to Revoke Parole shall be mailed by the Hearing Officer to the juvenile, the parent, guardian or legal custodian, the judge in the county wherein the alleged violations occurred, and the juvenile's legal counsel, if one has been retained or appointed.

(5) Hearings shall be conducted in accordance with 377:5-5-5.

377:5-5-4. Administrative Transfer Hearing ~~(community)~~

(a) An Administrative Transfer Hearing is an administrative process by which the Parole Board may terminate the Supervised Community Placement (SCP) status of a juvenile. The juvenile may be placed in an institutional setting. The Parole Board shall base a decision to revoke SCP on the seriousness of the offense and the overall adjustment of the juvenile.

(b) **General provisions.** (Pre-administrative Conference)

(1) **Supervised Community Placement.** When alleged SCP violations occur, the JSU worker and supervisor shall consider specific factors when deciding whether to request an Administrative Transfer Hearing. Factors include the:

(A) seriousness of the juvenile's offense;

(B) overall adjustment of the juvenile; and

(C) demonstrated lack of amenability to treatment.

(2) **Pre-Administrative Transfer Hearing conference.** The first step toward a transfer hearing is the pre-administrative transfer hearing conference. The District Supervisor or designee shall meet with the juvenile, the parent, guardian, legal custodian, placement provider (if applicable), and the JSU worker to:

(A) advise the juvenile and the parent, guardian or legal custodian of their constitutional and legal rights as documented;

(B) discuss the alleged violations of the SCP rules;

(C) document the alleged SCP violations on the Application for Administrative Transfer; and

(D) distribute copies to the juvenile, the parent, guardian, legal custodian and/or placement provider.

(c) **Result of Pre-Administrative Transfer Hearing Conference.** The juvenile may choose to have a hearing before a Hearing Officer or waive the hearing by signing a Waiver of Administrative Transfer Hearing.

(d) **Administrative Transfer Hearing.** If the decision is to have a hearing, the JSU worker shall file the application for Administrative Transfer Hearing with the Parole Administrator and request that a hearing date be scheduled. The hearing shall be held in the county where the alleged violation occurred [10A O.S., §~~7302-6.1~~ 2-7-601(B)2].

(e) **Due process.** Administrative Transfer hearings are held in accordance with 10A O.S., §~~7302-6.1~~ 2-7-601(B), and OJA rules set forth in this section.

(f) **Waiver of an Administrative Transfer Hearing.** The juvenile may waive an Administrative Transfer hearing anytime prior to the presentation of evidence by completing and presenting a waiver to the Hearing Officer or other representative of OJA.

(g) **Conduct of the hearing.**

(1) After receiving an application for an administrative transfer hearing, the Parole Administrator shall designate a Hearing Officer to preside over an administrative transfer hearing.

(2) As provided in 10A O.S., §~~7302-6.1~~ 2-7-601(B)(3), if legal counsel for the juvenile has not otherwise been obtained, the JSU worker shall file an application for an Order Appointing Counsel with the District Court wherein the alleged violations occurred.

(3) Upon the JSU worker's filing an application, the Hearing Officer shall schedule an Administrative Transfer Hearing within a reasonable period of time.

(4) Notice of the hearing, including the date, time, and place of the hearing, and a copy of the Application for Administrative Transfer Hearing shall be mailed to the juvenile, the parent, guardian or legal custodian, the judge in the county wherein the alleged violations occurred, and the juvenile's legal counsel, if one has been retained or appointed.

(5) The hearing shall be conducted in accordance with 377:5-5-5.

[OAR Docket #11-851; filed 6-3-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[OAR Docket #11-852]

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377:10-1-4.2 [NEW]
377:10-1-7 through 377:10-1-11 [AMENDED]
Subchapter 3. Placement
377:10-3-1 through 377:10-3-3 [AMENDED]
Subchapter 7. Contract Programs and Services
Part 1. General Provisions and Foster Care
377:10-7-1 [AMENDED]
377:10-7-3 [AMENDED]
377:10-7-4 [AMENDED]
377:10-7-5 [AMENDED]
377:10-7-7 [AMENDED]
Part 5. Detention
377:10-7-30 [AMENDED]
Part 7. Independent and Transitional Living
377:10-7-40 through 377:10-7-42 [AMENDED]
Part 9. Contracted Services
377:10-7-50 [AMENDED]
Subchapter 11. Child in Need of Mental Health Treatment
377:10-11-1 [AMENDED]
Subchapter 13. Regimented Juvenile Training Program Standards
Part 1. General Provisions
377:10-13-1 [AMENDED]
Part 17. Security and Control
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CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

377:10-1-3. Discipline

(a) When it becomes necessary to discipline a juvenile, staff shall do so by utilizing sanctions that are appropriate to the severity of the infraction. Appropriate methods of discipline include withdrawal of privileges or placement in a more restrictive environment.

(b) Destruction of state property. Juveniles found guilty through the disciplinary process of destroying state, staff, or other resident property will be assessed the value of the property as determined by the disciplinary hearing officer. Juveniles shall pay for the property from any appropriate funds.

(~~b~~c) OJA staff and contractors may use physical force or mechanical restraints only under the circumstances described in OAC 377:10-1-4, 10-1-4.1, and 10-1-4.2.

(1) Appropriate types of discipline protect the resident from harming self and others.

(2) Staff and contractors shall use a course of behavioral management approved by the Executive Director or the Chief of Staff of the Office of Juvenile Affairs in dealing with juveniles. Other appropriate methods of control include withdrawal of privileges, placement in a more restrictive environment, or placement in the crisis management center, when necessary.

(d) OJA staff and contractors shall adhere to OJA rules regarding discipline of juveniles. Prohibited disciplinary actions include, but are not limited to:

(1) corporal punishments of any kind;

(2) threats;

(3) derogatory remarks or other verbal abuse directed toward the juvenile or the juvenile's family;

(4) deprivation of meals;

(5) deprivation of visits with the natural or adoptive parents without prior consultation with OJA staff;

(6) use of profanity by OJA or contract staff;

(7) hog-tying;

(8) use of psychotropic drugs for punishment, control, or program management; and

(9) use of chemical agents, including, but not limited to:

(A) teargas;

(B) mace;

(C) pepper gas; or

(D) other devices which use chemicals to control juveniles.

377:10-1-4. Use of physical force and/or mechanical restraints

(a) **Use of physical force.** Title 10A O.S.~~,~~ § ~~7302-6.4~~2-7-604 prohibits the use of physical force in institutions and other facilities operated by or contracted with OJA except:

(1) when necessary for self-protection;

(2) to separate juveniles who are fighting;

(3) to restrain juveniles who have escaped or are in the process of escaping; ~~and~~or

(4) to restrain juveniles who are in danger of harming themselves or others.

(b) **Use of mechanical restraints.** The use of mechanical restraints in institutions or other facilities operated by or contracted with OJA for any purpose is prohibited except upon a juvenile's hands as specifically provided for in this subsection. The practice of attaching hands and feet, as in hog-tying, is presumptively punitive and is specifically prohibited. Mechanical restraints may be employed only in the following situations:

(1) for transporting a juvenile to or from a facility when there are reasonable grounds to believe that the juvenile is a serious escape risk or a threat to the public safety; or

(2) within OJA institutions, to transport a violently out-of-control juvenile to a place of ~~confinement~~crisis management, but only after less restrictive methods of control have failed. When the restraints are employed in this situation, the restraints shall be removed as soon as the juvenile is transported to a place of crisis management and regains control ~~or is confined, whichever occurs first~~. Under no circumstances shall OJA staff or contractors apply the restraints as punishment.

377:10-1-4.1. Use of chemical agents

(a) Use of Oleoresin Capsicum (OC) spray in a secure facility is prohibited except in the following circumstances:

(1) when there is a threat for great bodily harm to staff or juveniles; or

(2) extreme threat to safety and security of the facility; or

(3) to quell an uprising of multiple juveniles.

(b) Following the use of any OC spray, medical staff shall immediately evaluate all staff and juveniles in the area of use. When OC spray is used, a critical incident investigation shall be completed.

377:10-1-4.2. Use of Electrical Conducted Device (ECD)

(a) Use of ECD in a secure facility is prohibited except in the following circumstances:

(1) where only Youthful Offenders are housed; and

(2) when Youthful Offenders have a means and opportunity to cause great bodily injury or threaten the life of a staff or other Youthful Offenders.

(b) Following the use of any ECD, medical staff shall immediately evaluate all Youthful Offenders affected by the device. When an ECD is used, a critical incident investigation shall be completed.

377:10-1-7. Confidential records

(a) The Oklahoma Juvenile Code at 10A O.S., § ~~7307-1.2~~2-6-102, as amended provides for the confidentiality of the following records relating to juveniles:

(1) juvenile court records;

(2) agency records;

(3) district attorneys' records;

(4) law enforcement records;
(5) nondirectory education records; and
(6) social records.

(b) "Record" includes, but is not limited to:
(1) written or printed documents;
(2) papers;
(3) logs;
(4) reports;
(5) files;
(6) case notes;
(7) films;
(8) photographs;
(9) audio or visual tape recordings pertaining to a juvenile proceeding or a juvenile; and
(10) information entered into and maintained in an automated or computerized information system (10A O.S., § ~~7307-1.1~~2-6-101 as amended).

(c) The records listed in (a) of this Section are confidential and may not be open to the general public or inspected, or their contents disclosed except as provided by state or federal law. In all other cases, confidential records may only be inspected or disclosed pursuant to an order of the Court (10A O.S., § ~~7307-1.1~~2-6-101, as amended).

377:10-1-8. Agency records

(a) "**Agency record**" means records prepared, obtained, or maintained by a public or private agency with regard to a child who is or has been under its care, custody, or supervision or with regard to a family member or other person living in the home of such child and includes, but is not limited to:
(1) any study, plan, recommendation, assessment, or report made or authorized to be made by such agency for the purpose of determining or describing the history, diagnosis, custody, condition, care, or treatment of such child; or
(2) any records made in the course of any investigation or inquiry conducted by an agency to determine whether a child is a delinquent child or a child in need of supervision.

(b) The Office of Juvenile Affairs "agency records" are confidential and may not be inspected nor their contents disclosed without a court order, unless otherwise provided by state or federal law, except to the following persons [10A O.S., § 2-6-106(A)]:
(1) the judge having the child currently before the court in any proceeding pursuant to Title 10A O.S. and any judge of the district court or tribal court to which any proceedings may be transferred;
(2) employees and officers of the court in the performance of their duties, including but not limited to guardians ad litem, appointed by the court, and members of review boards established pursuant to the Oklahoma Children's Code;
(3) a district attorney and the employees of an office of a district attorney in the course of their official duties pursuant to 10 and 10A O.S. or the prosecution of crimes against children;
(4) the attorney representing a child who is the subject of a juvenile proceeding pursuant to the provisions of Title 10A O.S. The attorney representing a child or an attorney considering representing a child in a juvenile proceeding may access other confidential records listed in 10A O.S., § ~~7307-1.2~~2-6-102 (A) for use in the legal representation of the child;
(5) employees of juvenile bureaus in the course of their official duties;
(6) employees of a law enforcement agency of this or another state and employees of a child protective service of another state or any federally recognized Indian tribe member in the course of their official duties pertaining to investigations of known or suspected child abuse or neglect or crimes against children or for the purpose of determining whether to place a child in protective custody;
(7) employees of a law enforcement agency in the course of their official duties pertaining to the investigation of a crime committed or alleged to have been committed by a person under 18 years of age. Records or information disclosed pursuant to this subparagraph may consist of summaries or may be limited to the information or records necessary for the purpose of the investigation;
(8) the Oklahoma Commission of Children and Youth;
(9) the Department of Human Services;
(10) any public or private agency or person authorized by the Office of Juvenile Affairs to diagnose or provide care, treatment, supervision, or other services to a child who is the subject of a report or record of delinquency, child abuse or neglect, or other adjudicatory category, provided the OJA may limit the disclosure to summaries or to information directly necessary for the purpose of the disclosure;
(11) any federally recognized Indian tribe or state or county child protective services or child welfare agency providing for or supervising the diagnosis, care, treatment, supervision, or other services provided such child;
(12) the parents of the child who is the subject of any records;
(13) any person or agency for research purposes, if any of the following conditions are met:
(A) The person or agency conducting the research is employed by the State of Oklahoma or is under contract with the state and is authorized by the Department of Human Services to conduct the research; and
(B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to any documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;
(14) the Governor or to any person the Governor designates, in writing;
(15) any federal official of the United States Department of Health and Human Services or the United States Department of Justice;

(16) any member of the Legislature, upon the written approval of the Speaker of the House of Representatives or the President Pro Tempore of the Senate; and

(17) employees of the Department of Corrections in the course of their official duties (10A O.S., §~~7307-1.5~~ 2-6-106(A)(17)~~ as amended~~).

(c) Any person to whom the information is released shall show proper identifying credentials prior to release of the confidential information. The information disclosed remains confidential and must be used for the purposes for which the disclosure is authorized. It is unlawful for any person to furnish or disclose confidential records or information for commercial, political, or unauthorized purposes. Any unlawful disclosure or unlawful use of disclosed information is subject to criminal sanctions.

377:10-1-9. Information sharing

(a) The ~~Serious and Habitual~~ Juvenile Offender Tracking Program~~ Act~~, 10A O.S., § ~~7302-9.1~~2-7-901, et seq.,~~ as amended~~ provides for the exchange of information relating to ~~serious and habitual~~ juvenile offenders among law enforcement agencies, juvenile court personnel, district attorneys, and others who require such information~~ in order to implement the Serious and Habitual Juvenile Offender Program. "Serious juvenile offender" and "habitual juvenile offender" mean persons under 18 years of age who have been adjudicated delinquent for the commission of serious acts or habitual criminal acts as defined by 10 O.S., § 7302-9.2 as amended and who are subject to the Serious and Habitual Offender Program~~.

(b) Information regarding such ~~serious and habitual~~juvenile offenders shall be made available to the agencies responsible for the implementation of the ~~Serious and Habitual Offender~~ Program. The Office of Juvenile Affairs, the juvenile bureaus, the District Attorneys' Council, the Oklahoma State Supreme Court as provided by law, the Oklahoma Commission on Children and Youth, the Oklahoma State Bureau of Investigation, local law enforcement agencies, and other agencies comprising the juvenile justice system, as defined by 10A O.S.~~, Supp. 1995,~~ § ~~7302-9.2~~2-7-902(1), shall enter into contracts or interagency agreements under the Interlocal Cooperation Act for the purpose of sharing information regarding ~~serious and habitual~~said offenders.

(c) Such contracts and agreements shall be made in accordance with any applicable proposed guidelines~~ recommended by the Serious and Habitual Juvenile Offender Task Force within the Oklahoma Commission on Children and Youth~~ as set forth in 10A O.S., § 2-7-904.

377:10-1-10. Disclosure of records ~~pertaining to serious and habitual juvenile offenders~~ without court order

(a) In accordance with the rules adopted pursuant to the ~~Serious and Habitual Juvenile Offender Act~~Oklahoma Juvenile Code, 10A O.S., §§ 2-6-102 and 2-6-104, and 10 O.S., § 620.6, juvenile court records, agency records, district attorney's records, law enforcement records, non-directory education records, and social records, as defined by law, may be inspected and their contents disclosed without a court order~~, as provided in 10 O.S., §7303-1.3,~~ to:

(1) participating agencies as defined in 10A O.S., §~~7307-1.1~~ 2-6-101(9);

(2) a person, agency, hospital, or clinic authorized or directed by the court or by the Office of Juvenile Affairs to care for, treat, examine, evaluate, or supervise a child or to treat, examine, or evaluate the parent, legal guardian, or other adult person living in the home of the child;

(3) a legally recognized school that is not a participating agency in which the child, who is the subject of the records, is currently enrolled or has been presented for enrollment; and

(4) individuals or agencies engaged in legitimate research for educational, scientific, or public purposes or for the purpose of an audit authorized by law. No information identifying the subjects of the records shall be made available or disclosed unless it is essential to the research or audit purpose.

(b) Information and records released as provided herein shall remain confidential and shall be used for the purposes for which disclosure is authorized. It is unlawful for any person to furnish any confidential record or disclose any confidential information contained in any juvenile record for commercial, political, or any unauthorized purpose. Any unlawful disclosure or unlawful use of disclosed information is subject to criminal sanctions.

(c) In accordance with the provisions of the ~~Serious and Habitual~~ Juvenile Offender ~~Act~~Tracking Program, 10A O.S., § 2-7-901, et seq., and 10 O.S., §~~Section~~ 620.6~~ of Title 10~~, information included in juvenile court records, agency records, district attorney's records, law enforcement records, non-directory education records, and social records may be entered in and maintained in the Juvenile Justice Information System, or other automated system, whether or not the record is confidential. Such information systems may be accessed by participating agencies as provided for by law (10A O.S., §~~7307-1.2~~ 2-6-102).

377:10-1-11. Documents and records

(a) Documents filed with or presented to OJA shall be retained in the OJA files for the length of time required by state and federal laws. Documents shall be disposed of, sealed, and expunged in a manner consistent with the Records Management Act, 67 O.S., §§ 201 through 216; 67 O.S., §§ 305 through 317~~, as amended~~, which pertain to archives and records; and 10A O.S., § ~~7307.1-7~~2-6-109, which pertains to the sealing of records. The records disposition schedule for OJA is available for public inspection.

(b) OJA records are available for public inspection in accordance with the Oklahoma Open Records Act, 51 O.S., § 24A.1 through 24A.24 as amended and OJA rules and procedures. All requests for agency and/or juvenile records must be submitted to the OJA Public Records Officer, P.O. Box 268812, Oklahoma City, OK 73126. No staff, other than the Public Records Officer or designee, shall fill records requests.

(c) In order to avoid giving unfair advantage to competitors or bidders, OJA shall keep confidential records relating to:

(1) specifications for competitive bidding prior to publication by the public body; and

(2) prior to the opening of bids by OJA or its representative, the contents of sealed bids solicited through requests for proposals or requests for information under Department of Central Services purchasing rules or those established by OJA.

(d) Provisions for copying and search fees are contained in the Open Records Act, with these exceptions being noted:

(1) OJA shall not charge a copy fee to other public entities, clients or their representatives, or employees;

(2) no search fee is charged to those seeking information in the public interest, including news media, schools, authors, or "taxpayers seeking to determine whether those entrusted with the affairs of its government are honestly, faithfully, and competently performing their duties as public servants."; and

(3) former employees seeking information from their personnel files shall not pay for the first ten (10) pages, but shall pay the prescribed fees for anything over ten (10) pages.

(e) The fees listed in (1)-(4) of this subsection may be charged separately or in combination. For example, a person may be charged a search fee in addition to a fee for photocopying.

(1) **Fees for photocopying.** OJA has established the following fee schedule, which must be posted for public view, for photocopying documents having the dimensions of $8\frac{1}{2}$ x 14 inches or smaller:

(A) 25 cents per page;

(B) a maximum of one dollar ($1.00) per copied page for a certified page.

(2) **Fees for search.** Requests that are for a commercial purpose or clearly would cause excessive disruption of office function shall be charged a search fee of $25.00 per hour for staff time spent in the search.

(3) **Fees for other types of reproduction.** Requests for computer runs, microfilming, or reproduction other than photocopying shall be charged the cost to OJA of duplicating the information involved. Such requests shall be forwarded to the State Office where the fee is developed with the appropriate division.

(4) **Payments of fees.** All fees shall be paid prior to delivering the copies. If the request is for search only, the fee shall be paid before the person is allowed to review the material. All fees shall be paid by check or money order; cash is not accepted. The fee payment shall be transmitted to the State Office, Attention Finance Division. In addition, a receipt shall be given upon payment.

SUBCHAPTER 3. PLACEMENT

377:10-3-1. Purpose

The Placement Unit is designated by the Office of Juvenile Affairs to authorize and coordinate placements above the foster care level for all adjudicated juveniles and youthful offenders in custody of the Office of Juvenile Affairs. All commitments, recommitments, parole revocations and administrative transfers of custody youth must be processed through the Placement Unit. The Placement Unit shall make all placements in accordance with 10A O.S., §§ ~~7302-5.2~~ 2-5-212, ~~7302-5.3~~2-7-502, and ~~7306-2.11~~ 2-7-503.

377:10-3-2. Placement process

(a) When a juvenile is committed to the custody of the Office of Juvenile Affairs, the JSU worker shall conduct a review and assessment of the juvenile to determine the type of placement consistent with:

(1) the juvenile's treatment needs in the closest location to the juvenile's home; and

(2) if the juvenile is adjudicated delinquent, the protection of the public [10A O.S., § ~~7303-8.3~~2-2-803].

(b) The JSU worker shall make a recommendation to remove a juvenile from home after reasonable efforts to allow the parents to fulfill their roles have failed. In making a decision regarding moving a juvenile from the home, the JSU worker shall consider the bests interests of the juvenile, as well as, the protection of the public.

(c) From intake to placement, the JSU worker shall collect information relating to the Uniform Child Custody Jurisdiction Act (UCCJA) (43 O.S., § 551-101 et seq.) or the Indian Child Welfare Act (ICWA) (10 O.S., § 40.1 et seq.) is applicable. Placements of OJA-custody juveniles shall be made in accordance with UCCJA and ICWA when appropriate.

(d) All placements require authorization by the Placement Unit except changes of placement to:

(1) independent living (requires authorization by district supervisor);

(2) own home;

(3) relative's home; and

(4) foster care.

377:10-3-3. Delinquent and youthful offender classification

As required by 10A O.S., §§~~7303-8.3~~ 2-2-803 and ~~7306-2.11~~2-5-212, OJA shall conduct a thorough review and assessment of each juvenile placed in OJA custody. OJA staff shall assess each delinquent or youthful offender in three areas in order to identify the most appropriate placement. The three areas are:

(1) offense history;

(2) risk assessment; and

(3) treatment needs.

SUBCHAPTER 7. CONTRACT PROGRAMS AND SERVICES

PART 1. GENERAL PROVISIONS AND FOSTER CARE

377:10-7-1. Purpose

The Office of Juvenile Affairs is authorized by 10A O.S., § ~~7302-6.6~~2-7-606(D) to develop a variety of placements for OJA-custody juveniles. The purpose of this subchapter is to describe the programs and facilities with which the Office of Juvenile Affairs contracts for placement of juveniles.

377:10-7-3. Foster care

~~(a) **Foster family home.** A foster family home is a private residence in which a juvenile is placed for out-of-home foster care services. Foster parents shall provide continuous 24-hour care and supportive services to a juvenile placed in the home.~~

~~(b) **Scope.**~~

~~(1) The JSU worker shall participate in the recruitment of foster homes for juveniles in Office of Juvenile Affairs (OJA) custody. In addition to the requirements listed in 10 O.S., § 7204, as amended foster family homes shall meet, at a minimum, the standards required by the Oklahoma Child Care Facility Licensing Act (10 O.S. §7204B.7). These standards are found in OAC 340:110-5, Part 5 and OJA foster family standards found in paragraphs (d) and (e) of this section.~~

~~(2) An OJA employee may apply to become a foster parent. However, the district supervisor must obtain approval from the Executive Director or the affected division administrator before certifying the home.~~

~~(c) **Foster parent eligibility assessment.** The JSU worker shall advise each foster parent applicant that a foster parent eligibility assessment per 10 O.S., §7203, as amended will be conducted on all adults living in the home. The foster parent eligibility assessment includes, but is not limited to, the following:~~

~~(1) a criminal history records search conducted by the OSBI;~~

~~(2) a national criminal history records search based upon the submission of fingerprints;~~

~~(3) a home assessment; and~~

~~(4) any other assessment requested by the Office of Juvenile Affairs.~~

~~(d) **OJA foster family home standards.** Persons providing foster family home care shall be chosen for their child care abilities and governed by clear standards of conduct as listed in this paragraph.~~

~~(1) **Skills, knowledge, and abilities of foster parents.** A foster parent must:~~

~~(A) demonstrate an ability to show openness, warmth, and acceptance in personal relationships;~~

~~(B) participate as a team member with the JSU worker and other persons involved in the juvenile's treatment plan;~~

~~(C) demonstrate an ability to create and continue a mutual trust relationship with the juvenile and the team;~~

~~(D) help the juvenile have confidence in the team;~~

~~(E) agree in writing to abide by OJA's rules regarding confidentiality;~~

~~(F) understand the general principles of human behavior, with special emphasis on the emotional, behavioral, and social problems of troubled juveniles;~~

~~(G) demonstrate an ability to work effectively with a range of professional disciplines, such as law enforcement, social work, psychology, vocational rehabilitation, and education;~~

~~(H) demonstrate a knowledge of and willingness to abide by all standards, regulations, and policies pertaining to the foster home; and~~

~~(I) demonstrate an ability to resolve conflict in a positive manner.~~

~~(2) **Foster parent training.**~~

~~(A) A foster parent shall complete 12 hours of pre-service foster parent education prior to a juvenile's being placed in the home.~~

~~(B) A foster parent shall attend 12 hours per year of continuing in-service training.~~

~~(C) Training shall include all provisions of 10 O.S. §7212 (B)(2) and:~~

~~(i) foster parent rights and responsibilities, including the area of parental substitute authority;~~

~~(ii) rights and responsibilities of OJA;~~

~~(iii) juvenile rights; and~~

~~(iv) behavior management techniques.~~

~~(3) **Family composition.** Foster parents may be either single or married, with a history of stable relationships. All applicants shall be evaluated on a case-by-case basis, but must have family, friends, or others approved by OJA to provide support and backup care.~~

~~(4) **Age.** The JSU worker conducting the study shall consider the age of a foster parent in relation to his or her physical capability, flexibility, vitality, maturity or judgment, and ability to exercise appropriate authority, supervision, and physical care. No person under the age of 21 shall be approved as a foster parent.~~

~~(5) **Health.** All members of the foster family must be in sufficiently good physical and mental health to provide necessary care for a juvenile. Adults in the home must have a physical exam before the home is certified. If a foster parent requires hospitalization or ongoing outpatient medical care, including mental health counseling, the foster parent must give the worker a physician's statement stating that the foster parent is capable of providing foster care. Adult members of the household who receive disability payments shall provide JSU a release of information so that JSU can obtain information regarding the applicant's ability to care for foster children.~~

~~(6) **Income.** The foster family must have a source of income adequate to meet the family's needs without the supplement of the foster care reimbursement. The worker shall consider entitlement programs such as Social Security, SSI, IV-E, and TANF as appropriate sources of income.~~

~~(7) **Employment.** A foster parent may be employed or attend school or training either full or part time while providing foster care as long as these activities do not interfere with the provision of a suitable family life. Arrangements~~

~~for supervision of custody juveniles must be approved by the juvenile's JSU worker.~~

~~(8) **Religion.** Foster parents shall provide reasonable opportunity for any foster child to practice the religion of his or her choice. No child shall be required to attend any religious service against his or her religious preferences.~~

~~(9) **References.** Foster family applicants shall provide a total of six references, no more than two of whom are relatives, to the JSU worker.~~

~~(10) **Foster parent eligibility assessment.**~~

~~(A) An Oklahoma State Bureau of Investigation criminal history records search must be conducted on all applicants and adult members of the household prior to the home's being certified. Applicants or household members with less than one (1) year's residence in Oklahoma shall authorize equivalent records searches from the previous state(s) of residence for at least five (5) years immediately preceding the placement.~~

~~(B) A national criminal history records search based on submission of fingerprints must also be conducted on foster parent applicants and all adults residing in a prospective foster home. Exceptions may be granted by the Executive Director in writing to a person who has a severe physical condition which precludes his or her being fingerprinted (10 O.S. §7209).~~

~~(C) A juvenile may be placed in the home before the national criminal history records search is completed if the prospective foster parent and all adults living in the home have lived in Oklahoma for at least five (5) years immediately preceding the placement.~~

~~(D) JSU shall update the OSBI criminal history records search every three (3) years or sooner if indicated. Statutory authority for the foster parent eligibility assessment is found in 10 O.S. §§ 404.1 and 7209, as amended.~~

~~(E) The JSU worker conducting the study must conduct a juvenile justice information systems review on all persons over the age of 13 years residing in the home, other than a foster child.~~

~~(11) **History of charges and convictions of crimes.**~~

~~(A) A home shall not be certified if anyone in the home has been convicted of:~~

~~(i) physical assault, battery, or a drug related offense within the five year period preceding the application;~~

~~(ii) child abuse or neglect;~~

~~(iii) domestic abuse;~~

~~(iv) a crime against a child, including, but not limited to, child pornography; or~~

~~(v) a crime involving violence, including, but not limited to, rape, sexual assault or homicide, but excluding physical assault or battery.~~

~~(B) Approval of any person with a history of charges and convictions of crimes other than those listed in (i) of this sub-paragraph shall be determined on a case by case basis with consultation from the Executive Director or the affected division administrator.~~

~~(12) **Sex crimes.** No person who has been convicted of or received a deferred sentence for a sex-related crime or for whom there has been a confirmed finding in a sexual abuse investigation shall be approved as a foster parent.~~

~~(13) **OJA rules, policies, and procedures.** Foster parents shall abide by OJA rules, policies, and procedures. Foster parents must agree in writing to follow OJA rules related to confidentiality. Foster parents must be given a copy of OJA's disciplinary rules as set forth in 377:10-1-3 and agree in writing that the following disciplinary actions are strictly prohibited:~~

~~(A) corporal punishment of any kind;~~

~~(B) threats;~~

~~(C) derogatory remarks, or other verbal abuse directed toward the juvenile or his or her natural or adoptive parents;~~

~~(D) deprivation of nutritious meals;~~

~~(E) deprivation of visits with the natural or adoptive parents without prior consultation with the JSU worker; and~~

~~(F) any unusual or unnecessary punishment.~~

~~(e) **OJA foster family standards related to physical facilities, sleeping arrangements, and surroundings**~~

~~(1) **Safety.** The physical facilities of the home must present no hazards to the safety of the foster child.~~

~~(2) **Location.** The foster home must be located within one half mile of public transportation, or the foster parent must be able to arrange transportation to community resources.~~

~~(3) **Recreation.** Adequate indoor and safe outdoor space for recreational activities must be provided.~~

~~(4) **Telephone.** Foster parents must have a working telephone and advise JSU of the correct phone number.~~

~~(5) **Automobiles.** Foster parents shall maintain a car in working order. Foster parents shall carry the statutorily mandated automobile liability insurance of a 10/20/10 minimum and possess a valid Oklahoma driver's license. Foster parents shall insure that seat belts are used at all times.~~

~~(6) **Liability insurance.** A foster family shall carry a minimum of $100,000.00 liability insurance.~~

~~(7) **Sleeping arrangements and privacy.**~~

~~(A) Each juvenile shall be provided a separate bed.~~

~~(B) No more than two juveniles shall share a bedroom.~~

~~(C) Separate bedrooms must be provided or juveniles who are of the opposite sex.~~

~~(D) Adults shall not share bedrooms with foster children.~~

~~(E) Adequate space must be provided for a juvenile's personal possessions and for a reasonable degree of privacy.~~

~~(F) A room, such as the living room, utility room, den, dining room, pantry, or converted garage, cannot be used as a bedroom unless it is specifically designated as a bedroom.~~

~~(8) **Number of juveniles**~~

~~(A) The total number of juveniles in the home, including the foster parents' biological children, adopted children, and foster children, cannot exceed six.~~

~~(B) The total number of foster children placed in any home cannot exceed five.~~

~~(C) An OJA foster home may not serve as a placement resource for any other agency nor may the foster parents provide child care for children from another source on a regular basis, paid or free without prior written approval from the Executive Director or the affected division administrator.~~

~~(9) **Annual assessment.** The JSU worker responsible for the foster home shall conduct an annual assessment of the home. An annual OSBI records check must also be conducted.~~

~~(f) **Foster home certification.** The district supervisor shall certify the applicant's home as a foster home upon the worker's written recommendation when:~~

~~(1) the worker's written home assessment indicates the family meets the foster home standards; and~~

~~(2) all background and criminal history records searches have been completed and reveal no disqualifying information.~~

~~(g) **Foster home contract.** If the OSBI criminal history records search reveals no disqualifying information, the district supervisor may provisionally certify the home. Upon being provisionally certified, the foster parents shall sign a foster home contract with OJA. If the national criminal history records search reveals disqualifying information, OJA shall immediately cancel the contract and remove all juveniles placed in the home. In addition to the provisions listed in 10 O.S. §7206, the contract must include the list of foster parent rights in accordance with 10 O.S., §7209, as amended. A new contract must be executed each year.~~

~~(h) **Preplacement visit.** When possible, the JSU worker shall arrange for a preplacement visit between the juvenile and foster parents (10 O.S. § 7208, as amended).~~

~~(i) **Information provided to foster parents.** Upon a juvenile's being placed in foster care, the worker shall provide foster parents with:~~

~~(1) the names and telephone numbers for the:~~

~~(A) juvenile's case worker;~~

~~(B) case worker's supervisor;~~

~~(C) worker responsible for conducting the foster home study and the annual assessment of the home and the worker's supervisor; and~~

~~(D) contact person in the OJA state office or child-placing agency.~~

~~(2) any other medical, psychological, social, or other pertinent information relating to foster care;~~

~~(3) a copy of the OJA or child placing agency's grievance procedures;~~

~~(4) the name and telephone number of any foster parent association in the county of the foster parent's residence;~~

~~(5) a copy of the statement of foster parent rights;~~

~~(6) information detailing the foster parent's ability to submit written reports to the court, or to petition the court directly for review of a decision by the state agency or the child placing agency to remove a foster child who has been placed with the foster parent; and~~

~~(7) a copy of the policies and procedures of the Office of Juvenile Affairs or the child placing agency which pertain to placement operations.~~

~~(j) **Foster parent grievances.**~~

~~(1) A foster parent may file a grievance with OJA in accordance with 10 O.S., § 7213.~~

~~(2) In accordance with 10 O.S., § 7204.1, there shall be no retaliation against a foster parent who files a grievance.~~

~~(3) Any person who knowingly and willfully makes a false or frivolous grievance report or complaint or a report that the person knows lacks factual foundation may lose certification as a foster parent.~~

~~(k) **Office of juvenile Affairs "Foster Parent Hotline".** Foster parents may call the Office of Juvenile Affairs' toll-free during normal agency business hours, 8:00 a.m. until 5:00 p.m., Monday through Friday to obtain information related to foster care services or to file a complaint or grievance. Weekend and holiday calls will be answered by automated message center. A representative from OJA shall respond to weekend or holiday calls within the first hour of the next business day following the weekend or holiday. The toll free number is 1-888-254-6692.~~

~~(l) **Movement of a juvenile from a foster care placement.** The JSU worker shall move juveniles from foster care in accordance with 10 O.S., §7208, as amended.~~

~~(1) When a juvenile has resided with a foster parent for (3) three or more months, the JSU worker, except in an emergency, shall give the foster parent a minimum of five (5) days advance notice before removing a juvenile from the foster parent's care and shall provide the foster family with written notification of the reasons for removing the juvenile.~~

~~(2) Except in an emergency situation, JSU shall not change the foster home placement of a juvenile without court approval if the:~~

~~(A) juvenile has been moved once since the last court hearing; and~~

~~(B) foster parent, with whom the juvenile has resided for more than six (6) months objects, in writing, after notice of the removal of the juvenile by OJA or the child placing agency. The objection shall be filed with the court by the foster parent and served on OJA or the child placing agency within five (5) days after receipt of the notice from OJA or the child placing agency regarding removal of the juvenile.~~

~~(3) The timely filing and service of the objection shall stay removal of the juvenile pending court review unless the OJA or child placing agency's stated reason for removal is:~~

~~(A) the foster parent's substantial noncompliance with applicable standards and agreements;~~

~~(B) pending investigation of allegations of abuse or neglect by the foster parents or other person residing in the foster family home; or~~

~~(C) reunification with a parent who contributed to the juvenile's being deprived, with prior approval of the court~~

(a) A foster family home is a private residence in which a juvenile is placed for out-of-home foster care services and includes a specialized foster home, a therapeutic foster family home, or a kinship care home. Foster parents shall provide continuous 24-hour care and support.

(1) **OJA responsibility.** OJA is responsible for certification of the foster home and to verify the foster home meets minimum requirements, which include the following:

(A) **Criminal history records search.** OJA shall conduct a criminal history records search for each member of the foster family who is 18 years of age or older. A criminal history records search is obtained from:

(i) the Oklahoma State Bureau of Investigation (OSBI) which shall include a search of Department of Corrections files maintained by the OSBI pursuant to the Sex Offenders Registration Act; and

(ii) the state investigative agency in the previous state of residence if the person has resided in Oklahoma less than one year;

(iii) a Federal Bureau of Investigation (FBI) national criminal history search, based on the fingerprints of the individual; and

(iv) a search of any child abuse registry maintained by a state in which the prospective foster parent or any adult living in the home of the prospective foster parent has resided in the past five years.

(B) **Disqualifying crimes.** A prospective foster parent is not an approved placement for a juvenile if the prospective foster parent or any other person residing in the home of the prospective foster parent has been convicted of any of the following felony offenses:

(i) within the five-year period preceding the application date, physical assault, battery, or a drug-related offense;

(ii) child abuse or neglect;

(iii) domestic abuse;

(iv) a crime against a child, including, but not limited to, child pornography; and

(v) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in (A) of this paragraph.

(C) **Certification.** A copy of the certification is maintained in the foster home file.

(i) Certification of the foster home applies only to the location of the residence at the time the home study is made.

(ii) If the family moves, OJA shall certify the new location.

(D) **Policy.** OJA shall provide foster parents with OJA policy relative to foster care.

(E) **Medical services.** OJA requires that the juvenile in foster care receives appropriate medical services.

(F) **Case planning.** OJA is responsible for case planning.

(G) **Supervision.** OJA shall provide supervision at least once a month to each juvenile in foster care, including private visits with the juvenile in foster care and on-site visits to the home, to assess the continued suitability of the foster home environment.

(H) **Written agreement.** OJA shall have a written agreement with the foster family, and provides the foster parents a copy of the agreement. The agreement includes statements:

(i) regarding the financial agreement, if applicable, between OJA and the foster home;

(ii) that the foster home will not:

(I) accept a non-relative juvenile from any source without the approval from OJA; or

(II) provide child care on a regular basis;

(iii) that OJA has the right to remove the juvenile at its discretion;

(iv) that the juvenile in foster care is discharged from foster care only with the consent of OJA;

(v) that visitation by the juvenile's parents or relatives must be approved by OJA;

(vi) regarding absences of the juvenile from the home, including respite care, as per OJA policy;

(vii) that the foster parents agree to cooperate with OJA staff in evaluating the foster home and in the ongoing supervision of the foster home; and

(viii) that the foster parents agree to contact OJA when a household member has any involvement with legal authorities, a household member is alleged to have committed any allegations of child abuse, or if there are any other circumstance or incident seriously affecting the juvenile or care of the juvenile.

(I) **Grievance policy and procedure.** OJA shall have written grievance policy and procedure for foster parents and juveniles in foster care.

(2) **Foster home certification.** Certification of the foster home includes written documentation of:

(A) application for foster home certification that includes prior child care experience with other agencies;

(B) appropriate immunizations for the foster parents' children;

(C) a statement from a health professional certifying that all members of the household have had a physical examination within one year prior to application, verifying that they:

(i) are in good health; and

(ii) do not have a condition that would interfere with their ability to care for juveniles;

(D) three written references from non-relatives who have knowledge of family functioning;

(E) a current, completed foster home study before the home is approved; and

(F) a criminal history records search conducted for each household member who is 18 years of age or older, per OAC 377:10-7-3(a)(1) - (2).

(3) **Foster home study.** OJA shall prepare a written home study before approving the foster home and prior to placement of a juvenile that contains, at a minimum, information regarding:

(A) **Interviews and home visits.** Interviews and home visits, include documentation of at least one:

(i) separate face-to-face interview with each parent, school-age child, and any other household member;

(ii) joint face-to-face interview; and

(iii) home visit;

(B) **Household composition.** Information regarding household composition includes each person residing in the home;

(C) **Criminal history records search.** A criminal history records search is conducted on each household member who is 18 years of age or older, per OAC 377:10-7-3(a)(1) - (2), prior to initial approval of the home and when a new household member, age 18 or older, moves into the home;

(D) **Foster juvenile profile.** The foster home study includes statements regarding the applicant's preference for age, gender, and special needs of the juvenile;

(E) **Motivation, attitudes, and expectations.** The foster home study includes motivation and attitudes toward foster care and expectations regarding juveniles in foster care;

(F) **Health.** Health information for each household member includes:

(i) present physical health;

(ii) emotional stability;

(iii) medical history; and

(iv) any history of drug or alcohol use;

(G) **Family functioning.** The foster home study includes information regarding the assessment of family dynamics, functions and interactions with each member of the family.

(H) **Foster parents' marital status.** The foster home study includes information regarding the marital status of the foster parents, such as present marital status, history of previous marriages or significant relationships, date of present marriage, and description of the marriage or relationship;

(I) **Employment.** The foster home study includes the employment history of family members;

(J) **Financial information.** Financial information in the foster home study includes documentation of annual income.

(K) **Education.** The foster home study includes information regarding the education of family members.

(L) **Religion.** Information regarding religion includes the family's religious preference and practices;

(M) **Description of the home.** The description of the home includes the:

(i) type of dwelling and physical description; and

(ii) location of the home and description of the neighborhood;

(N) **Weapons and firearms.** The foster home study includes the location of weapons and firearms, if any, and a notice that weapons and firearms are prohibited unless a full-time duly appointed peace officer, who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of 10 O.S., § 3311, resides in the home;

(O) **Transportation.** Information regarding transportation includes the family's means of transportation and verification of:

(i) a valid driver's license for each family member who will transport a juvenile in foster care;

(ii) license tag;

(iii) insurance; and

(iv) an agreement to transport all juveniles and adults in compliance with applicable state law, per 47 O.S., § 11-1112;

(P) **Family history.** The foster home study includes information regarding family history, including:

(i) names of parents and siblings;

(ii) dates and places of birth;

(iii) physical health and mental stability;

(iv) relationship with family members;

(v) social, cultural, and religious orientation; and

(vi) information regarding their childhood including how they were disciplined;

(Q) **Written references.** The foster home study includes three written references from persons who have information relative to the family's ability to provide foster care that include:

(i) name, address, and telephone number;

(ii) when and how the person became acquainted with the applicants;

(iii) how often the person has contact with the family;

(iv) information regarding family functioning; and

(v) opinions regarding personal qualities and ability to provide care for juveniles in foster care; and

(R) **Recommendation.** The foster home study includes the recommendation whether to approve the home that:

(i) is signed and dated by the person who conducted the foster home study and the district supervisor; and

(ii) if approved, contains the juvenile's profile and number of juveniles for which the home is approved.

(4) **Annual home study updates.** The foster home study is updated annually to include:

(A) documentation of a home visit;

(B) documentation of a face-to-face interview with each parent, school-age child, and any other household member;

(C) current vehicle insurance verification; and

(D) reports of any significant changes from the initial home study.

(5) **Foster parent training.** OJA shall provide and document that each foster parent has received at a minimum:

(A) six hours of orientation or preservice training prior to approval of the foster home or placement of a juvenile and includes at a minimum:

(i) OJA policy;

(ii) program philosophy;

(iii) confidentiality;

(iv) mandatory reporting of child abuse;

(v) grievance process;

(vi) emergency medical procedures; and

(vii) fire and disaster plans;

(B) six additional hours of training within the first calendar year of certification that is relevant to the needs of the juvenile placed in their care and is documented by the OJA to include, but is not limited to:

(i) normal child development;

(ii) behavior management;

(iii) separation and loss; and

(iv) infection control and injury prevention; and

(C) 12 hours of training each calendar year thereafter that is relevant to foster parents' roles and responsibilities and may include workshops and video presentations.

(6) **Foster parent responsibility.**

(A) **General.** Foster parents shall provide OJA any information related to compliance with all requirements and allow representatives of the agency access to any member of the household and into all rooms within the home. Foster parents:

(i) are responsible, mature, healthy adults capable of meeting the needs of the juveniles in foster care;

(ii) demonstrate a capacity for setting realistic expectations for behavior and performance based on the ages, abilities, and special needs of the juveniles;

(iii) may be married couples, single persons, or family members with a stable living arrangement; and

(iv) ensure that all members of the household are informed of and agree to accept the juvenile into the home.

(B) **Age.** Foster parents shall be at least 21 years of age.

(C) **Income and employment.** Foster parents shall have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments if applicable.

(i) Foster parents who both work outside the home shall obtain approval from OJA for their plan of care for the juveniles during their absence.

(ii) Foster parents shall obtain approval from OJA to conduct a business in the home and demonstrate that the activities related to this business will not interfere with the care of the juveniles.

(D) **Notifications.** Foster parents shall comply with the requirements pertaining to notifications. Foster parents shall notify OJA:

(i) in writing prior to allowing any person to take up residence for more than two weeks in the foster home;

(ii) immediately of the occurrence of:

(I) the death of a juvenile;

(II) a serious injury or illness involving medical treatment of the juvenile;

(III) unauthorized absence of the juvenile from the home as defined by OJA policy;

(IV) removal of the juvenile from the home by any person or agency other than OJA, or attempts at such removal;

(V) loss of income that affects the family's ability to meet the needs of the juveniles in foster care;

(VI) any involvement of a juvenile with legal authorities;

(VII) any fire or other emergency requiring evacuation of the home; and

(VIII) lack of heat, water, or electricity; and

(iii) as soon as possible of:

(I) any serious illness or death in the household;

(II) the departure or return of any member of the household;

(III) a move to another residence; and

(IV) any other circumstance or incident seriously affecting the juvenile or care of the juvenile; and

(V) any allegations of child abuse.

(E) **Cooperation.** Foster parents shall work cooperatively with OJA representatives as members of the treatment team responsible for planning, providing, and discussing the total care and services provided to each child. Foster parents shall:

(i) fully disclose all information related to a juvenile's problems or progress to OJA representatives;

(ii) treat any personal information about a juvenile or the juvenile's family in a confidential manner; and

(iii) participate in an annual mutual review with OJA to evaluate the strengths and weaknesses of the foster home and of OJA representatives' relationships with foster parents.

(F) **Number of children.** The foster home agency complies with requirements regarding placement of children in the foster family home.

(i) No more than five foster juveniles are placed in the home.

(ii) The number, ages, and needs of foster juveniles placed in the home are in keeping with the capacity and skills of the foster parents and accommodations of the home.

(iii) The total number of juveniles in the home, including the foster parents biological children, adopted children, and foster children cannot exceed six. Local city ordinances should be researched to determine if other restrictions apply.

(7) **General foster home requirements.**

(A) **Home requirements.** The foster home shall:

(i) be clean, safe, and in good repair;

(ii) have the exterior around the home free from objects, materials, and conditions that constitute a danger to the juveniles served;

(iii) be accessible to school, church, recreational and health facilities, and other community resources, as needed; and

(iv) be in compliance with all applicable fire, health, and safety laws, ordinances, and regulations.

(B) **Safety requirements.**

(i) Clear glass doors are plainly marked to avoid accidental impact.

(ii) Juveniles are protected from hazardous materials, such as flammable liquids and poisonous materials.

(iii) All weapons and firearms are prohibited, except as provided for in OAC 377:10-7-3(c)(14).

(iv) The premises are free of illegal drugs and paraphernalia.

(v) Smoking is prohibited inside the home and when transporting juveniles.

(vi) Stairways over four steps, inside and outside, have railings.

(vii) Any play activity that involves water is supervised constantly. Ponds or pools are not left accessible to juveniles.

(C) **Fire safety requirements.**

(i) A fire extinguisher rated for Class ABC fires is installed in the kitchen area.

(ii) The foster home is equipped with adequate operable smoke detectors in the vicinity of the sleeping areas.

(iii) Each floor used as living space has at least two means of escape, at least one of which is a door leading to an unobstructed path to the outside. The second means of escape may be an unobstructed, operable window with 20" X 24" minimum dimensions.

(iv) All heating and air conditioning equipment is installed in accordance with state and local mechanical codes and manufacturer's instructions.

(D) **Health requirements.**

(i) Water supply, sewage disposal, and solid waste disposal meet local city ordinances and Oklahoma Department of Environmental Quality regulations.

(ii) Rooms used by juveniles are well lighted and ventilated.

(iii) Windows and doors used for ventilation are screened.

(iv) The foster parents take measures to keep the house and grounds free of rodents, insects, and stray animals.

(v) At least one operable sink, one operable toilet, and one operable tub or shower are available in the home.

(vi) Each juvenile is provided with individual combs, toothbrushes, wash cloths, towels, and eating and drinking utensils.

(vii) Linens are changed when needed.

(viii) Animals or household pets are permitted provided there is proof of annual rabies vaccinations for each animal. Pets or animals in the foster home, indoors or outdoors, are in good health, show no evidence of carrying disease, are friendly toward juveniles, and present no threat to the health, safety, and well-being of juveniles.

(ix) OJA requires the foster family to comply with the Oklahoma State Department of Health recommendations regarding tuberculin skin testing when there is a local identified tuberculin exposure.

(E) **Sleeping arrangements.** A separate bed is provided for each child or juvenile.

(i) No more than two children or juveniles may share a sleeping room, except as approved by OJA.

(ii) Separate sleeping rooms are provided for children older than four years who are of different sex.

(iii) Juveniles in foster care do not share a sleeping surface with adults in the household.

(F) **Emergency plans.** The foster home complies with the requirements pertaining to emergency plans contained in this subsection.

(i) The foster home has a planned source of medical care available, such as a hospital emergency room, clinic, or health professional known to the foster family.

(ii) The home has a telephone with emergency numbers posted nearby for the health professional

or clinic, fire department, police department, ambulance service, and substitute caregiver.

(iii) The foster parent has an emergency evacuation plan in the event of fires, tornadoes, floods, and other emergencies.

(iv) First aid procedures and supplies are readily available.

(v) The foster parent ensures that each child and juvenile, as appropriate to age and developmental level, knows how to evacuate from the home in the event of a fire. The foster parent conducts periodic evacuation drills.

(G) **Transportation.** Juveniles in foster care are transported in compliance with applicable state law, 47 O.S., § 11-1112. The transporting vehicle shall be covered by liability insurance as required by Oklahoma laws. The foster family has emergency transportation available.

(i) **Driver qualifications.** Drivers transporting juveniles in foster care have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence.

(ii) **Passenger restraints.** Juveniles who are transported are properly secured in an individual seat belt.

(H) **Nutrition.** Each juvenile is provided a balanced, nutritious, and developmentally appropriate diet. The food is wholesome in quality, ample in quantity, and of sufficient variety.

(I) **Informal care arrangement requirements.** The foster parent may make informal care arrangements with friends, neighbors, or relatives for occasional care of the juvenile, including before and after school hours, and not to exceed 24 consecutive hours.

(i) The foster parent shall:

(I) ensure that informal care providers possess the maturity and skill to address the needs of the juvenile in foster care;

(II) secure prior authorization for informal care from OJA. Prior authorization may apply to multiple events when the same informal provider is used;

(III) not utilize a juvenile in foster care to babysit a younger child unless approved by OJA; and

(IV) provide the informal provider information for contacting the foster parent and other emergency contacts.

(ii) The informal provider must be at least 18 years of age.

(J) **Alternate care arrangement requirements.** The foster family is encouraged to develop a relationship with another family as an alternate provider who can provide care for the juvenile in foster care in case of family emergencies, family vacations, or when the provider needs respite care. The agency must approve the alternate care and have documentation that the alternate provider:

(i) is at least 21 years of age;

(ii) has obtained a criminal history records search within the last 12 months conducted by:

(I) the Oklahoma State Bureau of Investigation (OSBI) which shall include a search of Department of Corrections files maintained by the OSBI pursuant to the Sex Offenders Registration Act for each household member who is 18 years of age or older; and

(II) the authorized agency in the previous state of residence if the person has resided in Oklahoma less than one year;

(iii) meets the foster home requirements listed in OAC 377:10-7-3(g);

(iv) provides one reference; and

(v) complies with discipline and behavior management requirements in OAC 377:10-7-3(g)(11).

(K) **Discipline and behavior management requirements.** The objective of discipline and behavior management is to provide a positive learning experience for the juvenile to grow and develop and to learn acceptable standards of social behavior.

(i) **Expectations of foster parents.** Foster parents shall:

(I) recognize and encourage appropriate behavior;

(II) teach by example and use fair and consistent rules with logical consequences;

(III) use methods of discipline that are relevant to the behavior;

(IV) supervise with an attitude of understanding, firmness, and discipline;

(V) give clear directions and provide guidance consistent with the juvenile's level of understanding;

(VI) redirect the juvenile by stating alternatives when behavior is unacceptable;

(VII) express themselves so the child understands that the juvenile's feelings are acceptable but certain actions or behavior are not;

(VIII) help the juvenile learn what conduct is acceptable in various situations;

(IX) encourage the juvenile to control the juvenile's own behavior, cooperate with others and solve problems by talking things out; and

(X) communicate with the juvenile by showing an attitude of affection and concern.

(L) **Discipline and behavior management policy.** OJA complies with the requirements regarding discipline and behavior management contained in this subsection. OJA's discipline policy is maintained in writing and is provided to foster parents, the juvenile and the juvenile's parent or custodian.

(i) OJA's discipline policy includes:

(I) the goal and purpose of OJA's discipline and behavior management program;
(II) approved methods of discipline and behavior management;
(III) a list of persons authorized to administer discipline and behavior management methods to juveniles in foster care; and
(IV) the agency's method of monitoring and documenting implementation of the policy; and
(ii) OJA's discipline policy prohibits punishment:
(I) of a physical nature, such as shaking, striking, spanking, or physical abuse;
(II) that constitutes emotional abuse, such as humiliation, name-calling, cursing, or degrading remarks regarding the juvenile or the juvenile's family;
(III) administered by one juvenile to another juvenile;
(IV) that denies meals, sleep, or mail; and
(V) that places a juvenile in a locked room.

(8) **Juvenile's case record.** Records maintained by OJA for juveniles in placement include, but are not limited to:
(A) an intake form that includes the juvenile's full name, nickname(s), if any, date of birth, race, gender, place of birth, religion, and names, addresses and telephone numbers of parents and other significant relatives;
(B) history of previous placements and dates;
(C) reason for the present placement;
(D) a description of the circumstances that led to the juvenile's present placement;
(E) a description of the juvenile's relationship with other significant adults and children;
(F) admission assessment that includes the juvenile's current level of functioning and medical history, including:
(i) medications the juvenile is currently taking;
(ii) immunizations;
(iii) allergies; and
(iv) childhood diseases;
(G) current court order(s) documenting legal custody of the juvenile and other applicable court orders;
(H) certified birth verification;
(I) juvenile's medical information, including:
(i) juvenile's medical authorization number, if applicable;
(ii) medical examination completed no more than 60 days prior to placement or scheduled within 10 days after placement;
(iii) written authorization to provide medical care;
(iv) disabilities;
(v) psychosocial information;
(vi) name of the juvenile's last doctor, if known; and
(vii) documentation of medical services;
(J) history of the juvenile's family of origin;
(K) information regarding the physical health of the juvenile's family, including father, mother, and grandparents;
(L) information regarding the emotional stability of family members;
(M) reports from schools, specialists, and other agencies;
(N) documentation that the juvenile's rights have been explained to the juvenile;
(O) documentation that the grievance policy has been explained to the juvenile;
(P) a service plan per OAC 340:110-5-3 completed within 30 days of placement and signed and dated by the juvenile, staff, foster parents, and parent or guardian;
(Q) revision of the service plan every six months;
(R) case notes that have been signed and dated;
(S) a discharge plan that includes anticipated length of placement and future placement;
(T) a discharge summary that includes an assessment of the juvenile's progress in placement, the juvenile's continuing needs and plans, and recommendations for follow-up services, if any; and
(U) documentation of inability to obtain any of the information contained in this Section and efforts to obtain it.

(9) **Foster home record.** OJA shall maintain a current record on each foster home. Entries, dated in chronological order and identifying the staff member who recorded the information, include:
(A) certification form and documents verifying certification, per OAC 377:10-7-3(b);
(B) a complete report of the home study with evaluation and recommendations as required;
(C) records of all juveniles placed in the home with dates, names, ages, and rates of payment for services, if applicable;
(D) records of all juveniles removed from the home with dates, names, ages, and reasons for removal;
(E) financial agreements, if applicable;
(F) signed and dated case notes, visits or contacts, and conferences;
(G) a copy of the placement worksheet on each juvenile;
(H) correspondence;
(I) records of the home study, updated annually, per OAC 377:10-7-3(d);
(J) documentation of training; and
(K) written agreements and contracts between the agency and the foster parents.

(10) **Juvenile's rights.** OJA requires that the juvenile in foster care is:
(A) not forced to participate in publicity or promotional activities;
(B) not publicly identified as in the custody of OJA;

(C) provided an opportunity to participate in religious services;
(D) supplied with facilities and supplies for personal care, hygiene, and grooming;
(E) supplied with his or her own clothing and shoes appropriate to the season, age, activities, and individual needs and comparable to that of other juveniles in the community;
(F) provided individual space in the foster home for the juvenile's personal possessions and a reasonable degree of privacy.
(i) The juvenile has the right to bring, possess, and acquire personal belongings subject only to reasonable household rules and the Individual Treatment and Service Plan (ITSP).
(ii) Personal belongings are sent with the juvenile when the juvenile leaves the home;
(G) expected to perform only household tasks that are within the child's abilities, reasonable for the child's age, and similar to those expected of other household members of comparable age and ability;
(H) given guidance in managing money.
(i) Money earned by the juvenile or received as a gift or allowance is the juvenile's personal property.
(ii) The juvenile is not required to use earned money to pay for room and board, unless it is a part of the ITSP and approved by the parent or custodian and the agency;
(I) allowed privacy in writing, sending, or receiving correspondence, unless restricted by the ITSP;
(J) not denied meals as punishment;
(K) not subjected to remarks that belittle or ridicule the juvenile or the juvenile's family;
(L) allowed to visit with the juvenile's family, in accordance with the service plan;
(M) not forced to acknowledge dependency on OJA or foster home or gratitude to them;
(N) given the opportunity, at the juvenile's or OJA's request, for private conversation with OJA's staff members who are responsible for the juvenile's supervision; and
(O) provided educational opportunities in accordance with the juvenile's plan of care.

377:10-7-4. Therapeutic foster care

(a) ~~As authorized by 10 O.S. §§ 7302-6.6 (D), 7204, and 7205, as amended the~~The Office of Juvenile Affairs may contract ~~with a licensed child placing agency~~ for the provision of therapeutic foster care services to OJA-custody juveniles. A therapeutic foster home is a foster family home, which provides specific services to eliminate social and behavioral problems of a juvenile placed in the home.

(b) Rules regarding eligible providers, admission requirements, description of required services, and the Title XIX payment rate are found in Title 317, the Oklahoma Health Care Authority [17:30-5-740, 317:30-5-741(5)(D), 317:30-5-742, 317:30-5-473, and 317:30-5-475]. In addition to the requirements of the Oklahoma Health Care Authority, therapeutic foster homes shall meet, at a minimum, the ~~standards required by the Oklahoma Child Care Facility Licensing Act, found in OAC 340:110-5, Part 5, and~~ OJA foster home standards listed in OAC 377:10-7-3~~(d)(e)~~.

(c) In working with therapeutic foster families, ~~the child placing agency~~OJA shall abide by the provisions of the Oklahoma Foster Care and Out-of-Home Placement Act.

377:10-7-5. Specialized community home

(a) **General provisions.** A specialized community home (SCH) is a community-based, family-structured home for up to five OJA-custody juveniles. A SCH shall be operated by, and in the home of, a professional, contracted social service provider. The contractor shall provide an intensive, individually-focused, therapeutic intervention program of social services in addition to basic residential care. The contractor shall also provide counseling, educational opportunity, employment opportunity, cultural enrichment, and independent living skills training consistent with each juvenile's treatment plan. The SCH contractor's full-time job shall be to operate the specialized community home and provide services.

(b) **Foster family care standards.** An applicant, to become a specialized community home provider, shall submit a program proposal to the Executive Director or the affected division administrator, and meet the requirements listed in ~~10 O.S., § 7204, as amended~~OAC 377:10-7-3. A specialized community home operator shall meet, at a minimum, the ~~standards required by the Oklahoma Child Care Facility Licensing Act, found in OAC 340:110-5, Part 5, and~~ OJA foster home standards listed in OAC 377:10-7-3.

(c) **Program proposal.** An applicant shall address each of the criteria listed in (1)-(16) of this subsection in the applicant's written program proposals.

(1) **Previous child care experience.** The applicant shall provide a description of the applicant's previous child care experience with the target population described.

(2) **Educational background and abilities of the applicant.** The applicant shall provide information regarding the applicant's formal education, training, and abilities. The applicant shall describe how the education enhances his or her ability to successfully operate this program.

(3) **Adaptability.** The applicant shall describe in writing how he or she may adapt to meet the needs of juveniles referred to the program.

(4) **Behavior management.** The applicant shall describe in writing his or her philosophy of behavior management methods and its applicability to the proposal population.

(5) **Effect on other family members.** The applicant shall provide information on the effect, if any, becoming a specialized community home will have on family members and the plan to minimize any risk potential that may exist.

(6) **Role of the spouse.** The applicant shall describe in writing the role which a spouse, present in the home, will

play in the overall operation of the specialized community home.

(7) **Overall plan of service delivery.** The applicant shall provide a written plan of service delivery. The applicant shall answer the following questions:

(A) What types of services will be directly provided and in what manner; and

(B) What will be accessed from the community?

(8) **Relief/respite care.** The applicant shall provide an outline of the plan for relief/respite care arrangements.

(9) **Community/school system acceptance.** The applicant shall describe the community/school system tolerance level for the type of juveniles proposed for placement.

(10) **Facility.** The applicant shall provide information regarding whether the home is adequate to accommodate four juveniles in addition to the applicant's own family. Upon written approval from the Executive Director or the affected division administrator, a home may be certified for five juveniles in addition to the applicant's own family.

(11) **Recreational resources.** The applicant shall provide a written description of and a plan for using available recreational resources.

(12) **Educational resources.** The applicant shall provide a description of available State Board of Education certified educational resources, including vocational education and special education.

(13) **Independent living.** The applicant shall have a plan to assess and teach independent living skills to juveniles 16 years of age and older.

(14) **Employment resources.** The applicant shall describe plans to teach job skills and access employment resources. The applicant shall identify transportation resources.

(15) **Community resources.** The applicant shall provide information regarding the availability of community resources and the applicant's plan for accessing community resources.

(16) **Transportation.** The applicant shall advise whether he or she can provide transportation for the juveniles.

(d) **OJA staff participation.** OJA staff may not participate in writing program proposals.

(e) **Role expectations of the specialized community home operator.** OJA may require specific training for the SCH prior to placing a juvenile in the home. Specialized community home (SCH) contractors shall annually obtain 21 hours of training regarding working with juveniles. All SCH contractors and their spouses shall receive training in an approved system for managing aggressive and non-aggressive acting-out behavior. Contractors shall attend OJA mandatory meetings held twice yearly, as well as any additional required training. Contractors shall receive training hours for attending the required meetings.

(f) **Responsibilities of the specialized community home contractor.** The Office of Juvenile Affairs shall set forth specific responsibilities of the specialized community home operator in the contract between OJA and the contractor. OJA staff shall ensure that contractors meet all contractual requirements.

377:10-7-7. Kinship foster care

(a) Any responsible adult with whom a juvenile has a kinship relationship~~ as defined in 10 O.S. § 7203, as amended~~ may apply to become a kinship foster home for that juvenile.

(b) An OSBI criminal history records search must be completed and a national criminal history records search based on fingerprints initiated before a family is certified as a foster home.

(c) The worker shall complete a foster home study on kinship foster parents. Kinship foster parents must meet the standards set forth in OAC 377:10-7-3.

(d) A foster parent providing kinship care shall, if possible, complete the training before the juvenile is placed. If training is not possible before placement, the kinship foster parent must receive the training no later than three months after placement. Training requirements are listed in OAC 377:10-7-3~~(D)(2)~~.

PART 5. DETENTION

377:10-7-30. Legal base

Title 10A O.S., § ~~7304-1.1~~2-3-101 et. seq., provides for the detention of juveniles. Title 10A O.S., § ~~7306-2.4~~2-5-204(D) provides for the detention of youthful offenders. Title 10A O.S. § ~~7304-1.3~~2-3-103(~~d~~D) authorizes the Board of Juvenile Affairs to establish a plan for secure and non-secure detention services.

PART 7. INDEPENDENT AND TRANSITIONAL LIVING

377:10-7-40. General provisions

Title 10A~~,~~ O.S., § ~~7303-5.2~~2-2-502(~~3~~B)(~~d~~4) authorizes the Office of Juvenile Affairs to provide any juvenile age 16 or older and placed out-of-home, independent living services. All OJA facilities and contract residential facilities shall provide each juvenile placed with a standardized independent living assessment.

377:10-7-41. Independent living programs

Independent living programs, as defined by 10A O.S., § ~~7301-1.3~~2-1-103, are programs and services, which assist juveniles to enhance skills and abilities required for adult living. In addition to minimum staff supervision, independent living services include:

(1) assisting juveniles in making arrangements for a place to live;

(2) completing a juvenile's education or vocational training;

(3) obtaining employment; and

(4) other independent living services as needed.

377:10-7-42. Transitional living programs

(a) A transitional living program, as discussed in 10A O.S., § ~~7301-1.3~~2-1-103, is a residential program designed to assist OJA-custody juveniles in acquiring abilities and skills needed for successful adult living. Although transitional living programs may be attached to existing facilities, transitional living programs are not required to be part of another program.

(b) In addition to providing less staff supervision than in group home or institutional programs, transitional living programs shall provide, at a minimum, the following services:

(1) vocational and educational;

(2) employment training and employment; and

(3) other appropriate independent living skills.

(c) The Office of Juvenile Affairs considers a transitional living program, not attached to a facility, a supervised independent living center.

PART 9. CONTRACTED SERVICES

377:10-7-50. Legal base

(a) Title 10A~~,~~ O.S., § ~~7302-3.5~~2-7-305 provides that OJA may contract for provision of services to juveniles and families. When resources allow, OJA may offer contracted services to duly constituted Juvenile Bureaus (10A O.S., § ~~7305-1.1~~2-4-101). However, when service capacity is limited, OJA shall give priority to custody juveniles.

(b) Contract services include:

(1) educational and vocational assessments and services;

(2) substance abuse assessments and interventions;

(3) non-residential substance abuse assessment and interventions;

(4) non-residential diagnostic and evaluation services;

(5) wraparound services focused on the juvenile and family; and

(6) tracking services.

SUBCHAPTER 11. CHILD IN NEED OF MENTAL HEALTH TREATMENT

377:10-11-1. Child in need of Mental Health Treatment

The Office of Juvenile Affairs may provide for the care of a child who is in the custody of the Office of Juvenile Affairs and found by a court to be a child in need of mental health or substance abuse treatment pursuant to the Inpatient Mental Health and Substance Abuse Treatment of Children Act~~,~~ [Title 43A. § 5-501 through 5-513], as required by 10A O.S., § ~~7303-8.4~~2-2-804~~, as amended~~. For Medicaid eligible juveniles who are wards of the court and in the custody of, or under, the supervision of the Office of Juvenile Affairs, OJA employees shall follow applicable rules as promulgated by the Oklahoma Health Care Authority that govern Medicaid reimbursement for inpatient care.

SUBCHAPTER 13. REGIMENTED JUVENILE TRAINING PROGRAM STANDARDS

PART 1. GENERAL PROVISIONS

377:10-13-1. Legal base

Statutory authority for the Office of Juvenile Affairs to establish standards for the regimented juvenile training program (RJTPs), including an intensive physical training and discipline phase and a community reintegration phase, is located in 10A O.S., ~~7302-6.9~~2-7-609.

PART 17. SECURITY AND CONTROL

377:10-13-89. Juvenile rights

(a) RJTP policies and procedures shall comply with 10A O.S., §~~7302-6.3~~ 2-7-603, regarding rules, policies, and procedures required in facilities.

(b) Each juvenile shall have the right to receive individualized care and treatment in the least restrictive setting consistent with the juvenile's care and treatment needs and, in the case of a delinquent juvenile, with the protection of the public. This means that:

(1) Juveniles are entitled to be protected and cared for in a safe, caring, and humane environment;

(2) Services provided to juveniles shall be based upon the individualized needs of each juvenile, as determined by comprehensive assessment and evaluation, flexible, and available when needed for juveniles throughout the state. Juveniles shall be provided the programs and services reasonably necessary to implement each juvenile's individual service plan;

(3) Services provided to juveniles shall be family-based whenever possible;

(4) A full range of community-based program options must be a part of an overall continuum of care so as to implement the least restrictive placement for juveniles that is consistent with their needs and additionally, in the case of delinquents, with public safety;

(5) In determining the appropriate placement of juveniles, the presumption shall be that the juvenile's best interests are served by remaining in his or her own home or home community with necessary services to be provided there;

(6) Placement of juveniles in residential settings shall occur only after all non-residential alternatives have been attempted or considered, and placement of juveniles in secure or highly restrictive residential settings shall occur only after less restrictive residential settings have been attempted or considered;

(7) Brief psychiatric hospitalization for the short-term crisis stabilization of juveniles shall be the primary use of inpatient psychiatric care. Inpatient psychiatric care shall not be used for chemical dependency treatment unless the juvenile is psychotic, suicidal, or dangerous and cannot be stabilized in a less restrictive placement;

(8) Residential services shall be provided, whenever possible, in small, homelike, community-based facilities rather than larger, self-contained units; and

(9) When juveniles are placed in residential care, multiple residential placements shall be avoided to achieve placement stability. The length of stay in non-community-based residential care shall be as brief as possible.

377:10-13-90. Use of force

(a) Title 10A O.S., §~~7302-6.4~~ 2-7-604, prohibits the use of physical force in ~~institutions and other~~Regimented Juvenile Training facilities operated by or contracted with OJA except:

(1) when necessary for self-protection;

(2) to separate juveniles who are fighting;

(3) to restrain juveniles who have escaped or are in the process of escaping; and

(4) to restrain juveniles who are in danger of harming themselves or others.

(b) In every case, the amount of force used shall be the least amount necessary.

(c) Medical attention shall be provided immediately upon the juvenile's release from restraint even if there is no visible evidence or complaint of injury. If necessary, medical attention may be provided by a licensed physician, licensed practical nurse, registered nurse, physician's assistant, or emergency medical technician.

Prior to the end of the shift in which the incident took place, any staff member who applies physical force shall submit a written report about the incident to the facility director.

(d) The facility shall give written guidelines to staff on the use of physical force, further stating that, in accordance with staff disciplinary procedures, loss of employment may result if unauthorized use of physical force is proven.

(e) Physical force may never be used as punishment or retaliation.

(f) Facility staff shall not permit any person to use physical force contrary to policy.

(g) Staff members shall not provoke physical confrontation by taunting, harassing, or otherwise manipulating a resident into behavior which would justify physical force.

(h) The use of chemical agents to control juveniles is prohibited.

[OAR Docket #11-852; filed 6-3-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 15. COMMUNITY-BASED YOUTH SERVICES

[OAR Docket #11-853]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
377:15-1-2 [AMENDED]
Subchapter 5. Designation of Community-Based Youth Services Agencies
377:15-5-2 [AMENDED]
377:15-5-4 [AMENDED]
AUTHORITY:
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Rule amendments are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009).
CONTACT PERSON:
Jlynn Hartman, Director of Government Relations, OJA, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, (405) 530-2866.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

377:15-1-2. Authority, legal basis, and scope

(a) The Division of Community-based Youth Services operates under the authority of 10A O.S., §§~~7302-3.3~~ 2-1-103(9), 2-1-103(11), 2-7-202, ~~7302-2.2~~2-7-303, ~~7302-3.5~~2-7-305 and ~~7302-3.6.a~~2-7-306.

(b) The Division of Community-based Youth Services shall plan and coordinate the contracting of delinquency prevention and treatment services with designated youth services agencies. OJA shall enter into such contracts for the development, implementation and operation of community-based delinquency prevention, diversion, and service programs, consistent with state statutes.

SUBCHAPTER 5. DESIGNATION OF COMMUNITY-BASED YOUTH SERVICES AGENCIES

377:15-5-2. Application for "Youth Services Agency" designation

The applicant for designation as a youth services agency shall submit an application to the Board of Juvenile Affairs on a form prescribed by the Board, as set forth in 10A O.S., § ~~7302-3.6.a~~2-7-306(A)(7). The applicant shall submit the application to the Secretary to the Board of the Office of Juvenile Affairs, 3812 N. Santa Fe, Suite~~,~~ 400, P.O. Box 268812, Oklahoma City, OK~~.~~ 73126-8812. OJA shall enter into such contracts for the development, implementation and operation of community-based delinquency prevention, diversion, and service programs, consistent with state statutes.

377:15-5-4. Requirements for the Application

(a) The applicant shall describe in detail all aspects of direct community participation in the planning, operation and evaluation of the community-based youth services and programs.

(b) The applicant shall describe in detail:

(1) its capability to deliver all or part of the compensable services set forth in Title 10A O.S., § ~~7302-3.3~~2-7-303; core community-based services, as defined in 10A O.S., § ~~7301-1.3(9)~~2-1-103(11); or other community-based facilities, programs, or services designated by the Board of Juvenile Affairs as core community-based services.

(2) if applicable, its capability to deliver all or part of the compensable children's services that the Department of Human Services is authorized to provide for by contract with a private agency.

(3) its ability to provide adequate and qualified staff for the services it may provide.

(4) its capability to meet the need for adequate services in its primary catchment area or other areas which it may serve.

(5) a statement of its financial viability as defined by 10A O.S., § ~~7302-3.6a~~2-7-306. An assessment of the applicant's financial viability shall be based upon a formula as determined by the Community-based Youth Services Division.

(6) a documented need for services in the primary catchment area or other area which it may serve.

(7) if applicable, a statement of how the applicant may augment any services being provided by an existing youth services agency.

(c) **CERTIFICATIONS AND LICENSES:** The applicant shall provide copies of all current licenses and certifications applicable to its operations. If the organization is accredited by a nationally recognized accrediting organization, the applicant shall submit a copy of its most recent evaluation or audit conducted by the certifying organization.

(d) Upon submission of the application, the applicant may be required to undergo an initial peer review to be conducted by the Oklahoma Association of Youth Services Agencies or other Oklahoma non-profit corporation whose membership consists solely of youth services agencies and of whom at least a majority of youth services agencies are members. If a peer review is required by the Community-based Youth Services Division, the applicant and peer reviewing organization shall be notified by the Division Director. The peer review shall be completed and submitted to the Division of Community-based Youth Services within 90 days of the notice of the peer review requirements. The costs, if any, of the initial peer review shall be borne by the applicant. Failure to successfully complete the initial peer review, if required, may be considered by the Division of Community-based Youth Services in making its recommendation regarding designation of the applicant.

(e) **AGENCY INSPECTION:** The Division of Community-based Youth Services shall make a site visit inspection of the applicant's operations and obtain all available verification required to support the application.

(f) **REFERENCES:** The applicant shall provide letters of reference from local community leaders or other persons familiar with the applicant's operations. The Division of Community-based Youth Services shall obtain from the applicant authorizations to communicate with such references. The Division of Community-based Youth Services shall not be limited to the references provided in conducting its review of the applicant's operations.

(g) **EVALUATION AND SUMMARY:** The Division of Community-based Youth Services shall evaluate the application and all supporting detail and summarize its findings in a Report of the Community-based Youth Services Division to be submitted to the Board of Juvenile Affairs. The evaluation shall be completed and a Report submitted to the Board within 120 days of submission of the application to the Secretary to the Board of Juvenile Affairs. Extensions of the 120-day requirement may be authorized by the Executive Director of the Office of Juvenile Affairs upon good cause shown. The Report shall state whether the designation of the applicant as a Youth Services Agency is based on community needs as indicated in the State Plan for Youth Services Agencies. The Report of the Community-based Youth Services Division shall contain a recommendation as to whether the application should be granted, denied or deferred. The Report shall be signed by the Division Director and approved by the Executive Director of the Office of Juvenile Affairs.

[OAR Docket #11-853; filed 6-3-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT

[OAR Docket #11-854]

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RULES:
Subchapter 1. General Provisions
377:25-1-2 [AMENDED]
Subchapter 3. Pre-court
Part 1. Juvenile Detention
377:25-3-1 [AMENDED]
377:25-3-2 [AMENDED]
Part 3. Intake/Preliminary Inquiry
377:25-3-15 [AMENDED]
Part 5. Restitution
377:25-3-40 [AMENDED]
Subchapter 5. Court
377:25-5-2 [AMENDED]

Subchapter 7. Custody
Part 3. Services to Custody Juveniles
377:25-7-17 [AMENDED]
Part 9. Extended custody
377:25-7-50 [AMENDED]
Subchapter 9. Caseworker Services
Part 1. Services provided by the JSU worker
377:25-9-1 through 377:25-9-3 [AMENDED]
Subchapter 11. Case Records and Reports
377:25-11-3 [AMENDED]
377:25-11-5 [AMENDED]

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ANALYSIS:
The rule is being changed because the current rule, 377:25-11-1 Case Records, references two rule citations that have changed.
CONTACT PERSON:
Jlynn Hartman, Director of Government Relations, OJA, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, (405) 530-2866.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

377:25-1-2. Legal basis, authority, and scope

(a) The Office of Juvenile Affairs (OJA) operates under the authority of ~~10 O.S., Chapter 73, as amended,~~ the Oklahoma Juvenile Code, 10A O.S. § 2-1-101 et seq. Title 10A O.S., § ~~7302-3.1~~ 2-7-301(A)(2) gives the Office of Juvenile Affairs the statutory responsibility for providing intake, probation, and parole services. Within the Office of Juvenile Affairs, the Juvenile Services Unit (JSU) provides intake and probation services in all counties except those with duly constituted Juvenile Bureaus (10A O.S., §§ ~~7305-1.1~~2-4-101 and 2-4-103(B)). The Juvenile Services Unit shall provide~~s~~ parole services in all counties [10A O.S., § ~~7302-6.1~~2-7-601(A)(5)].

(b) The Office of Juvenile Affairs provides and contracts for services designed to address the individual needs of juveniles and families in the least restrictive environment, which affords protection to the public. OJA is committed to preventing delinquency by providing a wide variety of quality services.

SUBCHAPTER 3. PRE-COURT

PART 1. JUVENILE DETENTION

377:25-3-1. Legal base

~~Article IV of the Juvenile Code,~~ Title 10A O.S., §§ ~~7304-1.1~~2-3-101 et seq., provides for the detention of juveniles. Title 10A O.S., § ~~7306-2.4(D)~~2-5-204(E) provides for the detention of youthful offenders. OJA derives its authority to establish plans for detention services from 10A O.S., § ~~7304-1.3~~2-3-103~~(D) (E)~~.

377:25-3-2. Detention recommendations

In counties in which JSU, pursuant to judicial directive, is responsible for detention screening, the JSU worker shall recommend to the judge that one of the actions listed in (1)-(3) of this Section occur when a juvenile is picked up for an alleged offense.

(1) **Release.** Release may be appropriate in the following circumstances:

(A) The parent, guardian, or responsible person can be located and is willing and able to accept responsibility for the juvenile;

(B) The juvenile is willing to go home and is likely to appear as requested for preliminary inquiry/court intake; and

(C) There is reasonable belief that the juvenile is not a threat or a danger to the public.

(2) **Non-secure detention.** A juvenile is eligible for non-secure detention services based on the criteria in (A)-(C) of this subsection:

(A) There is no record or history of seriously assaultive or destructive behavior by the juvenile to others; and

(B) The use of non-secure detention services is not likely to place the juvenile or community at risk; or

(C) The juvenile is being held as a runaway.

(3) **Secure detention services.** A juvenile is eligible for secure detention services based on the criteria found in 10A O.S., § ~~7304-1.1~~2-3-101(B).

PART 3. INTAKE/PRELIMINARY INQUIRY

377:25-3-15. Legal basis for intake/preliminary inquiry

The Office of Juvenile Affairs is mandated to provide intake and probation services as required by 10A O.S., § ~~7302-3.1~~2-7-301.

PART 5. RESTITUTION

377:25-3-40. Juvenile Offender Victim Restitution Work Program

Title 10A O.S., § ~~7302-8.1~~2-7-801 authorizes the Office of Juvenile Affairs to develop and administer Juvenile Offender Victim Restitution Work Programs. With the approval of the court or district attorney, restitution may be a required component of a juvenile's individualized treatment and service plan.

SUBCHAPTER 5. COURT

377:25-5-2. Probation responsibilities

(a) **Deferred judgement/suspended sentence.** The court may conditionally defer a decision to formally adjudicate a juvenile or sentence a youthful offender. If requested by the court, the JSU worker shall provide supervision and probation services to the juvenile and family.

(b) **Court probation.** The JSU worker shall contact the juvenile and family within 24 hours after a juvenile is adjudicated delinquent and placed on formal court probation or a youthful offender is sentenced and placed under OJA supervision. The JSU worker shall be responsible for:

(1) seeking probation fees pursuant to 10A O.S., §§ ~~7303-5.3~~2-2-503(A)(1) and 2-5-209(B)(5);

(2) attending all subsequent court hearings;

(3) submitting court reports; and

(4) keeping the Court informed of the juvenile's progress.

(c) **Court supervision.** The JSU worker shall contact the juvenile and family within 24 hours after the juvenile is adjudicated In Need of Supervision and placed on court supervision. The JSU worker is responsible for:

(1) seeking probation fees pursuant to 10A O.S., § ~~7303-5.3~~2-2-503(A)(1);

(2) attending all subsequent court hearings;

(3) submitting court reports; and

(4) keeping the Court informed of the juvenile's progress.

(d) **Terms of probation/court supervision.** The establishment of conditions of probation rules is within the authority of the judge. The JSU worker may use the Juvenile Probation Rules and Statement of Understanding (JSU-3), which is given to the juvenile and family, to:

(1) establish rules of probation/court supervision for a delinquent juvenile placed on probation, an INS juvenile placed under court supervision, or a youthful offender placed under supervision; and

(2) obtain a signed statement of under-standing of the rules from the juvenile and parent or guardian.

(e) **Additional probation/court supervision rules.** The JSU worker may request that additional rules be established to meet the individual needs of a juvenile. The JSU worker, juvenile, and parent shall sign a copy of the Additional Probation/Court Supervision Rules (JSU-4) which is used to:

(1) establish additional rules of probation /court supervision for a delinquent juvenile placed on probation or an INS juvenile placed on court supervision, or a youthful offender placed under supervision; and

(2) obtain a statement of understanding of the rules from the juvenile and parent or guardian.

(f) **Violation of probation.**

(1) When the JSU worker and supervisor determine that a juvenile has violated the rules of probation or court supervision, the JSU worker shall:

(A) facilitate resolution of minor violations, such as status offenses by:

(i) changing supervision levels;

(ii) establishing goals; or

(iii) adding supplemental rules or conditions; and

(B) if further disposition of the case is necessary, request that the matter be set for a court review hearing.

(2) The JSU worker shall submit a current court report with recommendations to the court. Violations, which constitute new delinquent offenses, must be referred for the intake/preliminary inquiry process.

(g) **Sanction detention facility.** A sanction detention facility is a secure facility in which a juvenile is placed for up to five days as a consequence for his or her non-compliance with court orders or rules of probation. No juvenile shall be placed in an OJA-designated sanction detention facility without a court order.

(h) **Sanctions programs.** Sanctions programs are community-based, intensive treatment intervention programs in which a juvenile may be placed for up to five days to hold him or her accountable for violation of probation, court supervision, or parole rules.

SUBCHAPTER 7. CUSTODY

PART 3. SERVICES TO CUSTODY JUVENILES

377:25-7-17. Medical needs

The JSU worker shall assess the juvenile's medical needs as provided in 10A O.S., § ~~7303-5.2~~2-2-502(A)(2).

PART 9. EXTENDED CUSTODY

377:25-7-50. Retention of custody guideline

(a) The OJA may be authorized by the Court to retain custody of a juvenile or a youthful offender beyond the age of 18 in accordance with 10A O.S., § ~~7302-5.4~~2-7-504(B) or 10A O.S., § ~~7306-2.d~~2-5-209~~et cet~~.

(b) OJA shall continue to provide services to a juvenile during the period of extended jurisdiction.

SUBCHAPTER 9. CASEWORKER SERVICES

PART 1. SERVICES PROVIDED BY THE JSU WORKER

377:25-9-1. Financial support

(a) **Parental responsibilities.** OJA shall enforce the legal duty of parents to provide for their child even though that child has been adjudged a ward of the court pursuant to the Juvenile Code. Title 10A O.S., § ~~7303-7.6~~2-2-703 authorizes the OJA to obtain from a juvenile's parent reimbursement for costs and expenses for care and maintenance incurred by OJA in providing services for the juvenile. Information regarding parental financial accountability must be provided by the JSU worker to the court.

(b) **Benefits.** OJA shall seek to obtain all income and resources available to the juvenile to help reimburse OJA for the cost of the juvenile's care. Any amount received over the cost of care is deposited in the juvenile's trust fund account. Benefits include:

(1) Social Security;
(2) Veteran's benefits;
(3) inheritance;
(4) trust funds;
(5) insurance benefits; and
(6) Indian trusts or monies.

(c) **Federal funds.** The Office of Juvenile Affairs shall maximize the use of federal funds for services to juveniles in OJA custody. Rules regarding the use of federal funds are found in 377:3-17.

377:25-9-2. Case plan/Individual treatment and service plan (ITSP)

The assigned JSU worker shall begin the case planning assessment and treatment plan development with the juvenile and parent/ guardian/legal custodian after a juvenile has been placed on Deferred Prosecution, Deferred Adjudication, is an Interstate Compact case supervised in Oklahoma, or has been adjudicated. The JSU worker shall conduct a comprehensive assessment of the juvenile and family and file it with the Court as per 10A O.S., § ~~7303-5.2~~2-2-502, as amended. Casework and other services provided to a juvenile are determined by the individual needs of the juvenile and family, and services shall be provided by either the JSU worker, contract service providers, or other service agencies.

377:25-9-3. Absent without official leave (AWOL)

(a) When staff are advised that a juvenile is AWOL, they shall make every effort to locate the juvenile immediately. Staff shall try to locate the juvenile through relatives and community contacts.

(b) OJA shall notify the parents of a juvenile who is AWOL from an OJA out-of-home placement as soon as possible.

(c) Staff shall follow local law enforcement procedures in notifying authorities:

(1) in the juvenile's home community; and
(2) in the community from which the juvenile is AWOL.

(d) Within the constraints of 10A O.S., §§~~7304-1.1~~ 2-3-101(B)(1) and ~~7302-6.5~~2-7-605, the JSU worker and juvenile services supervisor shall determine whether a juvenile who has been picked up while on AWOL status shall return to the previous placement. In making the decision, staff shall consider whether the juvenile:

(1) has committed a new delinquent offense; and
(2) is considered a risk to the public or self.

SUBCHAPTER 11. CASE RECORDS AND REPORTS

377:25-11-3. Reports for court reviews

(a) The JSU worker shall submit a report to the court, including an Individual Treatment and Service Plan for judicial review hearings at least every six months. The report must meet the requirements set forth in 10A O.S., § ~~7303-5.4~~2-2-504. The JSU worker shall be present at the review hearing.

(b) The JSU worker may also request a judicial review in situations which may necessitate action such as:

(1) change of placement;
(2) additional treatment resources;
(3) additional terms of probation or court supervision; or
(4) recommendation to the court for early release.

377:25-11-5. Juvenile sex offender registry

The Office of Juvenile Affairs shall establish and maintain the Juvenile Sex Offender Registry as provided in 10A O.S., §~~7308-1.3~~ 2-8-103.

[OAR Docket #11-854; filed 6-3-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 30. RESIDENTIAL SERVICES

[OAR Docket #11-855]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
377:30-1-1 [AMENDED]
AUTHORITY:
Board of Juvenile Affairs, pursuant to 10A O.S., Section 2-7-101 (H) and (I).
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INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
Rule amendments are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009).
CONTACT PERSON:
Jlynn Hartman, Director of Government Relations, OJA, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, (405) 530-2866.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

377:30-1-1. Legal basis, scope, and purpose

(a) Rules regarding community-based placements shall be issued in compliance with 10A O.S., §§ ~~7303-8.4~~ 2-2-804 ~~-~~(A) and (B) and ~~7302-3.5~~2-7-305~~-~~(B).

(b) Residential facilities shall be operated either directly by OJA or by contractual agreement.

(c) Residential programs may include:

(1) regimented juvenile training programs;
(2) wilderness camps;
(3) therapeutic foster care;
(4) specialized community homes (SCH);
(5) OJA-operated group homes;
(6) contract-based residential care (CBC);
(7) independent living; and
(8) foster care.

(d) Rules for contracted residential programs, therapeutic foster care, specialized community homes, independent living, and wilderness camps are set forth in OAC 377:10-7.

(e) Rules for regimented juvenile training programs are set forth in OAC 377:10-13.

(f) A purpose of this Chapter is to describe the Office of Juvenile Affairs' (OJA) operation of group homes for juveniles in the legal custody of the OJA. OJA-operated group homes shall be licensed by the Department of Human Services (DHS) in accordance with the Oklahoma Child Care Facilities Act, 10 O.S. §§ 401 through 408. The applicable licensing standards are found in DHS rules OAC 340:110-5-80 through 340:110-5-99 and are published by DHS in the pamphlet "Requirements for Residential Child Care Facilities." OJA-operated group homes shall be accredited by the American Correctional Association (ACA).

(g) Rules regarding the parole process are also set forth in this chapter.

[OAR Docket #11-855; filed 6-3-11]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 35. INSTITUTIONAL SERVICES

[OAR Docket #11-856]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
377:35-1-1 [AMENDED]
Subchapter 9. Juvenile Rights
377:35-9-1 [AMENDED]
377:35-9-4 [AMENDED]
Subchapter 11. Juvenile Rules/Discipline
377:35-11-1 [AMENDED]
377:35-11-6 [AMENDED]
Subchapter 17. Ancillary Programs
377:35-17-1 [AMENDED]
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ANALYSIS:
Rule amendments are primarily due to non-substantive citation changes within the Oklahoma State Statutes, as per House Bills 2028 and 2029 (2009). Rule revisions in Chapter 35, Subchapter 17, 377:35-17-01 are due to modification to the Education Program, as provided for in House Bill 2753 (2010).
CONTACT PERSON:
Jlynn Hartman, Director of Government Relations, OJA, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, (405) 530-2866.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

377:35-1-1. Legal Basis

The Office of Juvenile Affairs operates its institutions under the authority of Title 10A~~,~~ O.S., § ~~7305.3~~2-7-503(B)(1).

SUBCHAPTER 9. JUVENILE RIGHTS

377:35-9-1. Juvenile rights

(a) **Legal basis.** Institutional staff members shall protect the safety and constitutional rights of juveniles and seek a balance between expression of individual rights and preservation of facility order. Juvenile rights shall be consistent with 10A O.S., ~~Sections~~§§ ~~7302-6.3~~2-2-504, ~~7306-2.11~~2-5-212 and ~~7303-5.4~~2-7-603, as well as with OAC 377:10-1-2.

(b) **Notice of availability of advocate defender.** The advocate defender shall advise the juvenile of the availability and function of the advocate defender within 30 days of admission to the institution. The name and duties of the advocate defender are posted in conspicuous places within the institution.

377:35-9-4. Access to courts/counsel

(a) Juveniles shall have the right to access the courts, counsel, and counsel substitutes. Juveniles have the right to:

(1) present any issue, including the legality of their adjudications and commitments or placements;

(2) seek redress for illegal conditions or treatment;

(3) pursue legal remedies; and

(4) assert a claim against OJA or other governmental authority for any rights protected by constitutional or statutory provision or by common law.

(b) Institutional staff shall ensure and facilitate the right of juveniles to access attorneys and their authorized representatives. Institutional staff, when requested, shall assist the juveniles to contact the attorneys of record, court-appointed attorneys, local bar associations, or other legal representative. A juvenile may communicate with counsel or the court by mail, in person, or by telephone. Institutional staff may impose reasonable restrictions on the time or place of these communications; however, communications shall be confidential.

(c) Written correspondence between juveniles and his/her courts, or legal representatives shall be unopened and uncensored. Incoming mail from courts or legal representatives shall be opened by the juvenile ~~to check for contraband~~ in the presence of a staff member in order to check for contraband.

(d) Phone calls between juveniles and their legal representatives shall be limited to one phone call per day unless otherwise requested by the legal representative. All telephone communications with legal representatives shall be unmonitored. Staff may not require that the subject of the communication be disclosed by the juveniles or counsel.

(e) Personal visits by legal representatives shall be confidential and undisturbed. Legal representatives may visit during regular visiting hours or, with approval of the superintendent, at other times.

(f) A juveniles who wants to call a court, attorney, or other legal representative shall request assistance from his/her juvenile justice specialist. The juvenile justice specialist shall:

(1) assist the juveniles in placing the call;

(2) verify the identity of the legal representative (for both outgoing and incoming calls); and

(3) verify whether the legal representative accepted a call. If a call has been accepted, the juvenile justice specialist shall determine whether consultation is complete or whether future contacts will be made. The juvenile justice specialist shall document information required by this Section, including any restrictions or other specific requests concerning future contacts made by the juvenile's legal representative.

(A) **Department-provided legal services.** In the event a juveniles is unable to receive consultation/assistance as given in subsections (b)-(f) of this section, the juvenile may contact the student defender to discuss whether he may be entitled to legal assistance through the Department. If the juvenile has not pursued administrative remedies, he/she will be encouraged to do so before the Department will purchase legal services for him/her. If the concern is not subject to administrative remedy or administrative remedies have been exhausted and the resolution is not to the juvenile's satisfaction, then the student defender shall request the juvenile justice specialist to assist the juvenile in contacting the appropriate resource. All rules regarding phone usage, written correspondence, and visitation shall be the same for Department-provided legal services as for private attorneys. The Department has a contract for legal services, which are available to the juveniles of the institutions.

(B) **Resident orientation.** As part of the juvenile's orientation, the facility staff shall advise the juvenile of the procedures, rights, and responsibilities in regard to access to courts and attorneys. The Training Section shall assist in the development of this orientation.

SUBCHAPTER 11. JUVENILE RULES/DISCIPLINE

377:35-11-1. Juvenile rules and discipline

Institutional staff members shall protect the safety and constitutional rights of juveniles and seek a balance between expression of individual rights and preservation of facility

order. Juvenile rights shall be consistent with 10A O.S., ~~Sections~~§§ ~~7302-6.3~~2-2-504 and ~~7303-5.4~~2-7-603, as well as with OAC 377:10-1-3.

377:35-11-6. Visitation on campus

As per 10A O.S., ~~Section~~§ ~~7302-6.3~~2-7-603(B)(5), each juvenile shall have opportunity, within reason, to communicate and visit with his or her family regularly and to communicate with persons in the community.

SUBCHAPTER 17. ANCILLARY PROGRAMS

377:35-17-1. Education

As authorized by 10A O.S., ~~Section~~§ ~~7302-6.3~~2-7-603, the Office of Juvenile Affairs (OJA) shall operate and maintain an educational program by directly employing staff. Alternatively, OJA may contract ~~with local school boards~~ to provide education. Every educational contract shall specifically prohibit corporal punishment.

(1) The Office of Juvenile Affairs shall provide facilities for educational purposes and assist local school districts in providing an education.

(2) Each educational, vocational supervisor, instructor or administrator must hold a valid certificate issued or recognized by the Oklahoma State Department of Education authorizing the individual to teach or administer the grades or subject matter for which the individual is employed. Such certificates must remain in effect during the term of the teacher, vocational supervisor, instructor or administrator's employment.

(3) The educational facilities, while subject to the regulations of the Oklahoma State Department of Education for accreditation, must be flexible enough to meet the wide range of needs found in the population of an institution. Each juvenile shall be evaluated, assessed for educational needs, and have access to appropriate teaching, educational materials, and books. The education program addresses basic literacy skills and reading, writing, mathematics, science, and vocational technical education. Juveniles shall be recognized for academic and vocational achievements.

[OAR Docket #11-856; filed 6-3-11]

TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD
CHAPTER 10. LIQUEFIED PETROLEUM GAS ADMINISTRATION

[OAR Docket #11-866]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
420:10-1-5. Permits [AMENDED]
420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]

AUTHORITY:
Oklahoma Liquefied Petroleum Gas Board; Pursuant to statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H).
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INCORPORATIONS BY REFERENCE:
Incorporated standards:
The standards for the storage and handling of liquefied petroleum gases adopted by the National Fire Protection Association and published in its pamphlets No. 58, and the standards for the installation of gas appliances and gas piping adopted by said National Fire Protection Association published in its pamphlet No. 54 have been adopted by the legislature in 52 O.S. 1991, Section 420.3 (e) and shall be accepted standards for the State of Oklahoma.
Incorporating rules:
420:10-1-14
Availability:
Oklahoma liquefied Petroleum Gas Administration, Jim Thorpe Building, 2102 N. Lincoln Blvd., Suite B-45, Oklahoma City, Oklahoma, 73105-4990. Office hours are from 7:30 a.m., to 4:30 p.m., Monday through Friday.
ANALYSIS:
The proposed amendments to 420:10-1-5 establish a minimum requirement of five year's work experience as a Class X Manager, or equivalent, along with forty hours of specified training prior to a person testing for a Class I Dealer Permit. Establishes specific endorsements that a Class IV Installer Permit must test for based on their services provided. Also clarifies language that the supervision of a Class IV applicant must be provided by a person licensed by Oklahoma Construction Industries with a Mechanical License. Establishes a fee of $10.00 for each additional endorsement as authorized by the Administrator. Other revisions include striking language that would require an applicant to test for a Class VII Cylinder Exchange Program Permit. Class VII permits will be issued based on location rather than to a specific person who passed a written examination. Establishes a minimum requirement of three year's work experience under an active Class X Manager, or equivalent, prior to a person testing for a Class X Manager's Permit. Allows for one of the three year's work experience to be satisfied by forty hours of specified training. Adds language that gives the agency jurisdiction to inspect all LP Gas trucks, trailers and cargo tanks.

The proposed amendments to 420:10-1-14 establish that the required minimum propane storage must be maintained and operational, approved by the authority having jurisdiction, and within a fifty mile radius of the Class I permit holders corporate office or branch location. This revision provides for deficiencies in the current rules that allow a Class I permit holder to provide the bulk propane storage, but not have it maintained and/or operational or within a reasonable distance from their customers. Also provides for any exceptions to the minimum storage requirement to be granted by the Board. Establishes and clarifies that the LP Gas truck, trailer and cargo tank registration decal and inspection form reflect that the agency has jurisdiction and authorized the use of any LP Gas truck, trailer and cargo tanks. Establishes that the Class VII permit holder is responsible for training all employees who exchange cylinders and maintaining documentation of training at the Class VII location.

Lastly, the Class I permit holder who is supplying the exchange cylinders is responsible for providing the training material.

CONTACT PERSON:

Mr. Bill Glass, Administrator, (405)521-2458.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011.

420:10-1-5. Permits

(a) **Permits required.** No person, firm, corporation, association or other entity shall engage in the manufacturing, assembling, fabrication, installing or selling of any system, container, or apparatus to be used in this State in or for the transportation, storing, dispensing, or utilization of LPG, nor shall any transporter, distributor, or retailer of LPG store, dispense and/or transport over the highways of this State any LPG for use in this State in any system, container, apparatus or appliance without having first obtained a permit to do so as provided in this section.

(b) **Permit classifications.** The permits required for engaging in business shall be divided into the following classifications:

(1) **Class I - Dealer permit.** The Class I Dealer Permit permits the holder to engage in any phase of the LP Gas business. A Class X Manager's permit must be secured for the person actually in charge of an LP Gas operation at each separate branch or base of operation of a Class I permit holder. The initial permit fee for a Class I is Five Hundred Dollars ($500.00). The annual fee for the Class I permit is Two Hundred Dollars ($200.00).

(A) Class I holder can go on inactive status, but will have to meet all the requirements of the permit, including paying the renewal fee, and having proper insurance requirements filed with the administrator, before going back on active status. If requirements are not met the permit will then be revoked. All Class I holders, active and inactive, are required to pay the annual renewal fee.

(B) Applicant must furnish to the Board, evidence of the following insurance:

(i) A minimum of $500,000.00 general liability insurance, as per 420:10-1-18;

(ii) Worker's Compensation shall be required as per state requirements;

(iii) Motor vehicle insurance must meet State and Federal requirements.

(C) Brokers/wholesalers selling LP Gas to anyone other than Class I permit holders or refinery/gas processing type facilities shall obtain a Class I permit and meet the requirements thereof, except for minimum storage and metering, when said sales are by transport bulkhead to bulkhead.

(D) Before testing for a Class I permit, an applicant must meet the following requirements as approved by the Board:

(i) Five (5) years experience as an active Class X Manager or equivalent; and

(ii) Forty (40) hours of specified training.

(2) **Class II - Truck Transporter permit.** The Class II Transporter Permit permits the holder to transport LP Gas as a common carrier or private carrier to another of the following: a person, firm, or corporation engaged in the production or manufacture of LP Gas and/or selling or reselling LP Gas to transporters, industrial consumers, processors, distributors, retailers, and/or to holders of Class I, III, or VI permits. A Class II permit shall not authorize the resale of LP Gas to an end-user. A Class II permit shall not be a substitute where a Class I is needed. A transport must meet all CFR 49 requirements. The initial permit fee for a Class II is Three Hundred Dollars ($300.00). The annual fee for a Class II permit is Two Hundred Dollars ($200.00).

(3) **Class III - DOT Cylinder Transporter Permit.** The Class III DOT Cylinder Transporter Permit permits the holder to operate DOT cylinder filling station and cylinder delivery service. The annual fee for a Class III permit is One Hundred Dollars ($150.00).

(4) **Class IV - Installer permit.**

(A) The Class IV Installer Permit permits the holder to install and service LP Gas systems, appliances, and other LP Gas equipment. The applicant is required to have immediate supervision for two (2) weeks with a Class IV, IV-D, Class X, or a person licensed by ~~an~~ Oklahoma ~~licensed plumber~~ Construction Industries with a Mechanical License, and then shall be required to pass a written examination for each separate endorsement. The endorsements will be as follows:

(i) LP, Low Pressure systems covered by NFPA 54;

(ii) HP, High Pressure systems covered by NFPA 58;

(iii) RV, Recreational Vehicle systems covered by NFPA 1192;

(iv) MC, Meter Calibration systems covered by NIST Handbook 44;

(v) TI, Truck Inspections and Piping covered by NFPA 58 and CFR 49;

(vi) DO, Dispenser Operator for Class IV permit holders that also dispense propane.

(B) Exception from two (2) week training period would be anyone already licensed by Oklahoma ~~as a licensed plumber~~ Construction Industries with a Mechanical License. If the supervising ~~Class X~~ person determines that the new applicant is properly trained, proper documentation of the training is on file, and a Class IV application has been forwarded to the LP Gas Administration, the applicant at that time may begin performing the duties of a Class IV permit holder until such time as the test is administered and the permit issued. This time shall not exceed thirty (30) days or the applicant shall cease to perform these duties. Current Class IV's, as of September 1,

1994, are not required to take a written exam. Upon renewal, endorsements will be based on services provided as authorized by the Administrator. The annual fee for a Class IV permit with one (1) endorsement is Fifty Dollars ($50.00). Each additional endorsement is Ten Dollars ($10.00).

(~~B~~C) Class IV permit does not permit the holder to install or service LP-Gas carburetion systems.

(~~C~~D) Any installer not under the personal and direct supervision of a Class X holder at the immediate time and location of installation shall be required to have a Class IV or IV-D permit.

(5) **Class IV-D - Driver/Installer Permit.**

(A) The Class IV-D Driver/Installer Permit permits the holder to deliver LP Gas by bobtail and install and service LP Gas systems, appliance, and other LP Gas equipment. Class IV-D permit can only be issued under a Class I permit. New applicants must be under immediate supervision from a current Class IV-D, or Class X while in a minimum of a two (2) week training period before testing. Permit holder shall be required to pass a written examination. The tests shall be given according to current policies of the administration. If the supervising Class X determines that the new applicant is properly trained, proper documentation of the training is on file, and a Class IV-D application has been forwarded to the LP Gas Administration, the applicant at that time may begin performing the duties of a Class IV-D permit holder until such time as the test is administered and the permit issued. This time shall not exceed thirty (30) days or the applicant shall cease to perform these duties. Current Class IV permit holders, as of September 1, 1994, properly trained in delivery of LP Gas will not be required to take the test and will be issued a IV-D permit. The annual fee for a Class IV-D is Fifty Dollars ($50.00).

(B) Class IV-D permit does not permit the holder to install or service LP Gas carburetion systems.

(C) Any installer not under the personal and direct supervision of a Class X holder at the immediate time and location of installation shall be required to have a Class IV or IV-D permit.

(6) **Class VI - DOT Cylinder &/or LP Gas Motor Fuel Station Operator Permit.** The Class VI DOT Cylinder and/or LP Gas Motor Fuel Station Operator Permit permits the holder to operate DOT cylinder charging station and/or a motor fuel dispenser for resale. Applicant shall be required to pass an approved written examination. Examination shall be administered by a Safety Code Enforcement Officer, or by a Class X Manager. In either case, the test fee for the Class VI permit is Ten Dollars ($10.00). Permit holder is responsible for the safety of the dispensing operation and training and safety of the employees dispensing LP Gas. Class VI locations may not become operational until a permit has been issued. A permit will not be issued until the proper fee has been paid and certificate of insurance is received by the LP Gas Administration. The annual fee for a Class VI permit is One Hundred Dollars ($100.00).

(7) **Class VI-A - LP Gas Dispensing Permit.** All employees involved in dispensing LP Gas must acquire a Class VI-A permit, except a Class IV, Class IV-D, Class VI, and Class X. Class VI-A applicants must be properly trained by a Class VI or Class X on proper filling of ASME tanks and DOT cylinders, and inspection thereof per NFPA 58. Applicants shall be required to pass an approved written examination. Test shall be administered by a Safety Code Enforcement Officer, or by Class X manager. In either case, the test fee for the Class VI-A permit is Ten Dollars ($10.00). Holder must carry permit and attend the annual safety school once every year. This does not prohibit any person, firm or corporation from filling his own equipment from his own supply line, or dispensing motor fuel from an approved limited access self-service dispenser. The annual fee for a Class VI-A permit is Twenty-Five Dollars ($25.00).

(8) **Class VII - Cylinder Exchange Program Permit.** The Class VII Cylinder Exchange Program Permit permits the holder to participate in the cylinder exchange program. ~~Applicant shall be required to pass an approved written examination. One person can be tested for multiple locations. Examination shall be administered by a Safety Code Enforcement Officer, or by a Class X Manager. In either case, the test fee for the Class VII permit is Ten Dollars ($10.00).~~ A permit is required for each ~~bottle~~ cylinder exchange location. Class VII locations may not become operational until a permit has been issued. Permits will not be issued until the proper fee has been paid and certificate of insurance is received by the LP Gas Administration. The annual fee for a Class VII permit is Fifty Dollars ($50.00).

(9) **Class VIII - Appliance Dealer Permit.** The Class VIII Appliance Dealer Permit permits the holder to sell LP Gas appliances. The annual fee for a Class VIII permit is Seventy Dollars ($70.00).

(10) **Class IX - LP Gas Container Sales Permit.** The Class IX Gas Container Sales Permit permits the holder to manufacture and/or sell LP Gas containers. This permit is required by both wholesalers and retailer. The annual fee for a Class IX permit is Seventy Dollars ($70.00).

(11) **Class IX-A - Mobile Homes and Recreation Sales Permit.**

(A) The Class IX-A Mobile Homes and Recreation Sales Permit permits the holder to manufacture, fabricate and sell all LP Gas facilities or systems used in mobile homes, campers, recreational vehicles and portable buildings whether such LP Gas system is manufacture, fabricated or sold separately or as an integral part of such trailer, camper, recreational vehicle or portable building. The annual fee for a Class IX-A is Seventy Dollars ($70.00).

(B) This shall not be construed to require a permit for a sale by the owner of a mobile home or recreational vehicle who is not engaged in such business on

a commercial basis and does not make over two such sales in one year.

(12) **Class X - Manager's Permit.**

(A) A Class X Manager's permit is required for a person actively in charge of LP Gas operation for holder of Class I permit and at each separate branch or base of operation of a Class I permit. All Class X holders must be a full-time employee of said Class I holder. The annual fee for a Class X permit is One Hundred Fifty Dollars ($150.00).

(B) Before testing for a Class X permit, an applicant must meet the following requirements as approved by the Board:

(i) Hold an active Class IV or Class IV-D permit and employed under an active Class I Dealer for a minimum of three (3) years or equivalent; and

(ii) One (1) year of the minimum three (3) years required experience can be satisfied with forty (40) hours of specified training.

(C) Temporary exemptions for emergency conditions can be granted by the Administrator.

(13) **Additional permits required for employees of Class I dealers.** Class IV, IV-D, VI-A, and X permits are the only additional permits that may be required for the employees of a Class I dealer, or as may be required by future Board action.

(14) **Truck, Trailer or Cargo Tank inspections.** For the purpose of defraying the cost and expenses of administering and enforcing this act, persons, firms and corporations shall also pay at the time of inspection an annual inspection fee of One Hundred Fifty Dollars ($150.00) for each LP Gas ~~bulk delivery~~ truck, ~~or~~ trailer or cargo tank belonging to a person who holds a permit authorizing the use of such truck, ~~or~~ trailer or cargo tank and One Hundred Fifty Dollars ($150.00) for each such truck, ~~or~~ trailer or cargo tank belonging to a person who does not hold a permit. All requirements imposed subsequent to these inspections must be met within thirty (30) days of the initial inspection. Failure to comply will necessitate a re-inspection at a charge of One Hundred Fifty Dollars ($150.00) for each inspection. The inspection fee shall increase to Three Hundred Dollars ($300.00) per vehicle if said inspection is not completed within sixty (60) days of the expiration date, or at the discretion of the Administrator.

(15) **Containers or cylinders.** There is hereby levied the following fee, to be paid to the Administrator, upon all first sales, purchases, rentals or uses in this state of liquefied petroleum gas containers or cylinders; on all Department of Transportation (DOT) cylinders, vehicle fuel containers, a fee of Three Dollars ($3.00) each, and on all other containers, a fee of Ten Dollars ($10.00) each.

420:10-1-14. Standards for the storage and handling of liquefied petroleum gas

(a) **NFPA standards.** The standards for the storage and handling of liquefied petroleum gases adopted by the National Fire Protection Association and published in its pamphlets No. 58, and the standards for the installation of gas appliances and gas piping adopted by said National Fire Protection Association published in its pamphlet No. 54 have been adopted by the Legislature in 52 O.S. 1991, Section 402.3 (e) and shall be accepted standards for the State of Oklahoma. All Class I permit holders must have a current copy of NFPA 58 and 54 on file at each separate branch.

(b) **Supplemental standards.** The following standards are supplemental to NFPA pamphlet No. 58 and shall be part of the rules and regulations of the Oklahoma Liquefied Petroleum Gas Board:

(1) **Definitions.**

(A) The word "approved" as used in this section means acceptable to the State Liquefied Petroleum Gas Administrator. A device or system having materials or forms different from those detailed in this section may be examined and tested according to the intent of the regulations and if found equivalent, may be approved.

(B) In this section those provisions which are considered essential for adequate protection of life and property from fire are indicated by the words "shall" and "must. The words "should" or "preferably" indicate advisory provisions concerning which the State Liquefied Petroleum Gas Administrator of Oklahoma should be consulted.

(C) In each place mentioned in NFPA No. 54 and NFPA No. 58 where it refers to "the authority having jurisdiction" this would mean the Liquefied Petroleum Gas Administrator.

(D) An "important building" shall be any building, open to the public, or inhabited by people, in which any LP Gas system or any type is installed.

(2) **Submittal of plans.**

(A) Prior to the installation of new, or the modification of liquefied petroleum gas plumbing systems, excluding tank change outs, in school buildings, churches, courthouses, office building and other building to which the public is invited, such as cafes, dance halls, tourist courts and parks, plans and specifications for such installation in duplicate, shall be submitted to, and approved, by the State Liquefied Petroleum Gas Administrator, and before such systems are filled with liquefied petroleum gas, they shall be physically inspected and approved by a licensed installer and a report made by him to the State Liquefied Petroleum Gas Administrator on LPG Form 4, or its revision, furnished by the LP Gas Administrator's office.

(B) Plans must be submitted on any dispenser used to fill DOT cylinders and/or ASME containers, and used for public resale of LP Gas. These plans must be submitted to the Administration office along with the proper fee, and an onsite inspection must be performed by a Safety Code Enforcement Officer prior to final approval and before the dispenser can be placed into service. A Ten Dollar ($10.00) plan review fee must accompany all dispenser plans submitted. If a

dispenser is taken out of service, written notice must be given to the Administration office within seven (7) working days. If a dispenser is moved to a new location, new plans must be submitted to the Administrator and onsite inspection performed by a Safety Code Enforcement Officer prior to final approval and dispenser being placed into service. A complete list of dispensers by location shall be submitted to the LP Gas Administration as indicated on Class I permit renewal forms.

(C) Plans must be submitted to, and approved, by the Administrator on any fixed installation with individual water capacity of 2,000 gallons or more, or aggregate water capacity exceeding 4,000 gallons.

(3) **Report of accident.** In case of accident or fire at any location where a liquefied petroleum gas system or equipment is involved, or any accident involving liquefied petroleum gas systems or equipment, the dealer owning, operating or servicing the equipment or installation shall notify the State Liquefied Petroleum Gas Administrator. This notification shall be forwarded as soon as feasibly possible after the dealer has knowledge of the accident in order that an inspection may be made by the State Liquefied Petroleum Gas Administrator before the site has been disturbed.

(4) **Piping - including pipe, tubing and fittings.**

(A) No person, firm, or corporation shall connect a liquefied petroleum gas tank to any piping without having first determined that such piping complies with the laws of the State of Oklahoma and the rules and regulations of the State Liquefied Petroleum Gas Administrator relative to liquefied petroleum gas piping.

(B) All installations, installed after July 1, 2002, of storage containers, with more than 4,000 gallon water capacity, shall have internal valves installed as per NFPA 58.

(C) On installations of stationary or portable storage, with an aggregate of more than 4,000 gallon water capacity, a bulkhead approved by the LP Gas Administrator shall be required on each liquid line of one and one-half (1-1/2) inch or larger and each vapor line of one and one-quarter (1-1/4) inch or larger.

(5) **Vaporizers and housings.**

(A) The minimum capacity of the storage container feeding the vaporizer shall not be less than ten (10) times the hourly capacity of the vaporizer in gallons.

(B) The minimum capacity of a storage container being heated by a direct fired tank heater shall not be less than ten (10) times the hourly vaporizing capacity of the tank heater in gallons.

(6) **Container charging.** Containers, including DOT cylinders, with water capacity less than 300 pounds shall be charged by weight, except containers covered by Ch. 4-4.3, 1998 Edition of NFPA 58 or later revisions as made by NFPA 58.

(7) **Liquid metering systems.** Each bulk retail delivery of liquid LP Gas shall be measured by a suitable LP Gas liquid meter system, except those deliveries of liquid LP Gas in cylinders which are filled by weight and deliveries of LP Gas vapor through vapor meters otherwise, are exempt from the requirements of this paragraph.

(A) LP Gas Liquid meters shall indicate deliveries in terms of gallons and to the nearest tenth of a gallon.

(B) The LP Gas liquid meter shall meet, in addition to the other requirements of this paragraph, the following requirements:

(i) The system shall include a device (such as a differential back-pressure regulator) so designed and installed that the product being measured will remain in a liquid state during passage through the meter.

(ii) No means shall be provided by which any measured liquid can be diverted from the measuring chamber, differential valve equipment or the discharge line therefrom.

(iii) Effective January 1, 1994, in accordance with the National Institute of Standards and Technology (NIST) Handbook 44, all LP Gas Liquid meters used for bulk delivery shall be designed with the necessary equipment for mechanically printing gallons on a delivery ticket and the customer served thereby shall be given a ticket mechanically imprinted by the printing device. The customer's name and Class I Dealer's name must be included on the metered ticket. Meters used for stationary dispensing of motor fuel will not be required to be equipped with such printing device.

(iv) All bulk metered sales of propane, via bobtail or transport, shall be made by temperature compensated measure. Except, any truck now operating without a temperature compensation meter shall be retrofitted by no later than July 1, 2003.

(C) All meters where product is sold to the public must be proved annually by an approved meter tester/inspector and have written certification on file at permit holders place of business. All meters and temperature compensators must be accurate within the manufacturers tolerance not to exceed + or -1% at any time. The LP Gas liquid meter system shall be designed and constructed to provide for applying lead-and-wire seals in such a manner that no modifications or adjustments which would affect the accuracy of deliveries, can be made without mutilating the seal or seals. If a seal is broken, notification must be made to the Administrator and resealed by a Safety Code Enforcement Officer, an approved meter tester, or a person approved by the Administrator. In addition, the Administrator at his discretion may require proving of metering system to determine the accuracy.

(D) No dealer or firm controlled or affiliated with a dealer may calibrate or certify its own meters. All meters must be tested with a volumetric meter prover.

(8) **Qualified personnel.** Each holder of an LP Gas permit shall be responsible for having qualified personnel operating and installing LP Gas equipment.

(9) **Filling unsafe or unapproved dispensing or storage tanks prohibited.** No person, firm, or corporation shall introduce liquefied petroleum gas into a dispensing or storage tank in the State with knowledge that such dispensing or storage tank or piping is known to be in an unsafe operating condition.

(10) **Basement installations.** No appliance shall be installed in any basement or semi-basement unless it is fully automatically controlled and properly vented and must have the approval of the State Liquefied Petroleum Gas Administrator.

(11) **Standards for containers.**

(A) In accordance with 52 O.S. Sec. 420.5, all first sales, rentals, purchases or uses of DOT cylinders and ASME tanks in this State, must have Oklahoma Identification tags attached to such cylinders or tanks. However, all DOT cylinders and ASME tanks in Oklahoma, with a manufacturers date prior to September 1, 1993, are not required to have Oklahoma Identification tags. These Oklahoma Identification tags are not transferable from one cylinder or tank to another.

(B) Any new container sold or installed in Oklahoma for use in this State shall carry a five year warranty covering workmanship and material. This warranty shall provide that any container not in compliance with this regulation must be repaired or replaced by the fabricator at no expense to the dealer or customer. This provision is to take care of "pin-hole" leaks in the weld that were not detected at the time of fabrication and does not apply to fittings.

(C) Containers shall be filled or used only upon authorization of the fee simple owner. The name of the fee simple owner, if other than the consumer, shall be conspicuously shown on the container.

(D) Any stationary storage container converted from anhydrous ammonia to propane shall be converted as follows:

(i) The container shall be purged of anhydrous ammonia by water flooding, steam or other methods described by the National Propane Gas Association's (NPGA) Recommendation for Prevention of Ammonia Contamination; and

(ii) It shall then be properly purged with propane vapor and tested with the red litmus paper as described in NFPA 58 or by any other test approved by the Board; and

(iii) The test shall be completed by the permit holder that performs the conversion; and

(iv) The results shall be documented and shall contain the container manufacturer, water capacity, serial number, the results of the test, the capacity of the relief valve, the date of the test, and the signature of the permit holder conducting the test. A copy of the results shall be provided to the owner of the container; and

(v) Any dealer filling a converted anhydrous ammonia container for the first time shall either be provided a copy of the test or complete the test as described above; and

(vi) The container shall meet all requirements of NFPA 58.

(12) **Underground containers.**

(A) Underground containers before being reinstalled must be inspected by the State Liquefied Petroleum Gas Administrator, and a fee of $25.00 paid to the State Liquefied Petroleum Gas Administrator's office, and reinstalled by a licensed LP Gas installer.

(B) Underground containers shall be dug up at the expense of the owner at any time at the discretion of the State Liquefied Petroleum Gas Administrator.

(C) Any person installing an underground container must notify the Administrator prior to installation.

(13) **Minimum storage.** All new Class I permit holders must provide bulk propane storage capacity of not less than an aggregate of 18,000 water gallons. The minimum storage must be maintained and operational, with installation approved by the authority having jurisdiction, and within a fifty (50) mile radius of the corporate office or branch location. Any exceptions to the minimum storage requirement may be granted by the Board. Current active Class I permit holders, as of September 1, 1994, are not required to meet this minimum storage requirement. After a change of ownership the new Class I permit holder must secure the minimum storage requirement within one year.

(14) **Painting.** All bulk storage containers of a capacity 120 gallons water capacity or greater shall be painted a heat reflection color.

(15) **Lettering bulk storage and dispensers.**

(A) All bulk storage 2,000 gallons and above shall be lettered with the name of the contents, such as LP Gas, butane, propane, and a "No Smoking" sign in letters not less than six (6) inches high.

(B) In addition to subparagraph (A) of this paragraph, all bulk storage used for loading and unloading facilities, and all container filling storages (dispensers) shall include the name of the person, firm, or corporation operating the bulk storage or dispenser and their phone number in letters not less than two (2) inches high. This information shall be placed so as to be readily visible to the public.

(C) For all size bulk storage containers the name of the fee simple owners, if other than the consumer, shall be conspicuously shown on the container.

(16) **Extinguishers required.** Extinguishers of the dry chemical type, with a B:C or A:B:C rating, are required. Extinguishers shall have a net content of not less than the current NFPA 58 requirements and shall be inspected at least once each year by an authorized inspector such as Fire Departments or Fire Appliance Company representatives. Current weatherproof inspection tags shall be attached to the extinguisher.

(17) **Marking cargo vehicles.** Every tank vehicle used for transportation of liquefied petroleum gas shall be marked and placarded according to current DOT requirements. Each tank vehicle must also have the name of the person, firm or corporation on each side of the cargo tank in letters a minimum of two (2) inches in height. This information shall be placed so as to be readily visible to the public. This name shall be the same as permit holder has designated on the Class I or Class II permit.

(18) **Parking and garaging LP gas tank vehicles.** Any tank vehicle used for transportation of Liquefied petroleum gas shall not be parked beneath or adjacent to any electric transmission line in such position that there is a possibility of a conductor contacting the tank in event of breakage.

(19) **Filling unapproved truck, ~~or~~ trailer or cargo tanks prohibited.**

(A) An inspection form ~~(LPG Form No. 9)~~, when properly completed, and a LPG registration decal (the serial number of which is shown on the inspection form), shall be evidence that the ~~design, construction, assembly and mounting of the~~ liquefied petroleum gas truck, ~~or~~ trailer or cargo tank described on the inspection form by its serial number has been approved by the Liquefied Petroleum Gas Administrator for use in the transportation of liquefied petroleum gas. Such LPG registration decal and inspection form also shall authorize the person, firm or corporation whose name appears on the inspection form or its bona fide employees to operate the truck or trailer tank described on the inspection form, and further shall authorize the filling of such truck, ~~or~~ trailer or cargo tank with liquefied petroleum gas.

(B) The LPG registration decal shall be displayed at all times in an easily visible location on the left front ~~head~~ of the cargo tank, which is on the driver's side. A copy of the inspection form shall be retained, until the expiration date, in the office of the person, firm or corporation whose name appears thereon. It will not be necessary to keep or display a copy of the inspection form on the truck, ~~or~~ trailer or cargo tank.

(C) No person, firm or corporation shall operate a truck, ~~or~~ trailer or cargo tank in the transportation of liquefied petroleum gas in this State unless such person, firm or corporation has been issued a LPG registration decal and an inspection form certifying that such tank has been registered with and approved by the State Liquefied Petroleum Gas Administrator, or unless its operation has been specifically approved by a communication from the State Liquefied Petroleum Gas Administrator.

(D) The LPG registration decal and the inspection form required in this paragraph are not transferable by the person, firm or corporation to whom they are issued or from one truck, trailer or cargo tank to another, and they are not to be used after the expiration date of the fiscal year for which they were issued, or in the event the Class I permit becomes inactive.

(20) **Vaporizers.** Exhaust gases shall not be used as a direct means of heat supply for the vaporization of fuel.

(21) **Stationary engines in building.**

(A) All engine rooms shall be well ventilated at the floor level.

(B) When engines are installed below grade level, suitable floor level mechanical exhaust ventilation shall be provided and operated continuously or adequate means shall be provided to purge the room before the engine is started. In any case the mechanical ventilation shall be in operation when the engine is running. Before and during any repairs to the engine the room shall be ventilated.

(C) Automatic fire doors shall be provided at openings in the engine room that open into other sections of the building.

(D) Exhaust gases shall be discharged outside the building in a manner that will not create a fire or any other hazard.

(E) Regulators and pressure relief valves installed in buildings and engine rooms shall be vented to the outside and discharge at least five feet away from any building opening. Such venting will not be required for combination engine fuel vaporizing - fuel reducing - fuel metering devices providing an acceptable automatic shut-off valve is installed immediately ahead of such devices.

(22) **Storage outside of buildings.** Valves and safety relief devices shall be protected against accumulations of ice and snow. Protective caps shall be deemed adequate.

(23) **Appliances.** Any mobile home, travel trailer, camper or recreational vehicle shall be delivered to the buying public by the permit holder with the system properly installed and free of leaks.

(24) **Maximum vapor pressure and container working pressure.**

(A) The maximum vapor pressure of the product at 100 degree Fahrenheit which may be transferred to a container shall not exceed the design working pressure of the container. Exception: 200 psig ASME working pressure vessels in LP Gas service in Oklahoma prior to January 1, 1994, may be continued in service for commercial propane, provided that they are fitted with relief valves and meet the start-to-leak setting in relation to the design pressure of the container, shall be in accordance with NFPA 58. For the purpose of this exception, "commercial propane" is defined as having a vapor pressure not in excess of 210 psig at 100 degree Fahrenheit. This exception does not apply to LP Gas motor fuel and mobile fuel containers.

(B) Any stationary 200 psig ASME containers brought into Oklahoma from out of state and intended for stationary LP Gas installation in Oklahoma at any facility requiring submission of plans and specification must be tested by at least two (2) of the following nondestructive test methods recognized by ASME to determine if the container or assembly is safe for LP

Gas use in Oklahoma. The following test results must be submitted to the Oklahoma LP Gas Administration for approval.

(i) Hydrostatic Test;

(ii) Ultrasonic thickness test;

(iii) Wet particle fluorescent or magnaflux.

(25) **Testing, leakage and visual inspection, and meter calibration.**

(A) Hydrostatic testers operating in Oklahoma that are hydrostatic testing cargo containers for LP Gas use in Oklahoma must be approved by the Oklahoma LP Gas Board and shall:

(i) Hold a Federal C.T. number;

(ii) Include in their testing the use of a calibrated pressure chart recorder;

(iii) Hold a Class IV installer permit.

(B) Leakage and visual inspectors operating in Oklahoma and performing this inspection on cargo containers and their systems for LP Gas use in Oklahoma must be approved by the Oklahoma LP Gas Board and meet the following requirements:

(i) Inspectors shall hold a Federal C.T. number;

(ii) If the inspection includes repairs that require the LP Gas system to be re-plumbed, a Class IV permit is required.

(C) Meter calibrators operating in Oklahoma that are calibrating meters for LP Gas use in Oklahoma must be approved by the Oklahoma LP Gas Board and meet the following requirements:

(i) Meters shall be tested in accordance to Oklahoma Rules and Regulations, Section 420:10-1-14(7);

(ii) Meter calibrators shall furnish the meter owner a copy of the calibration showing the correct gear numbers and temperature compensator settings;

(iii) Meter calibration results shall be on a form approved by the LP Gas Administrator and a copy of the completed form shall be furnished to the meter owner;

(iv) Meter calibrators shall hold a Class IV permit.

(v) Meter calibration testers shall test meters according to National Institute of Standards and Technology (NIST) standards.

(26) **Cylinder exchange program.**

(A) Cylinder exchange cabinets shall be constructed as per NFPA 58.

(B) The cabinet shall have the following signs affixed to it and readily visible to the public:

(i) "Propane" or "Flammable Gas" and "No Smoking" in letters not less than two (2) inches high;

(ii) "Net Weight ____ lbs." with the net weight of the cylinders to be specified, all of which shall be displayed on the front of the cabinet in letters not less than two (2) inches high;

(iii) Name of Class I permit holder who supplies the cylinders;

(iv) 24-hour Emergency telephone number.

(C) The cabinet shall be located for distance and number of cylinders as per NFPA 58 with a minimum five (5) feet distance away from any source of ignition.

(D) Protection against vehicle impact shall be provided in accordance with good engineering practice where vehicle traffic normally is expected at the location as per NFPA 58.

(E) A fire extinguisher shall be provided as per NFPA 58.

(F) A warning sign shall be posted at or near any entrance doorway stating the "LP GAS EXCHANGE CYLINDERS EMPTY OR FULL SHALL NOT BE TAKEN INDOORS FOR ANY REASON."

(G) All employees who exchange cylinders shall be properly trained and know how to check for leaks and what emergency procedures to take if a leak is discovered. Only properly trained employees can remove or install exchange cylinders from the cylinder exchange cabinets. This training material shall be provided by the Class I permit holder who is supplying the exchange cylinders. The Class VII permit holder is responsible for training all employees who exchange cylinders. This documentation of training will be kept by the Class VII permit holder at the Class VII location.

(H) A Class I permit shall be required in order to supply exchange cylinders for the cylinder exchange permit holder.

(I) A busy sidewalk and thoroughfare, as referenced in NFPA 58, shall be further defined as not being located on private property. A busy sidewalk is alongside a public road and a thoroughfare is a public road.

(27) **Recreational vehicles.** Installations or repairs on LP Gas systems on recreational vehicles shall be performed as per NFPA 1192, Standard on Recreational Vehicles.

[OAR Docket #11-866; filed 6-8-11]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS

[OAR Docket #11-833]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Chapter 24. Standards and Criteria for Comprehensive Community Addiction Recovery Centers [NEW]

AUTHORITY:
Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, and 3-415.
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N/A
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N/A
ANALYSIS:
In accordance with the Administrative Procedures Act the proposed rules for Chapter 24 are part of the Department's review of Title 450. The proposed rules establish rules for the Comprehensive Community Addiction Recovery Centers.
CONTACT PERSON:
Gretchen Geis, Administrative Rules Liaison, Department of Mental Health and Substance Abuse Services, Post Office Box 53277, Oklahoma City, Oklahoma 73152-3277, (405) 522-3879.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF OCTOBER 1, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

450:24-1-1. Purpose

(a) This chapter sets forth the Standards and Criteria used in the certification of Comprehensive Community Addiction Recovery Centers (CCARC) and implements 43A O.S. § 3-415. A.1., which authorizes the Board of Mental Health and Substance Abuse Services to certify private facilities and organizations which provide treatment, counseling and rehabilitation services directed toward alcohol and drug dependent persons. A CCARC is considered distinct and separate from facilities that may be certified under OAC 450:18 in that 450:24 requires the provision of all services stipulated in Subchapter 450: 24-3 et seq.

(b) The rules regarding the certification process including but not necessarily limited to application, fees and administrative sanctions are found in the Oklahoma Administrative Code, Title 450 Chapter 1, Subchapters 5 and 9.

450:24-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning unless the context clearly indicates otherwise:

"Ambulatory Detoxification without extended on-site monitoring" means detoxification within an outpatient setting, directed by a physician and has attendant medical personnel including nurses for intoxicated consumers, and consumers withdrawing from alcohol and other drugs, presenting with no apparent medical or neurological symptoms as a result of their use of substances require ambulatory detoxification as determined by an examining physician. This corresponds to ASAM Patient Placement Criteria Treatment Level: Level I-D Ambulatory detoxification without extended on-site monitoring.

"ASAM patient placement criteria" or **"ASAM PPC"** means the most current edition of the American Society of Addiction Medicine's published criteria for admission to treatment, continued services, and discharge.

"Case management services" means planned referral, linkage, monitoring and support, and advocacy provided in partnership with a consumer to assist that consumer with self sufficiency and community tenure and take place in the individual's home, in the community, or in the facility, in accordance with a service plan developed with and approved by the consumer and qualified staff.

"Clinical privileging" means an organized method for treatment facilities to authorize an individual permission to provide specific care and treatment services to consumers within well-defined limits, based on the evaluation of the individual's license, education, training, experience, competence, judgment, and other credentials.

"Comprehensive Community Addiction Recovery Center" or **"CCARC"** means a facility offering a comprehensive array of community-based substance abuse treatment services, including but not limited to, outpatient services, Intensive outpatient services, ambulatory detoxification services, emergency care, consultation and education; and certain services at the option of the center, including but not limited to, prescreening, rehabilitative services, aftercare, training programs, research and evaluation.

"Community-based Structured Crisis Center" or **"CBSCC"** means a program of non-hospital emergency services for mental health and substance abuse crisis stabilization as authorized by 43A O.S. §3-317, including, but not limited to, observation, evaluation, emergency treatment and referral, when necessary, for inpatient psychiatric or substance abuse services. This service is limited to CCARC's who are certified by the Department of Mental Health and Substance Abuse Services or facilities operated by the Department of Mental Health and Substance Abuse Services.

"Consumer" means an individual, adult, adolescent, or child, who has applied for, is receiving or has received evaluation or treatment services from a facility operated or certified by ODMHSAS or with which ODMHSAS contracts and includes all persons referred to in OAC Title 450 as client(s) or patient(s) or resident(s) or a combination thereof.

"Consumer advocacy" includes all activities on behalf of the consumer to assist with or facilitate resolution of problems in the acquisition of resources or services needed by the consumer

"Co-occurring disorder" (COD) means any combination of mental health symptoms and substance abuse symptoms or diagnoses that affect a consumer and are typically determined by the current Diagnostic and Statistical Manual of Mental Disorders.

"Co-occurring disorder capability" means the organized capacity within any type of program to routinely screen, identify, assess, and provide properly matched interventions to consumers with co-occurring disorders.

"Co-occurring disorder enhanced" means that the program (or subunit of the program) provides a specialized service designed for individuals with co-occurring disorders, usually with a higher level of available service capacity or intensity for the co-occurring substance use disorder than would be the case in a comparable co-occurring disorder capable program.

"Crisis Diversion" means an unanticipated, unscheduled situation requiring supportive assistance, face-to-face or telephone, to resolve immediate problems before they become overwhelming and severely impair the individual's ability to function or maintain in the community.

"Crisis Intervention" means actions taken, and services provided to address emergency psychological, physiological, and safety aspects of alcohol, drug-related, and mental health crises.

"Crisis stabilization" means emergency, psychiatric, and substance abuse services for the resolution of crisis situations and may include placement of an individual in a protective environment, basic supportive care, and medical assessment, and, if needed, referral to an ODMHSAS certified facility having nursing and medical support available.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of a facility, service setting, or otherwise routine care of a consumer. Critical incidents specifically include but are not necessarily limited to the following: adverse drug events; self-destructive behavior; deaths and injuries to consumers, staff and visitors; medication errors; residential consumers that are absent without leave (AWOL); neglect or abuse of a consumer; fire; unauthorized disclosure of information; damage to or theft of property belonging to consumers or the facility; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"Cultural competency" means the ability to recognize, respect, and address the unique needs, worth, thoughts, communications, actions, customs, beliefs and values that reflect an individual's racial, ethnic, religious, sexual orientation, and/or social group.

"Emergency examination" means the examination of a person who appears to be a mentally ill person, an alcohol-dependent person, or drug-dependent person and a person requiring treatment, and whose condition is such that it appears that emergency detention may be warranted by a licensed mental health professional to determine if emergency detention of the person is warranted.

"Face-To-Face" for the purposes of the delivery of behavioral health care, means a face-to-face physical contact and in-person encounter between the health care provider and the consumer, including the initial visit. The use of telemedicine shall be considered a face-to-face encounter.

"Independent living skills, assistance in development of" means all activities directed at assisting individuals in the development of skills necessary to live and function within the community, e.g., cooking, budgeting, meal planning, housecleaning, problem-solving, communication and vocational skills.

"Intensive outpatient services" means an organized, non-residential outpatient treatment services with scheduled sessions that provide a range of nine (9) to fifteen (15) treatment hours per week for adults or six (6) to twelve (12) treatment hours per week for children. Intensive outpatient services may offer evening outpatient services several nights per week or be incorporated into an inpatient or residential treatment program in which the consumer participates in daytime treatment services but goes home at night. This corresponds to ASAM patient Placement Criteria Treatment Level: Level II.1 Intensive outpatient.

"Levels of care" means the different options for treatment as described in the current edition of the ASAM PPC that vary according to the services offered. Each treatment option is a level of care.

"Licensed Behavioral Health Professional" or **"LBHP"** means:

(A) allopathic or osteopathic physicians with a current license and board certification in psychiatry or board eligible in the state in which services are provided, or a current resident in psychiatry;

(B) practitioners with a license to practice in the state in which services are provided or those actively and regularly receiving board approved supervision, and extended supervision by a fully licensed clinician if board's supervision requirement is met but the individual is not yet licensed, to become licensed by one of the following licensing boards:

(i) Psychology;

(ii) Social Work (clinical specialty only);

(iii) Professional Counselor;

(iv) Marriage and Family Therapist;

(v) Behavioral Practitioner; or

(vi) Alcohol and Drug Counselor;

(C) advanced practice nurse (certified in a psychiatric mental health specialty), licensed as a registered nurse with a current certification of recognition from the board of nursing in the state in which services are provided; or

(D) a physician assistant who is licensed in good standing in the state and has received specific training for and is experienced in performing mental health therapeutic, diagnostic, or therapy functions.

"Licensed mental health professional" or **"LMHP"** as defined in Title 43A §1-103(11).

"Linkage" refers to the communication and coordination with other service providers to assure timely appropriate referrals between the CCARC and other providers.

"Medication error" means an error in prescribing, dispensing or administration of medication, regardless if the error reached the consumer, e.g., omission of prescribed drugs, giving drugs not prescribed, prescribing inappropriate drugs, prescribing or administering incorrect dosages, incorrectly filling or labeling prescriptions, incorrectly transcribing medication orders.

"ODMHSAS" means the Oklahoma Department of Mental Health and Substance Abuse Services.

"Oklahoma Administrative Code" or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1) (a) and maintained in the Office of Administrative Rules.

"Outpatient services" means an organized, non-residential treatment service in regularly scheduled session intended for individuals not requiring a more intensive level of care or those who require continuing services following more intensive treatment regimens. This corresponds to ASAM Patient Placement Criteria Treatment Level I, Outpatient Treatment. Services can address early intervention needs and increase in frequency and intensity up to 9 treatment hours per week.

"Performance Improvement" or **"PI"** means an approach to the continuous study and improvement of the processes of providing health care services to meet the needs of consumers and others. Synonyms, and near synonyms include continuous quality improvement, continuous improvement, organization-wide quality improvement and total quality management.

"Progress notes" mean a chronological written description of services provided to a consumer, resident, client, or patient that documents, utilizing acceptable documentation practices, the consumer's response related to the intervention plan or services provided.

"Psychological-Social evaluations" are in-person interviews conducted by professionally trained personnel designed to elicit historical and current information regarding the behavior and experiences of an individual, and are designed to provide sufficient information for problem formulation and intervention.

"Psychotherapy" or **"Therapy"** means a goal directed process using generally accepted clinical approaches provided face-to-face by a qualified service provider with consumers in individual, group or family settings to promote positive emotional or behavioral change.

"Recovery Support Specialist" or **"RSS"** means an individual who has completed the ODMHSAS RSS training and has passed the ODMHSAS RSS exam.

"Rehabilitation Services" means face-to-face individual or group services provided by qualified staff to develop skill necessary to perform activities of daily living and successful integration into community life.

"Screening" means the process to determine whether the person seeking assistance needs further comprehensive assessment.

"Sentinel event" is a type of critical incident that is an unexpected occurrence involving the death or serious physical or psychological injury to a consumer, or risk thereof. Serious injury specifically includes loss of limb or function. The phrase "or risk thereof" includes a variation in approved processes which could carry a significant chance of a serious adverse outcome to a consumer. These events signal the need for immediate investigation and response. Sentinel events include, but are not limited to: suicide, homicide, criminal activity, assault and other forms of violence, including domestic violence or sexual assault, and adverse drug events resulting in serious injury or death.

"Service area" means a geographic area established by the Department of Mental Health and Substance Abuse Services for support of mental health and substance abuse services [43A O.S.§3-302(1)].

"Service plan" or **"Treatment plan"** means the document used during the process by which a qualified service provider and the consumer together and jointly identify and rank problems, establish agreed-upon immediate short-term and long-term goals, and decide on the treatment process and resources to be utilized.

"Supportive services" refers to assistance with the development of problem-solving and decision-making skills to maintain or achieve optimal functioning within the community and can include consumer education.

"Trauma informed capability" means the capacity for a facility and all its programs to recognize and respond accordingly to the presence of the effects of past and current traumatic experiences in the lives of its consumers.

"Vocational assessment services" means a process utilized to determine the individual's functional work-related abilities and vocational preferences for the purpose of the identification of the skills and environmental supports needed by the individual in order to function more independently in an employment setting, and to determine the nature and intensity of services which may be necessary to obtain and retain employment.

"Vocational placement services" means a process of developing or creating an appropriate employment situation matched to the functional abilities and choices of the individual for the purpose of vocational placement. Services may include, but are not limited to, the identification of employment positions, conducting job analysis, matching individuals to specific jobs, and the provision of advocacy with potential employers based on the choice of the individual served.

"Vocational preparation services" means services that focus on development of general work behavior for the purpose of vocational preparation such as the utilization of individual or group work-related activities to assist individuals in understanding the meaning, value and demands of work; to modify or develop positive work attitudes, personal characteristics and work behaviors; to develop functional capacities; and to obtain optimum levels of vocational development.

"Volunteer" means any person who is not on the program's payroll, but provides services and fulfills a defined role within the program and includes interns and practicum students.

"Walk through" means an exercise in which staff members of a facility walk through the program's treatment processes as a consumer. The goal is to view the agency processes from the consumer's perspective for the purpose of removing barriers and enhancing treatment.

"Wellness" means the condition of good physical, mental and emotional health, especially when maintained by an appropriate diet, exercise, and other lifestyle

450:24-1-3. Meaning of verbs in rules

The attention of the facility is drawn to the distinction between the use of the words "shall," "should," and "may" in this chapter:

(1) "Shall" is the term used to indicate a mandatory statement, the only acceptable method under the present standards.

(2) "Should" is the term used to reflect the most preferable procedure, yet allowing for the use of effective alternatives.

(3) "May" is the term used to reflect an acceptable method that is recognized but not necessarily preferred.

450:24-1-4. Services

All facilities providing services shall have a group of services herein designated as required core services in accordance with 450:24-3 et seq. CCARC's may have specific additional services some of which are designated as optional services in accordance with 450:24-5 et seq.

450:24-1-5. Applicability

The standards and criteria for services as subsequently set forth in this chapter are applicable to CCARC's as stated in each subchapter.

SUBCHAPTER 3. REQUIRED SERVICES

PART 1. CCARC REQUIRED CORE SERVICES

450:24-3-1. Required core services

The services in this subchapter are core services, are required of each CCARC, and are required to be provided in a co-occurring capable manner.

450:24-3-2. Core community addiction recovery services

(a) All services required pursuant to the rule in OAC 450:24 shall provide in accordance with criteria established by the most current edition of the ASAM PPC as applicable to that specific service.

(b) Each CCARC shall provide the following services:

(1) Screening intake and referral services;

(2) Emergency services;

(3) Outpatient services based on ASAM PPC;

(4) Intensive Outpatient services based on the ASAM PPC

(5) Case management services;

(6) Rehabilitation services;

(7) Medication clinic services;

(8) Facilitation to medical detoxification services based on the ASAM PPC;

(9) Facilitation to residential substance abuse treatment based on the ASAM PPC;

(10) Service to homeless individuals;

(11) Peer Support Services, and

(12) Wellness Activities and Support.

(13) Ambulatory Detoxification (Adults only) based on ASAM PPC

(c) Compliance with 450:24-3-2 shall be determined by a review of the following:

(1) On-site observation;

(2) Staff interviews;

(3) Written materials;

(4) Program policies;

(5) Program Evaluations;

(6) Data reporting; and

(7) Clinical records.

450:24-3-3. Availability of services

(a) The core services shall be available to individuals regardless of their work or school schedule.

(1) All services provided on an outpatient basis shall be routinely available at least forty (40) hours per week, and will include evenings or weekends.

(2) CCARC policy shall provide for hours in addition to 8:00 AM - 5:00 PM. This applies to the main CCARC location and full time satellite offices with two (2) or more full time employed clinical staff.

(3) For CCARC's not providing 24 hour on-site services, hours of operation shall be conspicuously posted.

(b) Compliance with 450:24-3-3 shall be determined by a review of the following: schedules; posting of hours; policy and procedures; and consumer needs assessment.

PART 3. SCREENING, INTAKE, ASSESSMENT AND REFERRAL

450:24-3-21. Integrated screening, intake, and assessment services

(a) CCARC policy and procedure shall require that a screening of each consumer's service needs is completed in a timely manner. An integrated screening should be welcoming, trauma-informed, and culturally appropriate, as well as maximize recognition of the prevalence of co-occurring disorders among those who present for services at a Community Comprehensive Addiction Recovery Center.

(b) Upon determination of appropriate admission, consumer intake, and assessment information shall include, but not be limited to, the following:

(1) Behavioral, including substance use, abuse, and dependence;

(2) Emotional, including issues related to past or current trauma;
(3) Physical;
(4) Social and recreational; and
(5) Vocational.

(c) The consumer and family as appropriate shall be an active participant(s) in the screening, intake and assessment process.

(d) The CCARC shall have policy and procedures specific to each program service which dictate timeframes by when assessments must be completed and documented. In the event the consumer is not admitted and as a result the assessment is not included in the clinical record, the policy shall specify how screening and assessment information is maintained and stored.

(e) Compliance with 450:24-3-21 shall be determined by a review of clinical records, and policy and procedures.

450:24-3-22. Screening, intake and assessment services, access or referral to needed services

(a) Written policy and procedures governing the screening, intake and assessment services shall specify the following:
(1) The information to be obtained on all applicants or referrals for admission;
(2) The procedures for accepting referrals from outside agencies or organizations;
(3) The procedure to be followed when an applicant or referral is found to be ineligible for admission;
(4) Methods of collection of information from family members, significant others or other social service agencies;
(5) Methods for obtaining a physical examination or continued medical care where indicated;
(6) Referral to other resources when the consumer has treatment or other service needs the facility cannot meet;
(7) Emphasis on welcoming all consumers and conveying a recovery oriented hopeful message; and
(8) No barriers to entry based solely on the presence of historic, current or recent mental health symptoms.

(b) Compliance with 450:24-3-22 shall be determined by a review of the facility's written policy and procedures.

PART 5. EMERGENCY SERVICES

450:24-3-41. Emergency services

(a) CCARCs shall provide, on a twenty-four (24) hour basis, accessible co-occurring disorder capable services for substance abuse related emergencies.

(b) This service shall include the following:
(1) 24-hour assessment and evaluation, including crisis intervention, characterized by welcoming engagement of all individuals and families;
(2) Availability of referral to 24-hour medical detoxification, residential treatment, and half-way house services;
(3) Availability of assessment and evaluation in external settings unless immediate safety is a concern. This shall include but not be limited to schools, jails, and hospitals;
(4) Referral services, which shall include actively working with local sheriffs and courts regarding the appropriate referral process and appropriate court orders (43A O.S. §§ 5-201 through 5-407);
(5) CCARC's serving multiple counties shall provide or arrange for on-site assessment of persons taken into protective custody [43A O.S. § 5-206 et seq.] for substance abuse related emergencies in each county;
(6) The CCARC's emergency telephone response time shall be less than fifteen (15) minutes from initial contact, unless there are extenuating circumstances;
(7) Face-to-face strength based assessment, unless there are extenuating circumstances, addressing substance abuse and/or co-occurring issues which include a description of the client's strengths in managing substance abuse issues and disorders during a recent period of stability prior to the crisis;
(8) Intervention and resolution; and
(9) No arbitrary barriers to access an evaluation based on active mental health symptoms or designated substance levels.

(c) Compliance with 450:24-3-41 shall be determined by a review of policy and procedures, and clinical records.

450:24-3-42. Emergency Crisis Intervention

(a) The CCARC shall provide or otherwise ensure the capacity for performing emergency assessment of substance abuse related crisis. This capacity must be available 24 hours per day, seven days a week.

(b) Compliance with 450:24-3-42 shall be determined by a review of the following: policy and procedures; emergency contact records; clinical records; PI documentation; and staff on-call schedules.

450:24-3-43. Crisis Intervention, staffing

(a) Staff providing crisis intervention shall be an LBHP which shall include core competency in emergency evaluation of co-occurring disorders and meet the CCARC's privileging requirements for the provision of emergency services, with the availability of an LMHP as defined in 43A O.S. § 1-103 for emergency examinations when warranted.

(b) Compliance with 450:24-3-43 shall be determined by a review of clinical privileging records and personnel records.

PART 7. AMBULATORY DETOXIFICATION SERVICES

450:24-3-61. Ambulatory detoxification services without extended on-site monitoring services

(a) Ambulatory detoxification shall be provided outside a medical facility in an outpatient setting, but under the direction of a licensed physician for consumers who are withdrawing or are intoxicated from alcohol or other drugs.

(1) Presenting consumers shall be assessed as currently experiencing no apparent medical or neurological symptoms as a result of their substance use that would require a higher level of care using the ASAM PPC.
(2) Treatment services: Services shall occur daily (seven [7] days a week during hours of operation). Substance abuse ambulatory detoxification treatment services shall be provided which shall include, but are not limited to, oral intake of fluids, food if indicated, taking of vital signs (temperature, pulse, respiration rate, blood pressure), documentation of fluid and food intake a minimum of one (1) time per visit or more often as indicated by the consumer's condition.

450:24-3-62. Ambulatory detoxification services without extended on-site monitoring staffing

(a) A licensed physician providing supervision of detoxification shall be on site or on call during hours of operation;
(b) Staff members shall be knowledgeable about the physical signs of withdrawal, the taking of vital signs, the implication of those vital signs, and emergency procedures.
(c) Oklahoma licensed nurses (RN's and LPN's as appropriate) shall provide on-site monitoring, and statutorily approved personnel shall administer medications in accordance with physician's orders;
(d) Staff shall be knowledgeable regarding facility-required education, evidenced based practices, training and policies; and
(e) The facility shall document in personnel records all education, training and experience stated in (b), (c) and (d) above prior to staff providing direct care services.

450:24-3-63. Ambulatory detoxification services without extended on-site monitoring assessment/placement

(a) A medical assessment for appropriateness of placement shall be completed and documented by a licensed physician during the admission process to the program.
(b) An individualized case management plan shall be developed for each consumer prior to discharge;
(c) Compliance with 450:24-6-0 may be determined by a review of the following:
(1) Licenses;
(2) Policy and procedures;
(3) Treatment protocols;
(4) Personnel records, documentation of professional licensure, certification or licensure as an alcohol and drug counselor, documentation of professional work experience, ongoing in-service training(s);
(5) Treatment records;
(6) Interviews with staff; and
(7) Other supporting facility documentation.

450:24-3-64. Ambulatory detoxification without extended on-site monitoring environment

(a) The facility shall provide for monitoring/documenting vital signs, food, and liquids.
(b) The facility shall provide a safe, welcoming, trauma-informed, and culturally/age appropriate environment.
(c) The facility shall maintain a written plan for emergency medical procedures, which shall be approved by a licensed physician; and
(d) The facility shall have supplies, as designated in the written emergency procedures, which shall be accessible to the staff.
(e) The facility shall maintain written programmatic descriptions and operational methods for (a), (c) and (d).
(f) Compliance with 450:24-6-0 may be determined by a review of the following:
(1) Policy and procedures;
(2) Treatment protocols;
(3) Treatment records;
(4) Interviews with staff; and
(5) Other supporting facility documentation.

450:24-3-65. Ambulatory detoxification without extended on-site monitoring, substance abuse, co-occurring

(a) Facilities shall provide co-occurring disorder capable intensive ambulatory detoxification without extended on-site monitoring treatment services.
(b) These services shall include the provision of or referral for Human Immunodeficiency Virus (HIV), Sexually Transmitted Diseases (STD), and Acquired Immunodeficiency Syndrome (AIDS) education, training, and counseling services for drug dependent persons (43A O.S. §3-425.1), and every facility shall:
(1) Provide or refer for educational sessions regarding HIV/STD/AIDS to consumers and the significant other(s) of the consumer; and
(2) Provide or refer all drug dependent persons, and their identified significant other (s), for HIV/STD/AIDS testing and counseling;
(3) Provide documentation of services described in (1) and (2) above, including refusal of these services; and
(4) Maintain all test results in the confidential manner prescribed by applicable state or federal statutes or regulations.
(c) Compliance with 450:24-6-0 shall be determined by a review of the following: written policy and procedures; consumer records; and other supporting facility records and documentation.

PART 9. OUTPATIENT COUNSELING SERVICES

450:24-3-81. Outpatient therapy services

(a) Outpatient services shall be determined as necessary using the ASAM PPC and shall include a range of services to consumers based on their needs regarding emotional, social and behavioral problems. These outpatient therapy services

shall be provided or arranged for, and shall include, but not be limited to the following:

(1) Individual therapy;
(2) Group therapy;
(3) Family therapy;
(4) Rehabilitation services;
(5) Case management services;
(6) Peer support services; and
(7) Wellness services and related activities.

(b) Compliance with 450:24-3-81 shall be determined by a review of written policy and procedures; clinical records; and data reported by facilities.

450:24-3-82. Outpatient therapy services, substance abuse, co-occurring

(a) Facilities shall provide co-occurring disorder capable outpatient substance abuse therapy services.

(b) These services shall include the provision of or referral for Human Immunodeficiency Virus (HIV), Sexually Transmitted Diseases (STD), and Acquired Immunodeficiency Syndrome (AIDS) education, training, and counseling services for drug dependent persons (43A O.S. §3-425.1), and every facility shall:

(1) Provide or refer for educational sessions regarding HIV/STD/AIDS to consumers and the significant other(s) of the consumer; and
(2) Provide or refer all drug dependent persons, and their identified significant other(s), for HIV/STD/AIDS testing and counseling;
(3) Provide documentation of services described in (1) and (2) above, including refusal of these services; and
(4) Maintain all test results in the confidential manner prescribed by applicable state or federal statutes or regulations.

(c) Compliance with 450:24-3-82 shall be determined by a review of the following: written policy and procedures; consumer records; and other supporting facility records and documentation.

PART 11. INTENSIVE OUTPATIENT SERVICES

450:24-3-101. Intensive outpatient treatment services

(a) Intensive outpatient services shall be determined as necessary using the ASAM PPC and shall include a range of nine (9) to fifteen (15) treatment services per week for adults or six (6) to twelve (12) treatment hours per week for children based on their needs regarding emotional, social and behavioral problems. These intensive outpatient services shall be provided or arranged for, and should include, but not be limited to the following:

(1) Individual therapy;
(2) Group therapy;
(3) Family therapy;
(4) Rehabilitation services;
(5) Case management services;
(6) Peer support services; and
(7) Wellness services and related activities.

(b) Compliance with 450:24-3-101 shall be determined by a review of written policy and procedures; clinical records; and data reported by facilities.

450:24-3-102. Intensive outpatient treatment services, substance abuse, co-occurring

(a) Facilities shall provide co-occurring disorder capable intensive outpatient substance abuse treatment services.

(b) These services shall include the provision of or referral for Human Immunodeficiency Virus (HIV), Sexually Transmitted Diseases (STD), and Acquired Immunodeficiency Syndrome (AIDS) education, training, and counseling services for drug dependent persons (43A O.S. §3-425.1), and every facility shall:

(1) Provide or refer for educational sessions regarding HIV/STD/AIDS to consumers and the significant other(s) of the consumer; and
(2) Provide or refer all drug dependent persons, and their identified significant other (s), for HIV/STD/AIDS testing and counseling;
(3) Provide documentation of services described in (1) and (2) above, including refusal of these services; and
(4) Maintain all test results in the confidential manner prescribed by applicable state or federal statutes or regulations.

(c) Compliance with 450:24-3-62 shall be determined by a review of the following: written policy and procedures; consumer records; and other supporting facility records and documentation.

PART 13. MEDICATION CLINIC SERVICES

450:24-3-121. Medication clinic services

(a) CCARCs shall offer comprehensive medication clinic services to consumers in need of this service,

(b) Medication clinic services shall include an assessment of each individual's condition and needs; and an assessment of the effectiveness of those services.

(c) Medication clinic services shall be co-occurring capable and shall utilize accepted practice guidelines for psychopharmacologic management of co-occurring and/or substance abuse disorders.

(d) Medication clinical services shall include but not be limited to:

(1) Prescribing or administering medication, including evaluation and assessment of the medication services provided.
(2) Medication orders and administration:
  (A) Only licensed staff physicians, medical residents or consultant physicians shall write medication orders and prescriptions.
  (B) A list of those physicians authorized to prescribe medications shall be maintained and regularly updated.
  (C) A list of licensed staff members authorized to administer medications shall be maintained and regularly updated.

(3) Physician's assistants and nurse practitioners may write medication orders, or prescriptions consistent with state and federal law.

(e) Compliance with 450:24-3-121 shall be determined by on-site observation and a review of the following: clinical records, written policy and procedures, and roster of licensed, credentialed staff.

450:24-3-122. Medication clinic, medication monitoring

(a) Medication administration, storage and control, and consumer reactions shall be regularly monitored.

(b) Facilities shall assure proper storage and control of medications, immediate response if incorrect or overdoses occur, and have appropriate emergency supplies available if needed.

(1) Written procedures for medication administration shall be available and accessible in all medication storage areas, and available to all staff authorized to administer medications.

(2) All medications shall be kept in locked, non-consumer accessible areas. Conditions which shall be considered in medication storage are light, moisture, sanitation, temperature, ventilation, and the segregation and safe storage of poisons, external medications, and internal medications.

(3) Telephone numbers of the state poison centers shall be immediately available in all locations where medications are prescribed, or administered, or stored.

(4) A qualified physician shall supervise the preparation and stock of an emergency kit which is readily available, but accessible only to physician, nursing and pharmacy staff.

(c) Compliance with 450:24-3-122 shall be determined by on-site observation and a review of the following: written policy and procedures, clinical records, and PI records.

450:24-3-123. Medication clinic, error rates

(a) The facility's performance improvement program shall specifically, objectively, and systematically monitor medications administration or dispensing or medication orders and prescriptions to evaluate and improve the quality of consumer care.

(b) Compliance with 450:24-3-123 shall be determined by a review of the following: facility policies; PI logs; data; and reports.

PART 15. CASE MANAGEMENT

450:24-3-141. Case management services

(a) Case management efforts shall empower consumers to access and use needed services and meet self-determined goals. These services include resource skills development and consumer advocacy provided in various settings based on consumer need.

(b) Case management services shall be offered to all adults who are receiving services and, to each child (or their parent/guardian).

(c) Case management shall be co-occurring disorder capable.

(d) Case management services shall be planned referral, linkage, monitoring and support, and advocacy assistance provided in partnership with a client to support that client in self sufficiency and community tenure. Activities include:

(1) Completion of strengths based assessment for the purpose of individual plan of care development, which shall include evidence that the following were evaluated:

(A) Consumer's level of functioning within the community;

(B) Consumer's job skills and potential; and/or educational needs;

(C) Consumer strengths and resources;

(D) Consumer's present living situation and support system;

(E) Consumer's use of substances and orientation to changes related to substance use;

(F) Consumer's medical and health status;

(G) Consumer's needs or problems which interfere with the ability to successfully function in the community; and

(H) Consumer's goals.

(2) Development of case management care plan;

(3) Referral, linkage and advocacy to assist with gaining access to appropriate community resources;

(4) Contacts with other individuals and organizations that influence the recipient's relationship with the community, i.e., family members, law enforcement personnel, landlords, etc;

(5) Monitoring and support related to the individual plan of care to reassess goals and objectives and assess progress and or barriers to progress;

(6) Follow-up contact with the consumer if they miss any scheduled appointments (including physician/medication, therapy, rehabilitation, or other supportive service appointments as delineated on the service plan); and

(7) Crisis diversion (unanticipated, unscheduled situation requiring supportive assistance, face-to-face or telephone, to resolve immediate problems before they become overwhelming and severely impair the individual's ability to function or maintain in the community) to assist consumer(s) from progression to a higher level of care.

(e) Compliance with 450:24-3-141 shall be determined by on-site observation and a review of the following: clinical records, and written policy and procedures.

450:24-3-142. Case management services, locale and frequency

(a) Case management services shall be provided within community settings; the residence of the consumer; or any other appropriate settings, based on the individual needs of the consumer. Contact with consumers shall be made on at least a monthly basis unless otherwise specified in the service plan.

(b) Compliance with 450:24-3-142 shall be determined by a review of the following: Case managers shall contact each consumer at least once a month, unless otherwise specified in

the service plan to monitor progress or provide case management services. Inability to make face to face contact shall be documented. Contact was made with consumers as specified in the service plan.

450:24-3-143. Case management services for consumers admitted to higher levels of care

(a) Case managers shall maintain contact with existing CCARC consumers, and establish contact with newly referred persons who are receiving services in residential treatment settings, Community Based Crisis Stabilization Centers, (CBCSC), or 24-hour settings providing substance abuse detoxification treatment.

(b) Each CCARC shall assign at least one (1) staff member who is responsible for linkage between CBSCCs, detoxification center and/or the residential substance abuse treatment facility and the CCARC. Linkage shall include, but not limited to, the following activities, pursuant to appropriately signed releases and adherence to applicable privacy provisions:

(1) Regular visits or communication with the CBCSC, detoxification setting, and/or residential substance abuse treatment facility to monitor progress of those consumers in a CBCSC, detoxification setting and/or in facility-based substance abuse treatment from the CCARC's service area.

(2) Provide knowledge and communication to other CCARC staff regarding CBCSC, detoxification setting, and/or residential substance abuse treatment facility and discharge procedures.

(c) Case managers from the CCARC to which the consumer will be discharged shall assist the consumer and unit, CBCSC, and/or substance abuse treatment facility with discharge planning for consumers returning to the community.

(d) Individuals discharging from an inpatient setting, CBCSC, and/or substance abuse treatment facility shall be offered case management and other supportive services. This shall occur as soon as possible, but shall be offered no later than one (1) week post-discharge.

(e) Compliance with 450:24-3-143 shall be determined by a review of the following: clinical records; staff interviews; information from ODMHSAS operated psychiatric inpatient unit; CBCSC facilities, substance abuse treatment facilities; meetings minutes (CCARC or state-operated psychiatric inpatient unit); and a review of a minimum of ten (10) clinical records of consumers who received services at an inpatient unit, CBSS, and/or 450-hour setting providing substance abuse treatment within the past twelve (12) months.

450:24-3-144. Case management services, staff credentials

(a) Individuals providing case management services shall be certified as a behavioral health case manager pursuant to Oklahoma Administrative Code, Title 450, Chapter 50.

(b) Facility supervisors must be a certified behavioral health case manager pursuant
to Oklahoma Administrative Code, Title 450, Chapter 50 if they directly supervise the equivalent of two (2) or more FTE certified behavioral health case managers who provide case management services as part of their regular duties.

(c) Compliance with 450:24-3-144 shall be determined by a review of the facility personnel records and credentialing files.

PART 17. BEHAVIORAL HEALTH REHABILITATION SERVICES

450:24-3-161. Rehabilitation services

(a) This section governs individual and group rehabilitation services for both adults and children.

(b) Policy and procedures shall reflect that all rehabilitation programs and services incorporate the following core principles:

(1) Recovery is the ultimate goal of rehabilitation. Interventions must facilitate the process of recovery and wellness.

(2) Addiction rehabilitation practices help people re-establish normal roles in the community and their integration into community life.

(3) Rehabilitation practices facilitate the development of personal support networks.

(4) Rehabilitation practices facilitate an enhanced quality of life for each person receiving services.

(5) People have the capacity to learn and grow.

(6) People receiving services have the right to direct their own affairs, including those that are related to their behavioral health.

(7) People are to be treated with respect and dignity.

(8) Rehabilitation practitioners make conscious and consistent efforts to eliminate labeling and discrimination, particularly discrimination based upon a disabling condition.

(9) Culture and ethnicity play an important role in recovery. They are sources of strength and enrichment for the person and the services.

(10) Rehabilitation interventions build on the strength of each person.

(11) Rehabilitation services are to be coordinated, accessible, and available as long as needed.

(12) Services are to be designed to address the unique needs of each individual, consistent with the individual's cultural values and norms.

(13) Rehabilitation practices actively encourage and support the involvement of persons in normal community activities, such as school and work, throughout the rehabilitation process.

(14) The involvement and partnership of persons receiving services and family members is an essential ingredient of the process of rehabilitation and recovery.

(15) Rehabilitation practitioners should constantly strive to improve the services they provide.

(c) CCARC policy and procedures shall reflect that rehabilitation services shall be co-occurring disorder capable and facilitate processes for dual recovery for these individuals.

(d) Compliance with 450:24-3-161 shall be determined by on-site observation; interviews with participants; interviews

with staff; a review of policy and procedures; and a review of clinical records.

450:24-3-162. Individual and Group Rehabilitation Services

(a) CCARC policy and procedures shall reflect that individual and group rehabilitation services are available to both adults and children.

(b) Facility policy and procedures shall outline the way these services are provided, including but not limited to the populations served, staff qualifications for providing the service, and general design(s) by which these services are provided.

(c) Compliance with 450:24-3-146 shall be determined by a review of CCARC policy and procedures and personnel files.

PART 19. SERVICES TO HOMELESS INDIVIDUALS

450:24-3-181. Services to homeless individuals

(a) CCARCs shall provide the following services to individuals within their service area who are homeless, including those individuals experiencing chronic homelessness and who have a serious addictive disorder, including co-occurring disorders:

(1) Linkage and contacts with local emergency services, shelters, state-operated psychiatric inpatient unit, and any other organizations which may be in contact with homeless persons;

(2) Linkage and contacts with local housing authorities;

(3) Contact, and work with those who are homeless and who have a serious addiction disorders, to assist with accessing CCARC services, income benefit programs, and housing programs, among other services; and

(4) These services shall be addressed in CCARC policy and procedures.

(b) Compliance with 450:24-3-181 shall be determined by a review of the following: documentation of linkage activities and agreements; clinical records; reporting data; and, CCARC policy and procedures.

PART 21. PEER SUPPORT SERVICES

450:24-3-201. Peer support services

(a) Peer support services are provided as a program integrated within the overall structure of Comprehensive Community Addiction Center services and must be offered to adults age 18 and older with addiction disorders, including co-occurring disorders.

(b) Peer support services may be offered to other consumers of the CCARC and their families.

(c) These services shall

(1) Be based on an individualized, recovery-focused service philosophy that allows individuals the opportunity to learn to manage their own recovery and advocacy process;

(2) Recognize the unique value of services being provided by persons with lived experience who are able to demonstrate their own hopefulness and recovery;

(3) Enhance the development of natural supports, coping skills, and other skills necessary to function as independently as possible in the community, including, but not limited to assisting re-entry into the community after residential treatment or other institutional settings;

(4) Have written policies specific to these services; and,

(5) Be provided by Recovery Support Specialist(s) as defined by 450:24-3-202.

(d) Each CCARC shall have in place provisions for direct supervision and other supports for staff providing this service.

(e) Compliance with 450:24-3-201 shall be determined by a review of the following: documentation of linkage activities and agreements; clinical records; reporting data; and, CCARC policy and procedures.

450:24-3-202. Recovery Support Specialists staff requirements

(a) Recovery Support Services shall be provided only by staff who have completed the ODMHSAS RSS training and have passed the ODMHSAS RSS exam.

(b) Each CCARC shall document and maintain records to verify compliance with training and testing requirements of each provider of this service.

(c) Compliance for 450:24-3-202 shall be determined by a review of the facility personnel records and ODMHSAS files.

450:24-3-203. Peer Recovery Support services: Locale and frequency

(a) Peer Recovery Support services can be provided in any location. The majority of contacts should be face-to-face; however, services may be provided over the telephone as necessary to help the consumer achieve his/her goals.

(b) Compliance for 450:24-3-203 shall be determined by a review of the agency policy and procedures, data reporting system, consumer records, consumer interviews, and observation.

PART 23. WELLNESS SERVICES AND RELATED ACTIVITIES

450:24-3-221. Wellness Services and Related Activities

(a) Wellness Services and Related Activities are consumer-driven services and supports that promote healthy lifestyles and behaviors which may include and not be limited to smoking cessation activities, exercise, stress management, spirituality, and education on nutrition and healthy eating.

(b) These services shall:

(1) Be based on an individualized, recovery-focused service philosophy that allows individuals the opportunity to learn to manage their own wellness; and,

(2) Have written policies specific to this services.

(c) Compliance for 450:24-3-221 shall be determined by a review of the following: documentation of activities and agreements; clinical records; reporting data; and, CCARC policy and procedures.

SUBCHAPTER 5. OPTIONAL SERVICES

PART 1. APPLICABILITY

450:24-5-1. Applicability

The services in this subchapter are optional services. However, if the services in this subchapter are provided, either on the initiative of the CCARC, or as an ODMHSAS contractual requirement of the CCARC, all rules and requirements of this subchapter shall apply, as applicable, to the affected CCARC's certification.

PART 3. RESIDENTIAL TREATMENT

450:24-5-21. Residential treatment for adults

(a) Substance abuse treatment in a residential setting shall provide a planned regimen of twenty-four (24) hour professionally directed evaluation, care, and treatment in a permanent program location. Consumers shall participate in at least twenty-four (24) treatment hours of substance abuse services per week. The facility shall provide beds, food service, and a safe, welcoming, and culturally/age appropriate environment.

(b) The facility shall maintain written programmatic descriptions and operational methods addressing the following:

(1) Support system:

(A) A licensed physician shall be available, at least by telephone, twenty-four (24) hours per day, seven (7) days per week;

(B) The facility shall maintain written policy and procedures for handling medical emergencies; and an emergency medical number shall be conspicuously posted for staff use; and

(C) The facility shall maintain written policies and procedures for the handling of clinical issues during times in which clinical staff are not at the facility.

(2) Staff:

(A) The facility shall maintain documentation that service providers are knowledgeable regarding the biopsychsocial dimensions of substance abuse, evidenced-based practices, cultural, age, and gender specific issues, and co-occurring disorder issues.

(B) Staff shall be at least eighteen (18) years of age.

(C) The facility shall document in personnel records all education, training, and experience stated above prior to the provision of direct care services.

(D) The facility shall have staff members on site twenty-four (24) hours per day, seven (7) days per week.

(3) Treatment services: Daily (twenty-four [24] hours a day, seven [7] days a week) substance abuse treatment services shall be provided to assess and address individual needs of each consumer. Services shall include, but are not limited to, therapy, rehabilitation services, educational groups, case management services, and crisis intervention.

(4) Treatment documentation:

(A) Consumer records shall contain progress notes which outline any issues related to treatment and services provided. Progress notes shall document treatment services in a weekly summary to include the following:

(i) Date;

(ii) Specific problems, goals, and objectives addressed;

(iii) Summary of progress made toward goals and objectives, or lack of;

(iv) Consumer response to overall treatment services;

(v) Total number of treatment hours and types of services attended for the week;

(vi) Any new problems, goals, or objectives identified during the week;

(vii) List of all service providers providing treatment hours;

(viii) Signature and credentials of the service provider completing the documentation; and

(ix) Consumer's name.

(B) Documentation shall reflect each consumer has received a minimum of twenty four (24) hours of treatment services each week, in addition to life skills, recreational, and self-help supportive meetings.

(5) The program provides documentation of the following community living components:

(A) A written daily schedule of activities.

(B) Quarterly meetings between consumers and the program personnel.

(C) Recreational activities to be utilized on personal time.

(D) Personal space for privacy.

(E) Security of consumer's property.

(F) A clean, inviting, and comfortable setting.

(G) Evidence of individual possessions and decorations.

(H) Daily access to nutritious meals and snacks.

(I) Policy addressing separate sleeping areas for the consumers based on:

(i) Gender;

(ii) Age; and

(iii) Needs.

(c) Compliance with 450:24-5-21 may be determined by a review of the following:

(1) Licenses;

(2) Policies and procedures;

(3) Treatment protocols;

(4) Personnel record, documentation of professional licensure, certification or licensure as an alcohol and drug counselor, documentation of professional work experience, and ongoing in-service trainings;
(5) Treatment records; and
(6) Interviews with staff and consumers.

PART 5. RESIDENTIAL TREATMENT FOR PERSONS WITH DEPENDENT CHILDREN

450:24-5-41. Residential treatment for persons with dependent children

(a) Substance abuse treatment shall be provided in a residential setting offering a planned regimen of twenty-four (24) hour professionally directed evaluation, care, and treatment in a permanent setting and under a defined set of policies and procedures. Consumers shall participate in at least twenty-four (24) treatment hours of substance abuse, parenting, and child development services per week for adults [Exception: (1) TANF recipients with Oklahoma Department of Human Services (OKDHS) approved documentation shall participate in least twenty-one (21) hours of treatment; documentation should be reflected in consumer record], and twelve (12) structured hours for children [Exception: (2) unless clinically indicated, structured services may be reduced to six (6) hours per week for children attending school.]

(b) Each facility shall maintain written programmatic descriptions and operational methods addressing the following:

(1) Environment: The facility shall provide family-style living arrangements, indoor recreational space for children and families, and safe, protected outdoor recreational and leisure space. The facility shall provide for materials and space appropriate for ages and development of children receiving services. (43A O.S. §3-417). The facility shall provide beds, food service, and a safe, welcoming, and culturally/age appropriate environment.

(2) Support system:

(A) A licensed physician shall be available, at least by telephone, twenty-four (24) hours per day, seven (7) days per week.

(B) The facility shall promote and facilitate children's access to the fullest possible range of medical services available such as health screening, well-child health care, screening in speech, language, hearing, and vision, and verify immunization records.

(C) Access to emergency health care shall be provided as necessary.

(3) Staff:

(A) The facility shall maintain documentation that service providers are knowledgeable regarding biopsychsocial dimensions of substance abuse, evidenced based practices, cultural, age and gender-specific issues, co-occurring disorder issues and treatment of infants, toddlers, preschool children, and school-age children.

(B) The facility shall document that service providers have training in the following:

(i) trauma issues, identification of domestic violence, spousal or partner abuse, and child abuse and neglect, with special emphasis on failure to thrive, and sexual abuse of children;

(ii) child development and age appropriate behaviors;

(iii) parenting skills appropriate to infants, toddlers, preschool, and school age children; and

(iv) the impact of substances and substance abuse on parenting and family units.

(C) The facility shall document that staff working with children shall have ongoing training in the following and demonstrate job appropriate functional comprehension of:

(i) the impact of prenatal drug and alcohol exposure on child development;

(ii) the effect of substance abuse on parenting children and families;

(iii) parenting skills appropriate to infants, toddlers, preschool, and school age children;

(iv) common children's behavioral and developmental problems;

(v) appropriate play activities according to developmental stage;

(vi) recognition of sexual acting-out behavior; and

(vii) the substance abuse recovery process, especially as related to family units.

(D) The facility shall document that staff are knowledgeable regarding facility-required education, and training requirements and policies;

(E) The facility shall have staff on site twenty-four (24) hours a day;

(F) Staff shall be at least eighteen (18) years of age; and

(G) The facility shall document in personnel records, all education, training, and experience stated above prior to the provision of services.

(4) Treatment services:

(A) The facility shall provide (twenty-four [24] hours a day, seven [7] days a week) substance abuse treatment services to assess and address individual needs of each consumer. Treatment services, shall include, but are not limited to, therapy, rehabilitation services, educational groups, case management services, and crisis intervention, parenting, and child development; and

(B) The facility shall provide treatment services for children ages four (4) to twelve (12) years, including a minimum of twelve (12) structured hours per week for each child (see 450:24-5-41 (a), Exception #2), including, but not limited to, assessment and age appropriate individual, family and group therapy (topics can include, but are not limited to, poor impulse control, anger management, peer interaction, understanding feelings, problem/conflict resolution), education groups (topics can include, but are not limited to, effects of alcohol on the body, roles of the family, safety

planning, grief and loss), recreational activities, prevention techniques, and support groups, according to the development of the child. Structured activities do not include time spent watching television and watching videos. Special attention shall be given to the high risk of sexual abuse, sexual acting-out by children, suicide risk, and the treatment of toddlers and preschool children; and

(C) Children's services, excluding infants, shall address the significant issues and needs documented in the child's and/or parent's assessment utilizing both structured and unstructured therapeutic activity. Services shall create and enhance positive self-image and feelings of self-worth, promote family unity, teach personal body safety, and positive school interactions, and to prevent alcohol, tobacco, and other drug use; and

(D) Services for infants (ages birth to three [3] years of age) shall include, at a minimum, developmentally appropriate parent-child interactive bonding activities and developmentally appropriate structured activities that promote and nurture the growth and well being of the infant; and

(E) Case management services for each adult and each child that include assessment of and planning and arranging for recovery needs.

(5) Treatment documentation:

(A) Consumer records shall contain progress notes which outline any issues related to treatment and services provided. Progress notes shall document treatment services in a weekly summary to include the following:

(i) Date;

(ii) Specific problems, goals and objectives addressed;

(iii) Summary of progress made toward goals and objectives, or lack of;

(iv) Consumer response to overall treatment services;

(v) Total number of treatment hours and types of services attended for the week;

(vi) Any new problems, goals, or objectives identified during the week;

(vii) List of all service providers providing treatment hours;

(viii) Signature and credentials of the service provider completing the documentation; and

(ix) Consumer's name.

(B) Documentation shall reflect that each adult consumer has received a minimum of twenty-four (24) hours of treatment services each week, unless the woman is pregnant and the consumer record contains physician-approved permission for less than twenty-four (24) hours of service, or as permitted in 450:24-5-41 (a), Exception #1. Should the consumer be unable to participate in twenty-four (24) treatment hours for two (2) or more weeks, a review of appropriate placement shall be conducted weekly and documented by the executive director of the facility and shall include observations of parent and child interactions, especially those indicative of therapeutic need or progress.

(C) Documentation shall reflect each child has received a minimum of twelve(12) structured hours of service each week addressing needs and issues documented in either, or both, the child's or parent's assessments; the child's response to those services; and an assessment and planning of recovery needs. Exception: As few as six (6) hours each week as permitted by 450:24-5-41(a).

(6) The program provides documentation of the following community living components:

(A) A written daily schedule of activities.

(B) Quarterly meetings between consumer and the program personnel.

(C) Recreational activities to be utilized on personal time.

(D) Personal space for privacy.

(E) Security of consumer's property.

(F) A clean, inviting, and comfortable setting.

(G) Evidence of individual possessions and decorations.

(H) Daily access to nutritious meals and snacks.

(I) Policy addressing separate sleeping areas for the consumers based on:

(i) Gender;

(ii) Age; and

(iii) Needs.

(c) Compliance with 450:24-5-41 may be determined by a review of the following:

(1) Licenses;

(2) Policies and procedures;

(3) Treatment protocols;

(4) Personnel record, documentation of professional licensure, certification or licensure as an alcohol and drug counselor, documentation of professional work experience, ongoing in-service trainings;

(5) Records;

(6) Interviews with staff; and

(7) Other facility documentation.

PART 7. RESIDENTIAL TREATMENT FOR ADULTS WITH CO-OCCURRING DISORDERS

450:24-5-61. Adult residential treatment for consumers with co-occurring disorders

(a) Substance abuse and mental health treatment shall be provided in a residential setting offering a planned regimen of twenty-four (24) hour structured evaluation, care, and treatment, under a defined set of policy and procedures, and shall have a permanent setting. Consumers shall participate in at least twenty-four (24) treatment hours of mental health or substance abuse services per week, including medication therapy, case management services that address medical and/or dental needs, or any other service identified on the consumer's service

plan, excluding community support groups. The facility shall provide beds, food service, and a safe, welcoming, and culturally/age appropriate environment.

(b) The facility shall maintain written programmatic descriptions and operational methods addressing the following:

(1) Support system:

(A) The facility shall maintain availability of a licensed physicians, who is knowledgeable in substance abuse and mental health issues to provide evaluation, treatment and follow-up; and will be available by telephone twenty-four (24) hours per day, seven (7) days per week;

(B) The facility shall make available medication evaluation, administration, or monitoring; and

(C) The facility shall provide case management services.

(2) Staff:

(A) Service providers shall be knowledgeable regarding substance abuse, mental health, evidenced based practices, co-occurring issues, cultural, age, and gender specific issues.

(B) All staff shall be knowledgeable regarding facility-required education, training, and policies;

(C) Staff shall be at least eighteen (18) years of age; and

(D) The facility shall document in personnel records, prior to the provision of treatment services, all education, training, and experience stated above.

(3) Treatment services:

(A) Daily treatment service shall be provided to assess and address individual needs of each consumer. These services shall include, but not limited to, medication monitoring, therapy, rehabilitation services, educational groups, case management services, and crisis intervention.

(B) Psychiatric and/or psychological and/or mental health evaluations shall be completed on all consumers;

(4) Treatment documentation:

(A) Consumer records shall contain progress notes which outline any issues related to treatment and services provided. Progress notes shall document treatment services in a weekly summary to include the following:

(i) Date;

(ii) Specific problems, goals, and objectives addressed;

(iii) Summary of progress made toward goals and objectives, or lack of;

(iv) Consumer response to overall treatment services;

(v) Total number of treatment hours and types of services attended for the week;

(vi) Any new problems, goals, or objectives identified during the week;

(vii) List of all service providers providing treatment hours;

(viii) Signature and credentials of the service provider completing the documentation;

(ix) Consumer's name; and

(x) Consumer's medication and response to medication therapy, if used, shall be documented.

(5) The program provides documentation of the following community living components:

(A) A written daily schedule of activities.

(B) Quarterly meetings between consumers and the program personnel.

(C) Recreational activities to be utilized on personal time.

(D) Personal space for privacy.

(E) Security of consumer's property.

(F) A clean, inviting, and comfortable setting.

(G) Evidence of individual possessions and decorations.

(H) Daily access to nutritious meals and snacks.

(I) Policy addressing separate sleeping areas for the consumers based on:

(i) Gender;

(ii) Age; and

(iii) Needs.

(c) Compliance with 450:24-5-61 may be determined by a review of the following:

(1) Licenses;

(2) Policies and procedures;

(3) Treatment protocols;

(4) Personnel record, documentation of professional licensure, certification or licensure as an alcohol and drug counselor, documentation of professional work experience and ongoing in-service trainings;

(5) Treatment records;

(6) Interviews with staff; and

(7) Other facility documentation.

PART 9. RESIDENTIAL TREATMENT FOR ADOLESCENTS

450:24-5-81. Residential treatment for adolescents

(a) Residential treatment for adolescents shall provide a planned regimen of twenty-four (24) hour, seven (7) days a week, professionally directed evaluation, care, and treatment for chemically dependent adolescents, under written policies and procedures in a permanent facility. Adolescents not attending academic training shall participate in at least twenty-one (21) substance abuse treatment related hours per week. Adolescents attending academic training shall participate in at least fifteen (15) hours of substance abuse treatment related hours per week. At a minimum, ten (10) hours shall be devoted to therapeutic treatment services including, but not limited to, group, individual, and family therapy provided by a qualified service provider. The remaining hours shall be devoted to life skills, prosocial skills, and recreational activities. Other activities such as self help support groups, meetings, and religious participation shall be in addition to required hours.

(b) The residential treatment program shall maintain written programmatic descriptions and operational methods addressing the following:

(1) **Environment:**

(A) The facility shall maintain an environment which is supportive of physical and emotional growth and development which is appropriate to the needs of adolescents;

(B) The facility shall provide space, both indoor and outdoor, for the recreational and social needs of adolescents;

(C) The facility shall group consumers appropriately by age, developmental level, gender, and treatment needs;

(D) The program may provide transportation to activities in the community as appropriate. Vehicles used for transportation should not be labeled in any way that calls attention to the facility or the vehicle's occupants;

(E) The program shall provide study areas within the facility and shall provide ancillary study materials such as encyclopedias, dictionaries, and educational resource texts and materials; and

(F) The facility shall provide a safe, welcoming, and culturally/age appropriate environment.

(2) **Support systems:**

(A) The facility shall make available a licensed physician by telephone twenty-four (24) hours per day, seven (7) days per week;

(B) The facility shall have specialized professional consultation or supervision available;

(C) The facility shall provide clinically appropriate public educational services in compliance with applicable Oklahoma laws; and

(D) The facility shall provide emergency services and crisis interventions.

(3) **Staff:**

(A) The facility shall document that service providers are knowledgeable regarding the biopsychsocial aspects of substance abuse, cultural, gender, and age specific issues, co-occurring disorder issues, child and adolescent development and, evidenced based practices.

(B) Maintain documentation that service providers are knowledgeable regarding the identification of violence and domestic violence, spousal or partner abuse, child abuse and neglect, parent and sibling abuse, normal and abnormal adolescent development, and family dynamics;

(C) Ensure at least two (2) staff members are awake and on duty twenty-four (24) hours a day, seven (7) days a week;

(D) If educational services are provided, the facility shall maintain documentation to verify that providing staff meets all state requirements for education or special education;

(E) Staff shall be knowledgeable regarding the facility required education, and training requirements and policies;

(F) Staff shall be least eighteen (18) years of age; and

(G) The facility shall document in personnel records all education training and experience stated in above prior to the provision of direct care service.

(4) **Treatment services:**

(A) A multidisciplinary team approach shall be utilized in providing daily substance abuse treatment services to assess and address the individual needs of each adolescent;

(B) Services shall include, but not be limited to, therapy, educational groups, and rehabilitation services, case management services, and crisis intervention;

(C) Services shall be provided in appropriate groups according to age, gender, developmental level, treatment status, and individual needs;

(D) The facility shall provide clinically appropriate public educational services in compliance with applicable Oklahoma law;

(E) Consumers shall participate in educational programs within the community, when clinically indicated, including extracurricular activities; and

(F) Service providers shall confer on a regular basis with school personnel, including the provision of necessary information, when appropriate, on the educational progress of the consumer, and shall assess and respond to the needs for changes in the educational plans.

(5) **Assessments:**

(A) A physical examination shall be conducted by a licensed physician, to include physical assessment, health history, immunization status, and evaluation of motor development and function, speech, hearing, visual, and language functioning; and

(B) The facility shall facilitate and document the involvement and participation of family members or significant others in the assessment, treatment, rehabilitation, and continuing treatment needs of each consumer;

(6) **Treatment documentation:**

(A) Consumer records shall contain progress notes which outline any issues related to treatment and services provided. Progress notes shall document treatment services in a weekly summary to include the following:

(i) Date;

(ii) Specific problems, goals and objectives addressed;

(iii) Summary of progress made toward goals and objectives, or lack of;

(iv) Consumer response to overall treatment services;

(v) Total number of treatment hours and types of services attended for the week;

(vi) Any new problems, goals, or objectives identified during the week;

(vii) List of all service providers providing treatment hours;

(viii) Signature and credentials of the service provider completing the documentation; and

(ix) The consumer's name.

(B) Progress notes in the consumer's record shall clearly reflect the implementation of treatment and case management plans and services provided;

(C) Progress notes shall include the consumer's name; and

(D) Documentation shall reflect that each consumer receives a minimum of twenty-one (21) hours of treatment-related hours each week or fifteen (15) or more treatment-related hours if participating in academic training.

(7) **Documentation of the following community living components:**

(A) A written daily schedule of activities.

(B) Quarterly meetings between consumers and the program personnel.

(C) Recreational activities to be utilized on personal time.

(D) Personal space for privacy.

(E) Security of consumer's property.

(F) A clean, inviting, and comfortable setting.

(G) Evidence of individual possessions and decorations.

(H) Daily access to nutritious meals and snacks.

(I) Policy addressing separate sleeping areas for the consumers based on:

(i) Gender;

(ii) Age; and

(iii) Needs.

(c) Compliance with 450:24-5-81 may be determined by a review of the following:

(1) Licenses;

(2) Policies and procedures;

(3) Treatment and service protocols;

(4) Personnel records, documentation of professional licensure, certification or licensure as an alcohol and drug counselor, documentation of professional work experience, ongoing in-service training(s);

(5) Treatment records;

(6) Interviews with staff and consumers; and

(7) Other facility documentation.

PART 11. HALFWAY HOUSE SERVICES

450:24-5-101. Halfway house services

(a) Halfway house services shall provide low intensity treatment in a supportive living environment to facilitate reintegration into the community. Major emphasis shall be on continuing substance abuse care and follow-up, and community ancillary services in an environment supporting continued abstinence. Consumers shall participate in a minimum of six (6) hours of structured substance abuse treatment per week.

(b) Each facility shall maintain written programmatic descriptions and operational methods addressing the following:

(1) **Environment:** The facility shall be a freestanding facility or portion of a related healthcare facility having at least one (1) each of toilet, lavatory, and bathing facilities for each eight (8) residents. The facility shall provide a safe, welcoming, and culturally/age appropriate environment.

(2) **Support system:**

(A) A licensed physician shall be available, by telephone twenty-four (24) hours a day, seven (7) days a week;

(B) The facility shall have a written plan for emergency procedures, approved by a licensed physician;

(C) The facility shall have supplies, as designated by the written emergency procedures plan, which shall be accessible to staff at all times; and

(D) Specialized professional consultation or professional supervision shall be available.

(3) **Staff:**

(A) Service providers shall be knowledgeable regarding biopsychsocial dimensions of substance abuse, evidenced based practices, co-occurring disorder issues gender, cultural, and age-specific issues;

(B) Staff shall be knowledgeable regarding facility-required education, training, and policies;

(C) Staff shall be knowledgeable about emergency procedures as specified in the emergency procedures plan;

(D) The facility shall have staff members on site twenty-four (24) hours per day, seven (7) days per week;

(E) Staff shall be at least eighteen (18) years of age; and

(F) The facility shall document in personnel records all education, training, and experience stated above prior to the provision of direct care services.

(4) **Treatment services.** The facility shall have scheduled rehabilitation services to assess and address the individual needs of each consumer. Such services shall include, but not limited to, crisis intervention, therapy, vocational services, case management services, and educational groups.

(5) **Treatment documentation:**

(A) Consumer records shall contain progress notes which outline any issues related to treatment and services provided. Progress notes shall document treatment services in a weekly summary to include the following:

(i) Date;

(ii) Specific problem(s), goals, and objectives addressed;
(iii) Summary of progress made toward goals and objectives, or lack of;
(iv) Consumer response to overall treatment services;
(v) Total number of treatment hours and types of services attended for the week;
(vi) Any new problems, goals, or objectives identified during the week;
(vii) List of all service provider providing treatment hours;
(viii) Signature and credentials of the service provider completing the documentation; and
(ix) Consumer's name.

(B) Documentation shall reflect that the consumer works or attempts to find work while receiving halfway house services.

(c) Compliance with 450:24-5-101 may be determined by a review of the following:
(1) Licenses;
(2) Policies and procedures;
(3) Treatment protocols;
(4) Personnel records, documentation of professional licensure, certification or licensure as an alcohol and drug counselor, documentation of professional work experience, ongoing in-service trainings;
(5) Treatment records;
(6) Interviews with staff and consumers; and
(7) Other facility records.

PART 13. ADOLESCENT HALFWAY HOUSE SERVICES

450:24-5-121. Adolescent halfway house services

(a) Adolescent halfway house treatment shall provide low intensity substance abuse treatment in a supportive living environment to facilitate reintegration into the home or community. Emphasis shall be on applying recovery skills, relapse prevention, independent living skills, and educational and vocational skills. Consumers shall participate in at least six (6) hours of structured substance abuse treatment and rehabilitation services weekly. Self-help meetings are not included in the required hours.

(b) Each facility shall maintain written programmatic descriptions and operational methods addressing the following:

(1) **Environment:**

(A) The facility shall be a freestanding facility or portion of a related healthcare facility having at least one (1) each of toilet, lavatory, and bathing facilities for each eight (8) residents;

(B) The facility shall maintain an environment supportive of physical and emotional growth and development, and appropriate to the needs of adolescents;

(C) The facility shall provide space, both indoor and outdoor. In co-ed treatment, the facility shall maintain separate sleeping quarters for males and females;

(D) The program may provide transportation to activities in the community as appropriate. Vehicles used for transportation should not be labeled in any way that calls attention to the facility or the vehicle's occupants;

(E) The program shall provide study areas within the facility and shall provide ancillary study materials, such as encyclopedias, dictionaries, and educational resource texts and materials;

(F) The facility shall be licensed by the Oklahoma State Department of Human Services (OKDHS) as a "Residential Child Care Facility"; and

(G) The facility shall provide a safe, welcoming, and culturally/age appropriate environment.

(2) **Support systems:**

(A) A licensed physician shall be available by telephone twenty-four (24) hours per day, seven (7) days a week;

(B) Specialized professional consultation or supervision, emergency services, and crisis intervention shall be available;

(C) The facility shall provide clinically appropriate public educational services in compliance with applicable Oklahoma laws; and

(D) The facility shall have a written plan for emergency procedures and staff shall have access to supplies as designated in this plan.

(3) **Staff:**

(A) Service providers shall be knowledgeable regarding the biopsychsocial aspects of substance abuse, evidenced based practices, co-occurring disorder issues, child and adolescent development issues, and gender, cultural, and age-specific issues.

(B) Service providers shall be knowledgeable regarding the identification of violence and domestic violence, spousal or partner abuse, child abuse and neglect, parent and sibling abuse, normal and abnormal adolescent development, and family dynamics;

(C) The facility shall have staff members on duty twenty-four (24) hours per day, seven (7) days a week;

(D) Staff shall be knowledgeable about emergency procedures as specified in the emergency procedures plan;

(E) If educational services are provided, documentation shall be maintained to verify providing staff meet all state requirements for education or special education;

(F) Staff shall be knowledgeable regarding the facility-required education, training requirements, and policies;

(G) Staff shall be at least eighteen (18) years of age; and

(H) The facility shall document in personnel records all education, training, and experience stated above prior to the provision of direct care services.

(4) **Treatment services:**

(A) The facility shall provide substance abuse services to assess and address the individual needs of each adolescent, to include, but not be limited to, therapy, educational groups, rehabilitation services, case management services, and crisis intervention.

(B) The facility shall provide services in appropriate groups according to age, gender, developmental level, and individual needs;

(C) The facility shall provide for clinically appropriate public educational services in compliance with applicable Oklahoma law;

(D) Consumers may participate in educational programs in the community, when clinically indicated, including extracurricular activities; and

(E) Service providers shall confer on a regular basis with school personnel, including the provision of necessary information when appropriate, on the educational progress of the consumer and shall assess and respond to the needs for changes in the educational plans.

(5) **Assessment;**

(A) A physical examination shall be conducted by a licensed physician to include physical assessment, health history, immunization status, and evaluation of motor development and functioning, speech, hearing, visual and language functioning, if no records are available on admission reflecting such examination within the previous year; and

(B) The facility shall facilitate involvement and participation of family members or significant others in the assessment, treatment, rehabilitation, and continuing treatment needs of each consumer.

(6) **Treatment documentation:**

(A) Consumer records shall contain progress notes which outline any issues related to treatment and services provided. Progress notes shall document treatment services in a weekly summary to include the following:

(i) Date;

(ii) Specific problems, goals and objectives addressed;

(iii) Summary of progress made toward goals and objectives, or lack of;

(iv) Consumer response to overall treatment services;

(v) Total number of treatment hours and types of services attended for the week;

(vi) Any new problems, goals, or objectives identified during the week;

(vii) List of all service providers providing treatment hours;

(viii) Signature and credentials of the service provider completing the documentation; and

(ix) Consumer's name.

(c) Compliance with 450:24-5-121 may be determined by a review of the following:

(1) Licenses;

(2) Policies and procedures;

(3) Treatment protocols;

(4) Personnel records, documentation of professional licensure, certification or licensure as an alcohol and drug counselor, documentation of professional work experience, ongoing in-service trainings;

(5) Treatment records;

(6) Interviews with staff and consumers; and

(7) Other facility records.

PART 15. HALFWAY HOUSE SERVICES FOR PERSONS WITH DEPENDENT CHILDREN

450:24-5-141. Halfway house services for persons with dependent children

(a) Halfway house services for persons with dependent children shall provide substance abuse treatment services in a residential setting and shall include a planned regimen of twenty-four (24) hour supervised living arrangements, to include professionally directed evaluation, care, and treatment, under a defined set of policy and procedures, in a permanent setting. Consumers shall participate in at least six (6) hours of treatment, supportive services, parenting, and child development services per week for adults, and six (6) therapeutic hours of services for children, excluding infants.

(b) Each facility shall maintain written programmatic descriptions and operational methods addressing the following:

(1) **Environment:** The facility shall be a freestanding facility providing family-style living arrangements, indoor recreational space for children and families, and safe, protected outdoor recreational space. The facility shall provide materials and space appropriate for ages of children receiving services. The facility shall provide a safe, welcoming, and culturally/age appropriate environment.

(2) **Support system:**

(A) A licensed physician shall be available by telephone twenty-four (24) hours per day, seven (7) days a week;

(B) The facility shall ensure children's access to the fullest possible range of medical services available, such as health screening, well-child health care, screening in speech, language, hearing, and vision, and verification of immunization records;

(C) The facility shall have access to emergency health care provided as necessary;

(D) The facility shall have access to public schools for school age children, and facilitation of the child's receiving the benefits of Public Laws 99-142; and

(E) The facility staff shall document a liaison with the local Oklahoma Department of Human Service (OKDHS) offices to:

(i) Promote preservation of families;

(ii) In cases of investigation of abuse, provide instruction in positive parenting behavior, if requested by the Oklahoma Department of Human Services (OKDHS) and with parental consent, provide daily observations of parent-child interaction;

(iii) Expedite investigations in a timely manner; and

(iv) Ensure prompt facility response to situations which require immediate intervention.

(3) **Staff:**

(A) Service providers shall be knowledgeable regarding Biopsychsocial dimensions of substance abuse, evidenced-based practices, cultural, age, and gender specific issues, co-occurring disorder issues, and services for infants, toddlers, preschool, and school-age children.

(B) Service providers are minimally trained in:

(i) The identification of domestic violence, spousal or partner abuse, and child abuse and neglect, with special emphasis on failure to thrive and sexual abuse of children.

(ii) Child development and age appropriate behaviors.

(iii) Parenting skills appropriate to infants, toddlers, pre-school, and school age children.

(iv) The impact of substances and substance abuse on parenting and family units.

(C) Service providers working with children shall be knowledgeable and demonstrate job appropriate functional comprehension of:

(i) The impact of prenatal drug and alcohol exposure on child development.

(ii) The effect of substance abuse on parenting, children, and families.

(iii) Parenting skills appropriate to infants, toddlers, pre-school, and school age children.

(iv) Common child behavioral and developmental problems.

(v) Appropriate play activities according to developmental stage.

(vi) Recognition of sexual acting out behavior.

(vii) The substance abuse recovery process, especially as related to family units.

(D) The facility shall have staff members on site and awake twenty-four (24) hours per day, seven (7) days per week;

(E) Staff shall be knowledgeable regarding facility-required education and training requirements and policies.

(F) Staff shall be at least eighteen (18) years of age; and

(G) The facility shall document in personnel records all education, training, and experience stated above prior to the provision of direct care services.

(4) **Treatment services:**

(A) Daily (twenty-four [24] hours a day, seven [7] days a week) substance abuse services shall be provided to assess and address individual needs of each consumer. Services shall include, but are not limited to, crisis intervention, therapy, vocational services, case management services, parenting, child development, and educational groups;

(B) Services for children shall be provided and include a minimum of six (6) hours per week of therapeutic units for each child consisting of, but not limited to, assessment, therapy via art and recreational activities, etc. according to the development of the child. Documentation of all needs identified for each child shall be identified on that child's case management service plan and/or service plan.

(C) Children's services, excluding infants, shall be provided which address the significant issues and needs documented in either or both the child's and the parent's assessment and shall utilize both structured and unstructured therapeutic activity. Services shall address the significant issues and needs documented in the parent's or child's assessment and create and enhance positive self image and feelings of self-worth, promote family unity, teach personal body safety and positive school interactions, and to prevent alcohol, tobacco, and other drug use;

(D) Infant services, ages birth to three (3) years of age, shall be provided and shall consist, at a minimum, of developmentally appropriate parent-child bonding (interactive) activities and play therapy as determined by mother's service plan; and

(E) Case management services for each adult and each child shall be provided, which include the assessment of and planning and arranging for recovery needs.

(5) **Treatment documentation:**

(A) Consumer records shall contain progress notes which outline any issues related to treatment and services provided. Progress notes shall document treatment services in a weekly summary to include the following:

(i) Date;

(ii) Specific problems, goals, and objectives addressed;

(iii) Summary of progress made toward goals and objectives, or lack of;

(iv) Consumer response to overall treatment services;

(v) Total number of treatment hours and types of services attended for the week;

(vi) Any new problems, goals, or objectives identified during the week;

(vii) List of all service providers providing treatment hours;

(viii) Signature and credentials of the service provider completing the documentation; and

(ix) The consumer's name.

(B) Progress notes in consumer's and his or her children's records shall clearly reflect case management assessments, plans, and implementation of plans, and implementation of the service plan and services provided, in addition to the consumer's, parent and child, response to treatment;

(C) Progress notes shall document observations of parent and child interactions especially those indicative of therapeutic need or progress; and

(D) Documentation shall reflect each consumer, adult, and child, has received a minimum of six (6) hours of service each week addressing issues and needs indicated in the assessments (parent or child).

(c) Compliance with 450:24-5-141 may be determined by a review of the following:

(1) Licenses;

(2) Policies and procedures;

(3) Treatment protocols;

(4) Personnel records, documentation of professional licensure, certification or licensure as an alcohol and drug counselor, documentation of professional work experience, and ongoing in-service trainings;

(5) Treatment records;

(6) Interviews with staff and consumers; and

(7) Other facility documentation.

PART 17. VOCATIONAL EMPLOYMENT SERVICES

450:24-5-161. Vocational employment services

(a) The vocational employment services program is an identified program within the CCARC that assists in the rehabilitation and support of persons with addiction disorders, which may include but is not limited to the following:

(1) Vocational assessment services;

(2) Vocational preparation services;

(3) Vocational placement services; and

(4) Other on and off-site employment support services.

(b) If offered by a CCARC, vocational employment services should be co-occurring disorder capable and be available to individuals with co-occurring disorders who are interested in work as a goal, even if they are not yet abstinent.

(c) Compliance with 450:24-5-161 shall be determined by on-site observation and a review of the following: organization chart; interagency agreements; written policy and procedures; and contractual agreements.

SUBCHAPTER 7. FACILITY CLINICAL RECORDS

450:24-7-1. Clinical record keeping system

Each CCARC shall maintain an organized clinical record system for the collection and documentation of information appropriate to the treatment processes; and which insures organized, easily retrievable, usable clinical records stored under confidential conditions and with planned retention and disposition.

450:24-7-2. Applicability

The requirements of this subchapter are applicable to a CCARC's clinical services, core and optional.

450:24-7-3. Basic requirements

(a) The CCARC's policies and procedures shall:

(1) Define the content of the consumer record in accordance with 450:24-7-4 through 24-7-9.

(2) Define storage, retention and destruction requirements for consumer records. ODMHSAS operated CCARCs shall comply with the Department's Records Disposition Schedule as approved by the Oklahoma Archives and Records Commission.

(3) Require consumer records be maintained in locked equipment which is kept within a locked room, vehicle, or premise.

(4) Require legible entries in consumer records, signed with first name or initial, last name, and dated by the person making the entry.

(5) Require the consumer's name be typed or written on each page in the consumer record.

(6) Require a signed consent for treatment before a consumer is admitted on a voluntary basis.

(7) Require a signed consent for follow-up before any contact after discharge is made.

(b) Compliance with 450:24-7-3 shall be determined by a review of the following: facility policy, procedures or operational methods; clinical records; other facility provided documentation; and PI information and reports. A CCARC may propose administrative and clinical efficiencies through a streamlining of the requirements noted in this subchapter if client outcomes are maintained or improved and face-to-face clinical time is able to be increased by proposed reduction in recordkeeping requirements. Such proposal shall be submitted for consideration and approval by the Department.

450:24-7-4. Record access for clinical staff

(a) The CCARC shall assure consumer records are readily accessible to the program staff directly caring for the consumer. Such access shall be limited to the minimum necessary to carry out the staff member's job functions or the purpose for the use of the records.

(b) Compliance with 450:24-7-4 shall be determined by on-site observation and staff interviews.

450:24-7-5. Clinical record content, screening, intake and assessment

(a) All facilities shall complete a face-to face screening with each individual to determine appropriateness of admission.

(b) The CCARC shall document the face-to-face screening between the potential consumer and the CCARC including how the consumer was welcomed and engaged, how the consumer was assisted to identify goals and experience hope, how the consumer received integrated screening to identify both immediate and ongoing needs and how the consumer was assisted to determine appropriateness of admission, and/or to access other appropriate services.

(c) Upon determination of appropriate admission, consumer demographic information shall be collected.

(d) All programs shall complete a behavioral health assessment which gathers sufficient information to assist the consumer in developing an individualized service plan.
(e) The CCARC shall have policy and procedures that stipulate content required for items (c) and (d) above as well as dictate timeframes by when intake assessment must be completed for each program service to which a client is admitted.
(f) An intake assessment update, to include date, identifying information, source of information, present needs, present life situation, current level of functioning, and what consumer wants in terms of service, is acceptable only on re-admissions within one (1) year of previous admission.
(g) Compliance with 450:450:24-7-5 shall be determined by a review of the following: psychological-social assessment instruments; consumer records; case management assessments; interviews with staff and consumers; policies and procedures and other facility documentation.

450:24-7-6. Clinical record content, on-going assessment

(a) The CCARC shall have procedures and policies which delineate the process, protocols, and timeframes by which on-going clinical assessments occur.
(b) Compliance with 450: 24-7-6 shall be determined by a review of the clinical records and agency policies and procedures.

450:24-7-7. Behavioral Health Service Plan

(a) The service plan is performed with the active participation of the consumer and a support person or advocate if requested by the consumer. In the case of children under the age of 18, it is performed with the participation of the parent or guardian, if allowed by law, and the child as age and developmentally appropriate. The service plan shall provide the formation of measurable service objectives and reflect ongoing changes in goals and objectives based upon consumer's progress or preference or the identification of new needs, challenges and problems.
(b) The service plan is developed after and based on information obtained in the mental health assessment and includes the evaluation of the assessment information by the clinician and the consumer.
(c) For adults, the service plan must be focused on recovery and achieving maximum community interaction and involvement including goals for employment, independent living, volunteer work, or training. For children, the service plan must address school and educational concerns and assisting the family in caring for the child in the least restrictive level of care.
(d) Comprehensive service plans must be completed within six (6) treatment sessions and adhere to the format and content requirements described in the facility policy and procedures.
(e) Service plan updates should occur at a minimum of every 6 months during which services are provided and adhere to the format and content requirements described in the facility policy and procedures.
(f) Service plans, both comprehensive and update, must include dated signatures for the consumer customer (if over age 14), the parent/guardian (if under age18 or otherwise applicable), and the primary service practitioner.
(g) Compliance with 450:24-7-7 shall be determined by a review of the clinical records, policies and procedures, and interviews with staff and consumers, and other agency documentation.

450:24-7-8. Medication record

(a) A medication record shall be maintained on all consumers who receive medications or prescriptions through facility services and shall be a concise and accurate record of the medications the consumer is receiving or prescribed.
(b) The consumer record shall contain a medication record with the following information on all medications ordered or prescribed by licensed medical staff:
(1) Name of medication,
(2) Dosage,
(3) Frequency of administration or prescribed change, and
(4) Staff member who administered or dispensed each dose, and prescribing physician; and
(c) A record of pertinent information regarding adverse reactions to drugs, drug allergies, or sensitivities during intake, updated when required by virtue of new information, and kept in a highly visible location in or on the record.
(d) Compliance with 450:24-7-8 shall be determined by a review of medication records and clinical records.

450:24-7-9. Progress Notes

(a) Progress notes shall chronologically describe the services provided, the consumer's response to the services provided and the consumer's progress in treatment.
(b) Progress notes shall address the following:
(1) date;
(2) consumer's name;
(3) Start and stop time for each timed treatment session or service;
(4) type of service provided; and
(5) signature of the service provider with their credential(s).
(c) Outpatient staff must document each visit or transaction, except for assessment completion or service plan development, including missed appointments.
(d) Compliance with 450:24-7-9 shall be determined by a review of clinical records and policies and procedures.

450:24-7-10. Other records content

(a) The consumer record shall contain copies of all consultation reports concerning the consumer.
(b) When psychometric or psychological testing is done, the consumer record shall contain a copy of a written report describing the test results and implications or recommendations for treatment.
(c) The consumer record shall contain any additional information relating to the consumer, which has been secured from sources outside the program.

(d) Compliance with 450:24-7-10 shall be determined by a review of clinical records.

450:24-7-11. Discharge assessment

(a) All facilities shall assess each consumer for appropriateness of discharge from a substance abuse treatment program. Each consumer shall be assessed using ASAM PPC that includes a list of symptoms for all six dimensions and each of the levels of care, to determine a clinically appropriate placement in the least restrictive level of care. This organized process involves a professional determination for appropriate placement to a specific level of care based on the consumer's severity of symptoms and current situations.

(b) Compliance with 450:24-7-11 may be determined by a review of closed clinical records.

450:24-7-12. Continuing care plan

(a) The facility shall assist the consumer to obtain services that are needed, but not available within the facility, and/or in transitioning from one level of care to another, and/or discharging from a facility. A written plan of recommendations and specific referrals for implementation of continuing care services, including medications, shall be prepared for each consumer who meets the ASAM PPC dimensional continued service criteria, in each level of care. Continuing care plans shall be developed with the knowledge and cooperation of the consumer. The continuing care plan may be included in the discharge summary. The consumer's response to the continuing care plan shall be noted in the plan or a note shall be made that the consumer was not available and why. In the event of the death of a consumer, a summary statement including this information shall be documented in the record.

(b) Compliance with 450:24-7-12 may be determined by a review of closed clinical records.

450:24-7-13. Discharge Summary

(a) The discharge summary shall document the consumer's progress made in treatment and response to services rendered.

(b) A completed discharge summary shall be entered in each consumer's record within fifteen (15) days of the consumer completing, transferring, or discontinuing services. Consumers who have received no services for one hundred twenty (120) days shall be discharged if it is determined that services are no longer needed or desired.

(c) In the event of death of a consumer: A summary statement including this information shall be documented in the record; and

(d) Compliance with 450:247-13 may be determined by a review of closed consumer records.

SUBCHAPTER 9. CONSUMER RECORDS AND CONFIDENTIALITY

450:24-9-1. Confidentiality of mental health and drug or alcohol abuse treatment information

Confidentiality policy, procedures and practices must comply with federal and state law, guidelines, and standards, and with OAC 450:15-3-20.1, OAC 450: 15-3-20.2 and OAC 450:15-30-60.

SUBCHAPTER 11. CONSUMER RIGHTS

450:24-11-1. Consumer rights, inpatient and residential

The CCARC shall comply with applicable rules in Title 450, Chapter 15. Consumer Rights.

SUBCHAPTER 13. ORGANIZATIONAL AND FACILITY MANAGEMENT

450:24-13-1. Organizational and facility description

(a) The CCARC shall have a written organizational description which is reviewed annually and minimally includes:

(1) The overall target population to be served;

(2) The overall mission statement; and

(3) The annual facility goals and objectives, including the goal of continued progress for the agency in providing recovery oriented, culturally competent, trauma informed and co-occurring capable services.

(b) The CCARC's governing authority shall review and approve the mission statement and annual goals and objectives and document their approval.

(c) The CCARC shall make the organizational description, mission statement and annual goals available to staff.

(d) The CCARC shall make the organizational description, mission statement and annual goals available to the general public upon request.

(e) Each CCARC shall have in writing, by program component or service, the following:

(1) Philosophy and description of services, including the philosophy of recovery oriented and welcoming service delivery;

(2) Identity of the professional staff that provides these services;

(3) Admission and exclusionary criteria that identify the type of consumers for whom the services is primarily intended, with no exclusion criteria based on active substance use disorders;

(4) Goals and objectives, including making progress toward co-occurring capable, trauma informed, and culturally competent service delivery; and

(5) Delineation of processes to assure welcoming accessible, integrated, and co-occurring capable services and a plan for how each program component will address the needs of individuals with co-occurring disorders.

(f) The CCARC shall have written statement of the quality improvement processes, procedures and plans for attaining

the organization's goals and objectives. These procedures and plans shall define specific tasks, including actions regarding the organization's co-occurring capability set target dates and designate staff responsible for carrying out the procedures and plans.

(g) Compliance with OAC 450:24-13-1 shall be determined by a review of the facility's target population definition; facility policy and procedures; mission statement; written plan for professional services; other stated required documentation; and any other supporting documentation.

450:24-13-2. Information analysis and planning

(a) The CCARC shall have a defined and written plan for conducting an organizational needs assessment which specifies the methods and data to be collected, to include, but not limited to information from:

(1) Consumers;
(2) Governing Authority;
(3) Staff;
(4) Stakeholders;
(5) Outcomes management processes;
(6) Quality record review and
(7) Self-assessment tools to determine progress toward co-occurring, recovery oriented, trauma informed and consumer driven capability.

(b) The CCARC shall have a defined ongoing system to collect data and information on a quarterly basis to manage the organization.

(c) Information collected shall be analyzed to improve consumer services and organizational performance.

(d) The CCARC shall prepare an end of year management report, which shall include but not be limited to:

(1) an analysis of the needs assessment process, and
(2) performance improvement program findings.

(e) The management report shall be communicated and made available to, among others:

(1) the governing authority,
(2) facility staff, and
(3) ODMHSAS if and when requested.

(f) Compliance with OAC 450:17-13-2 shall be determined by a review of the written program evaluation plan(s); written annual program evaluation(s), special or interim program evaluations; program goals and objectives; and other supporting documentation provided.

SUBCHAPTER 15. PERFORMANCE IMPROVEMENT AND QUALITY MANAGEMENT

450:24-15-1. Performance improvement program

(a) The CCARC shall have an ongoing performance improvement program designed to objectively and systematically monitor, evaluate and improve the quality of consumer care.

(b) The Performance improvement program shall also address the fiscal management of the organization.

(c) The facility shall have an annual written plan for performance improvement activities. The plan shall include but not be limited to:

(1) Outcomes management specific to each program component which minimally measures:
  (A) efficiency;
  (B) effectiveness; and
  (C) consumer satisfaction.
(2) A quarterly quality consumer record review to evaluate and ensure, among others:
  (A) the quality of services delivered;
  (B) the appropriateness of services;
  (C) patterns of service utilization;
  (D) consumers are provided an orientation to services, and actively involved in making informed choices regarding the services they receive;
  (E) assessments are thorough, timely and complete;
  (F) treatment goals and objectives are based on, at a minimum,
    (i) assessment findings, and
    (ii) consumer input;
  (G) services provided are related to the treatment plan goals and objectives;
  (H) services are documented as prescribed by policy; and
  (I) the service plan is reviewed and updated as prescribed by policy.
(3) Clinical privileging;
(4) Review of critical and unusual incidents and consumer grievances and complaints; and
(5) Improvement in the following:
  (A) co-occurring capability, including the utilization of self-assessment tools as determined or recommended by ODMHSAS;
  (B) provision of trauma informed services;
  (C) provision of culturally competent services; and
  (D) provision of consumer driven services; and
(6) Activities to improve access and retention within the treatment program, including an annual "walk through" of the intake and admission process.

(d) The CCARC will identify a performance improvement officer.

(e) The CCARC shall monitor the implementation of the performance improvement plan on an ongoing basis and makes adjustments as needed.

(f) Performance improvement findings shall be communicated and made available to, among others:

(1) the governing authority;
(2) facility staff;
(3) consumers;
(4) stakeholders; and
(5) ODMHSAS, as requested.

(g) Compliance with 450:24-15-1 shall be determined by a review of the written program evaluation plan; written program evaluations (annual and or special or interim; program goals and objectives; and other supporting documentation provided).

450:24-15-2. Critical incident reporting

(a) The facility shall have written policies and procedures requiring documentation and reporting of critical incidents and analysis of the contributors to the incident, with attention to issues that may reflect opportunities for system level or program level improvement.

(b) The documentation for critical incidents shall minimally include:

(1) the facility, name and signature of the person(s) reporting the incident;

(2) the name(s) of the consumer(s), staff member(s) or property involved;

(3) the time, date and physical location of the critical incident;

(4) the time and date the incident was reported and name of the staff person within the facility to whom it was reported;

(5) a description of the incident;

(6) resolution or action taken, date action taken, and signature of appropriate staff; and

(7) severity of each injury, if applicable. Severity shall be indicated as follows:

(A) No off-site medical care required or first aid care administered on-site;

(B) Medical care by a physician or nurse or follow-up attention required; or

(C) Hospitalization or immediate off-site medical attention was required;

(c) Critical incidents shall be reported to ODMHSAS with specific timeframes, as follows:

(1) Critical incidents requiring medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered via fax or mail to ODMHSAS Provider Certification within twenty-four (24) hours of the incident being documented.

(2) Critical incidents involving allegations constituting a sentinel event or consumer abuse shall be reported to ODMHSAS immediately via telephone or fax, but not more than twenty-four (24) hours of the incident. If reported by telephone, the report shall be followed with a written report within twenty-four (24) hours.

(d) Compliance with 450:24-15-2 shall be determined by a review of facility policy and procedures; critical incident reports at the facility and those submitted to ODMHSAS, performance improvement program documents and reports, and staff interviews.

SUBCHAPTER 17. HUMAN RESOURCES

450:24-17-1. Personnel policies and procedures

(a) The facility shall have written personnel policies and procedures approved by the governing authority.

(b) All employees shall have access to personnel policies and procedures, as well as other Rules and Regulations governing the conditions of their employment.

(c) The facility shall develop, adopt, and maintain policies and procedures at each provider location to promote the objectives of the center and provide for qualified personnel during all hours of operation to support the functions of the facility and the provision of quality care.

(d) Compliance with 450:24-17-1 shall be determined by a review of written personnel policies and procedures, and other supporting documentation provided.

450:24-17-2. Job descriptions

(a) There shall be job descriptions for all positions setting forth minimum qualifications and duties of each position.

(b) All job descriptions shall include an expectation of core competencies in relation to individuals with co-occurring disorders.

(c) Compliance with 450:24-17-2 shall be determined by a review of written job descriptions for all facility positions, and other supporting documentation provided.

450:24-17-3. Utilization of volunteers

(a) In facilities where volunteers are utilized, specific policies and procedures shall be in place to define the purpose, scope, and training, supervision and operations related to the use of volunteers.

(b) A qualified staff member shall be assigned the role of, or responsibility as, the volunteer coordinator.

(c) Volunteer policies and procedures shall be reviewed by the governing authority upon revision.

(d) There shall be documentation to verify orientation of each volunteer which shall enable him or her to have knowledge of program goals and familiarity with routine procedures.

(e) The volunteer orientation shall include explanations, at a minimum, of the following:

(1) The importance of maintaining confidentiality and protecting consumer's rights, as well as the legal ramifications of State and Federal regulations concerning confidentiality;

(2) The facility's policies and procedures;

(3) Any other necessary information to ensure that volunteer staff members are knowledgeable enough to carry out the responsibilities of their position; and

(4) Documentation of volunteer's understanding of policies, goals and job.

(f) Compliance with 450:24-17-3 shall be determined by a review of volunteer policies and procedures; designation of a volunteer coordinator; written orientation plan; orientation program; written goals and objectives; volunteer personnel files; and volunteer records.

SUBCHAPTER 19. STAFF DEVELOPMENT

450:24-19-1. Staff qualifications

(a) All staff who provide clinical services shall have documented qualifications or training specific to the clinical services they provide within the CCARC.

(b) Staff qualifications for contracted entities shall be in compliance with 450:1-1-1.1 and 450:1-3-5.
(c) Compliance with 450:24-19-1 shall be determined by a review of staff personnel files and other supporting documentation provided.

450:24-19-2. Staff development
(a) The CCARC shall have a written plan for the professional growth and development of all administrative, professional and support staff.
(b) This plan shall include, but not be limited to:
(1) orientation procedures;
(2) in-service training and education programs;
(3) availability of professional reference materials; and
(4) mechanisms for insuring outside continuing educational opportunities for staff members.
(c) The results of performance improvement activities, accrediting and audit findings and recommendations shall be addressed by and documented in the staff development and clinical privileging processes.
(d) Staff competency development shall be aligned with the organization's goals related to co-occurring capability, and incorporate a training plan, training activities, and supervision designed to improve co-occurring core competencies of all staff.
(e) Staff education and in-service training programs shall be evaluated by the CCARC at least annually.
(f) Compliance with 450:24-19-2 shall be determined by a review of the staff development plan; clinical privileging processes; documentation of in-service training programs; and other supporting documentation provided.

450:24-19-3. Annually required in-service training for all employees
(a) In-service presentations shall be conducted each calendar year and are required for all employees on the following topics:
(1) Fire and safety;
(2) AIDS and HIV precautions and infection control;
(3) Consumer's rights and the constraints of the Mental Health and Drug or Alcohol Abuse Services Consumer Bill of Rights;
(4) Confidentiality;
(5) Oklahoma Child Abuse Reporting and Prevention Act, 10 O.S. §§ 7101-7115; and
(6) Facility policy and procedures;
(7) Cultural Competence;
(8) Co-occurring disorder competency and treatment principles;
(9) Trauma informed; and
(10) Age and developmentally appropriate trainings, where applicable.
(b) All clinical staff shall have non-physical intervention training in techniques and philosophies addressing appropriate non-violent interventions for potentially physical interpersonal conflicts, staff attitudes which promote dignity and enhanced self-esteem, keys to effective communication skills, verbal and non-verbal interaction and non-violent intervention within three (3) months of being hired with annual updates thereafter.
(c) The local facility Executive Director shall designate which positions and employees, including temporary employees, will be required to successfully complete physical intervention training. An employee, so designated by the Executive Director, shall not provide direct care services to consumers until completing this training.
(d) The training curriculum for 450:24-19-3 (b) and (c) must be approved by the ODMHSAS commissioner or designee in writing prior to conducting of any training pursuant to this provision.
(e) Compliance with 450:24-19-3 shall be determined by a review of in-service training records; personnel records; and other supporting written information provided.

450:24-19-4. First Aid and CPR training
(a) The CCARC shall have staff during all hours of operation at each program site who maintains current certification in basic first aid and Cardiopulmonary Resuscitation (CPR).
(b) Compliance with 450:24-19-4 shall be determined by a review of staff training records and other supporting written information, including, but not limited to staff schedules to assure all program sites are continuously staff with staff trained in item (a) above.

SUBCHAPTER 21. FACILITY ENVIRONMENT

450:24-21-1. Facility environment
(a) The CCARC shall obtain an annual fire and safety inspection from the State Fire Marshall or local authorities which documents approval for continued occupancy.
(b) CCARC staff shall know the exact location, contents and use of first aid supply kits and firefighting equipment. First aid supplies and firefighting equipment shall be maintained in appropriately designated areas within the facility.
(c) There shall be posted written plans and diagrams noting emergency evacuation routes in case of fire, and shelter locations in case of severe weather.
(d) Facility grounds shall be maintained in a manner to provide a safe environment for consumers, personnel, and visitors.
(e) The director of the CCARC or designee shall appointment of a safety officer.
(f) The facility shall have an emergency preparedness program designed to provide for the effective utilization of available resources so that consumer care can be continued during a disaster. The emergency preparedness program is evaluated annually and is updated as needed.
(g) Policies for the use and control of personal electrical equipment shall be developed and implemented.
(h) There shall be an emergency power system to provide lighting throughout the facility.
(i) The CCARC director shall ensure there is a written plan to cope with internal and external disasters. External disasters include, but are not limited to, tornados, explosions, and chemical spills.

(j) Compliance with 450:24-21-1 shall be determined by visual observation; posted evacuation plans; a review of the CCARC's annual fire and safety inspection report; and a review of policy, procedures and other supporting documentation provided.

SUBCHAPTER 23. GOVERNING AUTHORITY

450:24-23-1. Documents of authority

(a) There shall be a duly constituted authority and governance structure for assuring legal responsibility and for requiring accountability for performance and operation of the facility (including all components and satellites).

(b) The governing authority shall have written documents of its source of authority, which shall be available to the public upon request.

(c) In accordance with governing body bylaws, rules and regulations, the chief executive officer is responsible to the governing body for the overall day-to-day operation of the facility, including the control, utilization, and conservation of its physical and financial assets and the recruitment and direction of the staff.

(1) The source of authority document shall state:

(A) The eligibility criteria for governing body membership;

(B) The number and types of membership;

(C) The method of selecting members;

(D) The number of members necessary for a quorum;

(E) Attendance requirements for governing body membership;

(F) The duration of appointment or election for governing body members and officers; and

(G) The powers and duties of the governing body and its officers and committees or the authority and responsibilities of any person legally designated to function as the governing body.

(2) There shall be an organizational chart setting forth the operational components of the facility and their relationship to one another.

(d) Compliance with 450:24-23-1 shall be determined by a review of the following: bylaws, articles of incorporation, written document of source of authority, minutes of governing board meetings, job description of the CEO, and the written organizational chart.

450:24-23-2. Board composition

(a) Members of the Board of Directors shall reside, or be employed, or otherwise have a demonstrated interest in the area served.

(b) The composition of the Board shall reflect an equitable representation of the population distribution in the service area. Each county in a multi-county service area of five or fewer counties must be represented on the Board by at least one resident of the county. CCARC's serving six or more counties may rotate such membership or otherwise ensure representation.

(c) Composition of the Board shall also reflect a broad representation of the community, including minorities, at least one consumer of addiction recovery services and one family member of an adolescent who has received addiction recovery services.

(d) No more than forty percent of the Board's members shall be providers of mental health and/or addiction recovery services.

(e) The Board shall have no less than seven members.

(f) System shall be devised to provide for a staggering of terms so that the terms of the Directors do not all expire at the same time.

(g) The Board shall have a provision for the removal of individuals from the Board for non-attendance of Board meetings.

(h) The governing body shall meet at least quarterly.

(i) Employees of an agency shall be prohibited from participation as Board members of their governing authority, except in an ex-official, nonvoting capacity.

(j) The meetings of the Board of Directors shall comply with the Oklahoma open meeting laws.

(k) Compliance with 450:24-23-2 shall be determined by a review of facility policy and procedures regarding governing authority; governing body bylaws, rules and regulations; governing body minutes; membership rolls; and other documentation as needed.

SUBCHAPTER 25. SPECIAL POPULATIONS

450:24-25-1. Americans with Disabilities Act of 1990

(a) Under Titles 11 and 111 of the ADA, the CCARC's shall comply with the "Accessibility Guidelines for Buildings and Facilities (ADAAG) for alterations and new construction." United States government facilities are exempt for the ADA as they shall comply with the "Uniform Federal Accessibility Standards (UFAS)", effective August 7, 1984. Also available for use in assuring quality design and accessibility is the American National Standards Institute (ANSI) A117.1 "American National Standard for Accessible and Usable Buildings and Facilities."

(b) State and local standards for accessibility and usability may be more stringent than ADA, UFAs, or ANSI A 117.1. The CCARC shall assume responsibility for verification of all applicable requirements and comply with the most stringent standards.

(c) The CCARC shall have written policy and procedures providing or arranging for services for persons who fall under the protection of the Americans With Disabilities Act of 1990 and provide documentation of compliance with applicable Federal, state, and local requirements. A recommended reference is the "Americans With Disabilities Handbook" published the in U.S. Equal Employment Opportunities Commission and the U.S. Department of Justice.

(d) Compliance with 450:24-25-1 shall be determined through a review of facility written policy and procedure; and any other supporting documentation.

450:24-25-2. Human Immunodeficiency Virus (HIV), and Acquired Immunodeficiency Syndrome (AIDS)

(a) The facility shall have a policy of non-discrimination against persons with HIV infection or AIDS.

(b) All facilities shall observe the Universal Precautions For Transmission of Infectious Diseases as set forth in, "Occupational Exposure to Bloodborne Pathogens" published by the (U.S.) Occupations Safety Health Administration [OSHA]; and

(1) There shall be written documentation the aforestated Universal Precautions are the policy of the facility;

(2) In-service training regarding the Universal Precautions shall be a part of employee orientation and, at least once per year, is included in employee in-service training.

(c) Compliance with 450:24-25-2 is determined by reviews of facility policy and procedure and in-service training records, schedules, or other documentation.

[OAR Docket #11-833; filed 6-3-11]

TITLE 530. OFFICE OF PERSONNEL MANAGEMENT
CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

[OAR Docket #11-891]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
Part 1. General Provisions
530:10-1-2 [AMENDED]
Subchapter 5. Position Allocation and Employee Classification System
Part 5. Audits of Positions
530:10-5-52 [AMENDED]
Subchapter 7. Salary and Payroll
Part 1. Salary and Rate of Pay
530:10-7-12 [AMENDED]
Subchapter 9. Recruitment and Selection
Part 3. Written and Performance Tests
530:10-9-40 [AMENDED]
Part 11. Direct Hire Authority
530:10-9-111 [AMENDED]
Subchapter 11. Employee Actions
Part 11. Other Transactions
530:10-11-120 [AMENDED]
Subchapter 13. Reduction-in-Force
Part 1. General Provisions for Reduction-in-Force
530:10-13-3 [AMENDED]
530:10-13-12 [AMENDED]
Part 3. Reduction-In-Force Plan Requirements
530:10-13-32 [AMENDED]
Subchapter 15. Time and Leave
Part 5. Miscellaneous Types of Leave
530:10-15-43 [AMENDED]
530:10-15-48 [AMENDED]
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None.
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The proposed amendments to 530:10-5-52 and 530:10-7-12 are to correct statutory and rule citations. The proposed amendments to 530:10-1-2 and 530:10-9-111 are necessary to reflect current terminology utilized within the electronic application system. The proposed amendment to 530:10-9-40 is necessary to correct grammatical error. The proposed amendments to 530:10-5-43 and 530:10-11-120 are necessary to provide clarification and simplify the application of the rules. The proposed amendments to 530:10-13-3 are being amended to require notification to the applicable employee retirement system regarding the right to purchase termination credit as a result of a Reduction-In-Force and to make amendments promulgated through the emergency rule process permanent rule amendments. The proposed amendments to 530:10-13-12, 530:10-13-32 and 530:10-15-48 are necessary to make amendments promulgated through the emergency rule process permanent rule amendments.
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

PART 1. GENERAL PROVISIONS

530:10-1-2. Definitions

In addition to terms defined in OAC 455:10 1 2, the following words and terms, when used in the Merit Rules, shall have the following meaning, unless the context clearly indicates otherwise.

"Absence without leave" and **"unauthorized absence"** means any absence of an employee from duty without specific approval.

"Absolute preference veteran" means a veteran eligible for placement at the top of registers for appointment to the classified service because of a service-connected disability of 30% or more.

"Act" means the Oklahoma Personnel Act.

"Administrator" means the appointing authority of the Oklahoma Office of Personnel Management [74:840 1.3]. As the term is used in the Merit Rules, the term includes employees of the Office of Personnel Management to whom the Administrator has lawfully delegated authority to act on his or her behalf. The term, as used in the Merit rules, may also include Appointing Authorities to whom the Administrator has delegated authority under a duly executed delegation agreement.

"Adverse impact" or **"disparate impact"** means a substantially different rate of selection in hiring, promotion, or other employment decision which works to the disadvantage of members of a race, sex, or ethnic group. A common yardstick for determining adverse impact is the **"4/5ths rule"** which indicates adverse impact if the selection rate for any protected group is less than 4/5ths (80%) of the selection rate of the group with the highest selection rate.

*"**Agency**" means any office, department, board, commission or institution of the executive branch of state government* [74:840 1.3].

"Allocation" or **"Position allocation"** means the process by which the Office of Personnel Management designates a position to an established job family. A position is allocated on the basis of duties, authority, responsibilities, classification guides, and other appropriate factors.

"Appointing authority" means the chief administrative officer of an agency [74:840 1.3]. As the term is used in the Merit Rules, the term includes employees of an agency to whom the Appointing Authority has lawfully delegated authority to act on his or her behalf.

"Assignment" or **"Position assignment"** in the context of position allocation means the process by which an Appointing Authority designates a position to an established job family level.

"Balanced and representative work force" means a work force whose composition at all levels approximates the composition of the relevant civilian labor force in terms of race, sex, and ethnicity.

"Base pay", "base rate", or **"base salary"** means the hourly rate or salary established for a job performed. It does not include shift differentials, benefits, overtime, incentives, longevity, or any other pay elements.

"Break in service" means a period of time in excess of thirty (30) days during which an employee is not present at work and is not in paid leave status or on approved leave without pay.

"Career progression" means a type of intra-agency promotion in which an employee is advanced from one level of a job family to a higher non-supervisory level in the same job family.

"Certification", in the context of initial classified appointments, means the submission of available names of eligibles from the appropriate register to an Appointing Authority. Such a list is called a **"certificate"** or **"e-list".** Individuals whose names appear on the certificate are said to be "certified". In the context of all other types of appointments, certification means the determination by the Office, or by an Appointing Authority to whom the Administrator has delegated authority, that a candidate possesses permanent classified status or is eligible for reinstatement to permanent classified status, and meets requirements for appointment to a specified job in the classified service.

*"**Classification" means**:*

(A) *the process of placing an employee into an appropriate job family and level within the job family, consistent with the allocation of the position to which the employee is assigned, or*

(B) *an employee's job family and the level at which work is assigned* [74:840 1.3].

*"**Classification plan**" means the orderly arrangement of positions within an agency into separate and distinct job families so that each job family will contain those positions which involve similar or comparable skills, duties and responsibilities* [74:840 1.3].

"Classified employee" means an employee in the classified service, or an employee currently on leave from the classified service in accordance with established Merit Rules governing leave.

*"**Classified service**" means state employees and positions under the jurisdiction of the Oklahoma Merit System of Personnel Administration* [74: 840 1.3].

*"**Commission**" means the Oklahoma Merit Protection Commission* [74:840 1.3].

"Compensation plan" means a schedule of salaries or hourly wages established for the jobs recognized in the agency classification plan so that all positions of a given job within an agency may be paid the same salary range established for the job.

"Consider" means a reasonable judgment based on job related criteria and on an individual's fitness for duties for initial or internal appointment.

"Demotion" means the reclassification of a classified employee to a different job with a lower pay band assignment or to a lower level within the same job family. Demotion may be voluntary or involuntary.

"Direct reclassification" means a change made in a classified employee's classification by an Appointing Authority as a result of the adoption of a new or revised job family descriptor.

"Discharge" is defined in 455:10 11 3.

*"**Displacement**" or* **"displace"** means the process of an employee accepting an offer of employment to an occupied or funded vacant position [74:840-2.27B].

"EEO Job Categories", as used in the context of affirmative action/equal employment opportunity, means the following occupational categories:

(A) **Officials and Administrators:** Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or direct individual departments or special phases of the agency's operations, or provide specialized consultation on a regional, district, or area basis.

(B) **Professionals:** Occupations which require specialized and theoretical knowledge which is usually acquired through college training or through work experience and other training which provides comparable knowledge.

(C) **Technicians:** Occupations which require a combination of basic scientific or technical knowledge and manual skill which can be obtained through specialized post-secondary school education or through equivalent on-the-job training.

(D) **Protective Service Workers:** Occupations in which workers are entrusted with public safety, security and protection from destructive forces.

(E) **Paraprofessionals:** Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually require less formal training and/or experience normally required for professional or technical status.

(F) **Administrative Support (Including Clerical and Sales):** Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office.

(G) **Skilled Craft Workers:** Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs.

(H) **Service-Maintenance:** Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property.

"Eligible" means a person who has met all requirements for appointment to a given job.

*"**Employee**" or "**state employee**" means an elected or appointed officer or employee of an agency unless otherwise indicated* [74:840 1.3].

*"**Entrance examination**" means any employment test used by the Office of Personnel Management to rank the names of applicants who possess the minimum requirements of education, experience, or licensure for a job or group of similar jobs on a register of eligibles established by the Office of Personnel Management* [74:840-1.3].

*"**Executive Director**" means the appointing authority of the Oklahoma Merit Protection Commission* [74:840 1.3].

"FEPA" means the Oklahoma Fair Employment Practices Act, Section 840 4.12 of the Oklahoma Personnel Act.

"FLSA" means the federal Fair Labor Standards Act.

"FLSA exempt" means employees performing work which is considered to be exempt from the overtime payment provisions of the FLSA.

"FLSA non-exempt" means employees performing work which is considered to be under the overtime payment provisions of the FLSA.

"Hiring range" means a range within a pay band within which an Appointing Authority may establish the initial rate of pay for a given job.

"Hiring rate" means the initial rate of pay for a given job within the pay band assigned to the job family level.

"Hiring rule" refers to the names of the top 10 available eligibles certified to an Appointing Authority by the Administrator.

"Initial appointment" or **"original appointment"** means the act of an Appointing Authority hiring a person, usually from a certificate, for a probationary period. Contrast the meaning of these terms with "internal action" and "internal appointment" which are also defined in this Section.

*"**Interagency transfer**" means an action in which an employee leaves employment with one agency and enters employment with another agency while continuously employed with the state* [74:840 1.3].

"Internal action" or **"Internal appointment"** means the reclassification of a current employee or the reinstatement, recall or reemployment from a Priority Reemployment Consideration Roster of a former employee.

*"**Intra-agency transfer**" means moving an employee from one position to another position with the same agency either with or without reclassification* [74:840 1.3].

*"**Job**" means a position or job family level in a job family* [74:840-1.3].

"Job family" means:

(A) *jobs which require similar core skills and involve similar work, and*

(B) *a logical progression of roles in a specific type of occupation in which the differences between roles are related to the depth and breadth of experience at various levels withinthe job family and which are sufficiently similar in duties and requirements of the work to warrant similar treatment as to title, typical functions, knowledge, skills and abilities required, and education and experience requirements* [74:840-1.3].

*"**Job family descriptor**" means a written document that:*

(A) *describes a job family, including, but not limited to, the basic purpose, typical functions performed, various levels within the job family, and the knowledge, skills, abilities, education, and experience required for each level, and*

(B) *identifies the pay band assigned for each level* [74:840-1.3].

*"**Job family level**"* or **"level"** *means a role in a job family having distinguishable characteristics such as knowledge, skills, abilities, education, and experience* [74:840-1.3].

*"**Job-related organization**" means a membership association which collects annual dues, conducts annual meetings and provides job-related education for its members and which includes state employees, including any association for which payroll deductions for membership dues are authorized pursuant to paragraph 5 of subsection B of Section 7.10 of Title 62 of the Oklahoma Statutes* [74:840 1.3].

*"**Lateral transfer**" means the reassignment of an employee to another state job with the same pay band assignment as the job family level in which the employee was classified prior to the lateral transfer* [74:840 1.3].

"Leave of absence without pay" means leave or time off from duty granted by the Appointing Authority, for which period the employee receives no pay.

"Manifest imbalance" means representation of females, Blacks, Hispanics, Asian/Pacific Islanders and American Indians/Alaskan natives in specific job groups or EEO job categories within the agency's work force that is substantially below its representation in the appropriate civilian labor force.

*"**Merit Rules**" or "**Merit Rules for Employment**"* or *"**Merit System of Personnel Administration Rules**"* means *rules adopted by the Administrator of the Office of Personnel Management or the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act* [74:840 1.3]. Merit Rules adopted by the Administrator are in OAC 530:10, and Merit Rules adopted by the Commission are in OAC 455:10.

*"**Merit System**" means the Oklahoma Merit System of Personnel Administration* [74:840 1.3].

"Minimum qualifications" means the requirements of education, training, experience and other basic qualifications for a job.

"Minority" means a person who appears to belong, identify with, or is regarded in the community as belonging to one of the following racial or ethnic groups:

(A) **"Black"**, meaning all persons having origins in any of the Black racial groups of Africa;

(B) **"Hispanic"**, meaning all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

(C) **"Asian or Pacific Islander"**, meaning all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, Japan, Korea, the Philippine Islands, and Samoa.

(D) **"American Indian or Alaskan Native"**, meaning all persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition. For affirmative action purposes, persons who are reported as American Indian shall verify tribal affiliation by providing a certificate of Degree of Indian Blood from the U.S. Department of Interior, Bureau of Indian Affairs, or by providing the name and address of tribal officials who can verify tribal affiliation [74:840 2.1].

"New position" means a position not previously existing.

*"**Noncompetitive appointment**" means the appointment of a person to a noncompetitive job level within a job family* [74:840 1.3].

*"**Noncompetitive job**" means an unskilled or semiskilled job designated by the Office of Personnel Management as noncompetitive. Noncompetitive jobs do not require written examinations for placement on registers of eligibles* [74:840 1.3].

*"**Office**" means the Office of Personnel Management* [74:840 1.3].

"Oklahoma Personnel Act" means Sections 840 1.1 et seq. of Title 74 of the Oklahoma Statutes, creating the Merit System of Personnel Administration and any amendments or supplements.

"Part-time employee" means an employee who works less than full time.

"Pay band" means the pay range assigned to a job family level.

"Payline" means the relationship between the rate of pay of a particular job family level and the assigned job evaluation points for the same job family level.

"Permanent employee" means a classified employee who has acquired permanent status in the classified service according to the Act and the Merit Rules.

"Position" means a group of specific duties, tasks and responsibilities assigned by the Appointing Authority to be performed by one person; a position may be part time or full time, temporary or permanent, occupied or vacant.

"Priority reemployment consideration" means the requirement that Appointing Authorities consider eligible former state employees who were separated as a result of a reduction-in-force whose names appear on Priority Reemployment Consideration Rosters before any vacant position is filled by any eligible initially appointed from an employment register.

"Probationary employee" means a classified employee who has not acquired permanent status in the classified service in accordance with the Act and the Merit Rules.

"Probationary period" means a working test period during which a classified employee is required to demonstrate fitness for the job to which appointed by the satisfactory performance of the duties and responsibilities of the job.

"Promotion" means the reclassification of a classified employee to a different job with a higher pay band assignment or to a higher level within the same job family.

*"**Promotional examination**" means any employment test designated by the Office of Personnel Management to determine further the qualifications of a permanent classified employee of a state agency for employment in a different job for which the employee possesses the minimum qualifications of education, experience, or licensure within that agency* [74:840 1.3].

"Reallocation" or **"Position reallocation"** means the process of reassigning an established position, occupied or vacant, from one job family to another.

"Recall right" means the entitlement of an eligible person to be offered reappointment to the job family level from which removed by a reduction-in-force before any other person may be appointed, except by recall.

*"**Reclassification**" means the process of changing a classified employee from one job family to another job family or from one job family level to another job family level in the same job family, resulting in a change in the employee's assigned job code* [74:840 1.3].

"Register" means a list of eligibles for original probationary appointment to a job.

~~**"Register life"** means the length of time during which a person's name may be continuously or intermittently on a register as a result of an entrance examination.~~

"Regular and consistent" means, in connection with an employee's work assignments, the employee's usual and normal work assignments, excluding incidental, casual, occasional tasks, and activities the employee assumes without direction to do so. Temporary work assignments of less than 60 days in any 12 month period are not considered regular and consistent.

*"**Regular unclassified service employee**" means an unclassified service employee who is not on a temporary or other time-limited appointment* [74:840-1.3].

"Reinstatement" means the reappointment of a former permanent classified employee as provided in the Merit Rules or the replacing of an eligible's name on a register.

"Resignation" means an employee's voluntary termination of his or her employment with the state. In the case of a classified employee, it includes the forfeiture of status in the classified service.

"Salary administration plan" means the plan adopted by an Appointing Authority and submitted to the Administrator for approval which establishes hiring ranges for positions. Components of a salary administration plan may include but are not limited to conditions for hiring above the midpoint of a pay range, skill-based pay programs, and other pay movement mechanisms authorized by Section 840-2.17 of the Oklahoma Personnel Act.

"Senior EEO Investigator" means a person who has been designated by the Administrator to provide advice and support to persons completing the training requirements for discrimination complaints investigators as described in 530:10 3 22.

"Successor job family level" means a job family level that takes the place of another job family level.

*"**Supervisor**" means a classified or unclassified employee* [within the executive branch, excluding employees within The Oklahoma State System of Higher Education 74:840 3.1] who has been assigned authority and responsibility for evaluating the performance of [other state employees] 74:840 1.3].

"Trial period" means a working test period after promotion, voluntary demotion, or intra-agency lateral transfer during which a classified employee is required to demonstrate satisfactory performance in the job to which promoted, voluntarily demoted, or transferred before acquiring permanent status in the job.

*"**Unclassified service**" or "**exempt service**" means employees and positions excluded from coverage of the Oklahoma Merit System of Personnel Administration* [74:840 1.3]. Such employees and positions are subject to various provisions of the Oklahoma Personnel Act and the Merit Rules.

"Veteran" means a person who has been honorably discharged from the Armed Forces of the United States and who has been a resident of Oklahoma for at least 1 year before the date of examination [74:840 1.3].

SUBCHAPTER 5. POSITION ALLOCATION AND EMPLOYEE CLASSIFICATION SYSTEM

PART 5. AUDITS OF POSITIONS

530:10-5-52. Demotion resulting from position audit or reclassification

If an employee in the classified service is demoted as a result of a position audit or reclassification, the agency shall provide notice, to include all position description documentation, of such demotion to the Office of Personnel Management. The Office of Personnel Management shall review the findings of the agency prior to such demotion occurring, to ensure compliance with the law. The Office of Personnel Management shall complete the review and respond within ten (10) business days of receipt of notice. The provisions of this subsection shall not apply to demotions that are a result of a position audit or reclassification performed by the Office of Personnel Management. [~~74:842-6.5(B)~~74:840-6.5(B)]

SUBCHAPTER 7. SALARY AND PAYROLL

PART 1. SALARY AND RATE OF PAY

530:10-7-12. Payment of overtime

(a) An Appointing Authority shall neither require nor allow FLSA Non-Exempt employees to work in excess of 40 hours a week without establishing and implementing a comprehensive policy for compensation. Such policy shall be in compliance with the Fair Labor Standards Act (29 U.S.C. 201 et seq.). The policy shall be made available by the Appointing Authority to interested persons upon request and the Appointing Authority shall so notify employees. Copies of such policy shall be forwarded to the Office of Personnel Management. This section is not a comprehensive listing of the provisions of the Fair Labor Standards Act (29 U.S.C, 201 et seq.) and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations.

(b) FLSA Non-Exempt (as defined by the Fair Labor Standards Act) employees shall be paid 1 1/2 times their regular hourly rate for each overtime hour worked.

(c) The Executive Branch of the State of Oklahoma is one employer for FLSA purposes; therefore, concurrent employment in more than one agency is considered joint employment.

Employees working in one or more nonexempt positions in Executive Branch agencies and who work more than 40 total hours per week shall be eligible for overtime. Employees shall be required to notify their current agency upon accepting employment with another Executive Branch agency. It will be the responsibility of all agencies involved to insure that all FLSA requirements associated with multiple agency appointments are met.

(d) Compensatory time in lieu of overtime payment at the rate of time and one-half may be given to FLSA Non-Exempt employees (as defined by the Fair Labor Standards Act) subject to the following conditions:

(1) Prior to the performance of overtime work, the Appointing Authority and the employee shall agree in writing that the employee may be required to take compensatory time in lieu of overtime pay. A written agreement is not required with respect to employees hired prior to April 15, 1986, if the employer had a regular practice in effect on April 15, 1986, of granting compensatory time off in lieu of overtime pay (29 U.S.C. 553.23).

(2) An employee shall be permitted to use accrued compensatory time within 180 days following the pay period in which it was accrued. The balance of any unused compensatory time earned but not taken during this time period shall be paid to the employee. An Appointing Authority may request an extension of this time period for taking compensatory time off up to an additional 180 days providing the Appointing Authority submits proper documentation to the Office of Personnel Management justifying the extension. Agencies shall not be allowed to extend the initial 180-day time period for employees working in an institutional setting as defined by 74:840-2.15(D) [74:840-2.15(C)]. All extensions are subject to the approval of the Office of Personnel Management.

(3) The maximum compensatory time which may be accrued by a FLSA Non-Exempt employee shall be 480 hours for those employees engaged in a public safety or firefighting activity and 240 hours for all other FLSA Non-Exempt employees.

(4) An employee who has accrued the maximum number of compensatory hours shall be paid overtime compensation for any additional overtime hours worked at the rate of 1 1/2 times their regular hourly rate of pay for each overtime hour worked.

(5) Payment for accrued compensatory time upon termination of employment with the agency shall be calculated at the average regular rate of pay for the final 3 years of employment, or the final regular rate received by the employee, whichever is the higher.

(6) Overtime and compensatory time is accrued by work period, as defined by the FLSA.

(7) Compensatory time shall not be transferred from one agency to another agency.

(8) An Appointing Authority shall approve an employee's request to take compensatory time off on a particular day, unless the employee's taking compensatory time off on that day disrupts agency operations or endangers public health, safety, or property.

(9) Accrued compensatory time shall be exhausted before the granting of any annual leave for a non-exempt employee except when the employee may lose accrued leave under 530:10 15 10 and 530:10 15 11(b)(5).

(10) Adjustments in scheduled work time may be made on an hour-for-hour basis within the work period.

(e) Appointing Authorities may provide compensatory time off to FLSA Exempt (as defined by the Fair Labor Standards Act) employees with the following stipulations:

(1) The compensatory time off shall be taken within time periods and policy outlined in ~~530:10 7 12(c)(2)~~530:10-7-12(d)(2). Unused compensatory time shall be taken off the books if not taken by the end of the time periods and policy outlined in ~~530:10 7 12(c)(2)~~530:10-7-12(d)(2).

(2) Compensatory time shall only be given on an hour-for-hour basis, 1 hour off for each hour worked overtime. The maximum compensatory time which may be accrued by an FLSA exempt employee shall be the same as that outlined in ~~530:10-7-12(c)(3)~~530:10-7-12(d)(3).

(3) Payments shall not be made for compensatory time accrued by an employee on FLSA Exempt status for any reason, except as provided for in ~~(e)~~(f) of this Section.

(f) After submitting written notice to the Office of Personnel Management, an Appointing Authority may provide overtime payments to persons in FLSA Exempt classes based on a prevailing market condition.

SUBCHAPTER 9. RECRUITMENT AND SELECTION

PART 3. WRITTEN AND PERFORMANCE TESTS

530:10-9-40. Test results

Applicants who take an examination shall be notified electronically of the results. Applicants who have not provided an e-mail address shall be notified in writing.

PART 11. DIRECT HIRE AUTHORITY

530:10-9-111. Definitions

In addition to terms defined in 530:10 1 2, the following words and terms, when used in this Part, shall have the following meaning, unless the context clearly indicates otherwise:

"Adequate applicant pool" means 10 or more available qualified eligibles on open ~~competition~~competitive ~~registers~~ announcements maintained by the Office of Personnel Management for the location of a vacancy under the conditions of employment required for the position. However, the presence of one Absolute Preference Veteran on open competitive ~~registers~~announcements maintained by the Office of Personnel Management for the location of a vacancy under the conditions of employment required for the position shall also constitute an adequate applicant pool, regardless of the presence or absence of other available qualified eligibles.

"Conditions for employment" means requirements for the position established by the agency and approved by the Office of Personnel Management such as willingness to travel, perform shift work, or work in a particular geographic location, or possession of any selective qualifications or special requirements for the position.

"Direct hire authority" means the authorization for an Appointing Authority to certify the qualifications of and appoint an eligible applicant to a position requiring professional practice licensure or to a position which has been identified by the Administrator as hard-to-fill.

"Hard-to-fill positions" means a vacant position or positions in a job family for which a state agency has been unable to identify an adequate applicant pool within the past 2 ~~months~~weeks of open competitive ~~recruitment~~announcement.

"Professional practice licensure positions" means those positions within a job family for which the Administrator has determined the minimum qualifications for the job require professional licensure with the State of Oklahoma to legally practice in the profession. Such a job shall involve work requiring knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction or study such as a bachelor's degree from an accredited college or university. The Administrator shall maintain a list of jobs requiring professional practice licensure and shall make the list available to all state agencies with positions allocated to these job families.

SUBCHAPTER 11. EMPLOYEE ACTIONS

PART 11. OTHER TRANSACTIONS

530:10-11-120. Suspension with pay

(a) An Appointing Authority may suspend a permanent employee from duty with pay for internal investigatory purposes or to give a permanent employee the required notice and opportunity to respond before involuntary demotion, suspension without pay, or discharge. The Appointing Authority may require the employee to remain available during specified working hours to meet with investigators or other agency officials as required. A notice of suspension with pay, stating the beginning and ending dates and times and specifying any reporting requirements shall be issued to the employee in writing. An employee shall not be placed on suspension with pay more than a total of 20 working days within any 12 month period, except as provided in Subsection (b).

(b) If an Appointing Authority certifies that an internal investigation cannot be completed within 20 days, the Appointing Authority may continue the suspension in accordance with this subsection. The suspension with pay may not exceed the time necessary to complete the investigation and if the investigation warrants, to give the employee the required notice and opportunity to respond before termination. ~~For the purposes of this section, "Appointing Authority" means only the chief administrative officer of an agency and does not include employees to whom the Appointing Authority has delegated authority.~~

(c) If the employee is cleared, the Appointing Authority shall fully clear the employee's records in the custody of the agency and shall make every reasonable effort to fully clear any such records which are not in the custody of the agency. If the charges against the employee are confirmed, in whole or in part, a suspension with pay in accordance with this Section shall not preclude an Appointing Authority from taking disciplinary action in accordance with Oklahoma law and the Merit Rules.

SUBCHAPTER 13. REDUCTION-IN-FORCE

PART 1. GENERAL PROVISIONS FOR REDUCTION-IN-FORCE

530:10-13-3. Notice of reduction-in-force and time requirements

(a) **Cabinet Secretary approval.** Prior to the posting of any reduction-in-force notice, the notice shall be approved by the cabinet secretary for the agency conducting the reduction-in-force. [74:840-2.27C] If there is no incumbent cabinet secretary for the agency or if the appointing authority is governed by an elected official, the approval requirement shall not apply.

(b) **Notice.** At least 60 days before the scheduled beginning of reduction-in-force separations or as otherwise provided by law, the Appointing Authority shall post a notice in each office affected by the proposed reduction-in-force that a reduction-in-force will be conducted in accordance with the Oklahoma Personnel Act and Merit Rules. Such notice shall be posted for 5 days. The Appointing Authority shall provide a copy of the notice to the Administrator. A reduction-in-force shall not be used as a disciplinary action. [74:840 2.27C(A)]

(c) **Implementation plan.** The reduction-in-force implementation plan and subsequent personnel transactions directly related to the reduction-in-force shall be in compliance with rules adopted by the Administrator. The reduction-in-force implementation plan, including the description of and reasons for displacement limits and protections from displacement actions, and severance benefits that will be offered shall be posted in each office affected by the plan within 5 business days after posting of the reduction-in-force notice. At the discretion of the Appointing Authority, the reduction-in-force implementation plan may be posted concurrently with the reduction-in-force notice. The reduction-in-force implementation plan shall:

(1) Specify the position or positions to be abolished within specified units, divisions, facilities, agency-wide or any parts thereof, as determined by the Appointing Authority;

(2) Provide for retention of affected employees based on type of appointment;

(3) Require separation of probationary classified affected employees in affected job family levels, except

those affected employees in probationary status after reinstatement from permanent classified status without a break in service, prior to the separation of any permanent classified affected employee in an affected job family level;

(4) Provide for the retention of permanent classified affected employees in ~~affected~~ job family levels and those affected employees in probationary status after reinstatement, based on years of service;

(5) Provide for exercise of displacement opportunities by permanent classified affected employees and those affected employees in probationary status after reinstatement if any displacement opportunities exist; and

(6) Provide for outplacement assistance and employment counseling from the Oklahoma Employment Security Commission and any other outplacement assistance and employment counseling that may be available. [74:840-2.27C(B)]

(d) **Review of fiscal components.** The Director of the Office of State Finance shall, within 5 business days of receipt, review the fiscal components of the reduction-in-force implementation plan and reject any plan that does not meet the requirements of Section 840-2.27C(D) of Title 74 of the Oklahoma Statutes.

(e) **Notice to State Employee Retirement Systems.** Within 30 days after the approval of a reduction-in-force implementation plan by the Office of State Finance, the Appointing Authority shall provide written notice of the approved plan to the Oklahoma Public Employees Retirement System or the Oklahoma Teachers' Retirement System, or a combination thereof to facilitate the possible purchase of termination credit if the affected employee(s) is a member of the aforementioned retirement system.

530:10-13-12. Severance benefits

(a) Agencies shall provide mandatory severance benefits ~~and may provide optional severance benefits~~ in accordance with the provisions of Section 840-2.27D of Title 74 of the Oklahoma Statutes to eligible classified employees, eligible classified employees on probationary status after reinstatement from permanent classified status without a break in service, and regular unclassified employees who are separated as a result of the same reasons that a reduction-in-force is conducted for classified employees. Employees who are eligible for Priority Reemployment Consideration in accordance with Section 8402.27C of Title 74 of the Oklahoma Statutes and Part 7 of this Subchapter who are employed by any agency before the scheduled date of reduction-in-force separations, are not eligible for severance benefits. Employees who are reemployed by the agency from which separated by a reduction-in-force less than 1 year after receiving severance benefits are required to repay such benefits in accordance with Section 840-2.27E of Title 74 of the Oklahoma Statutes.

(b) An agency which is separating only unclassified employees with 1 year or more continuous service for budgetary reasons may provide severance benefits pursuant to Sections 840-2.27D and 840-5.1A of Title 74 of the Oklahoma Statutes.

(c) An eligible employee who accepts severance benefits shall be required to sign an agreement, in a form prescribed by the Administrator, acknowledging that the employee accepts the severance benefits provided by the Appointing Authority pursuant to the provisions of Section 840-2.27D of Title 74 of the Oklahoma Statutes. The form provides information to the affected employee concerning his or her rights and responsibilities under Section 840-2.27E of Title 74 of the Oklahoma Statutes. [74:840-2.27E]

PART 3. REDUCTION-IN-FORCE PLAN REQUIREMENTS

530:10-13-32. Order of employee removal

(a) Agency-wide, or within displacement limits, if established, retention of affected employees shall be based on job family level and type of appointment [74:840-2.27C]. Subject to eligible classified employees accepting displacement offers, ~~unclassified employees in a job family level on limited term appointments shall be separated first, followed by employees on project indefinite appointments, followed by employees on probationary appointments with the agency,~~ agencies shall separate probationary classified employees in affected job family levels, except those affected employees on probationary status after reinstatement from permanent classified status without a break in service, prior to the separation or voluntary demotion of any permanent classified employee from the same job family level [74:840 2.27C].

(b) Retention of permanent classified employees in affected job family levels and within displacement limits, if any are established, shall be based on years of service [74:840-2.27C].

(c) The Appointing Authority shall calculate retention points for all eligible classified employees, including those on an approved leave of absence. Eligible classified employees with more retention points shall be ranked higher; with the order of removal from a job family level in inverse order of that ranking. If tie scores occur, the ranking of employees who have the same total retention points shall be determined first by giving a veteran's preference over affected nonveterans who have equal retention points to the affected veteran and then by giving preference for retention according to years of service in the agency. If a tie continues to exist, retention status shall be determined by a method established by the Appointing Authority and described in the reduction-in-force implementation plan [74:840-2.27C].

(d) For purposes of a reduction-in-force, any permanent classified employee on a detail to special duty shall be ranked on the basis of base job family level, not on the basis of the job to which detailed.

SUBCHAPTER 15. TIME AND LEAVE

PART 5. MISCELLANEOUS TYPES OF LEAVE

530:10-15-43. Holidays

(a) Holidays shall be granted in accordance with state law and the Governor's proclamations as they are observed by the individual agencies in accordance with their work load and policies.

(b) To be eligible to receive holiday pay, an employee shall be in pay status or on furlough for the entire regularly-scheduled workday either the workday before or the workday after the holiday. An employee shall not be eligible to be paid for holidays which occur either before the employee's entry on duty date or after the last day the employee works. The receiving Appointing Authority shall pay an employee who transfers from another agency for any holidays occurring after the last day worked in the sending agency. An employee who is recalled, reemployed, or reinstated shall not be paid for any holiday occurring after the last day worked while previously employed and before entry on duty.

(c) Appointing Authorities shall pay full-time employees for holidays based on an 8-hour workday. Full-time employees who are eligible for holiday pay under (b) of this Section and who are scheduled to work either more or less than 8 hours on a holiday shall receive the equivalent of 8 hours of holiday pay or compensatory time off.

(d) Appointing Authorities shall prorate holiday pay for part-time employees based on one of the following methods:

(1) Holiday pay as a percentage of normally scheduled hours worked divided by full-time hours; or

(2) Holiday pay equal to regular pay for hours normally worked if a holiday occurs on a normally scheduled work day.

(e) If a full-time or part-time employee's scheduled hours worked plus holiday hours total less than the employee's normally scheduled hours during the workweek, the Appointing Authority shall account for the difference exercising one or more of the following options:

(1) Work additional hours during the same workweek;

(2) Charge to accumulated annual leave; or

(3) Record as leave without pay under 530:10-15-47.

(f) If an employee's scheduled hours worked plus holiday hours are more than 40 hours in a workweek, the Fair Labor Standards Act requires that only hours actually worked be counted as hours worked in accordance with the Fair Labor Standards Act and 530:10-7-12.

(g) For employees who are required to work in fire suppression duties on a holiday, the Appointing Authority shall pay the employee for the holiday based on an 8-hour workday times the employee's base rate of pay at the time of payment. For employees who are required to work on a holiday in duties other than fire suppression and for employees whose ~~regular~~ day off falls on a holiday, the Appointing Authority shall either:

(1) reschedule the employee's holiday to be taken within 180 days; or

(2) pay the employee for the holiday based on an 8-hour workday times the employee's base rate of pay at the time of payment.

(h) If a holiday is rescheduled, the employee must take the rescheduled holiday after occurrence of the holiday. A rescheduled holiday may not be used to substitute for absences occurring prior to the actual holiday.

(i) An Appointing Authority may request an extension of the 180 days for taking holiday time off up to an additional 180 days providing the Appointing Authority submits proper documentation to the Office of Personnel Management justifying the extension. All extensions are subject to the approval of the Office of Personnel Management.

530:10-15-48. Involuntary leave without pay (furlough)

(a) **Policy.** An Appointing Authority may place classified and unclassified employees on involuntary leave without pay (furlough) for up to a total of **184** hours in any **12** month period in accordance with this Section. An Appointing Authority may only furlough employees when it is necessary to reduce expenditures or when it is required because of a temporary decline or cessation of work activities.

(b) **Required announcement of reasons for furlough.** Before beginning a furlough, an Appointing Authority shall announce in writing the reasons that require it. The Appointing Authority shall post this announcement throughout the agency and send it to the Governor, the Office of Personnel Management, and the Office of State Finance. This announcement is not part of the furlough plan required in (c) of this Section, and it is not subject to the approval of the Administrator.

(c) **Required plan for implementation of furlough.**

(1) Before beginning a furlough, an Appointing Authority shall develop an equitable and systematic plan for the furlough and shall submit the plan to the Office of Personnel Management for review and approval. The Administrator of the Office of Personnel Management shall disapprove any plan that is not in substantial compliance with the Merit Rules.

(2) After approval of the plan by the Administrator, the Appointing Authority shall post the approved plan throughout the agency a minimum of **2** working days before furloughing any employee.

(3) The plan shall apply uniformly to employees regardless of classified or unclassified status [74:840-2.27C]. As far as possible, the Appointing Authority shall furlough all full-time employees, including those on paid leave, the same number of hours and shall prorate the number of hours for part-time employees. The Appointing Authority shall address the application of the furlough to employees who are on other types of leave without pay.

(d) **Non-uniform treatment of employees.** The Appointing Authority may find non-uniform treatment of employees necessary during a furlough. The Appointing Authority must certify the reasons for non-uniform treatment as described in paragraph (1) of this subsection. It is possible that more than one reason may apply in any specific furlough. Paragraph (2) of this subsection describes how the Appointing Authority may limit the effect of a furlough on specified employees. Any certifications issued by an Appointing Authority shall be included in the furlough plan.

(1) **Certification of reasons for non-uniform treatment.**

(A) If the Appointing Authority certifies that uniform treatment of all employees would cause undue hardship on lower paid employees and uniform treatment is not required to meet the reduced revenue levels which made the furlough necessary, the Appointing Authority may limit the applicability of a furlough on lower paid employees.

(B) If the Appointing Authority certifies that uniform treatment of all employees would endanger public health, safety, or property, or continued operations of critical agency functions, the Appointing Authority may limit the applicability of the furlough on specified employees, positions, jobs, or organizational units as needed to avoid the danger.

(C) If the Appointing Authority certifies that a furlough is due to a decline or loss of funding to the agency that supports specific positions, jobs, or organizational units, the Appointing Authority may limit a furlough to specific employees supported by the funding that is lost or reduced.

(D) If the Appointing Authority certifies that a furlough is due to a budgetary shortfall which results in a decline or loss of funding to the agency, the Appointing Authority may limit the furlough to employees who request to participate in a furlough and certify that they have done so without coercion, undue influence, threat or intimidation of any kind or type.

(2) **Types of non-uniform treatment.** In certifying the reasons for non-uniform treatment of employees, the Appointing Authority may use any of the following types of limits. The Appointing Authority may:

(A) exclude specified employees from the furlough,

(B) place specified employees on a lesser number of hours without pay than other employees,

(C) make the furlough of specified employees subject to early cancellation or periodic call-back, or

(D) limit the furlough to employees who have certified that they have requested to participate in a furlough without any coercion, undue influence, threat, or intimidation of any kind or type.

(e) **Required notice to employee.** The Appointing Authority shall give employees who are to be furloughed individual written notice of the furlough before its starting date. This written notice shall explain the reasons for the furlough and how the furlough will affect the employee. The notice shall also include the dates and times leave is to begin and end. A copy of this Section shall be enclosed with the written notice to the employee. If an Appointing Authority makes leave for employees subject to early cancellation or periodic call-back, the employee's notice of furlough shall describe the reasons for, and conditions of, the cancellation or call-back.

(f) **Continuation of benefits while on furlough.** While on furlough, employees who would otherwise accrue leave shall continue to accrue annual and sick leave as though the furlough had not occurred. The Appointing Authority shall schedule the furlough so the furlough does not interrupt the agency's payment of the employees' insurance premiums.

(g) **Failure to return as directed cause for discipline.** Failure on the part of an employee to return from such leave to his or her previous work status as directed in writing shall be cause for discipline.

(h) **Appeal rights.** *Furlough, as provided for* ~~[2]~~ *by rules adopted by the Administrator of the Office of Personnel Management, shall not be appealable under the provisions of the Oklahoma Personnel Act* [74:840-2.27C].

[OAR Docket #11-891; filed 6-9-11]

TITLE 530. OFFICE OF PERSONNEL MANAGEMENT
CHAPTER 15. VOLUNTARY PAYROLL DEDUCTION

[OAR Docket #11-892]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
530:15-1-9 [AMENDED]
Subchapter 3. Administrative Provisions
530:15-3-13 [AMENDED]
AUTHORITY:
The Administrator of the Office of Personnel Management; 74 O.S., § 840-1.6A and 62 O.S. §34.70.
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None.
INCORPORATIONS BY REFERENCE:
None.
ANALYSIS:
The proposed amendments to 530:15-1-9 and 530:15-3-13 are necessary to correct statutory citations as a result of recodification.
CONTACT PERSON:
Kara I. Smith, General Counsel, Office of Personnel Management, 2101 N. Lincoln, G-80, Oklahoma City, OK 73105, (405) 522-1736.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

530:15-1-9. Forms

The following form has been adopted by the Administrator for use in administering Section ~~7.10~~34.70: Form VPD-1 "Request for Approval or Renewal of Payroll Deduction Status." This form is to be used by employee associations, credit unions, banks, savings associations and insurance/retirement plan organizations to request initial approval or continuation of payroll deduction status.

530:15-3-13. Denial of deduction status

(a) If the Administrator determines an applicant does not meet the criteria set forth in Section ~~7.10~~34.70 for payroll deduction status, he shall notify the applicant in writing of denial and the reasons for denial. The Administrator may reconsider an application, if an applicant submits a request and additional information within **15** calendar days after notification of denial.

(b) If the Administrator determines an entity with current deduction status no longer meets the criteria for such status, he shall notify it of his intent to terminate deduction status, giving the reason for such proposed termination. This notice will be mailed at least **30** calendar days in advance of the date the Administrator expects to notify agencies of the termination. Within **15** calendar days after the notice of the intention to terminate was mailed to the entity, the entity may submit a written request for continued status to the Administrator. The written request must be accompanied by a statement of the specific reasons why status should not be terminated, and must also be accompanied by all evidentiary material the requestor seeks to rely on. The Administrator will consider the request, reasons, and evidence presented, and will issue a decision within **5** calendar days after receipt. The decision of the Administrator is final, unless otherwise provided by the Administrative Procedures Act.

(c) The Administrator shall notify all state agencies of a termination of payroll deduction status and shall allow a reasonable period of time for adjustments to payrolls.

[OAR Docket #11-892; filed 6-9-11]

TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #11-889]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions
550:1-1-8. Municipality membership effective date [NEW]
Subchapter 5. Petition Procedures
550:1-5-7. Common law beneficiary requirements [NEW]
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Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), and 50-106(3)
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ANALYSIS:
The proposed amendments to OAC 550:1-1-8 clarifies an effective date for municipality membership to the system.
Related statutes/rules:
11 O.S. Section 50-105.2
11 O.S. Section 50-106
11 O.S. Section 50-106.3
The proposed amendments to OAC 550:1-5-7 sets forth guidelines for establishing a common law marriage
Related statutes/rules:
11 O.S. Section 50-101(13)
11 O.S. Section 50-105.2
11 O.S. Section 50-106
75 O.S. Section 309 et seq
CONTACT PERSON:
Darcie Gordon, Administrative Assistant, Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Ste. 305, Oklahoma City, OK 73116-7335, 405-840-3555 Ext. 227.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

550:1-1-8. Municipality membership effective date

An eligible employer shall join the System pursuant to 11: O.S. § 50-106.3 on the first day of the month following State Board approval of the Application for Affiliation.

SUBCHAPTER 5. PETITION PROCEDURES

550:1-5-7. Common law beneficiary requirements

(a) In order for the Oklahoma Police Pension & Retirement Board to find in an individual proceeding that an applicant is a beneficiary based upon a common law marriage, the applicant asserting a common law marriage must prove by clear and convincing evidence the following elements:

(1) An actual mutual agreement between the spouses to be husband and wife;

(2) A permanent relationship;

(3) An exclusive relationship, proved by cohabitation as man and wife; and

(4) The parties to the marriage must hold themselves out publicly as husband and wife.

(b) Documentation accepted by the board as evidence of the existence of a common law marriage shall be; joint tax returns; joint bank accounts titled as husband and wife; real property deeds titled as husband and wife; and/or titles to vehicles and machinery held as husband and wife.

[OAR Docket #11-889; filed 6-9-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY

[OAR Docket #11-834]

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PERMANENT final adoption.
RULES:
Subchapter 1. Organization of the Department of Public Safety
595:1-1-3. Function of each division which deals directly with and affects the public [AMENDED]
Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions and Open Records
595:1-9-1. Purpose [AMENDED]
595:1-9-3. Records of the Department of Public Safety [AMENDED]
595:1-9-4. Fees established by the Department pursuant to law [AMENDED]
595:1-9-5. Obtaining open records [AMENDED]
595:1-9-6. Summary of driving record [AMENDED]
Subchapter 17. Advisory Committee for Motorcycle Safety and Education [NEW]
595:1-17-1. Creation of Committee [NEW]
595:1-17-2. Motorcycle Safety and Education Program Revolving Fund [NEW]
AUTHORITY:
Commissioner of Public Safety 27A O.S., § 1-1-203; 47 O.S., §§ 2-108, 2-123, 2-126, 6-117, and 754; 51 O.S., §§ 24A.1 et seq.; 74 O.S., § 500.6A(C); 75 O.S., §§ 302, 305, and 307
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N/A
ANALYSIS:
Amendments to 595:1-1 and 1-9 would update information related to the organization of the Department and records of the Department. The addition of 595:1-17 stipulates how monies from the Motorcycle Safety and Education Program Revolving Fund will be applied for and expended.

The proposed actions are amendments to existing rules and creation of new rules.

The circumstances which created the need for these rules are the need to update information related to the organization of the Department and records of the Department and the passage of EHB 2264 (2010) which creates a revenue stream for the Revolving Fund.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.
CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. ORGANIZATION OF THE DEPARTMENT OF PUBLIC SAFETY

595:1-1-3. Function of each division which deals directly with and affects the public

(a) **Oklahoma Highway Patrol Division.** The Oklahoma Highway Patrol Division provides safety and protection for the citizens on the highways of Oklahoma. The headquarters of the Oklahoma Highway Patrol Division is located at the Department of Public Safety. Telephone: (405) 425-2424 [47 O.S. §2-103] The division is divided into the following field and specialty troops and sections located throughout the state:

(1) **Field troops.** Field troops of the Highway Patrol have primary law enforcement authority on state, federal, and interstate highways, excluding those portions within city limits. Following is a list of the field troops, the location of their headquarters, and their telephone numbers:

(A) Troop A: Oklahoma City, (405) 425-2285

(B) Troop B: Tulsa, (918) 627-3881

(C) Troop C: Muskogee, (918) 683-3256
(D) Troop D: McAlester, (918) 423-3636
(E) Troop E: Durant, (580) 924-2601
(F) Troop F: Ardmore, (580) 223-8800
(G) Troop G: Lawton, (580) 353-0783
(H) Troop H: Clinton, (580) 323-2424
(I) Troop I: Guymon, (580) 338-3366
(J) Troop J: Enid, (580) 234-6147
(K) Troop K: ~~Pawnee, (918) 762-3662~~ Perry, (580) 336-9880
(L) Troop L: Vinita, (918) 256-3388
(M) Troop M: Altus, (580) 477-2765

(2) **Turnpike troops.** Turnpike troops of the Highway Patrol have sole law enforcement authority on the turnpikes of this state. Following is a list of the turnpike troops, the turnpike each patrols, and their telephone numbers:

(A) Troop XA: Will Rogers, (918) ~~356-7476~~ 256-7476
(B) Troop XB: Muskogee, (918) 683-1782
(C) Troop XC: Indian Nation, (918) ~~548-3512~~ 548-3799
(D) Troop XD: Cherokee, (918) 868-2372
(E) Troop XE: Creek, (918) ~~299-6599~~ 355-9069
(F) Troop YA: Cimarron, (405) ~~724-3564~~ 425-3683
(G) Troop YB: Turner, ~~(918) 968-3000~~ (405) 425-3694
(H) Troop YC: H.E. Bailey, (405) 222-3165
(I) Troop YD: Chickasaw, (580) 223-8800
(J) Troop YE: Kilpatrick, (405) ~~425-7410~~ 425-3635

(3) **Speciality troops.** Specialty troops of the Highway Patrol perform specialized law enforcement functions within the scope of the mission and operation of the Department of Public Safety. Following is a list of the speciality troops, their functions, and their telephone numbers:

(A) Troop O: Aircraft, (405) ~~789-4012~~ 321-1831
(B) Troop P: Public Information [see (j) of this Section]
(C) Troop R: Capitol Patrol Section [see (4)(C) of this subsection]
(D) Troop S:
(i) Motor Carrier Safety, (405) ~~521-6103~~ 702-0813,
(ii) Hazardous Materials Transportation, (405) ~~521-6103~~ 702-0813,
(iii) Size and Weight Enforcement Section [see (4)(A) of this subsection]
(E) Troop SO: Special Operations, (405) ~~425-2440~~ 425-2473
(F) Troop T: Training, (405) 425-2410
(G) Troop W: Lake Patrol Section [see (4)(B) of this subsection]
(H) Troop Z: ~~Internal Affairs~~ Investigations Division, (405) 425-2137
(I) ~~Driver License Fraud Investigation, (405) 425-2477~~ Troop BT: Bomb Squad Section [see (4)(D) of this subsection]

(4) **Troops created by statute.** Following are sections within the Highway Patrol Division which are created by statute:

(A) **Size and Weight Enforcement Section (Troop S).** The Size and Weight Enforcement Section has the primary duty of enforcing the provisions of the size, weight and load laws [47 O.S. §14-101 et seq.] and rules [OAC 595:30]. Telephone: (405) ~~521-6103~~ 702-0813. [47 O.S. §116.11]

(B) **Lake Patrol Section (Troop W).** The Lake Patrol Section has the primary enforcement duty ~~of enforcing~~ related to state boat registration laws [63 O.S. §4001 et seq. and §4101 et seq.], boating and water safety laws [63 O.S. §4200 et seq.], federal boating regulations, and Department of Public Safety or Department of Wildlife Conservation rules [OAC 595:45] pertaining to Oklahoma lakes, rivers and adjacent shores, and the duty of providing statutorily mandated boating safety education. The address for ~~the headquarters of the Lake Patrol Section is RR 1, Box 721~~ enforcement issues is at the Arcadia Lake office, 7000 East 2nd ST. Edmond, 73034; telephone: (405) 341-1893. The address for boating safety education, marine theft, HIN inspections, U.S. Coast Guard liaison and grants, and marine patrol-related training is at the Birch Lake office, 3156 CR 2409, Barnsdall, OK, 74002~~-9739. Telephone~~; telephone: (918) 847-2001. [47 O.S. §2-105.6]

(C) **Capitol Patrol Section (Troop R).** The Capitol Patrol Section has the primary duty of providing law enforcement services to all state buildings and properties within Oklahoma County, including the State Capitol Park and the Governor's mansion, and Tulsa County, including the State Capitol Complex, and enforcing all parking, traffic, and criminal laws within the boundaries of Oklahoma and Tulsa Counties. ~~Telephone~~ Oklahoma City telephone: (405) ~~521-4541~~ 702-0911. Tulsa telephone: (918) 581-2000 [47 O.S. §2-105.7]

(D) **Bomb Squad Section (Troop BT).** The Bomb Squad Section has the primary duty of carrying out the duties prescribed in 63 O.S. §122.2. Telephone: (405) ~~425-2471~~ 425-2435 [47 O.S. §2-105.4B]

(E~~b~~) **Communications ~~Division~~ Section.** The Communications ~~Division~~ Section is the link between the general public and public safety services provided by the Department and other law enforcement agencies or emergency providers. These services may be obtained by telephone or in person at any of the thirteen Field Troop Headquarters statewide [see (1) in this subsection for telephone numbers]. [47 O.S. §2-105.8]

(~~c~~b) **Legal Division.** The Legal Division provides legal services for the Department and administratively enforces Oklahoma's implied consent law [47 O.S. §751 et seq.]. Specific

legal advice is not made available to the general public. The division is located at the Department of Public Safety~~, Room 102~~. Telephone: (405) 425-2148. Associate Counsel is also currently located in Jenks, Oklahoma. [47 O.S. §2-121]

(~~d~~c) **Records Management Division.** The Records Management Division is the designated repository for all official traffic accident reports and records required to be submitted by law enforcement officers of municipal, county and state agencies, and for court abstracts and other records concerning motor vehicle and related convictions and offenses required to be reported by municipal and district courts. This division also ensures that appropriate entries from the above documents are made to the respective individual driver's record master file. This division is also responsible for providing documents available to the public under the provisions of the Open Records Act [see 595:1-9-5 and 595:1-9-6 (relating to obtaining open records)]. The division is located at the Department of Public Safety~~, Room 206~~. Telephone: (405) 425-2192. [47 O.S. §2-103]

(~~e~~d) **Size and Weight Permit Division.** The Size and Weight Permit Division issues appropriate permits for eligible oversize and overweight vehicles and loads. The central location of the division is located at ~~the Department of Public Safety, Room 207~~ 2401 Northwest 23rd Street, Suite 45, Oklahoma City, OK 73107. For information concerning operation and for addresses and telephone numbers of branch offices, call (405) ~~425-2206~~ 522-9006 or toll-free (877) 425-2390, or see OAC 595:30-3-3. [47 O.S. §2-103]

(~~f~~e) ~~**Driver License Administration.** The Driver License Administration unit is divided into four divisions [47 O.S. §2-106]:~~

~~(1)~~ **Driver License Examining Division.** The Driver License Examining Division ~~provides licensing for commercial driver training schools and instructors,~~ issues permits for driver education instructors, ~~and~~ administers tests for the purpose of issuing driver licenses~~. The division is located at the Department of Public Safety, Room 113. Telephone: (405) 425-7745.~~

~~(2)~~ ~~**Driver License Services Division.** The Driver License Services Division~~, provides administrative services related to the issuance and renewal of driver licenses and identification cards, and coordinates the issuance of driver licenses and identification cards with motor license agents~~, and issues parking permits for the physically disabled~~. The division is located at the Department of Public Safety~~, Room 203~~. Telephone: (405) ~~425-2026~~ 425-7745. [47 O.S. §2-106]

(~~3~~f) **Driver ~~Improvement~~ Compliance Division.** The Driver ~~Improvement~~ Compliance Division provides driver improvement and financial responsibility services, may suspend, deny, cancel, revoke, or disqualify individual driving privileges, subject to statutory authorization. The division administers rules relating to the point system and discretionary suspensions [OAC 595:10-7], medical aspects [OAC 595:10-5], alcohol and drug substance abuse courses [595:10-5-12], ~~and~~ mature driver accident prevention [OAC 595:10-5], and issues parking permits for the physically disabled [OAC 595:50-3]. It also administers the *Driver License Compact* [47 O.S., § 781 et seq.] and the *Nonresident Violator Compact* [47 O.S., §§789 and 790]. ~~The division is located at the Department of Public Safety, Room 201. For information concerning operation and availability of branch office services, call (405) 425-7034.~~

~~(4)~~ ~~**Financial Responsibility Division.** The Financial Responsibility Division~~ This division is also charged with enforcement of the provisions of the financial responsibility laws of this state (47 O.S. § 7-101 et seq.) and the Compulsory Insurance Law (47 O.S. §7-600 et seq.). The division is located at the Department of Public Safety~~, Room 201~~. For information concerning operation and the availability of branch office services, call (405) 425-2098. [47 O.S. §~~2-103~~ 2-106]

(g) **Commercial Driver License Program Administration.** The Commercial Driver License (CDL) Program Administration is responsible for commercial driver credentialing, including driver qualification, HAZMAT Security Threat Assessment program and the licensing of truck driver training institutions. The division is located at the Department of Public Safety. Telephone: (405) 425-2015. [47 O.S. §2-103]

(h) **Identify Verification Unit.** The Identify Verification Unit is responsible for investigating identify fraud and theft. The division is located at the Department of Public Safety. Telephone: (405) 425-2477.

(~~g~~i) **Wrecker Services Division.** The Wrecker Services Division is responsible for the licensing and governance of wrecker or towing services [47 O.S. §951 et seq.]. The division provides notification to owners and lien holders of the location of vehicles impounded at the request of law enforcement agencies within the state, and receives and maintains records of vehicles impounded from private property and of vehicles stored over thirty (30) days by wrecker or towing services. The division is located at the Department of Public Safety~~, Room 109~~. Telephone: (405) 425-2312. [47 O.S. §2-103]

(~~h~~j) **Public ~~Information~~ Affairs Office.** The Public ~~Information~~ Affairs Office acts as the liaison between the Department and the public, the media, and other city, county, state, and federal agencies. Information provided includes traffic safety campaigns, press releases, traffic statistics, road conditions, and services provided by each of the Department's divisions. Telephone: (405) 425-7707. [47 O.S. §2-103]

(~~i~~k) **Oklahoma Highway Safety Office.** The Oklahoma Highway Safety Office (OHSO) is the state organization responsible for developing an annual statewide plan (Highway Safety Plan) to decrease fatalities and injuries on Oklahoma roadways. Each state has a highway safety program under the direction of the state governor. The OHSO administers federal highway safety funds in the form of highway safety projects with state and local agencies, nonprofit organizations, and private contractors. Project applications are normally due in February or March of each year for the following federal fiscal year, which begins on October 1. The OHSO is located at 3223 N. Lincoln, Oklahoma City, OK 73105. Telephone: 405-523-1570. Fax: 405-523-1586. [~~69 O.S. §§4008, 4009, and 4009.1~~ 47 O.S. §2-106.2A et seq.]

(~~j~~l) **Oklahoma Law Enforcement Telecommunications System.** The Oklahoma Law Enforcement Telecommunications System (OLETS) is a statewide telecommunications network which serves city, county, state, federal, and military law enforcement and criminal justice agencies in Oklahoma. Additionally, OLETS provides direct computer interfaces to the computer systems of the Department of Public Safety, the Oklahoma Tax Commission, the Oklahoma State Bureau of Investigation, the National Crime Information Center (NCIC), the National Law Enforcement Telecommunications System (NLETS), and the National Weather Service Computer System and Network in Oklahoma City, Oklahoma. OLETS is managed and operated by the Department of Public Safety. The division is located at the Department of Public Safety. Telephone: (405) 425-2224. [47 O.S. §2-124]

(~~k~~m) **Transportation Division.** The Transportation Division is responsible for the purchase, repair, and disposal of all Department vehicles. Repairs may be done at private facilities or at the Department garage with funding coordinated by the Division. Department vehicles are disposed of by sale to other law enforcement agencies in Oklahoma or by public auction. The location of the Transportation Division is at 2300 N.E. 36th Street at the Department of Public Safety. Telephone (405) ~~425-2122~~ 425-2129. [47 O.S. §2-103]

(~~l~~n) **Finance Division.** The Finance Division is responsible for paying the bills of the Department within its approved budget and accounting for and depositing receipts collected for fees, fines, penalties, and other monies as provided by law. The Division also processes sales of surplus and forfeited property as provided in Subchapter 15 of this Chapter. The location of the Finance Division is at the Department of Public Safety. Telephone (405) ~~425-2091~~ 425-2833. [47 O.S. §2-103]

SUBCHAPTER 9. INSPECTION AND COPYING OF FINAL ORDERS, DECISIONS, OPINIONS AND OPEN RECORDS

595:1-9-1. Purpose

The purpose of this subchapter is to inform the public where ~~Departmental~~ public records of the Department may be inspected ~~and~~, to set forth the fees for copies, to define terms related to records of the Department, and to information regarding destruction of records of the Department.

595:1-9-3. Records of the Department of Public Safety [AMENDED]

(a) **General.** The Department of Public Safety is a law enforcement agency, as defined under the Oklahoma Open Records Act, 51 O.S. § 24A.1 et seq., and also acts as a motor vehicle department, as defined under the Driver's Privacy Protection Act (DPPA), 18 U.S.C. § 2721, et. seq. Both of these acts place restrictions on records of the Department.

(b) **Records open for inspection.** All records of the Department which are not designated as confidential by any provision or requirement of Oklahoma law, federal law or regulation, or rule of the Department [OAC 595], and which are kept in connection with the transaction of public business, expenditure of public funds, or the administering of public property are open records.

(c) **Records not open for inspection.** Law enforcement records and records which contain personal or confidential information obtained in connection with a person's driver license, if kept in any form, are not open records, including, but not limited to:

(1) Legal documents and materials prepared in anticipation of litigation and records protected by the state evidentiary privilege, including investigatory reports. These records are confidential and will not be released pursuant to the Open Records Act;

(2) Personal notes and personally created materials prepared as an aid to memory or research leading to the adoption of a public policy or implementation of a public project. These records may be kept confidential prior to taking action [51 O.S. § 24A.9].;

(3) Minutes of meetings lawfully closed to the public, such as executive sessions as authorized by the Open Meeting Act [24 O.S. § 301 et seq.; 51 O.S. § 24A.5,1,b];

(4) Records that, if disclosed, would give an unfair advantage or disadvantage to competitors. [51 O.S. § 24A.10,B];

(5) Confidential information obtained in connection with a person's driver license;

(6) Copies of traffic warnings;

(7) Audio tapes, from Oklahoma Highway Patrol officers or dispatchers, of traffic incidents;

(8) Cell phone logs;

(9) Arrest reports, citations, or other information regarding a traffic arrest prior to final disposition for that arrest;

(10) Employee information normally kept in an employee's personnel file;

(11) Disciplinary actions which do not result in discharge, suspension, or loss of pay;

(12) Implied consent audio tapes in actions which are set aside by the hearing officer.

(13) Information concerning an individual where the driver license number or the name and date of birth is not provided.

(14) the requestor is not a lawful recipient.

(15) Collision reports, except to lawful recipients under 47 O.S. § 40-102 or § 6-117 or under rules of this subchapter.

(16) Oklahoma Highway Patrol Operations Manual.

(17) Training materials for Oklahoma Highway Patrol officers.

(18) Information contained on the Department's mainframe which would require programming or reprogramming in order to produce.

(19) Magnetic tapes, reels, or computer disks which contain confidential or privacy information.

(20) Citizen complaints prior to final disposition.

(21) Radio logs other than those applicable to a specific event.

(d) **Destruction of records.** Records of the Department shall be deemed no longer of value to the Department and may be destroyed pursuant to the conditions specified in this subsection; provided, nothing in this subsection shall compel the Department to destroy any record.

(1) **Record of conviction.**

(A) Any record of conviction of a holder of a Class D license or of an unlicensed operator of a Class D motor vehicle may be destroyed after five (5) years from the date of conviction.

(B) Any record of conviction of a holder of a Class A, B, or C commercial driver licensee or of an operator of a Class A, B, or C commercial motor vehicle who is not licensed to operate such vehicle may be destroyed after ten (10) years; provided, any conviction for a major offense, as defined in 47 O.S., § 6-205.2, may not be destroyed until at least fifty-five (55) years from the date of conviction.

(2) **Record of Department action.** A record of Department action against any operator of a motor vehicle may be destroyed after five (5) years from the date of reinstatement or other closure of the action; provided, any Department action against a holder of a Class A, B, or C commercial driver licensee or against an operator of a Class A, B, or C commercial motor vehicle who is not licensed to operate such vehicle may not be destroyed until at least fifty-five (55) years from the date of reinstatement or other closure of the action.

(3) **Collision reports and incident reports.** A collision report or an incident report may be destroyed after five (5) years from the date the investigation of the collision or incident was completed.

(4) **Other records related to driving privileges.** Any other record related to driving privileges of a person may be destroyed after five (5) years from the last activity related to the record.

(5) **Personnel records.** Personnel records of a Department employee may be destroyed seven (7) years after the final date of employment.

(6) **Other records.** Any other record of the Department may be destroyed seven (7) years after the last activity related to the record.

595:1-9-4. Fees established by the Department pursuant to law

Pursuant to state statutes, as shown, the following fees are established by the Department of Public Safety:

(1) **Request for Motor Vehicle Report (MVR).**

(A) Request for a Motor Vehicle Report, ~~$10.00~~ $25.00 (per ~~request~~ report) [47 O.S.§6-117(D)].

(B) Certified Motor Vehicle Report, $28.00 (per report) [47 O.S. §§ 2-110(B) and 6-117(D)].

(C) As used in this paragraph, "Motor Vehicle Report":

(i) shall include only pertinent data relating to a single person's record of traffic and driving offenses for the past three (3) years, as required by 47 O.S. §6-117(D), ~~and~~

(ii) shall not include any driving index required to be prepared and maintained by the Department pursuant to 47 O.S. §6-117(A), and

(iii) shall include a report which indicates that no driving record is on file with the Department based on the information in the request for the Motor Vehicle Report [47 O.S., §6-117(D)].

(2) **Collision report.**

(A) Collision report filed by an officer, $7.00 (per report) [47 O.S. §6-117(C)].

(B) Certified collision report filed by an officer, $10.00 (per report) [47 O.S. §§ 2-110(B) and 6-117(C)].

(3) **Other record.** Copy of a written or printed record, other than a record named in (1) or (2) of this section, no more than $0.25 per page [51 O.S. §24A.5.(3)].

(4) **Certification.** Certifying a copy of a record, other than a record named in (1) or (2) of this Section, $3.00 (per record), which shall be in addition to the copy fee per page in (3) of this Section [47 O.S.§2-110(B)].

(5) **Copy in a format other than written.** Copy of a record in a format which is not written may cost whatever is the direct cost to the Department of Public Safety for labor and expendable supplies actually used in copying [51 O.S. §24A.5.(3)].

595:1-9-5. Obtaining open records

(a) **In person.** Open records may be obtained from 8:00 A.M. to 4:00 P.M., Monday through Friday, excluding holidays, from the Records Management Division, Room 206, Department of Public Safety, 3600 North Martin Luther King Avenue, Oklahoma City, Oklahoma. A Motor Vehicle Report may be obtained from a motor license agent.

(b) **Written ~~or telephone~~ requests.** ~~For the convenience of the public~~ To ensure accuracy of a record request, a request for any Department open record ~~may~~ shall be submitted in writing to the Records Management Division, in one of the following manners:

(1) ~~**Telephone.** Call (405) 425-2192.~~

~~(2)~~ **United States mail.** Mailing address is: Department of Public Safety, Records Management Division, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415.

(~~3~~ 2) **Other mail delivery service.** Mailing address is: Department of Public Safety, Records Management Division, 3600 North Martin Luther King Avenue, Oklahoma City, Oklahoma 73111.

(c) **Mailing records.** The Department will provide copies of records by first-class United States mail unless the person requesting the record provides to the Department an alternative pre-paid return mail delivery service. Pre-payment must be guaranteed and verifiable with the mail delivery service. The Department reserves the right to provide copies of records by first-class United States mail if pre-payment is not guaranteed or verifiable.

(d) **Electronic delivery of records.** The Department may provide certain records by electronic electronic, at its discretion. For the purposes of this subsection, "electronic delivery" shall mean delivery of a digitized or computerized file to the

requesting person, entity, or agency by e-mail, hypertext transfer protocol, or file transfer protocol, or on physical media.

595:1-9-6. Summary of driving record

(a) **Definitions.** As used in this Section:

(1) "**DPPA**" means the Driver's Privacy Protection Act, 18 U.S.C., Section 2721 et seq., and

(2) "**Personal information**" means information that identifies a person [47 O.S. § 2-110], including, but not limited to the person's:

(A) photograph or image,

(B) signature,

(C) social security number,

(D) residence or mailing address, and

(E) medical or disability information.

(b) **In general.** As required by the DPPA, the Department or any motor license agent will not release personal information from any driving record unless:

(1) the person about whom the record has been compiled waives his or her right to privacy under the DPPA,

(2) the Department is required by the DPPA to release the personal information without the consent of the person about whom the record has been compiled. Examples of when such information may be released without consent of the person include, but are not limited to:

(A) matters of safety,

(B) theft,

(C) vehicle emissions,

(D) product alterations, recalls, or advisories, and

(E) certain federal laws, or

(3) the Department is authorized by DPPA to release the personal information to certain entities, such as:

(A) governmental entities,

(B) courts,

(C) other entities specified on the "Records Request" form, required to be filed in (c) of this Section.

(c) **Request by an individual for a summary of a driving record.** An individual requesting a summary of a driving record must submit the following to the Records Management Division of the Department or to a motor license agent for each driving record requested:

(1) **"Records Request" form.** This form must be completed by the individual, filling in all required information, checking all applicable statements regarding the request, and signing the request.

(2) **Photo identification.** One of the following forms of photo identification must be presented by the individual at the time of request:

(A) State driver license, or

(B) State identification card.

(3) **"Consent to Release ~~Record(s)" form~~.** If the individual requesting the driving record is not the person about whom the record has been compiled, ~~the individual shall submit this form which shall be completed by both the individual and~~ the person about whom the record has been compiled must sign the consent to release portion of the "Records Request" form.

(4) **Fee.** The individual requesting the driving record shall make payment of the fee required by law [47 O.S. §6-117(D)].

(d) **Entities requesting ~~summaries of driving records~~ Motor Vehicle Records in ~~bulk~~ volume.**

(1) **~~"Memorandum of Agreement"~~ Requesting Motor Vehicle Records in volume.** Certain entities, as authorized in (2) of this subsection, may request ~~summaries of driving records~~ Motor Vehicle Records in ~~bulk~~ volume from the Department ~~after~~ by submitting a ~~completed "Memorandum of Agreement" to~~ request in writing to the Director of the Records Management Division of the Department of Public Safety:

(A) in person at Room 206, 3600 North Martin Luther King Avenue, Oklahoma City, or

(B) by mail to P.O. Box 11415, Oklahoma City, OK, 73136-0415.

(2) **Authorized entities.** The following entities may submit ~~a "Memorandum of Agreement"~~ written request to the Department for the purpose of obtaining ~~summaries of driving records~~ Motor Vehicle Reports in ~~bulk~~ volume:

(A) courts,

(B) federal, state, and local governmental agencies,

(C) insurance companies for the limited purpose of determining eligibility for insurance coverage or underwriting, or

(D) any other person or entity as authorized by the Commissioner or designee.

(3) **Fee.** An entity requesting driving records in ~~bulk~~ volume shall pay the required fee per request as required by law [47 O.S. § 6-117 (D)] unless otherwise exempted from the fee by the Commissioner as authorized by 47 O.S. § 2-110.

(e) **Obtaining forms.** All forms may be obtained:

(1) in person at the Department of Public Safety, 3600 N. M.L. King Ave., Oklahoma City,

(2) by mail from the Department of Public Safety, P.O. Box 11415, Oklahoma City, OK, 73136-0415,

(3) by telephone by calling (405) 425-2262, or

(4) from the Department's website at *http://www.dps.state.ok.us/* on the world wide web~~, or~~.

~~(5) from any motor license agent.~~

SUBCHAPTER 17. ADVISORY COMMITTEE FOR MOTORCYCLE SAFETY AND EDUCATION

595:1-17-1. Creation of Committee

The Advisory Committee for Motorcycle Safety and Education is created in 47 O.S., § 40-122. Membership and duties of the committee is also prescribed in this law, including the duty to *advise and assist the Commissioner in the development, administration and operation of the Motorcycle Safety and Education Program and the setting of goals, objectives and priorities for the Program* [47 O.S., 40-122, D].

595:1-17-2. Motorcycle Safety and Education Program Revolving Fund

(a) **Creation, purpose and use.** The Motorcycle Safety and Education Program Revolving Fund is created for the Department of Public Safety in 47 O.S., § 40-123. The purpose and use of the revolving fund is also prescribed in this law, including that *all monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Commissioner of Public Safety for the purpose of operating the Motorcycle Safety and Education Program* [47 O.S., § 40-123].

(b) **Administration of the revolving fund.** The revolving fund shall be administered by the Oklahoma Highway Safety Office, in consultation with the Advisory Committee for Motorcycle Safety and Education, for the purpose of awarding grants in order to improve motorcycle safety in Oklahoma. Monies from the revolving fund may also be used by the Oklahoma Highway Safety Office for administrative costs or program support costs of the Motorcycle Safety and Education Program. The Department shall create accounts, sub-accounts, tracking procedures, transfer procedures, and payment procedures, as are appropriate to implement this section. Travel reimbursements will be in accordance with the State Travel Reimbursement Act.

(c) **Application for and awarding of grants.** Agencies and entities interested in motorcycle safety may apply to the Oklahoma Highway Safety Office for grants from the revolving fund for the purpose of improving motorcycle safety in accordance with the Motorcycle Safety and Education Program. Grants shall be awarded in accordance with procedures developed by the Oklahoma Highway Safety Office.

[OAR Docket #11-834; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES

[OAR Docket #11-835]

RULEMAKING ACTION:
PERMANENT final adoption.

RULES:
Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card
Part 1. Purpose
595:10-1-1. Purpose [AMENDED]
Part 2. Application for Initial Driver License
595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]
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595:10-1-51. Operational procedures [AMENDED]
595:10-1-56. Renewal of driver license or identification cards [AMENDED]
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595:10-1-62. Free driver licenses and identification cards ~~for certain veterans~~ [AMENDED]
595:10-1-63. Corrections [AMENDED]
Part 19. Driver License and Identification Card Content
595:10-1-92. Driving restriction codes [AMENDED]
Subchapter 3. Examination
595:10-3-9. Skills examination [AMENDED]
Subchapter 13. Parent-taught Driver Education
595:10-13-4. Requirements and application for certification as a parent-taught driver education course; certification renewal [AMENDED]
595:10-13-5. Requirements for parents and students [AMENDED]
595:10-13-8. Prescribed forms [AMENDED]
595:10-13-9. Termination, cancellation, or denial of certification or acceptance [AMENDED]

AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

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N/A

ANALYSIS:
Amendments to this chapter would update procedures relating to the issuance of driver licenses and identification cards, motor license agent activities, and parent-taught driver education.

The proposed actions are amendments to existing rules.

The circumstances which created the need for these rules are update information related to the issuance of driver licenses and identification cards, motor license agent activities, and parent-taught driver education and to comply with ESB 1908 (2010).

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S.,

SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. PROCEDURES FOR OBTAINING AND MAINTAINING A DRIVER LICENSE OR IDENTIFICATION CARD

PART 1. PURPOSE

595:10-1-1. Purpose

(a) The Department of Public Safety issues driver licenses and identification cards to qualified applicants and renews and replaces licenses and cards for licensees and cardholders who maintain their licenses and cards in accordance with this Subchapter. This Subchapter establishes how to apply for an initial, renewal, or replacement Class D driver license or an identification card, what identification is required, how to change information on the license or card, and procedures for motor license agents.

(b) OAC 595:11 establishes how to apply for an initial, renewal or replacement commercial driver license.

(c) Procedures in this Chapter for motor license agents shall apply equally to Class D driver licenses and identification cards and to commercial driver licenses.

(d) Applications, signatures, and forms may be completed and submitted electronically when an electronic process is made available by the Department of Public Safety.

(e) For the purposes of this Chapter:

(1) **"Parent"** means a biological or adoptive parent who has actual physical and legal custody of a minor under the age of eighteen (18) years.

(2) **"Guardian"** means any person over the age of twenty-one (21) years who has actual physical and legal custody of a minor under the age of eighteen (18) years.

(3) **"Class D driver license"** shall mean any driver license which authorizes only the operation of a Class D motor vehicle, as defined in 47 O.S., §1-107.4, including but not limited to a learner's permit and an intermediate Class D driver license, as prescribed in 47 O.S., §6-105 and OAC 595:10-1-5, except when the context otherwise excludes a learner's permit or an intermediate Class D driver license or both.

PART 2. APPLICATION FOR INITIAL DRIVER LICENSE

595:10-1-3. Procedures for obtaining an initial driver license

(a) **Application.** Every applicant for an initial Oklahoma driver license must first appear before a Driver License Examiner [47 O.S. §6-110]. An application for a driver license must be completed either by the applicant at the Driver License Examination Station or online, when an electronic process is made available by the Department of Public Safety, prior to the commencement of the required examination. An emergency contact name, address and phone number may be included on the application, which emergency contact may be changed or removed at any time by the licensee or by the emergency contact. The emergency contact information shall be for use by the Department and law enforcement officers only. Upon submitting a completed and approved application, providing proof of identity [see (b) regarding required identification documents] and proof that the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], meeting all statutory requirements, and successfully completing every required examination [see Subchapter 3 of this Chapter relating to examinations], the applicant may then proceed to a motor license agent or the Department of Public Safety Headquarters, Driver License Examining Division, with a DL-10 form with primary and secondary identification presented to the examiner, issued by the Driver License Examiner, and pay the required fees and be issued a driver license. A person who has been declared to be a disabled veteran in receipt of compensation at the 100% rate for a permanent disability shall receive an original, renewal, or replacement driver license or identification card at no charge, upon presentation of one of the following documents:

(1) proof of 100% status from the U.S. Department of Veterans Affairs, or

(2) a tax exempt card from the Oklahoma Tax Commission showing exemption from state tax based upon 100% status.

(b) **Required identification.** Every applicant must furnish both primary documentary proof of identity [47 O.S., § 6-106(A)(3)], to include whether the applicant is a United States citizen, foreign national or a legal permanent resident alien [21 O.S., § 1550.42(B)], and secondary documentary proof of identity [47 O.S., § 6-106(A)(3)] and proof of full legal name and birth date beyond any reasonable doubt when applying for an initial Oklahoma driver license [47 O.S. § 6-101(L)]. Any document furnished must be either a certified or original copy and issued by the proper authority; notarized documents will not be accepted. Any document that has been or appears to have been duplicated, traced over, mutilated, defaced, tampered with, or altered in any manner or that can not be read by the Driver License Examiner shall not be accepted or used for identification purposes. All identification documents must be approved by the Examiner before acceptance. The Examiner may, at his or her discretion, request additional identification documentation of the applicant.

(1) **Primary proof of identification for original issuance to a United States citizen.** The following shall be presented by the applicant as primary proof of identification for a citizen of the United States:

(A) A certified birth certificate, as issued by the appropriate state agency from the state of birth. A certified birth certificate issued by a city or county may be accepted if it is issued on secure document paper and if the certificate either is from a state which the Department has verified authorizes the issuance of birth certificates certified by a city or county or contains a statement indicating the record is a copy of the facts on file with the state agency responsible

for maintaining and certifying vital records ~~(the Department shall maintain on its website a list of states which comply with this provision)~~. The birth certificate shall include the person's name, date of birth, and sex, shall be signed and sealed, and shall include the certificate number. The following documents are not acceptable:

(i) a hospital birth certificate or record,

(ii) a birth registration, or

(iii) an abstract of birth, unless the abstract is issued on secure docment paper and contains the following statement "I hereby certify that this abstract of birth facts has been provided to this office by the Department of Health, Bureau of Vital Statistics, from a document officially in its custody",

(B) A United States passport,

(C) For a United States citizen who is born in another country, a certification issued by the United States Department of State,

(D) For a naturalized citizen of the United States, a Certificate of Naturalization issued by the United States Citizenship and Immigration Service. The name on the document must be the same as the name used by the applicant on the driver license or identification card,

(E) An Oklahoma driver license originally issued by Department of Public Safety on or after November 1, 2007,

(F) A State of Oklahoma identification card originally issued by the Department of Public Safety on or after November 1, 2007, or

(G) If none of the forms of identification listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor, Administrative Officer or Director, and listed on the DL-10 form by the Driver License Examiner.

(2) **Primary proof of identification for renewal or replacement issuance to a United States citizen.** The following shall be presented by the applicant as primary proof of identification for a citizen of the United States:

(A) ~~Digital photograph~~ Finger image comparison, if a Department-generated ~~digital photograph~~ finger image algorithm is already on file with the Department, or

(B) Any primary proof of identification listed in (1) of this subsection.

(3) **Primary proof of identification for original, renewal, or replacement issuance to a foreign national or legal permanent resident alien.** The following shall be presented by the applicant as primary proof of identification and proof of lawful presence in the United States for a foreign national or legal permanent resident alien:

(A) A passport issued by a country other than the United States and I-94 card, when applicable. The name on the passport shall be the same as the name used by the applicant on the driver license or identification card. An I-94 card, which shall be accompanied by the applicant's passport when applicable, shall not be considered a separate identification document~~. The following passport classifications shall not be accepted for the purpose of issuing a driver license or identification card:~~

~~(i) B-1, temporary visitor for business,~~

~~(ii) B-2, temporary visitor for pleasure,~~

~~(iii) C-1, alien in continuous transit through the United States,~~

~~(iv) C-2, alien and family in transit to the United Nations,~~

~~(v) C-3, foreign government official and family transiting the United States,~~

~~(vi) D-1, member of ship's crew who can not change ships or employers,~~

~~(vii) D-2, member of ship's crew who may change ship's or employers,~~

~~(viii) I-185/586, Mexican or Canadian nationals with border crossing, cards~~

~~(ix) I-444, Mexican or Canadian nationals with border crossing cards,~~

~~(x) Q, international cultural exchange visitor,~~

~~(xi) TWOV, transit without visa,~~

~~(xii) WT, visa waiver pilot program for tourist, or~~

~~(xiii) WB, visa waiver pilot program for business,~~; or

(B) ~~An~~ A permanent resident alien registration card issued by the United States Citizenship and Immigration Service (USCIS) which shall include the name, sex, and date of birth of the person identified in the card. The name, sex, and date of birth on the card shall be the ~~same as the~~ name, sex, and date of birth used by the applicant on the driver license or identification card~~; provided, if the applicant presents a permanent resident card, then the applicant may change his or her name by presenting acceptable name change documents~~. A permanent resident alien registration card holder shall be allowed to renew his or her driver license or identification card at a motor license agency, provided, no changes are made to the name, sex, or date of birth. If, pursuant to 8 C.F.R., Section 264.5, a permanent resident alien registration card holder requests a name, sex, or date of birth change to his or her driver license or identification card, the changes shall be made at a driver license exam site with the applicant showing approved documentation provided by USCIS verifying the changes; or

(C) If none of the forms of identification listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor, Administrative Officer or Director, and listed on the DL-10 form by the Driver License Examiner.

(4) **Secondary proof of identification.** The following shall be presented by the applicant as secondary proof of identification:

(A) Any primary proof of identification listed in (1), (2), or (3), as applicable, of this subsection which is not used as the primary identification document of the applicant,
(B) For any person under the age of 18, an affidavit signed by the parent or legal guardian,
(C) Photo identification card that is issued by an Oklahoma:
(i) public, private, or parochial secondary school,
(ii) institution of higher education,
(iii) technology center school, or
(iv) employer,
(D) Oklahoma gun permit,
(E) Pilot license,
(F) Oklahoma lifetime hunting or fishing license,
(G) Oklahoma voter identification card,
(H) Social Security card,
(I) Health insurance card,
(J) Motor vehicle registration or title,
(K) Marriage certificate,
(L) Separation or divorce judgment,
(M) High school, technology center school, college, or university diploma
(N) Professional degree, certificate, or license,
(O) Deed or title to property in Oklahoma, including a burial plot deed,
(P) Health, life, or home insurance policy issued to the applicant,
(Q) Automobile insurance policy or security verification form issued to the applicant,
(R) A valid U.S.D.O.T. health card, as required by 49 C.F.R. Part 391,
(S) ~~Finger image~~ Digital photograph comparison, if a Department-generated ~~finger image algorithm~~ digital photograph is already on file with the Department,
(T) Identification documents issued by the United States Armed Services:
(i) Military discharge (DD-214), unless specified not to be used for identification,
(ii) Military identification card, or
(iii) Military dependent identification card,
(U) United States Bureau of Indian Affairs identification card or a Oklahoma tribal photo identification card, approved by the Department of Public Safety (the Department shall maintain on its website a list of tribes which comply with this provision), which identifies the person and includes the following information:
(i) color photograph of the person,
(ii) full legal name of the person,
(iii) birth date of the person,
(iv) signature of the person,
(v) signature of person who verifies records, and
(vi) tribal seal,
(V) Out-of-state driver license, if the issuing state participates in the REAL ID Act of 2005,
(W) Expired Oklahoma Driver License,
(X) Expired Oklahoma Identification Card,
(Y) Oklahoma Tax Commission Agricultural Exemption Permit (tax exempt card),
(Z) Department of Corrections Consolidated Record Card,
(AA) Transportation Worker Identification Credential (TWIC card), or
(BB) If none of the forms of identification listed in this paragraph are available, any other documentation as approved by the Driver License Examiner Supervisor, Administrative Officer or Director, and listed on the DL-10 form by the Driver License Examiner.
(5) **Additional identification requirements.** The Department may require additional identification documents:
(A) when the Department is unable to determine the reliability or validity of the identification document(s) presented, or
(B) as provided in OAC 595:10-1-35.
(c) **Driver license numbers.**
(1) Driver license numbers shall be assigned by computer. Use of the applicant's Social Security number as the driver license number is prohibited [47 O.S. § 6-106(B)]; provided, every applicant shall provide the Department with the Social Security number of the applicant [47 O.S., § 6-106(B),12], which shall be verified before a driver license shall be issued to the applicant. Verification shall be accomplished using the Social Security On-line Verification (SSOLV) system. The Department shall refer any applicant to the Social Security Administration whenever the Social Security number can not be verified for the applicant.
(2) Any licensee may request to change his or her driver license number to any nine-digit number which is not in use or has not been previously used by making a written request to the Department. Upon approval by the Department, the licensee shall obtain a replacement driver license from a motor license agent, and the licensee shall pay the required fee for the replacement license [see OAC 595:10-1-18 regarding replacement driver licenses]. The driver license number may be changed no more than two (2) times in any four-year period without prior approval of the Identity Verification Unit of the Department.

595:10-1-5. Graduated driver license; persons under eighteen (18) years of age

(a) **Purpose.** The purpose of this Section is to establish the procedures for a person under the age of eighteen (18) years to apply for and be issued a Class D driver license and whose parent has not filed an objection with the Department prohibiting the licensing of the person [47 O.S. § 6-103.1].
(b) **Exclusions.** This Section does not apply to motorcycles and other motor-driven cycles.
(c) **Learner Permit.** A person at least 15 1/2 but less than 16, who is currently receiving instruction in or has successfully completed a driver education course, or a person at least 16,

with or without driver education, may make application to the Department for a Learner Permit. The Department will issue a Learner Permit under this subsection if the Department approves the application and if the person successfully passes all required examinations and is otherwise eligible for the driver license [47 O.S. §§ 6-103, 6-105].

(1) **Application requirements.** The applicant shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues a learner permit to the person.

(A) The applicant shall provide proof of identity and other required documentation [see (2)], submit all application information, sign the application, and successfully pass the vision and written tests. The applicant shall have his or her driver license application signed by a parent or guardian, or by a responsible adult if there is no parent or guardian [47 O.S. § 6-107(A)].

(B) Documentation shall be submitted proving:

(i) compliance with the school attendance requirements prescribed in 47 O.S. § 6-107.3,

(ii) successful passage of the eighth grade reading test as prescribed in 47 O.S. § 6-107.3(A)(2) and 70 O.S. § 1210.515, and

(iii) for an applicant at least 15 1/2 years of age but less than 16 years of age, documentation of attendance or successful completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be submitted. If the applicant is 16 years of age or older and has successfully completed a driver education course, documentation ~~shall~~ may be submitted. Documentation of attendance shall be the green card issued to the person from the driver education instructor ~~or~~, a signed contract or an attendance card issued for the person by the commercial driver education school, or an affidavit from the Department of Public Safety and a receipt of purchase from a parent-taught driver education provider. Documentation of completion shall be the completed green card issued to the person from the driver education instructor ~~or~~, a completion certificate issued to the person by the commercial driver education school, or a completion certificate from a parent-taught driver education provider. Any applicant who has completed driver education at a public high school in a state other than Oklahoma shall be required to obtain a green card issued by the Oklahoma high school in which he or she is currently enrolled. Proof of driver education from an out-of-state commercial driver education program shall not acceptable.

(2) **Driving restrictions.** The permittee is authorized to operate a Class D motor vehicle between the hours of 5:00 a.m. and 10:00 p.m. and only *while accompanied by a licensed driver who is at least twenty-one (21) years of age and who is actually occupying a seat beside the permittee* [47 O.S. § 6-105(C)(2)].

(3) **Other information.** During the period the permittee is issued and possesses a Learner permit, the custodial legal parent or legal guardian shall ensure that the permittee *has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years* [47 O.S. §6-105(D)(1)(c)].

(d) **Intermediate License.** When a permittee *has applied for, been issued, and has possessed a Learner Permit for a minimum of six (6) months* [47 O.S. § 6-105(D)(1)(a)], the permittee may apply to the Department for an Intermediate License.

(1) **Application requirements.** The permittee shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues an Intermediate License to the permittee.

(A) The permittee shall provide proof of identity and successfully pass the driving skills tests,

(B) The person must not have been convicted of, pled guilty to, or pled no contest to any moving vehicle violation [47 O.S. § 6-105(D)(1)(b)],

(C) the permittee's parent or legal guardian shall certify *to the Department by sworn affidavit that the* permittee *has received a minimum of fifty (50) hours of actual behind-the-wheel training, of which at least (10) hours of such training was at night, from a licensed driver who was at least twenty-one (21) years of age and who was properly licensed to operate a Class D motor vehicle for a minimum of two (2) years* [47 O.S. §6-105(D)(1)(c)], and

(D) for a person who was issued a learner permit and who was less than 16 years of age at the time of issuance pursuant to (c)(1)(B)(iii), documentation of successful completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be submitted. Documentation of completion shall be the completed green card issued to the person from the driver education instructor or a completion certificate issued to the person by the commercial driver education school. If such documentation is not presented, the person shall not be eligible for issuance of an intermediate license until the person is at least 16 1/2 years of age.

(2) **Driving restrictions.** The intermediate licensee shall be:

(A) restricted to driving:

(i) *only between the hours of 5:00 a.m. and 10:00 p.m., except for driving to and from work, school, school activities, and church activities, or*

(ii) *at any time, if a licensed driver who is at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee, and*

(B) *shall not operate a motor vehicle with more than one passenger unless:*

(i) *all passengers live in the same household as the custodial legal parent or legal guardian, or*

(ii) *a licensed driver at least twenty-one (21) years of age is actually occupying a seat beside the intermediate Class D licensee.* [47 O.S. § 6-105(D)(2)].

(e) **Class D driver license.** An intermediate licensee may apply to the Department for a Class D driver license if the licensee has applied for, been issued and possessed an Intermediate License for a minimum of:

(1) *one (1) year, or*

(2) *six (6) months, if the person has completed both the driver education and the parent-certified behind-the-wheel training provisions of subparagraph c of paragraph 1 of subsection D of this section* [47 O.S. § 61-05(E)(1)].

(A) **Application requirements.** The licensee shall meet the following requirements before the Department grants driving privileges to operate a Class D motor vehicle and issues a Class D driver license to the licensee.

(i) The licensee shall provide proof of identity and successfully pass the driving skills tests;

(ii) The licensee must not have been convicted of, pled guilty to, or pled no contest to any moving vehicle violation [47 O.S. § 6-105(D)(1)(b)]; and

(iii) for a person who has completed both driver education and the parent-certified behind-the-wheel training, documentation shall be submitted. Documentation of completion of a driver education course as defined in 47 O.S. § 6-105(C)(1) shall be the completed green card issued to the person from the driver education instructor or a completion certificate issued to the person by the commercial driver education school. Documentation of completion of parent-certified behind-the-wheel training shall be by affidavit signed by the parent and approved by the Department of Public Safety.

(B) **Driving restrictions.** The Department may restrict the driving privileges of any person as provided by law [47 O.S. § 6-113].

(f) **Persons licensed by another jurisdiction.** A person who, at the time of application, is licensed by another jurisdiction may apply for driving privileges under this Section. As used in this subsection, "another jurisdiction" means one of the fifty (50) states, the District of Columbia, or a Canadian province.

(1) **Learner Permit.** If the person is operating under a learner permit, or equivalent, issued by another jurisdiction, the person may apply for:

(A) A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit; or

(B) An Intermediate License, as provided in subsection (d), if driving privileges granted by another jurisdiction have been in effect for a minimum of six (6) months; provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License.

(2) **Intermediate License.** If the person is operating under an intermediate license, or equivalent, issued by another jurisdiction, the person may apply for:

(A) A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit;

(B) An Intermediate License, as provided in subsection (d); provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License; or

(C) A Class D Driver License, as provided in subsection (e), if driving privileges granted by another jurisdiction have been in effect for a minimum of twelve (12) months; provided, a person who is less than sixteen and one half (16 1/2) years of age shall not be issued a Class D Driver License; or

(3) **Class D Driver License.** If the person is operating under a Class D Driver License, or equivalent, issued by another jurisdiction, the person may apply for:

(A) A Learner Permit, as provided in subsection (c); provided, a person who is less than fifteen and one half (15 1/2) years of age shall not be issued a Learner Permit;

(B) An Intermediate License, as provided in subsection (d); provided, a person who is less than sixteen (16) years of age shall not be issued an Intermediate License; or

(C) A Class D Driver License, as provided in subsection (e), if driving privileges granted by another jurisdiction have been in effect for a minimum of twelve (12) months; provided, a person who is less than sixteen and one half (16 1/2) years of age shall not be issued a Class D Driver License.

(4) **Considerations.**

(A) Credit shall be given for the time driving privileges have been granted and in effect, as evidenced by another jurisdiction. Evidence of driving privileges shall be confirmed by the issuance date on the permit or license from another jurisdiction, by the issuance date provided by the other jurisdiction, or both; provided, the earliest date shall be the date used to calculate credit.

(B) Examinations may be waived as provided in OAC 595:10-3-9(h).

PART 3. DRIVER LICENSE RENEWAL

595:10-1-11. ~~Where no notice received or license expired~~ Notice of pending expiration of driver license or identification card

(a) Any person who holds an Oklahoma driver license or identification card may register for a free automatic e-mail renewal notification for the license or card on the Department's

website. The registration for notification is voluntary. Registration is on a secure website provided, administered and maintained by the Department, available at www.dps.state.ok.us. Information shall be maintained in a secure database provided, administered and maintained by the Department.

(b) The person shall provide the following required information:

(1) First and last names, middle name is not required,

(2) E-mail address,

(3) Driver license or identification card number, and

(4) Expiration date of the license or card.

(c) Forty-five (45) days prior to the expiration date provided by the person, the Department shall e-mail a renewal notification to the e-mail address provided by the person.

(d) If the Department receives a notice that the e-mail notification was undeliverable, the person's information shall be removed from the database.

(e) If the Department does not receive a a notice that the e-mail was undeliverable, the person's information shall be updated to reflect an expiration date four years after the expiration date for which the e-mail notification was just provided.

(f) E-mail notifications shall continue for the person for each subsequent four-year expiration until such time as a notice is received by the Department that the e-mail was undeliverable.

(g) The person may update his or her e-mail address at any time by re-registering. There is no need to request removal of the previous e-mail address from the database.

595:10-1-12. Oklahoma licensee temporarily residing out of the state

(a) Any Oklahoma licensee who is temporarily residing out of the state may request the Department of Public Safety to renew his or her license by mail. The Oklahoma licensee shall mail copies of documentary evidence of his or her name and date of birth as required by OAC 595:10-1-10 (documents sent for verification will not be returned; therefore, original documents should not be sent), his or her driver license number, his or her signature, both residence address and mailing address with the specification as to which address is to be displayed on the license, and the required fee for a driver license renewal along with his or her out-of-state address to Department of Public Safety, Driver License Examining Division, P. O. Box 11415, Oklahoma City, Oklahoma 73136-0415.

(b) If the Department approves the renewal by mail, the Department shall create the renewal license using the most recent digital photograph and digital signature of the licensee available from the files of the Department.

(c) The Department shall mail the renewal license to the out-of-state address provided by the licensee.

(d) If the Department denies the renewal by mail, the Department shall notify the licensee in writing of the denial and the reason for the denial.

PART 5. DRIVER LICENSE REPLACEMENT

595:10-1-19. Oklahoma licensee temporarily residing out of the state

(a) Any Oklahoma licensee who is temporarily residing out of the state may request the Department of Public Safety to replace his or her license by mail. The Oklahoma licensee shall mail copies of documentary evidence of his or her name and date of birth as required by OAC 595:10-1-10 (documents sent for verification will not be returned, therefore, original documents should not be sent), his or her driver license number, both residence address and mailing address with the specification as to which address is to be displayed on the license, and the required fee for a driver license replacement along with his or her out-of-state address to Department of Public Safety, Driver License Examining Division, P. O. Box 11415, Oklahoma City, Oklahoma 73136-0415.

(b) If the Department approves the replacement by mail, the Department shall create the replacement license using the most recent digital photograph and digital signature of the licensee available from the files of the Department.

(c) The Department shall mail the replacement license to the out-of-state address provided by the licensee.

(d) If the Department denies the replacement by mail, the Department shall notify the licensee in writing of the denial and the reason for the denial.

PART 7. IDENTIFICATION CARDS

595:10-1-25. Procedure for obtaining an identification card

(a) A person wishing to obtain an identification card shall appear before a Driver License Examiner or, if the applicant has been issued a computerized format (digital) driver license for at least thirty (30) days, may appear before a motor license agent. The applicant shall be required to furnish the same acceptable means of identification as when applying for a driver license [see OCA 595:10-1-3(b) regarding identification documents required] and complete the application form unless the applicant has been previously issued an original Oklahoma driver license on or after November 1, 2007.

(b) If appearing before a Driver License Examiner, the Examiner will complete and, if appropriate, will approve the identification card application. A DL-10 form will be processed for the applicant. The applicant shall take the DL-10 form, along with the identification presented to the Driver License Examiner at application time, to a motor license agency and pay the required fee.

(c) When appearing before a motor license agent, the agent shall process the application for the applicant, collect the required fee from the applicant, and issue the identification card to the applicant.

(d) An identification card may be issued as prescribed in OAC 595:10-1-10(h) and 10-1-18(g).

(e) Identification card numbers will be assigned by computer. Use of the applicant's Social Security number is prohibited [47 O.S. §§ 6-105(H) and 6-106(B)].

(f) An individual, who is an Oklahoma resident and who is located within the state, may declare in writing to the Department that, because of a medical reason or condition, he or she is unable to appear in person to renew his or her identification card, in which case the Department shall issue by mail an identification card to the person. The individual shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

595:10-1-28. Oklahoma identification card holder temporarily residing out of the state

(a) Any Oklahoma identification card holder who is temporarily residing out of the state may request the Department of Public Safety to renew or replace his or her identification card by mail. The Oklahoma card holder shall mail copies of documentary evidence of his or her name and date of birth as required by OAC 595:10-1-10 (documents sent for verification will not be returned., therefore, original documents should not be sent), his or her identification card number, ~~his or her photograph in passport style and quality,~~ his or her signature, both residence address and mailing address with the specification as to which address is to be displayed on the card, and the required fee for a identification card renewal or replacement along with his or her out-of-state address to:

(1) Department of Public Safety, Driver License Services, P. O. Box 11415, Oklahoma City, Oklahoma 73136-0415; or

(2) any motor license agent.

(b) If the Department approves the renewal or replacement by mail and~~:~~

~~(1)~~ the digital photograph and digital signature of the card holder are available from the files of the Department, the Department shall create the renewal or replacement identification card using that photo and signature~~; or~~

~~(2) there is no digital photo and digital signature of the card holder available from the files of the Department, the Department shall create the renewal or replacement identification card from the photograph and signature submitted~~.

(c) The Department shall mail the renewal or replacement identification card to the out-of-state address provided by the card holder.

(d) If the Department denies the renewal or replacement by mail, the Department shall notify the card holder in writing of the denial and the reason for the denial.

PART 13. MOTOR LICENSE AGENTS

595:10-1-50. Identification required

(a) **General requirements.** Anyone applying for a renewal or replacement driver license or identification card must furnish documentary proof of identity, name, and birth date [47 O.S. §§ 6-114 and 6-115].

(b) **Required identification to renew driver licenses and identification cards.**

(1) **Renewal with expiring or expired driver license or identification card.** The expiring or expired driver license or identification card shall be surrendered as the primary identification. The person must provide secondary identification as prescribed in OAC 595:10-1-3(b)(2).

(2) **Renewal without driver license or identification card.** Any person who does not have the expiring or expired driver license or identification card shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(c) **Required identification to replace lost, stolen, or mutilated driver licenses and identification cards.** Any person, shall provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(d) **Required identification to change information and replace driver licenses and identification cards.**

(1) **Name change.** Any person who requests a replacement driver license or identification card in order to make a name change must comply with the primary and secondary identification requirements prescribed in OAC 595:10-1-3(b), and with OAC 595:10-1-35. The person requesting the name change may retain the old license or card as provided in OAC 595:10-1-57 (e). The motor license agents shall be authorized to change the last name only.

(2) **Address change.** Any person who requests a replacement driver license or identification card in order to make an address change must provide both primary and secondary identification as prescribed in OAC 595:10-1-3(b). Both mailing address and resident address shall be collected by the motor license agent, and the licensee or card holder shall choose which address to be displayed on the license or card. The person requesting the address change may retain the old license or card as provided in OAC 595:10-1-57 (e).

(3) **Endorsement or restriction change.** Any person who requests a replacement driver license in order to change endorsement or restriction information on the license shall provide a DL-10 form issued by the Department, except for the removal of Restriction G. The person requesting the information change may retain the old license as provided in OAC 595:10-1-57 (e).

(4) **Emergency contact information.** An emergency contact name, address and phone number may be included on the application, which emergency contact may be changed or removed at any time by the licensee or by the emergency contact. The emergency contact information shall be for use by the Department and law enforcement officers only.

(e) **Permissible documents.** Any document accepted shall be either the original or a certified copy of the primary and secondary identification as prescribed in OAC 595:10-1-3(b).

(f) **Unacceptable documents.** Any document which has been or appears to have been duplicated, traced over, mutilated, defaced, tampered with or altered in any manner or that can not be read shall not be accepted or used for identification purposes.

595:10-1-51. Operational procedures

(a) The driver license computer, camera, printer, and other hardware, software, and supplies (which may be referred to as driver license equipment) used in the production of driver licenses and identification cards shall be used solely for the issuance of Oklahoma driver licenses or identification cards. Driver licenses shall be issued if the agency is open for business. If the agency is unable to issue licenses, the agent shall notify the Department why the agency is not issuing licenses.

(b) At the close of business each day, the agent shall remove the top "clam shell" and lock it in a safe place and shall also destroy all used color print ribbon.

(c)

(1) Only persons who have been issued a personal access code by the Department of Public Safety shall be authorized to operate driver license equipment and issue or make changes to driver licenses or identification cards.

(2) Agents shall not submit applications for personal access codes for employees who are not at least eighteen (18) years of age. Personal access codes shall not be assigned to anyone under the age of eighteen (18) or to any employee whose driver license is suspended, revoked, cancelled or denied. On and after the Commissioner's approval of this rule, each application for a personal access code shall be submitted by an agent to the Department, and the Department shall give temporary approval to the applicant to issue driver licenses and identification cards, pending an investigation of the applicant's complete national and state criminal records ~~by the Department~~ which must be completed within 90 days of the temporary approval. ~~Background information shall be completed and returned by the agent within thirty (30) calendar days of temporary approval being given by the Department. If the background information has not been completed and returned upon the expiration of the thirty (30) days, the temporary access shall be cancelled by the Department. If an employee leaves one agency and becomes employed by another agency, if it has been more than one year since a criminal history check has been given to the Department for the employee, if there has been a break in service for more than one year, or if the criminal history check was not previously required of the employee, the a criminal history check shall be done for the employee.~~ All completed documents necessary for the state background check shall be submitted by the agent to the Oklahoma State Bureau of Investigation and results of the investigation shall be forwarded to the Department indicating compliance with this requirement. The Department shall cancel the access code to issue driver licenses or identification cards upon determination the person's state criminal history does not warrant certification, based upon the presence in the history of a high misdemeanor ~~convictions~~ conviction within the ten (10) years immediately preceding the application and of any felony conviction~~, to issue driver licenses or identification cards~~. If no record is found within state criminal records, the temporarily approved applicant shall submit to a national criminal history records search, as defined by Section 150.9 of Title 74 of the Oklahoma Statutes~~, from the Oklahoma State Bureau of Investigation for that employee which shall be used to determine whether the employee is eligible for a personal access code~~. The Department shall cancel the access code to issue driver license or identification cards upon determination the person's national criminal history does not warrant certification, based upon the presence in the history of a high misdemeanor ~~convictions~~ conviction with the ten (10) years immediately preceding the application and of any felony conviction~~, to issue driver licenses or identification cards~~. If no record is found within national criminal records, the applicant shall be given regular approval to issue driver licenses and identification cards. Personal access codes shall be kept confidential by the employee and agent. Personal access codes shall be used only by the person to whom the code has been assigned. New employees whose duties are intended to include the issuance of driver licenses and identification cards shall first apply for a personal access code from the Department of Public Safety as provided for in this subsection; provided, an employee shall not be authorized operate driver license equipment and to issue driver licenses and identifications cards unless approved by the Department and a personal access code has been issued to the employee by the Department. A criminal history investigation shall be required if an employee has any break in service and the result of the previous state criminal history investigation on file with the Department for the employee is more than one (1) year old, if the employee changes agents and it has been more than one (1) year since the last background was done, or if a criminal history investigation was not previously required of the employee. The Department may, at its discretion , require a current criminal history investigation of any individual operating the driver license equipment.

(3) The agent shall be responsible for training new employees. The Department may offer periodic training programs as needed.

(4) The agent shall be responsible for the conduct of the employee.

(d) Any substitution of equipment or alteration in the making of a driver license or identification card is prohibited by law, and may be subject to criminal prosecution. Licenses or cards shall be made in accordance with specifications as determined by the Department. If they do not meet these specifications, the agent or the employee shall not issue the license or card.

(e) Reports shall be forwarded to the Driver License Services Division in accordance with the rules of the Oklahoma Tax Commission or as prescribed by law.

(f) If the agency relocates, the agent shall immediately notify the Department of Public Safety in writing of the new address and telephone number. The Department will contact the agent and schedule a time to set up the agency at the new location and provide any training necessary to the agency.

(g) In the event of loss, theft, or misuse of any of the equipment, supplies, or documents, or any violation of state law, Department rule, or other improper conduct related to the issuance of driver license or identification cards, the Department

of Public Safety, Driver License Examining Division, shall be notified immediately by telephone at (405) 425-7745. In case of loss or theft the agent shall take an immediate inventory of all driver license documents on hand and list all missing items and equipment by number, when applicable. A copy of missing inventory, police investigation, and/or incident report shall be immediately forwarded to the Department of Public Safety, Driver License Examining Division. In cases of misuse, the agent must immediately contact the Driver License Examining Division, Identity Verification Unit of the Department of Public Safety by telephone at (405) 425-2477. If the agent is unable to contact this unit, then the Driver License Examining Division shall be notified by telephone at the number listed above.

(h) Agents are prohibited from accepting an altered driver license application (DL-10 form) or any other altered or unapproved document for the issuance of an Oklahoma driver license or identification card.

(i) When an agency closes, any equipment, supplies, and documents issued to the agent by the Department of Public Safety must be accounted for and returned to the Department of Public Safety.

(j) Each employee is to be made aware by the agent of the penalties for misuse of driver license documents or identification cards and any production of fraudulent and erroneous driver licenses or identification cards.

(k) When it comes to the attention of the Department of Public Safety that any agent or an employee of an agency is in violation of any statute or rule or has committed any fraudulent act regarding the issuance of driver licenses or identification cards, after consultation with the Commissioner's office, the Director of the Driver License Examining Division may notify the motor license agent, the Tax Commissioner, and the appointing senator that the access code number(s) may be canceled or suspended and/or the camera may be removed. In accordance with the Administrative Procedures Act, a hearing before the Commissioner or the Commissioner's designee will be offered, provided the Director of the Driver License Services Division is notified in writing within fifteen (15) days of receipt of notification. The issue at the hearing will be whether or not a violation occurred and the severity of the sanction which should be imposed.

(l) The following changes or activities are not authorized at an agency without other authority:

(1) Driver license number or identification card number, except when changing to a computer generated number,

(2) Sex,

(3) Eye color,

(4) Race,

(5) Date of birth,

(6) Class of license,

(7) Endorsement,

(8) Extension of expiration on driver license or identification card,

(9) Temporary receipt or authorization to drive for lost license while application is in process,

(10) Taking photographs for other identification cards (for example: police, fire, sheriff, passport, etc.),

(11) Adding titles to names, such as Sheriff, Police Officer, Judge, Senator, Representative, Dr., Rev., Fireman, etc.,

(12) Adding addresses or information to indicate professional status on the face of the driver license or identification card such as JOHN DOE, OKLAHOMA HIGHWAY PATROL or ROBERT DOE, M.D. All addresses must be the legal residence address [47 O.S. § 6-106]. Any combination of residence and mailing address is prohibited,

(13) Placing anything on a driver license or identification card, such as stickers of civic clubs, medical symbols, etc., except those approved by the Department of Public Safety,

(14) Producing more than one (1) driver license or identification card for the applicant at the time of application,

(15) Adding service charges to an application fee for any reason other than actual cost for telephone calls made for the applicant to obtain approval to issue the driver license or identification card, or

(16) Providing information from the driver license or identification card application to private businesses, government agencies, or persons other than the Department of Public Safety, unless authorized by the Department.

(m) No documents shall be removed from the office of the motor license agent by anyone unless authorized by the Driver License Examining Division. If a situation arises which warrants removal of documents, the motor license agent shall telephone the Division to explain the circumstances and obtain authority.

(n) During the issuance process for an original, renewal or replacement driver license or identification card, the motor license agency shall ask the applicant if he or she would like to donate One Dollar ($1.00) to the Oklahoma Organ Donor Education and Awareness Program [63 O.S., § 2220.5]. If the applicant consents to the donation, the agency shall enter a "Y" in the ~~(??donation field??)~~ appropriate field on the computer which shall add the One-Dollar donation to the amount collected with the cost of the license or card. Each One-Dollar donation shall be recorded and shall be reflected on the semi-monthly reports of the motor license agency. The applicant shall be given the option to become or to decline becoming an organ donor by marking the "Yes" or "No" box, as appropriate, on the signature pad. A mark of "Yes" shall cause an organ donor symbol to be placed on the driver license or identification card. If the holder of a driver license or identification card wishes to remove the organ donor symbol from the license or card, the applicant shall make the request of the motor license agency and shall be asked to mark the "No" box on the signature pad. A license or card shall be issued without the organ donor symbol and the appropriate fee collected by the motor license agency. The holder of a Class A, B, or C commercial driver license shall be required to appear before a Driver License Examiner to remove or add the organ donor symbol.

(o) Rules in this Chapter regarding motor license agents are specific and limiting. Whenever an action either is not

included or is not prohibited, it shall not be construed to convey authority to perform that action within the duties, responsibilities, or authority of the motor license agents.

595:10-1-56. Renewal of driver license or identification cards

(a) **Normal renewal procedure.** If an applicant presents proper identification [see OAC 595:10-1-51 regarding identification documents required], the agent may accept the required remittance for the class of driver license or the identification card being issued, make any changes necessary that have been authorized and issue the driver license or identification card. If the licensee presents an Oklahoma driver license or the card holder presents an Oklahoma identification card as a form of identification, the agent shall;

(1) for a Class D licensee or identification card holder, return the expired license or card, if requested by the licensee or holder and after first punching a hole through the identification number on the license or card, or if the licensee or holder does not wish to retain the expired license or card, return it with the agent's regular reports to the Driver License Examining Division of the Department, or

(2) for a Class A, B, or C commercial licensee, the license shall be surrendered by the licensee to the motor license agent, and the agent shall retain the license and return it with the agent's regular reports to the Driver License Examining Division of the Department.

(b) **Early renewal.** An individual may make application for the renewal of his or her license or card not more than one (1) year prior to the expiration date of the license or card. If the application for renewal occurs more than one (1) year prior to the expiration date, the agent shall notify the individual that the transaction must be treated as a replacement under the provisions of OAC 595:10-1-57. The agent shall;

(1) for a Class D licensee or identification card holder, return the expired license or card, if requested by the licensee or holder and after first punching a hole through the identification number on the license or card, or if the licensee or holder does not wish to retain the expired license or card, return it with the agent's regular reports to the Driver License Examining Division of the Department, or

(2) for a Class A, B, or C commercial licensee, the license shall be surrendered by the licensee to the motor license agent, and the agent shall retain the license and return it with the agent's regular reports to the Driver License Examining Division of the Department.

(c) **Late renewal.** An individual who makes application for renewal but whose license or card has been expired in excess of three (3) years shall be referred by the agent to a Driver License Examiner.

(d) **Renewal of expired license.** The holder of an Oklahoma driver license or identification card which has expired more than 30 days shall be required to show proof of lawful presence in the United States to the motor license agency in order to renew the license or card. Any motor license agent who has been certified by the Department to identify state certified birth certificates may renew an expired license or card by entering the certificate information in the computer. If the agent has not been certified by the Department, the agent shall refer the applicant to a Driver License Examiner to show proof of lawful presence in the United States.

(e) **Persons temporarily out of state.** The holder of an unexpired Oklahoma driver license or identification card who is temporarily out of the state of Oklahoma and who wishes to renew or replace the license or card by mail shall be referred to the Driver License Examining Division of the Department of Public Safety or the Department of Public Safety website.

(f) **Previous Oklahoma licensees and card holders.** An individual who has previously held an Oklahoma Class D driver license which has been surrendered to another state in exchange for the other state's license or who has previously held an Oklahoma identification card, may apply directly to a motor license agent for replacement or renewal of the previous Oklahoma license or identification card, upon establishing Oklahoma residence and following the applicable procedures for replacement or renewal. Before attempting to issue a driver license under this subsection, the agent shall call the Driver License Examining Division and request clearance to issue the license. If clearance is not given, the person shall be informed to contact the state whose action is causing the clearance to be withheld. If the clearance is given by the Department, the person shall surrender the out of state license to the agent, and the agent shall issue the Oklahoma license. If the out of state license has been lost or destroyed, the person shall provide to the motor license agent a notarized affidavit of that fact. The agent shall retain the license or affidavit, as applicable, and submit it to the Department with the agent's report. This procedure applies to a Class D driver license or identification card only.

(g) **Commercial driver license renewal.** The holder of a Class A, B, or C commercial driver license shall appear before a Driver License Examiner for renewal.

595:10-1-57. Replacement of driver license or identification card

(a) When an individual requests replacement of his or her driver license or identification card, the agent shall verify the identity of the applicant and the eligibility of the individual by contacting the Department. All replacement requests require proper identification, as required by OAC 595:10-1-18 for a driver license or OAC 595:10-1-27 for an identification card, and payment of the required fee.

(b) A replacement driver license may be issued to any individual whose driving privilege is not under suspension, revocation, disqualification, cancellation or denial.

(c) The agent shall offer the person the choice of a renewal or replacement license or card when the application is made within one (1) year of the expiration date of the license or card.

(d) A replacement driver license or identification card may be issued to any individual who requests a last name change, upon compliance with the primary and secondary identification requirements prescribed in OAC 595:10-1-3(b) and with OAC 595:10-1-35, or address change provided he or she pays the required fee.

(e) The agent shall:

(1) for a Class D licensee or identification card holder, return the old license or card, if it is available, to the licensee or holder, if requested by the licensee or holder and after first punching a hole through the identification number on the license or card, or if the licensee or holder does not wish to retain the expired license or card, return it with the agent's next report to the Driver License Services Division of the Department, or

(2) for a Class A, B, or C commercial licensee, the license shall be surrendered, if it is available, by the licensee to the motor license agent, and the agent shall retain the license and return it with the agent's regular reports to the Driver License Examining Division of the Department.

(f) All class A, B, and C replacement licenses require a clearance from the Driver License Examiner.

595:10-1-62. Free driver licenses and identification cards ~~for certain veterans~~

(a) A person who has been declared to be a disabled veteran in receipt of compensation at the 100% rate for a permanent disability shall receive an original, renewal, or replacement driver license or identification card at no charge, upon presentation of one of the following documents:

(1) proof of 100% status from the U.S. Department of Veterans Affairs, or

(2) a tax exempt card from the Oklahoma Tax Commission showing exemption from state tax based upon 100% status.

(b) A free replacement driver license or identification card may be issued if a mechanical error occurred at the time of original issuance of the license or card or may otherwise be issued at the authorization of the Department, if there are no changes in the information on the license or card.

595:10-1-63. Corrections

(a) If information on file is incorrect and the information to be corrected has not been authorized to the motor license agent, the applicant must appear before a Driver License Examiner with proper documentation.

(b) The motor license agent has the authority to make changes in height, weight, address and last name as a result of marriage or divorce. To change the last name as a result of marriage, documentary evidence is necessary. To change the last name as a result of divorce, the agent shall read the divorce decree and place the name on the driver license precisely as stated in the court order without any changes. For detailed instructions, see 595:10-1-35 of this Chapter. A copy of the divorce decree need not accompany the application. Corrections to a misspelled name shall be presented to an Examiner to verify and correct.

(c) All documents used for updates or corrections to the driver license or identification card file, must be the original or a certified copy. A petition or an application shall not be acceptable.

PART 19. DRIVER LICENSE AND IDENTIFICATION CARD CONTENT

595:10-1-92. Driving restriction codes

A restriction or restrictions may be placed upon a person's driving privilege as deemed necessary by the Department [47 O.S. §6-113]. The restriction(s) will appear as a code on the person's driver license. Following are the various driving restriction codes and their meanings:

(1) 1. Corrective lenses

(2) 2. Left outside rearview mirror

(3) 3. Restriction 1 or 2

(4) 4. Automatic transmission

(5) 5. Turn indicators, power steering, or steering knob

(6) 6. Food, fruit, or candy within reach of driver

(7) 7. Adequate artificial limbs

(8) 8. Detailed restriction - Inquire Oklahoma driver license file (This restriction code is used when other restrictions are not applicable. A narrative explaining the restriction will appear on the person's driver license file.)

(9) 9. Accompanied by licensed driver age 21 or older in front seat

(10) 0. Motorcycle only - if under age 16, restricted to 250 cc motorcycle or motor scooter between the hours of 4:30 a.m. and 9:00 p.m.

(11) A. Regardless of age, when operating a motorcycle must be in view of licensed driver at least 21 years old

(12) ~~B.~~ E. When operating ~~Class B~~ a commercial motor vehicle, restricted to automatic transmission

~~(13) C. When operating Class C vehicle, restricted to automatic transmission~~

~~(14) D. When operating Class A vehicle, restricted to automatic transmission~~

~~(15) E. When operating passenger bus, restricted to Class B or C vehicle~~

~~(16) F. When operating passenger bus, restricted to class C vehicle~~

(~~17~~ 13) G. Inquire of Oklahoma driver license file until age 17 or older

(~~18~~ 14) K. CDL intrastate only

(~~19~~ 15) L. ~~Restricted CDL - must be accompanied in front passenger seat by driver age 21 or older with CDL for class and type of vehicle being operated~~ When operating a commercial motor vehicle, restricted to a vehicle without air brakes

(16) M. When operating a passenger bus, restricted to Class C commercial motor vehicle

(17) N. When operating a passenger bus, restricted to a Class B commercial motor vehicle

(18) O. Restricted from operating tractor trailer vehicles

(~~20~~ 19) R. Ignition interlock device

(~~21~~ 20) V. ~~Vehicle without air brakes~~ Medical variance

(~~22~~ 21) ~~W.~~ Z. When operating ~~an airbrake~~ a commercial motor vehicle with air brakes, restricted to air over hydraulic

SUBCHAPTER 3. EXAMINATION

595:10-3-9. Skills examination

(a) **In general.** The skills examination shall only be administered after the applicant has successfully passed the knowledge test, or had it waived if eligible, and the vision test. Whenever a skills examination is required, the following general conditions shall apply:

(1) The skills examination shall start at a designated location and shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle. Applicants shall furnish the type of vehicle required for the Class D skills examination.

(2) The skills examination shall not be administered in a vehicle:

(A) which is not insured as required by 47 O.S. §7-600 et seq.,

(B) which does not have a current license plate,

(C) which is not equipped with seatbelts, if the vehicle was originally manufactured and equipped with seatbelts, or

(D) which does not comply with vehicle equipment and safety standards as required by Chapters 12 and 13 of Title 47 of the Oklahoma Statutes.

(3) An applicant determined by an examiner to be cheating on any portion of the skills examination shall:

(A) immediately forfeit the examination,

(B) be given a failing score by the examiner, and

(C) be disqualified from retaking the examination for one week.

(b) **Scoring of examination.** The scoring procedure will be on a cumulative deduction system based on poor driving practices. The Commissioner or the Commissioner's representative shall determine a point value for each improper driving act.

(c) **Content of examination for Class D driver license.**

(1) The skills examination shall include, but not be limited to, the following maneuvers:

(A) Starting,

(B) Backing (excluding two-wheel and three-wheel vehicles),

(C) Hill parking (excluding two-wheel and three-wheel vehicles),

(D) Starting on hill (excluding two-wheel and three-wheel vehicles),

(E) Intersection movement and observance,

(F) Lane observance and changing,

(G) Left and right turns,

(H) Pedestrian and vehicle right-of-way,

(I) Proper use of automatic transmission or clutch gear (excluding two-wheel or three-wheel vehicles),

(J) Use of brake and accelerator, and

(K) Traffic lights or signals.

(2) The skills examination will not be conducted when examination route roadways are considered by the examiner to be slick or hazardous due to inclement weather.

(3) Criteria for a skills examination are as follows:

(A) Starting: To determine if the individual is familiar with the vehicle's controls and proper use, and to determine the individual's skill and ability to move the vehicle from a parking space or parking lot into the traffic lane.

(B) Backing: To determine the individual's ability to control vehicle while backing for a distance of approximately fifty (50) feet.

(C) Hill parking (stopping and starting): To determine if the individual has the ability to park a vehicle on an incline in a safe manner and leave that position in a safe manner.

(D) Transmission (automatic or standard): To determine if the individual has the coordination and ability necessary for reasonable control of the vehicle.

(E) Brakes: To determine the individual's skill and physical ability in the proper usage of the brake(s).

(F) Control of speed: To determine the speed the individual maintains relative to speed limits and other traffic.

(G) Gap selection: To determine whether the individual exercises proper judgment when entering or leaving the roadway, when turning or crossing an intersection, or when changing lanes.

(H) Driver alertness: To determine whether the individual observes and is aware of situations and circumstances which play an important part in safe driving.

(I) Right-of-way: To determine the individual's knowledge of right-of-way and the ability to react properly, and to determine whether an individual shares the road properly with other drivers and pedestrians.

(J) Legal stop: To determine whether the individual observes, understands, and obeys stop signs and traffic signals.

(K) Traffic lights or signs: To determine whether the individual sees, understands, and obeys traffic lights and other signs.

(L) Signals: To determine whether the individual gives the proper signal when driving away from the curb, changing lanes, or turning.

(M) Lane usage: To determine whether the individual has the knowledge and ability to use lanes properly.

(N) Observation: To determine whether the individual observes those things which are necessary for safe driving.

(O) Final Park: To determine the individual's ability to park the vehicle at the conclusion of the skills examination in a manner compatible with safe driving practices and statutory requirements.

(P) Left turn items scored:

(i) Cuts corner on approach.

(ii) Cuts corner on lane entry.

(iii) Turns into the wrong lane (does not affect other traffic).

(iv) Turns from wrong lane (does not affect other traffic).

(v) Turns wheels while stopped, waiting to make turn.

(vi) Too wide on lane entry.

(vii) Fail to signal turn for at least 100 feet before turning.

(viii) Fail to approach turn in the proper lane.

(Q) Right turn items scored:

(i) Too wide on approach.

(ii) Too wide on lane entry.

(iii) Turns from wrong lane (does not affect other traffic).

(iv) Turns into wrong lane (does not affect other traffic).

(v) Bumps, scrapes, or climbs curb.

(vii) Fail to signal turn for at least 100 feet before turning.

(viii) Fail to approach turn in the proper lane.

(R) Passenger vehicles other than school buses or vehicles transporting passengers for hire are not required to stop at a railroad crossing.

(4) Disqualifications are as follows:

(A) **Seat belt not in use.** Applicant fails to use seat belt. The seat belt shall be properly adjusted and fastened before the vehicle enters a public roadway.

(B) **Moving traffic violation.** Applicant received a traffic citation for a moving violation during the skills examination.

(C) **Disobey sign or signal.** Applicant ignored or did not obey sign or signal.

(D) **Driver speeding.** Applicant's speed is more than five (5) miles per hour over the posted speed limit or the lawful speed limit for the vehicle being driven.

(E) **Fail to stop.** Applicant rolled through stops or failed to stop.

(F) **Traffic laws.** Applicant ignored or did not obey traffic laws.

(G) **Yield to others.** Applicant did not yield to other road users (pedestrians, vehicles, etc.) Applicant did not appropriately yield the right-of-way to pedestrians or other vehicles during driving maneuvers.

(H) **Left of center.** Applicant drives left of center (except when needed to perform a turn safely or to proceed safely on a direct course.

(I) **Avoidable crash or incident or dangerous act.**

(i) Applicant involved in an avoidable crash or collision.

(ii) Applicant's vehicle has physical contact with other vehicles, objects, pedestrians, etc.

(iii) Applicant commits any act or omission that creates a dangerous or unsafe traffic environment (near accidents, etc.).

(iv) Applicant's actions causes drivers of other vehicles or pedestrians to take evasive actions.

(v) Applicant's actions force examiner to take verbal or physical control of the vehicle.

(J) **Put vehicle over sidewalk or curb.** Applicant put vehicle over curbs or sidewalks unnecessarily.

(K) **Weighted Offenses.** Accumulation of four (4) or more of any of the following offenses, in any combination:

(i) Failure to use turn signal.

(ii) Coasting on a downgrade (gears in neutral or clutch disengaged).

(iii) Consistently goes over speed limit.

(iv) Proceed through intersection on yellow light when applicant could stop without creating a dangerous situation.

(d) **Retesting.**

(1) Applicants who fail the skills examination for a driver license or the motorcycle endorsement may be granted the opportunity to retest on the next available regular business day as scheduling permits. When an applicant fails to qualify for a Class D license after three (3) skills examination attempts, he or she will be required to obtain a restricted driver license, restricting the individual to operating a motor vehicle while accompanied by a qualified licensed driver in the front seat, before another skills examination will be administered.

(2) The Department shall conduct the skills examination for the holder of a restricted Class D driver license not more than three (3) times beginning thirty (30) days from the date of issuance of the restricted license. Should the restricted licensee fail the third examination, the licensee shall wait thirty (30) days before being given another skills examination by the Department. The fourth and subsequent examinations shall be given not more than one (1) time every thirty (30) days thereafter at the request of the restricted licensee.

(3) In computing any time period prescribed by this subsection, the day of the failed examination from which the designated period of time begins to run shall not be included. The last day of the period computed shall be included, unless it is not a working day, in which event the period runs until the end of the next working day.

(e) **Minimum waiting period for examination.** The holder of a restricted driver license will not be eligible to have a skills examination administered until after a minimum of thirty (30) days following the issuance of such license, provided the applicant is at least ~~sixteen (16)~~ eighteen (18) years of age. In computing the 30-day time period prescribed by this subsection, the day on which the restricted driver license is issued shall not be included. The last day of the period computed shall be included, unless it is not a working day, in which event the period runs until the end of the next working day.

(f) **Skills examination when applicant must use special equipment.** Any applicant who must use special equipment, who has completed the standard skills examination and not been disqualified, will continue to drive an extended route, as provided in this subsection, in order to evaluate the operation of special equipment.

(1) The extended skills examination will be at least thirty (30) minutes long, making the total examination at least forty-five (45) minutes in duration. However, the individual may be given a four-minute rest stop midway through the examination.

(2) The extended skills examination may consist of interstate, expressway, or highway driving, or a combination of such driving situations, where possible so that a better evaluation may be rendered. Key points in this portion of the skills examination are as follows:

(A) Proper usage of acceleration and deceleration lanes,

(B) Lane usage,

(C) Highway speed control,

(D) Reaction to larger vehicles and fast traffic, and

(E) Use of special control devices.

(3) If the individual fails to adequately perform on the extended portion of the examination, at the discretion of the driver examiner, the individual will be notified when he or she is eligible to return for the next examination.

(g) **Substitute for skills examination.** A skills examination may be waived for a licensee when one of the following requirements is met:

(1) The licensee is applying for a Class D driver license, provided all established requirements for a Class D license have been satisfied, and the licensee is licensed at the time of application by one of the fifty (50) states, by the District of Columbia, by a Canadian province, or by another country; provided, the current driver examination requirements of the country must be on file with the Department and must meet or exceed the standards, specifications, and requirements of the Department as set out in this Subchapter [47 O.S. § 6-110(A)(2)] .

(2) The licensee:

(A) has enrolled in and successfully completed a course taught by an instructor certified by the Motorcycle Safety Foundation and using the Motorcycle Safety Foundation curriculum, and

(B) submits to the Department at the time of application for a motorcycle endorsement a Motorcycle RiderCourse? or an Experienced RiderCourse? completion card filled out by the certified instructor [47 O.S. §6-101(D)].

SUBCHAPTER 13. PARENT-TAUGHT DRIVER EDUCATION

595:10-13-4. Requirements and application for certification as a parent-taught driver education course; certification renewal

(a) **Requirements and application for certification.** To be certified as a parent-taught driver education provider, an individual, organization, company, or other entity must meet the following requirements:

(1) Have offered parent-taught driver education, for the previous two years, or have been a licensed driver education instructor or commercial driving school instructor for five years immediately preceding the application date.

(2) Submit an application to the Department on a form prescribed by the Department [See 595:10-13-8(a) regarding the application form].

(3) Must furnish the Department with curriculum which should meet or exceed the course of study prescribed in 595:10-13-6. If the applicant is approved and certified by the Department as a parent-taught driver education provider, the curriculum may not be changed in any manner without prior inspection and approval from the Department.

(4) Must furnish the Department with the complete costs to be charged to a customer for the course, along with a blank copy of the contract or application intended for use with the course. If the applicant is approved and certified by the Department as a parent-taught driver education provider, no changes in costs or to the contract shall be made without prior notification to and approval and certification by the Department.

(5) Must have a built-in comprehensive monitoring system to assure quality control of the instruction of course materials, both classroom and behind the wheel instruction. The term "comprehensive monitoring program" means a system of monitoring the progress of the instruction by the parent instructor so that the provider can certify the validity of the training.

(6) Agree to meet all requirements in subsection (b).

(b) **Certification and requirements of parent-taught driver education providers.** All Parent-taught driver education providers approved and certified by the Department shall, upon certification and during the period of certification:

(1) Include with the course, at no additional cost to the customer, a minimum of a Two Million Dollar ($2,000,000.00) (aggregate amount) liability insurance policy, and a One Million Dollar ($1,000,000.00) professional liability insurance policy. The provider shall agree to hold harmless and free from any liability the Department, any of the Department's employees, and the State of Oklahoma. The policy shall be unexpired, and a renewal or replacement policy shall be in place before the current policy expires.

(2) Maintain a surety bond, specifically and individually in the name of the State of Oklahoma, in the amount of $10,000. In the event the provider is unable to meet its contractual obligations with Oklahoma parents who have purchased a parent-taught driver education course from the provider, the bond will be forfeited for the purpose of disbursing reimbursements for all outstanding contracts of the provider which were entered into in Oklahoma as a result of this Subchapter~~;~~. The bond shall be unexpired, and a renewal or replacement bond shall be in place before the current bond expires.

(3) Furnish the Department, at times and in a manner agreed to by the Department and the provider with a listing of all approved applications, whether the course is completed or not.

(4) Provide the student with a receipt of purchase to be included with the packet sent to the student, and a completion certificate, bearing the seal of the provider, upon successful completion of the course by the student.

(5) Maintain all records received from students and parents pertaining to this Subchapter, including, but not

limited to, correspondence, applications, contracts, and test answer sheets. All records shall be segregated by individual student, and all records for each student shall be maintained by the provider for at least one (1) year.

(6) Agree to:

(A) Allow access by the Department to all records maintained by the provider for each student, for purposes of monitoring and auditing.

(B) Ensure that no behind-the-wheel instruction is recognized if the student fails to first obtain an instruction permit from the Department.

(C) Provide immediate written notification to the Division of any impropriety or misconduct of any parent teaching a parent-taught driver education course.

(D) Acknowledge that the Department reserves the right to take prompt and appropriate remedial action against ~~the certification of~~ any parent instructor or parent-taught driver education provider who fails to comply with any state law or rule regarding a parent-taught driver education course.

(E) Maintain curriculum meeting the standards established by the Department [see 595:10-13-6 regarding curriculum].

(F) Allow a Department representative to conduct on-site compliance inspections, as necessary, to review records and to observe procedures. All records must be accessible during normal business hours of the parent-taught driver education provider for inspection upon request by a Department representative.

(G) Ensure that the affidavit required by OAC 595:10-13-5 has been approved prior to instruction.

(c) **No renewal of certification is required.** Certification by the Department is issued to a provider with the understanding that no renewal of the certification is required. However, the Department may cancel the certification as provided in OAC 595:10-13-9.

(d) **Changes to certified information.** The provider shall notify the Department immediately, in writing, of any changes to the information on the original application for certification. The provider shall temporarily suspend the sale of courses to any new applicants until the Department has approved the changes. If a change of ownership occurs, the Department reserves the right to request the provider to halt all future business in Oklahoma as a parent-taught driver education provider and to reapply for certification.

(e) **Solicitation and advertising.** Any provider approved and certified by the Department may advertise and solicit business for its course in Oklahoma. The phrase "Certified by the Department of Public Safety, State of Oklahoma" must be included in any printed matter. However, at no time shall the provider state or imply that the course offered by the provider is recommended by the Division, the Department, any employee of the Department, or the state of Oklahoma.

595:10-13-5. Requirements for parents and students

(a) **General information.** Prior to teaching a Department-approved and -certified parent-taught driver education course, a parent must first request a parent-taught driver education packet from the Department. The request can be made:

(1) in writing to: Oklahoma Department of Public Safety, Driver License Examining Division, P.O. Box 11415, Oklahoma City, OK 73136-0415

(2) by telephone to: (405) 425-7746

(3) by e-mail to: parent@dps.state.ok.us

(4) through the Department of Public Safety website: www.dps.state.ok.us/dls/

(b) **Packet contents.** The packet will contain:

(1) A list of approved parent-taught driver education providers ~~and the cost of their respective courses~~;

(2) A copy of the rules in this Subchapter, OAC 595:10-13 Parent-taught Driver Education; and

(3) An affidavit to be completed and returned to the Department prior to commencement of training by parent instructor(s)<u>, or the affidavit may completed and printed from the website of the Department</u>.

(c) **Requirements for parents.**

(1) A parent-taught driver education course must be instructed by a parent as defined in 595:10-13-3.

(2) Every parent instructor must have a valid driver license which must be in the parent instructor's possession at all times while performing behind-the-wheel instruction and must:

(A) not have had his or her driving privileges and driver license suspended, canceled, revoked, or denied within the past twelve (12) months;

(B) not have been convicted of possession or use of alcohol or drugs within the past twelve (12) months;

(C) not reflect more than five (5) point violations on his or her driving record; and

(D) have no administrative action by the Department pending pursuant to 47 O.S. §§ 753, 754, or 754.1 relating driving under the influence or pursuant to 47 O.S. §761 relating to driving while impaired.

(3) Every parent instructor shall exercise all due caution while instructing a behind-the-wheel session, taking into account:

(A) the alertness and responsiveness of the student,

(B) the traffic, weather, atmospheric, and road conditions,

(C) the time of day, and

(D) any other factors the parent deems may adversely influence the ability of the student to perform safely during the behind-the-wheel session.

(d) **Requirements for students.** Students must be at least fifteen (15) years of age to begin the written portion of the curriculum. The student must be at least fifteen and a half (15 1/2) years of age and must apply for and have been issued an learner permit prior to the commencement of any behind-the-wheel training. The permit must be in the student's possession at all times while performing behind-the-wheel training.

(e) **Requirements for the vehicle used in parent-taught driver education behind-the-wheel instruction and training.** Behind-the wheel instruction and training of a parent-taught driver education course ~~may~~ <u>shall</u> only be performed in ~~the vehicle(s) listed on the affidavit submitted by~~

~~the parent(s) to the Department. The vehicle(s) listed~~ a vehicle which:

(1) ~~must be~~ is properly registered and display a valid license plate [see 47 O.S. Chapter 74 regarding vehicle registration laws],

(2) ~~must comply~~ complies with vehicle equipment and safety standards [see 47 O.S. Chapters 12 and 13 for state vehicle equipment and safety laws], including, but not limited to, being equipped with seatbelts,

(3) ~~must comply~~ complies with the vehicle liability insurance requirements of Oklahoma's Compulsory Insurance Law [See 47 O.S. § 7-600 et seq. regarding compulsory vehicle liability insurance]. Current proof of insurance must be carried in the vehicle at all times, and

(4) may be equipped with a second rear-view mirror for use by the parent performing the instruction. The Department recommends the use of a second rear-view mirror by the parent.

(f) **Limitation on vehicle occupancy.** The number of occupants in any vehicle being used for behind-the-wheel instruction in a parent-taught driver education course shall be limited to not more than two (2) parent instructors and not more than two (2) students.

(g) **Submission of affidavit.** Every parent shall submit the affidavit required by the Department, completed in full with all required information and signed by each parent desiring to be a parent instructor; provided, online applications may be received by submission without any signature. The parent must wait to begin a parent-taught driver education course until the affidavit has been accepted by the Department.

(h) **Acceptance of affidavit.** Upon acceptance of the affidavit, the Department shall return a copy of the affidavit, marked with a number assigned by the Department, to the parent(s). The parent(s) may then begin the parent-taught driver education course. The accepted affidavit shall be carried in the vehicle at all times it is being used for a behind-the-wheel session of an approved parent-taught driver education course.

(i) **No renewal of acceptance is required.** Acceptance of the affidavit by the Department is issued to the parent(s) with the understanding that no renewal of the acceptance is required with regard to the student(s) named on the affidavit. However, the Department may cancel the acceptance as provided in OAC 595:10-13-9.

(j) **Changes to information on affidavit.** The parent(s) shall notify the Department immediately, in writing, of any changes to the information on the accepted affidavit. The parent(s) shall temporarily suspend the instruction of the parent-taught driver education course until the Department has approved the changes.

595:10-13-8. Prescribed forms

(a) **Parent-taught driver education provider applications.** Parent-taught driver education provider applications shall be requested from the Department to apply for certification as a parent-taught driver education provider. The application will require the applying parent-taught driver education provider to provide the following information:

(1) Date of application;

(2) Name of parent-taught driver education provider institution;

(3) Complete school physical address and mailing address;

(4) Name of administrator;

(5) Statement of agreement to comply with rules of the Department and with the provisions of any contract entered into between the provider and a parent in Oklahoma;

(6) Information required in 595:10-13-4;

(7) Signature of administrator; and

(8) Show proof of purchase and delivery of curriculum.

(b) **Completion certificates.** A completion certificate shall be provided by and issued by the parent-taught driver education provider to each student upon the successful completion of course work (both classroom and behind the wheel). These certificates shall be computer generated, in a format agreed upon by the Department and the provider, and shall contain the following:

(1) Name of the provider;

(2) Full legal name of student;

(3) Number of total hours instruction, and a breakdown of in-class/in-car hours;

(4) Date of completion;

(5) Signature of administrator (stamped signature acceptable); and

(6) Embossed seal of provider.

(c) **Parent affidavit.** The parent affidavit will be included in the parent-taught driver education packet [see 595:10-13-5(a) and (b) regarding the packet]. The affidavit shall be completed and signed by the parent(s) who will be teaching the parent-taught driver education course or online applications may be completed without any signature and submitted to and accepted by the Division prior to commencement of the parent-taught driver education course. The affidavit will contain the following information:

(1) For each parent desiring to be a parent-instructor, the full legal name, mailing address, and driver license number of the parent;

(2) The name of the parent-taught driver education provider selected by the parent;

(3) The full legal name, mailing address, and instruction permit number or driver license number of the student;

(4) ~~A description of each vehicle to be used for behind-the-wheel instruction, including:~~

~~(A) Make, model, and year,~~

~~(B) License plate number and expiration date.~~

~~(C) Insurance company, policy number, and expiration date.~~

~~(5)~~ A statement which affirms that ~~each~~ any vehicle ~~listed complies~~ used for behind-the wheel instruction will comply with Oklahoma's insurance requirements (47 O.S. Chapter 7) and safety and equipment requirements (47 O.S. Chapters 12 and 13).

(~~6~~ 5) Statements to which the parent(s) and student(s) express understanding and agreement:

(A) The affidavit does not constitute authorization for the student to drive in lieu of possession of a valid

Oklahoma instruction permit or driver license, nor is it a substitute for insurance verification.

(B) The accepted copy of the affidavit must be carried in the vehicle during any behind-the-wheel session of parent-taught driver education and must be presented upon demand to any law enforcement officer or Department of Public Safety employee.

(C) No more than two (2) students and two (2) parent instructors shall occupy the vehicle during any behind-the-wheel session of parent-taught driver education.

(D) All state laws regarding the operation of a motor vehicle and all rules of the Department regarding parent-taught driver education shall be obeyed by the student(s) and parent(s).

(E) The parent(s) and student(s) shall notify the Department immediately if any information on the affidavit changes.

(F) The parent(s) and student(s) agree to hold harmless and free from any liability the Department, any of the Department's employees, and the State of Oklahoma.

595:10-13-9. Termination, cancellation, or denial of certification or acceptance

(a) **Termination by either party.** Certification of parent-taught driver education providers or acceptance of parent instructors granted under this Subchapter may be terminated by either the Department or the certified provider or accepted parent, by giving written notice to the other party, stating cause or reason for termination.

(b) **Cancellation or denial.**

(1) **Department action against parent-taught driver education providers or provider applicants.** The Department may:

(A) Cancel the certification of a parent-taught driver education provider for failure to comply with any provisions of state law, federal regulation, or Department rule.

(B) Deny certification to an individual, organization, company, or other entity applying for certification as a parent-taught driver education provider for failure to meet the requirements prescribed by this Subchapter.

(2) **Department action against parent instructors or parents.** The Department may:

(A) Cancel the acceptance of a parent instructor for failure to comply with any provisions of state law, federal regulation, or Department rule.

(B) Deny acceptance to any parent applying for acceptance as a parent instructor for failure to meet the requirements prescribed by this Subchapter.

(3) **Automatic cancellation of parent instructors.** Any of the following will constitute automatic cancellation of the acceptance of parent instructors:

(A) ~~Lapse in~~ Lack of liability insurance on any vehicle ~~listed in the affidavit~~ used for behind-the-wheel instruction.

(B) Suspension, revocation, cancellation, or denial of the driving privileges of any parent or student named in the affidavit

(C) ~~Lapse in the~~ Expired or no registration of any vehicle ~~listed in the affidavit~~ used for behind-the-wheel instruction.

(D) Failure of any student named in the affidavit to meet the school attendance requirements of 47 O.S. § 6-107.3.

(c) **Reapplication for certification or acceptance.** Any provider or provider applicant whose certification is cancelled or denied, as provided in (b)(1), or any parent instructor or parent whose acceptance is cancelled or denied, as provided in (b)(2) and (3), shall not be eligible to reapply for certification or acceptance for a period of six (6) months from the date of cancellation or denial.

(d) **Minor disqualifications.** Where it is determined that a minor disqualification exists that may readily be rectified by the provider or parent, the Department may informally notify such party by mail or telephone of such minor disqualification, with a request for compliance within a specified period of time. If such party fails to rectify the disqualification or violation, the Department may proceed with any action described in (b) of this section.

[OAR Docket #11-835; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 15. FINANCIAL RESPONSIBILITY

[OAR Docket #11-836]

RULEMAKING ACTION:
PERMANENT final adoption.

RULES:
Subchapter 1. Vehicle Liability Insurance Cancellation [REVOKED]
595:15-1-1. Purpose [REVOKED]
595:15-1-2. Definitions. [REVOKED]
595:15-1-3. Notification to the Department [REVOKED]
595:15-1-4. Suspension for no vehicle liability insurance [REVOKED]
595:15-1-5. Verification of insurance presented to the Department [REVOKED]
Subchapter 3. Oklahoma Compulsory Insurance Verification System [NEW]
595:15-3-1. Purpose [NEW]
595:15-3-2. Applicability [NEW]
595:15-3-3. Responsibilities of the Department of Public Safety and insurance companies [NEW]

AUTHORITY:
Commissioner of Public Safety; 47 O.S. §§ 7-101, 7-600.2, 7-608, and 7-609.

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March 31, 2011
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March 31, 2011

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May 6, 2011
Legislative approval:
Failure of the Legislature to disapprove the rules resulted in approval on May 27, 2011.
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Effective:
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SUPERSEDED EMERGENCY ACTIONS:
N/A
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N/A
ANALYSIS:
Amendments to this subchapter would implement the provisions of HB 3115 (2006).
The proposed actions are amendments to existing rules and creation of new rules.
The circumstance which created the need for these rules is the passage and approval of HB 3115 (2006) and the subsequent creation of the Oklahoma Compulsory Insurance Verification System.
The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.
CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. VEHICLE LIABILITY INSURANCE CANCELLATION [REVOKED]

595:15-1-1. Purpose [REVOKED]

~~(a) Insurance carriers who issue vehicle liability insurance policies to first time policyholders, as defined in 595:15-1-2, shall notify the Department of the termination of such policies for nonpayment or refund of premium or, for any policy which has been issued for a period of less than six (6) months, which expires without renewal. [47 O.S. §7-608(A)]~~

~~(1) The termination shall be determined as final and must occur within the first one hundred eighty (180) days of the inception of the policy. Expiration of any applicable grace period shall be taken into consideration.~~

~~(2) Notice must be sent to the Department within a reasonable time.~~

~~(3) Notice may be made either by electronic or written means.~~

~~(b) Once the Department receives notice of termination from an insurance carrier, the Department shall notify the vehicle owner. The owner shall provide a copy of the proof of insurance within thirty (30) days from the date of notice along with the notification provided by the Department.~~

~~(c) The Department shall suspend the owner's driving privilege and driver license, as well as the registration(s) and license plate(s) of any motor vehicle registered in the owner's name which is not covered by security unless the one of the following conditions exists [47 O.S. §7-609]:~~

~~(1) The owner provides to the Department proof of current liability insurance on the vehicle;~~

~~(2) The person is not the owner of any motor vehicle,~~

~~(3) The person is not subject to the Compulsory Insurance Law of this state (47 O.S. §7-600 et seq.),~~

~~(4) The vehicle was sold or repossessed prior to the insurance termination date,~~

~~(5) The vehicle became inoperable prior to the insurance termination date, or~~

~~(6) The vehicle was not owned by the person at the time of insurance termination.~~

595:15-1-2. Definitions [REVOKED]

~~The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:~~

~~**"Applicable grace period"** means a period of time determined by the insurance carrier only.~~

~~**"Date of notice"** means the date of the notification issued by the Department requesting proof of insurance.~~

~~**"Department"** means the Department of Public Safety.~~

~~**"Electronic means"** means notification to the Department from insurance carriers by electronic media or electronic data transfer methods. Each termination reported shall be on a record format made available upon request from the Financial Responsibility Division of the Department.~~

~~**"First one hundred eighty (180) days"** means the first one hundred eighty (180) days of the inception of a vehicle liability insurance policy issued to a first time policyholder.~~

~~**"First time policyholder"** means a policyholder who has applied for an initial vehicle liability insurance policy from an insurance carrier. This shall include any policy issued for a period including or less than one hundred eighty (180) days. Until such time as a policyholder maintains more than one hundred eighty (180) days of vehicle liability insurance under this policy, this section shall apply.~~

~~**"Insurance carrier"** means a company authorized to do business in Oklahoma, as provided in 47 O.S. §§7-321. Individual agents are not included in this definition.~~

~~**"Policy"** means all vehicles insured by vehicle liability coverage issued by an insurance carrier to a first time~~ policyholder~~.~~

~~**"Prescribed form"** means a form designed and provided by the Department.~~

~~**"Proof of insurance"** means a copy of a current security verification form issued by an insurance carrier or proper documentation from a carrier verifying security.~~

~~**"Reasonable time"** means notification to the Department from an insurance carrier within sixty (60) days of the termination date of the policy.~~

~~**"Termination for nonpayment"** means a policyholder fails to make a premium payment in accordance with the terms of the vehicle liability insurance policy, as determined by the insurance carrier.~~

~~**"Termination for refund of premium"** means a policyholder has requested and the insurance carrier has issued a refund of premium.~~

~~**"Timely"** means within thirty (30) days as provided in 47 O.S. §7-609(A)].~~

~~**"Vehicle liability policy"** means an individual policy as defined under 47 O.S. §7-324(A), as opposed to a company policy.~~

~~**"Written means"** means written notification to the Department by an insurance carrier in the designated record format of the Financial Responsibility Division of the Department.~~

595:15-1-3. Notification to the Department [REVOKED]

~~(a) This provision applies to policies that are terminated for nonpayment or refund of premium or for failure to renew policies issued for a period less than 180 days. It shall include first time policyholders who apply for vehicle liability insurance where the insurance carrier denies or refuses coverage.~~

~~(b) Change of vehicle status on a vehicle liability insurance policy does not fall under the provisions of this section.~~

~~(c) Insurance carriers notifying the Department of ten (10) terminations or more per report shall do so by electronic means and shall comply with reporting requirements.~~

~~(d) Insurance carriers notifying the Department by written means shall be limited to nine (9) terminations or less per report per week and shall comply with reporting requirements.~~

~~(e) All notifications to the Department shall not exceed one month from the termination date of the vehicle liability policy whether by electronic or written means.~~

~~(f) If an insurance carrier desires the electronic media returned, a properly identified postage pre-paid envelope must accompany the media.~~

~~(g) When an insurance carrier has knowledge that the relinquishment of vehicle ownership is the reason for termination or expiration without renewal of policy, that fact shall be included in the notification to the Department.~~

~~(h) Each cancellation notice shall contain:~~

~~(1) the insurance company code, as issued by the Oklahoma State Insurance Commission,~~

~~(2) the name, driver license number and state of issuance, date of birth, and address of the vehicle owner,~~

~~(3) the full vehicle identification number, and~~

~~(4) the number, effective date, and expiration date of the policy.~~

595:15-1-4. Suspension for no vehicle liability insurance [REVOKED]

~~(a) When the owner fails to timely furnish proof of vehicle liability insurance or of meeting any other condition as prescribed in 595:15-1-1(c), the Department shall immediately suspend the owner's driving privilege and driver license and the registration(s) and license plate(s) of any uninsured motor vehicle registered in the owner's name.~~

~~(b) The suspension shall remain in effect until payment of the required fees as provided by statute and proof of insurance is presented. [47 O.S. §7-609(A)]~~

~~(c) The suspension shall be set aside and the fees will not be required if the person proves to the satisfaction of the Department:~~

~~(1) the person is not the owner of any motor vehicle,~~

~~(2) the person is not subject to the Compulsory Insurance Law of this state [47 O.S. §7-600 et seq.],~~

~~(3) there exists current vehicle liability insurance effective after the reported termination date but prior to the suspension date,~~

~~(4) there exists continuous vehicle liability insurance on the vehicle,~~

~~(5) compliance with provisions of 47 O.S. 7-600 et. seq. prior to suspension,~~

~~(6) the vehicle was sold or repossessed prior to the insurance termination date,~~

~~(7) the vehicle became inoperable prior to the insurance termination date, or~~

~~(8) the vehicle was not owned by the person at the time of insurance termination.~~

595:15-1-5. Verification of insurance presented to the Department [REVOKED]

~~(a) The Department of Public Safety shall verify compliance with the Compulsory Insurance Law of persons who previously presented the Department with proof of liability insurance for the purpose of reinstating a suspension of driving privileges under the provisions of 47 O.S., §7-101 et seq. The Department shall send written notice, in accordance with 47 O.S., § 2-116, to randomly selected driver licensees, who have been reinstated a minimum of sixty (60) days previous to the date of the notice, requesting verification and proof that the liability insurance presented as a prerequisite for reinstatement of the suspension is still valid.~~

~~(b) Within thirty (30) days after receiving the notice requesting verification and proof of insurance, the person shall furnish the requested information to the Department on a form prescribed by the Department. Proof that insurance is still in effect, as prescribed by the Department, may be considered by the Department to be a satisfactory response to the request for verification.~~

~~(c) Failure to timely furnish proof of insurance or failure to timely respond as required by (b), the Department shall suspend the person's driving privilege and the registration of any motor vehicle registered in the name of such person as owner which is not covered by security. The suspension shall be effective immediately upon the lapse of the thirty-day response period in subsection (b). The suspension shall remain in effect until proof of current insurance is presented to the Department and payment of the appropriate fees provided for in 47 O.S., § 6-212, is made to the Department. Proof of insurance and payment of the appropriate fees shall not be required and the Department shall vacate the suspension of the person's driving privileges if the person:~~

~~(1) is no longer subject to the Compulsory Insurance Law of this state,~~

~~(2) provides proof the vehicle is insured and there has been no break in insurance coverage,~~
~~(3) provides proof the vehicle is and has been inoperable since or prior to the cancellation date of the policy,~~
~~(4) provides proof the person no longer owns the vehicle and has not since or prior to the cancellation date of the insurance policy, or~~
~~(5) is not an owner of any motor vehicle and the Department does not have reason to believe the person should be maintaining an operator's policy.~~

SUBCHAPTER 3. OKLAHOMA COMPULSORY INSURANCE VERIFICATION SYSTEM

595:15-3-1. Purpose

The purpose of this subchapter is to provide guidance to insurance companies for participation in the Oklahoma Compulsory Insurance Verification System as created by the Department of Public Safety pursuant to 47 O.S., §7-600.2.

595:15-3-2. Applicability

(a) *All insurers, as a condition of writing motor vehicle liability policies in this state, shall comply with the requirements of Section 7-600.2 of Title 47 of the Oklahoma Statutes.* [36 O.S., §619.3

(b) The Oklahoma Compulsory Insurance Verification system provides an electronic real-time means to law enforcement and the courts to verify compliance with the Compulsory Insurance Law of Oklahoma (47 O.S., §7-600 et seq.) as it pertains to privately-owned vehicles.

595:15-3-3. Responsibilities of the Department of Public Safety and insurance companies

Compliance with 47 O.S., §7-600.2, and other laws related to the Oklahoma Compulsory Insurance Verification System, participation in the System by insurance companies, and the responsibilities of the Department of Public Safety and insurance companies related to that compliance and participation are governed by the "Web Service and Database Manual" as published by the Department and provided on the website of the Department at: http://www.dps.state.ok.us/OCIVS/

[OAR Docket #11-836; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 20. INSPECTION AND EQUIPMENT FOR MOTOR VEHICLES
[REVOKED]

[OAR Docket #11-837]

RULEMAKING ACTION:
PERMANENT final adoption.
RULES:
Subchapter 1. General Provisions [REVOKED]
Subchapter 3. Emission and Mechanical Inspection of Vehicles [REVOKED]
Subchapter 5. Inspection Procedures [REVOKED]
Subchapter 7. Inspection Stickers and Monthly Tab Inserts for Windshield and Trailer/motorcycle [REVOKED]
Subchapter 9. Class A Inspection Station, Vehicle Emission Anti-tampering Inspection [REVOKED]
Subchapter 11. Annual Motor Vehicle Inspection and Emission Anti-tampering Inspection Records and Reports [REVOKED]
Appendix EE. Tulsa Emission Control Area [REVOKED]
Appendix FF. Oklahoma City Emission Control Area [REVOKED]
AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 2-108.
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No hearing was held or requested.
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Legislative approval:
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Final Adoption:
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Effective:
July 15, 2011
SUPERSEDED EMERGENCY ACTIONS:
N/A
INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
Amendments to this subchapter would implement the provisions of HB 1081 (2001) which repealed the vehicle inspection laws.
The proposed actions are amendments to existing rules.
The circumstance which created the need for these rules is the passage and approval of HB 1081 (2001) which repealed the vehicle inspection laws.
The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.
CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

DUE TO EXCESSIVE LENGTH OF THESE RULES (AS DEFINED IN OAC 655:10-7-12), THE FULL TEXT OF THESE RULES WILL NOT BE PUBLISHED. THE RULES ARE AVAILABLE FOR PUBLIC INSPECTION AT THE DEPARTMENT OF PUBLIC SAFETY, 3600 NORTH M.L. KING, OKLAHOMA CITY, AND AT THE SECRETARY OF STATE'S OFFICE OF ADMINISTRATIVE RULES. THE FOLLOWING SUMMARY HAS BEEN PREPARED PURSUANT TO 75 O.S., SECTION 255(B):

SUMMARY:
With the repeal of state vehicle inspection laws in HB 1081 (2001), these rules regarding vehicle emission and mechanical inspections, vehicle inspection procedures, vehicle inspection stickers, vehicle inspection stations, and vehicle inspectors, are no longer necessary or authorized by law.
Interested parties may obtain the full text of the revoked rules from the contact person listed above.

[OAR Docket #11-837; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 25. WRECKERS AND TOWING SERVICES

[OAR Docket #11-838]

RULEMAKING ACTION:
PERMANENT final adoption.
RULES:
Subchapter 1. General Provisions
595:25-1-2. Definitions [AMENDED]
Subchapter 5. All Wrecker Operators
595:25-5-2. Equipment requirements for all vehicles [AMENDED]
AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 952
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595:25-1-2. Definitions [AMENDED]
Subchapter 5. All Wrecker Operators
595:25-5-2. Equipment requirements for all vehicles [AMENDED]
Gubernatorial approval:
October 19, 2010
Register Publication:
28 Ok Reg 303
Docket number:
10-1358
INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
Amendments to 595:25-1-12 clarify the definition of a General Class wrecker. Amendments to 25-5-2 update the statutory reference relating to lighting equipment on wrecker vehicles.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is the passage of EHB 2969 (2010) which amended certain laws related to wrecker vehicles.

The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law, to ensure the safety of the motoring public, and to provide guidance to wrecker services.
CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

595:25-1-2. Definitions

Any reference to "this Act" means 47 O.S. § 951 et seq. unless otherwise specified. The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Call" means each request for service of an operator resulting in an operator being able to receive compensation for these services.

"Class AA wrecker operator" means any wrecker operator who also meets all the requirements of 47 O.S. § 952(D) for towing for law enforcement agencies.

"Class AA truck wrecker operator" means any wrecker operator who also meets all the requirements of 47 O.S. § 952(D) for towing for law enforcement agencies.

"Commissioner" means the Commissioner of Public Safety, as defined by 47 O.S. § 1-109 and as described in 47 O.S. § 2-102.

"Department" means the Department of Public Safety.

"Junk vehicle" means a vehicle which is ten (10) years old or older and worth less than three hundred dollars ($300.00) [42 O.S. § 91].

"Law enforcement tow" means a tow of a vehicle made by an operator when a law enforcement officer compels a vehicle be towed or makes a request for a tow using a law enforcement rotation log and to which the rate fees as prescribed in 47 O.S. § 953.1 shall apply.

"Officer" means any peace officer.

"Operator" means any person or legal entity owning or operating a licensed wrecker vehicle or a licensed wrecker or towing service and any employee thereof.

"Owner request tow" means a tow of vehicle made by an operator at the request of the owner, or authorized agent of the owner and which is not compelled or required by a law enforcement officer.

"Place of business" means a permanent structure, not mounted on wheels, occupied by the wrecker operator at the physical address of the wrecker service, as shown on the wrecker license, with phone service and functioning utilities including but not limited to electricity and water, where normal business is transacted and all wrecker records are maintained. Effective January 1, 2005, the place of business shall be located in Oklahoma.

"Private Property Tow" means a tow of a vehicle which is made from private property by an operator at the request of the owner, legal possessor, or authorized agent in control of the real property, which shall be towed under the provisions of 47 O.S. § 954A and to which the rate fees as prescribed in 47 O.S. § 953.1 shall apply.

"Rotation log" means a list for each Highway Patrol Troop of the Department of current Class AA wrecker operators whose places of business are within the geographical boundaries of the Troop and who have requested and been

approved by the Department to be on the list. This list governs the alternation among approved Class AA wrecker operators meeting the qualification of various categories of Class AA wrecker services except Class AA-TL wrecker vehicles.

"Tow/Towing" *"means the use of a wrecker vehicle to lift, pull, move, haul or otherwise transport any other vehicle by means of: (a) attaching the vehicle to and pulling the vehicle with the wrecker vehicle, or (b) loading the vehicle onto and transporting the vehicle upon the wrecker vehicle".* [47 O.S. § 951(3)]

"Traffic tie-up" means any situation in which any officer deems it necessary to control the orderly flow of traffic.

"Truck wreckers" means every motor vehicle properly designed and equipped according to Department of Public Safety specifications with wrecker body and winch or lifting apparatus suitably designed to safely move, pull or tow wrecked, damaged or disabled trucks, truck-tractors, road tractors, trailers, semi-trailers, buses and/or other vehicles and conveyances that use the highways of the state of Oklahoma. The designation as a truck wrecker shall be used for Class AA-TL wrecker vehicles only.

"Truck wrecker rotation log" means a list for each Highway Patrol Troop of the Department of current Class AA wrecker operators, meeting the qualifications of Class AA truck wrecker services, whose places of business are with in the geographical boundaries of the Troop and who have requested and been approved by the Department to be on the list. This list governs the alternation among approved Class AA-TL truck wrecker operators only.

"Wrecker dolly" means a wheeled device which is used to support one end of a motor vehicle for towing.

"Wrecker license" means the wrecker license as provided by 47 O.S. § 951, et. seq.

"Wrecker operator" means any operator who is licensed under this Chapter and the laws of this state and who meets all requirements of the rules of this Chapter, pertaining to wrecker vehicles as defined in this Chapter.

"Wrecker or towing service", **"wrecker service"**, or **"towing service"** *means engaging in the business of or performing the act of towing or offering to tow any vehicle, except: (a) where the operator owns the towed vehicle and displays on both sides of the wrecker vehicle in plainly visible letters not less than two (2) inches in height the words "NOT FOR HIRE", (b) where the service is performed by a transporter as defined in [47 O.S.] section 1-181 of this title, (c) where service is performed in conjunction with the transportation of household goods and property, (d) where the wrecker vehicle is owned or operated by the United States government, the State of Oklahoma, or any department or political subdivision thereof, or (e) where the service is performed by an out-of-state wrecker service at the request of the vehicle owner or operator, and the vehicle is being towed: (1) in either direction across the border between Oklahoma and a neighboring state, or (2) through Oklahoma in transit to another state; provided, the out-of-state wrecker service shall comply with all other requirements regarding interstate commerce as set forth in law.* [47 O.S. § 951(6)]

"Wrecker" or **"wrecker vehicle"**, as defined by 47 O.S. § 951, et. seq., means any vehicle, other than a transport as defined in 47 O.S. § 1-181, equipped with a winch, cable or other device designed to lift, pull or move a disabled vehicle incapable of self-propulsion. (Does not include a vehicle with a push bumper only.)

(A) Class AA -- Any wrecker vehicle not less than nine thousand pounds (9,000 lbs.) GVWR and meeting minimum requirements as established for Class AA Wreckers in this Chapter.

(B) Class AA-TM -- Any wrecker vehicle not less than twenty-four thousand pounds (24,000 lbs.) GVWR and meeting minimum requirements as established for Class AA-TM Wreckers in this Chapter.

(C) Class AA-TL -- Any wrecker vehicle not less than forty-four thousand pounds (44,000 lbs.) GVWR and meeting minimum requirements as established for Class AA-TL Wreckers in this Chapter.

(D) Class General -- All other wrecker vehicles as defined by 47 O.S. § 951, et. seq., provided a Class General wrecker shall also be considered a wrecker support vehicle for the purposes of 47 O.S. § 12-218.1.

SUBCHAPTER 5. ALL WRECKER OPERATORS

595:25-5-2. Equipment requirements for all vehicles

(a) **All wrecker vehicles.** Each wrecker which is used by an operator in the performance of a wrecker or towing service shall be equipped with the following:

(1) **Fire extinguisher.** One (1) or more dry chemical, B.C. rating, fire extinguisher having a minimum of ten pounds (10 lbs.) total capacity, which shall be mounted and readily accessible.

(2) **Flashing light.** At least one (1) amber rotating or flashing light, visible from 360 degrees or on a lightbar, and approved by an officer of the Department. The amber rotating light is for use only at the scene of an emergency or where a traffic hazard exists and there is the necessity to warn approaching vehicles, such as at a routine vehicle pickup [47 O.S. ~~§12-227(C)~~ § 12-218.1]. Wreckers presently approved will not be required to have lights of another color replaced with an amber light until such time as the present lights become defective to the point of needing replacement, at which time it shall be replaced with an amber light. Any wrecker service approved after April 27, 1990, shall be required to have the amber light. Any wrecker vehicle approved after July 15, 2004, shall be required to have the amber rotating or flashing light or light bar permanently mounted on each wrecker. In addition to the required amber rotating light, the wrecker may be equipped with a red or blue flashing light, or a combination of red and blue flashing lights, for use only at the scene of an emergency [47 O.S. ~~§12-227(C)~~ § 12-218.1]; provided, on any wrecker vehicle approved after July 15, 2005, the red or blue light, or the combination of red and blue flashing lights, shall be on a separate switch from the

amber light. Under no circumstances are any of the rotating or flashing red or blue lights intended for use when traveling on the streets or highways [47 O.S. ~~§12-227(C)~~ § 12-218.1]. White rotating lights are not authorized under Oklahoma statutes.

(3) **Chains.** Two (2) chains of sufficient grade to assist in securing the towed vehicle.

(4) **Broom.** One (1) push-type broom, suitable for clearing debris from the road.

(5) **Shovel.** One (1) shovel, suitable for clearing debris from the road.

(6) **Tire chains.** One (1) set of tire chains, mud and snow tires or other device to assist wrecker to maintain traction in mud, snow or ice.

(7) **Warning devices.** Warning devices, applicable to trucks as required in 47 O.S. § 12-407, capable of protecting the scene of a collision by day or night.

(8) **Lighting for towed vehicle.** Wreckers must be equipped to operate a towed vehicle's stop, turn and clearance lights (if applicable), or be equipped with a light bar or other lighting equipment to provide the highway lighting requirements for vehicles. When used, the light bar or tow lights shall be affixed securely to the towed vehicle to assure a minimum of movement while traveling on the highway and to prevent any damage to the towed vehicle.

(9) **Safety chains or straps.** Two (2) safety chains or wheel straps of sufficient capacity to keep the towed vehicle attached to the wrecker in the event of disengagement.

(10) **Additional equipment.** Each operator of a roll back wrecker shall secure towed vehicles with four-point tie downs. Operators of other wrecker vehicle types shall secure towed vehicles in accordance with wrecker vehicle chassis recommendations.

(11) When a wrecker dolly is used as the lift or towing device, both the wrecker dolly and the wrecker shall first be approved and licensed as a unit by the Department. In addition to the requirements in (a) of this Section for all wreckers, a wrecker dolly towing vehicle shall also be equipped at a minimum with the following:

(A) A ball or pintle hook of sufficient size and capacity to safely control the wrecker dolly, securely fastened to the appropriate frame member of the wrecker.

(B) Two safety chains of sufficient capacity to keep the wrecker dolly attached to the wrecker in the event of hitch failure.

(b) **Class AA wrecker vehicles.** Each Class AA wrecker vehicle, in addition to the equipment required by subsection (a), shall be equipped with the following:

(1) **Scotch blocks.** Two (2) scotch blocks, or similar devices, capable of adding stability to the wrecker during winching. Scotch blocks shall be constructed of steel plate with a chain or cable of sufficient grade and quality to attach to the frame or body of the wrecker. Hydraulic stabilizing equipment shall be approved. (NOTE: Roll-back wrecker vehicles are exempt from this requirement.)

(2) **Dollies.** Dollies for the purpose of providing a method of towing a disabled vehicle which is otherwise incapable of being towed safely on either axle. (NOTE: Roll-back wrecker vehicles are exempt from this requirement.)

(3) **Axe.** One (1) axe.

(4) **Pry-bar.** One (1) pry-bar or wrecking bar capable of prying open doors.

(5) **Sling and stay-bar.** One (1) sling and stay-bar, wheel lift device, or other type of device capable of safely loading and protecting the disabled vehicle while being towed.

(6) **Dual rear wheels.** At least one (1) set of dual rear wheels for stability in towing another vehicle.

(7) **Winch.** A winch or winches with a minimum factory rated capacity of eight thousand pounds (8,000 lbs.) and equipped with a cable to be compatible with manufacturer's specifications.

(8) **Absorbent.** An adequate supply of an absorbent capable of absorbing liquid spills from vehicles (not including cargo spills); provided, the wrecker service or wrecker operator shall not be required to pick up or dispose of the used absorbent. The Department recommends keeping at least four (4) gallons of absorbent on each wrecker vehicle.

(c) **Class AA-TM wrecker vehicles.** Each Class AA-TM wrecker (medium truck wrecker), in addition to the equipment required by subsection (a), shall be equipped with the following:

(1) **Minimum vehicle requirements.**

(A) **Air brakes.** Factory or certified installed full air brakes with a full tractor package (hand control, in line foot valve, air hoses and trailer emergency valve) capable of releasing the air brakes on a tractor-trailer and capable of operating the brakes of the towed vehicle with the same application as the towing vehicle.

(B) **Parking brake.** Air-activated spring parking brake.

(C) **GVWR compatibility.** Wrecker body and equipment shall be compatible with the chassis GVWR in size and shall be suitable by design to operate under emergency conditions.

(i) Vehicle body must be capable of safely anchoring scotch blocks.

(ii) Vehicle must be designed to adequately anchor snatch blocks.

(2) **Equipment requirements.**

(A) **Winch.** A winch or winches with a minimum factory rated capacity of thirty thousand pounds (30,000 lbs.) and be equipped with a cable to be compatible with manufacturer's specifications.

(B) **Boom.** A boom or booms constructed so as to be compatible with winch rating.

(C) **Snatch blocks.** A minimum of two (2) snatch blocks compatible with winch cable size and cable rating.

(D) **Axe.** One (1) axe.

(E) **Pry-bar.** One (1) pry-bar or wrecking bar capable of prying open doors.

(F) **Sling and stay-bar.** One (1) sling and stay-bar, wheel lift device, or other type of device capable of safely loading and protecting the disabled vehicle while being towed.

(d) **Class AA-TL wrecker vehicles.** Each Class AA-TL wrecker (large truck wrecker) , in addition to the equipment required by subsection (a), shall be equipped with the following:

(1) **Minimum vehicle requirements.**

(A) **Air brakes.** Factory-installed or certified installed full air brakes with a full tractor package (hand control, in-line foot valve, air hoses, and trailer emergency valve) capable of releasing the air brakes on a tractor-trailer and capable of operating the brakes of the towed vehicle with the same application as the wrecker.

(B) **Parking brake.** Air-activated spring parking brake.

(C) **Axle and suspension.**

(i) Minimum front axle and suspension of twelve thousand pounds (12,000 lbs.). (Note: GVWR ratings are altered or affected by tires, springs and axles.)

(ii) Minimum rear axle and suspension combination of thirty-two thousand pounds (32,000 lbs.).

(iii) Be equipped with full-driven tandem axle (NOTE: A drag axle or pusher axle is not acceptable).

(D) **Wheel base.** Minimum wheel base of two hundred inches (200").

(E) **GVWR compatibility.** Wrecker body and equipment shall be compatible with chassis GVWR and size and shall be suitable by design to operate under emergency conditions.

(i) Body must be capable of safely anchoring scotch blocks.

(ii) Must be designed to adequately anchor snatch blocks.

(2) **Equipment requirements.**

(A) Winch(s) must have a factory rated capacity of at least forty thousand pounds (40,000 lbs.) and must be equipped with a cable to be compatible with manufacturer's specifications.

(B) Boom(s) must be constructed as to be compatible with winch rating and must be capable of being adjusted to accomplish proper weight distribution.

(C) **Pry-bar.** One (1) pry-bar or wrecking bar capable of prying open doors.

[OAR Docket #11-838; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 30. SIZE AND WEIGHT PERMITS

[OAR Docket #11-839]

RULEMAKING ACTION:
PERMANENT final adoption.

RULES:
Subchapter 1. General Provisions
595:30-1-1. Purpose [AMENDED]
595:30-1-2. Applicability; adoption by reference [AMENDED]
Subchapter 3. Size and Weight Permit Load
595:30-3-2. A permit is a legal document; permit types [AMENDED]
595:30-3-3. Requesting, obtaining, and paying for a permit [AMENDED]
595:30-3-4. Conditions and restrictions [AMENDED]
595:30-3-5. Method of placing permit in suspension where conditions exist beyond the control of the permittee [AMENDED]
595:30-3-8. Provisional permit book [AMENDED]
595:30-3-13. Governmental agencies [AMENDED]
595:30-3-16. "Oversize Load" sign and warning flags [AMENDED]
595:30-3-17. Requirements for escort vehicles and escort vehicle operators [AMENDED]
595:30-3-17.1. Certification of operators of escort vehicles for hire [AMENDED]
595:30-3-18. Oversize vehicles and loads [AMENDED]
595:30-3-19. Manufactured homes and industrialized housing [AMENDED]
595:30-3-22. Agriculture permits [AMENDED]
Subchapter 5. Special Combination Vehicles
595:30-5-2. Issuance of permits [AMENDED]

AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 14-101 et seq.

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N/A

INCORPORATIONS BY REFERENCE:
N/A

ANALYSIS:
Amendments to this subchapter would update and clarify requirements for issuance of size and weight permits.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to ensure reliable service to motor carriers doing business in Oklahoma, ensure the safety of the motoring public in Oklahoma as it relates to the movement of oversize and overweight loads on the highways, to comply with state laws and rules of the Oklahoma Department of Transportation.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

595:30-1-1. Purpose

(a) The Department of Public Safety issues permits for oversize, overweight vehicles. The purpose of this chapter is to set forth the guidelines and procedures for obtaining size and weight permits. [47 O.S., §§ 2-108(b) and 14-116(A), 14-118(A), 14-118.1, 14-120(C), 14-120.1(D), and 14-121(B)]

(b) For purposes of this chapter, the term "oversize, overweight" shall mean oversize or overweight or both oversize and overweight.

595:30-1-2. Applicability; adoption by reference

(a) Permits authorizing the movement of oversize, overweight vehicles upon the roads and highways of the State of Oklahoma are issued in harmony with the Size, Weight and Load laws contained in Title 47, Oklahoma Statutes, Chapter 14 and Department of Transportation Rules OAC 730:30-9.

(b) This Chapter shall apply to all roads and highways of this state which are subject to the permit provisions of the Oklahoma Statutes, and which direct the Commissioner of Public Safety in the issuance of such permits. The provisions of OAC 730:30-9, which regulate the movement of oversize and/or overweight vehicles and/or loads on roads or highways not a part of the Dwight D. Eisenhower System of Interstate and Defense Highways and four lane divided highways, are hereby adopted as regulatory provisions for roads and highways in this state which are not a part of the state highway system or toll facilities, but which are subject to the permit provisions of the Oklahoma Statutes, and permit issuing authority of the Commissioner of Public Safety. Copies of this Chapter may be obtained from the ~~Size and Weight Permit Division of the Department of Public Safety at 3600 N. M. L. King Ave., Oklahoma City, Ok. 73136~~ from the website of the Department of Public Safety or from the website from the Secretary of State, Office of Administrative Rules.

SUBCHAPTER 3. SIZE AND WEIGHT PERMIT LOAD

595:30-3-2. A permit is a legal document; permit types

(a) **Permit defined.** A permit is a legal document authorizing the permittee to move a vehicle or load, which is oversize, overweight, or both, upon the roads and highways of this state when the route ~~requested~~ constitutes the ~~shortest~~ safest practical routing. The document consists of:

(1) the information furnished by the applicant contained in the permit,

(2) the conditions and restrictions stated in the permit, and

(3) the applicable provisions of this Chapter, OAC 730:30-9, Oklahoma law, or any combination of provisions.

(b) **Annual permits.** Annual permits, as authorized by 47 O.S. §14-101 et seq. and by OAC 730:30-9, shall be on a form and in a manner prescribed by the Commissioner of Public Safety. Annual permits shall comport to 23 U.S.C. §127 for interstate applications, to other state statutes relating to size and weight of vehicles and combinations of vehicles, and to OAC 730:30-9 for all roads and highways of this state. Annual permits shall be for a duration of one calendar year from the date of issuance. Annual permits for the movement of vehicles, loads, or both which exceed the size or weight provisions, or both, of 47 O.S. §14-101 et seq., but do not exceed the provisions of OAC 730:30-9 or state statutes relating to maximum allowable permit limits, shall be applied for and issued, using the procedures established in this Chapter, through the Size and Weight Permit Division of the Department of Public Safety. Annual permits shall not be restricted to nondivisible vehicles or loads and shall be specific to the towing vehicle of any vehicle operating as a combination of vehicles.

(1) Fees for annual permits shall be in accordance with the fee schedule contained in 47 O.S. §14-101 et seq.

(2) Annual permits shall be subject to suspension, revocation or cancellation by the Commissioner of Public Safety or an authorized representative upon due process, as outlined in this Subchapter.

(c) **Single trip permits.** Single trip permits, as authorized in ~~730:20-9-6(2)~~ OAC 730:30-9-6(2), shall be on a form and in a manner prescribed by the Commissioner of Public Safety. Single trip permits shall be applied for and issued, using the procedures established in this Chapter, through the Size and Weight Permit Division of the Department of Public Safety. All single trip permits shall comport to OAC 730:30-9 and related state statutes and shall be for a duration of up to, but not to exceed, ~~three (3)~~ five (5) consecutive business days. Single trip permits shall be issued for nondivisible vehicles or loads, as defined in 23 C.F.R. Part 658, which exceed the provision of state statutes but do not exceed the provisions of OAC 730:30-9 or state statutes relating to maximum allowable permit limits. Single trip permits may be revoked by any duly qualified law enforcement officer of the Department of Public Safety after having observed any violation of any of the provisions of the permit. The revocation shall be final and no further movement of the vehicle or load shall be authorized until the vehicle or load is authorized by a proper permit.

(d) **Provisional permits.** Provisional permits, as authorized in 47 O.S. §14-116, shall be made available to all authorized carriers who have established monthly billing accounts with the Department of Public Safety and appear on the monthly billing system [see 595:30-3-7 regarding monthly billing accounts].

Provisional permits shall be for a single trip, nondivisible load for the ~~shortest~~ safest practical route and in accordance with all other applicable rules, federal regulations, and state statutes pertaining to permitted movements of vehicles or loads which are oversize, overweight, or both. The provisional permit shall be on a form prescribed by the Commissioner of Public Safety containing a numerical Department of Public Safety control number. The provisional permit shall be valid only when the proper authorization number is clearly and legibly printed on the permit, and when all other information, including date of movement, general load description, estimated weight, oversize notation, route of travel, and truck ~~or truck tractor~~ and trailer license number is clearly and legibly printed on the permit. Authorization numbers shall be obtained from the Size and Weight Permit Division of the Department of Public Safety and shall be placed on the permit, at the time the permit is approved by the Department, by the authorized carrier or the carrier's designated agent.

(e) **Multi-trip oversize permits.** ~~Multi-trip~~ A multi-trip oversize ~~permits~~ permit may be issued for a specific ~~movements~~ motor vehicle, which can be identified by a vehicle identification number or serial number, for movement as set forth in 730:30-9-9(a)(1) and (j).

(f) **Annual envelop vehicle permit.** An annual envelop vehicle permit shall be issued by the Department in conformity with 730:30-9-16. In addition to the requirements of 730:30-9-16:

(1) An annual envelop permit shall not be used in conjunction with any other permit.

(2) An annual envelop permit shall not be used for the movement of houses or modular or manufactured homes.

(3) An annual envelop permit shall not be laminated.

(4) Reasonable access to and from terminals for fuel, food, repairs and rest shall not exceed five (5) statute miles from the roadways authorized by the Oklahoma Department of Transportation.

(5) A vehicle being moved under an envelop permit shall not be moved on turnpikes except on non-interstate turnpikes. Non-interstate turnpikes are:

(A) Indian Nation
(B) Cimarron
(C) Cherokee
(D) Chickasaw
(E) Creek
(F) Muskogee
(G) Kilpatrick

(6) The operator of a vehicle in excess of 10 feet in width which is moving under an envelop permit shall use a valid PikePass to travel on any turnpike listed in paragraph (5) and shall travel only in a PikePass lane when in the area of any tollbooth or turnpike entrance or exit.

(g) **Prima facie evidence.** Undertaking the movement of the vehicles and loads specified in the permit is deemed prima facie evidence of an unequivocal allegation that the permit is accepted by the permittee. Acceptance of the permit by the permittee will be deemed prima facie evidence of an unequivocal allegation by the permittee that:

(1) Permittee is in compliance with all operational requirements;

(2) All dimension and weight limitations specified in the permit will not be exceeded;

(3) All operation, registration, and license requirements have been met;

(4) All financial responsibility obligations and other legal requirements have been met. The permittee assumes all responsibility for injury to any person or for damage to public or private property, including the permittee's own, or to the load being transported, caused directly or indirectly by the transportation of vehicles and loads authorized under the permit.

595:30-3-3. Requesting, obtaining, and paying for a permit

(a) **Requesting and obtaining a permit.** A permit shall be applied for and obtained from the Size and Weight Permit Division of the Department of Public Safety, by contacting a permit office either in person, by telephone, or from the Department website. A permit for movement of a manufactured home shall be applied for and obtained in accordance with 68 O.S. §2813 and 47 O.S. §14-103D. The permit office shall make a determination as to whether the permit can be issued based upon the size of load, weight of load, the route to be traveled, the clearance of overhead structures, weather conditions, and traffic conditions.

(b) **In-person permit application.** All permit offices are open Monday through Friday, except on state holidays. Location and office hours of permit offices are.

(1) Oklahoma City (main office), 2401 Northwest 23rd Street, Suite 45, Oklahoma City, OK 73107. Office hours: 7:00 a.m. to ~~6:30~~ 6:45 p.m.

(2) Offices at Oklahoma Highway Patrol district headquarters:

(A) Enid, 5725 West Garriott Road. Office hours: 7:30 a.m. to 12:00 p.m. (noon), and 1:00 p.m. to 3:45 p.m.

(B) Tulsa, 9191 East Skelly Drive. Office hours: 8:00 a.m. ~~to 12:00 p.m. (noon), and 1:00 p.m.~~ to 4:15 p.m.

(3) Field Offices:

(A) Elk City, Merritt Road at the west junction of U.S. Highway 66 and State Highway 6. Office hours: 8:00 a.m. to 12:00 p.m. (noon), and 1:00 p.m. to 4:15 p.m.

(B) ~~Ada, 615 West 33rd Street (Ada Technology Center). Office hours: 8:00 a.m. to 12:00 p.m. (noon), and 1:00 p.m. to 4:15 p.m.~~

~~(C)~~ Woodward, 102 Temple Houston Drive. Office hours: 7:00 a.m. to ~~11:00 a.m., and~~ 12:00 p.m. (noon), and 1:00 p.m. to 3:15 p.m.

(c) **Telephone permit application.** Telephone applications may be made by calling, toll free, (877) 425-2390, Monday through Friday, except on state holidays, between 7:00 a.m. and ~~6:00~~ 6:45 p.m.

(d) **Website permit application.** Website applications may be made through the Department's website between 7:00 a.m.

and ~~6:00~~ 6:45 p.m.: http://www.dps.state.ok.us/swp/agreement.htm

(e) **Payment for a permit.** Payment for a permit is to be made by one of the following methods:

(1) Cash (exact change is required). Please do not mail cash.

(2) Certified cashier's check. Make checks payable to "Oklahoma Department of Public Safety."

(3) Money order. Make money orders payable to "Oklahoma Department of Public Safety."

(4) Personal or company check. Make checks payable to "Oklahoma Department of Public Safety." If a personal or company check is not honored by the bank upon which it is drawn, the Department of Public Safety reserves the right to refuse all further checks from the person or company who issued the check.

(5) Credit card. Discover, MasterCard, or Visa will be accepted for payment.

(6) Monthly billing account. [See 595:30-3-7 regarding monthly billing accounts.]

595:30-3-4. Conditions and restrictions

The following conditions and restrictions shall apply to the issuance of permits for the operation of oversize and overweight vehicles:

(1) **Travel time.** Movement shall be permitted in accordance with the dates and times provided in 47 O.S. §14-101 and in this Section.

(A) **Oklahoma County.** Movement of oversize permitted loads is not allowed on the National System of Interstate and Defense Highways in Oklahoma County from 7:00 a.m. to 9:00 a.m., and from 3:30 p.m. to 6:30 p.m., Monday through Friday.

(B) **Tulsa County.** Movement of oversize permitted loads is not allowed on the National System of Interstate and Defense Highways in Tulsa County from 7:00 a.m. to 9:00 a.m., and from 3:30 p.m to 6:30 p.m., Monday through Friday.

(C) **Cleveland County.** Movement of oversize permitted loads is not allowed on the National System of Interstate and Defense Highways in Cleveland County from 7:00 a.m. to 9:00 a.m., and from 3:30 p.m. to 6:30 p.m., Monday through Friday.

(2) **Required signs and flags.** All oversized equipment requires the regulation "Oversize Load" sign and flagging, as provided in 595:30-3-16.

(3) **Exceptions.** The restrictions in this paragraph shall not apply to special combination vehicles, longer combination vehicles, and vehicles which are overweight only.

(4) **Weather, traffic, road and atmospheric conditions.** Extreme caution in the operation of permitted vehicles and loads shall be exercised during hazardous conditions, including, but not limited to, snow, ice, sleet, fog, mist, rain, dust, smoke, excessive wind, or any weather, traffic, or road condition which would adversely affect traction or braking capabilities. When conditions become dangerous, the company or the operator shall discontinue operations, and operations shall not resume until the vehicle and load can be moved with reasonable safety. The state may restrict or prohibit operations during periods, when, in the state's judgement, weather, traffic, road, or other conditions exist which make such operations unsafe or inadvisable. [See ~~730:30-9-14(2)~~ OAC 730:30-9-12(c)(2) regarding driving conditions.]

(5) **Overweight load route review.** Requests for permits for overweight loads which require a load route review shall be submitted to ensure they are received by the Oklahoma Department of Transportation Bridge Division a minimum of five (5) working days prior to the date of movement [730:30-9-7(k)].

(6) **Brakes, drawbars, and lighting requirements.** Equipment requirements for this Paragraph are found in 47 O.S. §§12-201 through 12-415, and in the Federal Motor Carriers Safety Regulations, Part 393, Subchapters B, C, B, and H.

(7) **Accuracy of information.** It is the responsibility of the applicant to ensure accuracy of information contained in the application and permit. Permits will not be revised to alter the load description or the vehicle or load dimensions. Multi-trip, annual permits, or provisional permits cannot be changed. ~~Permit revisions will be allowed to correct an error attributed to:~~

~~(A) the issuing office, or~~

~~(B) the permittee, if the error is discovered before the move has commenced.~~Any other revisions shall be at the discretion of the permit office.

595:30-3-5. Method of placing permit in suspension where conditions exist beyond the control of the permittee

(a) A permit may be placed in suspension by the permit holder for a maximum of two (2) weeks for inclement weather, road conditions due to weather and equipment breakdown. To place a permit in suspension the permit holder shall:

(1) Contact the permit office within the trip dates. If the permit expires when the permit office is closed, contact the permit office the next working day;

(2) Provide the permit number and trip dates;

(3) State the reasons for wanting to suspend the permit and shall provide proper documentation to the Oklahoma City Permit Office by faxing it to (405) 522-9006.

(b) If the permit office is not contacted by the permit holder to remove the suspension of the permit within two (2) weeks of placing the permit in suspension, the permit shall become void, and the permit shall be required to apply for a new permit. Only one (1) suspension shall be granted by the Department per permit.

595:30-3-8. Provisional permit book

(a) **Ordering a provisional permit book.** Once a monthly billing account has been established, a provisional permit book may be ordered from the Size and Weight Permit Division, as authorized by 47 O.S. §14-116(C)(3). When ordering a provisional permit book, include:

(1) the monthly billing account number;

(2) a self-addressed, stamped 12-inch by 15-inch envelope; and

(3) a list of the permit numbers of permits remaining in any previously issued provisional permit books. Orders will not be filled if there are ample unused permits.

(b) **Using provisional permits.**

(1) Provisional permits must be used only by the company or individual who established the monthly billing account.

(2) Provisional permits must not be destroyed or discarded.

(3) The Oklahoma City office of the Size and Weight Permit Division must receive a copy of every provisional permit removed from the book.

(4) The provisional permit holder shall not use the provisional permit to obtain a permit for another company or individual.

(5) Permits obtained by the provisional permit method are for single trips only.

(6) Before calling a permit office for authorization to use a provisional permit, have all information necessary for completing the provisional permit. Do not fill out the provisional permit before calling a permit office ~~[see 595:30-3-3 regarding permit office locations and telephone numbers]~~.

(7) Give the information to the permit clerk and, at the same time, fill out the provisional permit exactly the way the information is given to the permit clerk. The permit clerk will provide the authorization number to be written on the line provided. The permit clerk will also advise of any other information which must be on the permit. All special instructions which are given by the permit clerk to add to the permit must be written on the provisional permit.

(8) Write the account number on the same line immediately following the company name.

(9) Mail the pink copy to the Size and Weight Permit Division in Oklahoma City on the day the provisional permit is ordered. If the pink copy is not received within three (3) days, further provisional permits will not be validated.

(10) The pink copy will be checked for the following items against the authorization:

(A) Accuracy;

(B) Completeness (all appropriate blanks filled in);

(C) All restrictions and escort requirements, if any, written on the permit;

(D) Current vehicle registration information.

(11) A provisional permit may be ~~voiced~~ voided, at the discretion of the permit office, by calling (405) ~~522-9004~~ 522-9003. Both copies (yellow and pink) of the voided provisional permit must be sent to the Oklahoma City office the same day it is voided.

(12) Authorized motor carriers using provisional permits during weekends, holidays, and other approved times, must have the certification statement attached to the provisional permit when in use and when faxed to the Oklahoma City main office. Prior to permitted movement, a duplicate of the prepared permit and certification statement shall be faxed to the Size and Weight Permit Division at (405) 522-9006. The certification statement shall be in lieu of the authorization number and certifies that all provisions for permitted movements have been met including, but not limited to, the required route study adherence as determined by the Oklahoma Department of Transportation. Certification statements shall be on a form prescribed by the Commissioner of Public Safety and shall be valid when signed by the motor carrier or an authorized agent of the carrier and filed with the Department of Public Safety.

(13) The provisions of 730:30-9-6, 730:30-9-7, and 730:30-9-9 relating to single trip movements shall apply to provisional permits, as provided by this Section, and shall be in accordance with the applicable provisions of this Section relating to single trip permits.

(c) **Information.** Information concerning provisional permits may be obtained by calling the Size and Weight Permit Division (405) 522-9003. The provisional permit book remains the property of the Oklahoma Department of Public Safety. The Department may suspend or terminate the privilege to use the book at any time with cause. The book must be returned to the Size and Weight Permit Division upon request.

595:30-3-13. Governmental agencies

(a) **Military moves.**

(1) **Special permission.** All movements by the Armed Forces and the National Guard must be in compliance with the size and weight limits contained in 47 O.S. §§ 14-103 and 14-109, unless an authorization has been issued by the Size and Weight Permit Division, or an emergency has been officially declared by the President or the Governor. In the event an official emergency is declared, telephone contact should be made with the Oklahoma City Size and Weight Permit Office by calling toll free (877) 425-2390 (select option 4) during regular office hours or the Oklahoma Highway Patrol Communications Center by calling (405) ~~424-1616~~ 424-2335 at other times.

(2) **No-cost authorization.** If it is necessary to move a vehicle or load which cannot be reasonably dismantled or disassembled and transported within the legal size and weight limits, an application for authorization to make the movement must be submitted to the Oklahoma City Permit Office. Application may be on Department of Defense standard forms, by letter, or by electronic communications. If the Oklahoma City Permit Office determines the move can be made in safety without damaging the highway system, a no-cost authorization will be issued.

(3) **Blanket authorization.** The Oklahoma City Permit Office will review requests for routine military convoy movements, which are submitted on standard military forms, and issue a blanket no-cost authorization for all approved oversize and overweight vehicles and loads which are included. These authorizations do not relieve the Armed Forces or National Guard from overall responsibility for the convoy movement.

(b) **City, county, state and federal agencies.**

(1) **Compliance.** City, county, state and federal agencies must comply with the provisions of 595:30-3-13(a)(1).

(2) **No-cost authorization.** If it is necessary to move a vehicle or load which cannot be reasonably dismantled or disassembled and transported within the legal size and weight limits, an application for authorization to make the movement must be submitted to the Oklahoma City Permit Office. Application may be by letter, or by electronic communication. If the Oklahoma City Permit Office determines the move can be made safely without damaging the highway system, a no-cost authorization will be issued.

595:30-3-16. "Oversize Load" sign and warning flags

(a) **"Oversize Load" sign.** All oversize vehicles and loads moving under permit must have the regulation "Oversize Load" sign attached to the front of the towing vehicle and on the rear of the load or towed vehicle, whichever extends the farthest. The "Oversize Load" signs shall not be displayed on a vehicle that is of legal dimensions. Regulation "Oversize Load" signs must meet the following requirements:

(1) **Color.** The sign shall consist of a yellow background with black lettering.

(2) **Size.** The sign shall be at least five (5) feet long and at least fourteen (14) inches high. The letters shall legible from a distance of at least fifty (50) feet and shall be at least eight (8) inches high using a one and ~~one-eight~~ one-eighth (1 1/8) inch wide brush stroke.

(3) **Placement of sign.** The sign mounted on the rear of the load or the towed vehicle whichever extends the farthest must be as high as practicable from ground level. For manufactured homes, the sign must be no lower than five (5) feet from ground level. If an escort vehicle is required, the regulation "Oversize Load" sign shall be mounted either on the roof or on the front of the escort vehicle, if movement is on two-lane highways or super two-lane roadways, or on the rear or on the roof of the escort vehicle, if movement is on multi-lane roadways.

(4) **Wording.** The wording shall state "Oversize Load" or "Wide Load".

(5) **Sign material.** The sign shall be made of a durable material.

(b) **Warning flags.** All overwidth and overlength vehicles and loads moving under permit, excluding extra-length vehicle combinations, shall be marked by warning flags. All loads which overhang the rear of the vehicle or trailer by four (4) feet or more shall be marked by warning flags. Warning flags must meet the following requirements:

(1) **Color.** Each flag shall be a solid red or flourescent orange.

(2) **Size.** Each flag shall be at least eighteen (18) inches by eighteen (18) inches.

(3) **Placement of flags.** Flags shall be placed at the four (4) corners of the vehicle or load and on the extremities of the vehicle or load, if applicable, in the following manner:

(A) **Front.** Two (2) flags required: a flag shall be fastened to each front corner or extremity of the vehicle or load, whichever extends the farthest, if the width requires the vehicle or load to be permitted.

(B) **Rear.**

(i) **Overwidth.** Two (2) flags required: a flag shall be fastened to each rear corner or extremity of the vehicle or load, whichever extends the farthest, if the width requires the vehicle or load to be permitted.

(ii) **Overlength.** If the rear overhang of the load extends beyond the end of the vehicle by four (4) feet or more:

(I) One (1) flag required: a flag shall be fastened at the extreme rear of the load if the width of the load projection is two (2) feet or less.

(II) Two (2) flags required: a flag shall be fastened to each rear corner of the load if the width of the load projection is more than two (2) feet.

(C) **Side.** Flags required: A flag shall be fastened in such a manner so as to mark any extremity of size which is wider than the front or rear of the vehicle or load, whichever is wider.

595:30-3-17. Requirements for escort vehicles and escort vehicle operators

(a) **General requirements for escort vehicles.** Any vehicle to be used as an escort vehicle must be either a pickup truck of not less than one-quarter (1/4) ton rated load capacity or an automobile of not less than 2,000 pounds. The escort vehicle must be properly licensed under the statutes of the State of Oklahoma [47 O.S. § 1101 et seq.] or properly licensed in another state If commercially licensed, an escort for an intrastate move must obtain a temporary registration from the Oklahoma Tax Commission Motor Vehicle Registration Division.

(b) **Identification of escort vehicles.** The owner of an escort vehicle must have displayed on each side of the escort vehicle the name, city and state of the escort vehicle company or operator, or the owner of the escort vehicle, or both. Such identifying markings must be:

(1) Plainly legible and visible to the motoring public.

(2) Readily legible during daylight hours from a distance of fifty (50) feet while the vehicle is stationary.

(3) Kept and maintained in a manner to preserve legibility.

(4) In a color or colors which sharply contrast with the background on which they are placed.

(c) **Equipment of escort vehicles.** An escort vehicle must carry the following items of equipment at all times when escorting an oversize/overweight vehicle or load:

(1) **Flags.** Red flags shall be at least twelve (12) inches square and shall be attached to standards angled upward to the left and right at forty-five (45) degrees and mounted on the top of the cab. No flags shall be displayed unless the escort vehicle is actually engaged in escorting.

(2) **Mirrors.** The vehicle shall be equipped with an outside rear-view mirror on each side of the vehicle.

(3) **Radio.** Escort and towing vehicles shall be equipped with a two-way radio which is capable of transmitting and receiving voice messages over a minimum distance of one-half (1/2) mile and which is compatible with radios in the escorted vehicle and any other escort vehicle(s).

(4) **Fire extinguisher.** One (1) ten-pound or two (2) five-pound ABC fire extinguishers. Extinguishers shall be checked annually to ensure they are operational.

(5) **Flares or reflectors.** Four (4) fifteen minute flares or three (3) portable triangle reflector units.

(6) **Sign.** The regulation "Oversize Load" sign, as provided in 595:30-3-16(a), except that sign shall be at least ten (10) inches high, shall be mounted either on the front or the roof of front escort vehicles and on the rear or on the roof of the rear escort ~~vehicles~~ vehicle while escorting an oversize vehicle or load. The sign ~~will~~ shall be clearly visible without an obstruction. No signs shall be displayed unless the escort vehicle is actually engaged in escorting.

(7) **Warning lights.** One AAMVA-approved rotating or flashing amber beacon or a flashing amber light bar system shall be mounted on top of the escort vehicle and shall be of sufficient intensity when illuminated to be visible from five hundred (500) feet in normal sunlight, and shall rotate, oscillate or flash through 360 degrees. Blue, red, or white rotating lights are not authorized under Oklahoma statutes. In addition:

(A) Headlights of escort vehicles shall be lighted at all times during movement.

(B) Warning lights in conformance with 47 O.S. § 12-220(D) and § 12-227(C) may be used in conjunction with the headlights.

(C) No warning lights shall be displayed unless the escort vehicle is actually engaged in escorting.

(8) **Measuring pole.** A current height measuring pole made of non-conductive, flexible, non-fragile material when escorting a load or vehicle which is fifteen (15) feet and nine (9) inches or more in height.

(9) **Traffic control sign.** ~~A~~ Two (2) standard ~~eighteen (18)~~ twenty-four (24) inch "STOP" and "SLOW" paddle sign, with a reflective surface which meets standards set by the Manual on Uniform Traffic Control Devices.

(10) **Safety clothing.** A hard hat and a jacket or vest, both ~~in safety orange color~~ of which meet standards set by the Manual on Uniform Traffic Control Devices, for each person who may be assigned to traffic control, setting reflectors or any other duties conducted on or near a roadway.

(11) **Flashlight.** A flashlight equipped with and powered by at least two (2) D cell batteries.

(12) **Spare tire.** A full-size spare tire for the escort vehicle, tire jack and lug wrench.

(d) **Prohibitions when operating escort vehicles.** The escort vehicle shall not:

(1) Carry any item, equipment or load in or upon the vehicle which:

(A) Exceeds the height, length or width of the vehicle, overhangs the escort vehicle; or otherwise impairs its immediate recognition as an escort vehicle by the motoring public.

(B) Impairs the view of the operator of the escort vehicle or the escorted vehicle.

(C) Obstructs the view of signs or flags used by the escort vehicle or causes safety risks to the motoring public.

(D) Impairs the performance of the escort vehicle.

(2) Tow any trailer or other vehicle, except that an escort vehicle operator not required to be certified by the Department *may tow a trailer when escorting a manufactured home. Such trailer shall not exceed eight and one-half (8 1/2) feet in width and twenty (20) feet in length with siding not to exceed four (4) feet in height measured from the bed of the trailer. The trailer may only be used to transport supplies and equipment necessary to carry out the mission of escort vehicle operators* [47 O.S. § 14-120.1(C)] and shall not be used to carry other supplies, equipment, or cargo.

(3) The operator of the escort vehicle shall not perform as a tillerman while performing escort operations. A passenger in the escort vehicle may act as a tillerman. For purposes of this paragraph, "tillerman" means a person who has a valid commercial driver license and who operates by remote control any axle of the escorted vehicle.

(e) **Duties of escort vehicle operators.**

(1) **Traffic control.** In the performance of duties as the operator of an escort vehicle, the operator is authorized to direct traffic to stop, slow down or proceed in situations where such direction is necessary to allow traffic or the escorted vehicle or load to continue moving safely.

(A) The operator of the escort vehicle shall require the escorted vehicle or load to stop, and the escorted vehicle shall move as far off of the roadway as practicable and stop to allow other traffic to pass, under the following conditions:

(i) When the escorted vehicle or load becomes disabled.

(ii) When the movement of the escorted vehicle or load on a particular section of roadway presents a safety risk or unreasonable risk to or unreasonably interferes with the efficient movement of other traffic, based upon such factors as the widths of the escorted vehicle or load, roadway, volume of traffic, limited visibility or mountainous terrain.

(iii) When driving conditions for the escorted vehicle or load are hazardous for any reason including weather.

(B) When the escorted vehicle or load stops, the escort vehicle operator may direct other traffic past the escorted vehicle or load as necessary until such time as the escorted vehicle or load can reenter the roadway and continue moving without presenting a safety risk or unreasonably interfering with efficient movement of other traffic.

(2) **Escort vehicle operation.**

(A) The operator of an escort vehicle must comply with all applicable traffic laws of this state and with the requirements of this Chapter when escorting a vehicle on all routes of the state highway system, including but not limited to the Dwight D. Eisenhower National System for Interstate and Defense Highways, all turnpikes, and such other roads, streets, or public ways that the Commissioner of Public Safety and the Oklahoma Department of Transportation shall deem appropriate.

(B) On two-lane highways, the first escort vehicle will travel far enough to the front and the second escort vehicle, if required, will travel far enough to the rear of the escorted vehicle or load to timely warn approaching motorists. On multi-lane highways, the first escort vehicle will travel far enough to the rear of the escorted vehicle or load to timely warn motorists approaching from the rear.

(f) **Insurance.**

(1) Each certified escort vehicle operator who operates in interstate commerce, and on and after August 1, ~~2014~~ 2012, each certified escort vehicle operator, shall maintain a valid insurance policy issued by an insurance company currently authorized to issue policies of insurance covering risks in the State of Oklahoma, and proof of insurance shall be carried in the escort vehicle at all times. The insurance policy shall protect the public against loss of life, bodily injury to persons, and damage to property, ~~and shall provide not less than One Million Dollars ($1,000,000.00) combined single limit coverage for bodily injury and/or property damage as a result of the operation of the escort vehicle, the escorted vehicle, or both causing the bodily injury and/or property damage~~ as evidenced by a current certificate of insurance, including any applicable endorsement, which indicates that the operator, or the operator's employer, has in full force and effect insurance coverage for bodily injury or property damage, or both, as a result of the operation of the escort vehicle or of the actions of escort vehicle operator, or of both, causing the bodily injury or property damage, or both, arising out of an act or omission by the escort vehicle operator relating to the escort duties required by this chapter. The insurance shall be no less than $1,000,000 combined single limit or $1,000,000 per occurrence, or both, of commercial liability coverage, as applicable, and must be maintained at all times during the term of the certification. The insurance certificate must indicate on the face of the document that the policy is for the operation of an escort vehicle or vehicles and escort duties and responsibilities as required by this chapter.

(2) Until July 31, ~~2014~~ 2012, paragraph (1) of this subsection shall not apply to any operator who operates only in intrastate commerce or in interstate commerce into or through states which do not have escort vehicle certification requirements for the type of vehicle and/or load being escorted and who applies for and is granted restricted certification as provided for in OAC 595:30-3-17.1(c)(3); provided, the operator shall meet all minimum requirements for compulsory liability insurance in this state, and proof of insurance shall be carried in the escort vehicle at all times.

(3) On and after August 1, ~~2014~~ 2012, paragraph (1) of this subsection shall apply to all certified escort vehicles. operators.

595:30-3-17.1. Certification of operators of escort vehicles for hire

(a) **Requirements.** Every person who drives an escort vehicle for hire to escort a permitted over-dimensional load or vehicle in this state must be certified by the Department of Public Safety. To be certified, the person must meet the following requirements:

(1) Be at least eighteen (18) years of age.

(2) Possess a valid driver license from the state or jurisdiction in which the person is a resident.

(3) Submit an application for certification to the Size and Weight Permit Division of the Department of Public Safety on the form provided by the Department. The application must contain all required information including a driving record issued within the immediately preceding thirty (30) days.

(4) Attend a course in escort vehicle certification, as prescribed by the Department, and successfully pass the escort vehicle certification examination.

(b) **Course and examination.** The course will be taught by the Oklahoma State University Center for Local Government Technology. Courses will be taught at locations throughout the state. Class size shall be determined by Oklahoma State University Center for Local Government Technology. Locations, times, and enrollment information are available by calling (405) 744-6049, or online at ~~*www.clgt.ok.state.edu*~~ clgt.okstate.edu.

(c) **Certification.** The Department of Public Safety will grant a certification card to any person who completes an escort vehicle course prescribed by the Department, passes the escort vehicle certification examination with a score of seventy-five percent (75%) or higher, and satisfies all other requirements.

(1) The term of the certification shall be for a maximum period of five (5) years, subject to subsection (d), and shall expire automatically five (5) years after the date of issuance. Upon expiration of the certification, the operator must again comply with the requirements in (a)(1), (a)(2), (a)(3), and (a)(4) of this Section before the Department of Public Safety will issue a new certificate.

(2) Operators must notify the Department of Public Safety, Size and Weight Permit Division in writing within thirty (30) days of any change of address or name.

(3) Until July 31, ~~2014~~ 2012, operators who operate only in intrastate commerce or in interstate commerce into or through states which do not have escort vehicle certification requirements for the type of vehicle and/or load being escorted may apply for a restricted certification. Such certification shall be exempt from the insurance

requirements of OAC 595:30-3-17(f). On and after August 1, ~~2014~~ 2012, each operator shall meet the insurance requirements of OAC 595:30-3-17(f).

(d) **Denial or withdrawal of certification.** The following circumstances shall result in denial or withdrawal of certification:

(1) Failure to satisfy the requirements of or failure to give required or correct information on the application for certification as an escort vehicle operator, or the commission of any fraud in making the application.

(2) Violation of rules established by the certifying state.

(3) Suspension, revocation, cancellation, or denial of the driver license of the certified operator. The certified operator shall notify the Department of Public Safety, Size and Weight Permit Division, within five (5) days of any such suspension, revocation, cancellation, or denial, and shall provide the Division a copy of the Order of the Department.

(4) An accumulation of ten (10) points on the driving record of the certified operator.

(e) **Hearing.** Any party aggrieved by the denial or withdrawal of certification under this Section may request a hearing, in writing, with the Department pursuant to OAC 595:1-3.

(f) **Certification by other states.** An escort vehicle operator shall possess an Oklahoma certification, unless the escort vehicle operator is a resident of a state other than Oklahoma which has a reciprocal agreement with Oklahoma *recognizing escort vehicle operator certifications issued by* that state [47 O.S., §14-120.1(E)] and is in possession of a current escort vehicle operator certification issued by that state. Under all circumstances, an escort vehicle operator who is an Oklahoma resident shall have an Oklahoma certification.

595:30-3-18. Oversize vehicles and loads

(a) **General.** Permitted oversize vehicles and loads shall be subject to the following conditions and restrictions:

(1) The applicant for a permit must provide the length, height, and width of the vehicle or combination of vehicles and load requiring a permit.

(2) Date and time of travel shall be permitted as provided for in 47 O.S. §14-101 and in 595:30-3-4(1).

(3) Certain highways and areas may be designated for use or prohibited from use for a limited time, due to events which would impede traffic conditions.

(4) An escort vehicle or vehicles will be required as provided in (b) of this Section or as provided in 595:30-3-19 for manufactured homes.

(b) **Escorts for oversize loads.**

(1) Loads ~~more than~~ twelve (12) feet or more in width but not more than fourteen (14) feet in width are required to be accompanied by a front escort vehicle on two-lane highways and on super two-lane highways and by a rear escort on multi-lane highways with the required "Oversize Load" sign and flagging on the front of the towing vehicle and on the rear of the load or the towed vehicle, whichever extends the farthest.

(2) Loads more than fourteen (14) feet in width are required to be accompanied by two escort vehicles, one in the front and one in the rear, on two-lane highways or super two-lane highways. A rear escort is required on all multi-lane highways. All loads more than sixteen (16) feet in width are required to be accompanied by two escort vehicles, one in the front and one in the rear, on all roads and highways. The required "Oversize Load" sign and flagging is required on the front of the towing vehicle and on the rear of the load or the towed vehicle, whichever extends the farthest.

(3) Loads with an overall height of fifteen (15) feet and nine (9) inches or more are required to be accompanied by two escort vehicles, one in the front and one in the rear. The required "Oversize Load" sign and flagging is required on the front of the towing vehicle and on the rear of the load or the towed vehicle, whichever extends the farthest. All public utilities and railroads along the route must be contacted in advance of the move by the permittee.

(4) A truck-tractor/semi-trailer combination which is more than eighty (80) feet in overall length is required to be accompanied by one front escort on two-lane highways. A combination other than a truck-tractor/semi-trailer which is more than eighty (80) feet in overall length is required to be accompanied by one front escort on two-lane highways or super two-lane highways.

(5) A truck-tractor/semi-trailer combination or any other combination of vehicles which is more than one hundred (100) feet in overall length is required to be accompanied by two escort vehicles, one in the front and one in the rear, on two-lane highways and super two-lane highways.

595:30-3-19. Manufactured homes and industrialized housing

(a) **General provisions for manufactured homes.** Permits for movement of manufactured homes and industrialized housing shall require the "Oversize Load" sign and flagging in accordance with 595:30-3-16, and the travel. Other requirements are:

(1) Oversize movement is subject to the provisions of 47 O.S. §14-101 and 595:30-3-4(1).

(2) The towing vehicle must be at least fourteen (14) feet from bumper to bumper, or have a wheel base of at least one hundred eighteen (118) inches to tow a manufactured home or industrialized housing at least twelve (12) feet but not more than sixteen (16) feet in width. All towing vehicles must have dual wheels on the drive axles. If the manufactured home is less than twelve (12) feet wide, the towing vehicle must be a truck of at least three-quarter (3/4) ton capacity. If the manufactured home is twelve (12) feet wide or more, the towing vehicle must be of at least two (2) ton capacity.

(3) Red flags and the "Oversize Load" sign are required as provided in 595:30-3-16.

(4) Any combination length over eighty (80) feet will require an escort, except on multi-lane divided highways.

(b) **Manufactured homes not more than ten (10) feet wide.** Manufactured homes not more than ten (10) feet wide and with an overall length which exceeds seventy (70) feet are required to have an overlength permit. The towing vehicle must a truck with a rated capacity of three-quarter (3/4) ton or more. The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16. An "Oversize Load" sign shall be placed on the front of the towing vehicle and the rear of the manufactured home.

(c) ~~**Manufactured homes twelve (12) feet wide.** For manufactured homes twelve (12) feet wide, the towing vehicle must be a truck of at least two (2) ton rated capacity, with dual rear wheels. The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16. An "Oversize Load" sign shall be placed on the front of the towing unit and on the rear of the manufactured home. The towing vehicle must maintain a minimum speed of 40 mph on all multi-lane highways, if conditions are favorable.~~

~~(d)~~ **Manufactured homes ~~more than~~ <u>at least</u> twelve (12) feet wide but not more than fourteen (14) feet wide.** For manufactured homes ~~more than~~ <u>at least</u> twelve (12) feet wide but not more than fourteen (14) feet wide, the towing vehicle must be a truck of at least two (2) ton rated capacity, with dual rear wheels. A front escort is required on all two-lane and super two-lane roads and highways. <u>A rear escort is required on all multi-lane highways.</u> The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16. An "Oversize Load" sign shall be placed on the front of the towing unit and the rear of the manufactured home. The towing vehicle must maintain a minimum speed of 40 mph on all multi-lane highways, if conditions are favorable. The load must not extend more than one foot on each side at the eaves.

(~~e~~<u>d</u>) **Manufactured homes more than fourteen (14) feet wide but not more than sixteen (16) feet wide.** Manufactures homes more than fourteen (14) feet wide but not more than sixteen (16) feet wide will be issued permits in accordance with 47 O.S. §14-103A. The towing vehicle must be a truck of at least two (2) ton rated capacity, with dual rear wheels. Both front and rear escorts are required on all two-lane and super-two lane roads and highways. A rear escort is required on all multi-lane highways. The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16. An "Oversize Load" sign shall be placed on the front of the towing unit and the rear of the manufactured home. Manufactured homes of this width will not be permitted to travel on any turnpike but will be permitted on the Dwight D. Eisenhower System of Interstate and Defense Highways. The towing vehicle must maintain a minimum speed of 40 mph on all multi-lane highways, if conditions are favorable. The load must not extend more than one foot on each side at the eaves.

(~~f~~<u>e</u>) **Manufactured homes more than sixteen (16) feet wide.** Manufactured homes more than sixteen (16) feet will be issued permits in accordance with 47 O.S. § 14-103A. Manufactured homes more than sixteen (16) feet shall not be permitted for movements on the Dwight D. Eisenhower System of interstate and defense highways. The towing vehicle must be a tandem-axle truck of not less than two hundred twenty (220) horsepower. Both front and rear escorts are required on all two-lane and super two-lane roads and highways. A rear escort is required on all multi-lane highways. The regulation "Oversize Load" sign and flagging are required on the front of the towing unit and the rear of the manufactured home. Manufactured homes of this width will not be permitted to travel on any turnpike. The towing vehicle must maintain a minimum speed of 40 mph on all multi-lane highways, if conditions are favorable. The load must not extend more than one foot on each side at the eaves.

595:30-3-22. Agriculture permits

Agriculture permits shall be governed by 47 O.S. §14-118(e).

(1) Transporting of raw forest products shall not be permitted on the National System of Interstate and Defense Highways and shall require:

(A) An annual permit with a fee of Twenty-five Dollars ($25.00)

(B) Truck and trailer information ~~and the route to be used~~ shall be given to the Size and Weight Permit Division of the Department.

(C) The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16.

(2) Transporting of round baled hay requires:

(A) An annual permit with a fee of Twenty-five Dollars ($25.00).

(B) Truck and trailer information shall be given to the Size and Weight Permit Division of the Department.

(C) The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16.

(3) Transporting of soil conservation equipment requires:

(A) An annual permit with a fee of Twenty-five Dollars ($25.00).

(B) Travel on the National System of Interstate and Defense Highways shall not be permitted.

(C) The regulation "Oversize Load" sign and flagging are required, as provided in 595:30-3-16.

SUBCHAPTER 5. SPECIAL COMBINATION VEHICLES

595:30-5-2. Issuance of permits

The requirements for issuance of special combination vehicle permits are the following:

(1) **Where to apply.** Application shall be made to the Director of the Size and Weight Permit Division, Department of Public Safety, 2401 Northwest 23rd Street, Suite 45, Oklahoma City, Oklahoma, 73107, on a form prescribed by the Department.

(2) **Cost.** A completed and signed application will be accompanied by a tender of an annual fee of ~~one hundred twenty dollars ($120.00)~~ <u>Two Hundred Forty Dollars ($240.00)</u> for each permit issued.

(3) **Number.** One permit is required for each special combination vehicle.

(4) **Expiration.** Permits will expire one year from the date of issuance.

(5) **Refunds.** Refunds for unused portions of issued permits will not be made.

(6) **Renewal.** The filing of an application for permit or renewal of same does not authorize operation. Operation may only commence after the issuance of a permit by the Department of Public Safety.

[OAR Docket #11-839; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT

[OAR Docket #11-840]

RULEMAKING ACTION:
PERMANENT final adoption.
RULES:
595:35-1-4. Adoption by reference [AMENDED]
AUTHORITY:
Commissioner of Public Safety; 47 O.S. § 230.4(1) and (2); 75 O.S., § 250.4(A)(8)
DATES:
Comment Periods:
February 1, 2011, through March 3, 2011
Public Hearing:
No hearing was held or requested.
Adoption:
March 31, 2011
Submitted to Governor:
March 31, 2011
Submitted to House:
March 31, 2011
Submitted to Senate:
March 31, 2011
Gubernatorial approval:
May 6, 2011
Legislative approval:
Failure of the Legislature to disapprove the rules resulted in approval on May 27, 2011.
Final Adoption:
May 27, 2011
Effective:
July 15, 2011
SUPERSEDED EMERGENCY ACTIONS:
N/A
INCORPORATIONS BY REFERENCE:
Incorporated standards:
United States Department of Transportation regulations pertaining to motor carriers proceedings, as contained in Title 49 of the Code of Federal Regulations (49 C.F.R.), Part 386, Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder, and Hazardous Materials Proceedings.
Incorporating rules:
595:35-1-4
ANALYSIS:
Amendments to this subchapter would update and clarify requirements for issuance of size and weight permits.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to ensure reliable service to motor carriers doing business in Oklahoma, ensure the safety of the motoring public in Oklahoma as it relates to the movement of oversize and overweight loads on the highways, to comply with state laws and rules of the Oklahoma Department of Transportation.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

595:35-1-4. Adoption by reference

The Department of Public Safety adopts by reference the United States Department of Transportation regulations pertaining to motor carrier safety and hazardous materials transportation, as contained in Title 49 of the Code of Federal Regulations (49 CFR) [47 O.S. §230.5(2)]. Information relative to this adoption is available through various sources, such as the Labelmaster publication, "Federal Motor Carrier Safety Regulations." Copies of this publication are available by contacting the Oklahoma Trucking Association at (405) 843-9488. Those regulations pertaining to motor carrier safety and hazardous materials transportation adopted by reference under this Section are:

(1) Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs. [49 CFR §40.1 et seq.]

(2) Part 107 Hazardous Materials Programs and Procedures. [49 CFR §107.1 et seq.]

(3) Part 171 Hazardous Materials Regulations...General Information, Regulations, and Definitions. [49 CFR §171.1 et seq.]

(4) Part 172 Hazardous Materials Tables and Hazardous Material Communication Regulations and Emergency Response Information Requirements. [49 CFR §172.1 et seq.]

(5) Part 173 Shippers-General Requirements for Shipments and Packagings. [49 CFR §173.1 et seq.]

(6) Part 177 Carriage by Public Highway. [49 CFR §177.800 et seq.]

(7) Part 178 Shipping Container Specifications. [49 CFR §178.0 et seq.]

(8) Part 180 Continuing Qualification and Maintenance of Packagings. [49 CFR §180.00 et seq.]

(9) Part 382 Controlled Substances and Alcohol Use and Testing. [49 CFR §382 et seq.]

(10) Part 383 Commercial Driver's License Standards; Requirements and Penalties [49 CFR §383.1 et seq.], in so much as it does not conflict with state law

(11) Part 385 Safety Fitness Procedures. [49 CFR §~~s~~ 385.1 ~~through 385.8~~ et seq.]

(12) Part 386 Rules of Practice for Motor Carrier, Intermodal Equipment Provider, Broker, Freight Forwarder,

and Hazardous Materials Proceedings. [49 CFR § 386.1 et seq.]

(13) Part 390 Federal Motor Carrier Safety Regulations: General. [49 CFR §390.1 et seq.]

(~~13~~14) Part 391 Qualifications of Drivers. [49 CFR §391.1 et seq.]

(~~14~~15) Part 392 Driving of Motor Vehicles. [49 CFR §392.1 et seq.]

(~~15~~16) Part 393 Parts and Accessories Necessary for Safe Operation. [49 CFR §393.1 et seq.]

(~~16~~17) Part 395 Hours of Service of Drivers. [49 CFR §395.1 et seq.]

(~~17~~18) Part 396 Inspection, Repair, and Maintenance. [49 CFR §396.1 et seq.]

(~~18~~19) Part 397 Transportation of Hazardous Materials; Driving and Parking Rules. [49 CFR §397.1 et seq.]

[OAR Docket #11-840; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT

[OAR Docket #11-841]

RULEMAKING ACTION:
PERMANENT final adoption.
RULES:
Subchapter 1. Driver Education Instruction
595:40-1-3. Driver education instructor permit/license [AMENDED]
595:40-1-4. Qualifications for instructors [AMENDED]
595:40-1-12. Insurance [AMENDED]
AUTHORITY:
Commissioner of Public Safety; 47 O.S. §§ 6-105 and 802.
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Submitted to Senate:
March 31, 2011
Gubernatorial approval:
May 6, 2011
Legislative approval:
Failure of the Legislature to disapprove the rules resulted in approval on May 27, 2011.
Final Adoption:
May 27, 2011
Effective:
July 15, 2011
SUPERSEDED EMERGENCY ACTIONS:
N/A
INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
Amendments to this subchapter would clarify requirements for driver training schools and instructors, and motor vehicle accident prevention courses.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to ensure reliable service to the citizens of Oklahoma.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.
CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. DRIVER EDUCATION INSTRUCTION

595:40-1-3. Driver education instructor permit/license

(a) **Requirement of Driver Education Instructor Permit/license.** A Driver Education Instructor Permit/license is required for instructors who teach Driver Education as prescribed under 47 O.S. §6-105 (D) and 47 O.S. § 801, who offer behind the wheel instruction to students who do not possess a valid Oklahoma driver license.

(b) **Application for Driver Education Instructor permit/license.**

(1) **Public schools.** The State Department of Education, Comprehensive Health/Driver and Traffic Safety Section, shall provide an application for Driver Education instructor permits/licenses and renewal permit/licenses for public schools upon request.

(A) The instructor shall make application to the State Department of Education by mail to: State Department of Education, Comprehensive Health/Driver Education, Room 314, 2500 Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

(B) The State Department of Education shall review the application as to teacher qualification and prescribed course of study and forward the application to the Department of Public Safety.

(C) Driving privileges of the applicant shall not be under suspension, revocation, denial, or cancellation at the time of original or renewal application.

(2) **Commercial schools - original application.**

(A) All applications for an original school license shall be made on a form provided by the Department. The term of each original school license shall be for a period of ~~three (3) years~~ one (1) year. Each place of business and/or location shall be considered a separate school and require a separate license.

(B) Each application for an original school license shall be accompanied by:

(i) a fee of Twenty-five Dollars ($25.00), which shall be paid to the Department by money order, cashier's check, or business/personal check,

(ii) a ~~schedule of fees and charges~~ class curriculum, and

(iii) an e-mail address.

(C) Each applicant shall maintain at school available for audit and inspection by the Department:

(i) certificates of insurance from a company licensed to conduct business in this State certifying proper commercial insurance coverage, as required by OAC 595:40-1-12, ~~and~~

(~~iv~~ii) the make, model, vehicle identification number, and registration number of each vehicle used for training purposes, except motorcycles used for motorcycle training, and

(iii) school brochures, contracts of all agreements, and a schedule of fees and charges.

(~~C~~D) No license fee shall be refunded in the event the license is rejected, suspended or revoked by the Commissioner of Public Safety.

(~~D~~E) All applications must be approved by the Department before a school will be permitted to open for business.

(~~E~~F) Every operator of a Commercial Driver school shall be required to have a Commercial Instructor License.

(~~F~~G) Application for Driver Education Instructor license for non-public schools may be obtained from the Department of Public Safety, at: Driver Examining Division, P.O. Box 11415, Oklahoma City, Oklahoma 73136-0415, or on the website of the Department.

(~~G~~H) All schools shall meet the requirements of OAC 595:40-1-15.

(3) **Commercial schools - renewal application.**

(A) All applications for a renewal school license shall be made on a form provided by the Department of Public Safety. The term of each renewal school license shall be for a period of ~~three (3) years~~ one (1) year. Each place of business and/or location shall be considered a separate school and require a separate license.

(B) Each application for a renewal school license shall be accompanied by:

(i) a fee of Twenty-five Dollars ($25.00), which shall be paid to the Department by money order, cashier's check, or business/personal check, ~~and~~

(ii) a schedule of fees and charges, if any changes have been made since the last license issuance, and

(iii) an e-mail address.

(C) All application forms for renewal licenses shall be mailed by the Department to ~~each licensee~~ the school no later than October 1 of the expiration year. Each ~~licensee~~ school desiring to renew shall deliver applications to each licensee at the school and shall remit all fees and submit ~~an application~~ all applications to the Department no later than November 15 of the year of expiration. If application for renewal is not received by the required date and the Department is unable to process and approve the application by December 31 of the year of expiration, the commercial school shall cease operation on January 1 of the year following the year of expiration and shall not resume operation until the application for renewal is processed and approved by the Department.

(4) **Commercial ~~and motorcycle~~ instructors - original applications.**

(A) All applications for an original instructor license shall be made on a form provided by the Department. The term of each original instructor license shall be for a period of no more than ~~three (3) years~~ one (1) year. An instructor shall make application for each Commercial School location where he or she will be instructing. An instructor license shall become invalid upon termination of employment with the school or schools of a single owner. If an instructor accepts employment with another school or schools of a different owner, the instructor license is not transferrable, and the instructor shall apply for an original license as a new employee of the other school.

(B) Each application for an original instructor license shall be accompanied by:

(i) documentation required by OAC 595:40-1-4, and

(ii) a fee of Five Dollars ($5.00), which shall be paid to the Department by money order, cashier's check, or business/personal check.

(5) **Commercial ~~motorcycle~~ instructors - renewal applications.**

(A) All applications for a renewal instructor license shall be made on a form provided by the Department. The term of each renewal instructor license shall be for a period of ~~three (3) years~~ one (1) year. An instructor shall make application for each Commercial School location where he or she will be instructing. An instructor license shall become invalid upon termination of employment with the school or schools of a single owner. If an instructor accepts employment with another school or schools of a different owner, the instructor license is not transferrable, and the instructor shall apply for an original license as a new employee of the other school.

(B) Each application for a renewal instructor license shall be accompanied by:

(i) a certified criminal history report from the Oklahoma State Bureau of Investigation certified within the immediately preceding thirty (30) days, and

(ii) a fee of Five Dollars ($5.00), which shall be paid to the commercial school which employs the instructor and the school shall remit to the Department by money order, cashier's check, or business/personal check. If the instructor is licensed at multiple schools with the same owner, only one fee of Five Dollars ($5.00) shall be paid.

If the instructor is licensed at multiple schools with different owners, a fee of Five Dollars ($5.00) shall be paid for each school with a different owner.

(C) Each applicant for a renewal instructor license shall take the vision examination given by the Department for the purposes of driver licensing.

595:40-1-4. Qualifications for instructors

(a) **All driver education instructors.** Instructors of public, private, commercial driver education schools and other non-public schools shall submit to the Department of Public Safety, upon application, proof of the following:

(1) current employment by a school which offers a prescribed course of study;

(2) a valid and unexpired Oklahoma driver license which is not suspended, revoked, denied or cancelled at the time of original or renewal application;

(3) at least twenty-one (21) years of age;

(4) never been convicted of a felony as evidenced by an Oklahoma State Bureau of Investigation criminal background check conducted within the immediately preceding thirty (30) days or, if the applicant has not lived in Oklahoma for the immediately preceding five (5), a criminal background check from the agency responsible for keeping criminal history in the state or states of residence for the immediately preceding five (5) years;

(5) if applicable, have driving privileges reinstated for at least twelve (12) months, if driving privileges were suspended, canceled, revoked, denied, or disqualified for a driving-related conviction or for Department action related to driving under the influence or driving while impaired. If driving privileges are suspended, canceled, revoked, denied, or disqualified only for a non-driving-related conviction or reason, the applicant shall be eligible immediately upon reinstatement of driving privileges;

(6) not been convicted of misdemeanor possession or use of alcohol or drugs within the past twelve (12) months;

(7) not more than five (5) point violations on the driving record;

(8) no administrative action pending pursuant to 47 O.S. §§ 753, 754, or 754.1; ~~and~~

(9) a high school diploma or general education diploma; and

(10) a motorcycle instructor shall have a valid Motorcycle Safety Foundation instructor's certificate.

(b) **All commercial school instructors.** ~~Every three (3) years,~~ At the time of original application, all commercial school instructors shall take~~, at a minimum,~~ the vision, skills, and written examinations given by the Department for the purposes of driver licensing and, for ~~continued~~ licensing as a commercial school instructor, shall be required:

(1) to receive a score of at least eighty percent (80%) on driver license written examination. Should the applicant fail to achieve the required score after three (3) attempts, the applicant shall be denied certification and may reapply after one (1) year~~.~~;

(2) to pass standard driver license road test~~, if applicable,~~ with a passing score of at least eighty percent (80%). Should the applicant fail to achieve the required passing score after (three) attempts, the applicant shall be denied certification and may reapply after one (1) year.

(c) **Public school instructors only.** Qualifications for public driver education instructors are set out in the rules for Oklahoma High School Driver and Traffic Safety Education by the Oklahoma State Board of Education.

(d) **Non-public school instructors.** Instructors of driver education for non-public schools, except commercial schools, shall submit to the Department of Public Safety proof of the following:

(1) a valid Oklahoma secondary, elementary-secondary, library media specialist, speech-language pathology or technology center school license/certificate,

(2) credentials in Driver and Traffic Safety Education or five (5) years consecutive experience in driver safety training, and

(3) a valid and unexpired Oklahoma driver license.

(e) **Commercial school instructors other than motorcycle training instructors.** Commercial driver education school instructors, other than motorcycle training instructors, shall submit to the Department of Public Safety proof of the following:

(1) a minimum of six (6) semester hours of Driver Education I and Driver Education II, and a minimum of three (3) semester hours of General Safety Education from an accredited college or university;

(2) a course equivalent to that described in paragraph (1) offered by a nationally recognized commercial driver instructor course approved by the Department of Public Safety; ~~or~~

(3) certification by the State Department of Education as a driver education instructor, which certification shall be for at least five (5) years immediately preceding application and approval as a commercial driver education school instructor in conjunction with having taught driver education for at least five (5) years in public, private, or parochial school; or

(4) five (5) years consecutive experience in driver safety training.

(f) **Commercial motorcycle training school instructor qualifications.** Commercial motorcycle training school instructors shall submit to the Department of Public Safety proof of the following:

(1) a high school diploma, or equivalent, and

(2) an instructor's certificate issued by the Motorcycle Safety Foundation~~, and~~

~~(3) current employment by a motorcycle training school~~.

595:40-1-12. Insurance

(a) A private, parochial or non-public/commercial school which offers Driver Education must be insured by a company licensed to do business in this state with a commercial liability insurance policy for each vehicle used to conduct behind-the-wheel instruction. The minimum amount of insurance shall consist, for any one collision, of at least Fifty Thousand Dollars ($50,000.00) for bodily injury to or death of one person; One Hundred Thousand Dollars ($100,000)

for bodily injury to or death of two or more persons; and Fifty Thousand Dollars ($50,000) for damage to property. The above coverage shall be carried on all vehicles used by the school for driver training purposes; provided, insurance information is not required for motorcycles due to instruction being conducted on private property.

(b) In the event the insurance coverage is canceled, a copy of the written notice of cancellation must be furnished forthwith to the Department by registered or certified mail. Behind-the-wheel instruction will be immediately suspended until proper verification of insurance is provided to the Department of Public Safety.

(c) Each school shall send a copy of the Declaration of Insurance coverage when applying for instructor's original or renewal license. If insurance coverage expires between school renewal certification periods, the school shall send a current copy of the Declaration of Insurance coverage to the Department.

[OAR Docket #11-841; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 50. TABS, TAGS, SIGNS AND INSIGNIAS

[OAR Docket #11-842]

RULEMAKING ACTION:
PERMANENT final adoption.
RULES:
Subchapter 3. ~~Handicap~~ Parking Placards for Physically Disabled Persons [AMENDED]
595:50-3-2. ~~Handicap~~Physically disabled parking placards [AMENDED]
595:50-3-3. Applications for ~~handicap~~physically disabled parking placards [AMENDED]
595:50-3-4. Organizations that may apply for ~~handicap~~physically disabled parking placards [AMENDED]
595:50-3-6. Duplication of ~~handicap~~physically disabled parking placards; replacement of a lost stolen, or defective ~~handicap~~physically disabled parking placard [AMENDED]
AUTHORITY:
Commissioner of Public Safety; 47 O.S. §2-108.47 O.S., §§ 2-108, 15-112(G), and 1113(A)
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Subchapter 3. ~~Handicap~~ Parking Placards for Physically Disabled Persons [AMENDED]
595:50-3-2. ~~Handicap~~Physically disabled parking placards [AMENDED]
595:50-3-3. Applications for ~~handicap~~physically disabled parking placards [AMENDED]
595:50-3-4. Organizations that may apply for ~~handicap~~physically disabled parking placards [AMENDED]
595:50-3-6. Duplication of ~~handicap~~physically disabled parking placards; replacement of a lost stolen, or defective ~~handicap~~physically disabled parking placard [AMENDED]
Gubernatorial approval:
October 19, 2010
Register Publication:
28 Ok Reg 306
Docket number:
10-1359
INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
Amendments to 595:50-3-2 through 595:50-3-6 remove references to "handicap" and "handicapped" in reference to physically disabled parking permits.

The circumstance which created the need for these rules is the passage of EHB 2567 (2010) which replaced references to "handicap" and "handicapped" with "physically disabled".

The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law.
CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 3. ~~HANDICAP~~ PARKING PLACARDS FOR PHYSICALLY DISABLED PERSONS

595:50-3-2. ~~Handicap~~ Physically disabled parking placards

(a) **Issuance of placards.** A ~~handicap~~ physically disabled parking placard will be issued only by the Department of Public Safety. The Department shall only consider an application submitted within sixty (60) days of the date of the physician's signature. The Department shall, upon approval of the application, issue a detachable ~~handicap~~ parking placard to the applicant.

(b) **Types of placards.** The type of placard issued shall be dependent upon the length of disability of the applicant as designated on the application by the physician. Types of ~~insignia~~ placard are as follows:

(1) **Permanent physical disability.**

(A) The placard will be blue and white in color and display the International ~~Handicap~~ Symbol of Access and have an expiration date of five (5) years from the date of issuance.

(B) The placard will only be issued to individuals with permanent physical disabilities as certified by a physician.

(C) Each placard shall have a unique identification number.

(2) **Temporary physical disability.**

(A) The placard will be red and white in color, bear the word "TEMPORARY", and display the International ~~Handicap~~ Symbol of Access.

(B) The placard will be issued to individuals whose physical disability is not permanent and for the of six (6) months or less as indicated by the physician on the application.

(C) The placard may be renewed, if necessary, by submitting a new application to the Department of Public Safety.

(c) **Display of placard.** The placard shall be displayed:

(1) by hanging it from the rear view mirror of the vehicle, or

(2) if the vehicle is not equipped with a rear view mirror, on the dashboard on the driver's side of the vehicle.

595:50-3-3. Applications for ~~handicap~~ physically disabled parking placards

(a) **Where to submit applications.** The application shall be submitted to the Department either:

(1) in person at the Department of Public Safety, 3600 Martin Luther King Avenue, Oklahoma City, or

(2) by mail to Department of Public Safety, ~~Handicap~~ Physically Disabled Parking Placards, P.O. Box 11415, Oklahoma City, OK, 73136-0415.

(b) **Contents of the application.** The applicant and his or her physician shall complete the application before submitting it to the Department. Applications for a placard shall contain:

(1) Information about the applicant including:

(A) Name,

(B) Address,

(C) Driver license number, if any, and

(D) Other information, as determined by the Department.

(2) A statement made by a physician about the applicant, who must be a patient of the physician, which includes:

(A) The patient's name,

(B) The patient's physical disability as defined in 47 O.S. § 15-112 A(2) and OAC 595:30-3-1,

(C) The physical disability causing difficulty for the patient to walk,

(D) Diagnosis,

(E) Ability to safely operate a motor vehicle,

(F) The length of physical disability if not of permanent nature,

(G) Physician's name,

(H) Physician's signature,

(I) Physician's address, and

(J) Physician's telephone number.

(3) Space for use by the Department to record information regarding the ~~insignia~~ placard issued.

(c) The original application may be referred for review to the Medical Advisory Committee of the Department [47 O.S. § ~~6118~~ 6-118 et seq.]~~, but~~ and shall ~~be destroyed after the Department has recorded pertinent information on the permanent file of the applicant~~ remain confidential as provided in 47 O.S. 6-117,D.

595:50-3-4. Organizations that may apply for ~~handicap~~ physically disabled parking placards

To ensure each qualified physically disabled person in Oklahoma receives the special parking privileges, the Department may issue applications for a ~~handicap~~ physically disabled parking placard to organizations who inherently transport such persons. Upon submission and approval of an application, the Department shall issue a placard to the organization. Upon issuance of such placard, the organization shall be subject to the law for unauthorized use of such placard. The Department reserves the right to approve or disapprove any organization's application.

595:50-3-6. Duplication of ~~handicap~~ physically disabled parking placards; replacement of a lost stolen, or defective ~~handicap~~ physically disabled parking placard

(a) A ~~handicap~~ physically disabled parking placard may not be photocopied or duplicated.

(b) Individuals or organizations who report the loss or theft of a ~~handicap~~ physically disabled parking placard may apply in writing to the Department for a replacement placard, which the Department shall issue, upon approval of the request ~~issue,~~ with the same expiration date as the original ~~insignia~~ placard.

[OAR Docket #11-842; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 55. SAFETY DEVICES

[OAR Docket #11-843]

RULEMAKING ACTION:
PERMANENT final adoption.
RULES:
Subchapter 1. Protective Devices
595:55-1-1. Purpose [AMENDED]
Subchapter 5. Child Passenger Restraint Systems [NEW]
595:55-5-1. Child passenger restraint system education [NEW]
595:55-5-2. Funding of child passenger restraint system education [NEW]
AUTHORITY:
Commissioner of Public Safety; 47 O.S., § 2-108
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Subchapter 1. Protective Devices
595:55-1-1. Purpose [AMENDED]
Subchapter 5. Child Passenger Restraint Systems [NEW]
595:55-5-1. Child passenger restraint system education [NEW]
595:55-5-2. Funding of child passenger restraint system education [NEW]
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28 Ok Reg 308
Docket number:
10-1360
INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
Amendments to 595:55-1-1 clarifies the purpose of subchapter 1 of this Chapter. The addition of 595:55-5 stipulates how monies from the Department of Public Safety Revolving Fund to promote the use of child passenger restraint systems will be applied for and expended.
The proposed action is the creation of new rules.
The circumstance which created the need for these rules is the passage of EHB 1603 (2009) which creates a revenue stream for the Revolving Fund.
The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law and to ensure the safety of the motoring public.
CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. PROTECTIVE DEVICES

595:55-1-1. Purpose

This ~~Chapter~~ subchapter is for the purpose of establishing standards for protective devices used as required by Title 47, O.S. §40-105.

SUBCHAPTER 5. CHILD PASSENGER RESTRAINT SYSTEMS

595:55-5-1. Child passenger restraint system education

The Oklahoma Highway Safety Office of the Department of Public Safety is statutorily required to *develop a program of public education to promote the use of child passenger restraint systems* [47 O.S. § 11-1113]. Any person convicted of violating subsection A or B of this section shall be punished by a fine of Fifty Dollars ($50.00) and shall pay all court costs thereof. Revenue from such fine shall be apportioned to the Department of Public Safety Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems as provided in 47 O.S., § 11-1113.

595:55-5-2. Funding of child passenger restraint system education

(a) **Source of funding.** The source of funding for child passenger restraint system education is from the fine assessed for a conviction of a violation of 47 O.S. § 11-1112, failure to protect a child by through the use of a child passenger restraint system. The *fine shall be apportioned to the Department of Public Safety Revolving Fund and used by the Oklahoma Highway Safety Office to promote the use of child passenger restraint systems* [47 O.S. § 11-1112].
(b) **Administration of funds.** The funds from the revolving fund shall be administered by the Oklahoma Highway Safety Office for the purpose of awarding grants in for the purpose of promoting the use of child passenger restraint systems. The funds from the revolving fund may also be used by the Oklahoma Highway Safety Office for administrative costs or program support costs of the child passenger restraint system education program in Oklahoma. The Department shall create accounts, sub-accounts, tracking procedures, transfer procedures, and payment procedures, as are appropriate to implement this section. Travel reimbursements will be in accordance with the State Travel Reimbursement Act.
(c) **Application for and awarding of grants.** Agencies and entities interested in child passenger restraint system education may apply to the Oklahoma Highway Safety Office for grants from the funds in the revolving fund for the purpose of promoting the use of child passenger restraint systems. Grants shall be awarded in accordance with procedures developed by the Oklahoma Highway Safety Office.

[OAR Docket #11-843; filed 6-3-11]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 65. OKLAHOMA TRAFFIC COLLISION REPORT

[OAR Docket #11-844]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
595:65-1-1. Purpose [NEW]
595:65-1-2. Collision report forms [NEW]
595:65-1-3. Collision report instructions [NEW]
595:65-1-4. Collisions resulting in deaths [NEW]
AUTHORITY:
Commissioner of Public Safety; 47 O.S., § 2-108 and 4-101

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INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
Creation of this chapter would establish procedures relating the reporting the traffic collisions to be used by all law encorcement agencies in Oklahoma.
The proposed actions are the creation of new rules.
The circumstance which created the need for these rules is to provide consistency and clarity in the reporting of tarffic collisions.
CONTACT PERSON:
David W. Beatty, Administrative Rules Liaison, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Email: dbeatty@dps.state.ok.us.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

595:65-1-1. Purpose

The Department of Public Safety is responsible for preparing *standard forms for accident reports* and for *calling for sufficiently detailed information to disclose the cause, the conditions then existing, the persons and vehicles involved and such other information as prescribed by the Commissioner* [47 O.S., §40-101].

595:65-1-2. Collision report forms

(a) All motor vehicle accidents and collisions shall be reported by the investigating law enforcement occicer on the "Official Oklahoma Traffic Cokkision Report". The latest version of blank forms are availabe from the Department of Public Safety:

(1) Material Management Division , PO Box 11415, Oklahoma City, OK 73136, or

(2) on it website: http://www.dps.state.ok.us/otcr/

(b) All completed forms shall be submitted by the investigating law enforcement agency to the Department of Public Safety, Records Management Division, PO Box 11415, Oklahoma City, OK 73136.

595:65-1-3. Collision report instructions

An investigating officer shall use the latest version of the "Official Oklahoma Traffic Collision Report Instruction Manual" when competing and submitting a collision report. The latest version of the instruction manual is available from the Department of Public Safety on its website: http://www.dps.state.ok.us/otcr/

595:65-1-4. Collisions resulting in deaths

(a) It shall be the responsibility of the investigating law enforcement agency to appropriately report collisions resulting in death, whether the death occurs at the scene of the collision or the death is delayed fatality. A delayed fatality is a death which occurs at any time after the person who died has been removed from the scene of collision but no more than thirty (30) days after the date of the collision.

(b) When a delayed fatality occurs, a medical examiner will investigate the death a provided in 63 O.S., § 931 et seq. After which *[c]opies of reports shall be furnished by the Chief Medical Examiner to investigating agencies having official interest therein* [63 O.S., § 942].

(c) If a delayed fatality occurs after a collision report has already been submitted to the Department of Public Safety by the investigating law enforcement agency, the investigating agency shall submit to the Department a revised collision report documenting the death.

[OAR Docket #11-844; filed 6-3-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #11-803]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1 General Provisions
690:1-1-5. Application of the Act and rules of the Board [AMENDED]
Subchapter 3. Board Organization and Proceedings
690:1-3-1. Board meetings [AMENDED]
690:1-3-2. Office of the Board [AMENDED]
690:1-3-6. Formal and informal procedures [AMENDED]
AUTHORITY:
59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.
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N/A
ANALYSIS:
OAC 690:1-1-5 regarding the application of the rules is amended to clarify that persons who are licensed by the Board as speech-language pathologists or audiologists are subject to the statutes and regulations of the Board regardless of whether they practice under circumstances in which licensure is not required.
The amendments to Subchapter 3 of Chapter 1 change or revoke various procedural requirements for Board operation.
CONTACT PERSON:
Lucynda Olberding, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 405-715-5546.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 1. GENERAL PROVISIONS

690:1-1-5. Application of the Act and Rules of the Board

The provisions of the Speech-Language Pathology and Audiology Licensing Act (59 O.S. 1601. et. seq., as amended) and the rules of this Title apply:

(1) to all individuals representing themselves as speech-language pathologists or audiologists or using related titles ~~defined in paragraphs 5 and 9 of~~ as set forth in Section 1603 of the Act or who provide speech-language pathology or audiology services ~~to the public for a fee~~ and who are not specifically exempted under Section 1604 of the Act; ~~the provisions of the Act do apply, however, to employees of the federal, state, county or municipal government or political subdivision thereof (excluded under Paragraph 2 of Section 1604 of the Act, when they engage in the private practice of speech-language pathology or audiology;~~

(2) to persons exempted from licensure under Section 1604 when those persons provide speech-language pathology or audiology services in circumstances other than those listed in Section 1604;

(3) to OBESPA licensed-language speech pathologists and audiologists regardless of whether they practice under circumstances exempt from licensure under Section 1604;

(~~2~~4) to all ~~individuals representing themselves as speech-language pathology or audiology interns~~ speech-language pathology applicants who are in the process of fulfilling the post-graduate supervised clinical work experience requirement ~~required by Paragraph 4 of Section 1605 of the Act,~~ and

(~~3~~5) to all individuals representing themselves as speech-language pathology or audiology assistants ~~employed by and working under the direct supervision of a licensed speech-language pathologist or audiologist as specified in Subsection C of Section 1605 of the Act.~~ or who assist with the provision of speech-language pathology and audiology services and are not exempt from licensure pursuant to Section 1604.

SUBCHAPTER 3. BOARD ORGANIZATION AND PROCEEDINGS

690:1-3-1. Board Meetings

The Board shall hold an annual meeting and at least three interim meetings and may hold special meetings called by the Chairperson or by a majority of its members. The Chairperson shall designate the date, place, and time ~~prior to~~ of each meeting of the Board. ~~Notice of time and place of all meetings shall be given to Board members by the Secretary at least fourteen (14) days before the meeting is to be held. However, in case of emergency requiring the Board to meet before such notice can be given, oral or telephone notification may be given no later than three (3) days before the meeting. The Board, at its meeting, shall follow the latest edition of Robert's Rules of Order - Newly Revised, in matters not covered by the Rules of the State Board or by the Administrative Procedures Act.~~

690:1-3-2. Office of the Board

The official office of the Board shall be located in Oklahoma City. ~~at the State Capitol City in Oklahoma County.~~ All records of the Board shall be kept secure. ~~Information~~ Records may be obtained ~~by making written request to said office,~~ pursuant to the procedures set forth in the Oklahoma Open Records Act, 51 O.S. §§ 24A.1 - 29. ~~the address of which shall be listed in the annual directory. All submissions to the Board or requests of the Board shall be made in writing to said office. All communications with the Board must be in written form as a matter of record before official consideration will be given to issues, requests, or submissions brought before the Board.~~

690:1-3-6. Formal and informal procedures [REVOKED]

~~The Board shall have available, as appropriate, formal and informal procedures for use in conducting the business of the Board. Such procedures may involve but are not limited to hearings for individuals, questions of legal policy, inquiries concerning Board policies or decisions, or other Board business. Informal procedures shall be preferred unless either the Board or the requesting party requests a formal procedure. An~~

~~informal meeting may be held without legal representation for the Board or the other party or parties at the meeting.~~

[OAR Docket #11-803; filed 5-31-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 5. RULES OF PRACTICE

[OAR Docket #11-804]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Proceedings upon denial of license [REVOKED]
690:5-3-1. Request for hearing [REVOKED]
690:5-3-2. Submission of hearing request [REVOKED]
690:5-3-3. Scheduling of hearing [REVOKED]
690:5-3-4. Notice of hearing [REVOKED]
690:5-3-5. Rights of aggrieved party at hearing [REVOKED]
690:5-3-6. Order of Board affirming its decision [REVOKED]
690:5-3-7. Action to annul or vacate Board's order [REVOKED]
Subchapter 5. Individual proceedings
690:5-5-1. Notice of proposed hearing [AMENDED]
Subchapter 7. Procedures in individual proceedings
690:5-7-5. Setting of hearing and hearing continuance [AMENDED]
Subchapter 9. Proceedings for Adoption, Amendment and Repeal of Rules
690:5-9-2. Petition for promulgation, amendment or repeal [AMENDED]
Subchapter 13. Requests for ~~Decalatory~~Declaratory Rulings [AMENDED]
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59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.
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N/A
ANALYSIS:
The provisions of Subchapter 3, which provide for a formal hearing process for denial of a license, are revoked. In Subchapters 5, 7, and 9 certain procedures for disciplinary actions and rulemaking are amended or deleted. The title of subchapter 13 is amended to correct a typographical error.
CONTACT PERSON:
Lucynda Olberding, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 405-715-5546.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 3. PROCEEDINGS UPON DENIAL OF LICENSE [REVOKED]

690:5-3-1. Request for hearing [REVOKED]

~~Any person who feels aggrieved by reason of the Board's denial or rejection of his/her application for a license may request a hearing before the Board to reconsider the Board's decision.~~

690:5-3-2. Submission of hearing request [REVOKED]

~~The request for hearing, including grounds for the hearing, shall be made and submitted in writing to the Secretary of the Board within thirty (30) days after receipt of notice of the Board's denial or rejection. Acceptance of a request for review submitted after such thirty (30) day period rests with the discretion of the Board.~~

690:5-3-3. Scheduling of hearing [REVOKED]

~~Upon receipt of a request for hearing the Secretary shall schedule a hearing of the Board to be conducted within thirty (30) days from the receipt of the request or as soon as conveniently possible thereafter, at which time the Board shall review its previous decision denying or rejecting the aggrieved person's application for license.~~

690:5-3-4. Notice of hearing [REVOKED]

~~Notice of the time and place of the hearing shall be given the aggrieved person at least twenty (20) days before the hearing is to be conducted.~~

690:5-3-5. Rights of aggrieved party at hearing [REVOKED]

~~At the hearing, the aggrieved party shall have the right to be represented by counsel at his own expense and shall have the right to present evidence arid argument in his own behalf. A record of the hearing shall be taken and preserved. Such record shall be made available to the aggrieved party upon written request and at his own expense.~~

690:5-3-6. Order of Board affirming its decision [REVOKED]

~~If, upon hearing, the Board finds the initial decision regarding the aggrieved person's application for license was correct and valid, the Board shall issue an order affirming its decision denying or rejecting said application. The order shall be in writing and contain findings of fact and conclusions of law~~

~~separately stated. A copy of the order shall be sent to the aggrieved person.~~

690:5-3-7. Action to annul or vacate Board's order [REVOKED]

~~If the Board does not reverse its initial decision, the aggrieved party shall have the right to file suit in the District Court of Oklahoma County or in the district court of the county of his residence to annul or vacate the action or order of the Board. Such suit shall be initiated by filing a petition in the district court within thirty (30) days after the aggrieved party receives notice of the Board's decision after the hearing. Process shall be served upon the Secretary or Chairperson of the Board as in regular civil cases.~~

SUBCHAPTER 5. INDIVIDUAL PROCEEDINGS

690:5-5-1. Notice of proposed hearing

Whenever the Board chooses to exercise its statutory authority under Section 1619 of the Speech-Language Pathology and Audiology Licensing Act ~~(59 O.S. 1619, as amended)~~ to conduct a hearing to determine whether suspension or revocation of a license would be ordered or a reprimand issued, the ~~Secretary of the~~ Board shall give at least ~~twenty (20)~~ thirty (30) calendar days written notice of such hearing to the licensee against whom the proceeding is directed. The Notice of the Hearing shall be served on the licensee either personally or by certified or registered mail and shall include the following information:

(1) the time, place, and nature of the hearing;

(2) the legal authority and jurisdiction under which the hearing is being conducted;

(3) the ground or grounds constituting or forming the basis of the charge(s) against the licensee, including reference to the particular section(s) of the statute and/or rule involved.

(4) information regarding the licensee's right to legal counsel

~~(5) the names of the members of the hearing panel~~

SUBCHAPTER 7. PROCEDURES IN INDIVIDUAL PROCEEDINGS

690:5-7-5. Setting of hearing and hearing continuance

The time set for a hearing as specified in the notice shall ordinarily not be less than fifteen (15) thirty (30) calendar days after service of notice. A motion for an extension of time or for a continuance of the hearing to another date or time shall be in writing and shall be filed with the Board or its designated hearing officer. Any such motion for an extension or continuance shall state the reason(s) for the request and specify the additional time requested. The Board or its designated hearing officer shall act promptly upon such motion and shall grant or deny such request in the exercise of sound discretion. If the motion is denied, a party may renew his request orally or at a hearing.

SUBCHAPTER 9. PROCEEDINGS FOR ADOPTION, AMENDMENT AND REPEAL OF RULES

690:5-9-2. Petition for promulgation, amendment or repeal

Any interested person may petition the Board, requesting the promulgation, amendment, or repeal of a rule. All such petitions shall be in writing, and filed with the Executive Secretary of the Board, at the principal office. The petition shall state, clearly and concisely, all matters pertaining to the requested action and the reasons for the requests. The requests must also state whether there is someone ~~Known~~ known to the petitioner who is concerned with the subject of the request and should be notified of the hearing.

SUBCHAPTER 13. REQUESTS FOR ~~DECALATORY~~ DECLARATORY RULINGS

[OAR Docket #11-804; filed 5-31-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 10. LICENSURE AND FEES

[OAR Docket #11-805]

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 3. Licensure of Speech-language Pathologists and Audiologists

690:10-3-1. Application for licensure as a speech-language pathologist and/or audiologist [AMENDED]

690:10-3-5. Supervised clinical practicum requirement [AMENDED]

690:10-3-6. Clinical experience requirement [AMENDED]

690:10-3-8. Continuing education for speech-language pathologists, ~~and~~ audiologists, audiology assistants,and speech-language pathology assistants [AMENDED]

Subchapter 5. Licensure of Speech-language Pathology Clinical Experience Interns

690:10-5-1. License to practice as a speech-language pathology clinical experience intern [AMENDED]

690:10-5-6. Requirements for supervision of clinical experience interns [AMENDED]

Subchapter 7. Licensure of Speech-Language Pathology Assistants and Audiology Assistants

690:10-7-1. Authorization to practice as an assistant [AMENDED]

690:10-7-2. Titles to be used by assistants [AMENDED]

690:10-7-3. Supervision required [AMENDED]

690:10-7-4. Licensure [AMENDED]

690:10-7-5. Application for License to assist [AMENDED]

690:10-7-6. Period of Licensure [AMENDED]

690:10-7-7. Requirements for supervision of assistants [REVOKED]

690:10-7-8. Disqualification of Board members [AMENDED]

690:10-7-9. Academic requirements [AMENDED]

690:10-7-10. Roles and responsibilities of Speech-Language Pathology Assistants and Audiology Assistants [AMENDED]
690:10-7-11. Continuing education for ~~speech-language pathology assistants~~ Speech-Language Pathology Assistants [AMENDED]
Subchapter 9. Fees
690:10-9-2. License renewal fee [AMENDED]
690:10-9-7. Inactive status fee [AMENDED]

AUTHORITY:
59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

DATES:
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From February 15, 2011 until 5:00 p.m., March 17, 2011
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Adoption:
March 25, 2011
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SUPERSEDED EMERGENCY ACTIONS:
N/A

INCORPORATIONS BY REFERENCE:
N/A

ANALYSIS:
The amendments to Subchapter 3 change certain requirements for the application process and supervision of clinical experience. Rules regarding the consequences of non-compliance with continuing education requirements were clarified. A new rule which establishes guidelines for telepractice is added.

In Subchapter 5, Rule 10-5-1 is amended to correct an incorrect statutory reference. Rule 10-5-6 is amended to clarify that supervisors shall not supervise more than two clinical experience interns.

The amendments to Subchapter 7 include changes to the effective date of new academic requirements and supervision requirements for speech-language pathology assistants. Non-allowed activities for speech-language pathology are amended. New rules regarding the supervision of audiology assistants, and allowed and non-allowed activities for audiology assistants are added.

In Subchapter 9, rules 10-9-2 and 10-9-7 are amended to change gender-specific references to gender-neutral references.

CONTACT PERSON:
Lucynda Olberding, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 405-715-5546.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 3. LICENSURE OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOGISTS

690:10-3-1. Application for licensure as a speech-language pathologist and/or audiologist

Application for licensure as a speech-language pathologist and/or audiologist should be made only after completion of the requirements for license as defined in 59 O.S., Section 1605. as amended, and in this Chapter. Persons desiring licensure may obtain the official application form for such purpose from the Executive Secretary. The application and all necessary papers must be filed with the Executive Secretary at the official office of the Board. The application must be accompanied by eighty-five dollars ($85.00) in the form of an electronic payment, check, cashier's check or money order. If, after evaluation, the applicant is not found eligible for licensure, or for licensure without examination, the eighty-five dollars ($85.00) fee shall be forfeited. A minimum of three (3) and a maximum of five (5) references from speech-language pathologists or audiologists who ~~themselves~~ are licensed ~~or licensable~~ or hold ASHA certification or equivalent credentials shall be required in support of each applicant. Such references must be from individuals ~~licensable~~ in the same professional area (speech-language pathology or audiology) in which the applicant seeks a license. Board members shall not serve as reference for applicants. A national criminal background check will be completed on each applicant. Each applicant must complete the citizenship affidavit that is included in the application packet.

690:10-3-5. Supervised clinical practicum requirement

(a) Speech language pathology applicants must submit evidence of satisfactory completion of four hundred (400) clock hours of supervised clinical practicum, of which at least 375 must be in direct client/patient contact and 25 in clinical observation that are provided by the educational institution or by one of its cooperating programs. At least 325 of the 400 clock hours must be completed while the applicant is engaged in graduate study in a program accredited in speech language pathology by the Council on Academic Accreditation in Audiology and Speech-Language Pathology. Each Speech-Language Pathology applicant seeking licensure from a non-accredited program shall submit a bona fide official academic transcript(s) and verification of ~~(Academic Preparation and Practicum Form~~ clinical practicum hours. ~~Verification dealing with the practice of Speech-Language Pathology.~~

(b) With the exception of post-masters professional degree (Au.D) applicants and applicants with a Ph.D. with a major emphasis in audiology, audiology applicants must demonstrate completion of a minimum of (1820) supervised clinical hours in audiology through clinical practicum, clinical rotations, or externships during their professional or graduate doctoral degree program. Audiology applicants with a post-masters distance education professional degree (Au.D.) and applicants with a Ph.D. with a major emphasis in audiology must provide evidence of a minimum of (350) supervised clinical hours obtained in audiology through clinical rotations, or externships during their masters or Ph.D. degree program. In addition, audiology applicants with a post-masters distance education

professional degree (Au.D.) or a Ph.D. with a major emphasis in audiology must provide evidence of a completed Clinical Experience of no less than nine (9) months of successful full-time, paid clinical experience in audiology, obtained under the supervision of one or more independent practitioners licensed under the Speech-Language Pathology and Audiology Licensing Act, 59 O.S. 1601, et. seq., as amended or of one or more persons whose education and experience are the equivalent of an independent practitioner. The supervisor of clinical experience must be eligible for licensure as an audiologist. This supervision must entail the personal and direct involvement of the supervisor in any and all ways that will permit him to evaluate the applicant's performance in professional clinical employment and must include direct observation. The applicant and his supervisor must list and describe the methods of supervision employed. Specific information should be given regarding the professional activity supervised, the number of supervisory contacts per month, and the length of each supervisory contact. The supervisor shall base his total evaluation on no less than thirty-six (36) supervisory visits. This experience must follow completion of the requirements of 690:10-3-3 and 690:10-3-6. "Full-time" is defined as at least thirty (30) hours per week; the nine (9) months of full time paid experience must be obtained within a period of twenty-four consecutive months. This requirement may also be fulfilled by eighteen (18) months of half time paid experience of at least fifteen (15) hours per week which must be completed within a period of thirty-six (36) consecutive months. All clinical practicum, clinical rotations or externships adduced to satisfy this requirement must have been obtained under the supervision of an individual eligible for licensure as a speech-language pathologist or audiologist under the Speech-Language Pathology and Audiology Licensing Act, 59 O.S. 1601, et. seq., as amended, and this Chapter. The supervisor of clinical practicum, clinical rotations or externships must be eligible for licensure in the professional area (speech-language pathology or audiology) in which the supervision is provided.

690:10-3-6. Clinical experience requirement

(a) **Clinical experience form.**

(1) Each speech-language pathology applicant shall submit evidence (Clinical Experience Form) of no less than nine (9) months of successful, full time, paid, clinical experience in the area for which a license is required, obtained under the supervision of one or more ~~independent~~ practitioners who have been fully licensed for a minimum of two years under the Speech-Language Pathology and Audiology Licensing Act, 59 O.S. 1601. et. seq., as ~~amended,~~ amended. ~~or of one or more persons whose education and experience are the equivalent of an independent practitioner. The supervisor of clinical experience must be eligible for licensure as a speech-language pathologist.~~ This supervision must entail the personal and direct involvement of the supervisor in any and all ways that will permit ~~him~~ the supervisor to evaluate the applicant's performance in professional clinical employment and must include direct observation. The applicant and ~~his~~ the supervisor must list and describe the methods of supervision employed. Specific information should be given regarding the professional activity supervised, the number of supervisory contacts per month, and the length of each supervisory contact. The supervisor shall base ~~his~~ the total evaluation on no less than thirty-six (36) supervisory visits. This experience must follow completion of the requirements of 690:10-3-3 and 690:10-3-6. "Full-time" is defined as at least thirty (30) hours per week; the nine (9) months of full time paid experience must be obtained within a period of twenty-four consecutive months. This requirement may also be fulfilled by eighteen (18) months of half time paid experience of at least fifteen (15) hours per ~~week~~ week, which must be completed within a period of thirty-six (36) consecutive months.

(2) With the exception of audiology applicants with a post-masters distance education professional degree (Au.D.) or applicants with a Ph.D. with a major emphasis in audiology, each audiology applicant will be required to present to the Board a copy of an Au.D. degree diploma, or its equivalent, from an accredited academic institution in order to demonstrate completion of the clinical rotation or externship requirement.

(b) **Waiver of clinical experience requirement.** The Board shall waive the clinical experience requirement and grant a license to any applicant who holds the Certificate of Clinical Competence of the American Speech-Language-Hearing Association or its current equivalent in the area for which he is applying for licensure, provided that the current requirements for such certification are equivalent to or greater than those for licensure under the Speech-Language Pathology and Audiology Licensing Act, 59 O.S. 1601, et. seq., as amended. The current requirements for the Certificate of Clinical Competence of the American Speech-Language-Hearing Association are deemed the equivalent of those for licensure under the Act. Evidence of such certification shall be received by the Board directly from the American Speech-Language-Hearing Association. All fees associated with obtaining such evidence shall be borne by the applicant.

690:10-3-8. Continuing education for speech-language ~~pathologists~~ pathologists, ~~and audiologists~~ audiologists, and speech - language pathology assistants

(a) **Purpose.** The purpose of continuing education requirements for speech-language pathologists and audiologists is to assure that licensees update and advance their skills such that the public shall benefit from the most current and effective standards of professional practice. To further the goal of public benefit, all speech-language pathologists and audiologists are encouraged to fulfill a portion of their continuing education requirements in the area of ethics, professional conduct, and related legal issues.

(b) **Clock hours required for license renewal.** A minimum of twenty (20) clock hours of acceptable continuing education will be required for renewal of a license to practice speech-language pathology or audiology in a two year period. The continuing education period begins in January of every

odd-numbered year. A speech-language pathologist or audiologist obtaining initial licensure during a two year period shall have his or her continuing education requirement prorated to 2.5 clock hours per full quarter remaining in that period.

(c) **Approval of continuing education activities required.** Continuing education hours may be granted for acceptable educational activities which are approved by the Board, or by a committee appointed by the Board. No hours will be granted for any activities or categories of activities that have not been approved. A provider of educational activities may apply to the Board for pre-approval of an activity. The provider shall be responsible for compliance with the standards for approval of the activity, verification of participation, and for the provision of the necessary verification of attendance forms to all participants. This verification of attendance form shall include: The participant's name, the presenter's name and credentials, the presentation topic, the program sponsor or agency, the location of the presentation, the dates of presentation, and the total number of clock hours attended. A list of preapproved activities is available on the website or by contacting the board office. Any activity not included on this list will require approval by the Board for credit.

(d) **Exceptions to the requirements.** Exceptions to the pre-approval requirement may be granted at the discretion of the Board for programs presented by recognized sponsors whose programs have been pre-approved by the Board. The university academic semester hour is equivalent to fifteen (15) clock hours, and shall be verified by the presentation of an official academic transcript showing course or audit credits. The licensee is ultimately responsible for providing all information necessary for the Board to make a final determination concerning the acceptability of any requested continuing education hours.

(e) **Fee for approval.** Providers of continuing education programs may be charged a fee for approval of their program. This fee shall be set by the Board.

(f) **Kinds of educational activities for which credit may be received.** Continuing education hours may be earned through formal organized learning experiences, scientific publications, attendance at regularly scheduled meetings of international, national, regional, or state professional associations, or through presentations to appropriate groups not related to the speech-language pathologist's or audiologist's regular employment.

(g) **Hours allowed.** Continuing education activities, whether received or presented by the speech-language pathologist or audiologist, must be targeted toward a professional audience. In those instances when the speech-language pathologist or audiologist is teaching in programs such as institutes, university or college courses, seminars, workshops, and conferences which have been granted approval by the Board, three (3) clock hours will be given for each one (1) hour that is taught, provided that such teaching is not part of the speech-language pathologists or audiologists regular employment. Publication in a professionally- related format approved by the Board shall be equal to up to twenty (20) clock hours. Completion of select job-required activities such as CPR training, etc. can be counted once in the two-year period for a maximum of 20% of the total required hours. Other activities may be credited as authorized and disseminated separately by the Board.

(h) **Petition for extension.** A speech-language pathologist or audiologist who fails to comply with the required twenty (20) hours of continuing education in the two year continuing education period ending December 31 may, by submitting an individual review ~~fee,~~ fee of fifty ($50.00), petition the Board for a ninety (90) day extension. ~~an extension of continuing education year to March 31 of the following year.~~ Failure to meet this deadline may result in disciplinary action. The petition for extension shall be filed prior to the expiration of the continuing education period.

(i) **Petition for hardship relief.** A speech-language pathologist or audiologist may petition the Board for partial or complete relief of the continuing education requirements upon the showing of incapacitation or serious illness of licensee or licensee's immediate family member, or licensee's absence from the United States for a period of at least eighteen (18) months during the continuing education period. The petition for hardship relief should be filed prior to the expiration of the continuing education period, and will be accepted no later than February 1st of the year following the audit period.

(j) **Audits of continuing education.** The Board will conduct audits every two years (every even year) of licensee compliance with continuing education requirements.

(1) A minimum of 3% of licensees will be audited.

(2) Those audited will be required to submit a listing of all continuing education activities completed within the audited period, including the title of the activity, the course description, the number of contact hours and a contact for verification of participation.

(3) Licensees will maintain all original documentation of attendance, course agendas and/or other supporting documentation. The Board may request copies of such documentation as is necessary to determine if an activity will be accepted for continuing education credit. The Board will destroy all such copies following the audit.

~~(4) If the results of the audit show that a licensee has not completed the required number of continuing education hours, the following schedule will be applied:~~

~~(A) By February 27th, Within ninety (90) calendar days of receipt of notice of CEU deficiency, the licensee should provide evidence of additional continuing education activities sufficient to meet the requirement, or~~

~~(B) By April 1st, the licensee shall have completed additional continuing education activities sufficient to meet the requirements and pay a penalty fee equal to half of the licensure renewal fee. This fee is separate from any fees for late license renewal which may apply.~~

~~(C) Such additional activities may not be counted toward future continuing education requirements.~~

~~(D) If a licensee has not provided fails to provide documentation for the required number of continuing education activities by April 15th , the Board will submit the name of the licensee to the Attorney General's~~

~~office and pursue action to suspend or revoke the license.~~

(4) Licensees found to be non-compliant with the continuing education requirement shall have ninety (90) calendar days from receipt of notification of continuing education deficiency to provide evidence of continuing education hours sufficient to meet this requirement AND must pay a penalty fee equal to half of the licensure renewal fee. This fee is in addition to any fees for late license renewal. Such hours may not be counted toward fulfillment of future continuing education requirements. Failure to provide evidence of continuing education hours within the ninety (90) calendar day period may result in disciplinary action.

SUBCHAPTER 5. LICENSURE OF SPEECH-LANGUAGE PATHOLOGY CLINICAL EXPERIENCE INTERNS COMPLETING POST-GRADUATE CLINICAL EXPERIENCE.

690:10-5-1. License to practice as a speech-language pathology clinical experience intern

Persons in the process of fulfilling the supervised clinical experience required by ~~paragraph 4~~ paragraph 3 of Subsection A of Section 1605 of the Speech-Language Pathology and Audiology Licensing Act, ~~59 O.S. 1605,~~ as amended, for licensure as a speech-language pathologist must practice as a clinical experience intern under the supervision of a licensed speech-language pathologist. ~~or audiologist under the conditions of these rules. Once the~~ Upon completion of the clinical experience ~~year~~ requirement, ~~is complete,~~ the applicant ~~will~~ may apply for full licensure and pay the required ~~fees~~ fee.

690:10-5-6. Requirements for supervision of clinical experience interns

(a) Clinical experience interns must be supervised by a speech-language pathologist who has been fully licensed for a minimum of two years.

(b) Each supervising speech-language pathologist ~~will be expected to~~ shall accept no more than two ~~persons, as~~ clinical experience ~~interns,~~ interns. ~~under this Chapter.~~ Each supervisor holding licenses in both speech-language pathology and audiology is restricted to no more than two persons to supervise, in the aggregate.

SUBCHAPTER 7. LICENSURE OF SPEECH-LANGUAGE PATHOLOGY ASSISTANTS AND AUDIOLOGY ASSISTANTS

690:10-7-1. ~~Authorization~~ License to practice as an assistant

(a) Any person not eligible for ~~license~~ licensure as ~~an~~ a ~~independent~~ practitioner or clinical experience intern ~~not eligible for authorization to practice as an intern under supervision under Subsection A or B of Section 1605 of the Speech Language Pathology and Audiology Licensing Act, 59 O.S. 1605, as amended~~, who assists in the practice of speech-language pathology ~~and~~ or ~~audiology~~ audiology, ~~while in the employ of and under the direct full time supervision of a licensed independent practitioner must apply for and receive licensure from~~ unless exempt pursuant to Section 1604 of this Act, must be licensed by the Board as a speech-language pathology or audiology assistant. ~~Before granting such licensure the Board will consider the academic training and clinical experience of the applicant, the specific duties and responsibilities he is assigned, the amount and nature of the supervision that is available to him, and the number of such other persons assigned to the proposed supervisor~~. Licensure to practice as speech-language pathology or audiology assistant may be granted under the provisions of Sections 690:10-7-1 through 690:10-7-10 of these rules. Nothing in this section shall be construed to prevent a ~~an independent~~ practitioner from employing any individual in non-clinical capacities.

(b) The Board shall consider on an individual basis the request of each applicant for an ~~Assistant~~ assistant ~~license~~ license. Before granting a license the Board will consider the applicant's academic training and clinical experience, specific duties and responsibilities, and amount and nature of the applicant's supervision. ~~under Section 1605 of the Speech Language Pathology and Audiology Licensing Act, 59 O.S. 1605, as amended, using the criteria contained in the following Sections of these rules. After December 31, 2013 applicants for licensure as a speech language pathology assistant must have written notification from the chair or program director of an academic institution verifying that the applicant attended the academic institution and completed the academic course work requirement and clinical practicum requirement. This written notification shall be on university letterhead and shall serve as presumptive proof of completion of the requirements~~. The Board retains the power to determine whether or not an applicant has completed all requirements. ~~Nothing in this section shall be construed to prevent an independent practitioner from employing any individual in non-clinical capacities.~~

690:10-7-2. Titles to be used by assistants

The speech-language pathology or audiology assistant may not use any title included in ~~paragraphs 5 or 9~~ of Section 1603 of the Speech-Language Pathology and Audiology Licensing ~~Act,~~ Act. ~~59 O.S. 1603, as amended. He~~ The Assistant may use only the titles "Speech-Language Pathology Assistant", "Audiology Assistant"or "Speech-Language Pathology and Audiology Assistant", depending upon the area(s) in which ~~he~~ the assistant is ~~authorized~~ licensed. ~~to assist.~~

690:10-7-3. Supervision required

(a) The speech-language pathology assistant must be supervised by a ~~Speech Language Pathologist~~ speech-language pathologist ~~or audiologist~~ who has been fully licensed for two years. The audiology assistant must be supervised by an audiologist who has been fully licensed for two years. Each

supervisor shall accept no more than two assistants. Each practitioner licensed in both speech-language pathology and audiology is likewise restricted to two assistants in aggregate. Further, the total number of assistants and interns (licensed under Subchapter 3 of these rules) supervised by a single supervisor shall not exceed two.

(b) Speech-language pathology assistants who hold only a high-school degree or its equivalent must practice under the full-time supervision of a licensed speech-language pathologist. Effective June 1, 2013 speech-language pathology assistants with only a high-school degree or its equivalent will no longer be eligible for licensure.

(~~b~~c) ~~For Speech Language Pathology Assistants after May 1, 2012~~, A speech-language pathology assistant who has completed academic and clinical practicum requirements as set forth in Section 690:10-7-9 (a) may practice under a minimum of 30% direct and indirect supervision ~~should be provided~~ weekly for the first 90 days with a minimum of 20% actual patient/client contact time weekly. After successful completion of the first 90 days a minimum of 10% of direct, onsite supervision is required with 20% indirect supervision. The supervising Speech-Language Pathologist must be available by electronic means at all times when the Speech-Language Pathology Assistant is performing clinical activities. Appropriate documentation must be maintained. The direct supervision will be in such a manner that all clients/patients are directly supervised by the supervisor.

(1) Direct supervision: in-view observation and guidance by a speech-language pathologist while an assigned activity is performed by support personnel.

(2) Indirect supervision is defined as those activities (other than direct observation and guidance) conducted by a speech language pathologist that may include methods such as audio-and/or videotape recordings, telephone communications, conferences, and review of numerical data.

(d) For Audiology Assistants, direct supervision is required when the assistant is performing activities involving direct patient care. Direct supervision requires the supervising audiologist to be present on-site for supervision and guidance of the assistant. Indirect supervision of the audiology assistant is permissible when the audiology assistant is performing duties or activities that do not involve direct patient care. Indirect supervision requires the supervising audiologist to be available for instruction or guidance but does not require the supervising audiologist to be present on-site.

690:10-7-4. Representation of Assistant Licensure

The assistant is not authorized to represent himself or herself as an independent practitioner of speech-language pathology or audiology. Preparation or distribution of announcements of practice, independent telephone listings, or other such notices shall be in violation of the license as a Speech-Language Pathology or Audiology Assistant and will lead to automatic revocation of such license.

690:10-7-5. Application for ~~License to assist~~ Assistant License

Application for licensure as a Speech-Language Pathology or Audiology Assistant shall be made by submitting to the Board the Application for Licensure as a Speech-Language Pathology or Audiology Assistant as available from the ~~Board~~ Board, ~~and~~ signed by both the applicant and proposed ~~supervisor.~~ supervisor, and notarized. ~~Said notarized statement shall explicitly~~ The application must indicate that the supervisor agrees to supervise the assistant's practice and that the supervisor accepts full and complete responsibility for that practice.

690:10-7-6. Period of Licensure

Licensure as a Speech-Language Pathology or Audiology Assistant shall be for a period of one (1) calendar year from. January 1 to December 31st of that year.

690:10-7-7. Requirements for supervision of assistants [REVOKED]

~~(a) as a Speech-Language Pathology or Audiology Assistant shall be granted to applicants who otherwise qualify only if the supervisor is a licensed independent practitioner. Each such supervisor shall accept no more than two assistants under this rule. Each independent practitioner licensed in both speech-language pathology and audiology is likewise restricted to two assistants in aggregate. Further, the total number of assistants and interns (licensed under Subchapter 3 of these rules) supervised by a single supervisor shall not exceed two (2).~~

~~(b) For Speech Language Pathology Assistants after May 1, 2012, a minimum of 30% direct and indirect supervision should be provided weekly for the first 90 days with a minimum of 20% actual patient/client contact time weekly. After successful completion of the first 90 days a minimum of 10% of direct, onsite supervision is required with 20% indirect supervision. The supervising Speech-Language Pathologist must be available by electronic means at all times when the Speech-Language Pathology Assistant is performing clinical activities. Appropriate documentation must be maintained~~.

690:10-7-8. ~~Disqualification~~ Recusal of Board members

A Board member shall ~~absent~~ recuse himself or herself from evaluating and voting on ~~authorization~~ the licensure ~~approval of licensure~~ of assistants who will ~~to serve~~ assist in ~~his~~ the board member's ~~private~~ practice.

690:10-7-9. Academic requirements

(a) Academic requirements for Speech-Language Pathology Assistants

(1) Until ~~May 1, 2012~~, June 1, 2013, each speech Speech-Language Pathology Assistant applicant shall hold not less than a high school degree or its equivalent. Effective June 1, 2013 speech-language pathology assistants with only a high-school degree or its equivalent will no longer be eligible for licensure.

(2) After ~~May 1, 2012,~~ June 1, 2013, each Speech-Language Pathology Assistant applicant shall hold not less than an associates degree, or its equivalent, with a major emphasis in speech-language pathology from an accredited academic institution.

(3) Each Speech Language Pathology Assistant applicant shall submit a bona fide official transcript(s) and verification of academic preparation and clinical experience reflecting a minimum of ~~20~~ eighteen (18) semester credit hours in general education, a minimum of twenty (20) semester credit hours in technical content, a minimum of ~~25~~ twenty five (25) hours of observation which precede a minimum of 100 clock hours of supervised clinical experience.

(A) **General Education.** Applicants must earn at least ~~twenty (20)~~ eighteen (18) semester credit hours in oral and written communication, mathematics, computer ~~applications~~ applications, ~~and~~ social sciences and natural sciences.

(B) **Technical Content.** Applicants must earn a minimum of twenty (20) semester credit hours in the following areas:

(i) Normal processes of communication.

(ii) Overview of communication disorders.

(iii) Instruction in assistant-level service delivery practices.

(iv) Instruction in work-place behaviors.

(v) Cultural and linguistic factors in communication.

(vi) Observation experiences include direct on-site observation of a fully licensed Speech-Language Pathologist. Additional observation experiences may include on-site, video or digital observation of a fully licensed Speech-Language Pathologist.

(C) **Assistant Clinical Experience.** Applicants must complete 100 clock hours of clinical experience supervised by a Speech Language Pathologist who has been fully licensed for a minimum of two years.

(i) The ~~speech-language pathology~~ student must be supervised a minimum of 50% of the time when engaged in patient/client contact.

(ii) The supervising ~~Speech-Language Pathologist~~ speech-language pathologist will supervise no more than two assistant students at any one time.

(b) Academic requirements for Audiology Assistants: Each audiology assistant applicant shall hold not less than a high school degree or its equivalent.

690:10-7-10. Roles and responsibilities of Speech-Language Pathology Assistants and Audiology Assistants

(a) Allowed activities as delegated by the supervising Speech-Language Pathologist.

(1) Assist the Speech-Language Pathologist with speech-language and hearing screenings.

(2) Assist with informal documentation as directed by the Speech-Language Pathologist.

(3) Follow documented treatment plans or protocols developed by the supervising Speech- Language Pathologist.

(4) Document patient/client performance.

(5) Assist the Speech-Language Pathologist with assessment of patient/clients.

(6) Assist with clerical duties.

(7) Perform checks and maintenance of equipment.

(8) Support the Speech-Language Pathologist in research projects, in service training, and public relations programs.

(9) Collect data for monitoring quality improvement.

(10) Exhibit compliance with regulations, reimbursement requirements and speech language pathology assistant's job responsibilities.

(b) Non-allowed ~~activities.~~ activities of the Speech-Language Pathology Assistant

(1) May not perform diagnostic tests, formal or informal evaluations or interpret test results.

(2) May not evaluate or diagnose patients/clients for feeding/swallowing disorders.

(3) May not participate in parent conferences, case conferences, or any interdisciplinary team without the presence or prior approval of the supervising Speech-Language Pathologist.

(4) May not write, develop, or modify a patients/client's individualized treatment plan in any ~~way.~~ way without the prior approval of the licensed speech-language pathologist.

(5) May not assist with patients/clients without following the individualized treatment plan ~~prepared~~ approved by the Speech-Language Pathologist or without access to supervision.

(6) May not sign any formal documents not drafted and/or approved by the Speech-Language Pathologist prior to dissemination of the document.

(c) Allowed activities of the Audiology Assistant as delegated by the supervising Audiologist.

(1) Assist the audiologist with screenings of auditory function.

(2) Assist with informal documentation as directed by the audiologist.

(3) Follow documented treatment plans or protocols developed by the supervising audiologist.

(4) Document patient/client performance.

(5) Assist the audiologist with assessment of patient/clients.

(6) Assist with clerical duties.

(7) Perform checks and maintenance of diagnostic equipment as well as hearing aids, amplification systems, and other assistive devices.

(8) Support the audiologist in research projects, in service training, and public relations programs.

(9) Collect data for monitoring quality improvement.

(10) Exhibit compliance with regulations, reimbursement requirements and audiology assistant's job responsibilities.

(11) Provide explanations of the proper care of amplification and assistive listening devices.

(d) Non-allowed activities of the Audiology Assistant.

(1) May not perform diagnostic tests, formal or informal evaluations or interpret diagnostic test results.

(2) May not evaluate or diagnose patients/clients for auditory or auditory related disorders.

(3) May not participate in patient counseling without the presence or prior approval of the supervising audiologist.

(4) May not write, develop, or modify a patients/client's treatment plan in any way.

(5) May not assist with patients/clients without following the treatment plan prepared by the audiologist or without access to supervision.

(6) May not sign any formal documents not drafted and/or specifically approved by the audiologist prior to dissemination of the document.

690:10-7-11. Continuing education for speech-language pathology assistants

The rules regarding continuing education requirements for ~~Speech-Language Pathology and Audiology~~ speech-language pathology and audiology in section 690 10-3-8 shall also apply to ~~Speech-Language Pathology~~ speech-language pathology assistants.

SUBCHAPTER 9. FEES

690:10-9-2. License renewal fee

The license renewal fee shall be eighty-five dollars ($85.00) each calendar year to renew licenses in either or both areas of specialization. ~~Said~~ The renewal fee is due on or before December ~~thirty-first~~ 31st of each year. Failure ~~on the part~~ of any licensed person to pay the renewal fee before the first day of January does not deprive ~~him~~ the licensee of the right to renew ~~his~~ the license, but the fee paid for renewal postmarked ~~or delivered~~ after December 31st shall be increased by 50% for each month or fraction thereof that the payment is delayed, up to a maximum of three times the renewal fee ($255.00). Failure to pay the renewal fee by January 1st, however, shall render ~~his~~ the license invalid until renewed. Renewal of an invalid license within the first year will result in an automatic audit of that licensee's continuing education activities for the preceding continuing education two-year reporting period. Failure to renew a license within the twelve month period following expiration, without otherwise placing the license(s) in question on inactive status (see 690:10-9-6), will render the license permanently invalid, requiring reapplication for licensure based on meeting all current requirements for licensure in the applicant's area of specialization.

690:10-9-7. Inactive status fee

A one-time fee of twenty five dollars ($25.00) shall be charged a licensed speech-language ~~pathologist or~~ pathologist, audiologist, speech-language pathology assistant or audiology assistant to place ~~his~~ the license on inactive status, provided that, prior to expiration of ~~his~~ the license, ~~he~~ the licensee makes written application to the Board for such status. Thereafter, ~~he~~ the licensee may reactivate ~~his~~ the license upon payment of a reactivation fee equal to one and one-half ($1\frac{1}{2}$) times the ~~then~~ current license renewal fee. A licensee must ~~be in~~ maintain compliance with continuing education requirements in order to be placed on and continue in an inactive status. During the period of time ~~his~~ the license is on inactive status, ~~he~~ the licensee shall not engage in the practice of speech-language pathology or audiology in the State of ~~Oklahoma~~ Oklahoma. ~~except as permitted in the Speech Language Pathology and Audiology Licensing Act, 59 O.S., Section 1616, as amended.~~

[OAR Docket #11-805; filed 5-31-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 10. LICENSURE AND FEES

[OAR Docket #11-805A]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Licensure of Speech-language Pathologists and Audiologists
690:10-3-9. Telepractice [NEW]
AUTHORITY:
59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.
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SUPERSEDED EMERGENCY ACTIONS:
N/A
INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
A new rule which establishes guidelines for telepractice is added.

CONTACT PERSON:
Lucynda Olberding, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 405-715-5546.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 3. LICENSURE OF SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOGISTS

690:10-3-9. Telepractice

Use of telepractice.

(1) Licensees may evaluate and treat patients/clients receiving clinical services in Oklahoma by utilizing telepractice. Telepractice is defined as the application of telecommunications technology to deliver professional services at a distance by linking clinician to patient/client or clinician to clinician for assessment, intervention and/or consultation.

(2) Telepractice shall be obtained in real time and in a manner sufficient to ensure patient confidentiality.

(3) Telepractice is subject to the same standard of practice as if the person being treated were physically present with the licensee. Telepractice is the responsibility of the licensee and shall not be delegated.

(4) Licensees and staff involved in telepractice must be trained in the use of telepractice equipment.

[OAR Docket #11-805A; filed 5-31-11]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
CHAPTER 15. RULES OF PRACTICE

[OAR Docket #11-806]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
690:15-1-3. Principles of ethics [AMENDED]
AUTHORITY:
59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.
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INCORPORATIONS BY REFERENCE:
N/A
ANALYSIS:
Rule 15-1-3 is amended to correct a typographical error.
CONTACT PERSON:
Lucynda Olberding, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 405-715-5546.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

690:15-1-3. Principles of ethics

Six Principles serve as a basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Individuals subscribing to this Code shall observe these principles as affirmative obligations under all conditions of professional activity.

(1) Licensees shall hold paramount the welfare of persons served professionally.

(A) Licensees shall use every resource available, including referral to other ~~specialist~~ specialists as needed, to provide the best service possible.

(B) Licensees shall fully inform persons served of the nature and possible effects of the services.

(C) Licensees' fees shall be commensurate with services rendered.

(D) Licensees shall provide appropriate access to records of persons served professionally.

(E) Licensees shall take all reasonable precautions to avoid injuring persons in the delivery of professional services.

(F) Licensees shall evaluate services rendered to determine effectiveness.

(2) Licensees shall maintain high standards of professional competence.

(A) Licensees engaging in clinical practice shall possess appropriate qualifications as defined in the Speech-Language Pathology and Audiology Licensing Act. 59 O.S. 1601, et. seq., as amended, and this Title.

(B) Licensees shall continue their professional development throughout their careers.

(C) Licensees shall identify competent, dependable referral sources for persons served professionally.

(D) Licensees shall maintain adequate records of professional services rendered.

(3) Licensees' statements to persons served professionally and to the public shall provide accurate information about the nature and management of communicative disorders and about the profession and services rendered by its practitioners.

(4) Licensees shall maintain objectivity in all matters concerning the welfare of persons served professionally. Licensees shall observe the following standards:

(A) Products associated with professional practice must be dispensed to the person served as a part of a program of comprehensive habilitative care.

(B) Fees established for professional services must be independent of whether a product is dispensed.

(C) Persons served must be provided freedom of choice for the source of services and products.

(D) Price information about professional services rendered and products dispensed must be made available to the person served upon request and must include a complete schedule of fees and charges which schedule differentiates between fees for professional services and charges for products.

(E) Products dispensed to the person served must be evaluated to determine effectiveness.

(5) Licensees shall honor their responsibilities to the public, their profession, and their relationships with colleagues and members of allied professions.

(6) Licensees shall uphold the dignity of the profession and its standards.

(A) Licensees shall inform the Board of violations of this Code of Ethics.

(B) Licensees shall cooperate fully with Board inquiries into matters of professional conduct related to this Code of Ethics.

[OAR Docket #11-806; filed 5-31-11]

TITLE 735. STATE TREASURER
CHAPTER 80. UNCLAIMED PROPERTY

[OAR Docket #11-800]

RULEMAKING ACTION:
PERMANENT final adoption.
RULES:
Subchapter 3. Reporting Requirements
Part 1. General Application
735:80-3-1. General reporting requirements [AMENDED]
AUTHORITY:
State Treasurer, 62 O.S. 517.1 - 517.7.
DATES:
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SUPERSEDED EMERGENCY ACTIONS:
n/a
INCORPORATIONS BY REFERENCE:
n/a
ANALYSIS:
These Permanent Rules amend the text of Chapter 80. Reporting Requirements.
CONTACT PERSON:
Susan Eubanks, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 521-3191.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 3. REPORTING REQUIREMENTS

PART 1. GENERAL APPLICATION

735:80-3-1. General reporting requirements

(a) Annually a holder must file a verified report of unclaimed property. If a holder has no property that is reportable, a negative report (a report or a letter stating no property is reportable) is encouraged. Report forms may be obtained from OST.

(b) The report must be filed on the form(s) provided on the unclaimed property. Computer generated reports will be accepted only if provided in a format which has received prior approval from OST and if accompanied by an OST form provided for verification. Any report submitted in any format other than the prescribed format required by OST will be returned to the holder for correction.

(c) A holder reporting 15 or more items of property pursuant to 60 O.S. § 661 - Report of Abandoned Property, is required to file the report electronically using the NAUPA standard electronic file format for holders. As used in these regulations, "NAUPA" means the National Association of Unclaimed Property Administrators.

(~~c~~d) Any holder who refuses to file an Unclaimed Property report as required under the provisions of the Uniform Unclaimed Property Act or refuses to furnish records or information requested by OST to determine the amount of unclaimed property in the holder's possession, and subsequent examination of holder's records establishes that the holder willfully or without reasonable cause has failed to deliver unclaimed property, the holder shall be subject to the penalties

imposed by the Uniform Unclaimed Property Act. [See: 60 O.S. §§679, 680]

(~~d~~e) If holders report and remit property to Oklahoma that should be reported and remitted to another state, pursuant to the reciprocal agreements with the other states, OST shall transmit the monies to the respective states of owners last known addresses. [See: 60 O.S. §683.1]

[OAR Docket #11-800; filed 5-27-11]

TITLE 748. UNIFORM BUILDING CODE COMMISSION
CHAPTER 20. ADOPTED CODES

[OAR Docket #11-862]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 1. General Provisions [RESERVED
Subchapter 3. [RESERVED]
Subchapter 5. IRC 2009 [NEW]
748:20-5-1. Adoption of IRC 2009. [NEW]
748:20-5-2. Effect of Adoption. [NEW]
748:20-5-3. IRC 2009 Appendices. [NEW]
748:20-5-4. IRC 2009 Provisions Adopted and Modified. [NEW]
748:20-5-5. IRC 2009 Chapter 1 Scope and Administration. [NEW]
748:20-5-6. IRC 2009 Chapter 3 Building Plans. [NEW]
748:20-5-7. IRC 2009 Chapter 4 Foundations. [NEW]
748:20-5-8. IRC 2009 Chapter 5 Floors. [NEW]
748:20-5-9. IRC 2009 Chapter 6 Wall Construction. [NEW]
748:20-5-10. IRC 2009 Chapter 7 Wall Covering. [NEW]
748:20-5-11. IRC 2009 Chapter 8 Roof-Ceiling Construction. [NEW]
748:20-5-12. IRC 2009 Chapter 11 Energy Efficiency. [NEW]
748:20-5-13. IRC 2009 Chapter 15 Exhaust Systems. [NEW]
748:20-5-14. IRC 2009 Chapter 24 Fuel Gas. [NEW]
748:20-5-15. IRC 2009 Chapter 25 Plumbing Administration. [NEW]
748:20-5-16. IRC 2009 Chapter 26 General Plumbing Requirements. [NEW]
748:20-5-17. IRC 2009 Chapter 27 Plumbing Fixtures. [NEW]
748:20-5-18. IRC 2009 Chapter 28 Water Heaters. [NEW]
748:20-5-19. IRC 2009 Chapter 29 Water Supply and Distribution. [NEW]
748:20-5-20. IRC 2009 Chapter 30 Sanitary Drainage. [NEW]
748:20-5-21. IRC 2009 Chapter 31 Vents. [NEW]
748:20-5-22. IRC 2009 Chapter 34 General Requirements (Electrical). [NEW]
748:20-5-23. IRC 2009 Chapter 40 Devices and Luminaries. [NEW]
AUTHORITY:
Oklahoma Uniform Building Code Commission; 59 O.S. §§ 1000.23
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n/a
INCORPORATIONS BY REFERENCE:
Incorporated standards:
International Residential Code, 2009 edition, as amended in these rules
Incorporating rules:
748:20-5
Availability:
8:00 a.m. to 4:30 p.m., Monday through Friday at the Uniform Building Code Commission, 2401 NW 23rd Street, Suite 5, Oklahoma City, OK 73107, 405-271-1595
ANALYSIS:
The purpose of these rules is to implement 59 O.S. §§1000.2 - 1000.29 enacted by SB1182, effective June 2, 2009, creating the Oklahoma Uniform Building Code Commission. These rules establish the adoption of the IRC 2009 as the minimum standards for residential construction in the State of Oklahoma for one- and two-family dwellings and townhouses as modified by the Commission for implementation in the State of Oklahoma.
CONTACT PERSON:
Billy Pope, Chief Executive Officer, OUBCC, 2401 NW 23rd, Suite 5, Oklahoma City, OK 73107, 405-271-1595

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 15, 2011:

SUBCHAPTER 1. [RESERVED]

SUBCHAPTER 3. [RESERVED]

SUBCHAPTER 5. IRC 2009

748:20-5-1. Adoption of IRC 2009

The Uniform Building Code Commission hereby adopts the International Residential Code (IRC) 2009 as amended and modified in this Subchapter to be the minimum standards for residential construction within the State of Oklahoma for one and two family dwellings and townhouses pursuant to 59 O.S. § 1000.23.

748:20-5-2. Effect of Adoption

The International Residential Code (IRC) 2009, as amended and revised by these rules, are hereby established and adopted as the statewide minimum standards for residential building construction for one and two family dwellings and townhouses in Oklahoma pursuant to 59 O.S. § 1000.23, and may only be amended or altered by other jurisdictions pursuant to Oklahoma law and the administrative rules of the Oklahoma Uniform Building Code Commission as set forth in Title 748, Chapter 15 of the Oklahoma Administrative Code.

748:20-5-3. IRC 2009 Appendices

(a) None of the appendices of the IRC 2009 have been adopted by the Commission for inclusion in the minimum standards for residential construction in the State of Oklahoma.

(b) The Commission hereby creates "Appendix R Automatic Fire Systems".

(c) The Commission hereby creates "Appendix S Energy Efficiency".

(d) The Commission has removed IRC 2009 R313.2 and R313.2.1 from Chapter 3 of the IRC 2009 and relocated those sections to Appendix R Automatic Fire Systems.

(e) The Commission has removed IRC 2009 N1101.9 from Chapter 11 of the IRC 2009 and relocated this section to Appendix S Energy Efficiency

(f) Appendices A through S are not adopted as the minimum standards for residential construction within the State of Oklahoma. However, other jurisdictions within this State may adopt any or all of said appendices in accordance with 59 O.S. § 1000.29.

748:20-5-4. IRC 2009 Provisions Adopted and Modified

All chapters and provisions within chapters, including exceptions, of the IRC 2009 not specifically addressed within these rules as being modified, deleted, moved or removed are hereby adopted without modification as the minimum standards for residential construction within the State of Oklahoma for one and two family dwellings and townhouses pursuant to 59 O.S. § 1000.23. Chapters and provisions within chapters, including exceptions adopted with modifications are specifically addressed in these rules.

748:20-5-5. IRC 2009 Chapter 1 Scope and Administration

Chapter 1of the Oklahoma adopted IRC 2009, with the following Preamble at the very beginning of the chapter:

(1) Pursuant to 59 O.S. § 1000.23, the Uniform Building Code Commission has adopted the 2009 International Residential Code as amended and revised by the Commission (IRC 2009), as the minimum standards to be used by all entities for residential construction in jurisdictions throughout the State of Oklahoma. However, the Commission's adoption of Chapter 1 "Scope and Administration" of the 2009 IRC is for continuity purposes and the Commission's adoption of Chapter 1 recognizes the methods of best practice in fully implementing the minimum standards for residential construction.

(2) All provisions of the adopted IRC 2009, including Chapter 1, as amended and revised by the Commission, are hereby established and adopted as the statewide minimum standards for residential building construction for one and two family dwellings and townhouses in Oklahoma pursuant to 59 O.S. § 1000.23, which may only be amended or altered pursuant to Oklahoma law and the administrative rules of the Oklahoma Uniform Building Code Commission as set forth in Title 748, Chapter 15 of the Oklahoma Administrative Code. However, the provisions of Chapter 1 adopted herein are only intended to be in force and effect to the extent that the respective provisions do not conflict with State law or the lawful exercise of code administration and enforcement jurisdiction by entities empowered to do so pursuant to applicable law.

(3) The Commission's adoption of Chapter 1 in this manner is made with the recognition that the legal authority granting state and local code administration and enforcement jurisdictions the power and discretion to administer and enforce codes arises from Oklahoma laws governing those jurisdictions. Furthermore, the Commission also recognizes that many state and local code administration and enforcement jurisdictions have already created, or have the lawful authority to create, departments, offices and administrative policies pursuant to various applicable laws and other adopted model codes with "Scope and Administration" provisions similar to Chapter 1 of the adopted IRC 2009.

(4) This limited adoption of Chapter 1 is made in recognition of the authority and discretion possessed by jurisdictions to administer and enforce building codes. Exercising such authority and jurisdiction in a manner inconsistent with Chapter 1 must be supported by Oklahoma law. Code administration and enforcement jurisdictions shall not use the Commission's limited adoption of Chapter 1 to circumvent the remainder of the requirements established by the Oklahoma adopted IRC 2009 and the Commission will strongly oppose any such practice.

748:20-5-6. IRC 2009 Chapter 3 Building Plans

Chapter 3 is adopted with modifications as follows:

(1) Section R302.1 Table R302.1 Exterior Walls has been modified for minimum fire separation distance for walls and projections. Walls have been changed from 5 feet to 3 feet. Projections have been changed from greater than or equal to 2 feet to 5 feet to greater than or equal to 2 feet to 3 feet.

(2) Section R311.7.4.1 Riser Heights. This section has been modified and now requires initial measurements to take place at rough-in and allows for a top and bottom riser height variance at the final inspection. This section shall read: The maximum riser height shall be 7 3/4 inches (196 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more then 3/8 inch (9.5 mm) at rough-in. Top and bottom riser may vary by 3/4 inch at final inspection, not to exceed 7 3/4 of an inch (196mm).

(3) Section R313.2 One- and two-family dwellings automatic fire systems. This section has been moved to Appendix R, Automatic Fire Systems of the IRC 2009 and is not adopted as a minimum standard for residential construction within the State of Oklahoma.

(4) Section R313.2.1 Design and installation. This section has been moved to Appendix R, Automatic Fire Systems of the IRC 2009 and is not adopted as a minimum

standard for residential construction within the State of Oklahoma.

(5) Section R315.1 Carbon monoxide alarms. This section has been modified to include the following exception: If a residence with an attached garage has a sealed door between the residence and the garage; and no fuel burning appliances in the residence, then carbon monoxide detection is not required within the residence.

(6) Section R323.1 General. This section has been modified to provide for more than one standard to be utilized to build a storm shelter. This section has been modified to read: This section applies to the construction of storm shelters when constructed as separate detached buildings or when constructed as safe rooms within buildings for the purpose of providing safe refuge from storms that produce high winds, such as tornados and hurricanes. In addition to other applicable requirements in this code, storm shelters shall be constructed in accordance with one of the following: ICC/NSSA 500 or FEMA 320 or other equivalent engineered system.

748:20-5-7. IRC 2009 Chapter 4 Foundations

Chapter 4 is adopted with modifications as follows:

(1) Section R402.2 Concrete. This section has been modified to include the following exception: Interior concrete slabs on grade and enclosed garage slabs are not required to be air entrained.

(2) Section R403.1.6 Foundation anchorage. This section has been modified to include the following exception: Wood sole plates of braced wall panels at building interiors on monolithic slabs may be anchored using connector(s) with a shear capacity of 2300 pounds and a tensile capacity of 800 pounds over a maximum span of 6 feet.

(3) Section R406.2 Concrete and masonry foundation waterproofing. This section has been modified to include an additional option for waterproofing: Bentonite.

748:20-5-8. IRC 2009 Chapter 5 Floors

Chapter 5 is adopted with modifications as follows: Section R506.2.3 Vapor retarder. This section has been modified to allow for other industry accepted vapor retarders installed according to the manufacture's specifications. This section has been modified to read: A 6 mil (0.006 inch; 152 micrometers) polyethylene sheeting, other industry accepted vapor retarder products installed per manufacturer specifications or approved vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where no base course exists. The remainder of this section, including exceptions, is adopted without modification.

748:20-5-9. IRC 2009 Chapter 6 Wall Construction

Chapter 6 is adopted with modifications as follows:

(1) Section R602.4 Interior load-bearing walls. This section has been modified to clarify that the section is limited to stud spacing and heights per tables R602.3(5) and R602.3.1. This section has been modified to read: Interior load-bearing walls shall be constructed, framed and fireblocked as specified for exterior walls. Table R602.3(5) shall be used to establish stud spacing of walls up to 10 feet (3048 mm) high, and Table R602.3.1shall apply to walls over 10 feet (3048 mm) high.

(2) Section R602.10.6 Braced wall panel connections. This section has been modified to include the following addition: Wood sole plates of braced wall panels at building interiors on monolithic slabs may be anchored using connector(s) with a shear capacity of 2300 pounds and a tensile capacity of 800 pounds over a maximum span of 6 feet.

748:20-5-10. IRC 2009 Chapter 7 Wall Covering

Chapter 7 is adopted with modifications as follows: Section 703.8 Flashing. This section has been modified to clarify that 6-mil polyethylene sheeting is an approved corrosion-resistant flashing in certain circumstances. The first paragraph of this section has been modified to read: Approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. 6-mil polyethylene sheeting is an approved corrosion-resistant flashing when not exposed to UV rays. Self-adhered membranes used as flashing shall comply with AAMA 711. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashings shall be installed at all of the locations listed in IRC 2009, Section 703.8 Flashing. The remainder of this section is adopted without modification.

748:20-5-11. IRC 2009 Chapter 8 Roof-Ceiling Construction

Chapter 8 is adopted with modifications as follows:

(1) Section 801.3 Roof drainage. This section has been stricken from the code.

(2) Section 802.3 Framing details. This section has been modified to provide a definition of a brace and provide an exception to the section. It has been modified to read: Rafters shall be framed to ridge board or to each other with a gusset plate as a tie. Ridge board shall be at least 1-inch (25 mm) nominal thickness and not less in depth than the cut end of the rafter. At all valleys and hips there shall be a valley or hip rafter not less than 2-inch (51 mm) nominal thickness and not less in depth than the cut end of the rafter. Hip and valley rafters shall be supported at the ridge by a brace to a bearing partition or be designed to carry and distribute the specific load at that point. Definition of brace includes: 1. a triangular configuration of framing members with a horizontal tie and rafter members, 2. king post or similar. Where the roof pitch is less than three units vertical in 12 units horizontal (25-percent slope), structural members that support rafters and ceiling joists, such as ridge beams, hips and valleys, shall be designed as beams. Exception: This exception helps address many situations where due to the design, building bracing is not achievable. This exception shall read: The use of a "Blind Valley", also known as a "Farmers Valley"

or "California Valley" will be allowed. In this type of valley the main roof is framed as usual, it may or may not be sheathed, and the intersecting roof is framed on top of the main roof. The two valley plates or sleeps lie on top of the main roof rafters or sheathing and provide a nailing base for the jack rafters and ridge board of the intersecting roof.
(3) Section 802.5.1 Purlins. This section has been modified to include the following exception: Braces may be spaced not more than 6 feet (1829 mm) on center if: 1. the purlin brace is 2-inch by 6-inch (51 mm by 153 mm) 2. Purlins shall be sized one nominal size larger than the rafter they support, and 3. unbraced length of braces shall not exceed 8 feet (2438 mm).

748:20-5-12. IRC 2009 Chapter 11 Energy Efficiency

Chapter 11 is adopted with modifications as follows:
(1) Section N1101.9 Certificate. This section has been moved to the Appendix S of the IRC 2009 and is not adopted as a minimum standard of residential construction within the State of Oklahoma.
(2) Section N1102.4.3. Fireplaces. This section has been modified to remove the requirement of gasketed doors and will now read: New wood-burning fireplaces shall have outdoor combustion air.
(3) Section N1103.1.1 Programmable thermostat. This section has been stricken from the code.
(4) Section N1103.2.2 Sealing. This section has been modified to include the following exception: Visual inspection may be used instead of the rough-in test and post construction test.
(5) Section N1103.8.3 Pool covers. This section has been modified to remove the requirement for heated pools to have a vapor retardant pool cover on or at the water surface. This section will now read: Pools heated to more than 90 degrees Fahrenheit (32 degrees Celsius) shall have a pool cover with a minimum insulation value of R-12.
(6) Section N1104.1 Lighting equipment. This section has been modified to include the following exception: Can or recessed lights are exempt from this section of the code.

748:20-5-13. IRC 2009 Chapter 15 Exhaust Systems

Chapter 15 is adopted with modifications as follows: Section M1502.3 Duct termination. This section has been modified and a requirement that exhaust ducts not terminate within 3 feet of condensing units has been added. This section has been modified to read: Exhaust ducts shall terminate on the outside of the building. Exhaust duct terminations shall be in accordance with the dryer manufacturer's installation instructions. If the manufacturer's instructions do not specify a termination location, the exhaust duct shall terminate not less than 3 feet (914 mm) in any direction from the openings into buildings. Exhaust duct terminations shall be equipped with a backdraft damper. Additionally, exhaust shall not terminate within 3 feet (914 mm) of condensing units. Screens shall not be installed at the duct termination.

748:20-5-14. IRC 2009 Chapter 24 Fuel Gas

Chapter 24 is adopted with modifications as follows:
(1) Section G2406.3 (303.6) Outdoor locations. This section has been modified to require protection for outdoor appliances be approved. This section has been modified to read: Appliances installed in outdoor locations shall be either listed for outdoor installation or provided with approved protection from outdoor environmental factors that influence the operability, durability and safety of the appliance.
(2) Tables G2413.4(3), G2413.4(4). These tables have been stricken from the code.
(3) Section G2414.5.2 Copper tubing. This section has been modified to read: Copper tubing shall be prohibited for natural gas installations, but shall be allowed for liquefied petroleum gas installations.
(4) The International Code Council Emergency Amendment dated September 27, 2010 has been adopted. This amendment replaces in their entirety Sections 406.7 of the IFGC and G2417.7 of the IRC 2009.

748:20-5-15. IRC 2009 Chapter 25 Plumbing Administration

Chapter 25 is adopted with modifications as follows:
(1) P2503.4 Building sewer test. This section has been modified to note that the building sewer test is only necessary when the local authority having jurisdiction requires the testing to be done. This section has been modified to read: When required by local authority having jurisdiction, the building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer and filling the building sewer with water, testing with not less than 10-foot (3048 mm) head of water and be able to maintain such pressure for 15 minutes.
(2) P2503.6 Shower liner test. This section has been modified to require this test at plumbing final. This section has been modified to read: Where shower floors and receptors are made water tight by the application of materials required by Section P2709.2, the completed liner installation shall be tested at plumbing final. The pipe from the shower drain shall be plugged water tight for the test. The floor and receptor area shall be filled with potable water to a depth of not less than 2 inches (51 mm) measured at the threshold. Where a threshold of at least 2 inches high does not exist, a temporary threshold shall be constructed to retain the test water in the lined floor or receptor area to a level not less than 2 inches deep measured at the threshold. The water shall be retained for a test period of not less than 15 minutes and there shall be no evidence of leakage.
(3) P2503.7 Water-supply system testing. This section has been modified to delete the word "plastic" and replace it with the terms "PVC" and "CPVC." This section shall read: Upon completion of the water-supply system or a section of it, the system or portion completed shall be tested and proved tight under a water pressure of not less than the working pressure of the system or, for piping systems other than PVC or CPVC, by an air test of not less than 50 psi (345 kPa). This pressure shall be held for not

less than 15 minutes. The water used for tests shall be obtained from a potable water source.

748:20-5-16. IRC 2009 Chapter 26 General Plumbing Requirements

Chapter 26 is adopted with modifications as follows: Section P2603.6.1 Sewer depth. This section has been modified to include a depth for the septic tank connection unless otherwise approved by the authority having jurisdiction. This section has been modified to read: Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches (305 mm) or as approved by the authority having jurisdiction below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches (305 mm) below grade.

748:20-5-17. IRC 2009 Chapter 27 Plumbing Fixtures

Chapter 27 is adopted with modifications as follows:

(1) Section P2704.1 General. This section has been modified to allow installation of slip joints anywhere between the fixture and trap outlet. It has been modified to read: Slip joints shall be made with an approved elastomeric gasket and shall be installed from fixture to trap outlet. Fixtures with concealed slip-joint connections shall be provided with an access panel or utility space at least 12 inches (305 mm) in its smallest dimension or other approved arrangement so as to provide access to the slip connections for inspection and repair.

(2) Section P2709.2 Lining required. This section has been modified and it has been noted that it is only effective where required. The first paragraph of this section has been modified to read: Where required, the adjoining walls and floor framing enclosed on-site built-up shower receptors shall be lined with one of the materials listed in IRC 2009, Section P2709.2 Lining required. The remainder of this section is adopted without modification.

(3) Section P2715.1 Laundry tray waste outlet. This section has been modified and the word tub has been replaced with the word tray. This section has been modified to read: Each compartment of a laundry tray shall be provided with a waste outlet not less than 1 1/2 inches (38 mm) in diameter and a strainer or crossbar to restrict the clear opening of the waste outlet.

748:20-5-18. IRC 2009 Chapter 28 Water Heaters

Chapter 28 is adopted with modifications as follows:

(1) Section P2801.5 Required pan. This section has been modified to specify that a pan is required for tank type water heaters or hot water storage tanks only. This section has been modified to read: Where tank type water heaters or hot water storage tanks are installed in locations where leakage of the tanks or connections will cause damage, the tank or water heater shall be installed in a galvanized steel pan having a material thickness of not less than 0.0236 inch (0.6010 mm) (No 24 gage), or other pans approved for such use. Listed pans shall comply with CSA LC3.

(2) Section P2803.1 Relief valves required. This section has been modified to specify the relief valve requirements and specifications in this section are for tank type appliances and equipment only. The first paragraph of this section has been modified to read: Tank type appliances and equipment used for heating water or storing hot water shall be protected utilizing the options listed in IRC 2009, Section P2803.1. The remainder of this section is adopted without modification.

748:20-5-19. IRC 2009 Chapter 29 Water Supply and Distribution

Chapter 29 is adopted with modifications as follows:

(1) Section P2902.5.3 Lawn irrigation systems. This section has been modified to add a spill resistant backflow preventer as an option for protection. This section has been modified to read: The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker or a spill resistant backflow preventer. A valve shall not be installed down-stream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

(2) Section P2903.8.6 Hose bibb bleed. This section has been modified to specify it is only pertinent when the authority having jurisdiction requires it. This section has been modified to read: Where authority having jurisdiction requires a readily accessible air bleed shall be installed in hose bibb supplies at the manifold or at the hose bibb exit point.

(3) Section P2903.9.1 Service valve. This section has been modified to strike the provision for drainage such as a bleed orifice or installation of a separate drain valve. This section shall now read: Each dwelling unit shall be provided with an accessible main shutoff valve near the entrance of the water service. The valve shall be of a full-open type having nominal restriction to flow. Additionally, the water service shall be valved at the curb or property line in accordance with local requirements.

(4) Section P2903.10 Hose bibb. This section has been modified to strike the requirement of a stop and waste type valve and the exception. This section has been modified to read: Hose bibs subject to freezing, including the "frost-proof" type, shall be equipped with an accessible valve inside the building so that they can be controlled and/or drained during cold periods.

(5) Section P2904.1 General. This section has been modified to read: Where installed, residential fire sprinkler systems, or portions thereof, shall be in accordance with NFPA 13D.

(6) Sections P2904.1.1 - Section P2904.8.2 Dwelling Unit Fire Sprinkler System Provisions and Certain Tables Stricken. Sections P2904.1.1 through Section P2904.8.2 and tables P2904.6.2(1) through P2904.6.2(9) have been stricken from the code.

(7) Section P2905.4 Water service pipe. This section has been modified to require piping materials not third-party certified for water distribution to terminate at least 30 inches outside of the exterior wall. It has also been modified to strike the requirement of the termination to be before the full open valve located at the entrance to the structure. This section has been modified to read: Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table P2905.4. Water service pipe or tubing, installed underground and outside of the structure shall have a minimum working pressure rating of 160 pounds per square inch at 73 degrees Fahrenheit (1103 kPa at 23 degrees Celsius). Where the water pressure exceeds 160 pounds per square inch, (1103 kPa), piping material shall have a rated working pressure equal to or greater than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at least 30 inches outside the exterior wall. Ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.

(8) Table P2905.4 Water service pipe. This table has been modified. Asbestos-cement pipe has been stricken from the code.

748:20-5-20. IRC 2009 Chapter 30 Sanitary Drainage

Chapter 30 is adopted with modifications as follows:

(1) Section P3003.2 Prohibited joints. This section has been modified to include the following exception: Saddle-type fittings may be used to connect the building sewer to a public sewer.

(2) Section P3008.1 Sewage backflow. This section has been modified by striking the requirements of plumbing fixtures having flood level rims above the elevation of the next upstream manhole cover in the public sewer system. It has been modified to read: Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, the fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch servicing such fixtures.

748:20-5-21. IRC 2009 Chapter 31 Vents

Chapter 31 is adopted with modifications as follows: Section P3103.4 Prohibited used. This section has been modified and the exception has been deleted. It has been modified to read: Vent terminals shall not be used as a flag pole or to support flag poles, TV aerials, or similar items.

748:20-5-22. IRC 2009 Chapter 34 General Requirements (Electrical)

Chapter 34 is adopted with modifications as follows:

(1) Section E3402.2 Penetrations of fire-resistance-rated assemblies. This section has been modified to correct the reference section cited from R317.3 to R302.4.1. It has been modified to read: Electrical installations in hollow spaces, vertical shafts and ventilation or air-handling ducts shall be made so that the possible spread of fire products of combustion will not be substantially increased. Electrical penetrations through fire-resistance rated walls, partitions, floors or ceilings shall be protected by approved methods to maintain the fire-resistance-rating of the element penetrated. Penetrations of fire-resistance-rated walls shall be limited as specified in Section R302.4.1.

(2) Section 3403.3 Listing and labeling. This section has been modified to comply with NFPA 70. It has been modified to read: Electrical materials, components, devices, fixtures and equipment shall be listed for the application, in accordance with NFPA 70, shall bear the label of an approved agency and shall be installed, and used, or both, in accordance with the manufacturer's installation instructions.

748:20-5-23. IRC 2009 Chapter 40 Devices and Luminaries

Chapter 40 is adopted with modifications as follows: Section E4002.14 Tamper-resistant receptacles. This section has been modified to include the following exceptions: Receptacles in the following locations shall not be required to be tamper-resistant:

(1) Receptacles located more than 5 1/2 feet (1.7m) above the floor.

(2) Receptacles that are part of a luminaire or appliance.

(3) A single receptacle or a duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected.

(4) Non-grounding receptacles used for replacement.

[OAR Docket #11-862; filed 6-7-11]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 15. TECHNOLOGY CENTERS

[OAR Docket #11-859]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Technology Centers Education
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780:15-3-5. [AMENDED]
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Oklahoma State Board of Career and Technology Education; 70 O.S. Supp. 2010, Section 14-103, 70 O.S. 2001, Section 14-104, as amended.
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The rule amendment is for clarification purposes, updates language and corrects formatting.
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 3. TECHNOLOGY CENTERS EDUCATION

780:15-3-2. Establishment/Sustainment of a technology center district; sites and buildings

(a) **Establishment.** A technology center district shall be established in accordance with the steps outlined in this section.

(b) **State Board study of proposed technology center district.**

(1) **Proposed district study.** The State Board, upon request of the public school(s) within a proposed district, board of county commissioners, or citizens within a proposed district, shall make a study of the proposed district in regard to the following factors:

(A) Size;
(B) Total population;
(C) Assessed valuation;
(D) Current school enrollments;
(E) Estimated secondary school enrollments;
(F) Estimated full-time adult enrollments;
(G) Other information pertinent to determining the feasibility of a technology center district.

(2) **Costs.** The study shall also include building and equipment costs, as well as estimated annual operating costs.

(3) **Sharing of study information.** The information compiled as a result of the study shall be shared with the local schools and/or county commissioners and other interested persons within the proposed technology center district.

(c) **State Board determination of technology center feasibility.**

(1) **Decision by State Board.** After a study of the proposed technology center district has been completed and reviewed by the interested and affected schools and/or county commissioners, a decision will be reached as to the course of action to be taken. The State Board shall finally determine if the proposed technology center district meets the criteria and requirements prescribed, if there is a need for the district, and if the operation of the district can be adequately funded.

(2) **Valuation of district; waivers.** A proposed technology center district shall have a minimum valuation of $100,000,000 after homestead exemptions. In situations involving low valuations and/or sparsely populated areas where this requirement is not feasible, the State Board, upon presentation of sufficient justification, may give special permission to waive the minimum criteria.

(d) **Presentation of resolutions.**

(1) **Resolutions signees.** If the State Board determines the proposed technology center district is feasible and needed, resolutions shall be presented to the State Board signed by:

(A) Local boards of education of districts desiring to become a part of a technology center district,

(B) A majority of the membership of a board of county commissioners, or

(C) A combination of (A) and (B) of this subsection where there exists a county and school districts outside that county desiring to become a part of the same technology center district.

(2) **Cooperation.** The State Board shall work with the area in order to establish a
District that is feasible and will fit into its state plan.

(3) **Established school districts.** The State Board shall protect the attendance area of established technology centers and not approve any part of an existing technology center district for inclusion into a new area district unless that area cannot be served adequately by the existing technology center (Deannexation proceedings may have to be followed first.)

(e) **Technology center district formation election.**

(1) **Call for election.** The State Board shall call an election in each district submitting a resolution, or in each district within a county submitting the resolution, if a technology center district is found to be feasible and needed.

(2) **Election.** An election will be held in each independent and elementary school district, and/or entire county, having territory that would be included in the proposed technology center district, for the purpose of permitting electors of the district to vote on the question of whether the territory comprising the independent or elementary school district, and/or entire county, shall be included in the proposed technology center district.

(f) **Elections relative to the creation of new technology center district (general rules).** The rules of this subsection shall be used for conducting elections relative to the creation of a technology center district, electing the initial board of education, voting the initial operating levy, and for annexation

of an independent or elementary school district to an existing technology center district.

(1) **Election date.** The State Board with advice and counsel of local boards of independent and elementary school districts and/or county commissioners shall designate the date on which an election shall be conducted.

(2) **Responsibilities of county election board; State Board.** The State Board shall cooperate with the county election board designated to conduct the election. The county election board shall receive notice from the State Board and shall conduct the elections in the school district at the time specified by the State Board. The State Board shall prepare the publication notice and submit it to at least one newspaper of general circulation in each county officially calling the election, stating the purpose of the election and listing the polling places in the county. The State Board shall assume the cost of such publication.

(3) **Forms.** All forms to be used in technology center district elections will be provided by the County Election Board.

(4) **Hours.** The polls for election shall be open from 7 a.m. until 7 p.m.

(5) **Certification of results.** The county election boards shall, when appropriate, certify to the local school boards the results of an election. The county election boards shall certify to the State Board, also, the results of any election pertaining to the creation of a new technology center district, the initial board of education election, and the initial operating levy election.

(6) **Costs of elections.** When holding the election for the creation of a technology center district, the election of the original board of education, and the election for the first operation levy, the cost for these elections will be borne by the State Board.

(7) **Annexation election costs.** Annexation election costs of individual independent and elementary school districts will be borne by the State Board.

(g) **Formation election results determination.**

(1) **Election results.** Results of the election for the formation of a technology center district shall be submitted to the State Board and each school district involved. If the results of the election satisfy the criteria for the formation of a technology center district, the State Board may declare the district formed.

(2) **Election results from resolutions from school districts.**

(A) **Inclusion in the proposed district.** The territory comprising an independent or elementary school district shall be included in the proposed technology center district if a majority of the electors who voted cast ballots in favor of the question.

(B) **Establishment after an unfavorable vote.** Notwithstanding an unfavorable vote in an independent or elementary school district(s), a technology center district may be established and the territory comprising other independent and elementary school districts in which the votes have been favorable may be included in the technology center district, if criteria prescribed by the State Board can be met.

(i) **Study of election results.** The State Board shall study the results of the elections to determine if a sufficient number of the school districts voted in favor of becoming a part of a technology center district. If the area is deemed sufficient, the State Board shall form the district.

(ii) **Valuation; reconsideration of districts.** If the valuation of the area that voted in favor of the proposition is not sufficient to form the district, the State Board shall continue to work with the proposed area; and if the school districts that were opposed to becoming a part of the technology center district wish to vote again on the proposition, they may do so by presenting another resolution to the State Board.

(C) **District establishment suspension; second election.** If the criteria cannot be met because of unfavorable votes in one or more independent or elementary school districts, the State Board may hold establishment of the proposed technology center district in suspension for a period not to exceed one year, and in the meantime may, but no sooner than after ninety (90) days, at the request of the local board of education where the election failed, call another election on the same question.

(3) **Election results from resolutions by a majority of a board of commissioners.**

(A) **Voters.** The majority of the votes cast in the county shall determine whether the territory of the county becomes a part of a technology center district. The electors residing in any portion of a county that is already a part of an existing technology center district shall not be allowed to participate in this election.

(B) **Electors in adjoining county.** A local school district that has its main buildings within the county calling the election but has electors residing in an adjoining county should pass a resolution for that part and present it to the State Board, which shall call an election as provided in these rules and regulations.

(C) **Addition of adjoining county electors to the technology center district.** If the majority of the voting electors in the county vote to establish a technology center district, then that part of the local district located in the adjoining county shall become part of the new district, provided a majority of those voting cast ballots in the affirmative, and they shall be entitled to the rights and privileges and be subject to the assessments as are all other patrons in the district.

(D) **Second election.** If the election fails, the State Board may call another election in the county at the request of the county commissioners after a period of three months or 90 days has elapsed since the previous election.

(4) **Declaration; number designation.** Whenever there has been a compliance with these rules and regulations, the State Board may issue an order declaring the

technology center district to be established and designating its number.

(5) **Validation period.** Results of school districts and/or counties that voted to become a part of a technology center district shall be held valid for a period of 12 months, or one year, to allow time for the passage of an operational mill levy election.

(6) **State Board approval of sites and additional campuses.** The State Board shall approve the location of a site for an official campus of a technology center district. If the campus employs a minimum of five full-time instructors who are teaching career majors that have been approved by the Department, then it may be recognized as an official campus and will be eligible for funding under a formula approved by the State Board. Branch campuses may be established by the technology center board of education to serve special needs or remote areas of the district. In the event the local board elects to pursue an additional campus at a site other than the existing pre-approved campus, prior approval must be granted by the State Board. Factors that will be used in determining approval will include, but not be limited to, student travel time to the nearest available technology center campus, district valuation, student enumeration, and local industry needs.

(h) **Zoning of the new technology center district.**

(1) **Advisement.** When the State Board forms a technology center district, it shall then divide the district into board districts with the advice and counsel of the local school districts.

(2) **Five board districts.** After consultation with the local school officials, the State Board will divide each technology center district into five numbered board districts of approximately equal population.

(i) **Election of members to the board of education of the new technology center district.**

(1) **Call to elect members.** When a technology center district is established, the State Board shall call, and the appropriate county election board(s) shall conduct an election to choose a board of education, which shall consist of five (5) members except as hereinafter provided, elected by all of the school district electors of the technology center district.

(2) **Composition of board.** Candidates for board district offices of the board shall be residents of the board district. Electors shall vote on all candidates in board elections.

(3) **Terms.** The newly elected board members will serve initial terms as follows:

(A) Office Number 1, Board District 1: One year
(B) Office Number 2, Board District 2: Two years
(C) Office Number 3, Board District 3: Three years
(D) Office Number 4, Board District 4: Four years
(E) Office Number 5, Board District 5: Five years

(4) **Cycle of elections; terms.** At the first regular school election, as prescribed by the state statutes, after the technology center district has become operative for one year, an election shall be held to fill the office that expires in one year. The terms of other offices shall expire in the sequence noted in the schedule above. After the initial terms of offices expire, each school board member shall be elected for a five-year term.

(5) **Notification and declaration of intent.** Each candidate shall file a written notification and declaration of intent to be a candidate for the board district in which he/she resides or as a candidate-at-large. The notification and declaration of intent shall be filed with the county election board within the time prescribed by the election board.

(6) **Seven-member board.** In the event the total area of five or more counties is involved, a seven (7) member board of education may be elected to serve the technology center district.

(7) **Seven-member terms.** When there are seven board members, they shall be elected in the same manner as board of education members of other technology center districts. The terms of office of members shall be staggered so that the term of office of only one member shall expire each year. Offices shall be numbered one through seven.

(8) **Relations with State Board.** Representatives of the State Board shall meet with the elected board and administer the oath of office, which shall be the same as for boards of independent school districts. The State Board shall provide guidance, direction, and technical assistance to the newly elected board members.

(j) **Operational tax levy election for a new technology center.**

(1) **Call for election.** As soon as practical, and when it can legally do so, after members of the board of education of a technology center district are first elected following the establishment of the district, the board of education shall call an election to vote on an operational tax levy for the district.

(2) **Educational plan.** The elected board of the technology center district shall make a study utilizing the services of the State Board and all other agencies that may be at its disposal to determine an educational plan for the district.

(3) **Tax levy.** No technology center district shall begin operations until the electors have approved a tax levy as provided by Section 9B, Article 10, Oklahoma Constitution and 70 O.S 2001, § 14-108, as amended, and the county excise board has approved an "Estimate of Needs" for the district or in compliance with the 1996 School District Budget Act in 70 O.S. Supplement 1996, §5-150, as amended.

(4) **Second election.** If an election for an operational levy is held and the proposed levy fails to receive a majority of the votes cast, a second election will be held within 180 days after the original election for the purpose of voting again on an operational levy. A second election must be requested by the technology center board and approved by the State Board.

(5) **Dissolution of district; board.** The State Board has the authority to disband a newly formed technology

center district, release the board of education of its obligations, and release all public school districts from any obligation in the new technology center district when an operational levy is rejected by the voters a second time. Disbanding or dissolving a newly created technology center district will be done only after consultation with the local school districts involved.

(6) **School planning.** After passage of a successful operational levy, the technology center board shall employ professional help, engage the services of an architect to plan buildings, and take such action as necessary to establish the technology center.

(k) **Selection of the technology center superintendent.**

(1) **Choice of superintendent.** Following passage of a successful operational tax levy, the local board of education shall employ a technology center district superintendent.

(2) **Duties; qualifications.** The duties and minimum qualifications of technology center superintendents shall be as follows:

(A) **Duties.** The technology center superintendent shall be the principal administrative officer of the technology center. He/she shall be responsible for the organization, curriculum development, evaluation, and improvement of instruction. The technology center superintendent shall maintain close contact with the employment services, advisory committees, potential employers, and all agencies and institutions relative to employment needs and job opportunities in order that career and technology education instruction may be closely coordinated with current needs and anticipated employment opportunities. He/she shall evaluate instruction continuously and bring about changes and improvements that will ensure that students will obtain the skills and knowledge for which instruction is being provided. The technology center superintendent shall be responsible for assigning appropriate administrative personnel to evaluate the technology center's certified faculty and determining that such persons have a technology center administrator's credential. The technology center superintendent shall be responsible for maintaining a system of complete and accurate records and shall make such financial, statistical, and descriptive reports as may be required by the State Board.

(B) **Qualifications.** First, the technology center superintendent shall have a superintendent's certificate as defined by the State Department of Education. Second, the technology center superintendent shall have had at least five years of experience as a Career Tech teacher, supervisor, or administrator. Third, the technology center superintendent shall hold a valid Oklahoma *Career*Tech teaching certificate. Fourth, the technology center superintendent shall have a Technology Center Administrator's Credential.

(3) **Issuance by the Technology Center Services Division.** The Technology Center Services Division of the Oklahoma Department of Career and Technology Education shall be responsible for the issuance of the technology center administrator's credential.

(4) **Technology Center Administrator's Credential.** Other school administrators who are responsible for supervision and administration of Department-approved career majors and for the evaluation of certified faculty under the provisions of the Education Improvement Act of 1985 shall also be required to have a standard or a provisional Technology Center Administrator's Credential as provided for above in 780:15-3-2(k)(2) & (3) of the rules and regulations governing technology centers.

(A) **Standard Technology Center Administrator's Credential.** A person who has superintendent's certificate or a secondary principal's certificate and at least five years of experience as a CareerTech teacher, supervisor, or administrator of Department-approved programs and/or career majors and has a valid Oklahoma *Career*Tech teaching certificate shall be issued a standard technology center administrator's credential.

(B) **Provisional technology center administrator's credential.** A person with a superintendent's certificate or a secondary principal's certificate and a valid Oklahoma teaching certificate and at least five years of experience as a CareerTech teacher, supervisor, or administrator of Department-approved programs and/or career majors and without a valid Oklahoma *Career*Tech teaching certificate shall be issued a provisional technology center administrator's credential and be given three years from the date of issuance to complete the eight semester hours specified below to meet the requirements for a standard technology center administrator's credential. A person who has been employed in an administrator, counselor or coordinator position for at least five years at a technology center, who has a superintendent's certificate or a secondary principal's certificate and a valid Oklahoma teaching certificate or valid school counseling certificate shall be issued a provisional technology center administrator's credential and be given five years from the date of issuance to complete the eight semester hours specified below plus the appropriate ODCTE administrator development program(s) identified when the technology center administrator's credential is issued to meet the requirements for a standard technology center administrator's credential. The issuance of the technology center administrator's standard credential shall be based on the completion of a minimum of eight semester hours from three of the following areas:

(i) History and Philosophy of Career and Technology Education;

(ii) Technology Center Finance;

(iii) Curriculum for Career and Technology Education; and,

(iv) Career and Technology Education Planning <u>Instruction</u> Development and Evaluation.

(5) **Requirements for first-year technology center superintendents.** The State Board of Career and Technology Education reaffirms its commitment to provide support and services to new technology center superintendents in Oklahoma. To assist first-year technology center superintendents in the state in providing their respective districts with maximum leadership, effective management, and strong educational programs, the following professional development requirements shall be met by each technology center superintendent employed for the first time in the state of Oklahoma as a technology center superintendent:

(A) Meet qualifications for the Provisional or Standard School Superintendent Certificate.

(B) Meet qualifications for the Provisional or Standard Technology Center Administrator's Credential.

(C) Attend professional development workshops or training seminars equal to eleven days (66 hours) of training:

(i) 1 day: Attend a meeting of the State Board of Career and Technology Education and a board meeting at a technology center where the first-year technology center superintendent is not currently employed.

(ii) 2 days: Attend the Annual CareerTech Summer Conference.

(iii) 2 days: Attend the Annual Technology Center Superintendents June Workshop.

(iv) 6 days: Attend professional development workshops or training in the following general areas:

(I) Superintendent/Board of Education Relationships

(II) Legal Issues/School Law/Open Meeting Laws

(III) Staff Relationships/Due Process

(IV) Community and Industry Relationships

(V) Technology Center Finance

(VI) Plant Management/School Facilities

(VII) Setting School District Site Goals/Strategic Planning/Planning and Implementing Continuous Improvement Strategies for Schools

(VIII) Individuals with Disabilities Act (IDEA)

(v) If a first-year technology center superintendent can provide evidence that within eighteen months prior to being employed as a technology center superintendent, that he/she has completed one of the training requirements listed above in (iv), the Technology Center Services Division will review his/her documentation and determine if credit should be given for training previously completed.

(D) After July 1, 2009, the Technology Center Services Division of the Department will provide and/or coordinate, approve and document professional development workshops and/or training seminars for first-year technology center superintendents. If content and method of delivery is approved by the Technology Center Services Division prior to a first-year technology center superintendent participating in training, a first-year technology center superintendent may complete some of the training requirements by IETV, on-line training, webinars, or similar methods of delivery. The Technology Center Services Division will issue a certificate to each new superintendent who has successfully completed the training requirements for first-year technology center superintendents. A copy of this certificate will be provided to the Oklahoma State Department of Education. To maintain certificate validity for second-year technology center superintendents, the Technology Center Services Division will provide to first-year technology center superintendents and the Oklahoma State Department of Education a report showing training completed by first-year technology center superintendents. The Technology Center Services Division will continue to consult with the Oklahoma State Department of Education regarding emerging issues that in the future may need to be integrated into first-year technology center superintendent training.

(l) **Other actions necessary to establish a new technology center.**

(1) **Funding for buildings and equipment.** The elected board may submit a building fund levy proposal or a capital outlay bond proposal to finance new buildings and equipment after a study has been made and professional help has been employed.

(2) **Election guidelines.** The building fund levy election or capital outlay bond election shall be conducted in accordance with the prescribed election rules and regulations.

(m) **Approval of capital improvement projects.** After local board approval, all plans and specifications for technology center buildings, additions, including parking lots and modifications designed for *Career*Tech instruction and/or services shall be reviewed by appropriate staff of the Oklahoma Department of Career and Technology Education and shall be approved by the Technology Center Services Division of the Oklahoma Department of Career and Technology Education. In addition all capital improvement projects must comply with local building codes and be reviewed by the local and/or state fire marshal and the State Department of Education. The State Board must grant prior approval of all plans and specifications for technology center school buildings, additions, and modifications to school buildings that are designed to provide for the offering of *Career*Tech education and services when the cost of the building project is to be paid with state appropriated funds, which includes projects funded with monies from the Educational Lottery Trust Fund, or both local levies and state appropriated funds. (70 O.S. 2001, Section 14-108, as amended.)

(~~o~~n) **Ownership of instructional equipment.** Instructional equipment purchased or reimbursed with state and/or federal funds will remain the property of the State Board except equipment purchased with equipment grants. When instruction can no longer be justified, the State Board may remove the equipment and transfer it to another technology center, skills center, or place it in the Department service center.

(~~p~~o) **Insurance and equipment maintenance.** The technology center district shall be responsible for insurance and maintenance and repair of state-owned equipment while it is being utilized in instruction conducted by the district.

(~~q~~p) **Architect involvement.** Technology center buildings that are to be remodeled, repaired, or constructed shall have an architect engaged in the planning of such building as provided in 59 O.S. Supp. 2008, §46.3.

(~~r~~q) **Accommodations for individuals with disabilities.** It shall be the responsibility of the board of education of a technology center district to follow the provisions of the Uniform Federal Accessibility Standards or the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities when constructing new facilities or altering existing structures.

780:15-3-5. Changes in districts' status

(a) **Rezoning of existing technology center districts.**

(1) **Review of board district population.** In order to comply with the federal and state rules of equal representation in all units of government, it will be necessary from time to time to review the population of the board districts as originally designed to see that reasonably equal board districts exist as far as population is concerned. Between August 1 and December 31 of the year following the submission of the official Federal Decennial Census, the board of education will reapportion the school district into board districts. The local technology center will formulate the rezoning plan, that must be submitted to the State Board for approval.

(2) **Board of education; board district size.**

(A) **Five members.** The board of education shall consist of five (5) members, except as provided in 70 O.S. Supp. 2001, §5-107A, 70 O.S. Supp. 2001, §14-110, 70 O.S. Supp. 2001, §4419, 780:15-3-2(I)(6) rules and regulations governing technology center districts, and 780:15-3-5(a)(2)(E) of this section.

(B) **Size of board districts.** Internal boundaries of board districts shall follow clearly visible, definable, and observable physical boundaries that are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for the purposes of defining census blocks for its decennial census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous board districts.

(C) **Restructure of noncontiguous board districts.** Technology center districts that are not contiguous shall structure their board districts where there are no intervening board districts between the noncontiguous portion of the district and the remainder of the same board district that contains the noncontiguous portion of said technology center district.

(D) **Board district residency.** All members shall reside in the board district that they represent.

(E) **Seven-member board districts; annexation.** Any technology center district that consisted of a seven (7) member school board on July 1, 1987, and later has added or will add more geographical territory by annexation, shall continue to have a seven (7) member school board whose terms of office shall be the same as previously served.

(b) **Annexations.**

(1) **Proposed annexations**

(A) **Annexation, as proposed by a board of education.** Boards of education of a public school district desiring their district or a part of their district to annex to an existing technology center district shall submit a resolution to the State Board requesting an election be called for that purpose. Territory shall not be annexed to a technology center district without the approval of the State Board. No territory may be included in a petition for annexation within one (1) year from the date of an unsuccessful election for annexation where that territory was a part of the territory seeking to annex. A study of the proposed annexation will be conducted by the Department to ascertain whether the annexation would unlawfully exclude students on the basis of race, color, national origin, or disability. If the board of education of the technology center district ~~agrees to~~ approves the annexation~~, and if the~~ resolution ~~is approved~~, the State Board after counseling with the local school district board will set the election date and shall request the county election board to conduct the aforementioned annexation election. ~~If a majority of the electors voting vote for the proposition~~ If a majority of the electors voting at such election vote in favor of the proposition, as certified by the county election board, the State Board shall declare the public school district, or that portion designated, annexed to the local technology center.

(B) **Annexation, as proposed by patrons/electors.** In the event the patrons of any designated territory comprising all or part of a local public school district desire to have such designated territory annexed to a technology center district, a petition may be submitted to the State Board calling for an election on the desired annexation. The petition shall be signed by at least 50 percent of the number of school district electors who voted in the last school board election in the territory proposed to be annexed, as determined by the secretary of the county election board, who shall certify the adequacy of the number

of signatures on the petition. The State Board, after obtaining approval of the technology center district to which the territory is sought for annexation, shall request the county election board to conduct the requested annexation election-provided the period of time from which the petition was initiated to its time of filing with the State Board did not exceed 90 days. All qualified voters within the local school district shall be entitled to vote at such election. If a majority of the electors voting at such election vote in favor of the proposition, as certified by the county election board, the designated territory shall thereupon be declared by the State Board to be annexed to the respective technology center districts.

(C) **Petition.** A petition form shall be developed by the Oklahoma Department of Career and Technology Education. Any petition to be circulated must be on that form or must incorporate the exact language of the form. To effect the annexing of territory, a petition requesting the annexation must be:

(i) submitted to the technology center board of education, and

(ii) filed with the State Board.

(D) **Petition content.** The petition shall be signed by at least 50 percent of the number of school district electors who voted in the last school board election in the territory proposed to be annexed, as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. Each page of the petition shall contain the exact language except for signatures and addresses of school district electors. Electors must personally sign their own name to any petition and must swear of affirm that they have read the contents of the petition and are signing the document as a free and voluntary act.

(E) **Annexation, as proposed by a board of county commissioners.** When a large area such as a county or portions thereof, desires to be annexed to an established technology center district, the board of county commissioners may submit a resolution to the State Board requesting the State Board to call an annexation election for the area so designated. ~~If a majority of the electors voting in the designated area vote for the proposition~~ If a majority of the electors voting at such election vote in favor of the proposition, as certified by the county election board, the State Board shall declare the area annexed.

(F) **Annexations or transfers of independent and elementary school districts, or portions thereof.** Technology center district membership resulting from annexation or transfers of territory shall be determined by the following:

(i) When an elementary or independent school district, whose territory is a part of a technology center district, is annexed to another elementary or independent school district whose territory is not a part of a technology center district, the annexation shall not affect the status of the annexing district with respect to the technology center district.

(ii) When an elementary or independent school district, or a portion thereof, whose territory is not a part of a technology center district, is annexed or transferred to another elementary or independent school district whose territory is a part of a technology center district, the territory of the annexed or transferred elementary or independent school district shall become a part of the technology center district.

(iii) When an elementary or independent school district or a portion thereof, whose territory is already a part of a technology center district is annexed or transferred to another elementary or independent school district whose territory is a part of a second technology center district, the territory of the annexed or transferred elementary or independent school district shall become a part of the second technology center district.

(2) **Liability of annexed territory for bonded indebtedness of technology center district.** If the territory is annexed to a technology center district, the assessed valuation of property in the territory will be subject to taxes thereafter levied to pay existing bonded indebtedness that was incurred by the technology center district before the territory was annexed.

(3) **Benefits of annexed territory.** When a public school district or a part of a public school district is annexed to a technology center district, the people residing in the newly annexed district or part of a district shall immediately become eligible to all the rights and privileges as those residing in the technology center district and shall be subject to the tax levies of the technology center district provided by Section 9B Article 10 of the Oklahoma Constitution except as outlined in section (4) below.

(4) **Newly annexed territory tax collection.** For all successful annexation elections occurring after January 1, 2005, the collection of advalorem taxes from patrons in the annexing territory shall begin with a phase-in period of three consecutive tax years following the successful annexation election. Taxes will be collected according to the following schedule:

(A) First tax year following the election, 50% of the current technology center rate.

(B) Second tax year following the election, 80% of the technology center rate.

(C) Third tax year following the election, 100% of the technology center rate and to remain at 100% for all subsequent years unless a successful deannexation election occurs as outlined in these rules.

(c) **Deannexation.**

(1) **Proposed deannexation.**

(A) **Approval of State Board.** Territory shall not be deannexed from a technology center district without the approval of the State Board. No territory may be included in a petition for deannexation within one (1) year from the date of an unsuccessful election for

deannexation where that territory was a part of the territory seeking to deannex. A study of the proposed deannexation will be conducted by the Department to ascertain whether deannexation would unlawfully exclude students on the basis of race, color, national origin, or disability. All deannexations shall become effective December 31 of the calendar year in which the deannexation was approved by the voters.

(B) **Petition.** A petition form shall be developed by the Oklahoma Department of Career and Technology Education. Any petition to be circulated must be on that form or must incorporate the exact language of the form, in addition to the reason for deannexing. To effect the deannexing of territory, a petition requesting the deannexation must be:

(i) submitted to the technology center board of education, and

(ii) filed with the State Board.

(C) **Petition content.** The petition shall state the reason for deannexing and shall be signed by at least 50 percent of the number of school district electors who voted in the last school board election in the territory proposed to be deannexed. Each page of the petition shall contain the same information except for signatures of school district electors. Electors must personally sign their own name to any petition and must swear or affirm that they have read the contents of the petition and are signing the document as a free and voluntary act.

(D) **Order and Notice of Election.** If the State Board determines that there is a valid reason for the deannexation, it will issue an "Order and Notice of Election," and the election will be held and conducted by the County Election Board at some public place in the technology center district. Copies of the "Order and Notice of Election" will be published in one issue of a newspaper of general circulation in the technology center district.

(E) **Eligible electors.** If, prior to the issuance of the "Order and Notice of Election," the board of education of the technology center district shall have given written notice of approval of the deannexation to the State Board, only those school district electors who reside in the territory proposed to be deannexed shall be eligible to vote at the election. In the event the board of education of the technology center district will not give written approval of the deannexation, then school district electors of the entire technology center district shall be eligible to vote on the deannexation question.

(F) **Exceptions.** In situations where the reason for deannexation is because an approved consolidation has resulted in a sending school district with membership in two or more technology center districts, approval from the local technology center board is not necessary and upon approval from the State Board, only those school district electors who reside in the territory proposed to be deannexed shall be eligible to vote at the election.

(G) **Deannexation approval.** If a majority of the eligible school district electors voting at the election approve the deannexation, the State Board shall issue an order deannexing the territory from the technology center district and will transmit copies thereof to the county clerk, county assessor, and county treasurer of each county in which any of the deannexed area lies.

(H) **Property valuation; taxation.** If the territory is deannexed from a technology center district, the assessed valuation of property in the deannexed territory will be subject to taxes thereafter levied to pay bonded indebtedness that was incurred by the technology center district while the deannexed territory was a part of the technology center district.

(I) For all successful deannexation elections occurring after January 1, 2005, the collection of advalorem taxes from patrons in the deannexing territory shall begin with a phase-out period of three consecutive tax years following the successful deannexation election. Taxes will be prorated according to the following schedule:

(i) First tax year following the election, 80% of the current technology center rate.

(ii) Second tax year following the elections, 50% of the technology center rate.

(iii) Third year following the election, 0% of the technology center rate and to remain at 0% for all subsequent years unless a successful annexation election occurs as outlined in these rules.

(d) **School consolidation.**

(1) **Nondiscrimination study.** When consolidation of school districts is being considered, the Department of Career and Technology Education will conduct a study to ascertain whether or not consolidation would unlawfully exclude students on the basis of race, color, national origin, or disability.

(2) **Consolidation of technology center member district and nonmember district.** When two common school districts consolidate to form a new district and one of the school districts has a majority of its territory located in a technology center district, then the State Board shall call a separate election to be held on the same day as the consolidation election, in that part of the new district that is not already a part of the technology center district, for membership in the technology center district.

(3) **Consolidation of districts with membership in different technology center districts.** When two or more common school districts consolidate to form a new district and each district already is included in a different technology center district, the location of the high school shall determine the technology center membership for the entire consolidated district. When more than one high school will be located within the new consolidated district, a feasibility study will be performed by the State Board. After consideration of the feasibility study and such other information as may be deemed relevant, the State Board

shall determine the technology center membership for the entire consolidated district.

(4) **Consolidation of three or more districts.** When three or more common school districts consolidate to form a new district and at least one of the school districts has a majority of its territory located in a technology center district and one or more of the other districts to be merged is not a part of any technology center district, a feasibility study performed by the State Board shall include a recommendation for membership in a technology center district and, on the same date as the consolidation election, the State Board shall call a separate election in that part of the newly formed district, that is not already a part of a technology center district, for membership in the recommended technology center district.

[OAR Docket #11-859; filed 6-3-11]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #11-860]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 3. Secondary, Full-Time and Short-Term Adult *Career*Tech Programs
780:20-3-1. [AMENDED]
780:20-3-2. [AMENDED]
AUTHORITY:
Oklahoma State Board of Career and Technology Education; 70 O.S. Supp. 2010, Section 14-103, 70 O.S. 2001, Section 14-104, as amended.
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The rule amendment updates language and clarifies what is in the plan of study.
CONTACT PERSON:
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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 3. SECONDARY, FULL-TIME AND SHORT-TERM ADULT *CAREER*TECH PROGRAMS

780:20-3-1. Administration and supervision

(a) **Advisory committee.** Each full-time *Career*Tech program must have an occupational advisory committee that is formally organized and meets at least once annually. The membership of the advisory committee must be diversified with the majority of membership representative of occupations for which the program is training.

(b) **Civil rights compliance.** In order to receive federal funds, local administrators must comply with all civil rights procedures and prohibitions that include, but are not limited to, the following:

(1) **Annual public notification.** All recipients offering *Career*Tech programs shall, at the beginning of the school year, advise parents, employees, students, and the general public that all occupational opportunities will be offered without regard to race, color, national origin, sex, age, or disability.

(2) **Employment.** Recipients offering *Career*Tech programs shall not engage in any employment practice that discriminates on the basis of race, color, national origin, sex, age, or disability.

(3) **Accommodations for individuals with disabilities.** Students with disabilities shall be placed in the regular educational environment of any career and technology education program unless it can be demonstrated that the education of the individual with a disability, even with the use of support services, cannot be achieved satisfactorily.

(A) **Support services.** Support services are considered on a case-by-case basis and depend on the functional impact of the individual student's disability on learning and which laws pertain to the student's education. Decisions on what type of support services are to be utilized are a team decision. The team is made up of persons knowledgeable of the student, their disability, the course requirement as well as the local policy and laws.

(B) **Individual needs.** When students with disabilities are enrolled in any career and technology education program, evidence must exist as to how the student's individual needs are being met.

(C) **Participation in and review of IEP.** A representative of the area technology center shall be on the IEP team when enrollment in a career and technology education program is considered to be an appropriate part of the student's IEP. Career and technology

education instructors, whether teaching in an area technology center or in a comprehensive school program, shall have access to a copy of the IEP before the identified student enters the program. State accreditation standards: Part I, Standard VI, Student Services, 210:35-11-51 (b). Guidance and counseling services; Part II, Standard VI, Student Services, 210:35-13-74 (e).

(D) **Accommodation plans.** Students who have provided appropriate documentation of a disability, who have been determined under Section 504 of the Rehabilitation Act or the Americans with Disabilities Act as a qualified individual with a disability in relation to the career and technology education program, and who require necessary accommodations in order to participate in and benefit from career and technology education will have an accommodation plan in place. This plan will be developed by a group of persons knowledgeable about the student, including the student, and will specify the agreed upon services necessary for the student to participate in and benefit from career and technology education.

(E) **Staff Development.** Regular staff development shall include instruction in maintaining confidentiality, modifying instruction, and reviewing and interpreting special needs documents.

(4) **Apprenticeship.** Agreements entered into for the provision or support of apprenticeship training shall not discriminate on the basis of race, color, national origin, sex, age, or disability, and should so state.

(5) **Comparable facilities.**

(A) **Facilities.** Changing rooms, showers, and other facilities provided for *Career*Tech students of one sex shall be comparable to those provided to *Career*Tech students of the other sex.

(B) **Nondiscrimination.** *Career*Tech facilities may not be located, constructed, modified, or renovated in a manner that creates, maintains, or increases studentsegregation on the basis of race, color, national origin, sex, age, or disability.

(6) **Financial assistance.** Financial assistance in the form of loans, grants, scholarships, special funds, subsidies, compensation for work, or prizes shall be provided to *Career*Tech students without regard to race, color, national origin, sex, age, or disability, except where necessary to overcome the effects of past discrimination.

(7) **Printed materials.** Counseling and other printed materials shall be provided to *Career*Tech students for program selection recruitment, career/employment selection, and promotional activities without regard to race, color, national origin, sex, age, or disability.

(8) **Work-site learning.**

(A) **Nondiscrimination.** Work-site learning opportunities shall be made available to *Career*Tech students without regard to race, color, national origin, sex, age, or disability.

(B) **Nondiscrimination on the job.** All written agreements between school and employer must contain an assurance from the employer that students will be accepted and assigned to jobs and otherwise treated without regard to race, color, national origin, sex, age, or disability.

(c) **Local administration supervision.** The school administration shall provide program supervision and coordinate the *Career*Tech program activities as an integral part of the overall educational program in the school.

(d) **Local teacher supervision.** Each *Career*Tech teacher shall be responsible for providing appropriate activities that will contribute to the development of each *Career*Tech student according to the student's occupational objective and for conducting and reporting student follow-up upon exit from or completion of the program.

(e) **Cooperative programs.**

(1) **Cooperative education.** The cooperative method of education is a joint effort between the school system and business and industry.

(2) **Supervision of students.** Schools offering cooperative *Career*Tech programs shall provide adequate time for teacher-coordinators to supervise and coordinate the activities of student learners. Adequate time shall be determined by applying the following formula:

(A) 0-25 cooperative students - 1 period (hour) per day

(B) 26-50 cooperative students - 2 consecutive periods (hours) per day

(3) **Exemption of planning period.** The one-hour planning period shall not be considered coordination time.

(4) **Responsibilities of the teacher-coordinator.**

(A) **Responsibilities.** The teacher-coordinator shall have the responsibility of coordinating classroom instruction, on-the-job activities or hands-on experience, and placement of students.

(B) **Training station visits.** The teacher-coordinator shall make a minimum of one (1) on-site visit per grading period to each training station employing cooperative *Career*Tech students. The purpose of these visits shall be to document and coordinate the learning experiences of the students. Training station visits shall be documented and put on file in the teacher's classroom.

(C) **Student files.** A "Memorandum of Training" and a training plan shall be on file for each cooperative student, and a copy shall be sent to the employer and parents.

(D) **Employer evaluation.** Each employer shall complete a written evaluation of the student's progress at least one time per grading period, and a copy of this evaluation shall be on file in the teacher's office. Employers are also required to have proof of age on file and a work permit if the employee is under18 years of age.

(5) **Scholastic credit.**

(A) **Credit for on-the-job training/internship.** Additional units of credit may be added to the unit(s)

earned in the classroom for being employed in an occupationally appropriate training station during the school year by applying the following:

(i) an average of 10 periods (hours) per week for a minimum of 30 weeks of on the-job training under the supervision of a teacher-coordinator = 1 unit;

(ii) an average of 20 periods (hours) per week for a minimum of 30 weeks on-the job training under the supervision of a teacher-coordinator = 2 units;

(iii) in the case of block schedules, where a student completes the requirements for a unit of class work in one semester, a student could also earn an additional $\frac{1}{2}$ unit for 10 hours per week for 15 weeks of on-the-job training under the supervision of a teacher-coordinator, or

(iv) a student could earn an additional 1 unit for 20 hours per week for 15 weeks of on-the-job training under the supervision of a teacher-coordinator.

(v) Employers or their representatives shall complete a written evaluation of the cooperative students worksite performance for each grading period. The teacher is responsible for converting the employer's evaluation into the appropriate letter grade for the student's on-the-job grade. Not to be confused with the pass/fail or satisfactory/unsatisfactory grade sometimes given to students participating in a work release program.

(B) **Documentation of work hours.** Teachers must maintain, in the school files, documentation of the number of hours each cooperative student works.

(C) **Extra assignments.** If extenuating circumstances exist, and the student is not employed, the teacher must document extra assignments equal to one hour of classroom instruction per day for every hour under the required 10 hours per week of employment.

(D) **School release time.** A student who is employed in accordance to 5(A) above and is receiving credit for a supervised cooperative work experience may be released up to two hours per day from the normal six-hour school day.

(E) **Classroom credit only.** If the teacher cannot document extra assignments and/or hours worked, the student shall receive only credit for the classroom activities.

(f) **Records and reports.** Each local education agency or eligible recipient shall submit student accounting and other required reports on the specified due date.

(g) **Maintenance of confidential records.** Each technology center shall develop and implement a local policy regarding the confidentiality of all personally identifiable information and education records. This policy shall meet the requirements of the Individuals with Disabilities Act (IDEA) CFR 300.560-300.574 and the Family Educational Rights and Privacy Act (FERPA) 34 CFR 99.1- 99.67 concerning collection, storage, disclosure, and destruction of confidential student records.

(h) **Career practicum.** A career practicum is defined as a planned program of worksite learning experiences that are relevant to the student's career major, coordinated with the academic/schoolbased curriculum, and includes work-site mentoring. Units for a career practicum may be granted when the following guidelines are met:

(1) The career practicum shall:

(A) be based upon a student's plan of study or career pathway

(B) be based on a written plan of identified progressive work site experiences or work processes which are coordinated with the academic/school-based curriculum.

(C) require regular contact through work-site visits and other communication, and

(D) measure progress made toward the attainment of identified career practicum competencies.

(2) A school site contact must hold a secondary license/certificate to coordinate the career practicum.

(3) Every student participating in a career practicum shall be assigned a trained, work site mentor. Mentors will be oriented to the purpose and goals of the career practicum, will facilitate the attainment of competencies, will be responsible for evaluating the student's performance, and will consult with the school site coordinator and employer.

(4) The career practicum shall conform to applicable safety, child labor, labor standards, and equity laws.

(5) A career practicum agreement will be developed which outlines the responsibilities of the student, school site coordinator, parent/guardian, mentor and employer.

(6) A student must be 16 years of age and enrolled in grade eleven or twelve.

(7) One unit may be granted for the career practicum when all of the above guidelines are met, and the student is involved in a work site learning experience an average of 10 hours per week during the school year or the student is involved in a work site learning experience a minimum of 300 hours during the school year.

(8) Not more than two (2) units earned may be granted for a career practicum and applied toward high school graduation. Units may be granted for work site learning experiences as part of a career practicum in an accredited summer high school program.

(i) Career guidance and counseling for secondary and full time programs. Technology centers shall have an identifiable guidance program in place that addresses the career development needs of all students. Technology centers shall provide all students with information and advisement about career and educational options, administer assessment instruments such as interest inventories, aptitude tests, and achievement tests or acquire the results of such assessments to provide guidance in program selection and placement, and provide support for students to help them be successful in their career pathway. This includes but is not limited to:

(1) All students in accredited programs have ~~developed and on file, an individual career plan for assessment, guidance, program placement and other services to be provided for~~ plans of study developed, updated, and on file to identify and document career and academic services, as well as technical and academic courses to help maximize ~~program~~ career success and employability.

(2) All students are enrolled or placed in a technology center program on the basis of their documented interest and ability to benefit from training, work history, IEP provisions, accommodation plans, and/or their plans of study developed at the sending school or on cooperation with other agencies.

(3) The technology center guidance staff coordinates all services with guidance and counseling staff from sending schools, higher education institutions and other agencies through regularly planned informational meetings and/or correspondence.

(4) Counselors shall be appropriately certified and credentialed for the grade levels to which they are assigned. School counselors shall hold a valid Oklahoma School Counselor Certificate appropriate to grade levels to which they are assigned. (State accreditation standards: 210:35-9-45) The title of counselor should only be applied to those staff with appropriate certifications and/or credentialing

780:20-3-2. Programs: admissions, operations, enrollment, and length

(a) **Nondiscrimination; admission guidelines.** Students shall be provided access to *Career*Tech programs and facilities without regard to race, color, national origin, sex, or disability.

(1) **Agricultural Education.** Agricultural Education programs are designed for junior high and high school students (grades 8 through 12) and adults. Secondary students must have a supervised agricultural experience project. Each ODCTE funded agricultural education program shall be provided transportation services, by the local school district, for all agricultural education/FFA (FFA is an integral part of the agricultural education program) program related duties and activities.

(2) **Business and Information Technology Education.** Business and Information Technology Education programs are designed to prepare high school students (grades 8 through 12) and adults for pathways to careers in business and information technology.

(3) **Family and Consumer Sciences Education.**

(A) **Family and Consumer Sciences Education in comprehensive schools.** Family and Consumer Sciences programs are designed for junior high and high school students (grades 6 through 12).

(B) **Family and Consumer Sciences Occupational Education.** Occupational Family and Consumer Sciences programs are designed for high school students (grades 11 and 12) and/or adults to train or retrain in a specific family and consumer sciences related occupation.

(4) **Health Careers Education.**

(A) ***Career*Tech health careers.** Health Careers Education programs are designed to prepare junior high students, high school students and adults for employment in a health career of their choice.

(B) **Requirements for applicants.** Applicants for admission to Health Careers Education programs must meet requirements as set by the individual program, state statutes, and any other requirements of the appropriate licensing or accrediting agency.

(5) **Marketing Education.** Marketing Management and Entrepreneurship Education programs are designed to prepare students (grades 8 through 12) and adults for career clusters in marketing, business management and entrepreneurship. Students may also earn additional units by participating in a supervised on-the-job internship.

(6) **Science Technology Engineering and Mathematics (STEM).** Science Technology Engineering and mathematics programs are designed to prepare students grades 6-12 for hands-on and problem based curriculum that allows students to explore opportunities in Science, Technology, Engineering and Mathematics and prepares students for post-secondary transition and pathways for careers in STEM.

(7) **Technology Engineering /TechConnect.** Technology Engineering programs are designed for students in grades 5 through 10 who desire an opportunity to explore and experience technological occupations. These programs are designed to carry on technological concepts and problem-solving methods learned in the lower grade programs (i.e.: Integrating Concepts and Lessons, Missions curriculum, The Block Academy, Airbase). The programs also tie to Agriculture Education, Business Education, FACS Education, Health Education, Marketing Education, and Trade and Industrial Education in the upper grades at comprehensive high schools and technology centers. These programs give hands-on projects based core curriculum supported through the occupational areas.

(8) **Trade and Industrial Education/TechConnect Plus.** Trade and Industrial Education programs in comprehensive schools are designed for students in grades 10 through 12. TechConnect Plus programs are designed for 11th and 12th grade students when access to advanced career and technology programs are not available or special needs are identified. Schools must apply with the appropriate division for approval of a TechConnect Plus program. Trade and Industrial Education programs in technology centers are designed for students in grades 11 and 12 and/or adults. In technology center programs, tenth-grade students, or over-age students in a grade lower than the eleventh, may be enrolled upon approval of the sending school.

(b) **Program operations.**

(1) **Recommendation for program approval.** The appropriate *Career*Tech program administrator shall recommend approval of a program when criteria for the approval of new programs are met and funds are available.

(2) **Program composition.** Programs shall offer hands-on experience or supervised occupational experiences in the laboratory or clinical setting as well as classroom instruction to provide opportunities for students to achieve career objectives.

(3) **Course titles.** *Career*Tech course offerings must be in agreement with the course titles listed in the current ***Standards for Accreditation of Oklahoma Schools***, published by the State Department of Education. These same course titles (or abbreviated titles) should be the class titles entered on the student's transcript.

(4) **Units of credit.** The units of credit shall be determined by the number of periods the student is in class plus on-the-job training, clinical training, or internship served. (Refer to the ***Standards for Accreditation of Oklahoma Schools***.)

(5) **Full-time programs.** A full-time program in a comprehensive school shall consist of five *Career*Tech instruction class periods and one planning period for a six-period day, and six *Career*Tech instruction class periods and one planning period for a seven-period day. Exceptions to this rule shall include the following:

(A) **Two planning periods.** Teachers who supervise students' agricultural experience programs shall have a minimum of two periods to plan, supervise, and coordinate the activities of student learners (see 780:20-3-1(e) and 780:20-3-2(b)(7)(A)). For schools on non-traditional schedules, teachers shall have the equivalent of a minimum of 90 minutes per day for planning and supervision of students. It is recommended that the last hour of the school day be utilized as one of the planning periods. Schools offering Agricultural Education courses the final period of the day must provide a written explanation to the program administrator.

(B) **Teaching of related courses.** Teachers of Marketing Management and Entrepreneurship Education, Technology Engineering, TechConnect, Career Transitions Education, and TechConnect Plus may be allowed to teach one related course, subject to the approval of the appropriate program administrator.

(C) **Trade and Industrial Education/TechConnect Plus.** Two three-hour block courses shall constitute a full-time program in Trade and Industrial Education in a Technology Center. Three two-hour block courses or six one-hour block courses or any combination thereof shall constitute a full-time program in aTechConnect Plus program in a seven period day at a comprehensive school.

(D) **Marketing Education.** Teachers of Marketing Management a Entrepreneurship Education may be allowed to teach one related course (if the school is on a standard six- or seven-period teaching day), subject to the approval of the Marketing Education program administrator.

(E) **Health Careers Education.** Teachers of Health Careers may be allowed to teach one or two related courses with at least one conference period (if the school is on a standard six or seven-period teaching day), subject to the approval of the Health Careers Education program administrator.

(F) **Science Technology Engineering and Mathematics.** Teachers of Science Technology Engineering and Mathematics may be allowed to teach one or two related courses, subject to approval of the appropriate cluster administrator. Science and Math courses listed in the STEM Career Major will be counted as a STEM course, not a related course.

(6) **Adult Training and Development.** Adult Training and Development (short-term adult) programs in comprehensive schools may be organized under the supervision of the *Career*Tech teacher and must be occupationally specific. These programs are organized on request or as the need indicates. They may vary in length.

(7) **Program operations by occupational division.**

(A) **Agricultural Education.**

(i) **Secondary programs.** The agricultural education instructor is a full-time, 12-month employee and shall teach only approved agricultural education courses. Agricultural education instructor shall have no other extra curricular duties or responsibilities other than those required through the FFA student organization and normal school supervisory duties. Coaching, administration, or other similar full-time duties will not be approved. In the case of a non-funded agriculture education program, the program must follow state policy and guidelines to remain in good standing and be able to utilize the *Career*Tech student organization, FFA.

(ii) **Summer program.** The agricultural education instructor shall formulate a summer program of work and a calendar of activities, which are to be submitted to the local education agency at the completion of the school year.

(iii) **Activities.** Summer activities shall include supervision of students' activities; educational field days and tours; in-service and professional development activities; and, working with adults, agricultural organizations, and industries.

(iv) **Summer leave.** Agricultural Education teachers are entitled to two weeks of summer leave. In lieu of these two weeks of vacation, three weeks each year may be allowed for professional improvement. Summer leave should be coordinated with the local administration. If there is a question in regard to summer leave, the program administrator should be contacted for approval.

(v) **Full-time adult programs.** Full-time adult Agricultural Business Management programs vary in length and are designated for and intended to meet the needs of adults engaged in agriculture and agricultural business operations.

(B) **Business and Information Technology Education.**

(i) **Methods of delivery.** The Business and Information Technology Education programs provide three methods of delivery:

(I) Business and Information Technology Education internships in the comprehensive school shall consist of one or two block periods of classroom instruction and supervised work-site training through part-time employment in training-specific positions in business for students in grades 11 or 12.

(II) Business and Information Technology Education courses in the comprehensive school shall consist of one or two block periods of instruction offered in grades 9 through 12. Instructors shall teach only approved business and information technology education courses. Nine week and semester rotation courses are not approved for Business and Information Technology Education programs. Business and Information Technology Education instructors shall have no other extra curricular duties or responsibilities other than those required through the BPA student organization and normal school supervisory duties. Coaching, administration, or other similar full-time duties will not be approved.

(III) Business and Information Technology Education programs in technology centers shall consist of three-hour block periods of classroom instruction for students in grades 11 or 12 and should include a work-site learning component. Any exceptions must be approved in writing by the Program Administrator of Business and Information Technology Education.

(ii) **Course levels.** Comprehensive school Business and Information Technology Education programs shall not mix levels of courses in the same period without written permission from the State Department of Education.

(iii) **Technology/equipment.** Business and Information Technology Education programs shall provide technology that is appropriate for the defined occupational objectives and is reflective of a modern business environment. A written plan integrating curriculum, training materials, and technology shall be maintained to guide program development and maintain relevance to the marketplace.

(C) **Family and Consumer Sciences Education in comprehensive schools.**

(i) **Full-time programs.** A full-time program shall consist of at least three levels of family and consumer sciences classes with one or more conference periods in the daily schedule, and the instructor shall teach only approved family and consumer sciences courses. Family and consumer sciences instructors shall have no other extra curricular duties or responsibilities other than those required through the FCCLA student organization and normal school supervisory duties. Coaching, administration, or other similar full-time duties will not be approved.

(ii) **Part-time programs.** Programs that are less than full-time will be funded as a half-time program and will be approved only through permission of the program administrator. A part-time program shall include a minimum of two family and consumer sciences classes and a conference period for a six period day and three family and consumer sciences classes and a conference period for a seven period day.

(iii) **Course coordinatio**n. Comprehensive school Family and Consumer Sciences Education programs shall not mix levels of courses in the same class period without written permission from the State Department of Education. This written permission does not ensure programs are meeting Oklahoma Department of Career and Technology Education standards.

~~(iv) **Adult programs for Family and Consumer Sciences Education.**~~

(D) **Family and Consumer Sciences Occupational Education.**

(i) **Full-time occupational programs in comprehensive schools.** A full-time family and consumer sciences related occupational education program in the comprehensive school will include two or more classes, two to three periods in length for 11th- and 12th-grade students.

(ii) **Full-time occupational programs in technology centers.** A full-time family and consumer sciences related occupational education program in a technology center will include two classes, three periods in length for 11th- and 12th-grade students and adults.

(iii) **Length; order.** Two years of occupational training may be offered. No student shall be enrolled in Occupational Training II until Occupational Training I has been successfully completed.

(E) **Health Careers Education.**

(i) **Comprehensive Schools.** Programs in 7th, 8th, and 9th grade or high schools vary in length and may be offered in one, two or three blocks of time. Secondary programs in technology centers may be one or two academic years in length and vary in hours per day.

(ii) **Technology Centers.** Programs vary in length and in hours per day according to accrediting bodies and career major requirements.

(F) **Marketing Education.**

(i) **Secondary programs.** The three basic methods of offering secondary Marketing Management and Entrepreneurship education programs shall be as follows:

(I) Project class, providing classroom instruction and application only;

(II) Project with shadowing component, providing a combination of classroom instruction and participating in a shadowing experience with business; and,

(III) Cooperative method/internship, providing classroom instruction plus a supervised work-site learning experience in a cooperating business.

(ii) **First- and second-year students.** Comprehensive school Marketing Management and Entrepreneurship Education programs shall not mix first-and second-year marketing management students in the same class without written permission from the State Department of Education.

(iii) **Technology/equipment.** Marketing Education programs shall provide technology that is appropriate for the defined occupational objectives and is reflective of a modern business environment.

(G) **Technology Engineering/TechConnect.**

(i) **Program operation requirements.**

(I) **Program design.** The primary purpose of the Technology Engineering/TechConnect is a career and technology education program designed to transition ninth and tenth grade students to the next level of career development. These programs provide foundational competency experiences by focusing on integration of rigorous academics, all aspects of the industry, employability and technical skills. Technology Engineering /Tech Connect programs are targeted for grades 9 and 10, but they may be extended an additional two years through an 11th and 12th grade TechConnect Plus program where access to advanced *Career*Tech programs is unavailable and/or limited or where special student needs are identified. Enrollment priority should be considered for students who are at-risk or who are members of special populations; however, enrollment should not be limited to these students only. Through the infusion of *Career*Tech preparation strategies in academic classes, Technology Engineering/TechConnect students develop an understanding of how principles of math, science, and English are applied in the workplace and why it is necessary for them to master academic skills. Technology Engineering /TechConnect programs are designed to provide students a solid foundation in academic skills, practical "hands-on" activities, and the ability to relate abstract concepts to the "hands-on" activities. An essential component of a Technology Engineering/TechConnect program is the development and implementation of a comprehensive career guidance program, so Technology Engineering/TechConnect students will be able to make more meaningful career choices by developing a better understanding of their own interests, skills, and abilities; understanding labor market projections; and learning to formulate a plan of study to achieve their individual career goals. The school guidance program should include a total occupational assessment of each student as well as components that address the student's personal, social, educational and career development needs. Technology Engineering/TechConnect programs shall consist of occupational instruction for two consecutive periods. Programs shall have laboratory experiences, where appropriate, to provide the progressive situations necessary for general occupational skills training. In order to integrate academics and *Career*Tech education, teachers of the Technology Engineering/TechConnect programs shall participate in appropriate professional improvement activities including the summer *Career*Tech conference, professional improvement meetings, and other related activities. Technology Engineering/TechConnect students shall have access to appropriate career and technology student organizations that are consistent with the related *Career*Tech programs as well as other personal development components. Technology Engineering/TechConnect program enrollment numbers shall be consistent with related *Career*Tech program guidelines with particular attention given to work situations and available resources. Technology Engineering /TechConnect teacher certification shall be consistent with related *Career*Tech program areas. Exceptions shall be approved by the appropriate occupational division administrator.

(II) **Occupational preparation.** Programs shall be designed to introduce students to careers in "clusters" of closely related occupations, including but not limited to Construction, Mechanical-Construction, Mechanics, Electrical/Electronics, Communications, Horticulture, Food Services, Hospitality, Child/Elder Care, Health Services, Metals, Food Services, Agricultural Related, Business, and Family and Consumer Sciences Related.

(III) **Full-time program.** A six period day will require two, two-hour blocks or four one-hour blocks with one hour of related instruction for a full time program. One two-period block or less than four one-hour period blocks will constitute a half-time program in a six period day. A seven period day will require three two-hour blocks or five one-hour blocks with one hour of related instruction for a full time program. Two two-hour blocks or

less than five one-hour blocks will constitute a half-time program in a seven period day.

(IV) **Full-time teacher.** A teacher who is teaching two or more Technology Engineering/TechConnect classes, which are each two consecutive periods in length, or who is teaching four or more Technology Engineering /TechConnect classes, which are each one period in length, shall be considered as a full-time *Career*Tech teacher in a six period day. A Technology Engineering/TechConnect teacher may be assigned three two period or six one period *Career*Tech classes in a seven period day.

(V) **Technology Engineering /TechConnect program operation recommendations.** Technology Engineering/TechConnect students should have access to comprehensive guidance services. These services should include the development of a plan of study that provides direction through course enrollment leading toward high school graduation. The plan should be flexible with periodic review to ensure program/course relevance in attainment of the student's career goal(s). Schools should offer applied academic courses in English, mathematics, and science for Technology Engineering/TechConnect_students. Enrollment in applied courses should be consistent with each Technology Engineering/TechConnect student plan of study. Enrollment in the Technology Engineering/TechConnect applied academic courses should not be limited to Technology Engineering /TechConnect students. Teachers of the applied academic courses should participate in appropriate professional improvement activities including summer *Career*Tech conference, professional improvement meetings, and other related activities. Technology Engineering/TechConnect students should be provided support services to enhance academic competence. These services may be provided through an education enhancement center, tutoring services, or other activities that will assist the student in attainment of academic/occupational competencies.

(ii) **Supervision.** The State Board shall provide state and federal funds to enhance special populations students equal access and full participation in *Career*Tech programs. Programs shall be supervised by the appropriate occupational and Technology Engineering division.

(H) **Technology Engineering.**

(i) **Course duration.** Each technology engineering course shall be taught in a one-period block of time (45-55 minutes).

(ii) **Curriculum.** The curriculum shall emphasize the following technology clusters: Architecture and Construction, Arts, A/V and Communications, Information Technology, Manufacturing, Transportation, Distribution and Logistics, Agriculture, food and natural resources, Health Science and Science,Technology, Engineering & Mathematics. Through these, all sixteen of the nationally recognized Career Clusters will be covered.

(iii) **Four periods per day.** Each program shall implement the technology engineering curriculum into a minimum of four periods per day, with one additional period allotted for a conference/planning period.

(iv) **Equipment.** Technology Engineering programs shall provide technically up-to-date equipment to allow students opportunities for modernistic hands-on experiences. Schools are encouraged to use state program assistance funds to purchase this equipment.

(I) **Trade and Industrial Education.** All secondary trade and industrial education students in Technology Centers shall be enrolled for three consecutive periods daily, five days a week. Secondary TechConnect Plus students in comprehensive high schools may be enrolled for one period daily, five days a week. Adult trade and industrial education students may enroll for one-half day (three periods) or a full day (six periods). The Program Administrator of Trade and Industrial Education must approve any exceptions in writing.

(J) **Integrated Academics.** Academics taught in the technology center shall be delivered in the context of the program in which each student is enrolled. If academic instruction is offered for credit through the sending school, it shall be structured so as to meet current legislation and State Department of Education guidelines. Students must meet, within the structure of the academic class, the attendance requirements of their comprehensive schools in order to receive academic credit. Further, the legislated limit of 10 days of absence from the academic class for school-related activities applies.

(c) **Enrollment for full-time programs.**

(1) **Guidelines compliance.** Program enrollments shall comply with the established guidelines of the appropriate occupational division. Exceptions must have written approval by the appropriate program administrator prior to the second week of class. Consideration shall be given to the availability of work stations, clinical experiences and individual student needs.

(2) **Enrollments specific to occupational divisions and programs.**

(A) **Agricultural Education.**

(i) **Student enrollment limits.** If a department has adequate space, equipment, and laboratory sites, a maximum of 25 students may be

enrolled in each agricultural education class with the exception of lab classes, such as Horticulture and Ag Mechanics, and they shall be limited to 15 per class. Exceptions to these numbers must have written approval by the appropriate program administrator.

(ii) **Maximum class enrollment.** The maximum enrollment in each agricultural mechanics and horticulture class shall be 15 students per class period.

(iii) **Course prerequisite.** Introduction to Agricultural Science is the prerequisite for all other agricultural education courses with the exception of eighth-grade Agricultural Orientation.

(iv) **Employment in Agribusiness.** The Agricultural Education course, Employment in Agribusiness, is considered a Cooperative Program in which students can earn scholastic credit if the course meets all requirements listed under section (780:20-3-1 section e). It must be taught and supervised by the agricultural education instructor. Note: The work-site experience must be directly related to the curriculum offered in the program.

(B) **Business and Information Technology Education.**

(i) **Business and Information Technology Education programs in comprehensive schools.** A maximum of 25 students per class shall be enrolled in the business and computer technology internship. Other Business and Information Technology Education courses may enroll a maximum of 25 students at a ratio of one work station per student.

(ii) **Business and computer technology programs in technology centers.** Business and Information Technology Education courses may enroll a maximum of 25 students at a ratio of one work station per student.

(C) **Family and Consumer Sciences Education.**

(i) **Family and Consumer Sciences programs in comprehensive schools.** If a department has adequate space, equipment and laboratory sites, maximum enrollment for the following courses shall be: (Not all class offerings are listed, but those not listed have enrollment determinatives in common with one of the courses listed.)

(I) Personal Development, ~~Teen~~, Teen Living, and Life Management-20 Students

(II) Family and Consumer Sciences I and II-20 Students

(III) Hospitality Careers Orientation, Career Orientation, and Adult and Family Living-25 Students

(IV) Non-laboratory 60 hour courses-25 Students

(V) Laboratory 60 hour courses -21 students

(ii) **Family and Consumer Sciences Occupational Education.** A minimum of 10 and a maximum of 20 students shall be enrolled in each section of family and consumer sciences related occupational education.

(D) **Health Careers Education.**

(i) **Comprehensive Schools.** A minimum of ten and a maximum of eighteen students shall be enrolled in each course/section of a comprehensive school health careers education program.

(ii) **Technology Centers.**

(I) **Full time high school health careers programs.** A minimum of ten and a maximum of eighteen students per instructor shall be enrolled in a Health Careers Education program. Those programs utilizing student-centered learning as the primary method of instruction shall have a maximum of fifteen students per instructor. Program enrollment may also be limited by national and/or state accrediting bodies, by equipment, classroom and/or laboratory facilities and by clinical site availability.

(II) **Full-time adult-only health careers programs.** A minimum of eight and a maximum of twelve students per instructor shall be enrolled in a full-time adult-only Health Careers Education program. Program enrollment may also be limited by national and/or state accrediting bodies, by equipment, classroom and/or laboratory facilities and by clinical site availability.

(E) **Marketing Education.**

(i) **Student enrollment limits.** The maximum number of cooperative students in a full-time cooperative Marketing Management and Entrepreneurship program shall not exceed 25 students per marketing management teacher-coordinator. A maximum of 25 students per class may be enrolled in the marketing internship. Other Marketing Education courses may enroll a maximum of 25 students.

(ii) **Project class enrollment.** Where the marketing management teacher-coordinator teaches a marketing management project class in conjunction with the cooperative programs, enrollment in the project class is determined by the size of the classroom facility and SDE policies.

(iii) **"Marketing management project students."** Sophomore, junior or senior students may be allowed to enroll in each existing cooperative class for the theory and classroom application portion only. These students would not be required to obtain work-site learning experience and would receive only one unit of credit.

(iv) **Half-time program enrollment.** The maximum number of cooperative students in a half-time cooperative program is 25 per teacher-coordinator.

(F) **Technology Engineering and TechConnect.** The maximum enrollment for each period of Technology Engineering shall be 24 students. The maximum enrollment for each period of TechConnect shall be 20 students. Consideration should be given to the size of the facility and the number of students that the modular workstations are designed toaccommodate.

(G) **Trade and Industrial Education and TechConnect.**

(i) **Maximum enrollment.** The maximum enrollment for each Trade and Industrial Education, TechConnect Plus program section shall be 20 students, with the exceptions of cosmetology, which may have a maximum of 22 students, and career transitions programs, which may have 50 students per career transitions teacher.

(ii) **Alternate program enrollment.** The Trade and Industrial Education Division shall establish a reduced maximum enrollment for any program not meeting adequate size or layout of teaching facilities, number of training stations, appropriate quality and quantity of tools, and equipment and supplies. Individual student needs, student safety and supervision shall also be considered when determining maximum student enrollment.

(iii) **Inclusion of on-the-job students.** Students involved in on-the-job training shall be included in the maximum enrollment for the program unless each school has an on-the-job training coordinator.

(d) **Length of programs.** *Career*Tech programs shall be 10 or 12 calendar months as approved by the appropriate program administrator. Exceptions must be approved by the Department.

[OAR Docket #11-860; filed 6-3-11]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 25. BUSINESS AND INDUSTRY SERVICES

[OAR Docket #11-861]

RULEMAKING ACTION:
PERMANENT final adoption
RULES:
Subchapter 5. Business and Industry Development
780:25-5-1. [AMENDED]
AUTHORITY:
Oklahoma State Board of Career and Technology Education; 70 O.S. Supp. 2010, Section 14-103, 70 O.S. 2001, Section 14-104, as amended.
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n/a
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n/a
ANALYSIS:
The rule amendment updates language.
CONTACT PERSON:
Marie Saatkamp, 405-743-5455

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF JULY 11, 2011:

SUBCHAPTER 5. BUSINESS AND INDUSTRY DEVELOPMENT

780:25-5-1. New or expanding industries

(a) **Programs and services.** Training for Industry Programs (TIP) has the responsibility of working with the appropriate delivery agency to provide new job slot training for new or expanding business and industry. This training is provided to targeted business and industry in selected manufacturing, processing, and national or regional offices of business and industry that are creating new employment opportunities or others that have significant economic impact on Oklahoma's economy. These companies are traditionally considered exporters of goods and/or services and importers of capital.

(b) **Development of training agreements.**

(1) **Statement of Understanding.** A "Statement of Understanding" shall define the specific responsibilities of each party involved in a training program, including the company, the community, the technology center, and the appropriate Training for Industry staff.

(2) **Training agreements.** Training agreements will be developed jointly, using a training needs analysis, by company representatives, local technology center personnel, and Training for Industry Programs staff.

(3) **Changes.** Any changes in training agreements will be subject to approval by Training for Industry Programs staff.

(c) **Availability of funds.** State support for TIP training is based upon the availability of funds and administered by the Business and Industry Development Division in accordance with TIP guidelines and procedures.

(d) **Equipment.** Equipment used for training shall be furnished by the local technology center or the Department (either from the Equipment Pool inventory or transferred from another technology center). In the case of highly specialized equipment, the company will be requested to loan or lease this equipment to Training for Industry Programs for the purposes of training.

(e) **Utilities.** In programs operated in a technology center, costs of the utilities will be borne by the technology center. Costs of utilities for a program operated in a company's facilities will be borne by the company. If a training program is operated out of a temporary facility, utility (water, gas, electricity, local phone service-allowable long distance) expenses will be a coordinated effort of the community and Training for Industry Programs staff.

(f) **Training materials and expendable supplies.**

(1) **Purchaser.** Training materials and expendable supplies will be provided at the expense of Training for Industry Programs. Materials used by trainees in the process of their training will be retained and disposed of by the Department.

(2) **Resulting products.** Products produced during the training program will be the property of the Department and will be picked up by or returned to the Equipment Pool or Training for Industry Programs staff via accepted Department inventory practices.

(g) **Training aids.** Training aids, such as technical manuals, videotapes, and slide/tape presentations will be developed for training programs when determined by the needs analysis, and only when the lead time schedule allows for the completion in time to be used during the training defined by the Statement of Understanding. Training aids will be developed at the expense of Training for Industry Programs in cooperation with the company.

(h) **Instructors.** Instructors shall be secured locally, whenever possible.

(i) **Consultants.** When deemed necessary by Training for Industry Programs, consultants may be used to assist in the development and delivery of training programs per staff recommendation/ approval.

(j) **Reimbursements.** All reimbursements for the delivery/performance of training, as specified in a Statement of Understanding, will be made to the local technology center ~~and/or the company.~~ All reimbursements shall be submitted in accordance with established TIP guidelines and procedures.

(k) **Reporting procedures.** Program and enrollment information shall be submitted to the Information Management Division of the Oklahoma Department of Career and Technology Education as outlined in 780:10-7-2.

[OAR Docket #11-861; filed 6-3-11]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code.*

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2011-24.

EXECUTIVE ORDER 2011-24

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. on Thursday, June 16, 2011, until 5:00 p.m. on Friday, June 17, 2011, in memory Ms. Clara Luper.

Clara Luper was an Oklahoma hero, a tremendous civil rights activist and a devoted mother. Throughout the 1960s, Luper worked with the local chapter of the National Association for the Advancement of Colored People to stage sit-ins and non-violent protests which ultimately led to the desegregation of restaurants in Oklahoma City. Since that time, Ms. Luper has continued to stand as a beacon in the civil rights movement and serve the citizens of the State of Oklahoma as an educator, administrator, and author. Her leadership and commitment to equality and justice will never be forgotten.

This executive order shall be forwarded to the Director of the Department of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 14th day of June, 2011.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Michelle R. Day
Assistant Secretary of State

[OAR Docket #11-907; filed 6-14-11]