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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	v
Agency Index (Title numbers assigned)	vi
Notices of Rulemaking Intent	
Attorney General (Title 75)	285
Children and Youth, Commission on (Title 135)	286
Education, State Department of (Title 210)	287, 288, 290, 291
Election Board, State (Title 230)	292, 293, 294, 295, 296, 297
Environmental Quality, Department of (Title 252)	297
Finance, Office of State (Title 260)	298, 299
Fire Marshal Commission, State (Title 265)	300, 301, 302
Horse Racing Commission, Oklahoma (Title 325)	302, 303, 304, 305
Insurance Board, Oklahoma State and Education Employees Group (Title 360)	305, 306
Liquefied Petroleum Gas Board, Oklahoma (Title 420)	307
Medical Licensure and Supervision, State Board of (Title 435)	308
Mental Health and Substance Abuse Services, Department of (Title 450)	308
Personnel Management, Office of (Title 530)	309, 310
Police Pension and Retirement System, Oklahoma (Title 550)	311, 312
Public Safety, Department of (Title 595)	313
Securities, Department of (Title 660)	314
Speech-Language Pathology and Audiology, Board of Examiners for (Title 690)	315
Used Motor Vehicle and Parts Commission, Oklahoma (Title 765)	316
Career and Technology Education, Oklahoma Department of (Title 780)	317, 318
Cancelled Hearings/Comment Periods	
Mental Health and Substance Abuse Services, Department of (Title 450)	321
Submissions for Review	
Public Employees Retirement System, Oklahoma (Title 590)	323
Gubernatorial Approvals	
Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475)	325
Emergency Adoptions	
Health Care Authority, Oklahoma (Title 317)	327, 331, 336
Human Services, Department of (Title 340)	338, 346
Personnel Management, Office of (Title 530)	351
Executive Orders (Title 1)	353

Agency/Action/Subject Index

ATTORNEY General (Title 75)	
<i>Notices of Rulemaking Intent</i>	
Standards and Criteria for Domestic Violence and Sexual Assault Programs (Chapter 15)	285
Standards and Criteria for Batterers Intervention Programs (Chapter 25)	285
CHILDREN and Youth, Commission on (Title 135)	
<i>Notices of Rulemaking Intent</i>	
Programs, Boards, and Councils: Operation and Administration (Chapter 10)	286
EDUCATION, State Department of (Title 210)	
<i>Notices of Rulemaking Intent</i>	
State Board of Education (Chapter 1)	287
School Administration and Instructional Services (Chapter 10)	287
Curriculum and Instruction (Chapter 15)	288
Staff (Chapter 20)	290
Grants and Programs-In-Aid (Chapter 40)	291
ELECTION Board, State (Title 230)	
<i>Notices of Rulemaking Intent</i>	
The County Election Board (Chapter 10)	292
Voter Registration (Chapter 15)	292
Candidate Filing (Chapter 20)	293
Ballot Printing (Chapter 25)	294
Absentee Voting (Chapter 30)	294
Election Conduct (Chapter 35)	295
Types of Elections (Chapter 40)	296
Contests of Election (Chapter 45)	296
Automated Systems (Chapter 50)	297
ENVIRONMENTAL Quality, Department of (Title 252)	
<i>Notices of Rulemaking Intent</i>	
Air Pollution Control (Chapter 100)	297
FINANCE, Office of State (Title 260)	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1)	298
Prompt Payment to Vendors and Employees of the State of Oklahoma Through the Payment of Interest on Late Payments (Chapter 10)	299
Accessibility of Information Technology (Chapter 15)	299
FIRE Marshal Commission, State (Title 265)	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1)	300
Individual Proceedings (Chapter 3)	300
Smoke Detectors (Chapter 10)	301
Explosives [REVOKED] (Chapter 20)	301
Adopted National Codes and Standards (Chapter 25)	302
Field Citations (Chapter 35)	302
GOVERNOR	
<i>Executive Orders</i>	
Ordering flags at half-staff to honor Retired Justice Ralph B. Hodges (13-02)	353
HEALTH Care Authority, Oklahoma (Title 317)	
<i>Emergency Adoptions</i>	
Medical Providers-Fee for Service (Chapter 30)	327, 331, 336
HORSE Racing Commission, Oklahoma (Title 325)	
<i>Notices of Rulemaking Intent</i>	
Licensing (Chapter 15)	302
Racing Officials and Racing Personnel (Chapter 20)	303
Entries and Declarations (Chapter 25)	304
Veterinarian Practices (Chapter 40)	304
HORSE Racing Commission, Oklahoma – continued	
<i>Notices of Rulemaking Intent – continued</i>	
Gaming Licensing Requirements (Chapter 80)	305
HUMAN Services, Department of (Title 340)	
<i>Emergency Adoptions</i>	
Temporary Assistance for Needy Families (TANF) (Chapter 10)	338
Child Care Subsidy Program (Chapter 40)	346
INSURANCE Board, Oklahoma State and Education Employees Group (Title 360)	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1)	305
Office of Management and Enterprise Services (OMES) Employees Group Insurance Division (EGID) State and Education Employees Health, Dental, Vision and Life Plans (Chapter 10)	306
The Disability Plan (Chapter 15)	306
LIQUEFIED Petroleum Gas Board, Oklahoma (Title 420)	
<i>Notices of Rulemaking Intent</i>	
Liquefied Petroleum Gas Administration (Chapter 10)	307
MEDICAL Licensure and Supervision, State Board of (Title 435)	
<i>Notices of Rulemaking Intent</i>	
Physicians and Surgeons (Chapter 10)	308
MENTAL Health and Substance Abuse Services, Department of (Title 450)	
<i>Notices of Rulemaking Intent</i>	
Standards and Criteria for Certified Behavioral Health Case Managers (Chapter 50)	308
<i>Cancelled Hearings/Comment Periods</i>	
Standards and Criteria for Certified Behavioral Health Case Managers (Chapter 50)	321
NARCOTICS and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475)	
<i>Gubernatorial Approvals</i>	
Requirements for Registration (Chapter 10)	325
Labeling Requirements (Chapter 30)	325
Animal Control Officers (Chapter 50)	325
Pseudoephedrine Control (Chapter 55)	325
PERSONNEL Management, Office of (Title 530)	
<i>Notices of Rulemaking Intent</i>	
Merit System of Personnel Administration Rules (Chapter 10)	309, 310
<i>Emergency Adoptions</i>	
Merit System of Personnel Administration Rules (Chapter 10)	351
POLICE Pension and Retirement System, Oklahoma (Title 550)	
<i>Notices of Rulemaking Intent</i>	
Administrative Operations (Chapter 1)	311
Oklahoma Police Deferred Option Plan (Chapter 15)	311, 312
Purchase of Transferred Credited Service (Chapter 20)	312
PUBLIC Employees Retirement System, Oklahoma (Title 590)	
<i>Submissions for Review</i>	
Public Employees Retirement System (Chapter 10)	323
Uniform Retirement System for Justices and Judges (Chapter 15)	323
Deferred Compensation (Chapter 25)	323
Deferred Savings Incentive Plan (Chapter 35)	323

Agency/Action/Subject Index – continued

PUBLIC Safety, Department of (Title 595)

Notices of Rulemaking Intent

Class D Driver Licenses and Identification Cards and Motor
License Agent Procedures (Chapter 10) 313
Enforcement of Oklahoma Motor Carrier Safety
and Hazardous Materials Transportation Act
(Chapter 35) 313

SECURITIES, Department of (Title 660)

Notices of Rulemaking Intent

Organization and Procedures of Department of Securities
(Chapter 2) 314
Oklahoma Uniform Securities Act of 2004
(Chapter 11) 314

**SPEECH-LANGUAGE Pathology and Audiology, Board
of Examiners for (Title 690)**

Notices of Rulemaking Intent

Licensure and Fees (Chapter 10) 315

**USED Motor Vehicle and Parts Commission, Oklahoma
(Title 765)**

Notices of Rulemaking Intent

Manufactured Home Installers (Chapter 37) 316

**CAREER and Technology Education, Oklahoma
Department of (Title 780)**

Notices of Rulemaking Intent

Administration and Supervision (Chapter 10) 317
Technology Centers (Chapter 15) 317
Programs and Services (Chapter 20) 318
Business and Industry Services (Chapter 25) 318

Rules Affected Index

[(E) = *Emergency action*]

Rule	Register Page	Rule	Register Page
150:140-1-1. [NEW] (E)	101	595:10-11-1. [NEW] (E)	204
150:140-1-2. [NEW] (E)	101	595:10-11-2. [NEW] (E)	204
150:140-1-3. [NEW] (E)	101	595:10-11-3. [NEW] (E)	204
150:140-1-4. [NEW] (E)	102	595:10-11-5. [NEW] (E)	205
150:140-1-5. [NEW] (E)	102	595:10-11-6. [NEW] (E)	205
150:140-1-6. [NEW] (E)	103	595:10-11-7. [NEW] (E)	206
252:303-1-1. [AMENDED] (E)	202	595:10-11-8. [NEW] (E)	206
317:30-5-2. [AMENDED] (E)	327	595:10-11-9. [NEW] (E)	206
317:30-5-240.1. [AMENDED] (E)	332	595:10-11-10. [NEW] (E)	206
317:30-5-241. [AMENDED] (E)	334	595:10-11-11. [NEW] (E)	207
317:30-5-241.3. [AMENDED] (E)	334	595:10-11-12. [NEW] (E)	207
317:30-5-291. [AMENDED] (E)	337	595:10-11-13. [NEW] (E)	207
317:30-5-296. [AMENDED] (E)	337	595:10-11-14. [NEW] (E)	207
317:30-5-676. [AMENDED] (E)	337	595:10-11-15. [NEW] (E)	208
317:35-5-41.6. [AMENDED] (E)	273	595:10-11-16. [NEW] (E)	208
330:30-2-8.1. [AMENDED] (E)	23	595:11-1-15. [AMENDED] (E)	209
340:10-2-3. [AMENDED] (E)	338	595:11-1-16. [AMENDED] (E)	209
340:10-2-6. [AMENDED] (E)	339	595:11-1-17. [NEW] (E)	210
340:10-3-56. [AMENDED] (E)	339	595:11-1-18. [NEW] (E)	210
340:10-3-57. [AMENDED] (E)	341	710:1-5-110. [NEW] (E)	104
340:10-4-1. [NEW] (E)	344	710:1-5-111. [NEW] (E)	104
340:10-10-3. [AMENDED] (E)	345	710:1-5-112. [NEW] (E)	104
340:40-7-8. [AMENDED] (E)	347	710:1-5-113. [NEW] (E)	104
377:3-11-2. [AMENDED] (E)	137	710:1-5-114. [NEW] (E)	104
377:3-11-5. [AMENDED] (E)	137	710:1-5-115. [NEW] (E)	105
377:3-11-10. [AMENDED] (E)	138	710:1-5-116. [NEW] (E)	105
377:3-11-11. [AMENDED] (E)	138	710:1-5-117. [NEW] (E)	105
377:15-11-1. [NEW] (E)	278	710:1-5-118. [NEW] (E)	105
377:15-11-2. [NEW] (E)	278	710:1-5-119. [NEW] (E)	105
377:15-11-3. [NEW] (E)	278	710:1-5-120. [NEW] (E)	105
377:35-9-8. [AMENDED] (E)	139	710:1-5-121. [NEW] (E)	105
530:10-9-92. [AMENDED] (E)	351	710:1-5-122. [NEW] (E)	106
530:10-15-48. [AMENDED] (E)	202	715:10-17-6. [AMENDED] (E)	73
530:10-21-10. [NEW] (E)	203	748:3-1-2. [AMENDED] (E)	106
530:10-21-11. [NEW] (E)	204	748:5-3-1. [AMENDED] (E)	107
530:10-21-12. [NEW] (E)	204		

Agency/Title Index

[Assigned as of 2-15-13]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	EDGE Fund Policy Board	208
Oklahoma ACCOUNTANCY Board	10	State Department of EDUCATION	210
State ACCREDITING Agency	15	EDUCATION Oversight Board	215
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma AERONAUTICS Commission	25	[RESERVED]	225
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted 11-1-98</i>)	30	State ELECTION Board	230
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of EMBALMERS and Funeral Directors)	235
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management) - <i>See</i> Title 145	
Board of Tests for ALCOHOL and Drug Influence	40	Oklahoma EMPLOYMENT Security Commission	240
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma ENERGY Resources Board	243
ANATOMICAL Board of the State of Oklahoma	50	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly</i> : State Board of Registration for Professional ENGINEERS and Land Surveyors)	245
Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly</i> : Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Interior Designers of Oklahoma)	55	Board of Trustees for the ENID Higher Education Program (<i>exempted 11-1-98</i>)	250
ARCHIVES and Records Commission	60	Department of ENVIRONMENTAL Quality	252
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted 11-1-98</i>)	65	State Board of EQUALIZATION	255
Oklahoma ARTS Council	70	ETHICS Commission (<i>Title revoked</i>)	257
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission) - <i>See</i> Title 92		ETHICS Commission	258
ATTORNEY General	75	Office of State FINANCE	260
State AUDITOR and Inspector	80	State FIRE Marshal Commission	265
State BANKING Department	85	Oklahoma Council on FIREFIGHTER Training	268
Oklahoma State Employees BENEFITS Council	87	Oklahoma FIREFIGHTERS Pension and Retirement System	270
Council of BOND Oversight	90	[RESERVED]	275
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission)	92	FORENSIC Review Board	277
State BURIAL Board (<i>abolished 7-1-92</i>)	95	State Board of Registration for FORESTERS	280
[RESERVED]	100	FOSTER Care Review Advisory Board	285
Oklahoma CAPITAL Investment Board	105	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
Oklahoma CAPITOL Improvement Authority	110	Oklahoma FUTURES	290
State CAPITOL Preservation Commission	115	GOVERNOR (<i>See also</i> Title 1, Executive Orders)	295
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	GRAND River Dam Authority	300
Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		Group Self-Insurance Association GUARANTY Fund Board	302
Board of Regents of CARL Albert State College (<i>exempted 11-1-98</i>)	125	Individual Self-Insured GUARANTY Fund Board	303
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs) - <i>See</i> Title 580		STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED)	304
CEREBRAL Palsy Commission	130	Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns)	305
Commission on CHILDREN and Youth	135	Oklahoma State Department of HEALTH	310
Board of CHIROPRACTIC Examiners	140	Oklahoma Basic HEALTH Benefits Board (<i>abolished 11-1-97</i>)	315
Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management)	145	Oklahoma HEALTH Care Authority	317
Oklahoma Department of COMMERCE	150	HIGHWAY Construction Materials Technician Certification Board	318
COMMUNITY Hospitals Authority	152	Oklahoma HISTORICAL Society	320
COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund) - <i>See</i> Title 370		Oklahoma HORSE Racing Commission	325
Oklahoma CONSERVATION Commission	155	Oklahoma HOUSING Finance Agency	330
CONSTRUCTION Industries Board	158	Oklahoma HUMAN Rights Commission	335
Department of CONSUMER Credit	160	Department of HUMAN Services	340
CORPORATION Commission	165	Committee for INCENTIVE Awards for State Employees	345
Department of CORRECTIONS	170	Oklahoma INDIAN Affairs Commission	350
State Board of COSMETOLOGY	175	Oklahoma INDIGENT Defense System	352
Oklahoma State CREDIT Union Board	180	Oklahoma INDUSTRIAL Finance Authority	355
CRIME Victims Compensation Board	185	INJURY Review Board	357
Joint CRIMINAL Justice System Task Force Committee	190	Oklahoma State and Education Employees Group INSURANCE Board	360
Board of DENTISTRY	195	INSURANCE Department	365
Oklahoma DEVELOPMENT Finance Authority	200	COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund)	370
Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns) - <i>See</i> Title 305		Oklahoma State Bureau of INVESTIGATION	375
Board of Regents of EASTERN Oklahoma State College (<i>exempted 11-1-98</i>)	205	Council on JUDICIAL Complaints	376
		Office of JUVENILE Affairs	377
		Department of LABOR	380
		Department of the Commissioners of the LAND Office	385
		Council on LAW Enforcement Education and Training	390
		Oklahoma LAW Enforcement Retirement System	395
		Board on LEGISLATIVE Compensation	400

Agency	Title	Agency	Title
Oklahoma Department of LIBRARIES	405	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
LIEUTENANT Governor	410	SCENIC Rivers Commission	630
Oklahoma LINKED Deposit Review Board	415	Oklahoma Commission on SCHOOL and County Funds Management	635
Oklahoma LIQUEFIED Petroleum Gas Board	420	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	The Oklahoma School of SCIENCE and Mathematics	645
LITERACY Initiatives Commission	425	Oklahoma Center for the Advancement of SCIENCE and Technology	650
LONG-RANGE Capital Planning Commission	428	SECRETARY of State	655
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i>) - See Title 490		Department of SECURITIES	660
LOTTERY Commission, Oklahoma	429	Board of Regents of SEMINOLE State College (<i>exempted 11-1-98</i>)	665
Board of Trustees for the MCCURTAIN County Higher Education Program (<i>exempted 11-1-98</i>)	430	SHEEP and Wool Commission	670
Commission on MARGINALLY Producing Oil and Gas Wells	432	State Board of Licensed SOCIAL Workers	675
State Board of MEDICAL Licensure and Supervision	435	SOUTHERN Growth Policies Board	680
MEDICAL Technology and Research Authority of Oklahoma	440	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of MEDICOLEGAL Investigations	445	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology (<i>Formerly: Board of Examiners for SPEECH Pathology and Audiology</i>)	690
Department of MENTAL Health and Substance Abuse Services	450	STATE Employee Charitable Contributions, Oversight Committee (<i>Formerly: STATE Agency Review Committee</i>)	695
MERIT Protection Commission	455	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>)—See Title 304	
MILITARY Planning Commission, Oklahoma Strategic	457	Oklahoma STUDENT Loan Authority	700
Department of MINES	460	TASK Force 2000	705
Oklahoma MOTOR Vehicle Commission	465	Oklahoma TAX Commission	710
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	Oklahoma Commission for TEACHER Preparation	712
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	TEACHERS' Retirement System	715
Board of Regents of NORTHERN Oklahoma College (<i>exempted 11-1-98</i>)	480	State TEXTBOOK Committee	720
Oklahoma Board of NURSING	485	TOBACCO Settlement Endowment Trust Fund	723
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i>)	490	Oklahoma TOURISM and Recreation Department	725
Board of Regents of OKLAHOMA City Community College (<i>exempted 11-1-98</i>)	495	Department of TRANSPORTATION	730
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma TRANSPORTATION Authority (<i>Name changed to Oklahoma TURNPIKE Authority 11-1-05</i>) - See Title 731	
Board of Examiners in OPTOMETRY	505	Oklahoma TURNPIKE Authority (<i>Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority</i>) - See also Title 745	731
State Board of OSTEOPATHIC Examiners	510	State TREASURER	735
PARDON and Parole Board	515	Board of Regents of TULSA Community College (<i>exempted 11-1-98</i>)	740
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma TRANSPORATION Authority 11-1-99 - no rules enacted in this Title - See Title 731</i>)	745
Oklahoma State PENSION Commission	525	Oklahoma UNIFORM Building Code Commission	748
State Board of Examiners of PERFUSIONISTS	527	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted 11-1-98</i>)	750
Office of PERSONNEL Management	530	UNIVERSITY Hospitals Authority	752
Board of Commercial PET Breeders	532	UNIVERSITY Hospitals Trust	753
Oklahoma State Board of PHARMACY	535	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted 11-1-98</i>)	755
PHYSICIAN Manpower Training Commission	540	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma (<i>exempted 11-1-98</i>)	760
Board of PODIATRIC Medical Examiners	545	Oklahoma USED Motor Vehicle and Parts Commission	765
Oklahoma POLICE Pension and Retirement System	550	Oklahoma Department of VETERANS Affairs	770
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Board of VETERINARY Medical Examiners	775
POLYGRAPH Examiners Board	560	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>)	780
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma WATER Resources Board	785
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Board of Regents of WESTERN Oklahoma State College (<i>exempted 11-1-98</i>)	790
State Board of Examiners of PSYCHOLOGISTS	575	Oklahoma WHEAT Commission	795
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>)	580	Department of WILDLIFE Conservation	800
PUBLIC Employees Relations Board	585	WILL Rogers and J.M. Davis Memorials Commission	805
Oklahoma PUBLIC Employees Retirement System	590		
Department of PUBLIC Safety	595		
REAL Estate Appraiser Board	600		
Oklahoma REAL Estate Commission	605		
Board of Regents of REDLANDS Community College (<i>exempted 11-1-98</i>)	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615		
Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620		

Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #13-119]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 2. Domestic Violence and Sexual Assault Programs [AMENDED]

Subchapter 5. Client Records and Confidentiality [AMENDED]

Subchapter 13. Personnel and Volunteers [AMENDED]

SUMMARY:

The Attorney General is required to adopt and promulgate rules and standards for certification of domestic violence and sexual assault 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. Amendments are necessary to ensure that the language in the definitions section of this chapter correspond with the language in the Billing Codes and Services Definitions approved by the Department of Central Services. Amendments are also necessary to specifically address the definitions of "medication," "voluntary services" and "self-determination," which were inadvertently omitted in the last amendments. The remaining amendments, including large sections of revocations, are moving sections involving client record content to make the rules more accessible and user-friendly for the staff providing services. Amendments are also necessary to further define the confidentiality policies programs must have in place to comply with state and federal law.

AUTHORITY:

Attorney General, Title 74 O.S. § 18p-1 et seq.

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 16, 2013, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March

20, 2013, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 21, 2013, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 15, 2013.

CONTACT PERSON:

Lesley March, Assistant Attorney General, 405-522-0042

[OAR Docket #13-119; filed 1-24-13]

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

[OAR Docket #13-120]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 2. Batterers Intervention [AMENDED]

SUMMARY:

The Attorney General is required to adopt and promulgate rules and standards for certification of batterers intervention programs (BIPs) in this state. These rules set forth the requirements which are necessary to provide services pursuant to 74 O.S. § 18p-1 et seq. Amendments are necessary to clarify the distinction between batterers intervention programs, which are educational programs, and anger management or mental health treatment programs.

Notices of Rulemaking Intent

AUTHORITY:

Attorney General, Title 74 O.S. § 18p-1 et seq.

COMMENT PERIOD:

Persons wishing to make written comments may do so by 5:00 p.m., March 16, 2013, by sending to the Office of the Attorney General, Victims Services Unit, 313 N.E. 21st St., Oklahoma City, OK 73105, or by facsimile at 405-557-1770 or emailing Lesley.March@oag.ok.gov.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules. Each person will be allowed a maximum of 5 minutes to speak and must sign in on Wednesday, March 20, 2013, at 1:00 p.m., in the conference room of the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period or public hearing on March 20, 2013, at the Office of the Attorney General at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules are available in the Office of the Attorney General, 313 N.E. 21st St., Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available in the Office of the Attorney General at the above address on and after publication of this Notice of Rulemaking Intent on February 15, 2013.

CONTACT PERSON:

Lesley March, Assistant Attorney General, 405-522-0042

[OAR Docket #13-120; filed 1-24-13]

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

[OAR Docket #13-131]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Child Death Review Board
135:10-21-2 [AMENDED]

135:10-21-3 [REVOKED]

SUMMARY:

The proposed changes provide the procedure by which the Child Death Review Board may establish local child death review teams pursuant to 10 O.S. § 1150.2(A)(5). The proposed rules provide for the composition of the teams, the making of appointments, the scope of team duties, and establishes meeting and attendance requirements.

AUTHORITY:

10 O.S. § 601.4(9); 10 O.S. § 1150.2(A)(5)

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the rules hearing on March 29, 2013. Comments may be submitted to Lisa Smith, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500, Oklahoma City, OK 73103. The comment period is from February 15, 2013, to March 29, 2013.

PUBLIC HEARING:

A public hearing has been scheduled for March 29, 2013, at the Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500, Oklahoma City, OK 73103, at 9:00 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Lisa Smith, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500, Oklahoma City, OK 73103. The Commission is unaware of any business entities affected by the proposed changes.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Oklahoma Commission on Children and Youth. Copies may be obtained by written request mailed to the attention Lisa Smith, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500, Oklahoma City, OK 73103.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after February 25, 2013. A copy of the rule impact statement may be obtained by written request mailed to the attention of Lisa Smith, Oklahoma Commission on Children and Youth, 1111 N. Lee, Suite 500, Oklahoma City, OK 73103.

CONTACT PERSONS:

Lisa Smith, Director, Oklahoma Commission on Children and Youth, at (405) 606-4900; and Grant Moak, Assistant Attorney General, at (405) 522-0152.

[OAR Docket #13-131; filed 1-25-13]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 1. STATE BOARD OF EDUCATION**

[OAR Docket #13-152]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Due Process

210:1-5-6. Revocation of certificates [AMENDED]

SUMMARY:

The purpose of the proposed changes is to clarify the rules and procedures for hearings on revocation of licenses and/or certificates issued to persons for instructional, supervisory, and administrative positions in state public schools by the State Board of Education. The proposed changes would clarify the circumstances upon which licensure proceedings may be triggered, and the grounds under which licenses may be suspended or revoked. The changes will also update the text of the rule to meet the drafting requirements of 655:10-3-25, and will ensure compliance with the provisions of the Oklahoma Administrative Procedures Act.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 6-189; 75 O.S. § 308a.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #13-152; filed 1-25-13]

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

[OAR Docket #13-153]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment

210:10-13-16. Student exceptions and exemptions related to graduation requirements for end-of-instruction exams [AMENDED]

210:10-13-22. Implementation of a system of school improvement and accountability [AMENDED]

SUMMARY:

The proposed amendments revise the procedures for high school students to meet graduation requirements and appeal denials of student diplomas under the Achieving Classroom Excellence Act. The proposed changes also revise the procedures required by the system of school improvement and accountability commonly known as the "A-F School Report Card" system.

The purpose of the proposed change to 210:10-13-16 is to clarify the graduation requirements of the Achieving Classroom Excellence Act ("ACE") at 70 O.S. § 1210.523, which includes an appeals process for denials of student diplomas under the Act. The permanent rule will supercede the emergency rule due to expire at the end of the current regular legislative session.

The purpose of the proposed change to 210:10-13-22 is to implement changes to the criteria used to calculate the formula used in the A-F School Report Card grading system.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 1210.523; 70 O.S. § 1210.545.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #13-153; filed 1-25-13]

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

[OAR Docket #13-156]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

210:15-1-3. Procedures for Review and Implementation of Curriculum Standards [NEW]

Subchapter 3. Priority Academic Student Skills [REVOKED]

Part 1. General [REVOKED]

210:15-3-1. Purpose [REVOKED]

Part 3. Pre-Kindergarten and Kindergarten [REVOKED]

210:15-3-5. Overview [REVOKED]

210:15-3-5.1. Definitions [REVOKED]

210:15-3-5.2. Creative skills [REVOKED]

210:15-3-5.3. Language arts for pre-kindergarten and kindergarten [REVOKED]

210:15-3-5.4. Mathematics for Pre-Kindergarten and Kindergarten [REVOKED]

210:15-3-5.5. Motor skill and lifetime activity development [REVOKED]

210:15-3-5.6. Science [REVOKED]

210:15-3-5.7. Social and personal skills [REVOKED]

210:15-3-5.9. The arts [REVOKED]

Part 5. Language Arts [REVOKED]

210:15-3-11. Overview [REVOKED]

210:15-3-11.1. Reading/literature [REVOKED]

210:15-3-11.2. Definitions [REVOKED]

210:15-3-12. Language arts for grade 1 [REVOKED]

210:15-3-13. Language arts for grade 2 [REVOKED]

210:15-3-14. Language arts for grade 3 [REVOKED]

210:15-3-15. Language arts for grade 4 [REVOKED]

210:15-3-16. Language arts for grade 5 [REVOKED]

210:15-3-17. Language arts for grade 6 [REVOKED]

210:15-3-18. Language arts for grade 7 [REVOKED]

210:15-3-19. Language arts for grade 8 [REVOKED]

210:15-3-20. Language arts for grade 9 [REVOKED]

210:15-3-21. Language arts for grade 10 [REVOKED]

210:15-3-22. Language arts for grade 11 [REVOKED]

210:15-3-23. Language arts for grade 12 [REVOKED]

Part 7. Mathematics [REVOKED]

210:15-3-40. Overview grades 1 through 5 [REVOKED]

210:15-3-40.1. Definitions [REVOKED]

210:15-3-40.2. Mathematics process standards grades 1-5 [REVOKED]

210:15-3-41. Mathematics content standards grade 1 [REVOKED]

210:15-3-42. Mathematics content standards grade 2 [REVOKED]

210:15-3-43. Mathematics content standards grade 3 [REVOKED]

210:15-3-44. Mathematics content standards grade 4 [REVOKED]

210:15-3-45. Mathematics content standards grade 5 [REVOKED]

210:15-3-46. Overview grades 6-8 [REVOKED]

210:15-3-46.1. Mathematics process standards grades 6-8 [REVOKED]

210:15-3-47. Mathematics content standards grade 6 [REVOKED]

210:15-3-48. Mathematics content standards grade 7 [REVOKED]

210:15-3-49. Mathematics content standards grade 8 [REVOKED]

210:15-3-50. Overview high school [REVOKED]

210:15-3-50.1. Process standards high school [REVOKED]

210:15-3-51. Mathematics content skills algebra I [REVOKED]

210:15-3-52. Mathematics content standards geometry [REVOKED]

210:15-3-53. Mathematics content standards algebra II [REVOKED]

Part 9. Science

210:15-3-70. Overview organization [REVOKED]

- 210:15-3-70.1. Science standards for grades 1 through 12 [REVOKED]
- 210:15-3-70.2. Definitions [REVOKED]
- 210:15-3-71. Standards for inquiry, physical, life, and earth/space science for grade 1 [REVOKED]
- 210:15-3-72. Standards for inquiry, physical, life, and earth/space science for grade 2 [REVOKED]
- 210:15-3-73. Standards for inquiry, physical, life, and earth/space science for grade 3 [REVOKED]
- 210:15-3-74. Standards for inquiry, physical, life, and earth/space science for grade 4 [REVOKED]
- 210:15-3-75. Standards for inquiry, physical, life, and earth/space science for grade 5 [REVOKED]
- 210:15-3-76. Standards for inquiry, physical, life, and earth/space science for grade 6 [REVOKED]
- 210:15-3-77. Standards for inquiry, physical, life, and earth/space science for grade 7 [REVOKED]
- 210:15-3-78. Standards for inquiry, physical, life, and earth/space science for grade 8 [REVOKED]
- 210:15-3-79. Physical science - standards for inquiry and the physical sciences for high school [REVOKED]
- 210:15-3-80. Biology I - standards for inquiry and the biological sciences for high school [REVOKED]
- 210:15-3-81. Chemistry - standards for inquiry and chemistry for high school [REVOKED]
- 210:15-3-82. Physics - standards for inquiry and physics for high school [REVOKED]
- 210:15-3-83. Environmental Science - standards for inquiry and environmental science for high school [REVOKED]
- Part 11. Social Studies [REVOKED]
- 210:15-3-90.2. Pre-Kindergarten: Our America [REVOKED]
- 210:15-3-90.3. Kindergarten: Symbols of America [REVOKED]
- 210:15-3-91.1. Grade 1: American Heroes [REVOKED]
- 210:15-3-92.2. Grade 2: Our Democratic Heritage [REVOKED]
- 210:15-3-93.3. Grade 3: Oklahoma Studies [REVOKED]
- 210:15-3-94.4. Grade 4: United States Studies: Regional Geography and History - the Why of Where: Places, Patterns of Settlement, and Global Interactions [REVOKED]
- 210:15-3-95.5. Grade 5: United States Studies: Creating the United States: The Foundation, Formation, and Transformation of the American Nation, 1607-1806 [REVOKED]
- 210:15-3-96.6. Grade 6: World Geography: The Western Hemisphere - The Why of Where: Places, Patterns of Settlement, and Global Interactions [REVOKED]
- 210:15-3-97.7. Grade 7: World Geography: The Eastern Hemisphere - The Why of Where: Places, Patterns of Settlement, and Global Interactions [REVOKED]
- 210:15-3-98.8. Grade 8: Creating the United States. The Foundation, Formation, and Transformation of the American Nation, 1754-1877 [REVOKED]
- 210:15-3-99.9. High School Economics: Incentives and Disincentives: Land, Labor, Capital, and Entrepreneurship [REVOKED]
- 210:15-3-100.1. Oklahoma History and Government - The Foundation, Formation, and Transformation of the State of Oklahoma [REVOKED]
- 210:15-3-100.2. High School Psychology: Foundations and Formation of Human Development [REVOKED]
- 210:15-3-100.3 High School Sociology: Formations and Patterns of Group Behavior [REVOKED]
- 210:15-3-101.1. United States government - freedom for all: securing rights and defining responsibilities [REVOKED]
- 210:15-3-102.2. United States History - Creating the United States: The American Nation in Transformation, 1878 to the Present [REVOKED]
- 210:15-3-103.3. High school world history - cultural connections, turning points, and transformation of the world into the modern era [REVOKED]
- 210:15-3-104.4. World Human Geography - The Why of Where: Places, Patterns of Settlement, and Global Interactions [REVOKED]
- Part 13. The Arts [REVOKED]
- 210:15-3-114. Overview [REVOKED]
- 210:15-3-114.1. Definitions for visual art [REVOKED]
- 210:15-3-114.2. Definitions for music [REVOKED]
- 210:15-3-115. The arts for grade 1 [REVOKED]
- 210:15-3-116. The arts for grade 2 [REVOKED]
- 210:15-3-117. The arts for grade 3 [REVOKED]
- 210:15-3-118. The arts for grade 4 [REVOKED]
- 210:15-3-119. The arts for grade 5 [REVOKED]
- 210:15-3-120. The arts for grade 6 [REVOKED]
- 210:15-3-121. The arts for grade 7 [REVOKED]
- 210:15-3-122. The arts for grade 8 [REVOKED]
- 210:15-3-123. The arts for high school [REVOKED]
- Part 15. Oklahoma Standards for World Languages [REVOKED]
- 210:15-3-133. Overview [REVOKED]
- 210:15-3-133.1. Definitions [REVOKED]
- 210:15-3-134. Language(s) awareness k - grade 3 [REVOKED]
- 210:15-3-135. Novice level range [REVOKED]
- 210:15-3-136. Intermediate level range [REVOKED]
- 210:15-3-137. Pre-advanced level range [REVOKED]
- Part 17. Health/Safety Education [REVOKED]
- 210:15-3-147. Health and safety education [REVOKED]
- 210:15-3-147.1. Definitions for health and safety [REVOKED]
- 210:15-3-148. Health and safety education for grades 1 through 4 [REVOKED]
- 210:15-3-149. Health and safety education for grades 5 through 8 [REVOKED]
- 210:15-3-150. Health and safety education for grades 9 through 12 [REVOKED]
- 210:15-3-151. HIV/AIDS prevention education [REVOKED]

Notices of Rulemaking Intent

- 210:15-3-152. HIV/AIDS prevention education for grades 7 through 12 [REVOKED]
Part 19. Physical Education [REVOKED]
210:15-3-153. Overview for physical education [REVOKED]
210:15-3-153.1. Definitions [REVOKED]
210:15-3-154. Physical education for pre-kindergarten and kindergarten [REVOKED]
210:15-3-155. Physical education for grade 1 [REVOKED]
210:15-3-156. Physical education for grade 2 [REVOKED]
210:15-3-157. Physical education for grade 3 [REVOKED]
210:15-3-158. Physical education for grade 4 [REVOKED]
210:15-3-159. Physical education for grade 5 [REVOKED]
210:15-3-160. Physical education for grades 6 and 7 [REVOKED]
210:15-3-161. Physical education for grades 8 and 9 [REVOKED]
210:15-3-162. Physical education for grades 10 through 12 [REVOKED]
Part 21. Information Literacy [REVOKED]
210:15-3-172. Overview [REVOKED]
210:15-3-172.1. Definitions [REVOKED]
210:15-3-173. Information literacy [REVOKED]
Part 23. Instructional Technology [REVOKED]
210:15-3-183. Overview [REVOKED]
210:15-3-183.1. Definitions [REVOKED]
210:15-3-184. Standards [REVOKED]
210:15-3-185. Intermediate level prior to completion of grade 8 [REVOKED]
210:15-3-186. Advanced level prior to completion of grade 12 [REVOKED]
Part 25. Technology Engineering [REVOKED]
210:15-3-196. Overview of technology engineering for grades 6 - 10 [REVOKED]
210:15-3-197. Technology engineering for grades 6 - 10 [REVOKED]
Part 26. Personal Financial Literacy [REVOKED]
210:15-3-198. Overview of Personal Financial Literacy for Grades 7-12 [REVOKED]
210:15-3-199. Personal Financial Literacy for Grades 7-12 [REVOKED]

SUMMARY:

The purpose of the new proposed rule at 210:15-1-3 is to establish a procedure for adoption and publication of subject matter curriculum standards by the State Department of Education and the State Board of Education in accordance with the provisions of 70 O.S. § 11-103.6a. The existing subject curriculum standards currently published as individual rules under the Priority Academic Student Skills at Subchapter 3 of Chapter 15, Title 210 are being revoked and will be republished in accordance with the provisions of the new rule at 210:15-1-3. Proposed amendments provide greater flexibility to the State Board of Education in complying with statutory provisions related to curriculum adoption.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 11-103.6; 70 O.S. § 11-103.6a.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #13-156; filed 1-25-13]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 20. STAFF

[OAR Docket #13-154]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 9. Teacher Certification

210:20-9-98. Administrative requirements of teacher certification [AMENDED]

210:20-9-104. Certification for languages with no subject area examination [AMENDED]

SUMMARY:

The purpose of the proposed changes is to establish a process for certification of Native American languages and teachers of Native American languages; update the criteria for certification of noncitizen foreign language teachers; and to clarify the portion of the rule addressing revocation of teaching certificates.

The proposed changes to the rules at 210:20-9-98 and 210:20-9-104 will facilitate teaching of Native American languages in Oklahoma public schools by providing the State Department of Education with a procedure for certification of Native American languages which have no subject matter competency examination. The changes will also provide a procedure for the State Department of Education to recognize tribal certification of proficiency in Native American languages.

The proposed changes to the rule at 210:20-9-98 also clarify the criteria for certification of visiting international teachers who are teaching world languages.

The proposed changes to the rule at 210:20-9-98 would update the rule to reflect changes in procedure for suspensions and/or revocations of a teaching certificate proposed at 210:1-5-6.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 6-189; 70 O.S. § 11-103.6; 75 O.S. § 308a.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #13-154; filed 1-25-13]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 40. GRANTS AND PROGRAMS-IN-AID**

[OAR Docket #13-155]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 87. Rules for Payment to Charter Schools

210:40-87-6. Charter school surety bonds [NEW]

210:40-87-7. Statewide Virtual Charter School Board [NEW]

SUMMARY:

The purpose of the proposed rules is to clarify requirements for charter schools under 70 O.S. § 3-136, which requires charter schools to comply with federal, state, and local rules and statutes relating to health, safety, civil rights, and insurance and comply with reporting requirements and financial audits. The new proposed rule at 210:40-87-6 requires superintendents, financial officers, and/or custodians of charter schools school submit the surety bonds required under 70 O.S. § 5-129 and 70 O.S. §5-116A. The surety bonds serve as a form of insurance for school districts to protect state aid distributed to charter schools.

In addition, the proposed rule at 210:40-87-7 establishes rules and procedures for the operation and governance of the Statewide Virtual Charter School Board established by SB 1816 during the 2012 legislative session.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. 3-136; 70 O.S. 3-142; 70 O.S. § 3-145.1; 70 O.S. § 3-145.4

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Monday March 25, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 25, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 22, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 22, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #13-155; filed 1-25-13]

TITLE 230. STATE ELECTION BOARD CHAPTER 10. THE COUNTY ELECTION BOARD

[OAR Docket #13-121]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Election Personnel [AMENDED]
- Subchapter 5. Election Training [AMENDED]
- Subchapter 7. General Administration of the County Election Board [AMENDED]

SUMMARY:

The Secretary of the State Election Board proposes amendments in Subchapters 1, 3, 5, and 7 of Chapter 10 for the following purposes.

1. Some proposed amendments are needed to implement provisions of SB 214 (2011).
2. Some proposed amendments are needed to update references to certain hardware and software systems used in the administration of voter registration and the conduct of elections and to revise update certain procedures that utilize such hardware and software systems.

3. Some proposed amendments revoke sections that have been determined to unnecessarily duplicate statutory language and/or statutory requirements.

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-121; filed 1-25-13]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #13-122]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Voter Outreach [AMENDED]
- Subchapter 5. Application for Voter Registration [AMENDED]
- Subchapter 9. Receiving and Processing Voter Registration Applications [AMENDED]
- Subchapter 11. Voter Registration List Maintenance [AMENDED]

SUMMARY:

The Secretary of the State Election Board proposes amendments in Subchapters 1, 3, 5, 9, and 11 of Chapter 15 for the following purposes.

1. Some proposed amendments are needed to implement provisions of two bills that became law in 2011 (SB115 and HB1615) and of two bills that became law in 2012 (SB301 and SB1170).

2. Some proposed amendments are needed to update references to certain hardware and software systems used in the administration of voter registration and the conduct of elections and to revise and update certain procedures that utilize such hardware and software systems.

3. Some proposed amendments revoke sections that have been determined to unnecessarily duplicate statutory language and/or statutory requirements

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-122; filed 1-25-13]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 20. CANDIDATE FILING**

[OAR Docket #13-123]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Filing for State and County Office [AMENDED]

Subchapter 5. Contests of Candidacy [AMENDED]

SUMMARY:

The Secretary of the State Election Board proposes amendments in Subchapters 1, 3, and 5 of Chapter 20 for the following purposes.

1. Some proposed permanent amendments are needed to implement provisions of two bills that became law in 2011 (SB117 and HB1615) and two bills that became law in 2012 (SB223 and SB301).

2. Some proposed amendments are needed to update references to certain hardware and software systems used in the administration of voter registration and the conduct of elections and to revise update certain procedures that utilize such hardware and software systems.

3. Some proposed amendments revoke sections that have been determined to unnecessarily duplicate statutory language and/or statutory requirements

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

Notices of Rulemaking Intent

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-123; filed 1-25-13]

TITLE 230. STATE ELECTION BOARD CHAPTER 25. BALLOT PRINTING

[OAR Docket #13-124]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Responsibilities for Ballot Printing [AMENDED]
- Subchapter 5. Determining Quantities and Methods of Printing Ballots [AMENDED]
- Subchapter 7. Competitive Bidding Process for Ballot Printing [AMENDED]
- Subchapter 9. Providing Copy to the Printer [AMENDED]
- Subchapter 11. Absentee Ballots [AMENDED]
- Subchapter 13. Placing Parties, Candidates on Ballot [AMENDED]
- Subchapter 15. Sample and Educational Ballots [AMENDED]
- Subchapter 17. Proofing of Ballots [AMENDED]
- Subchapter 19. Demonstration Ballots [AMENDED]

SUMMARY:

The Secretary of the State Election Board proposes permanent amendments in Subchapters 1, 3, 5, 7, 9, 11, 13, 15, 17, and 19 of Chapter 25 for the following purposes.

1. Some proposed permanent amended are needed to implement provisions of SB328 which became law in 2011.
2. Some proposed amendments are needed to update references to certain hardware and software systems used in the administration of voter registration and the conduct of elections, to revise and update certain procedures that utilize such hardware and software systems, and to implement new procedures needed to accommodate the process of making and printing ballots digitally.
3. Some proposed permanent amendments revoke sections that have been determined to unnecessarily duplicate statutory language and/or statutory requirements

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-124; filed 1-25-13]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #13-125]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Authorization for Absentee Voting [AMENDED]
- Subchapter 5. Application for Absentee Ballots [AMENDED]
- Subchapter 7. Absentee Voting Boards [AMENDED]
- Subchapter 9. Processing Applications [AMENDED]
- Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]
- Subchapter 13. Federal Write-In Absentee Ballot [AMENDED]
- Subchapter 15. State Write-In Absentee Ballot [REVOKED]
- Subchapter 17. Replacement of Lost or Undelivered Absentee Ballot [AMENDED]
- Subchapter 19. Counting the Ballots [AMENDED]
- Subchapter 21. Recording Absentee Voting [AMENDED]
- Subchapter 23. Suspected Violations of Absentee Voting Laws [AMENDED]

SUMMARY:

The Secretary of the State Election Board proposes permanent amendments in Subchapters 1, 3, 5, 7, 9, 11, 13, 17, 19, 21, and 23 of Chapter 30 and the revocation of Subchapter 15 of this Chapter for the following purposes.

1. Some proposed permanent amendments are needed to implement provisions of three bills that became law in 2011 (SB328, SB115, and HB1615) and of one bill that became law in 2012 (SB1466).

2. Some proposed permanent amendments are needed to update references to certain hardware and software systems used in the administration of voter registration, absentee voting, and in the conduct of elections and to revise and update certain procedures that utilize such hardware and software systems.

3. Some proposed permanent amendments revoke sections that have been determined to unnecessarily duplicate statutory language and/or statutory requirements

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-125; filed 1-25-13]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 35. ELECTION CONDUCT**

[OAR Docket #13-126]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. County Election Board Responsibilities [AMENDED]

Subchapter 5. Instructions for Precinct Election Officials [AMENDED]

Subchapter 9. HAVA Requirements [AMENDED]

Subchapter 11. Election Law Violations [REVOKED]

SUMMARY:

The Secretary of the State Election Board proposes permanent amendments in Subchapters 1, 3, 5, and 9 and the revocation of Subchapter 11 for the following purposes.

1. Some permanent amendments are needed to implement the provisions of SB 328 which became law in 2011.

2. Some proposed permanent amendments are needed to update references to certain hardware and software systems used in the administration of voter registration and in the conduct of elections and to revise and update certain procedures that utilize such hardware and software systems.

3. Some proposed permanent amendments revoke sections that have been determined to unnecessarily duplicate statutory language and/or statutory requirements

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-126; filed 1-25-13]

Notices of Rulemaking Intent

TITLE 230. STATE ELECTION BOARD CHAPTER 40. TYPES OF ELECTIONS

[OAR Docket #13-127]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Special Elections [AMENDED]
- Subchapter 5. Municipal Elections [AMENDED]
- Subchapter 7. School Elections [AMENDED]
- Subchapter 9. School Union Elections [AMENDED]

SUMMARY:

The Secretary of the State Election Board proposes permanent amendments in Subchapters 1, 3, 5, 7, and 9 of Chapter 40 for the following purposes.

1. Some proposed permanent amendments are needed to implement provisions of two bills that became law in 2011 (SB328 and HB1615) and of four bills that became law in 2012 (HB2449, SB91, SB1698, and SB1707).

2. Some proposed permanent amendments are needed to update references to certain hardware and software systems used in the administration of voter registration and the conduct of elections and to revise and update certain procedures that utilize such hardware and software systems.

3. Some proposed permanent amendments revoke sections that have been determined to unnecessarily duplicate statutory language and/or statutory requirements

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-127; filed 1-25-13]

TITLE 230. STATE ELECTION BOARD CHAPTER 45. CONTESTS OF ELECTION

[OAR Docket #13-128]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Recounts [AMENDED]
- Subchapter 5. Instructions for Counters for Manual Recount [AMENDED]
- Subchapter 7. Fraud and Irregularities [AMENDED]

SUMMARY:

The Secretary of the State Election Board proposes permanent amendments in Subchapters 1, 3, 5, and 7 of Chapter 45 for the following purposes.

1. Some proposed permanent amendments are needed to implement the provisions of SB328 which became law in 2011.

2. Some proposed permanent amendments are needed to update references to certain hardware and software systems used in the administration of voter registration and the conduct of elections and to revise and update certain procedures that utilize such hardware and software systems.

3. Some proposed permanent amendments revoke sections that unnecessarily duplicate statutory language and/or statutory requirements

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Division, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-128; filed 1-25-13]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 50. AUTOMATED SYSTEMS**

[OAR Docket #13-129]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Voting Devices and Data Processing [AMENDED]
- Subchapter 9. Telephone Voting System [REVOKED]

SUMMARY:

The Secretary of the State Election Board proposes permanent amendments in Subchapters 1 and 3 and the revocation of Subchapter 9 of Chapter 50 for the following purposes.

1. Some proposed permanent rules are needed to implement provisions of SB 328, which became law in 2011.
2. Some proposed permanent amendments are needed to update references to certain hardware and software systems used in the administration of voter registration, absentee voting, and the conduct of elections, to revise and update certain procedures that utilize such hardware and software systems, and to revoke rules that governed the use of a now-discontinued system.
3. Some proposed amendments revoke sections that have been determined to unnecessarily duplicate statutory language and/or statutory requirements.

AUTHORITY:

Title 26 O.S. 2011, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Monday, March 18, 2013. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, March 18, 2013, at 10:00 AM. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after March 1, 2013.

CONTACT PERSON:

Suzanne Cox, Support Services Director, State Election Board. (405)521-2391. suzanne.cox@elections.ok.gov

ADDITIONAL INFORMATION:

n/a

[OAR Docket #13-129; filed 1-25-13]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL**

[OAR Docket #13-149]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 2. Incorporation By Reference 252:100-2-3. [AMENDED]
- Subchapter 25. Visible Emissions and Particulates 252:100-25-5. [AMENDED]
- Subchapter 31. Control of Emission of Sulfur Compounds Part 5. New Equipment Standards 252:100-31-25. [AMENDED]
- Appendix Q. Incorporation by Reference [REVOKED]
- Appendix Q. Incorporation by Reference [NEW]

SUMMARY:

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. Included are changes or additions to 40 CFR Part 60, New Source Performance Standards (NSPS), and Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP). In addition, the Department is proposing to update language in Subchapter 2, Incorporation By Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q.

The Department is proposing to move an existing continuous opacity monitoring requirement from OAC 252:100-31, Control of Emission of Sulfur Compounds, to OAC 252:100-25, Visible Emissions and Particulates, which

Notices of Rulemaking Intent

is a more appropriate location. The proposal is not intended to add any additional requirement for facilities subject to either subchapter. However, the existing language of OAC 252:100-25-5 has been modified to accommodate the change, to clarify the requirements and applicability, and to remove certain provisions that no longer apply.

AUTHORITY:

The powers and duties of the Environmental Quality Board are set out in 27A O.S. Section 2-2-101 and 27A O.S. Section 2-5-106 and those of the Air Quality Advisory Council in 27A O.S. Section 2-2-201 and 27A O.S. Section 2-5-107. The legal authority authorizing the proposed rules is found in the Oklahoma Clean Air Act, 27A O.S. Sections 2-5-101 through - 117, specifically 27A O.S. Section 2-5-105 for Subchapters 2, 25, and 31 and Appendix Q; 27A O.S. Section 2-5-112 for Subchapters 25 and 31; and 27A O.S. Section 2-5-114 for Subchapter 2 and Appendix Q.

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published in the *Oklahoma Register* on September 17, 2012 (30 Ok Reg 1).

COMMENT PERIOD:

Oral comments may be made at the Environmental Quality Board meeting on February 22, 2013. The notice for these rules, published on September 17, 2012, provided for a 30-day public comment period through October 17, 2012, the date of the regularly scheduled Air Quality Advisory Council meeting. The Department accepted comments during that time period.

PUBLIC HEARINGS:

Before the Environmental Quality Board on February 22, 2013 at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102. A prior public hearing was held by the Air Quality Advisory Council on November 14, 2012 (originally scheduled for October 17, 2012).

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The proposed rules are available for review on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm, or copies may be obtained from the Department by calling Cheryl Bradley, Environmental Programs Manager, at (405) 702-4100.

RULE IMPACT STATEMENT:

The rule impact statements are available on the DEQ Air Quality Division website at http://www.deq.state.ok.us/AQDnew/council_mtgs/index.htm. Copies also may be obtained from the Department by calling the contact person listed below.

CONTACT PERSON:

For information regarding the proposed rulemaking, contact Cheryl Bradley at cheryl.bradley@deq.state.ok.us. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City,

Oklahoma 73101-1677, ATTN: Cheryl Bradley. The Air Quality Division FAX is (405)702-4101.

ADDITIONAL INFORMATION:

This Notice provides the date and location for the hearing of these rules by the Environmental Quality Board.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Department of Environmental Quality three (3) days in advance at (405)702-7100. The TDD relay number is (800) 522-8506.

[OAR Docket #13-149; filed 1-25-13]

TITLE 260. OFFICE OF STATE FINANCE CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #13-136]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the Office of Management and Enterprise Services and to conform to certain legislation.

AUTHORITY:

62 O.S. §34.28. Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until March 18, 2013. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 110, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, March 18, 2013, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 110

Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Gary Goff, Deputy General Counsel, (405) 717-8744

[OAR Docket #13-136; filed 1-25-13]

**TITLE 260. OFFICE OF STATE FINANCE
CHAPTER 10. PROMPT PAYMENT TO
VENDORS AND EMPLOYEES OF THE
STATE OF OKLAHOMA THROUGH THE
PAYMENT OF INTEREST ON LATE
PAYMENTS**

[OAR Docket #13-137]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Prompt Payment to Vendors and Employees of the State of Oklahoma Through the Payment of Interest on Late Payments [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the Office of Management and Enterprise Services and to conform to certain legislation.

AUTHORITY:

62 O.S. §34.28. Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until March 18, 2013. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 110, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, March 18, 2013, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Deputy General Counsel
Office of Management and Enterprise Services

Employees Group Insurance Division
3545 NW 58th Street, Suite 110
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Gary Goff, Deputy General Counsel, (405) 717-8744

[OAR Docket #13-137; filed 1-25-13]

**TITLE 260. OFFICE OF STATE FINANCE
CHAPTER 15. ACCESSIBILITY OF
INFORMATION TECHNOLOGY**

[OAR Docket #13-138]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Accessibility of Information Technology [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the Office of Management and Enterprise Services and to conform to certain legislation.

AUTHORITY:

62 O.S. §34.28. Office of Management and Enterprise Services.

COMMENT PERIOD:

Written comments may be made from this date until March 18, 2013. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 110, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, March 18, 2013, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division

Notices of Rulemaking Intent

3545 NW 58th Street, Suite 110
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Gary Goff, Deputy General Counsel, (405) 717-8744

[OAR Docket #13-138; filed 1-25-13]

TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #13-141]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:1-1-2. [AMENDED]
265:1-1-3. [AMENDED]
265:1-1-4. [AMENDED]
265:1-1-5. [AMENDED]
265:1-1-6. [AMENDED]
265:1-1-7. [AMENDED]
265:1-1-8. [AMENDED]
265:1-1-10. [AMENDED]
265:1-1-11. [AMENDED]

SUMMARY:

The proposed revisions to 265:1-1-2, 265:1-1-3, 265:1-1-4, 265:1-1-5, 265:1-1-6, 265:1-1-7, 265:1-1-8, 265:1-1-10 and 265:1-1-11 amend one membership of the State Fire Marshal Commission position and amends the Administrative Rules language in accordance with current state statutes.

AUTHORITY:

74 O.S. §§ 324.1, 324.2, 324.4, 324.7, 324.8, 324.14.; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 10:00 a.m. on March 18, 2013, at the following address: JoAnne Sellars, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 18, 2013, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2013.

CONTACT PERSON:

JoAnne Sellars, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #13-141; filed 1-25-13]

TITLE 265. STATE FIRE MARSHAL COMMISSION CHAPTER 3. INDIVIDUAL PROCEEDINGS

[OAR Docket #13-142]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
265:3-1-2. [AMENDED]
265:3-1-4. [AMENDED]
Subchapter 3. Procedures
265:3-3-7. [AMENDED]
265:3-3-10. [AMENDED]
Subchapter 5. Hearings
265:3-5-3. [AMENDED]
265:3-5-4. [AMENDED]
265:3-5-6. [AMENDED]

SUMMARY:

The proposed revisions to 265:3-1-2, 265:3-1-4, 265:3-3-7, 265:3-3-10, 265:3-5-3, 265:3-5-4 and 265:3-5-6 amends the Administrative Rules language in accordance with current state statutes.

AUTHORITY:

74 O.S. §§ 311-326.11.; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 10:00 a.m. on March 18, 2013, at the following address: JoAnne Sellars, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 18, 2013, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2013.

CONTACT PERSON:

JoAnne Sellars, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #13-142; filed 1-25-13]

**TITLE 265. STATE FIRE MARSHAL
COMMISSION
CHAPTER 10. SMOKE DETECTORS**

[OAR Docket #13-143]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Rationalization

265:10-3-1 [AMENDED]

265:10-3-2 [AMENDED]

265:10-3-3 [AMENDED]

265:10-3-4 [AMENDED]

Subchapter 5. Compliance

265:10-5-1 [AMENDED]

265:10-5-2 [AMENDED]

SUMMARY:

The proposed revisions to 265:10-3-1, 265:10-3-2, 265:10-3-3, 265:10-3-4, 265:10-5-1 and 265:10-5-2 amend the Administrative Rules language to reference current state adopted codes.

AUTHORITY:

74 O.S. § 324.11a.; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 10:00 a.m. on March 18, 2013, at the following address: JoAnne Sellars, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 18, 2013, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2013.

CONTACT PERSON:

JoAnne Sellars, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #13-143; filed 1-25-13]

**TITLE 265. STATE FIRE MARSHAL
COMMISSION
CHAPTER 20. EXPLOSIVES [REVOKED]**

[OAR Docket #13-144]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:20-1-1 [REVOKED]

265:20-1-2 [REVOKED]

265:20-1-3 [REVOKED]

265:20-1-4 [REVOKED]

265:20-1-5 [REVOKED]

265:20-1-6 [REVOKED]

265:20-1-7 [REVOKED]

265:20-1-8 [REVOKED]

265:20-1-9 [REVOKED]

Appendix A. American Table of Distances [REVOKED]

SUMMARY:

Delete Chapter 20 in its entirety.

AUTHORITY:

74 O.S. § 324.11a.; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 10:00 a.m. on March 18, 2013, at the following address: JoAnne Sellars, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 18, 2013, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2013.

Notices of Rulemaking Intent

CONTACT PERSON:

JoAnne Sellars, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #13-144; filed 1-25-13]

**TITLE 265. STATE FIRE MARSHAL
COMMISSION
CHAPTER 25. ADOPTED NATIONAL
CODES AND STANDARDS**

[OAR Docket #13-145]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:25-1-3 [AMENDED]

265:25-1-4 [AMENDED]

SUMMARY:

The proposed revisions to 265:25-1-3 and 265:25-1-4 amend the Administrative Rules language to reference current state adopted codes and define occupancy groups.

AUTHORITY:

74 O.S. § 324.11, 75 O.S. § 250 et seq.; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 10:00 a.m. on March 18, 2013, at the following address: JoAnne Sellars, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 18, 2013, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2013.

CONTACT PERSON:

JoAnne Sellars, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #13-145; filed 1-25-13]

**TITLE 265. STATE FIRE MARSHAL
COMMISSION
CHAPTER 35. FIELD CITATIONS**

[OAR Docket #13-146]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

265:35-1-1 [AMENDED]

SUMMARY:

The proposed revision to 265:35-1-1 amends the Administrative Rules language to reference current state adopted codes.

AUTHORITY:

74 O.S. § 324.9.; State Fire Marshal Commission

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 10:00 a.m. on March 18, 2013, at the following address: JoAnne Sellars, State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 18, 2013, at the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the State Fire Marshal's Office, 2401 NW 23rd Street, Suite 4, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law and may be obtained from the State Fire Marshal's Office at the above address beginning March 1, 2013.

CONTACT PERSON:

JoAnne Sellars, Assistant State Fire Marshal, (405) 522.5005.

[OAR Docket #13-146; filed 1-25-13]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 15. LICENSING**

[OAR Docket #13-113]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

Subchapter 1. General Provisions

325:15-1-2. Definitions [AMENDED]

Subchapter 5. Occupation Licensing

325:15-5-3. Employment of unlicensed person [AMENDED]

325:15-5-20. Program Trainer Prohibited [AMENDED]

SUMMARY:

Commission Executive Director Constantin Rieger and Ms. Mary Ann Roberts, OHRC Staff Attorney, propose amending Rule 325:15-5-3 to change the term 'valid license' to 'current license' with an explanation that the license allows the person's participation in the capacity for which the person is employed. Mr. Rieger proposes to amend Rule 325:15-1-2 to add a Program Trainer definition and then amend 325:15-5-20 not to allow any Licensee to act as a Program Trainer or use the services of a Program Trainer.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule amendment provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 18, 2013.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendment may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by March 1, 2013 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #13-113; filed 1-23-13]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 20. RACING OFFICIALS AND RACING PERSONNEL**

[OAR Docket #13-114]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:20-1-22. Duties of the racing veterinarian [AMENDED]

SUMMARY:

The Commission's Ad Hoc Committee on Medications proposes an additional responsibility for the Racing Veterinarian who is an employee of the racetrack: conducting pre-race examinations of entered horses as required by a Horse Racing Commission employee [either a Steward or the Official Veterinarian]. The objective is to reduce the number of breakdowns of horses from racing injuries by not allowing those horses that do not pass the pre-race examination to race.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 18, 2013.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by March 1, 2013 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

Notices of Rulemaking Intent

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #13-114; filed 1-23-13]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 25. ENTRIES AND DECLARATIONS

[OAR Docket #13-115]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:25-1-5. Entries [AMENDED]

325:25-1-32. Coggins test [AMENDED]

SUMMARY:

clarify when a Trainer may train for another Trainer. For Rule 325:25-1-32, Dr. Rudy Garrison, Commission Official Veterinarian, recommends the following amendments to broaden the requirement of a negative Coggins Test to all horses that enter an Oklahoma racetrack, including pony horses. He also suggests clarification of the requirement of the negative test for race horses entering a race to be an original Veterinary Service [VS] form or an electronic version to be attached to the registration papers and conducted within 12 months of the race in question.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 18, 2013.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by March 1, 2013 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #13-115; filed 1-23-13]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 40. VETERINARIAN PRACTICES

[OAR Docket #13-116]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:40-1-2. Definitions [AMENDED]

325:40-1-3. Veterinary Practices-Treatment Restricted [AMENDED]

SUMMARY:

Dr. Rudy Garrison, Commission Official Veterinarian, recommends amending the two rules to be in compliance with the Oklahoma Veterinary Practice Act that now uses the title of Registered Veterinary Technician rather than Certified Veterinary Technician.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information

in writing to the Commission, at the above address, before the close of the comment period on March 18, 2013.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), rule impact statements will be prepared by March 1, 2013 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #13-116; filed 1-23-13]

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION
CHAPTER 80. GAMING LICENSING REQUIREMENTS**

[OAR Docket #13-117]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

Subchapter 15. Requirements for Independent Testing Laboratory License

325:80-15-1. Application required [AMENDED]

SUMMARY:

Commission Staff recommends that an application deadline date be set for renewal license applications for Independent Testing Laboratories for the Commission to receive such license applications by October 1 of the current year to allow earlier fall review time by the Law Enforcement Division. After the review, the Hearing before the Commission could be scheduled for the November meeting of the current year to have the License Order executed at the January meeting of the next year.

AUTHORITY:

75 O.S., §303; Title 3A O.S. §204(A); Oklahoma Horse Racing Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Monday, March 18, 2013, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on March 18, 2013.

COPIES OF PROPOSED RULE AMENDMENTS:

A copy of the proposed rule amendments may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by March 1, 2013 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Agency Rulemaking Liaison, (405) 943-6472.

[OAR Docket #13-117; filed 1-23-13]

**TITLE 360. OKLAHOMA STATE AND EDUCATION EMPLOYEES GROUP INSURANCE BOARD
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #13-133]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the insurance program, to conform to certain legislation, and to reflect changes in benefit plans.

AUTHORITY:

74 O.S. Section 1304; 74 O.S. Section 1306. Office of Management and Enterprise Services Employees Group Insurance Division.

COMMENT PERIOD:

Written comments may be made from this date until March 18, 2013. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 110, Oklahoma City, Oklahoma 73112.

Notices of Rulemaking Intent

PUBLIC HEARING:

8:00 am, March 18, 2013, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 110
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Gary Goff, Deputy General Counsel, (405) 717-8744

[OAR Docket #13-133; filed 1-25-13]

**TITLE 360. OKLAHOMA STATE AND
EDUCATION EMPLOYEES GROUP
INSURANCE BOARD
CHAPTER 10. OFFICE OF MANAGEMENT
AND ENTERPRISE SERVICES (OMES)
EMPLOYEES GROUP INSURANCE
DIVISION (EGID) STATE AND EDUCATION
EMPLOYEES HEALTH, DENTAL, VISION
AND LIFE PLANS**

[OAR Docket #13-134]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Office of Management and Enterprise Services (OMES) Employees Group Insurance Division (EGID) State and Education Employees Health, Dental, Vision and Life Plans [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the insurance program, to conform to certain legislation, and to reflect changes in benefit plans.

AUTHORITY:

74 O.S. Section 1304; 74 O.S. Section 1306. Office of Management and Enterprise Services Employees Group Insurance Division.

COMMENT PERIOD:

Written comments may be made from this date until March 18, 2013. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 110, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, March 18, 2013, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 110
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Gary Goff, Deputy General Counsel, (405) 717-8744

[OAR Docket #13-134; filed 1-25-13]

**TITLE 360. OKLAHOMA STATE AND
EDUCATION EMPLOYEES GROUP
INSURANCE BOARD
CHAPTER 15. THE DISABILITY PLAN**

[OAR Docket #13-135]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. The Disability Plan [AMENDED]

SUMMARY:

The rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services Employees Group Insurance Division. It is proposed that the rules and regulations be amended. The effect of the amended rules is to provide for the continued efficiency and responsiveness of the insurance program, to conform to certain legislation, and to reflect changes in benefit plans.

AUTHORITY:

74 O.S. Section 1304; 74 O.S. Section 1306; 74 O.S. Section 1332 Office of Management and Enterprise Services Employees Group Insurance Division.

COMMENT PERIOD:

Written comments may be made from this date until March 18, 2013. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58th Street, Suite 110, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

8:00 am, March 18, 2013, in the 5th Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58th Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Gary Goff, Deputy General Counsel
Office of Management and Enterprise Services
Employees Group Insurance Division
3545 NW 58th Street, Suite 110
Oklahoma City, OK 73112

RULE IMPACT STATEMENT:

This agency has issued a Rule Impact Statement which may be obtained for review by contacting Gary Goff of the Office of Management and Enterprise Services Employees Group Insurance Division.

CONTACT PERSON:

Gary Goff, Deputy General Counsel, (405) 717-8744

[OAR Docket #13-135; filed 1-25-13]

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

[OAR Docket #13-130]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]
- 420:10-1-15. Standards for installations of gas appliances, gas piping and testing [AMENDED]

SUMMARY:

The proposed amendments to 420:10-1-14 adds new language for safety purposes that restricts items that can be placed near a cylinder exchange cabinet. The proposed language includes verbiage from the National Fire Protection Agency (NFPA 30), which is the Flammable and Combustible Liquid Code. Many retail locations will store/sell firewood in the winter, or place other exchange cabinets that sell racing fuel in 5 gallon pails too close to a propane cylinder

exchange cabinet. This language will restrict these items and other combustible/flammable material to no less than ten (10) feet from a propane cylinder exchange cabinet. Also, some language was stricken and replaced with new language that allows for automated cylinder exchange cabinets. This proposed language establishing the automated cylinder exchange cabinets is the same verbiage that will be included in the next edition of the National Fire Protection Agency (NFPA 58), which will come out in 2014. The proposed rule will allow consumers to exchange their own propane cylinders via an automated vending system.

The proposed amendments to 420:10-1-15 deletes language that requires a Class I or Class X manager to co-sign a Form 4 when completed by a Class IV or IV-D permit holder employed by the Class I or Class X. Class IV and/or IV-D permit holders are trained and capable of properly conducting a pressure test and/or leak test and documenting the test on a Form 4. The Class I or Class X will obviously continue to have oversight over the Class IV or IV-D permit holder but there is no reason for them to co-sign a form they did not complete.

AUTHORITY:

Oklahoma Liquefied Petroleum Gas Board; Pursuant to Statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H)

COMMENT PERIOD:

Persons may present their views, in written form, to the Oklahoma Liquefied Petroleum Gas Administration, 3815 N. Santa Fe, Suite 117, Oklahoma City, OK 73118. Comments will be accepted during the period from February 15, 2013 to March 18, 2013.

PUBLIC HEARING:

A Public Hearing is scheduled for 10:00 a.m., Monday, March 18, 2013, at 3815 N. Santa Fe, Suite 117, Oklahoma City, Oklahoma 73118. Interested persons may orally present their views at this time.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollars amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mr. Bill Glass at the above address during the period from February 15, 2013 to March 18, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by calling the Oklahoma Liquefied Petroleum Gas Administration at 405-521-2458. A \$5.00 charge will be assessed to offset copying charges and the cost of postage.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review beginning February 15, 2013, at the above address for the Oklahoma Liquefied Petroleum Gas Administration.

Notices of Rulemaking Intent

CONTACT PERSON:

For information regarding the proposed rulemaking, contact Mr. Bill Glass, Administrator, at 405-521-2458.

[OAR Docket #13-130; filed 1-25-13]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 10. PHYSICIANS AND
SURGEONS**

[OAR Docket #13-118]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

435:10-1-4. Definitions [AMENDED]

SUMMARY:

This rule defines terms used in this subchapter. The proposed amendments would clarify that a face-to-face meeting between the physician and patient is not required under certain circumstances. Circumstances would include physicians covering another physicians practice when issuing a refill if they have access to the complete medical record, hospice medical directors ordering medication as requested by licensed hospice employees with verification as being appropriate by the hospice record, and providers treating a laboratory-verified, sexually-transmitted disease or persons who have been in contact with an infectious bacterial disease.

AUTHORITY:

TITLE 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from February 15, 2013 to March 22, 2013. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 28, 2013, at 9:00 a.m. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 22, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 15, 2013, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #13-118; filed 1-24-13]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 50. STANDARDS AND CRITERIA
FOR CERTIFIED BEHAVIORAL HEALTH
CASE MANAGERS**

[OAR Docket #13-94]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Standards and Criteria for Certified Behavioral Health Case Managers [AMENDED]

SUMMARY:

The proposed revisions to Chapter 50 add the capacity for behavioral health rehabilitation services to be provided by designated levels of certified Behavioral Health Case Manager (CM) and create more distinction within the levels of CM to better align education and training requirements for quality service provision. Other revisions to the rules are being proposed to improve efficiency of the certification process by allowing designated state and national certifications and licenses in lieu of additional training and education requirements for various levels of case management certification.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306 and 3-318.

COMMENT PERIOD:

Persons wishing to submit written comments may do so before 5:00 p.m., March 18, 2013, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, e-mailed to ggeis@odmhsas.org, hand-delivered to the Department at 2401 NW 23rd Street, Suite 85, Oklahoma City, OK or by facsimile, at (405) 522-0236.

PUBLIC HEARING:

The Department will conduct a public hearing on March 19, 2013 at 10:00 a.m. in Conference Room A of the Department located at 1200 N.E. 13th Street, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by these proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the

proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on March 18, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department's website www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at 2401 NW 23rd Street, Suite 85, Oklahoma City, OK 73107 or email at ggeis@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning March 1, 2013. Copies may be obtained from the Department's website www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at 2401 NW 23rd Street, Suite 85, Oklahoma City, OK 73107 or email at ggeis@odmhsas.org.

CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 521-6365.

[OAR Docket #13-94; filed 1-15-13]

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

[OAR Docket #13-139]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Merit System of Personnel Administration Rules

SUMMARY:

Proposed amendments to Merit Rules 530:10-1-1 through 530:10-1-53; 530:10-3-22 and 26; 530:10-5-2 through 530:10-5-90; 530:10-7-6 through 530:10-7-31; 530:10-9-5 through 530:10-9-123; 530:10-11-3 through 530:10-11-76; 530:10-13-13 through 530:10-13-73; 530:10-15-43 through 530:10-15-71; 530:10-17-31 through 530:10-17-173; 530:10-21-2 are necessary to replace all references to the Office of Personnel Management with the Office of Management and Enterprise Services and/or Human Capital Management Division of the Office of Management and Enterprise Services pursuant to the provisions of HB 3053 (2012 Legislative Session). Proposed amendments to Merit Rule 530:10-15-10 and 530:10-15-12 are necessary to correct citations referencing Oklahoma Statutes. Proposed amendments to 530:10-15-11 is necessary to clarify the accumulation limits provisions. Proposed amendments to Merit Rules 530:10-17-110 through 530:10-17-114 are being proposed to clarify the Certified Public Manager? program requirements and add the ? symbol as required by the programs national accrediting body. Proposed amendments to Merit Rules 530:10-21-10, 11 and 12 are necessary to make

emergency amendments permanent and pursuant to implement the provisions of SB 1083 (2012 Legislative Session) that requires the Department of Human Services; Department of Mental Health and Substance Abuse Services; Department of Corrections; Department of Transportation; and Office of Juvenile Services to provide or contract to provide debriefing and counseling services for state employees who are affected by violent or traumatic events that occur in the workplace. Proposed amendments to 530:10-15-48 are necessary to make emergency amendments permanent and to incorporate the new 30 day notice requirement to state employees who are affected by a furlough, pursuant to HB 2724's (2012 Legislative Session) creation of a new section of law, Title 74 O.S. §840-2.20C. Proposed amendments to 530:10-9-92 are necessary to make emergency amendments permanent and to implement the new requirements of HB 1985 (2012 Legislative Session) amending the veteran hiring preference requirements in Title 74 O.S. §840-4.14.

AUTHORITY:

The Director of the Office of Management and Enterprise Services: 74 O.S., §§ 840-1.6A, 840-1.15, 840-2.17, 840-2.1, 840-2.10, 840-2.20, 840-2.20A, 840-2.27A et seq., 840-3.1, 840-3.2, 840-4.3, 840-4.12, 840-4.13, 840-4.15, 840-4.17.

COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to kara.smith@omes.ok.gov. The comment period will begin on Friday, February 15, 2013. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Monday, March 25, 2013.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 10:30 a.m., Monday, March 25, 2013, at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, OMES Conference, Room B-84, Basement Floor, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Human Capital Management Division, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 521-2177.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning Wednesday, March 1, 2013. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

Notices of Rulemaking Intent

CONTACT PERSON:

Kara I. Smith, OMES Deputy General Counsel, (405) 521-2177.

[OAR Docket #13-139; filed 1-25-13]

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

[OAR Docket #13-140]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Merit System of Personnel Administration Rules [AMENDED]

SUMMARY:

Proposed amendments to 530:10-1-2 is necessary to provide clarification to terms utilized within the Merit Rules. Proposed amendments to 530:10-1-9 is necessary to identify consulting and guidance services provided by the Human Capital Management Division of the Office of Management and Enterprise Services. Proposed amendments to 530:10-1-65 is necessary to update the rule to be consistent with Oklahoma statutory language. Proposed amendments to 530:10-5-34 and 530:10-5-44 are necessary to clarify the rule and delete redundant language. Proposed amendments to 530:10-5-91 is necessary to provide clarification as to reallocation of positions and posting requirements. Proposed amendments. Proposed revocation of 530:10-7-1.2 is necessary as the rule is duplicative of statutory requirement. Proposed amendments to 530:10-7-3 is necessary to eliminate the requirement that agencies must request a midpoint exception from the Office of Management and Enterprise Services. Proposed amendments to 530:10-7-7 and 530:10-7-9 are necessary to clarify that pay differentials are not limited by the maximum of the pay band. Proposed amendments to 530:10-7-12 are necessary to delete language requiring agencies to request for an extension from the Office of Management and Enterprise Services regarding time for an employee to use accrued compensatory time. Proposed amendments to 530:10-9-37 is necessary to clarify the length of time between repeating a merit test. Proposed revocation of 530:10-9-94 is necessary to delete obsolete language. Proposed amendments to 530:10-9-102 is necessary to streamline the reinstatement periods. Proposed amendments to 530:10-9-111 is necessary to update the rule to be consistent with Oklahoma statutory language. Proposed amendments to 530:10-11-51 is necessary to remove language requiring appointing authorities to post promotional opportunities for supervisory positions. Proposed amendments to 530:10-11-110 is necessary to streamline the restrictions on detail to special duty. Proposed amendments to 530:10-11-120

is necessary to clarify language that appointing authorities are permitted to suspend with pay classified employees, whether permanent classified or probationary classified. Proposed amendments to 530:10-15-40 is necessary to clarify the rule and provide definitions for immediate family, household and personal disaster. Proposed amendments to 530:10-15-44 is necessary to clarify the military leave provisions by including statutory language. Proposed amendments to 530:10-15-46 are necessary to clarify compensation during court or jury services leave. Proposed amendments to 530:10-15-49 is necessary to clarify the responsibilities of the employer and the employee. Proposed amendments to 530:10-15-71 is necessary to clarify the use and accrual of administrative leave. Proposed amendments to 530:10-17-31 is necessary to clarify the rule as relates to disciplinary action. Proposed amendment to 530:10-17-74, 76, 77 and 80 are necessary to clarify the Carl Albert Internship Program and notification requirements.

AUTHORITY:

The Director of the Office of Management and Enterprise Services: 74 O.S., §§ 840-1.6A, 840-2.15, 840-2.17, 840-2.20, 840-2.21, 840-3.4, 840-3.5, 840-4.3, 840-4.13, 840-4.15, 840-4.17.

COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to kara.smith@omes.ok.gov. The comment period will begin on Friday, February 15, 2013. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., Friday, March 22, 2013.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 10:30 a.m., Friday, March 22, 2013, at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, OMES Conference, Room B-84, Basement Floor, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Human Capital Management Division, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 521-2177.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning Wednesday, March 1, 2013. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

CONTACT PERSON:

Kara I. Smith, OMES Deputy General Counsel, (405) 521-2177.

[OAR Docket #13-140; filed 1-25-13]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #13-112]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:1-7-5 . Collections and Disbursements [AMENDED]

SUMMARY:

The proposed amendment to OAC 550:1-7-5 changes the maximum days for direct rollovers to one-hundred eighty (180) days.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 25th, 2013, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, March 27th, 2013, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 4th, 2013.

CONTACT PERSON:

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

[OAR Docket #13-112; filed 1-23-13]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN**

[OAR Docket #13-109]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:15-1-2 . Forward Drop [AMENDED]

SUMMARY:

The proposed amendment to OAC 550:15-1-2 clarifies the changes regarding interest under the Deferred Option Payout Provision Policy for retired members; changes regarding payment options to the member directly, Direct Rollover, or member's annuity provider with no recourse against the Oklahoma Police Deferred option Plan, the Oklahoma Police Pension and Retirement System, its Executive Director and staff, and/or the Board; changes towards payment to the beneficiary or estate under the Oklahoma Police Deferred Option Plan.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 25th, 2013, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, March 27th, 2013, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W.

Notices of Rulemaking Intent

63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 4th, 2013.

CONTACT PERSON:

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

[OAR Docket #13-109; filed 1-23-13]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN**

[OAR Docket #13-110]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:15-1-3 . Back Drop [AMENDED]

SUMMARY:

The proposed amendment to OAC 550:15-1-3 adds the Deferred Option Payout Provision Policy in the methodology of computing interest.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 25th, 2013, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, March 27th, 2013, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W.

63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 4th, 2013.

CONTACT PERSON:

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

[OAR Docket #13-110; filed 1-23-13]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 20. PURCHASE OF TRANSFERRED CREDITED SERVICE**

[OAR Docket #13-111]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:20-1-2. Computation [AMENDED]

SUMMARY:

The proposed amendment to OAC 550:20-1-2 adds language regarding guidelines for a refund on payments towards transferred credited service.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 25th, 2013, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, March 27th, 2013, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W.

63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on January 4th, 2013.

CONTACT PERSON:

Christina Hirschman, Executive Legal Assistant (405) 840-3555 Ext. 236.

[OAR Docket #13-111; filed 1-23-13]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

[OAR Docket #13-147]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card
- Part 3. Driver License Renewal
595:10-1-12 [AMENDED]
- Part 5. Driver License Replacement
595:10-1-19 [AMENDED]

SUMMARY:

This change would implement the provisions of new state law which requires a renewal of a license by mail to be done only if the preceding issuance was done in person.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until the conclusion of the rules hearing on Monday, March 18, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on March 18, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor,

professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #13-147; filed 1-25-13]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT**

[OAR Docket #13-148]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 595:35-1-6 [AMENDED]

SUMMARY:

The proposed rule change would remove modify the definitions regarding the transportation of hazardous materials in 595:35-1-26 as required to make Department of Public Safety rules compliant with the regulations of the Federal Motor Carrier Safety Administration.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until the conclusion of the rules hearing on Monday, March 18, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on March 18, 2013 at the Oklahoma Department of Public Safety Highway Patrol Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase

Notices of Rulemaking Intent

in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405) 425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #13-148; filed 1-25-13]

TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 2. ORGANIZATION AND PROCEDURES OF DEPARTMENT OF SECURITIES

[OAR Docket #13-157]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Individual Proceeding Practices and Procedures

660:2-9-3. [AMENDED]

660:2-9-4. [AMENDED]

660:2-9-6. [AMENDED]

SUMMARY:

The proposed amendments relate to certain of the rules addressing individual proceedings, to wit: requests to produce or permit inspection; notices to take depositions; replies to responses to written motions; failures to comply with discovery; computation of time; issuance and service of subpoenas to out-of-state witnesses; and testimony by telephone or other electronic means.

The Administrator finds that the rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by this act.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605, 1-608

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m., March 18, 2013, at the Oklahoma Department of Securities, First National Center, Suite 860, 120 North Robinson, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 18, 2013, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, First National Center, Suite 860, 120 North Robinson, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The public may access copies of the proposed rules on the Department's website at www.securities.ok.gov or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, First National Center, Suite 860, 120 North Robinson, Oklahoma City, OK 73102, telephone (405) 280-7700.

RULE IMPACT STATEMENT:

A rule impact statement has been prepared and is available at the Oklahoma Department of Securities (address, telephone number and website as listed above).

CONTACT PERSON:

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

[OAR Docket #13-157; filed 1-25-13]

TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 11. OKLAHOMA UNIFORM SECURITIES ACT OF 2004

[OAR Docket #13-158]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

660:11-1-3. [AMENDED]

Subchapter 5. Broker-Dealers and Agents

Part 1. General Provisions

660:11-5-1. [AMENDED]

660:11-5-2. [AMENDED]

PART 3. Licensing Procedures

660:11-5-11. [AMENDED]

660:11-5-12. [AMENDED]

660:11-5-13. [AMENDED]

660:11-5-14. [AMENDED]

660:11-5-16. [AMENDED]

Part 5. Reporting Requirements

660:11-5-31. [AMENDED]

Part 7. Record Keeping and Ethical Standards

660:11-5-42. [AMENDED]

- Subchapter 7. Investment Advisers and Investment Adviser Representatives
 - Part 1. General Provisions
 - 660:11-7-1. [AMENDED]
 - Part 3. Licensing Procedures
 - 660:11-7-11. [AMENDED]
 - 660:11-7-13. [AMENDED]
 - 660:11-7-17. [NEW]
 - Part 5. Reporting requirements
 - 660:11-7-31 [AMENDED]
 - Part 7. Record Keeping and Ethical Standards
 - 660:11-7-41 . [AMENDED]
 - 660:11-7-42. [AMENDED]
 - 660:11-7-43. [AMENDED]
 - 660:11-7-47. [AMENDED]
 - 660:11-7-48. [AMENDED]
 - Part 9. SEC Covered Investment Advisers
 - 660:11-7-51. [AMENDED]
- Subchapter 13. Sales Literature
 - 660:11-13-2. [AMENDED]
 - 660:11-13-3. [AMENDED]
 - 660:11-13-4. [AMENDED]

SUMMARY:

The proposed rule amendments clarify terms particularly in light of technological advances, reconcile inconsistent language, promote uniformity with other securities regulatory agencies, and address the change in name and structure of the former National Association of Securities, Inc. ("NASD") in light of its merger into the Financial Industry Regulatory Authority, Inc. ("FINRA"). The new rule would provide an exemption from investment adviser registration for advisers to qualifying private funds.

The Administrator finds that the subject rule and rule amendments are necessary or appropriate in the public interest or for the protection of investors and are consistent with the purposes intended by this act.

AUTHORITY:

Administrator, Oklahoma Department of Securities; 71 O.S. §§1-605, 1-608

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m., March 18, 2013, at the Oklahoma Department of Securities, First National Center, Suite 860, 120 North Robinson, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, March 18, 2013, to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door by 9:30 a.m. in the conference room at the Oklahoma Department of Securities, First National Center, Suite 860, 120 North Robinson, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

The public may access copies of the proposed rules on the Department's website at www.securities.ok.gov or obtain copies for review between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the offices of the Oklahoma Department of Securities, First National Center, Suite 860, 120 North Robinson, Oklahoma City, OK 73102, telephone (405) 280-7700.

RULE IMPACT STATEMENT:

A rule impact statement has been prepared and is available at the Oklahoma Department of Securities (address, telephone number and website as listed above).

CONTACT PERSON:

Faye Morton, General Counsel, Oklahoma Department of Securities, (405) 280-7727

[OAR Docket #13-158; filed 1-25-13]

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

[OAR Docket #13-102]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Licensure of Speech-Language Pathologists and Audiologists
 - 690:10-3-3. Criteria considered for licensure [AMENDED]
 - 690:10-3-7. Examination requirement and exceptions [AMENDED]
 - 690:10-3-8. Continuing education for speech-language pathologists, audiologists, and speech-language pathology assistants [AMENDED]
- Subchapter 7. Licensure of Speech-Language Pathology Assistants and Audiology Assistants
 - 690:10-7-1. ~~License to practice~~ Practice as an assistant [AMENDED]
 - 690:10-7-3. Supervision required [AMENDED]
 - 690:10-7-4. Representation of assistant ~~Licensure as~~ Independent Practitioner [AMENDED]
 - 690:10-7-5. Application for Speech-Language Pathology Assistant License or Audiology Assistant Authorization [AMENDED]
 - 690:10-7-6. Period of Licensure and Authorization [AMENDED]
 - 690:10-7-8. Recusal 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 [AMENDED]
- Subchapter 9. Fees

Notices of Rulemaking Intent

690:10-9-2. License renewal fee [AMENDED]

690:10-9-7. Inactive status fee [AMENDED]

SUMMARY:

Subchapter 3 adds language to existing rules to implement SB1863, the Post Military Service Occupation, Education and Credentialing Act. The proposed amendments to Subchapter 7 change the licensure of audiology assistants back to the authorization of audiology assistants and correct conflicting terms describing supervision of speech-language pathology assistants. The rules regarding the roles and responsibilities of speech-language pathology assistants and audiology assistants are amended to require assistants to comply with the ethical rules of practice in Chapter 15. The proposed amendments to Subchapter 9 waive the renewal fee for active duty members of the military, and change the inactive status fee from a one-time fee to an annual fee. The rule regarding inactive status is also amended to add certain requirements to reactivate a license that has been on inactive status for 5 years or more and limit to ten years the length of time a license may be maintained in inactive status.

AUTHORITY:

59 O.S., 2011 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 15, 2013 until 5:00 p.m., March 18, 2013, to the attention of Jeanie Wall, Executive Secretary. Written comments may be mailed to the Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152, hand-delivered to the Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma City, OK, facsimile, at (405) 524-4985 or by email at jwall@obespa.ok.gov.

PUBLIC HEARING:

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on April 5, 2013 at 1:00 p.m. in Conference Room 265 on the second floor at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OBESPA asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Jeanie Wall, at the above address, before the close of the comment period on March 18, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Jeanie Wall, Executive Secretary, at the above address or through the OBESPA website at www.obespa.ok.gov.

RULE IMPACT STATEMENT

Pursuant to 75 O.S. § 303 (D), a rule impact statement was prepared and is available at the same locations listed above for reviewing and obtaining copies of the proposed rules.

ADDITIONAL INFORMATION

For additional information contact Tracy Grammer, M.S., CCC-SLP at 405-271-4152.

[OAR Docket #13-102; filed 1-18-13]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 37. MANUFACTURED HOME INSTALLERS

[OAR Docket #13-104]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 6. Definitions

765:37-6-1 [AMENDED]

Subchapter 7. Installation Standards for Ground Sets

765:37-7-1 [AMENDED]

765:37-7-2 [AMENDED]

765:37-7-3 [AMENDED]

765:37-7-4 [AMENDED]

765:37-7-5 [AMENDED]

Subchapter 9. Assessment of Fine or Denial, Suspension, or Revocation of License

765:37-9-3 [NEW]

SUMMARY:

The United States Department of Housing and Urban Development has notified the State of Oklahoma that its Rules are not adequate to address HUD requirements as to the rules which affect the education and training of manufactured home installers, the standards for installation of new manufactured homes, and remedies for any party injured by improper manufactured home installations. It is necessary to amend and adopt permanent rules for manufactured home installations of new manufactured homes in the state of Oklahoma to conform state standards with the new federal standards.

AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission

47 O.S. Section 582(E)(1)

75 O.S. Section 302(A)(1)

75 O.S. Section 307

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 19, 2013, at 10:30 AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 19, 2013

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after March 1, 2013, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)521-3600.

[OAR Docket #13-104; filed 1-22-13]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

[OAR Docket #13-159]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Local Programs, Career Majors or Instructional Positions: Application; Student Accounting; Evaluation [AMENDED]

Subchapter 9. Service Contracts and Equipment Guidelines [AMENDED]

SUMMARY:

The rule amendment clarifies the population for which completion and placement information must be reported to the Oklahoma Department of Career and Technology Education. The rule amendment clarifies the inventory policy for all agency purchased instructional equipment.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, 70 O.S. 2011, § 14-104, as amended.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so from February 19 through March 22, 2013, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday, March 28, 2013, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 19, 2013, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 19, 2013, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455

[OAR Docket #13-159; filed 1-25-13]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 15. TECHNOLOGY CENTERS**

[OAR Docket #13-160]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Technology Centers Education [AMENDED]

SUMMARY:

The rule amendment provides clarification between a three and five year provisional technology center administrator's credential. The rule change increases the number of college credit hours from eight to nine for the provisional technology center administrator's credentials. The proposed amendment will clarify that the four classes listed are each three hour classes. The change makes it consistent with current average number of college credit hours per course. There are also changes to correct formatting.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, 70 O.S. 2011, § 14-104, as amended.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so from February 19 through March 22, 2013, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday, March 28, 2013, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 19, 2013, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 19, 2013, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455

[OAR Docket #13-160; filed 1-25-13]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 20. PROGRAMS AND SERVICES

[OAR Docket #13-161]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Secondary, Full-Time and Short-Term Adult CareerTech Programs [AMENDED]

SUMMARY:

The rule amendment clarifies the Technology Engineering and Science, Technology, Engineering, Math (STEM) program requirements and needs.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, 70 O.S. 2011, § 14-104, as amended.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so from February 19 through March 22, 2013, to Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday, March 28, 2013, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 19, 2013, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 19, 2013, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455

[OAR Docket #13-161; filed 1-25-13]

TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 25. BUSINESS AND INDUSTRY SERVICES

[OAR Docket #13-162]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Business and Industry Development

SUMMARY:

The rule amendment clarifies the inventory policy, maintenance, repair and replacement requirements for instructional equipment purchased by Business and Industry Services.

AUTHORITY:

Oklahoma State Board of Career and Technology Education; 70 O.S. 2011, § 14-103, 70 O.S. 2011, § 14-104, as amended.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so from February 19 through March 22, 2013, to

Connie Holland, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

Hearings will begin at 9:30 a.m., Thursday, March 28, 2013, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies will be on file for public viewing beginning February 19, 2013, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial

Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared as required by law, and will be available beginning February 19, 2013, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

CONTACT PERSON:

Marie Saatkamp, Human Resources Specialist, 405-743-5455

[OAR Docket #13-162; filed 1-25-13]

Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 50. STANDARDS AND CRITERIA
FOR CERTIFIED BEHAVIORAL HEALTH
CASE MANAGERS**

[OAR Docket #13-93]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action.

PROPOSED RULES:

Chapter 50. Standards and Criteria for Certified Behavioral Health Case Managers [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 30 Ok Reg 9.

CANCELLED COMMENT PERIOD

January 16, 2013 to February 15, 2013

CANCELLED PUBLIC HEARING:

10:00 a.m., February 19, 2013, Oklahoma Department of Mental Health and Substance Abuse Services, Conference Room A, 2401 N.W. 24th Street, Suite 85, Oklahoma City, OK.

ADDITIONAL INFORMATION:

Another comment period and public hearing will be announced at a later date. For additional information, contact Gretchen Geis, Administrative Rules Liaison, at (405) 521-6365 or ggeis@odmhsas.org.

[OAR Docket #13-93; filed 1-15-13]

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 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 10. PUBLIC EMPLOYEES RETIREMENT SYSTEM

[OAR Docket #13-105]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 2. Definitions
- 590:10-2-2. Normal retirement age [NEW]
- Subchapter 5. Contributions and Compensation
- 590:10-5-9. Changes to contribution rates; deadline for notifying System [NEW]
- Subchapter 7. Retirement Benefits
- 590:10-7-9. Fractional year computations [AMENDED]
- 590:10-7-14.1. Seasonal or temporary employment; calculation of 1,000 hours [NEW]
- Subchapter 17. Step-Up Election and Benefits
- 590:10-17-2. Eligibility for Step-up [AMENDED]

SUBMITTED TO GOVERNOR:

January 23, 2013

SUBMITTED TO HOUSE:

January 23, 2013

SUBMITTED TO SENATE:

January 23, 2013

[OAR Docket #13-105; filed 1-23-13]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 15. UNIFORM RETIREMENT SYSTEM FOR JUSTICES AND JUDGES

[OAR Docket #13-106]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 590:15-1-22. Health insurance contribution [NEW]
- 590:15-1-23. Normal retirement age [NEW]

SUBMITTED TO GOVERNOR:

January 23, 2013

SUBMITTED TO HOUSE:

January 23, 2013

SUBMITTED TO SENATE:

January 23, 2013

[OAR Docket #13-106; filed 1-23-13]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 25. DEFERRED COMPENSATION

[OAR Docket #13-107]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 9. Benefits
- 590:25-9-21. Discontinuance of 2009 required minimum distribution [NEW]

SUBMITTED TO GOVERNOR:

January 23, 2013

SUBMITTED TO HOUSE:

January 23, 2013

SUBMITTED TO SENATE:

January 23, 2013

[OAR Docket #13-107; filed 1-23-13]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 35. DEFERRED SAVINGS INCENTIVE PLAN

[OAR Docket #13-108]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 13. Benefits and Distributions
- 590:35-13-12. Discontinuance of 2009 required minimum distributions [NEW]

SUBMITTED TO GOVERNOR:

January 23, 2013

SUBMITTED TO HOUSE:

January 23, 2013

SUBMITTED TO SENATE:

January 23, 2013

[OAR Docket #13-108; filed 1-23-13]

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 475. OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 10. REQUIREMENTS FOR
REGISTRATION**

[OAR Docket #13-98]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

475:10-1-10. Application notices for registration and re-registration [AMENDED]

GUBERNATORIAL APPROVAL:

January 14, 2013

[OAR Docket #13-98; filed 1-17-13]

**TITLE 475. OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 30. LABELING REQUIREMENTS**

[OAR Docket #13-99]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

475:30-1-4. Manner of issuance of prescriptions [AMENDED]

475:30-1-6. Requirements of prescriptions for controlled dangerous substances listed in Schedule II [AMENDED]

GUBERNATORIAL APPROVAL:

January 14, 2013

[OAR Docket #13-99; filed 1-17-13]

**TITLE 475. OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 50. ANIMAL CONTROL
OFFICERS**

[OAR Docket #13-100]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

475:50-1-1. Purpose [AMENDED]

475:50-1-2. Qualifications for Registration/Required Training [AMENDED]

GUBERNATORIAL APPROVAL:

January 14, 2013

[OAR Docket #13-100; filed 1-17-13]

**TITLE 475. OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 55. PSEUDOEPHEDRINE
CONTROL**

[OAR Docket #13-101]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

475:55-1-2. Characteristics of exempt pseudoephedrine products [AMENDED]

475:55-1-5. Electronic Reporting [AMENDED]

475:55-1-10. Prescriptions [AMENDED]

GUBERNATORIAL APPROVAL:

January 14, 2013

[OAR Docket #13-101; filed 1-17-13]

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

[OAR Docket #13-96]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-2. [AMENDED]

(Reference APA WF # 12-08)

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 10A Oklahoma Statute, Sections 1-3-10 and 1-3-102

DATES:

Adoption:

December 13, 2012

Approved by Governor:

January 14, 2013

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Agency finds that a compelling public interest exists and finds that an imminent peril exists to the preservation of the public health, safety, or welfare which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to the agency's parental consent policy. OHCA has identified numerous instances of non-compliance with this regulation. These emergency rule revisions will ensure OHCA providers follow OHCA operational policy and state law that requires parental or legal guardian consent prior to rendering services on a minor child.

ANALYSIS:

Policy is amended to match state law and current agency operational requirements that parental or legal guardian consent must be given prior to rendering services to a minor child.

CONTACT PERSON:

Tywanda Cox at (405)522-7153

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

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 1. PHYSICIANS

317:30-5-2. General coverage by category

(a) **Adults.** Payment for adults is made to physicians for medical and surgical services within the scope of the Oklahoma Health Care Authority's (OHCA's) SoonerCare program, provided the services are reasonable and necessary for the diagnosis and treatment of illness or injury, or to improve the functioning of a malformed body member. Coverage of certain services must be based on a determination made by the OHCA's medical consultant in individual circumstances.

(1) Coverage includes the following medically necessary services:

(A) Inpatient hospital visits for all SoonerCare covered stays. All inpatient services are subject to post-payment review by the OHCA, or its designated agent.

(B) Inpatient psychotherapy by a physician.

(C) Inpatient psychological testing by a physician.

(D) One inpatient visit per day, per physician.

(E) Certain surgical procedures performed in a Medicare certified free-standing ambulatory surgery center (ASC) or a Medicare certified hospital that offers outpatient surgical services.

(F) Therapeutic radiology or chemotherapy on an outpatient basis without limitation to the number of treatments per month for members with proven malignancies or opportunistic infections.

(G) Direct physician services on an outpatient basis. A maximum of four visits are allowed per month per member in office or home regardless of the number of physicians providing treatment. Additional visits per month are allowed for those services related to emergency medical conditions and for services in connection with Family Planning.

(H) Direct physician services in a nursing facility for those members residing in a long-term care facility. A maximum of two nursing facility visits per month are allowed. To receive payment for a second nursing facility visit in a month denied by Medicare for a Medicare/SoonerCare member, attach

Emergency Adoptions

the EOMB from Medicare showing denial and mark "carrier denied coverage".

(I) Diagnostic x-ray and laboratory services.

(J) Mammography screening and additional follow-up mammograms.

(K) Obstetrical care.

(L) Pacemakers and prostheses inserted during the course of a surgical procedure.

(M) Prior authorized examinations for the purpose of determining medical eligibility for programs administered by OHCA. A copy of the authorization, OKDHS form 08MA016E, Authorization for Examination and Billing, must accompany the claim.

(N) If a physician renders direct care to a member on the same day as a dialysis treatment, payment is allowed for a separately identifiable service unrelated to the dialysis.

(O) Family planning includes sterilization procedures for legally competent members 21 years of age and over who voluntarily request such a procedure and execute the federally mandated consent form with his/her physician. A copy of the consent form must be attached to the claim form. Separate payment is allowed for the insertion and/or implantation of contraceptive devices during an office visit. Certain family planning products may be obtained through the Vendor Drug Program. Reversal of sterilization procedures for the purposes of conception is not allowed. Reversal of sterilization procedures are allowed when medically indicated and substantiating documentation is attached to the claim.

(P) Genetic counseling.

(Q) Laboratory testing (such as complete blood count (CBC), platelet count, or urinalysis) for monitoring members receiving chemotherapy, radiation therapy, or medications that require monitoring during treatment.

(R) Payment for ultrasounds for pregnant women as specified in OAC 317:30-5-22.

(S) Payment to the attending physician in a teaching medical facility for compensable services when the physician signs as claimant and renders personal and identifiable services to the member in conformity with federal regulations.

(T) Payment to clinical fellow or chief resident in an outpatient academic setting when the following conditions are met:

- (i) Recognition as clinical faculty with participation in such activities as faculty call, faculty meetings, and having hospital privileges;
- (ii) Board certification or completion of an accredited residency program in the fellowship specialty area;
- (iii) Hold unrestricted license to practice medicine in Oklahoma;
- (iv) If Clinical Fellow, practicing during second or subsequent year of fellowship;
- (v) Seeing members without supervision;

(vi) Services provided not for primary purpose of medical education for the clinical fellow or chief resident;

(vii) Submit billing in own name with appropriate Oklahoma SoonerCare provider number.

(viii) Additionally if a clinical fellow practicing during the first year of fellowship, the clinical fellow must be practicing within their area of primary training. The services must be performed within the context of their primary specialty and only to the extent as allowed by their accrediting body.

(U) Payment to the attending physician for the services of a currently Oklahoma licensed physician in training when the following conditions are met.

(i) Attending physician performs chart review and signs off on the billed encounter;

(ii) Attending physician is present in the clinic/or hospital setting and available for consultation;

(iii) Documentation of written policy and applicable training of physicians in the training program regarding when to seek the consultation of the attending physician.

(V) Payment to the attending physician for the outpatient services of an unlicensed physician in a training program when the following conditions are met:

(i) The member must be at least minimally examined by the attending physician or a licensed physician under the supervision of the attending physician;

(ii) The contact must be documented in the medical record.

(W) The payment to a physician for medically directing the services of a CRNA or for the direct supervision of the services of an Anesthesiologist Assistant (AA) is limited. The maximum allowable fee for the services of both providers combined is limited to the maximum allowable had the service been performed solely by the anesthesiologist.

(X) One pap smear per year for women of child bearing age. Two follow-up pap smears are covered when medically indicated.

(Y) Medically necessary solid organ and bone marrow/stem cell transplantation services for children and adults are covered services based upon the conditions listed in (i)-(iv) of this subparagraph:

(i) Transplant procedures, except kidney and cornea, must be prior authorized to be compensable.

(ii) To be prior authorized all procedures are reviewed based on appropriate medical criteria.

(iii) To be compensable under the SoonerCare program, all organ transplants must be performed at a facility which meets the requirements contained in Section 1138 of the Social Security Act.

(iv) Procedures considered experimental or investigational are not covered.

- (Z) Donor search and procurement services are covered for transplants consistent with the methods used by the Medicare program for organ acquisition costs.
- (i) Donor expenses incurred for complications are covered only if they are directly and immediately attributable to the donation procedure.
 - (ii) Donor expenses that occur after the 90 day global reimbursement period must be submitted to the OHCA for review.
- (AA) Total parenteral nutritional therapy (TPN) for identified diagnoses and when prior authorized.
- (BB) Ventilator equipment.
- (CC) Home dialysis equipment and supplies.
- (DD) Ambulatory services for treatment of members with tuberculosis (TB). This includes, but is not limited to, physician visits, outpatient hospital services, rural health clinic visits and prescriptions. Drugs prescribed for the treatment of TB beyond the prescriptions covered under SoonerCare require prior authorization by the University of Oklahoma College of Pharmacy Help Desk using form "Petition for TB Related Therapy". Ambulatory services to members infected with TB are not limited to the scope of the SoonerCare program, but require prior authorization when the scope is exceeded.
- (EE) Smoking and Tobacco Use Cessation Counseling for treatment of individuals using tobacco.
- (i) Smoking and Tobacco Use Cessation Counseling consists of the 5As:
 - (I) Asking the member to describe their smoking use;
 - (II) Advising the member to quit;
 - (III) Assessing the willingness of the member to quit;
 - (IV) Assisting the member with referrals and plans to quit; and
 - (V) Arranging for follow-up.
 - (ii) Up to eight sessions are covered per year per individual.
 - (iii) Smoking and Tobacco Use Cessation Counseling is a covered service when performed by physicians, physician assistants, advanced registered nurse practitioners, certified nurse midwives, dentists, and Oklahoma State Health Department and FQHC nursing staff. It is reimbursed in addition to any other appropriate global payments for obstetrical care, PCP care coordination payments, evaluation and management codes, or other appropriate services rendered. It must be a significant, separately identifiable service, unique from any other service provided on the same day.
 - (iv) Chart documentation must include a separate note and signature along with the member specific information addressed in the five steps and the time spent by the practitioner performing the counseling. Anything under three minutes is considered part of a routine visit.
- (FF) Immunizations as specified by the Advisory Committee on Immunization Practices (ACIP) guidelines.
- (2) General coverage exclusions include the following:
- (A) Inpatient admission for diagnostic studies that could be performed on an outpatient basis.
 - (B) Services or any expense incurred for cosmetic surgery.
 - (C) Services of two physicians for the same type of service to the same member on the same day, except when supplemental skills are required and different specialties are involved.
 - (D) Refractions and visual aids.
 - (E) Pre-operative care within 24 hours of the day of admission for surgery and routine post-operative care as defined under the global surgery guidelines promulgated by Current Procedural Terminology (CPT) and the Centers for Medicare and Medicaid Services (CMS).
 - (F) Payment to the same physician for both an outpatient visit and admission to hospital on the same date.
 - (G) Sterilization of members who are under 21 years of age, mentally incompetent, or institutionalized or reversal of sterilization procedures for the purposes of conception.
 - (H) Non-therapeutic hysterectomies.
 - (I) Medical services considered experimental or investigational.
 - (J) Payment for more than four outpatient visits per month (home or office) per member, except those visits in connection with family planning or related to emergency medical conditions.
 - (K) Payment for more than two nursing facility visits per month.
 - (L) More than one inpatient visit per day per physician.
 - (M) Physician services which are administrative in nature and not a direct service to the member including such items as quality assurance, utilization review, treatment staffing, tumor board review or multidisciplinary opinion, dictation, and similar functions.
 - (N) Charges for completion of insurance forms, abstracts, narrative reports or telephone calls.
 - (O) Payment for the services of social workers, licensed family counselors, registered nurses or other ancillary staff, except as specifically set out in OHCA rules.
 - (P) Induced abortions, except when certified in writing by a physician that the abortion was necessary due to a physical disorder, injury or illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed, or that the pregnancy is the result of an act of rape or incest. (Refer to OAC 317:30-5-6 or 317:30-5-50.)
 - (Q) Speech and Hearing services.

Emergency Adoptions

- (R) Mileage.
 - (S) A routine hospital visit on the date of discharge unless the member expired.
 - (T) Direct payment to perfusionist as this is considered part of the hospital reimbursement.
 - (U) Inpatient chemical dependency treatment.
 - (V) Fertility treatment.
 - (W) Payment for removal of benign skin lesions unless medically necessary.
- (b) **Children.** Payment is made to physicians for medical and surgical services for members under the age of 21 within the scope of the Authority's SoonerCare program, provided the services are medically necessary for the diagnosis and treatment of illness or injury, or to improve the functioning of a malformed body member. Medical and surgical services for children are comparable to those listed for adults. For services rendered to a minor child, the child's parent or court-appointed legal guardian must provide written authorization prior to the service being rendered, unless there is an explicit state or federal exception to this requirement. In addition to those services listed for adults, the following services are covered for children.
- (1) **Pre-authorization of inpatient psychiatric services.** All inpatient psychiatric services for members under 21 years of age must be prior authorized by an agency designated by the Oklahoma Health Care Authority. All psychiatric services are prior authorized for an approved length of stay. Non-authorized inpatient psychiatric services are not SoonerCare compensable.
 - (A) All residential and acute psychiatric services are authorized based on the medical necessity criteria as described in OAC 317:30-5-95.25, 317:30-5-95.27 and 317:30-5-95.29.
 - (B) Out of state placements are not authorized unless it is determined that the needed medical services are more readily available in another state or it is a general practice for members in a particular border locality to use resources in another state. If a medical emergency occurs while a member is out of the State, treatment for medical services is covered as if provided within the State. A prime consideration for placements is proximity to the family or guardian in order to involve the family or guardian in discharge and reintegration planning.
 - (2) **General acute care inpatient service limitations.** All general acute care inpatient hospital services for members under the age of 21 are not limited. All inpatient care must be medically necessary.
 - (3) **Procedures for requesting extensions for inpatient services.** The physician and/or facility must provide necessary justification to enable OHCA, or its designated agent, to make a determination of medical necessity and appropriateness of treatment options. Extension requests for psychiatric admissions must be submitted to the OHCA or its designated agent. Extension requests must contain the appropriate documentation validating the need for continued treatment in accordance with the medical necessity criteria described in OAC 317:30-5-95.26,

317:30-5-95.28 and 317:30-5-95.30. Requests must be made prior to the expiration of the approved inpatient stay. All decisions of OHCA or its designated agent are final.

- (4) **Utilization control requirements for psychiatric beds.** Utilization control requirements for inpatient psychiatric services for members under 21 years of age apply to all hospitals and residential psychiatric treatment facilities.
- (5) **Early and periodic screening diagnosis and treatment program.** Payment is made to eligible providers for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) of members under age 21. These services include medical, dental, vision, hearing and other necessary health care. Refer to OAC 317:30-3-65.2 through 317:30-3-65.11 for specific guidelines.
- (6) **Child abuse/neglect findings.** Instances of child abuse and/or neglect discovered through screenings and regular exams are to be reported in accordance with State Law. Section 7103 of Title 10 of the Oklahoma Statutes mandates reporting suspected abuse or neglect to the Oklahoma Department of Human Services. Section 7104 of Title 10 of the Oklahoma Statutes further requires reporting of criminally injurious conduct to the nearest law enforcement agency.
- (7) **General exclusions.** The following are excluded from coverage for members under the age of 21:
 - (A) Inpatient admission for diagnostic studies that could be performed on an outpatient basis.
 - (B) Services or any expense incurred for cosmetic surgery unless the physician certifies the procedure emotionally necessary.
 - (C) Services of two physicians for the same type of service to the same member on the same day, except when supplemental skills are required and different specialties are involved.
 - (D) Pre-operative care within 24 hours of the day of admission for surgery and routine post-operative care as defined under the global surgery guidelines promulgated by Current Procedural Terminology (CPT) and the Centers for Medicare and Medicaid Services (CMS).
 - (E) Payment to the same physician for both an outpatient visit and admission to hospital on the same date.
 - (F) Sterilization of members who are under 21 years of age, mentally incompetent, or institutionalized or reversal of sterilization procedures for the purposes of conception.
 - (G) Non-therapeutic hysterectomies.
 - (H) Medical Services considered experimental or investigational.
 - (I) More than one inpatient visit per day per physician.
 - (J) Induced abortions, except when certified in writing by a physician that the abortion was necessary due to a physical disorder, injury or illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place

the woman in danger of death unless an abortion is performed, or that the pregnancy is the result of an act of rape or incest. (Refer to OAC 317:30-5-6 or 317:30-5-50.)

(K) Physician services which are administrative in nature and not a direct service to the member including such items as quality assurance, utilization review, treatment staffing, tumor board review or multidisciplinary opinion, dictation, and similar functions.

(L) Payment for the services of social workers, licensed family counselors, registered nurses or other ancillary staff, except as specifically set out in OHCA rules.

(M) Direct payment to perfusionist as this is considered part of the hospital reimbursement.

(N) Charges for completion of insurance forms, abstracts, narrative reports or telephone calls.

(O) Mileage.

(P) A routine hospital visit on date of discharge unless the member expired.

(c) **Individuals eligible for Part B of Medicare.** Payment is made utilizing the OHCA allowable for comparable services. Claims filed with Medicare Part B should automatically cross over to OHCA. The explanation of Medicare Benefits (EOMB) reflects a message that the claim was referred to SoonerCare. If such a message is not present, a claim for coinsurance and deductible must be filed with the OHCA within 90 days of the date of Medicare payment or within one year of the date of service in order to be considered timely filed.

(1) In certain circumstances, some claims do not automatically "cross over". Providers must file a claim for coinsurance and/or deductible to SoonerCare within 90 days of the Medicare payment or within one year from the date of service.

(2) If payment was denied by Medicare Part B and the service is a SoonerCare covered service, mark the claim "denied by Medicare" and attach the Medicare EOMB showing the reason for the denial.

[OAR Docket #13-96; filed 1-16-13]

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

[OAR Docket #13-97]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Services
317:30-5-240.1. [AMENDED]
317:30-5-241. [AMENDED]
317:30-5-241.3. [AMENDED]
(Reference APA WF # 12-19)

AUTHORITY:

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

DATES:

Adoption:

December 13, 2012

Approved by Governor:

January 14, 2013

Effective:

Immediately upon Governor's approval or January 15, 2013, whichever is later

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to the Agency's outpatient behavioral health rules in order to avoid imminent reduction to the budget of the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), the state agency responsible for administering the State's Medicaid outpatient behavioral health program. Utilization of Behavioral Health Rehabilitation (BHR) services has increased over the last several years at an alarming rate, increasing from 14% of the outpatient behavioral health budget in SFY 2008, to 24% of the budget in SFY 2012. Proposed rule revisions would impose limits on the amount of BHR services available to SoonerCare members in order to ensure appropriateness of the services provided as well as contain program costs. The Agency also finds that promulgation of emergency rules is necessary to protect the public health, safety or welfare by ensuring that services are of high quality and delivered in the most appropriate manner to the intended populations.

ANALYSIS:

Over the past two years, the Agency has observed a dramatic increase in the amount of Behavioral Health Rehabilitation Services delivered to SoonerCare members, prompting the Agency to examine the appropriateness and quality of the services being delivered. It was discovered that an overwhelming amount of Psychosocial Rehabilitation Services (PSR), a type of BHR, were being delivered to children under the age of 6 while research shows that PSR is not an effective treatment modality for children in this age range experiencing emotional or behavioral disorders. The Agency is proposing rule revisions to deny reimbursement for PSR services for children below age 6 unless services are medically necessary and required pursuant to Federal Early and Periodic Screening Diagnostic and Treatment (EPSDT) laws. The Agency is also proposing rule revisions which will control utilization of Rehabilitation services by imposing limits on the number of units that qualified providers will be reimbursed. The utilization limits will be prior authorized by OHCA or its designated agent and will be directly correlated to the individual member's level of need.

CONTACT PERSON:

Tywanda Cox at (405)522-7153

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,
THE FOLLOWING EMERGENCY RULES ARE
CONSIDERED PROMULGATED AND EFFECTIVE
UPON APPROVAL BY THE GOVERNOR AS SET
FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE
UPON APPROVAL BY THE GOVERNOR OR JANUARY
15, 2013, WHICHEVER IS LATER:**

**SUBCHAPTER 5. INDIVIDUAL PROVIDERS
AND SPECIALTIES**

Emergency Adoptions

PART 21. OUTPATIENT BEHAVIORAL HEALTH SERVICES

317:30-5-240.1. Definitions

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

"Accrediting body" means one of the following:

- (A) Accreditation Association for Ambulatory Health Care (AAAH);
- (B) American Osteopathic Association (AOA);
- (C) Commission on Accreditation of Rehabilitation Facilities (CARF);
- (D) Council on Accreditation of Services for Families and Children, Inc. (COA);
- (E) The Joint Commission (TJC) formerly known as Joint Commission on Accreditation of Healthcare Organizations; or
- (F) other OHCA approved accreditation.

"Adult" means an individual 21 and over, unless otherwise specified.

"AOD" means Alcohol and Other Drug.

"AODTP" means Alcohol and Other Drug Treatment Professional.

"ASAM" means the American Society of Addiction Medicine.

"ASAM Patient Placement Criteria (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.

"BH" means behavioral health, which relates to mental, substance abuse, addictions, gambling, and other diagnosis and treatment. **"Behavioral Health (BH) Services"** means a wide range of diagnostic, therapeutic, and rehabilitative services used in the treatment of mental illness, substance abuse, and co-occurring disorders.

"BHAs" means Behavioral Health Aides.

"BHRS" means Behavioral Health Rehabilitation Specialist.

"Certifying Agency" means the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS).

"Child" means an individual younger than 21, unless otherwise specified.

"Client Assessment Record (CAR)" means the standardized tool recognized by OHCA and ODMHSAS to evaluate the functioning of the member.

"CM" means case management.

"CMHC's" "CMHCs" means Community Mental Health Centers who are state operated or privately contracted providers of behavioral health services for adults with severe/serious mental illnesses, and youth with serious emotional disturbances.

"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, age group, religious, sexual orientation, and/or social group.

"DSM" means the most current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

"EBP" means an Evidence Based Practice per the Substance Abuse & Mental Health Services Administration (SAMHSA).

"EPSDT" means the Medicaid Early and Periodic Screening, Diagnostic and Treatment benefit for children. In addition to screening services, EPSDT also covers the diagnostic and treatment services necessary to ameliorate acute and chronic physical and mental health conditions.

"FBCS" means Facility Based Crisis Stabilization.

"FSPs" means Family Support Providers.

"ICF/MR" means Intermediate Care Facility for the Mentally Retarded.

"Institution" means an inpatient hospital facility or Institution for Mental Disease (IMD).

"IMD" means Institution for Mental Disease as per 42 CFR 435.1009 as a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care and related services. The regulations indicate that an institution is an IMD if its overall character is that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases. Title XIX of the Social Security Act provides that, except for individuals under age 21 receiving inpatient psychiatric care, Medicaid (Title XIX) does not cover services to IMD patients under 65 years of age [section 1905(a)(24)(B)].

"Level of Functioning Rating" means a standardized mechanism to determine the intensity or level of services needed based upon the severity of the member's condition. The CAR level of function rating scale is the tool that links the clinical assessment to the appropriate level of treatment. The CAR level of functioning rating scale is to be utilized in conjunction with the clinical judgment of the Licensed Behavioral Health Professional.

"LBHP" means a Licensed Behavioral Health Professional.

"MST" means the EBP Multi-Systemic Therapy.

"OAC" means Oklahoma Administrative Code, 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.

"Objectives" means a specific statement of planned accomplishments or results that are specific, measurable, attainable, realistic, and time-limited.

"ODMHSAS" means the Oklahoma Department of Mental Health and Substance Abuse Services.

"ODMHSAS contracted facilities" means those providers that have a contract with the ODMHSAS to provide mental health or substance abuse treatment services, and also contract directly with the Oklahoma Health Care Authority to provide Outpatient Behavioral Health Services.

"OHCA" means the Oklahoma Health Care Authority.

"OJA" means the Office of Juvenile Affairs.

"Provider Manual" means the OHCA BH Provider Billing Manual.

"RBMS" means Residential Behavioral Management Services within a group home or therapeutic foster home.

"Recovery" means an ongoing process of discovery and/or rediscovery that must be self defined, individualized and may contain some, if not all, of the ten fundamental components of recovery as outlined by SAMHSA.

"RSS" means Recovery Support Specialist.

"SAMHSA" means the Substance Abuse and Mental Health Services Administration.

~~"SED" means Severe Emotional Disturbance.~~ **"Serious Emotional Disturbance (SED)"** means a condition experienced by persons from birth to 18 that show evidence of points of (1), (2) and (3) below:

(1) The disability must have persisted for six months and be expected to persist for a year or longer.

(2) A condition or serious emotional disturbance as defined by the most recently published version of the DSM or the International Classification of Disease (ICD) equivalent with the exception of DSM "V" codes, substance abuse, and developmental disorders which are excluded, unless they co-occur with another diagnosable serious emotional disturbance.

(3) The child must exhibit either (A) or (B) below:

(A) Psychotic symptoms of a serious mental illness (e.g. Schizophrenia characterized by defective or lost contact with reality, often hallucinations or delusions); or

(B) Experience difficulties that substantially interfere with or limit a child or adolescent from achieving or maintaining one or more developmentally appropriate social, behavioral, cognitive, communicative, or adaptive skills. There is functional impairment in at least two of the following capacities (compared with expected developmental level):

(i) Impairment in self-care manifested by a person's consistent inability to take care of personal grooming, hygiene, clothes and meeting of nutritional needs.

(ii) Impairment in community function manifested by a consistent lack of age appropriate behavioral controls, decision-making, judgment and value systems which result in potential involvement or involvement with the juvenile justice system.

(iii) Impairment of social relationships manifested by the consistent inability to develop and maintain satisfactory relationships with peers and adults.

(iv) Impairment in family function manifested by a pattern of disruptive behavior exemplified by repeated and/or unprovoked violence to siblings and/or parents, disregard for safety and welfare of self or others (e.g., fire setting, serious and chronic destructiveness, inability to conform to reasonable limitations and expectations which may result in removal from the family or its equivalent).

(v) Impairment in functioning at school manifested by the inability to pursue educational goals in a normal time frame (e.g., consistently failing grades, repeated truancy, expulsion, property damage or violence toward others).

~~"SMI" means Severely Mentally Ill.~~ **"Serious Mental Illness (SMI)"** means a condition experienced by persons age 18 and over that show evidence of points of (1), (2) and (3) below:

(1) The disability must have persisted for six months and be expected to persist for a year or longer.

(2) A condition or serious mental illness as defined by the most recently published version of the DSM or the International Classification of Disease (ICD) equivalent with the exception of DSM "V" codes, substance abuse, and developmental disorders which are excluded, unless they co-occur with another diagnosable serious mental illness.

(3) The adult must exhibit either (A) or (B) below:

(A) Psychotic symptoms of a serious mental illness (e.g. Schizophrenia characterized by defective or lost contact with reality, often hallucinations or delusions); or

(B) Experience difficulties that substantially interfere with or limit an adult from achieving or maintaining one or more developmentally appropriate social, behavioral, cognitive, communicative, or adaptive skills. There is functional impairment in at least two of the following capacities (compared with expected developmental level):

(i) Impairment in self-care manifested by a person's consistent inability to take care of personal grooming, hygiene, clothes and meeting of nutritional needs.

(ii) Impairment in community function manifested by a consistent lack of appropriate behavioral controls, decision-making, judgment and value systems which result in potential involvement or involvement with the criminal justice system.

(iii) Impairment of social relationships manifested by the consistent inability to develop and maintain satisfactory relationships with peers.

(iv) Impairment in family function manifested by a pattern of disruptive behavior exemplified by repeated and/or unprovoked violence, disregard for safety and welfare of self or others (e.g., fire setting, serious and chronic destructiveness, inability to conform to reasonable limitations and expectations.

(v) Impairment in functioning at school or work manifested by the inability to pursue educational or career goals.

"Trauma informed" means the recognition and responsiveness to the presence of the effects of past and current traumatic experiences in the lives of members.

Emergency Adoptions

317:30-5-241. Covered Services

- (a) Outpatient behavioral health services are covered for adults and children as set forth in this Section unless specified otherwise, and when provided in accordance with a documented individualized service plan, developed to treat the identified behavioral health and/or substance abuse disorder(s).
- (b) All services are to be for the goal of improvement of functioning, independence, or well-being of the member. The services and treatment plans are to be recovery focused, trauma and co-occurring specific. The member must be able to actively participate in the treatment. Active participation means that the member must have sufficient cognitive abilities, communication skills, and short-term memory to derive a reasonable benefit from the treatment.
- (c) In order to be reimbursed for services, providers must submit a completed Customer Data Core (CDC) to OHCA or its designated agent. The CDC must be reviewed, updated and resubmitted by the provider every six months. Reimbursement is made only for services provided while a current CDC is on file with OHCA or its designated agent. For further information and instructions regarding the CDC, refer to the Behavioral Health Provider Manual.
- (d) All outpatient BH services must be provided following established medical necessity criteria. Some outpatient behavioral health services may require authorization. For information regarding services requiring authorization and the process for obtaining them, refer to the Behavioral Health Provider Manual. Authorization of services is not a guarantee of payment. The provider is responsible for ensuring that the eligibility, medical necessity, procedural, coding, claims submission, and all other state and federal requirements are met. OHCA does retain the final administrative review over both authorization and review of services as required by 42 CFR 431.10.

317:30-5-241.3. Behavioral Health Rehabilitation (BHR) services

- (a) **Definition.** ~~BHR are behavioral health rehabilitation services which are necessary to improve the member's ability to function in the community. They are performed to improve the skills and abilities of members to live interdependently in the community, improve self care and social skills, and promote lifestyle change and recovery practices. This service may include the Evidence Based Practice of Illness, Management, and Recovery.~~ Behavioral Health Rehabilitation (BHR) services are goal oriented outpatient interventions that target the maximum reduction of mental and/or behavioral health impairments and strive to restore the members to their best possible mental and/or behavioral health functioning. BHR services must be coordinated in a manner that is in the best interest of the member and may be provided in a variety of community and/or professional settings. For purposes of this Section, BHR includes Psychosocial Rehabilitation, Outpatient Substance Abuse Rehabilitation, and Medication Training and Support.
- (b) **Psychosocial Rehabilitation (PSR).**
- (1) **Definition.** PSR services are face-to-face Behavioral Health Rehabilitation services which are necessary

to improve the member's ability to function in the community. They are performed to improve the skills and abilities of members to live interdependently in the community, improve self-care and social skills, and promote lifestyle change and recovery practices. For adults, this service may include the Evidence Based Practice of Illness Management and Recovery. For children, PSR services include two levels of intervention: Children's Psychosocial Rehabilitation - Intensive (CPSR-I) and Children's Psychosocial Rehabilitation - Skills Training (CPSR-ST).

(A) **CPSR-I.** CPSR-I is a level of support designed to help children with Serious Emotional Disturbance (SED) who are experiencing an acute psychiatric condition, alleviating or eliminating the need to admit them into a psychiatric inpatient or residential setting. It is a comprehensive, time-limited, community-based service delivered to children with SED who are exhibiting symptoms that interfere with their individual lives in a highly disabling or incapacitating manner.

(B) **CPSR-ST.** CPSR-ST is a level of support designed to help children/adolescents who have been diagnosed with serious social, behavioral and/or emotional issues that substantially interfere with functioning in the home, school or community. The service plan is focused toward age-appropriate rehabilitation. Primary emphasis is to develop stabilization in the community and home. CPSR-ST services teach members a variety of life skills.

(+2) **Clinical restrictions.** This service is generally performed with only the members and the ~~BHRS~~ qualified provider, but may include a member and the member's family/support system group that focuses on the member's diagnosis, management, and recovery based curriculum. A member who at the time of service is not able to cognitively benefit from the treatment due to active hallucinations, substance abuse, or other impairments is not suitable for this service. Family involvement is allowed for support of the member and education regarding his/her recovery, but does not constitute family therapy, which requires a licensed provider.

(23) **Qualified providers.** A BHRS, CADC, or LBHP may perform ~~BHRPSR~~ and CPSR, following development of a service plan and treatment curriculum approved by a LBHP. Staff CPSR staff must be appropriately trained in a recognized behavioral/management intervention program such as MANDT or CAPE or trauma informed methodology.

(34) **Group sizes.** The ~~minimum~~ maximum staffing ratio is fourteen members for each BHRS, CADC, or LBHP for adults and eight to one for children under the age of eighteen.

(45) **Limitations.**

(A) **Transportation.** Travel time to and from ~~BHRPSR~~ PSR treatment is not compensable. Group psychosocial ~~rehabilitation~~ PSR services do not qualify for the OHCA transportation program, but ~~they~~ OHCA will arrange for transportation for those

who require specialized transportation equipment. A member who at the time of service is not able to cognitively benefit from the treatment due to active hallucinations, substance use, or other impairments is not suitable for this service.

(B) **Time.** Breaks, lunchtime and times when the member is unable or unwilling to participate are not compensable and must be deducted from the overall billed time.

(C) **Location.** In order to develop and improve the member's community and interpersonal functioning and self care abilities, ~~rehabilitation~~ PSR services may take place in settings away from the outpatient behavioral health agency site. When this occurs, the BHRS, CADC, or LBHP must be present and interacting, teaching, or supporting the defined learning objectives of the member for the entire claimed time.

(D) Eligibility for PSR services. PSR services are intended for adults with Serious Mental Illness (SMI) and children with emotional or behavioral disorders. The following members are not eligible for PSR services:

- (i) Residents of ICF/MR facilities, unless authorized by OHCA or its designated agent;
- (ii) children under age 6, unless a prior authorization has been granted by OHCA or its designated agent based on a finding of medical necessity;
- (iii) children receiving RBMS in a group home or therapeutic foster home, unless authorized by OHCA or its designated agent;
- (iv) inmates of public institutions;
- (v) members residing in inpatient hospitals or IMDs; and
- (vi) members residing in nursing facilities.

(E) Billing limits. Residents of ICF/MR facilities and children receiving RBMS in a group home or therapeutic foster home are not eligible for this service, unless allowed by OHCA or its designated agent. PSR/CPSR services are time-limited services designed to be provided over the briefest and most effective period possible and as adjunct (enhancing) interventions to compliment more intensive behavioral health therapies. Service limits are based on the member's needs according to the CAR or other approved tool, the requested placement based on the level of functioning rating, medical necessity, and best practice. Service limitations are designed to help prevent rehabilitation diminishing return by remaining within reasonable age and developmentally appropriate daily limits. PSR/CPSR services authorized under this Section should not duplicate the structured services required for children residing in group home or therapeutic foster care settings, or receiving services in Day Treatment or Partial Hospitalization Programs. PSR/CPSR is billed in unit increments of 15 minutes with the following limits:

(i) **Group PSR/CPSR.** The maximum is 24 units per day for adults PSR and CPSR-I and 16 units per day for children CPSR-ST.

(ii) **Individual PSR/CPSR.** The maximum is six units per day. Children under an ODMHSAS Systems of Care program may be prior authorized additional units as part of an intensive transition period.

(iii) Per-Member service levels and limits. CPSR-I is only authorized as a Level 4 service. Group and/or individual CPSR-ST and adult PSR services provided in combination may not exceed the following monthly limits depending upon which level for which the member has been approved:

(I) Level 1: 32 units.

(II) Level 2: 48 units.

(III) Level 3: 64 units.

(iv) EPSDT. Pursuant to OAC 317:30-3-65 et seq., billing limits may be exceeded or may not apply if documentation demonstrates that the requested services are medically necessary and are needed to correct or ameliorate defects, physical or behavioral illnesses or conditions discovered through a screening tool approved by OHCA or its designated agent. The OHCA has produced forms for documenting an EPSDT child health checkup screening which the provider can access on the OHCA website.

(F) Documentation requirements. In accordance with OAC 317:30-5-241.1, the behavioral health service plan developed by the LBHP must include the member's strengths, functional assets, weaknesses or liabilities, treatment goals, objectives and methodologies that are specific and time-limited, and defines the services to be performed by the practitioners and others who comprise the treatment team. When PSR/CPSR services are prescribed, the plan must address objectives that are specific, attainable, realistic, and time-limited. The plan must include the appropriate treatment coordination to achieve the maximum reduction of the mental and/or behavioral health disability and to restore the member to their best possible functional level. Progress notes for intensive and skills training outpatient mental/behavioral health, substance abuse or integrated programs may be in the form of daily summary or weekly summary notes and must include the following:

- (i) Curriculum sessions attended each day and/or dates attending during the week;
- (ii) Start and stop times for each day attended and the physical location in which the service was rendered;
- (iii) Specific goal(s) and objectives addressed during the week;

Emergency Adoptions

- (iv) Type of Skills Training provided each day and/or during the week including the specific curriculum used with member;
- (v) Member satisfaction with staff intervention(s);
- (vi) Progress, or barrier to, made towards goals, objectives;
- (vii) New goal(s) or objective(s) identified;
- (viii) Signature of the lead ~~BHR~~qualified professional; and
- (ix) Credentials of the lead ~~BHR~~qualified professional.

(G) **Non-Covered Services.** The following services are not considered BHR and are not reimbursable:

- (i) Room and board;
- (ii) educational costs;
- (iii) supported employment; and
- (iv) respite.

(c) **Outpatient Substance Abuse Rehabilitation Services.**

(1) **Definition.** Covered outpatient substance abuse rehabilitation services are provided in non-residential settings in regularly scheduled sessions intended for individuals not requiring a more intensive level of care or those who require continuing services following more intensive treatment regimes. The purpose of substance abuse rehabilitation services is to begin, maintain, and/or enhance recovery from alcoholism, problem drinking, drug abuse, drug dependency addiction or nicotine use and addiction. Rehabilitation services may be provided individually or in group sessions.

(2) **Limitations.** Group sessions may not be provided in the home.

(3) **Eligibility.** Members eligible for substance abuse rehabilitation services must meet the criteria for ASAM PCC Treatment Level 1, Outpatient Treatment.

(4) **Qualified providers.** Services may be provided by a LBHP, BHR or CADC within the scope of their practice under state law for adults and children.

(5) **Billing limits.** Group rehabilitation is limited to two (2) hours per session. Group and/or individual outpatient substance abuse rehabilitation services provided in combination may not exceed the following monthly limits depending upon which level for which the member has been approved:

- (A) Level 1: 32 units.
- (B) Level 2: 48 units.
- (C) Level 3: 64 units.

(6) **Documentation requirements.** Documentation requirements are the same as for PSR services as set forth in 30-5-241.3(b)(5)(F).

(bd) **Medication training and support.**

(1) **Definition.** Medication Training and Support is a documented review and educational session by a registered nurse, or physician assistant focusing on a member's response to medication and compliance with the medication regimen. The review must include an assessment of medication compliance and medication side effects. Vital

signs must be taken including pulse, blood pressure and respiration and documented within the medical or clinical record. A physician is not required to be present, but must be available for consult. Medication Training and Support is designed to maintain the member on the appropriate level of the least intrusive medications, encourage normalization and prevent hospitalization.

(2) **Limitations.**

(A) Medication Training and Support may not be billed for SoonerCare members who reside in ICF/MR facilities.

(B) One unit is allowed per month per patient.

(C) Medication Training & Support is not allowed to be billed on the same day as pharmacological management.

(3) **Qualified professionals.** Must be provided by a licensed registered nurse, or a physician assistant as a direct service under the supervision of a physician.

(4) **Documentation requirements.** Medication Training and Support documented review must focus on:

- (A) a member's response to medication;
- (B) compliance with the medication regimen;
- (C) medication benefits and side effects;
- (D) vital signs, which include pulse, blood pressure and respiration; and
- (E) documented within the progress notes/medication record.

[OAR Docket #13-97; filed 1-16-13]

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

[OAR Docket #13-95]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Individual Providers and Specialties
Part 27. Independent Licensed Physical Therapists
317:30-5-291. [AMENDED]
Part 28. Occupational Therapy Services
317:30-5-296. [AMENDED]
Part 77. Speech and Hearing Services
317:30-5-676. [AMENDED]
(Reference APA WF # 12-07)

AUTHORITY:

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

DATES:

Adoption:

December 13, 2012

Approved by Governor:

January 14, 2013

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Agency finds that a compelling public interest exists and finds that an imminent peril exists to the preservation of the public health, safety, or welfare which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to the agency's individual providers and specialties guidelines. Federal law requires a prescription or referral be in place prior to rendering therapy services in accordance with 42 CFR 440.110. These emergency rule revisions will ensure OHCA policy is in compliance with Federal law and ensure services are rendered to only those who are in need of the services.

ANALYSIS:

Agency policy on therapy services is revised to comply with federal law, which requires a prescription or referral from a physician or practitioner of the healing arts before therapy services are rendered. Policy is also revised to require a prior authorization for speech therapy services.

CONTACT PERSON:

Tywanda Cox at (405)522-7153

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

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 27. INDEPENDENT LICENSED PHYSICAL THERAPISTS

317:30-5-291. Coverage by category

Payment is made to registered physical therapists as set forth in this Section.

- (1) **Children.** Initial therapy evaluations do not require prior authorization. All therapy services following the initial evaluation must be prior authorized for continuation of service. Prior to the initial evaluation, the therapist must have on file a signed and dated prescription or referral for the therapy services from the member's physician or other licensed practitioner of the healing arts. The prescribing or referring provider must be able to provide, if requested, clinical documentation from the member's medical record that supports the medical necessity for the evaluation and referral.
- (2) **Adults.** There is no coverage for adults for services rendered by individually contracted providers. Coverage for adults is permitted in an outpatient hospital setting as described in 30-5-42.1.
- (3) **Individuals eligible for Part B of Medicare.** Services provided to Medicare eligible recipients are filed directly with the fiscal agent.

PART 28. OCCUPATIONAL THERAPY SERVICES

317:30-5-296. Coverage by category

Payment is made for occupational therapy services as set forth in this Section.

- (1) **Children.** Initial therapy evaluations do not require prior authorization. All therapy services following the initial evaluation must be prior authorized for continuation of service. Prior to the initial evaluation, the therapist must have on file a signed and dated prescription or referral for the therapy services from the member's physician or other licensed practitioner of the healing arts. The prescribing or referring provider must be able to provide, if requested, clinical documentation from the member's medical record that supports the medical necessity for the evaluation and referral.
- (2) **Adults.** There is no coverage for adults for services rendered by individually contracted providers. Coverage for adults is permitted in an outpatient hospital setting as described in 30-5-42.1.
- (3) **Individuals eligible for Part B of Medicare.** Services provided to Medicare eligible recipients are filed directly with the fiscal agent.

PART 77. SPEECH AND HEARING SERVICES

317:30-5-676. Coverage by category

Payment is made for speech and hearing services as set forth in this Section.

- (1) **Children.** Coverage for children is as follows:
 - (A) **Preauthorization required.** ~~Initial therapy evaluations and the first three therapy visits do not require prior authorization. All therapy services following the initial evaluation and first three visits must be preauthorized prior to continuation of service.~~ All therapy services, including the initial evaluation, must be prior authorized. Prior to the initial evaluation, the therapist must have on file a signed and dated prescription or referral for the therapy services from the member's physician or other licensed practitioner of the healing arts. The prescribing or referring provider must be able to provide, if requested, clinical documentation from the member's medical record that supports the medical necessity for the evaluation and referral.
 - (B) **Speech/Language Services.** Speech/language therapy services may include speech/language evaluations, individual and group therapy services provided by a state licensed speech/language pathologist.
 - (C) **Hearing aids.** Hearing and hearing aid evaluations include pure tone air, bone and speech audiometry by a state licensed audiologist. Payment is made for a hearing aid following a recommendation by a Medical or Osteopathic physician and a hearing aid evaluation by a state licensed audiologist.
- (2) **Adults.** There is no coverage for adults for services rendered by individually contracted providers. Coverage

Emergency Adoptions

for adults is permitted in an outpatient hospital setting as described in 30-5-42.1.

(3) **Individuals eligible for Part B of Medicare.** Services provided to Medicare eligible recipients are filed directly with the fiscal agent.

[OAR Docket #13-95; filed 1-16-13]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

[OAR Docket #13-150]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program

340:10-2-3 [AMENDED]

340:10-2-6 [AMENDED]

Subchapter 3. Conditions of Eligibility - Need

Part 5. Assistance Payments

340:10-3-56 through 340:10-3-57 [AMENDED]

Subchapter 4. Mandatory Drug Screening [NEW]

340:10-4-1 [NEW]

Subchapter 10. Conditions of Eligibility - Deprivation

340:10-10-3 [AMENDED]

(Reference WF 12-20)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162) and 56 O.S. § 230.52 and HB 2388 effective November 1, 2012.

DATES:

Adoption:

November 28, 2012

Approved by Governor:

December 5, 2012

Effective:

Upon Governor's approval.

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested to comply with changes made to 56 O.S. § 230.52 and HB 2388 effective November 1, 2012.

ANALYSIS:

The proposed amendments are necessary to: (1) comply with 56 O.S. § 230.52 and HB 2388 effective November 1, 2012 that mandate drug screening for adult parents and needy caretakers; (2) provide procedures to follow when the adult refuses to comply or fails to follow through with screening or complies and screens positive for the illegal use of a controlled substance or substances, (3) allow children of parents ineligible for this reason to receive child only TANF benefits; and (4) explain proposed policy and procedures surrounding the law for OKDHS staff, clients, and the public in a clear and concise manner to facilitate the accurate delivery of benefits and services to persons who are in need.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE

DECEMBER 1, 2012, OR UPON APPROVAL BY THE GOVERNOR, WHICHEVER IS LATER, AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 2. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) WORK PROGRAM

340:10-2-3. Employability planning

(a) **Scope and applicability.** The employability planning process begins at intake and continues as long as there are employment barriers or family circumstances ~~which that~~ interfere with the participant obtaining and retaining employment. The worker and the participant initiate Form 08TW002E, TANF Work/Personal Responsibility Agreement. In the development of the employability plan, the worker takes into consideration the need for English as a second language, basic education, literacy, learning disabilities, counseling or treatment for substance abuse or mental health issues, and crisis intervention for domestic violence.

(1) Substance abuse screening is ~~required~~ mandatory for every ~~new~~ Temporary Assistance for Needy Families (TANF) adult parent or needy caretaker applicant and participant. This includes when the client self declares a substance abuse problem.

(2) Literacy screening is ~~required~~ mandatory for individuals who have not obtained a high school diploma or General Educational Development (GED) certificate and have demonstrated a lack of literacy skills.

(b) **Interest and ability assessments.** Assessments are required to determine the participant's skills, abilities, and barriers. Assessment tools used are the Washington State Learning Disability Screen, the Test of Adult Basic Education (TABE) locator, the TABE battery, the Career Occupation Preference System (COPS), Key Train, and Career Readiness Certification.

(1) The use of these assessments provides the worker, participant, assessment specialist, and/or community partners with:

- (A) an indication of possible learning disabilities;
- (B) a measurement of the participant's skills, abilities, interests, and aptitude; and
- (C) meaningful information to create a valid employability plan.

(2) Participants referred for testing are informed ~~of the use that is made of the~~ how test results are used. Test scores are ~~kept~~ confidential but may be shared with community partners. ~~Referrals~~ To refer the participant for testing, are made by use of the worker completes and sends Form 08TW003E, Interagency Referral and Information, to the community partner. Participants in formal assessments are eligible for participant allowances and child care.

(c) **Employability planning.** The worker and the participant use the information from the assessment and other relevant information to develop a plan for securing employment.

(1) The employability plan is a part of the social services plan for the entire family and includes establishing both short and long term goals, including specific occupational goals, activities, and services ~~which are~~ necessary to achieve the goals. The employability plan must be realistic and within the participant's ability to achieve.

(~~2~~) The employability plan may include staffing with other community partners for assignment to specific work activities, collaboration with other agencies for services such as job placement, training, and education, and the provision of social services. The employability plan must identify specific needs and activities required to reach the occupational goal and estimated achievement dates for achievement. The employability plan may include more than one activity at a time based on the participant's specific needs and ~~the available hours available~~. ~~The employability plan is a part of the social services plan for the entire family. It must be realistic and within the participant's ability to complete.~~

(~~3~~) The participant is informed that the employability plan is updated as necessary to account for situational changes. The employability plan is reviewed with the participant and updated as changes occur and at the completion of any work activity. If no changes ~~have~~ occurred, the worker reviews the employability plan within six months.

(~~4~~) Participants who are employed with income insufficient to close the case must have a plan designed to upgrade employment. These plans must not interfere with current employment.

(d) **Work activities.** Participants are assigned to one or more activities and scheduled the required minimum number of hours ~~as required~~. The participant signs Form 08TW002E, when any work activity other than the Work Experience Program or Subsidized Employment Program (SEP) is approved.

(1) Assignments must be within the scope of the participant's employability plan.

(2) The assignment must be related to the participant's capability ~~of the participant~~ to perform the task on a regular basis.

(3) The daily commuting time to and from home to the assigned education, employment, or training site is normally less than two hours. Commuting time does not include the time required to transport a child to and from a child care facility. ~~Where~~When longer travel time is normal in the community, the round trip commuting time may not exceed the general community standards.

(4) When child care is required, it must be of the participant's choosing. It must be available during the hours the participant is engaged in any work activity, plus any additional commuting time.

(5) Assignments ~~which that~~ are discriminatory in terms of age, sex, race, religion, ethnic origin, or physical or mental disability are not ~~made~~permitted.

(6) The assignment site ~~of the assignment~~ must not be in violation of established and applicable health and safety standards.

(7) The participant is not referred for a work activity unless supportive services necessary for participation are available. The cessation or withdrawal of such services constitutes good cause for refusal to participate.

(8) When the agreed upon employability plan requires hours in excess of the minimum requirement, the participant must participate the agreed upon number of hours.

340:10-2-6. Job readiness

Job readiness activities help prepare participants for work by ensuring that participants are familiar with general workplace expectations and exhibit work behavior and attitudes necessary to compete successfully in the labor market. The maximum amount of time spent in job readiness activities cannot exceed 240 hours at 20 hours per week or 360 hours at 30 hours per week for the preceding 12-month period for any person.

(1) **Orientation.** Participants are referred to orientation as the need is identified on Form 08TW002E, TANF Work/Personal Responsibility Agreement. Orientation consists of individual or group meetings designed to present information about:

(A) building self-esteem ~~building~~;

(B) activities and services available through the Temporary Assistance for Needy Families (TANF) Program;

(C) the Oklahoma Department of Human Service (OKDHS) policies; and

(D) the employment process, including job applications, interviewing, goal-setting, and managing home and work.

(2) **Counseling or Substance abuse or mental health treatment.** The worker assists TANF applicants and participants who have barriers that prevent by referring them for mental health or substance abuse treatment for alcohol or prescription drug abuse when these issues prevent them from obtaining or retaining a job, by meeting The worker meets with the participant and appropriate local partners to determine available resources to overcome those barriers. ~~Referrals may include counseling or treatment for substance abuse or mental health problems. Treatment for these issues is a mandatory part of the participant's TANF Work plan when it is recommended by the provider as a result of screening and assessment.~~

SUBCHAPTER 3. CONDITIONS OF ELIGIBILITY - DEPRIVATION

PART 5. ASSISTANCE PAYMENTS

340:10-3-56. Structure of the assistance unit

(a) The structure of the assistance unit is defined in this Section.

(1) Persons whose needs **must** be included in the assistance unit, unless otherwise excluded ~~in accordance with~~ per paragraph (3) of this subsection, are:

Emergency Adoptions

- (A) at least one Temporary Assistance for Needy Families (TANF) eligible child;
- (B) the natural or adoptive parent(s); and
- (C) all blood-related minor siblings living in the home with the TANF eligible child(ren), including half-brothers and half-sisters unless eligibility for the half-brothers and half-sisters does not exist. This does not apply to the siblings of a minor parent when the minor parent is the adult in the assistance unit.
- (2) Persons whose needs **may** be included are:
- (A) the caretaker relative-payee other than the natural or adoptive parent(s) with whom the child(ren) resides, if this person meets the definition of needy and is of the specified degree of relationship. A caretaker other than stepparent may be included in the assistance unit only when the natural or adoptive parent(s) is absent from the home. A stepparent may be included in the assistance unit when the natural or adoptive parent(s) is incapacitated or absent;
- (B) the caretaker relative or the natural or adoptive parent when the only dependent child(ren) residing in the home:
- (i) receives Supplemental Security Income (SSI); or
- (ii) ~~has been~~was removed from the home by a child protection action and the plan for the child(ren) is impending reunification;
- (C) the caretaker relative when the only child(ren) in the home receives federal or state foster care maintenance payments;
- (D) the adoptive parent(s) when the only dependent child(ren) receives a Title IV-E or state adoption subsidy;
- (E) a family that includes any head of household or a spouse of the head of household who ~~has~~ received TANF benefits for a total of 60 cumulative months nationwide, whether ~~or not~~ consecutive, and a hardship extension is approved. All other conditions of TANF eligibility must be met. The hardship extensions are:
- (i) under-employment. The participant is regularly working 30 hours or more per week and earning at least minimum wage or its equivalent, but the net income of the assistance unit is insufficient to close the TANF cash assistance;
- (ii) chronically under-employed. The participant is under-employed over an extended period of time as a result of documented barriers;
- (iii) pending SSI or Social Security Administration (SSA) disability application. This extension is granted only if the Oklahoma Department of Human Services (OKDHS) determines the disability application has merit and the participant pursues all appeals through a decision by the SSA Appeals Council. If an unfavorable decision is received from the SSA Appeals Council during the time period the participant is approved for a hardship extension, ~~Family Support Services Division (FSSD)~~Adult and Family Services (AFS), TANF Section, is notified and the TANF benefit is closed the next effective date;
- (iv) care of a disabled child(ren) or spouse. The participant is responsible for the care of a disabled child(ren) or spouse. This extension is granted only when verification ~~has been~~was provided to show the participant is needed in the home to care for this disabled person and ~~there is no~~alternative care available ~~is unavailable~~;
- (v) a clinical diagnosis of mental illness. The participant must be diagnosed with and receiving treatment for a mental disorder listed at Part 404, Subpart P, Appendix 1 of Title 20 of the Code of Federal Regulations. This illness must interfere with the participant maintaining or obtaining gainful employment. If appropriate, the participant must participate in other work activities in conjunction with receiving treatment;
- (vi) a substance abuse treatment plan. The participant has a treatment plan level of care ~~which requires~~requiring intensive aftercare treatment of nine hours or more per week in conjunction with other appropriate work activities, ~~or~~ outpatient treatment of nine hours or more per week in conjunction with other appropriate work activities, or is in full-time inpatient treatment; ~~or~~
- (vii) a continuing training or educational activity. The participant, during the 60th month, is regularly attending an approved training or educational activity ~~which that~~ will be completed in less than 12 months; ~~or~~
- (F) a child of a minor in foster care if the minor's child is not included in a foster care payment; ~~or~~
- (G) a child(ren) living with a parent who is ineligible due to a positive screen for the illegal use of a controlled substance or substances per OAC 340:10-4-1.
- (3) Persons whose needs **may not** be included are:
- (A) a person who has received a State Supplemental Payment (SSP) for the same month;
- (B) a person who has received or is included in an SSI payment for the same month;
- (C) the spouse of the payee if the payee is not the natural or adoptive parent;
- (D) a child(ren) included in a foster care payment;
- (E) an adopted child(ren) receiving an adoption subsidy;
- (F) an alien who is not legally admitted to the United States (US) for permanent residence or does not meet alienage requirements;
- (G) a caretaker other than a stepparent when the natural or adoptive parent is in the home;
- (H) a person whose period of ineligibility due to receipt of a lump sum payment has not expired;
- (I) a stepparent when the natural or adoptive parent is in the home and not incapacitated;
- (J) a person in a household that is eligible to receive benefits under a tribal TANF program;
- (K) a fugitive felon;

(L) a probation and/or parole violator;

(M) a person convicted of having fraudulently misrepresented residence in order to obtain assistance in more than one state. The person is ineligible for a ten-year period that begins on the conviction date of conviction;

(N) child(ren) in a family that includes any head of household or a spouse of the head of household who ~~has~~ received TANF benefits for a total of 60 cumulative months, whether or not consecutive, and a hardship extension is not approved; ~~or~~

(O) a minor unmarried payee who has a dependent child(ren) in the minor's care and does not reside with a parent(s), legal guardian, or other adult relative 18 years of age 18 or older. For the minor payee to be eligible for TANF benefits, the minor must live with the minor's natural or adoptive parent(s) or a stepparent, legal guardian, or other adult relative 18 years of age 18 or older, or live in a foster home, maternity home, or other supportive living arrangement supervised by an adult. A supportive living arrangement is ~~where a private~~ privately maintained family setting ~~is maintained~~ and an adult assumes the responsibility for the care and control of the minor and the minor's dependent child(ren) or provides supportive services such as counseling and guidance. The minor payee can reside elsewhere and be eligible for TANF if good cause is established because the:

- (i) minor has no living parent or legal guardian whose whereabouts are known;
- (ii) parent(s), legal guardian, or other adult relative does not allow the minor to live in the home;
- (iii) physical or emotional health or safety of the minor or the minor's dependent child(ren) is jeopardized if the minor or the minor's dependent child(ren) lives in the home with the parent(s), legal guardian, or other adult relative age 18 or older;
- (iv) minor parent has lived apart from the minor's parent(s), legal guardian, or other adult relative 18 years of age or older, for at least one year before the birth of any dependent child(ren); or before the minor applied for benefits; or
- (v) minor parent is legally emancipated pursuant to Chapter 4, Title 10 of the Oklahoma Statutes. A minor is legally emancipated when the district court ~~must have~~ granted the minor ~~the~~ authority to act on the minor's own behalf; or

(P) an adult parent or needy caretaker who is ineligible as a result of a positive screen for the illegal use of a controlled substance or substances per OAC 340:10-4-1.

(b) In general, when a person whose needs are included in a TANF assistance unit is temporarily absent from the home for the purpose of receiving training or education for employment, or certain medical services, he or she is considered part of the family and the budgetary requirements are not changed unless needs change by reason of circumstances unrelated to the

temporary absence. Persons temporarily absent from the home but included in the assistance unit are a:

- (1) a person receiving training or education for employment during the ~~period of time~~ the training or educational activities ~~are taking~~ take place;
- (2) a child(ren) attending boarding school during the school term;
- (3) a child(ren) absent from the home on visitation to the absent parent up to a maximum of three months. This consideration applies only to visitation and does not apply if the absent parent has physical and legal custody of the child(ren) during these three months;
- (4) a child(ren) absent in order to attend school, other than boarding school. Factors considered in making this determination include the maintenance of normal ties between home and the child(ren) during the period of absence; whether the child(ren) continues under the control and guidance of the payee during the absence; and assumption of responsibility by the relative-payee for meeting the child(ren)'s expenses during the school term. A child(ren) who attends the School for the Blind or the School for the Deaf is considered temporarily absent from the home in determining TANF eligibility;
- (5) a person absent from the home because of entrance into a private facility for ~~counseling~~ treatment, rehabilitation, behavioral problems, or special training. If an assessment indicates care is projected for a period exceeding four months, the absence is not considered temporary. At any time an absence is determined as not temporary or no longer temporary, the needs of the person cannot be included in the assistance unit;
- (6) a person absent from the home for medical services, other than institutionalization for treatment of mental illness, mental retardation, or tuberculosis, for up to six months. Six-month extensions may be allowed when verification indicates the person may return to the home within the next six months;
- (7) a person absent from the home to receive substance abuse treatment for up to four months. A four-month extension may be allowed when verification indicates the person will return to the home within the next four months; or
- (8) a person absent from the home to receive nursing care approved by the Oklahoma Health Care Authority, Level of Care Evaluation Unit. If it appears ~~that~~ the person is disabled, an application for State Supplemental Payment is taken, and a referral made to the SSA district office for an SSI application.

(c) A change in benefit is not made during a temporary absence from Oklahoma for three months or less, unless a change is necessary by reason of some change in circumstances not relating to such absence from Oklahoma.

340:10-3-57. Special considerations

(a) **Concurrent receipt of State Supplemental Payment (SSP) for the aged, blind, or disabled.** A person who is not a recipient of Supplemental Security Income (SSI) has an option to be included in a Temporary Assistance for Needy

Emergency Adoptions

Families (TANF) assistance unit or may be a recipient of SSP if all eligibility requirements are met. The person may also be included in the TANF assistance unit pending determination of eligibility for SSP or SSI if all eligibility requirements are met.

(b) **Concurrent receipt of TANF and SSI.** A person is not included in a TANF benefit for the same month he or she is included in an SSI payment. ~~If it appears~~ When a person included in a TANF application or an active TANF benefit meets the eligibility conditions for TANF and SSI, the person has a choice to have eligibility determined for TANF or SSI benefits. The worker informs the payee of his or her responsibility to report to the Oklahoma Department of Human Services (OKDHS) if any member of the assistance unit makes application for SSI or becomes eligible for SSI. If any assistance unit member applies for TANF, or is receiving TANF when the member makes an application for SSI, the payee must inform the Social Security Administration (SSA).

(1) When the only dependent child(ren) is receiving SSI, the natural or adoptive parent(s) or needy caretaker relative may receive TANF if all other eligibility factors ~~of eligibility~~ are met. The assistance unit consists of the adult(s) only.

(2) When a TANF applicant is also ~~an~~ SSI applicant ~~for SSI~~, TANF eligibility ~~for TANF~~ must be determined and, if eligible, is included in the benefit until notified of SSI eligibility.

(3) When a TANF recipient is ~~an~~ SSI applicant ~~for SSI~~, SSA advises OKDHS of SSI eligibility, and requests the month of TANF termination and the amount of TANF benefits paid for each month of SSI eligibility. SSA considers a recipient removed from a TANF benefit effective with, and based on, the TANF termination date provided orally by the worker. If the actual date of termination is later than the date given orally to SSA, TANF payments to SSI recipients are TANF overpayments and must be recouped.

(4) When a TANF recipient is determined ineligible for SSI the person may continue to be included in the TANF assistance unit if all other conditions of eligibility are met.

(5) When a TANF recipient is determined ineligible for SSI for reasons other than a disability determination, the person may be included in an SSP, if all other eligibility conditions ~~of eligibility~~ are met.

(c) **Concurrent receipt of state and tribal TANF.** A person included in a tribal TANF payment is not included in another TANF benefit in the same month. If the person meets the criteria of a tribal TANF service area and population, the entire assistance unit must be served by tribal TANF. If the household moves out of the tribe's service area, the worker coordinates certification of state TANF benefits.

(d) **Concurrent receipt of more than one form of public assistance.** A person included in a TANF benefit is not included in another TANF or SSP benefit for the same period. When a TANF applicant is eligible for TANF but has received a weekly or bi-monthly TANF benefit from another state for the same month the applicant is eligible in Oklahoma, the benefit from the other state is counted as unearned income. A person who is the payee for a TANF benefit, but not included in that

benefit, is not prevented from being a SSP recipient ~~of SSP~~ if the SSP eligibility requirements are met. When transferring a TANF recipient to SSP, the removal and approval date must agree.

(e) **Stepparent, spouse of needy caretaker, person acting in the role of a spouse, parent who is ineligible as a result of a positive screen for the illegal use of a controlled substance or substances, or parent(s) of a minor parent.**

The natural or adoptive parent's income cannot be diverted to meet the needs of the stepparent or other dependents in the home, but is considered available to the TANF assistance unit. No income is considered if the stepparent, spouse of a needy caretaker, person acting in the role of a spouse, parent(s) of a minor parent, or his or her dependent is an SSI recipient.

(1) **Stepparent or spouse of needy caretaker income.**

If a stepparent of the child(ren) or the spouse of a needy caretaker for whom TANF is requested lives in the home with the child(ren), the worker computes the verified gross earned and unearned income of the stepparent or spouse of a needy caretaker, after all applicable TANF income disregards and work related expenses, to determine the amount considered available to the assistance unit. The worker computes the stepparent's or spouse of a needy caretaker's income by:

(A) subtracting the work related expense, one-half of the remaining gross earned income, and dependent care expense from the stepparent's or spouse of a needy caretaker's earned income for full-time or part-time employment; [OAC 340:10-3-33]

(B) adding the net earned income to the stepparent's or spouse of a needy caretaker's gross unearned income;

(C) subtracting the need standard for the appropriate number of persons, including the stepparent or spouse of a needy caretaker and dependents who are not included in the assistance unit but are living in the home and can be claimed on the stepparent's or spouse of a needy caretaker's personal income taxes;

(D) subtracting the actual amounts the stepparent or spouse of a needy caretaker paid to persons not living in the household but claimed as tax dependents.

It is the stepparent's or spouse of a needy caretaker's responsibility to identify and verify tax dependents;

(E) subtracting the actual payments of alimony and child support to persons outside the household; and

(F) adding the stepparent's or spouse of a needy caretaker's remaining net income to all other gross income of persons included in the TANF assistance unit. If the income does not exceed the monthly maximum gross income, the remaining income of the stepparent or spouse of a needy caretaker is considered as a contribution to the assistance unit.

(2) **Stepparent or spouse of a needy caretaker resources.** The worker does not consider resources owned exclusively by the stepparent or spouse of a needy caretaker to determine the assistance unit's resource eligibility but does consider the assistance unit's share of resources

owned jointly with the stepparent or spouse of a needy caretaker.

(3) **Person acting in the role of a spouse.** The worker must count the income of a person acting in the role of a spouse who lives in the home with the natural or adoptive parent when he or she does not receive a TANF benefit on another case.

(A) For the purpose of this rule, "living in the home with" means that a person of the opposite sex is acting in the role of a spouse.

(i) The opposite sex individual is acting in the role of a spouse when one or both of these factors exist:

(I) they represent themselves to be a couple; or

(II) have a physical relationship with each other.

(ii) When the client states the conditions in (A)(i) of this paragraph do not exist, factors that may indicate the opposite sex individual is acting in the role of a spouse include when he or she:

(I) assists in parenting the child, such as exercising responsibility for the child(ren), providing day-to-day care, physical care, and guidance for the child(ren);

(II) provides financial support for the family beyond his or her own pro rata share of the household expenses;

(III) shares joint bank accounts or real property ownership with the client; or

(IV) files a joint tax return with the client.

(B) The worker computes the income of this person the same as stepparent income. The person acting in the role of spouse is not eligible to receive the exemption of one-half of the remainder or a dependent care expense deduction in determining this person's countable earned income.

(C) If the parent or the person acting in the role of a spouse fails to provide information necessary to determine income eligibility, the application is denied or the cash assistance terminated. Provided, however, the income of non-relative adults of the opposite sex not receiving TANF may be excluded if the adults have separate living quarters and demonstrate no characteristics of a person acting in the role of spouse.

(4) Parent who is ineligible as a result of a positive screen for the illegal use of a controlled substance or substances. The income, earned and unearned, of a parent who is ineligible as a result of a positive screen for the illegal use of a controlled substance or substances per OAC 340:10-4-1 is considered in its entirety.

(45) Parent(s) of a minor parent. When a minor parent is living in the home with his or her natural or adoptive parent(s) and the needs of the parent(s) are not included in the assistance unit, the parent's income is considered available to the assistance unit and computed the same as stepparent income. The income of a minor parent's stepparent is

not considered. The parent of the minor parent may be designated as the substitute payee for the assistance unit.

(f) **Allocating or diverting income.** When family members are not included in the assistance unit, special consideration is required in determining the income available to the assistance unit.

(1) Income received by a person included in the assistance unit is not allocated or diverted to persons who are not in the assistance unit. All countable unearned and earned income of the person is considered available to the assistance unit.

(2) The net income of an alien parent excluded from the benefit because the citizenship or alienage requirement is not met is considered the same as stepparent income. The needs and income of disqualified alien siblings are not considered when determining eligibility of an otherwise eligible child(ren).

(3) The net income of a fugitive felon excluded from the benefit is considered the same as stepparent income.

(g) **Benefit reduction as a result of program violation.** The TANF benefit is reduced by 25% of the payment standard when a determination of program violation ~~has been~~ made. The 25% penalty is removed the next effective date when compliance is documented or the ~~penalty time frame for the penalty has ended~~ period ends. When multiple types of program violations have occurred, a 25% for penalty of the payment standard is imposed for each type of violation. If the benefit reduction causes existing income to be in excess of the benefit amount, the case is closed using the reason for the benefit reduction. The amount of the payment standard reduction applies as Food Stamp Penalty Income in the Supplemental Nutrition Assistance Program (SNAP) per OAC 340:50-7-29(c)(1)(A). Reasons for benefit reduction are:

(1) refusal to cooperate in an effort to obtain child support per OAC 340:10-10-5(c);

(2) failure to apply for or provide a Social Security number per OAC 340:10-12-1;

(3) failure of a child(ren) kindergarten to 18 years of age to attend school per OAC 340:10-13-1;

(4) failure to provide verification of child(ren) immunizations per OAC 340:10-14-1; and

(5) intentional program violations determined as fraud by court action or an administrative disqualification hearing or administrative hearing waiver per OAC 65-9-2(d) and OAC 340:65-9-4(c)(1)(A-C).

(h) **Parent living in the home receiving SSP.** When there is a parent living in the home but not included in the TANF benefit because of receipt of SSP and not SSI, no consideration is ~~not~~ given to that parent's individual income for the TANF benefit. When a parent in the SSP benefit becomes ineligible to continue to receive the SSP, the parent is included in the TANF benefit and all the income and resources of the parent are considered in determining eligibility for TANF. If consideration of the parent's income and resources causes the TANF benefit to be closed, and the closure of the SSP benefit was a direct result of an overall Social Security increase, the SSP benefit is placed in Special Medical Status. If the parent is living in the home but not included in the TANF benefit because of receipt of SSP

Emergency Adoptions

and SSI, no consideration is given to the parent's income and the parent is not included in the TANF assistance unit as long as the parent remains eligible for SSI.

(i) **TANF eligibility when the child(ren) is placed in out-of-home care.** When the child(ren) is removed by a child protection action and it is reasonably anticipated the child(ren) will return to the home within four months, the natural or adoptive parent or needy caretaker relative continues eligible for TANF, if other conditions of eligibility are met.

(1) A team consisting of the worker, ~~the~~ Child Welfare (CW) worker, ~~the~~ natural or adoptive parent or needy caretaker relative, and any other appropriate partner(s) must meet to develop a mutually agreed upon plan of action. This plan addresses employability and strategies to correct the conditions ~~which~~ that caused the child(ren) to be removed from the home.

(2) At the end of the four month period if the child(ren) has not been returned to the home, the adult(s)' needs are removed and the TANF benefits are discontinued.

(j) **Strikers.** The assistance unit is not eligible for TANF for any month the natural or adoptive parent, whether ~~or~~ ~~not~~ included in the benefit, is participating in a strike on the last day of that month. A person other than the natural or adoptive parent is not included in the benefit for any month if that person is participating in a strike on the last day of the month.

SUBCHAPTER 4. CONDITIONS OF ELIGIBILITY - MANDATORY DRUG SCREENING

340:10-4-1. Mandatory Drug Screening

(a) Per Section 230.52 of Title 56 of the Oklahoma Statutes, adult parents, or needy caretakers who apply for Temporary Assistance for Needy Families (TANF) cash assistance are required to be screened for illegal use of a controlled substance or substances. Child only, minor parent, and two parent households are exempt from the provisions in this Section.

(b) At any point the Oklahoma Department of Human Services (OKDHS) has reasonable cause to believe the adult parent or needy caretaker is engaged in the illegal use of a controlled substance or substances, the adult parent or needy caretaker is required to be screened. OKDHS is authorized to request administration of a chemical drug screen, such as an observed urinalysis (UA). Behaviors observed by OKDHS staff or observed and reported by community resource partners that might indicate illegal use of a controlled substance or substances include, but are not limited to:

- (1) slurred speech;
- (2) unsteady gait;
- (3) inability to focus;
- (4) lethargy;
- (5) excessive nervousness or agitation;
- (6) showing flat affect or no emotion;
- (7) inappropriate responses to questions;
- (8) inappropriate anger or hostility;
- (9) excessive worry;

- (10) facial tics or muscle spasms;
- (11) erratic attendance in TANF Work activities;
- (12) lack of follow through with agreed upon plans; or
- (13) government or law enforcement documents indicating the person was engaged in the illegal possession or use of a controlled substance or substances within the last 30 calendar days.

(c) The minimum drug screening includes a Substance Abuse Subtle Screening Inventory (SASSI). Additional screening methods may be used that include, but are not limited to a clinical interview, consideration of the person's history with OKDHS, and an Addictions Severity Index (ASI).

(d) The TANF application is approved with the adult parent or needy caretaker's needs included when all other factors of eligibility are met and the substance abuse:

- (1) screening result indicates low probability of illegal use of controlled substance or substances; or
- (2) assessment result is a recommendation for alcohol and/or prescription drug abuse treatment.

(e) The TANF application is denied or benefits are closed if the adult parent or needy caretaker refuses to comply or fails to follow through with the screening.

(f) When the adult parent or needy caretaker applicant screens positive for the illegal use of a controlled substance or substances, the worker denies or closes the adult's TANF benefit. When the parent or needy caretaker chooses to receive child only benefits and all other factors of eligibility are met, the worker approves or continues child only benefits. The worker:

- (1) provides the denied applicant a list of substance abuse treatment programs available at minimal or no cost to the applicant;
- (2) makes a referral to the Child Abuse Hotline at 1-800-522-3511 of the positive screen for illegal drug use; and
- (3) determines eligibility of all household members for other requested program benefits.

(g) If the adult parent or needy caretaker is ineligible as a result of a positive screen for illegal use of a controlled substance or substances, he or she is not eligible until a new TANF application is made, all factors of eligibility have been determined, and:

- (1) six months have passed since the date of the first ineligibility determination and he or she has complied with a substance abuse treatment plan;
- (2) one year has passed since the date of the first ineligibility determination; or
- (3) three years have passed since the date of the second or subsequent ineligibility determination.

(h) At the end of an ineligibility period, a new application is required. The steps described at (a) and (c) through (f) are followed.

SUBCHAPTER 10. CONDITIONS OF ELIGIBILITY - DEPRIVATION

340:10-10-3. Unemployed parent

(a) **Applicability.** Deprivation for the child(ren) may be established when both the natural or adoptive parents are residing with the child(ren) and the parent determined to be the principal wage earner (PWE) meets the conditions to qualify as unemployed. If one of the parents is an ineligible alien, unemployment as the reason for deprivation is not ruled out.

(b) **PWE.** The PWE is defined as the parent who earned the greater amount of gross income during the 24-month period ending with the month prior to the Temporary Assistance for Needy Families (TANF) application. This determination is made regardless of when the parent's relationship began or when the parent(s) began residing with the child(ren). The employment or receipt of unemployment insurance benefits of the parent not determined to be the PWE is not a factor in determining deprivation. The amount, dates, and sources of earnings used in determining which parent is the PWE must be documented. It is the assistance unit's responsibility to provide the documentation to the best of the assistance unit's ability. Acceptable documentation includes Oklahoma Department of Human Services (OKDHS) case records, employer(s) contact, wage stubs for the 24-month period, Income Eligibility Verification System (IEVS), Oklahoma Wage Link (OWL), Oklahoma Wage (OWG) and, if self-employed, gross and net earnings from tax returns or business records. The assistance unit must be involved in determining which parent is the PWE.

(1) If both parents earned an identical amount of income in the 24-month period, the PWE is the parent who earned the greater amount of income in the last six months of the 24-month period.

(2) If the income in the six-month period is identical, either parent may be designated the PWE. The designation must be the one most advantageous to the assistance unit.

(3) The designation of the PWE is permanent and remains effective as long as the deprivation remains unemployment and the assistance unit remains eligible for and continues to receive TANF benefits. If the TANF case is closed and a new application is filed at a later date, the PWE must be redetermined.

(c) **Conditions the PWE must meet prior to certification.** The PWE must meet the conditions described in (1) - (3) of this subsection for deprivation to be established.

(1) **Mandatory drug screening.** Mandatory drug screening is required for both parents per OAC 340:10-4-1.

(A) When one parent screens positive for the use of a controlled substance or substances and is ineligible to be included in the TANF benefit, the other parent must participate 35 hours per week in TANF Work activities per OAC 340:10-2-1(2)(A)(iii).

(B) When both parents screen positive for the use of a controlled substance or substances and are ineligible to be included in the TANF benefit, they may choose to receive child only benefits if all other factors of eligibility are met.

(4) **TANF Work requirements.** The PWE's activities and responsibilities must allow the PWE to be available for TANF Work activities and the PWE must comply with

these requirements. Refer to OAC 340:10-2-1(2)(A)(iii) for the minimum TANF Work requirements for two-parent families. If the PWE is determined to be unavailable or if the PWE does not comply with TANF Work requirements, the application is denied.

(2) **Qualifications as unemployed.** For the PWE to be considered unemployed, the PWE must not be employed, or if the PWE is employed, the countable net earnings plus any other countable income must be less than the payment standard for the family size. The PWE must meet the definition of unemployed during the application process and prior to the date of certification.

(A) **Specific period of unemployment.** To qualify as not employed, the PWE must be unemployed for 30 days prior to the receipt of TANF benefits. The assistance unit is eligible for assistance beginning the 31st day if all other eligibility requirements are met.

(B) **Refusal of employment.** The PWE cannot have refused a bona fide offer of employment or terminated employment, without good cause, within the 30 days prior to the receipt of TANF benefits. Before it is determined that the PWE has refused a bona fide offer without good cause, a determination is made that such an offer was actually made. For the offers made through public employment agencies, the determination is made by that agency. The PWE is given the opportunity to explain why the offer was not accepted. A bona fide offer is an offer of employment made directly by an employer to the PWE. An offer of employment by the employer must be substantiated in a written or oral statement to OKDHS that on a specified time and date, the PWE was offered a job of a specified nature and at a specified wage. Acceptable reasons for good cause are:

- (i) wages were less than minimum wage requirement or less than customary for the community;
- (ii) employment was available because of a strike, lockout, or other labor dispute;
- (iii) the PWE was unqualified or physically unable to perform such work;
- (iv) the work involved risk to health or safety; or
- (v) lack of worker's compensation protection.

(3) **Work history requirement.** The PWE must have a verified work history. Undocumented employment cannot be used to establish quarters of work. The work history exists when the PWE meets one of the conditions in (A) through (C) of this paragraph.

(A) The PWE was employed for six or more calendar-quarters within a 13 consecutive calendar-quarter period. The 13 consecutive calendar-quarter period must end within 12 months prior to the TANF application date. Calendar-quarter means a period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31. To be considered employed, the PWE must have received gross earnings of at least \$50 in a calendar-quarter or earned

the minimum amount required for a covered quarter as defined by the Social Security Administration (SSA). The SSA states an individual qualifies for a quarter of coverage for any quarter that the individual earns a designated amount for that calendar year. An individual can have earnings in one quarter to qualify for a full year's coverage.

(B) The PWE is receiving or has received Unemployment Insurance Benefits (UIB) within the 12 calendar months prior to the TANF application date. If the PWE has a pending UIB application, the work history determination is delayed until the UIB determination is made.

(C) The PWE would have qualified for UIB for one week or more during the 12 calendar month period prior to the TANF application date had the PWE made application for UIB based on earned wages, both covered and uncovered. Covered employment generally includes employment in construction, plants, stores, restaurants, offices, or other places of business which employ one or more persons. Uncovered employment generally includes employment from farm labor, odd jobs, and non-profit organizations.

(i) A PWE who had sufficient earnings to meet the UIB earnings requirement is deemed eligible for UIB even though all or a portion of the PWE's earnings were from uncovered employment. To be eligible or deemed eligible for UIB, the PWE must have earned at least the qualifying wages during the base period. The base period consists of the first four of the last five completed quarters immediately preceding the quarter of the UIB application.

(ii) The earnings must be in more than one quarter. The quarter with the highest earnings is the high quarter. The total gross earnings of the remaining three quarters must equal at least one-half of the high quarter earnings. If the earnings do not meet this test, the PWE is ineligible for UIB.

(iii) If the PWE earned an amount equal to the total taxable wage base in one quarter of the base period, the PWE is deemed eligible for UIB based on that quarter alone.

(d) **UIB eligibility.** The PWE is required to apply for and accept UIB which the PWE is eligible or potentially eligible to receive. Thirty days are allowed for verification of a UIB application to be furnished. Ineligible aliens are not required to apply for UIB.

(e) **Ineligible alien status.** If the PWE is an ineligible alien, the PWE's needs are not included in the assistance unit. The PWE is not required to participate in TANF Work activities but the PWE's spouse or other parent included in the assistance unit is required to participate in TANF Work activities unless otherwise exempt. If both parents are ineligible aliens, the family does not qualify as a two-parent family as the work requirement cannot be met.

(f) **Striker status.** The assistance unit is not eligible for TANF for any month in which the natural or adoptive parent is participating in a strike on the last day of the month.

(g) **Changes after certification.** After initial eligibility the two-parent family must meet the conditions listed in (1) and (2) of this subsection.

(1) Both parents must participate in TANF Work related activities. Failure of either parent to participate without good cause for the required number of hours will result in closure of the case. If the PWE becomes unavailable for TANF Work due to illness or injury, good cause may be granted if the condition is expected to last less than 30 calendar days. If the condition is expected to last more than 30 calendar days, incapacity must be established.

(2) If the household's countable earned income plus any other income exceeds the payment standard for the family size, the case is closed. Continued medical benefits are authorized for the assistance unit if all other factors of eligibility are met.

[OAR Docket #13-150; filed 1-25-13]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 40. CHILD CARE SUBSIDY PROGRAM

[OAR Docket #13-151]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Eligibility
340:40-7-8 [AMENDED]
(Reference WF 12-21)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. §162) and 56 O.S. § 230.52 and HB 2388 effective November 1, 2012.

DATES:

Adoption:

November 28, 2012

Approved by Governor:

December 5, 2012

Effective:

Upon Governor's approval.

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested to protect children receiving child only TANF by continuing to approve child care while the ineligible parent receives substance abuse treatment.

ANALYSIS:

The proposed amendments are made in order to continue approving child care for substance abuse treatment when the child receives TANF but the parent is ineligible due to illegal use of a controlled substance. With the passage of House Bill 2388 effective November 1, 2012, TANF applicants and recipients are required to be screened for illegal use of a controlled substance or substances. The parent is ineligible to be included in the TANF benefit when he or she is determined to be engaged in the illegal use of a controlled substance or substances until one year has passed since the date of the first ineligibility

determination. The ineligibility period can be shortened to six months if he or she complies with a recommended substance abuse treatment program. Because the parent is not included in the TANF benefit, substance abuse treatment can no longer be approved as a TANF Work related activity. Prior to this legislation, a parent determined in need of substance abuse treatment was included in the TANF benefit and child care was approved for the parent to attend substance abuse treatment as a required TANF Work activity.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE DECEMBER 1, 2012, OR UPON APPROVAL BY THE GOVERNOR, WHICHEVER IS LATER, AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 7. ELIGIBILITY

340:40-7-8. Defining the need factor for child care benefits

(a) **Employment.** Employment means the parent or caretaker earns wages for work performed.

(1) The client must provide proof of his or her work hours. When the client has the flexibility to set his or her own work hours, the client and worker jointly determine if they can reduce the number of hours the child needs care by rearranging the client's work schedule. This is especially important in two-parent or two-caretaker families.

(2) The worker limits approval of child care to the number of days and hours the client is working plus reasonable travel time. In two-parent or two-caretaker working families, the worker limits approval to the days and hours they are both working at the same time plus reasonable travel time. When the child attends school or Head Start during part of the work hours, the worker reduces the number of hours he or she approves child care accordingly.

(3) Unless the client is an adoptive parent who meets criteria per OAC 340:40-7-12(6) or a caretaker not legally and financially responsible for the child per OAC 340:40-7-6(a)(6), the client must make at least minimum wage for the number of hours he or she is working, referred to as the minimum wage rule, in order to meet the employment need factor, with the exception of circumstances in (D) of this paragraph.

(A) Minimum wage is determined by the federal government.

(B) To determine whether the client makes minimum wage when the client:

(i) works for an employer, is not considered self-employed, and the pay information does not show the client's hourly rate of pay, the worker divides the number of hours the client works from the gross pay for the pay periods used to calculate income; or

(ii) is considered self-employed per OAC 340:40-7-11(b)(2), the worker divides the number of hours the client works by the net pay after

applicable business expenses, when declared, for the pay periods used to calculate income. When the client and spouse are self-employed in the same business, the worker adds their work hours together and then divides the work hours from the net pay for the pay periods used to calculate income.

(C) When the client works for an employer, whether considered self-employed or not per OAC 340:40-7-11(b)(2), is paid a set wage less than minimum wage, and the employer refuses to begin paying at least minimum wage, the worker denies or closes child care benefits.

(D) When the client works for himself or herself or works for an employer who pays wages based on commission or other performance measures rather than a set wage, is not making at least minimum wage, and the client has been performing this work:

(i) less than one year, the worker counsels with the client to develop a plan for increasing his or her income within three to six months. When the client does not cooperate in developing a plan or does not agree to implement the plan that was developed, the worker closes or denies the child care benefit.

(I) When the client's income increases to at least minimum wage during this time frame period, no further monitoring is needed until the next review.

(II) When after three to six months the client's income increases, but is still less than minimum wage, the worker may approve an additional three to six months of care, if after evaluating the client's circumstances, such as how well the client followed the plan, the rate at which income has increased, and whether modifications can be made to increase income, it is reasonable to presume the client will make at least minimum wage during this time frame.

(III) When it is not reasonable to presume the client's income will increase to at least minimum wage within three to six months, the worker closes the child care benefit; or

(ii) at least one year without any substantial change, the worker denies or closes the child care subsidy benefit.

(4) A person employed and working from his or her own home may be approved for subsidized child care benefits in an out-of-home child care home or center.

(5) Subsidized child care benefits can be approved for sleep time during the day when a parent or caretaker works night hours and a feasible alternative is used at no cost to the Oklahoma Department of Human Services (OKDHS) during the night working hours. Night working hours are defined as the hours between 11:00 p.m. and 7:00 a.m.

(A) The maximum amount of time the worker approves child care allows the client eight hours of sleep plus travel time to and from the child care provider.

Emergency Adoptions

(B) In two-parent or two-caretaker families care may only be approved for this reason when both parents have night time jobs or when one parent has a night time job and the other parent or caretaker works during the day while the other parent is sleeping.

(6) Job search meets the definition of employment and child care may be approved for a single or two parent or caretaker household only when a client who has received subsidized child care benefits for at least 30 calendar days loses employment or successfully completes a formal education or training program and requests child care to look for a job.

(A) Child care may be approved for a maximum of 30 calendar days from the date the client loses employment or successfully completes a formal education or training program as long as the child continues to attend the same child care facility.

(i) Job search may be approved no more than twice per calendar year.

(ii) The client must have been employed or going to school for at least 90 calendar days between approval periods.

(B) When the client reports a new job within the job search period and provides all required verification to prove continued eligibility, a new application is not needed. When the client does not report a new job or required verification within the job search period, he or she must complete a new application before being approved for further child care.

(b) **Training.** A training program is defined as a course of study that when completed qualifies a person to meet requirements for a job the client could not have obtained without the certificate of completion, accreditation, or licensure. Child care can be approved for one parent or caretaker to attend a training program. In two-parent or two-caretaker families, the other parent or caretaker must be employed during the same hours.

(1) The training program must qualify to receive federal financial aid from the United States Department of Education (USDE) or other federal or state education funds.

(2) Prior to approval for child care, the client must provide proof of enrollment, the days and hours the client will be attending, and when he or she is expected to complete the program.

(3) The program must require classroom attendance on a school campus with an instructor present. Care is only approved for an on-line Internet based course or televised course when it is a live broadcast conducted by an instructor and attendance is required while the program is being broadcast. When the program is self-paced and the client is able to choose his or her own school hours, care is not approved.

(4) The client must provide proof of progress when requested. When the client is not making satisfactory progress, further child care for this reason is not approved.

(5) Once the client completes a training program, further child care is not approved for training or education.

The client is expected to look for jobs that require his or her training credentials. The client may be eligible for subsidized child care benefits to job search when he or she meets requirements at (a)(6) of this Section.

(6) In certain circumstances, the worker may approve child care benefits for a client to attend a second training program. The client must have been employed in a job requiring the training credentials he or she has for at least 12 months. Possible circumstances include when:

(A) the client can no longer perform the job he or she is trained to do because of physical or mental health reasons. In this instance, the client must provide a statement from a doctor, mental health professional, or a vocational rehabilitation professional verifying the reason. The professional must also state that the client is capable of performing the job tasks of the training program where the client wants to enroll;

(B) there is no longer a demand for the type of work the person is trained to do. The client must provide a statement from a professional working with the client to obtain employment stating there is no demand. The professional must be employed by the Workforce Oklahoma Center, a Workforce Investment Act (WIA) contracted entity, the Oklahoma Employment Security Commission (OESC), or the Oklahoma Department of Rehabilitation Services (DRS); or

(C) the client can establish receipt of the additional training will increase the person's earning potential. The client must provide proof the starting salary for a person with the training credentials the client wants to obtain is higher than he or she is currently earning.

(c) **Education program.** An education program may include:

(1) **High school.** Child care may be approved for one or both parents or caretakers to attend high school. It is not approved for a parent or caretaker to receive homebound instruction. Prior to approval the client must provide proof that he or she is enrolled, the days and hours the client is attending, and when he or she is expected to graduate.

(2) **General Educational Development (GED), literacy, or adult basic education (ABE) classes.** The program must require classroom attendance with an instructor present. Child care may be approved for one parent or caretaker to attend GED, literacy, or ABE classes. However, in two-parent or two-caretaker families, the other parent or caretaker must be employed during the same hours.

(A) The client must provide proof of enrollment, the days and hours the client is attending, and the length of the class prior to care approval. When the class has open enrollment and no established end date, the client must provide proof of progress and how it is measured.

(B) Within the first month of classes, the client must provide proof of initial testing showing the client's education and/or literacy level.

(C) The worker reviews the client's progress when the class is expected to end prior to approval for

further child care for this reason. When the class is open-ended, the worker reviews progress no later than 12 months from the date care was approved for this reason. At review, the client must provide a statement from the school that includes:

- (i) whether the client is attending regularly;
- (ii) whether the client is making satisfactory progress;
- (iii) an estimated length of time it will take to complete the program; and
- (iv) what days and hours the client is currently attending classes.

(D) When the client has not been attending regularly or making satisfactory progress, further child care for this reason is not approved.

(3) **English as a Second Language (ESL) classes.** The program must require classroom attendance with an instructor present. Child care may be approved for a single parent or caretaker to attend ESL classes when the client lacks proficiency in understanding, speaking, reading, or writing the English language. In two-parent or two-caretaker families, the other parent or caretaker must be employed during the same hours.

(A) The client must provide proof of enrollment, the days and hours the client is attending, and the length of the class prior to care being approved. When the class has open enrollment and no established end date, the client must provide proof of how often progress is measured.

(B) The worker reviews the client's progress when the class is expected to end prior to approval for further care for this reason. When the class is open-ended, the worker reviews progress no later than 12 months from the date care was approved for this reason. The client must provide a statement from the school that includes:

- (i) whether the client is attending regularly;
- (ii) whether the client is making satisfactory progress;
- (iii) an estimated length of time it will take to complete the program; and
- (iv) what days and hours the client is currently attending.

(C) When the client has not been attending regularly or making satisfactory progress, further care for this reason is not approved.

(4) **Formal education program.** A formal education program is defined as a course of study that leads to the attainment of an associate or bachelor's degree. Child care can be approved for one parent or caretaker to attend a formal education program and to participate in activities required to maintain a scholarship. Only required scholarship activities for scholarships disbursed through the school's financial aid office qualify for child care. In two-parent or two-caretaker families, the other parent or caretaker must be employed during the same hours.

(A) The formal education program must qualify to receive federal financial aid from USDE or other federal or state education funds.

(B) Prior to approval for child care, the client must provide proof of enrollment, the days and hours the client is attending school or participating in activities required to maintain a scholarship, and when he or she is expected to complete the degree.

(C) The degree program must require classroom attendance on the school campus with an instructor present. Care is only approved for an on-line Internet based course or a televised course when it is a live broadcast conducted by an instructor and attendance is required while the program is being broadcast. When the program is self-paced and can be completed whenever the client chooses, care is not approved.

(D) The client must provide proof of progress when requested. When the client is not making satisfactory progress, further care for this reason is not approved.

(E) Once the client completes a bachelor's degree, further care is not approved for training or education. The client is expected to look for jobs that require a degree. The client may be eligible for subsidized child care benefits to job search when he or she meets requirements at (a)(6) of this Section.

(F) In certain circumstances, the worker may approve subsidized child care benefits for a client to obtain a different bachelor's degree. The client must first have been employed in a job that required the degree he or she already has for at least 12 months. Possible circumstances include when:

- (i) the client can no longer perform the job he or she is trained to do because of physical or mental health reasons. In this instance, the client must provide a statement from a doctor, mental health professional, or a vocational rehabilitation professional that verifies the reason. The professional must also state that the client is capable of performing the job tasks of the degree program in which the client wants to enroll;
- (ii) there is no longer a demand for the type of work the person is trained to do. The client must provide a statement from a professional working with the client to obtain employment stating there is no demand. The professional must be employed by the Workforce Oklahoma Center, a WIA contracted entity, OESC, or DRS; or
- (iii) the client can establish receipt of the second degree may increase the person's earning potential. The client must provide proof the starting salary for a person with the degree the client wants to obtain is higher than he or she is currently earning.

(d) **Temporary Assistance for Needy Families (TANF) Work activity-related child care.** ~~When a client receives a TANF benefit,~~ related subsidized child care benefits may be provided;

Emergency Adoptions

- (1) for any TANF Work activity outlined on the client's Form 08TW002E, TANF Work/Personal Responsibility Agreement, per OAC 340:10-2-1-this includes when:
- (~~A~~) ~~Need for child care is also met when~~ the person is waiting to enter an approved TANF Work activity. Approval is limited to a time period not to exceed:
 - (~~A~~) two weeks; or
 - (~~B~~) one month on an exception basis where child care arrangements or other services would otherwise be lost and the subsequent activity is scheduled to begin within that period;:
 - (~~2B~~) prior to approval for TANF, applicants are referred for immediate employment ~~may be approved for subsidized child care benefits to job search~~. TANF applicants are advised:
 - (~~A~~) child care to job search is limited to 20 days that must be used within 30 calendar days from the date of request;
 - (~~B~~) in-home child care arrangements are not available for TANF applicants;
 - (~~C~~) child care may only be used during the times the applicant is actually looking for a job; and
 - (~~D~~) he or she must notify the worker immediately upon securing employment;: and
- (2) for substance abuse treatment when the parent of a child receiving TANF is ineligible for TANF due to the illegal use of a controlled substance or substances. Prior to approval, the parent must provide proof of the substance abuse treatment plan from the treatment provider.
- (e) **Protective or preventive child care.** Subsidized protective or preventive child care benefits may be used as an early intervention strategy in certain critical situations to help prevent neglect, abuse, or exploitation of a child. The worker may approve child care in these situations to help stabilize the family situation or enhance family functioning. In most instances, Child Welfare (CW) staff completes protective or preventive child care requests when they are working with the family and recommending protective or preventive child care. When CW staff contracts with an outside agency to provide protective or preventive services and child care is recommended, ~~Family Support Services (FSS)~~ Adult and Family Services (AFS) staff completes the child care requests with help from contracted agency staff.
- (1) Subsidized protective or preventive child care benefits are temporary and planning to reduce or eliminate the need for such child care begins at the initial contact.
 - (2) The worker must complete a face-to-face interview with the client prior to approving subsidized protective or preventive child care benefits in order to better assess all of the service needs of the family.
 - (3) The client must provide a statement from a professional working with the family stating:
 - (A) the reason child care is recommended;
 - (B) how placing the child in a child care facility helps to prevent neglect, abuse, or exploitation of the child; and
 - (C) the length of time this care is expected to be needed.
 - (4) The family may or may not be expected to help in paying the cost of these subsidized child care benefits depending on the unique circumstances of the family.
 - (5) In certain circumstances, families who are financially ineligible for subsidized child care benefits may be approved for protective or preventive child care benefits when the child is in danger of neglect, abuse, or exploitation. The client must provide evidence the family is so burdened by debt the additional financial pressure of paying for child care may result in further deterioration of family stability and functioning. The client must also provide a plan for reducing his or her debt.
 - (6) The worker may approve subsidized protective or preventive child care benefits for a maximum of 30 calendar days. ~~When determining ongoing eligibility will take time, the worker may approve child care while the parent or caretaker is gathering necessary information during this 30 calendar day period.~~
 - (7) When the family requests subsidized protective or preventive child care benefits beyond this initial 30 calendar day period, the worker ~~sends a memo and scans~~ supporting documentation into imaging and sends an email to the Family Support Services Division (FSSD) AFS Child Care Subsidy Section staff to request an extension. The client must provide all needed eligibility information prior to submission of the extension request.
- (f) **Enrichment.** The purpose of subsidized enrichment child care benefits is to assist a child receiving Supplemental Security Income (SSI) to develop socialization skills and to transition into a group setting, such as a classroom. When a child is not receiving SSI benefits, the child is not eligible for subsidized enrichment child care benefits.
- (1) The need for subsidized enrichment child care benefits is based solely on the needs of the child's condition of delay or disability rather than on the activities of the parent or caretaker.
 - (2) Child care for enrichment is limited to a maximum of two days per week not to exceed ten full-time or part-time days per month.
 - (3) The parent or caretaker must provide a written recommendation from a professional who is working directly with the child in some capacity that states how child care would be beneficial to the child. The professional could be the child's doctor, occupational therapist, physical therapist, or special education teacher.
 - (4) Enrichment child care is only approved for a child who has not started school or Head Start unless, due to the child's disabilities, the child receives instruction from a teacher in his or her home.
 - (5) When subsidized enrichment child care benefits are approved, care must be provided outside of the child's home and at least one other child must attend during the same hours.

(6) The worker obtains approval from staff in the FSSD/AFS Child Care Subsidy Section prior to authorizing care for this need factor.

[OAR Docket #13-151; filed 1-25-13]

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

[OAR Docket #13-132]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 9. Recruitment and Selection
Part 9. Classified Appointments
530:10-9-92 [AMENDED]

AUTHORITY:
The Administrator of the Office of Management and Enterprise Services, Human Capital Management, (formerly Office of Personnel Management of the Office of State Finance): 74 O.S., §§ 840-1.6A and 840-4.14.

DATES:
Comment period:
N/A

Public hearing:
N/A

Adoption:
November 20, 2012

Approved by Governor:
January 3, 2013

Effective:
Immediately upon Governor's approval

Expiration:
Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature

SUPERCEDED EMERGENCY ACTIONS:
N/A

INCORPORATIONS BY REFERENCE:
N/A

CONTACT PERSON:
Kara I. Smith, Deputy General Counsel, Office of Management and Enterprise Services, Human Capital Management, 2101 N. Lincoln, G-80, Oklahoma City, OK 73105, (405) 521-2177.

FINDING OF EMERGENCY:
The proposed rule, 530:10-9-92, is necessary to implement the new requirements of HB 1985 (2012 Legislative Session) amending the veteran hiring preference requirements in Title 74 O.S. §840-4.14. HB 1985 became effective November 1, 2012.

ANALYSIS:
The proposed rule, 530:10-9-92, is necessary to implement the new requirements of HB 1985 (2012 Legislative Session) amending the veteran hiring preference requirements in Title 74 O.S. §840-4.14. HB 1985 became effective November 1, 2012.

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

SUBCHAPTER 9. RECRUITMENT AND SELECTION

PART 9. CLASSIFIED APPOINTMENTS

530:10-9-92. Appointments from certificates
After receipt of a certificate, the Appointing Authority may consider and select anyone whose name is within the hiring rule, i.e. the top 10 available eligibles, or anyone whose name is tied with the lowest ranked eligible within the hiring rule [74:840-4.13]. In selecting persons from among those certified, the Appointing Authority shall have the right, and is encouraged to examine applications, reports of investigations and interview eligibles.

(1) The Appointing Authority shall interview in person any Absolute Preference Veteran(s) within the hiring rule in order to allow the veteran(s) to demonstrate any transferable skills acquired in the military service [74:840-4.14(D)].

(2) The Appointing Authority shall not deny employment to, and pass over, an available Absolute Preference Veteran except as provided in the Act and this Section and in 530:10-9-131.

(3) If the Appointing Authority passes over an available Absolute Preference Veteran(s) as provided in the Act and Section in 530:10-9-131, the Appointing Authority shall interview in person any available veteran(s) who are within the hiring rule in order to allow the veteran(s) to demonstrate any transferable skills acquired in the military service [74:840-4.14(D)].

(4) The Appointing Authority may give preference in all cases to persons who have resided in Oklahoma for at least 1 year prior to the date of examination [74:840-4.13].

(5) The Appointing Authority need not consider any eligible who is currently in probationary status in the classified service, or permanent status with that agency in a job with the same or a higher pay band assignment.

(6) The Appointing Authority may take action to remove eligibles from consideration only as permitted and provided in the statutes or Merit Rules.

(7) If the Administrator has certified the names of eligibles in addition to those within the hiring rule, and if 1 or more eligibles initially within the hiring rule are removed from consideration in accordance with the Merit Rules, then the next lower eligible(s) may be added to fill in the hiring rule and anyone tied with the lowest such eligible may be considered and selected.

(8) The Appointing Authority is responsible for making the final selection.

[OAR Docket #13-132; filed 1-25-13]

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

1:2013-02.

EXECUTIVE ORDER 2013-02

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. to 5:00 p.m. on Tuesday, January 22, 2013, to honor Retired Justice Ralph B. Hodges, who passed away on Wednesday, January 16, 2013.

Ralph B. Hodges was appointed to the Oklahoma Supreme Court by Governor Henry Bellmon in 1965. He was the youngest person appointed to serve on the Oklahoma Supreme Court. He served two terms as Chief Justice, the first from 1977 to 1978 and the second from 1993 to 1994. He retired from the Court in 2004. His dedication to the state of Oklahoma will be missed.

This executive order shall be forwarded to the Department of Capital Assets Management 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 18th day of January, 2013.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Michelle R. Day
Assistant Secretary of State

[OAR Docket #13-103; filed 1-18-13]

