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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Mary Fallin, Governor**  
**Chris Benge,**  
**Secretary of State**  
**Peggy Coe, Editor-in-Chief**

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<b>MEDICAL</b> Technology and Research Authority of Oklahoma	440	<b>STATE</b> Employee Charitable Contributions, Oversight Committee ( <i>Formerly</i> : <b>STATE</b> Agency Review Committee)	695
Board of <b>MEDICOLEGAL</b> Investigations	445	<b>STATE</b> Use Committee ( <i>Formerly</i> : Committee on Purchases of Products and Services of the Severely <b>HANDICAPPED</b> )— <i>See</i> Title 304	
Department of <b>MENTAL</b> Health and Substance Abuse Services	450	Oklahoma <b>STUDENT</b> Loan Authority	700
<b>MERIT</b> Protection Commission	455	<b>TASK</b> Force 2000	705
<b>MILITARY</b> Planning Commission, Oklahoma Strategic	457	Oklahoma <b>TAX</b> Commission	710
Department of <b>MINES</b>	460	Oklahoma Commission for <b>TEACHER</b> Preparation	712
Oklahoma <b>MOTOR</b> Vehicle Commission	465	<b>TEACHERS'</b> Retirement System	715
Board of Regents of <b>MURRAY</b> State College ( <i>exempted 11-1-98</i> )	470	State <b>TEXTBOOK</b> Committee	720
Oklahoma State Bureau of <b>NARCOTICS</b> and Dangerous Drugs Control	475	<b>TOBACCO</b> Settlement Endowment Trust Fund	723
Board of Regents of <b>NORTHERN</b> Oklahoma College ( <i>exempted 11-1-98</i> )	480	Oklahoma <b>TOURISM</b> and Recreation Department	725
Oklahoma Board of <b>NURSING</b>	485	Department of <b>TRANSPORTATION</b>	730
Oklahoma State Board of Examiners for <b>LONG-TERM</b> Care Administrators ( <i>Formerly</i> : Oklahoma State Board of Examiners for <b>NURSING</b> Home Administrators)	490	Oklahoma <b>TRANSPORTATION</b> Authority ( <i>Name changed to Oklahoma TURNPIKE Authority 11-1-05) - <i>See</i> Title 731</i>	
Board of Regents of <b>OKLAHOMA</b> City Community College ( <i>exempted 11-1-98</i> )	495	Oklahoma <b>TURNPIKE</b> Authority ( <i>Formerly</i> : Oklahoma <b>TRANSPORTATION</b> Authority AND Oklahoma <b>TURNPIKE</b> Authority) - <i>See</i> also Title 745	731
Board of Regents of <b>OKLAHOMA</b> Colleges ( <i>exempted 11-1-98</i> )	500	State <b>TREASURER</b>	735
Board of Examiners in <b>OPTOMETRY</b>	505	Board of Regents of <b>TULSA</b> Community College ( <i>exempted 11-1-98</i> )	740
State Board of <b>OSTEOPATHIC</b> Examiners	510	Oklahoma <b>TURNPIKE</b> Authority ( <i>Name changed to Oklahoma TRANSPORATION Authority 11-1-99 - <i>no rules enacted in this Title - See</i> Title 731)</i>	745
<b>PARDON</b> and Parole Board	515	Oklahoma <b>UNIFORM</b> Building Code Commission	748
Oklahoma <b>PEANUT</b> Commission	520	Board of Trustees for the <b>UNIVERSITY</b> Center at Tulsa ( <i>exempted 11-1-98</i> )	750
Oklahoma State <b>PENSION</b> Commission	525	<b>UNIVERSITY</b> Hospitals Authority	752
State Board of Examiners of <b>PERFUSIONISTS</b>	527	<b>UNIVERSITY</b> Hospitals Trust	753
Office of <b>PERSONNEL</b> Management	530	Board of Regents of the <b>UNIVERSITY</b> of Oklahoma ( <i>exempted 11-1-98</i> )	755
Board of Commercial <b>PET</b> Breeders	532	Board of Regents of the <b>UNIVERSITY</b> of Science and Arts of Oklahoma ( <i>exempted 11-1-98</i> )	760
Oklahoma State Board of <b>PHARMACY</b>	535	Oklahoma <b>USED</b> Motor Vehicle and Parts Commission	765
<b>PHYSICIAN</b> Manpower Training Commission	540	Oklahoma Department of <b>VETERANS</b> Affairs	770
Board of <b>PODIATRIC</b> Medical Examiners	545	Board of <b>VETERINARY</b> Medical Examiners	775
Oklahoma <b>POLICE</b> Pension and Retirement System	550	Statewide <b>VIRTUAL</b> Charter School Board	777
State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> )	555	Oklahoma Department of <b>CAREER</b> and Technology Education ( <i>Formerly</i> : Oklahoma Department of <b>VOCATIONAL</b> and Technical Education)	780
<b>POLYGRAPH</b> Examiners Board	560	Oklahoma <b>WATER</b> Resources Board	785
Oklahoma Board of <b>PRIVATE</b> Vocational Schools	565	Board of Regents of <b>WESTERN</b> Oklahoma State College ( <i>exempted 11-1-98</i> )	790
State Board for <b>PROPERTY</b> and Casualty Rates ( <i>abolished 7-1-06; see also Title 365</i> )	570	Oklahoma <b>WHEAT</b> Commission	795
State Board of Examiners of <b>PSYCHOLOGISTS</b>	575	Department of <b>WILDLIFE</b> Conservation	800
Department of <b>CENTRAL</b> Services ( <i>Formerly</i> : Office of <b>PUBLIC</b> Affairs)	580	<b>WILL</b> Rogers and J.M. Davis Memorials Commission	805
<b>PUBLIC</b> Employees Relations Board	585	Oklahoma <b>WORKERS'</b> Compensation Commission	810
Oklahoma <b>PUBLIC</b> Employees Retirement System	590		
Department of <b>PUBLIC</b> Safety	595		
<b>REAL</b> Estate Appraiser Board	600		
Oklahoma <b>REAL</b> Estate Commission	605		
Board of Regents of <b>REDLANDS</b> Community College ( <i>exempted 11-1-98</i> )	607		
State <b>REGENTS</b> for Higher Education	610		
State Department of <b>REHABILITATION</b> Services	612		
Board of Regents of <b>ROGERS</b> State College ( <i>exempted 11-1-98</i> )	615		
Board of Regents of <b>ROSE</b> 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 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 1. COMMISSION OPERATIONS**

*[OAR Docket #13-1314]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

25:1-1-3. Definitions [AMENDED]

25:1-1-8. Windsock program [AMENDED]

### **SUMMARY:**

The proposed rules make changes to the windsock program administered by the Oklahoma Aeronautics Commission (Commission). The proposed changes will add a definition and modify the sites that are eligible to receive a windsock, free of charge, from the Commission.

### **AUTHORITY:**

3 O.S. Section 83 (b); Oklahoma Aeronautics Commission

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Jane Mitchell at the Oklahoma Aeronautics Commission at 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102 during the period from December 16, 2013 through January 15, 2014.

### **PUBLIC HEARING:**

A public hearing will be held at 11:00 a.m. on Tuesday, January 16, 2014 at the Oklahoma Aeronautics Commission, 120 N. Robinson, Suite 1244W, Oklahoma City, OK.

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

N/A

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

Copies of the proposed rules may be obtained from the contact person or at the following website link. [http://www.ok.gov/OAC/Airport\\_Development/index.html](http://www.ok.gov/OAC/Airport_Development/index.html)

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained from the contact person on or after December 31, 2013 or at the following website link. [http://www.ok.gov/OAC/Airport\\_Development/index.html](http://www.ok.gov/OAC/Airport_Development/index.html)

### **CONTACT PERSON:**

Jane Mitchell, Administrative Rules Liaison, Oklahoma Aeronautics Commission, 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102, (405) 604-6901.

*[OAR Docket #13-1314; filed 11-19-13]*

## **TITLE 38. OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS CHAPTER 1. ADMINISTRATION**

*[OAR Docket #13-1311]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Individual Proceedings

38:1-1-5. [AMENDED]

### **SUMMARY:**

The proposed rule changes to Subchapter 1 changes the composition of the Complaint Review Committee to include a Board member, the review to determine probable cause, investigation, and informal process.

### **AUTHORITY:**

Oklahoma Board of Licensed Alcohol and Drug Counselors; 59 O.S., § 43B-1875-1

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Richard D. Pierson at 101 N.E. 51<sup>st</sup> Street, Oklahoma City, OK, 73105, or P. O. Box 54388, Oklahoma City, OK, 73154 from December 17, 2013 to January 16, 2014.

### **PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, OK, 73105, at 10:00 A.M. to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door by 10:05 A.M. on January 17, 2014.

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

N/A

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

Copies of proposed rules may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, OK, 73105, or by going to our website at [www.okdrugcounselors.org](http://www.okdrugcounselors.org) under Laws and Regulations.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors at the above address beginning December 17, 2013.

## Notices of Rulemaking Intent

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### CONTACT PERSON:

Richard D. Pierson, Executive Director, 405-521-0779.

*[OAR Docket #13-1311; filed 11-19-13]*

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

*[OAR Docket #13-1312]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Rules of Professional Conduct [AMENDED]

Subchapter 7. Application [AMENDED]

Subchapter 9. Supervision [AMENDED]

Subchapter 13. Continuing Education Requirements  
[AMENDED]

### SUMMARY:

The proposed rule changes to Subchapter 3 require a Code of Ethics for LADC/MH candidates and sets forth the Co-Occurring Code of Ethics in Appendix B. The proposed changes also bring Title 59 and Title 38 into consistency with record retention per HIPAA laws at 7 years. Subchapter 3 changes allow CADC and LADC candidates to use the term "candidate" to identify status to other professionals and the public.

Subchapter 7 changes update current degree requirements for LADC application as amended in Title 59. Changes also set time limits for an applicant to complete all requirements for certification or licensure. Rules are established for the qualifications for the LADC/MH credential. Provisions are made for post-military applicants. LADC applicants may be in a private or independent practice if licensed and in good standing in another behavioral health profession. Changes make provision for an extension of applicants called to active duty. Rules provide an exemption of renewal fee for active duty military; Expedites reciprocity of licensure for spouses of active duty military; Renames the MCDC credential to the LADC/MH credential for consistency.

Subchapter 9 revisions on Supervision: requires direct observation for candidates practicing in community or home-based services; allows candidates that hold a valid Oklahoma license in another behavioral health profession to acquire supervision hours in their private practice; requires the Board be notified of termination of supervision within three (3) days; requires supervision logs be submitted to the Board at least every 3 months; a supervisee must remain under supervision and submit logs to the Board until licensed; and limits supervisors to a maximum number of 20 supervisees at any time unless they come before the Board and get approval for each supervisee over 20.

Subchapter 13 sets parameters on continuing education units for CADCs, LADCs and LADC/MH renewing their license.

### AUTHORITY:

Oklahoma Board of Licensed Alcohol and Drug Counselors; 59 O. S., § 43B-1875-1.

### COMMENT PERIOD:

Persons may submit written and oral comments to Richard D. Pierson at 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Ok. 73105, or P.O. Box 54388, Oklahoma City, Ok. 73154 from December 17, 2013 to January 16, 2014.

### PUBLIC HEARING:

A public hearing will be held at the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N. E. 51<sup>st</sup> Street, Oklahoma City, OK 73105 at 10:00 A.M. to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of five (5) minutes to speak and must sign in at the door by 10:05 A.M. on January 17, 2014.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, OK, 73105, or by going to our website at [www.okdrugcounselors.org](http://www.okdrugcounselors.org) under Laws and Regulations.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Board of Licensed Alcohol and Drug Counselors at the above address beginning December 17, 2013.

### CONTACT PERSON:

Richard D. Pierson, Executive Director, (405) 521-0779.

*[OAR Docket #13-1312; filed 11-19-13]*

### **TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 1. PROCEDURES OF THE OKLAHOMA CONSTRUCTION INDUSTRIES BOARD**

*[OAR Docket #13-1334]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. Description of Organization

158:1-1-1 [AMENDED]

158:1-1-2 [AMENDED]

Subchapter 3. General Operation and Procedures

158:1-3-5 [AMENDED]

158:1-3-6 [AMENDED]

158:1-3-7 [AMENDED]

- 158:1-3-8 [AMENDED]
- 158:1-3-9 [AMENDED]
- 158:1-3-10 [NEW]
- 158:1-3-11 [NEW]
- 158:1-3-12 [NEW]
- Subchapter 5. Procedure in Individual Proceedings
- 158:1-5-3 [AMENDED]
- 158:1-5-5.1 [NEW]
- 158:1-5-7 [AMENDED]
- 158:1-5-12 [AMENDED]
- 158:1-5-13.1 [NEW]
- 158:1-5-17 [AMENDED]
- Subchapter 7. Oklahoma Small Business Regulatory Flexibility Act
- 158:1-7-1 [AMENDED]
- 158:1-7-2 [AMENDED]
- 158:1-7-3 [AMENDED]

**SUMMARY:**

Many of the proposed amendments are cleanup in nature and correct punctuation and grammar and correct or clarify references and citations. There are also proposed amendments/ new sections in Subchapter 3 for the purpose of implementing provisions pursuant to Senate Bill 1863 which created the Post-Military Service Occupation, Education and Credentialing Act, 59 O.S. § 4100.4, *et seq.*; proposed amendments/new sections in Subchapter 5 reflecting changes adopted under emergency rulemaking procedures for the purpose of implementing amendments to 59 O.S. § 1000.4 related to the automatic review of all fines, penalties and fees assessed for any violation of law or rule imposed after an administrative proceeding, and related to procedures for appealing an administrative ruling; and deletion of a definition in 158:1-7-2 which is duplicative of a definition in 158:1-1-2.

**AUTHORITY:**

Construction Industries Board: 59 O.S. §§ 858-627, 1000.4, 1000.5, 1002, 1032, 1681, and 1850.3

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2014, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

**PUBLIC HEARING:**

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 22, 2014, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:35 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Construction Industries Board requests that business entities affected by these proposed rules provide the Constructions Industries Board, within the comment period set forth and described above, in dollar amounts if possible,

the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2014, at the address shown below for obtaining copies of the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at [www.cib.ok.gov](http://www.cib.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 16, 2013, at the same locations listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

*[OAR Docket #13-1334; filed 11-21-13]*

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD  
CHAPTER 10. FINE SCHEDULE**

*[OAR Docket #13-1335]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking  
**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 158:10-1-1.1 [NEW]
- Subchapter 3. Administrative Fine Schedule
- 158:10-3-1 [AMENDED]
- 158:10-3-3 [AMENDED]
- Subchapter 5. Oklahoma Small Business Regulatory Flexibility Act
- 158:10-5-2 [AMENDED]
- 158:10-5-3 [AMENDED]

**SUMMARY:**

The proposed amendments are cleanup in nature. The amendments add a definition of "Act" and "Administrator" and move the definition of "Board" for clarification purposes; clarify and correct citations and references; and correct a scrivener's error in 158:10-3-1(a)(7) regarding the fine for forging or altering a license. This scrivener's correction will not change the amount of the fine that has been applied for several years.

**AUTHORITY:**

Construction Industries Board: 59 O.S. § 1000.1, *et seq.*; and 59 O.S. §§ 858-627, 1002, 1681, 1850.3.

# Notices of Rulemaking Intent

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## COMMENT PERIOD:

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2014, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

## PUBLIC HEARING:

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 22, 2014, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:35 p.m.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2014, at the address shown below for obtaining copies of the proposed rules.

## COPIES OF PROPOSED RULES:

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at [www.cib.ok.gov](http://www.cib.ok.gov).

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 16, 2013, at the same locations listed above for obtaining copies of the proposed rules.

## CONTACT PERSON:

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

*[OAR Docket #13-1335; filed 11-21-13]*

## TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

*[OAR Docket #13-1336]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 1. General Provisions  
158:30-1-1 [AMENDED]

158:30-1-2 [AMENDED]

158:30-1-3 [AMENDED]

Subchapter 3. Procedures of the Committee and Hearing Board

158:30-3-1 [AMENDED]

158:30-3-2 [AMENDED]

Subchapter 5. License Types, Bond Requirements, and Display of License Number and Firm Name

158:30-5-2 [AMENDED]

158:30-5-4 [AMENDED]

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses

158:30-9-1 [AMENDED]

158:30-9-2 [AMENDED]

158:30-9-3 [AMENDED]

158:30-9-4 [AMENDED]

Subchapter 13. Procedure of the Variance and Appeals Boards, Plan Review Applications and Fees, Code Variance Applications and Fee, and Code Interpretation Appeals

158:30-13-1 [AMENDED]

158:30-13-2 [AMENDED]

158:30-13-3 [AMENDED]

158:30-13-4 [AMENDED]

## SUMMARY:

Many of the proposed amendments are cleanup in nature and correct spelling, punctuation and grammar, and correct or clarify references and citations. In addition, 158:30-1-2 adds a definition of "Hearing Board" and corrects the definition of "Bonds and Insurance Unit" and "Variance"; 158:30-1-3 adds requirement for notifying the Construction Industries Board of changes in address, business relationship, structure or affiliation; 158:30-3-1 updates language to reflect current procedure for filing application for licensure, and updates language to reflect current provisions of the Oklahoma Open Records Act; 158:30-3-2 removes obsolete language; 158:30-9-1 clarifies education that can be substituted for a portion of the experience requirement for examination; 158:30-9-3 is amended to make it clear that all applicable continuing education requirements must be met before any license may be renewed; 158:30-9-4 removes requirement related to providers offering reasonable accommodations for disabled licensees attending continuing education classes because the continuing education providers are already subject to requirements under federal law that address this matter; 158:30-13-1, 158:30-13-2, 158:30-13-3 and 158:30-13-4 clarifies circumstances under which the Construction Industries Board can conduct a plan review, clarifies reference to code/standard of installation from which a variance can be requested, and allows the Administrator to appoint a designee to approve/contest applications for a variance and provide testimony to rebut an application.

## AUTHORITY:

Construction Industries Board: 59 O.S. §§ 1000.4(A)(1) and 1002.

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2014, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

**PUBLIC HEARING:**

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 22, 2014, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:35 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2014, at the address shown below for obtaining copies of the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at [www.cib.ok.gov](http://www.cib.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 16, 2013, at the same locations listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

*[OAR Docket #13-1336; filed 11-21-13]*

**TITLE 158. CONSTRUCTION INDUSTRIES BOARD  
CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS**

*[OAR Docket #13-1337]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

158:40-1-1 [AMENDED]

158:40-1-2 [AMENDED]

158:40-1-3 [AMENDED]

Subchapter 3. Procedures of the Committee and the Hearing Board

158:40-3-1 [AMENDED]

158:40-3-2 [AMENDED]

Subchapter 5. Licensing Requirements, Display of License, and Firm Name, and Bond Requirements

158:40-5-1 [AMENDED]

158:40-5-2 [AMENDED]

158:40-5-3 [AMENDED]

158:40-5-5 [AMENDED]

Subchapter 7. License Classifications

158:40-7-1 [AMENDED]

158:40-7-2 [AMENDED]

158:40-7-4 [AMENDED]

158:40-7-5 [AMENDED]

158:40-7-6 [AMENDED]

Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals

158:40-9-2 [AMENDED]

158:40-9-3 [AMENDED]

158:40-9-4 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:40-11-1 [AMENDED]

158:40-11-2 [AMENDED]

Subchapter 13. Procedures of the Variance and Appeals Board, Plan Review Applications and Filing Fees, Code Variance Applications and Filing Fee and Code Interpretation Appeals

158:40-13-1 [AMENDED]

158:40-13-2 [AMENDED]

158:40-13-3 [AMENDED]

158:40-13-4 [AMENDED]

**SUMMARY:**

Many of the proposed amendments are cleanup in nature and correct spelling, punctuation and grammar, and correct or clarify references and citations. In addition, 158:40-1-2 adds a definition for "Alarm Endorsement" or "Alarm Endorsement registration," and for "Oklahoma Uniform Building Code Commission" or "OUBCC" and clarifies/amends the definition for "Applicant," "Bonds and Insurance Unit," "Temporary electrical journeyman," and "Variance"; 158:40-1-3 makes gender reference neutral and adds provision for reporting changes in address, business relationship, structure or affiliation to the Construction Industries Board; 158:40-3-1 updates language to reflect current exam procedures and law regarding the Oklahoma Open Records Act; 158:40-3-2 removes obsolete language; 158:40-5-1 and 158:40-5-2 remove obsolete provisions no longer applicable; 158:40-5-3 clarifies requirement to provide proof of compliance with bond and insurance requirements and removes obsolete provisions no longer applicable; 158:40-5-5 makes gender reference neutral; 158:40-7-1 corrects a scrivener's error to reflect that 4,000 hours of experience (the amount historically used) must be verified in commercial/industrial work for the unlimited

## Notices of Rulemaking Intent

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electrical journeyman examination, but the correction does not change the total hours of experience required; 158:40-7-5 changes references to "state" when referring to a state other than Oklahoma and "State" when referring to the State of Oklahoma; 158:40-9-2 clarifies that examination questions are based on the standard of installation as described in OAC 158:40-1-4 and other related questions; 158:40-9-4 removes unnecessary language to reflect same language as other trades, removes requirement for Construction Industries Board Administrator to also review all applications for approval of continuing education courses, and removes provision that requires providers of correspondence or online continuing education courses to provide accommodations for disabled licensees because the continuing education providers are already subject to requirements under federal law that address this matter; 158:40-11-2 removes a duplicate subsection; 158:40-13-1, 158:40-13-2, 158:40-13-3 and 158:40-13-4 clarifies circumstances under which the Construction Industries Board can conduct a plan review, clarifies reference to code/standard of installation from which a variance can be requested, and allows the Administrator to appoint a designee to approve/contest applications for a variance and provide testimony to rebut an application.

### **AUTHORITY:**

Construction Industries Board: 59 O.S. §§ 1000.4(A)(1), 1000.5, and 1681.

### **COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2014, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

### **PUBLIC HEARING:**

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 22, 2014, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:35 p.m.

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

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2014, at the address shown below for obtaining copies of the proposed rules.

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

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at [www.cib.ok.gov](http://www.cib.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 16, 2013, at the same locations listed above for obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

*[OAR Docket #13-1337; filed 11-21-13]*

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## **TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS**

*[OAR Docket #13-1338]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

158:50-1-2 [AMENDED]

158:50-1-3 [AMENDED]

Subchapter 3. Procedures of the Committee and the Hearing Board [NEW]

158:50-3-1 [NEW]

158:50-3-2 [NEW]

Subchapter 5. License Types, Limitations of Licenses, Contractor Special Requirements and Display of License Number and Firm Name

158:50-5-1 [AMENDED]

158:50-5-2 [AMENDED]

158:50-5-3 [AMENDED]

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Applications, and Apprentice Registration

158:50-9-1 [AMENDED]

158:50-9-2 [AMENDED]

158:50-9-3 [AMENDED]

158:50-9-5 [AMENDED]

158:50-9-7 [AMENDED]

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:50-11-1 [AMENDED]

158:50-11-2 [AMENDED]

Subchapter 13. Procedures of the Variance and Appeals Board, Plan Review Applications and Fees, Code Variance Applications and Fee, Code Interpretation Appeals

158:50-13-1 [AMENDED]

158:50-13-2 [AMENDED]  
158:50-13-3 [AMENDED]  
158:50-13-4 [AMENDED]

**SUMMARY:**

Many of the proposed amendments are cleanup in nature and correct spelling, punctuation and grammar, and correct or clarify references and citations. In addition, 158:50-1-2 clarifies/amends the definition for "Applicant," "Bonds and Insurance Unit," "Petroleum refinery," "Petroleum refinery journeyman," and "Variance," and adds definition of "Chemical Plant," "Hearing Board," "Natural Gas and Chemical Plants Process Piping journeyman," "Natural Gas and Chemical Plants process piping work," and "Natural Gas Processing Plant"; 158:50-1-3 makes gender reference neutral and adds provision for reporting changes in address, business relationship, structure or affiliation to the Construction Industries Board; the new Subchapter 3, Sections 158:50-3-1 and 158:50-3-2, adds language to reflect current procedures of the Committee of Mechanical Examiners and of the Mechanical Hearing Board; 158:50-5-1 adds licensing category of Natural Gas and Chemical Plants Process Piping (journeyman only) as a choice for workers doing work currently requiring process piping license; 158:50-5-2 makes gender reference neutral, clarifies limitations of a limited residential journeyman license, expands the services the petroleum refinery journeyman license entitles a licensee to perform, and sets out the services that a licensee in the new category of natural gas processing and chemical plants journeyman can perform; 150:50-9-1 updates to reflect current procedure that the examination fee is to be paid directly to testing provider, requires applicant for mechanical license examination, like in other trades, who is not licensed to maintain an apprentice registration on file with the Construction Industries Board to receive credit for experience obtained in Oklahoma, establishes requirements for experience gained outside of the State of Oklahoma, and adds provision to allow applicants for new licensing classification to pass same exam required for the Petroleum Refinery Process Piping (journeyman only) license or, *in lieu* of the exam, to provide proof of certification approved by the Mechanical Examiners Committee (National Center for Construction Education and Research [NCCER] certification); 158:50-9-3 removes the time limit in which an expired license can be reinstated; 158:50-9-7 removes unnecessary language to reflect same language as other trades, adds provision that continuing education course approval is rescinded upon adoption of a different statewide code and that a new application showing updates of new code is required, provides for applications for correspondence and online courses to be resubmitted annually, and exempts licensees in the new Natural Gas and Chemical Plants Process Piping journeyman classification from continuing education requirements for license renewal; 158:50-13-1, 158:50-13-2, 158:50-13-3

and 158:50-13-4 clarifies circumstances under which the Construction Industries Board can conduct a plan review, clarifies reference to code/standard of installation from which a variance can be requested, and allows the Administrator to appoint a designee to approve/contest applications for a variance and provide testimony to rebut an application.

**AUTHORITY:**

Construction Industries Board: 59 O.S. §§ 1000.4 and 1850.3.

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2014, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

**PUBLIC HEARING:**

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 22, 2014, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:35 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2014, at the address shown below for obtaining copies of the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at [www.cib.ok.gov](http://www.cib.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 16, 2013, at the same locations listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

*[OAR Docket #13-1338; filed 11-21-13]*

## Notices of Rulemaking Intent

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### **TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 60. INSPECTORS REGULATIONS**

*[OAR Docket #13-1339]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

158:60-1-2 [AMENDED]

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fees, Certification and Continuing Education for Inspectors, and Continuing Education Courses

158:60-5-2 [AMENDED]

158:60-5-3 [AMENDED]

158:60-5-4 [AMENDED]

158:60-5-5 [AMENDED]

#### **SUMMARY:**

Many of the proposed amendments are cleanup in nature and correct formatting, spelling, punctuation and grammar, and correct or clarify references and citations. In addition, 158:60-1-2 removes definition for "OCIB EXAM" to avoid confusion because the Inspectors Examining Committee no longer prepares the exam; 158:60-5-2 allows for late fee to be collected if application for renewal of expired license is made more than one year after license expiration, corrects requirements for initial licensure because there is currently no Oklahoma Inspector Examination and continuing education is not required for initial licensure, and clarifies that continuing education is required for license renewal; 158:6-5-3 requires notification in writing to the Construction Industries Board of change in address or in employment status related to license; 158:60-5-4 clarifies fees and certification and continuing education requirements for inspectors; 158:60-5-5 clarifies continuing education requirements, requires continuing education providers to submit the original sign-in sheets for all sessions within seven days of completion of the course, establishes standards for continuing education, removes requirement that providers are to offer reasonable accommodations for disabled licensees attending a course because the continuing education providers are already subject to requirements under federal law that address this matter, and establishes limitations on continuing education course approval.

#### **AUTHORITY:**

Construction Industries Board: 59 O.S. §§ 1000.4 and 1032.

#### **COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2014, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

#### **PUBLIC HEARING:**

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 22, 2014, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:35 p.m.

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

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2014, at the address shown below for obtaining copies of the proposed rules.

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

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at [www.cib.ok.gov](http://www.cib.ok.gov).

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

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 16, 2013, at the same locations listed above for obtaining copies of the proposed rules.

#### **CONTACT PERSON:**

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

*[OAR Docket #13-1339; filed 11-21-13]*

### **TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 70. HOME INSPECTORS ACT INSPECTION INDUSTRY REGULATIONS**

*[OAR Docket #13-1340]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

158:70-1-1 [AMENDED]

158:70-1-2 [AMENDED]

158:70-1-3 [AMENDED]

Subchapter 3. Procedures of the Committee

158:70-3-1 [AMENDED]

Subchapter 5. License Requirements, License Fees, License Period, Re-Examination, Display and Insurance

- 158:70-5-1 [AMENDED]
- 158:70-5-2 [AMENDED]
- Subchapter 9. Examination Applications, Examinations, Course Approval Requirements, Instructor Requirements, Continuing Education, Denied Application Appeal, Submission of Records, Substantial Compliance and Reciprocity
- 158:70-9-1 [AMENDED]
- 158:70-9-3 [AMENDED]
- 158:70-9-4 [AMENDED]
- 158:70-9-5 [AMENDED]
- 158:70-9-6 [AMENDED]
- Subchapter 11. License Revocation and Suspension and Additional Prohibited Acts
- 158:70-11-1 [AMENDED]
- 158:70-11-2 [AMENDED]
- Appendix A. Sample Home Inspection Exclusion Form [REVOKED]
- Appendix A. Sample Home Inspection Exclusion Form [NEW]

**SUMMARY:**

Many of the proposed amendments are cleanup in nature and correct formatting, spelling, punctuation and grammar, and correct or clarify references and citations. In addition, the Chapter heading is amended to help alleviate confusion between statutes and administrative rules; 158:70-1-2 deletes the definition for "Department" which is no longer applicable, and adds a definition for "Home Inspection Training" to distinguish between prelicense education and continuing education; 158:70-1-3 deletes obsolete language; 158:70-3-1 corrects the address of the Construction Industries Board (CIB); 158:70-5-1 makes language gender neutral and adds provision that licensee must report change in principal business address to the CIB; 158:70-5-2 puts cap on education course approval fees if the same home inspection organization conference has multiple instructors and/or multiple courses; 158:70-9-3 contains amendments to help distinguish prelicense education from continuing education, requires advertising for courses approved by the Committee to include the course ID number and the number of hours of continuing education credit approved by the Committee, requires each course to be submitted on separate application for each date, or dates, that constitute a single course, and requires that course applications be resubmitted annually from date of approval (no charge for previously approved course with an approved instructor and no significant course content changes).

**AUTHORITY:**

Construction Industries Board: 59 O.S. §§ 858-627 and 1000.4.

**COMMENT PERIOD:**

Written and oral comments will be accepted until 4:30 p.m. on January 17, 2014, at the following address: 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107. During the open public comment period, comments may be delivered during regular business hours or submitted via regular mail.

**PUBLIC HEARING:**

A Public Hearing is scheduled for 1:30 p.m. on Wednesday, January 22, 2014, at the monthly meeting of the Construction Industries Board which will be held in the Conference Room at 2401 NW 23rd Street, Suite 2F, Oklahoma City, OK 73107. Anyone who wishes to make comments regarding the proposed rules at the public hearing must sign in by 1:35 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Construction Industries Board requests that business entities affected by these proposed rules provide the Construction Industries Board, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Linda Ruckman through the close of the comment period on January 17, 2014, at the address shown below for obtaining copies of the proposed rules.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules are available at the Construction Industries Board, 2401 NW 23rd Street, Ste. 2F, Oklahoma City, OK 73107, or online at [www.cib.ok.gov](http://www.cib.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and will be available beginning December 16, 2013, at the same locations listed above for obtaining copies of the proposed rules.

**CONTACT PERSON:**

Linda Ruckman, Board Secretary/Executive Assistant, 405-521-6550.

*[OAR Docket #13-1340; filed 11-21-13]*

**TITLE 175. STATE BOARD OF  
COSMETOLOGY AND BARBERING  
CHAPTER 1. ADMINISTRATIVE  
OPERATIONS**

*[OAR Docket #13-1309]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 175:1-1-1 [AMENDED]
- 175:1-1-2 [AMENDED]
- Subchapter 3. Board Structure and Agency Administration
- 175:1-3-1 [AMENDED]
- 175:1-3-2 [AMENDED]
- Subchapter 5. Rules of Practice
- 175:1-5-1 [AMENDED]
- 175:1-5-4 [AMENDED]

## Notices of Rulemaking Intent

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175:1-5-5 [AMENDED]  
175:1-5-6 [AMENDED]  
175:1-5-9 [AMENDED]  
175:1-5-14 [NEW]

### SUMMARY:

House Bill 1467 was passed during the 2013 legislative session and became effective November 1, 2013. The Bill combined the Barber Advisory Board with the Board of Cosmetology. The Board is proposing to amend the rules and add a new rule in order to continue the regulation of the two professions and ensure the protection of the public when cosmetology and barbering services are performed on the public by regulating sanitation and safety procedures.

### AUTHORITY:

59 O.S., § 199.3 (A); State Board of Cosmetology and Barbering

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on January 17, 2014 at the following address: Sherry G. Lewelling, Executive Director, Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, OK 73107, during the comment period December 16, 2013 to January 17, 2014.

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, January 20, 2014 at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23<sup>rd</sup>, Suite 84, Oklahoma City, OK 73107 in the Testing Center. Anyone wishing to speak must sign in at the door by 10:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

There are no known business entities affect by these rules other than those persons operating barber establishments that the Board does not already license.

### COPIES OF PROPOSED RULES:

Copies of proposed rule may be obtained from the Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma. Copies may be obtained by email written request to the attention of Sherry G. Lewelling, Executive Director at [slewelling@cosmo.ok.gov](mailto:slewelling@cosmo.ok.gov) or in writing to Ms. Lewelling at the address above.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after December 16, 2013 at the office of the Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, OK 73107.

### CONTACT PERSON(S):

Sherry G. Lewelling, executive Director (405) 522-7615 and Jennifer McRee, Principal Assistant, (405) 522-7616.

*[OAR Docket #13-1309; filed 11-19-13]*

## TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING CHAPTER 10. LICENSURE OF COSMETOLOGISTS, BARBERS, SCHOOLS AND RELATED ESTABLISHMENTS

*[OAR Docket #13-1310]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions

175:10-1-1 [AMENDED]

Subchapter 3. Licensure of Schools

Part 1. Initial School Licensing

175:10-3-1 [AMENDED]

175:10-3-2 [AMENDED]

175:10-3-3 [AMENDED]

175:10-3-4 [AMENDED]

Part 3. Student Registration and Entrance Requirements

175:10-3-16 [AMENDED]

Part 5. Equipment and Curriculum Requirements

175:10-3-30 [AMENDED]

175:10-3-31 [AMENDED]

175:10-3-33 [AMENDED]

175:10-3-34 [AMENDED]

175:10-3-37 [AMENDED]

175:10-3-38 [AMENDED]

175:10-3-39 [AMENDED]

175:10-3-40 [AMENDED]

175:10-3-41 [AMENDED]

175:10-3-42 [AMENDED]

175:10-3-43 [AMENDED]

175:10-3-44 [AMENDED]

175:10-3-45 [NEW]

175:10-3-46 [NEW]

Part 7. General Operations and Licensing Requirements

175:10-3-51. [AMENDED]

175:10-3-52 [AMENDED]

175:10-3-53 [AMENDED]

175:10-3-55 [AMENDED]

175:10-3-56 [AMENDED]

175:10-3-60 [AMENDED]

175:10-3-62 [AMENDED]

175:10-3-63 [AMENDED]

175:10-3-64 [AMENDED]

175:10-3-67 [AMENDED]

175:10-3-71 [AMENDED]

175:10-3-73 [AMENDED]

175:10-3-75 [AMENDED]

175:10-3-76 [AMENDED]

Subchapter 5. Licensure of Cosmetology and Barber Establishments

175:10-5-1 [AMENDED]

175:10-5-2 [AMENDED]

175:10-5-4 [AMENDED]

- 175:10-5-5 [NEW]
- Subchapter 7. Sanitation and Safety Standards for Cosmetology and Barber Establishments, Salons and Schools
- 175:10-7-1 [AMENDED]
- 175:10-7-2 [AMENDED]
- 175:10-7-3 [AMENDED]
- 175:10-7-4 [AMENDED]
- 175:10-7-5 [AMENDED]
- 175:10-7-6 [AMENDED]
- 175:10-7-7 [AMENDED]
- 175:10-7-12 [AMENDED]
- 175:10-7-17 [AMENDED]
- 175:10-7-18 [AMENDED]
- 175:10-7-19 [AMENDED]
- 175:10-7-20 [AMENDED]
- 175:10-7-25 [AMENDED]
- 175:10-7-29 [AMENDED]
- Subchapter 9. Licensure of Cosmetologists, Barbers and Related Occupations
- Part 1. Apprenticeship
- 175:10-9-1. [AMENDED]
- 175:10-9-2. [AMENDED]
- 175:10-9-3 [AMENDED]
- 175:10-9-5 [AMENDED]
- Part 3. State Board Examination
- 175:10-9-25 [AMENDED]
- 175:10-9-26 [AMENDED]
- 175:10-9-28 [AMENDED]
- 175:10-9-29 [AMENDED]
- 175:10-9-32 [AMENDED]
- 175:10-9-33 [AMENDED]
- Part 5. Demonstrators; Cosmetic Studios; Trade Shows; Guests Artists; Wig Dressing
- 175:10-9-50 [AMENDED]
- 175:10-9-52 [AMENDED]
- 175:10-9-53 [AMENDED]
- 175:10-9-54 [AMENDED]
- 175:10-9-55 [AMENDED]
- Subchapter 11. License Renewal, Fees and Penalties
- 175:10-11-1 [AMENDED]
- 175:10-11-2 [AMENDED]
- Subchapter 13. Reciprocal and Crossover Licensing
- 175:10-13-1 [AMENDED]
- 175:10-13-2 [AMENDED]
- Subchapter 15. Inspections, Violations and Enforcement
- 175:10-15-2 [AMENDED]
- Subchapter 17. Emergency Cosmetology and Barbering Service
- 175:10-17-1 [AMENDED]

**SUMMARY:**

House Bill 1467 was passed during the 2013 legislative session and became effective November 1, 2013. The Bill combined the Barber Advisory Board with the Board of Cosmetology. The Board is proposing to amend the rules and add new rules in order to continue the regulation of the

two profession and ensure the protection of the public when cosmetology and barbering services are performed on the public by regulating sanitation and safety procedures.

**AUTHORITY:**

59 O.S., § 199.3 (A); State Board of Cosmetology and Barbering

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on January 17, 2014 at the following address: Sherry G. Lewelling, Executive Director, Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, OK 73107, during the comment period December 16, 2013 to January 17, 2014.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Monday, January 20, 2014 at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23<sup>rd</sup>, Suite 84, Oklahoma City, OK 73107 in the Testing Center. Anyone wishing to speak must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

There are no known business entities affect by these rules other than barber establishments not already licensed by the Board.

**COPIES OF PROPOSED RULES:**

Copies of proposed rule may be obtained from the Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, Oklahoma. Copies may be obtained by email written request to the attention of Sherry G. Lewelling, Executive Director at slewelling@cosmo.ok.gov or in writing to Ms. Lewelling at the address above.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after December 16, 2013 at the office of the Oklahoma State Board of Cosmetology, 2401 NW 23<sup>rd</sup> Street, Suite 84, Oklahoma City, OK 73107.

**CONTACT PERSON(S):**

Sherry G. Lewelling, Executive Director (405) 522-7615 and Jennifer McRee, Principal Assistant, (405) 522-7616.

*[OAR Docket #13-1310; filed 11-19-13]*

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

*[OAR Docket #13-1313]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking  
**PROPOSED RULES:**

- Subchapter 2. Incorporation By Reference
- 252:100-2-3. [AMENDED]
- Subchapter 17. Incinerators
- Part 3. General Purpose Incinerators

## Notices of Rulemaking Intent

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252:100-17-2. [AMENDED]

Part 9. Commercial and Industrial Solid Waste Incineration Units

252:100-17-60. [AMENDED]

252:100-17-61. [REVOKED]

252:100-17-62. [AMENDED]

252:100-17-63. [AMENDED]

252:100-17-64. [REVOKED]

252:100-17-65. [REVOKED]

252:100-17-66. [REVOKED]

252:100-17-67. [REVOKED]

252:100-17-68. [REVOKED]

252:100-17-69. [REVOKED]

252:100-17-70. [REVOKED]

252:100-17-71. [REVOKED]

252:100-17-72. [REVOKED]

252:100-17-73. [REVOKED]

252:100-17-74. [AMENDED]

252:100-17-75. [REVOKED]

252:100-17-76. [REVOKED]

Appendix Q. Incorporation By Reference [REVOKED]

Appendix Q. Incorporation By Reference [NEW]

### SUMMARY:

The Department is proposing to modify OAC 252:100-17, Part 3, General Purpose Incinerators and Part 9, Commercial and Industrial Solid Waste Incineration Units (CISWI), to adjust enforceable requirements and compliance dates consistent with federal requirements that were revised February 7, 2013. The proposal incorporates changes required as a result of revisions to the emission guidelines in 40 CFR Part 60, Subpart DDDD for state plans under Sections 111(d) and 129 of the federal Clean Air Act (CAA), applicable to existing CISWI units. The proposed changes to Subchapter 17 would be included as part of the required update to Oklahoma's Section 111(d)/129 plan.

The Department is proposing to update OAC 252:100, Appendix Q, Incorporation By Reference, to incorporate the latest changes to EPA regulations. Among the changes proposed will be the addition of the model CISWI rule in 40 CFR Part 60, Subpart DDDD, and 40 CFR Part 241, Solid Wastes Used as Fuels or Ingredients in Combustion Units, to coincide with the proposed modification of Subchapter 17. Also, the update will include other changes or additions to 40 CFR Part 60, New Source Performance Standards (NSPS) including the recent amendment to the oil and natural gas NSPS in 40 CFR Part 60, Subpart OOOO; Part 63, National Emissions Standards for Hazardous Air Pollutants (NESHAP); and other EPA regulations referenced in Chapter 100. The update includes the recent amendment to the definition of volatile organic compound (VOC) in 40 CFR 51.100(s)(1). 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.

### 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, and 27A O.S. Section 2-5-114 for Subchapter 2 and Appendix Q, and 27A O.S. Section 2-5-105 for Subchapter 17.

### COMMENT PERIOD:

Written comments on the proposed rulemakings will be accepted prior to and at the hearing on January 15, 2014. For comments received at least five (5) business days prior to the Council meeting, staff will post written responses on the Department's web page at least one (1) day prior to the Council meeting. Oral comments may be made at the January 15, 2014 meeting and at the February 21, 2014 Environmental Quality Board meeting.

### PUBLIC HEARINGS:

A public hearing is scheduled before the Air Quality Advisory Council at 9:00 a.m. on Wednesday, January 15, 2014, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

If the Council recommends adoption of the proposed rules, an additional public hearing will be held before the Environmental Quality Board at its next meeting, currently scheduled for 9:30 a.m. on Friday, February 21, 2014, at the DEQ headquarters, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

These meetings shall also serve as public hearings to receive comments on the proposed revisions to the State Implementation Plan (SIP) under the requirements of 40 CFR Section 51.102 and 27A O.S. Section 2-5-107; to the CISWI State Plan under the requirements of the CAA, Sections 111(d) and 129, 40 CFR Part 60, Subparts B and DDDD, and 27A O.S. Section 2-5-107; and to the State Title V (Part 70) Implementation Plan under the requirements of 40 CFR Part 70 and 27A O.S. Section 2-5-112.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities or any other members of the public affected by these rules provide the Department, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

### COPIES OF PROPOSED RULES:

The proposed rules are available for review 30 days prior to the hearing on the DEQ Air Quality Division website at [http://www.deq.state.ok.us/AQDnew/council\\_mtgs/index.htm](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.

### RULE IMPACT STATEMENTS:

The rule impact statements will be available on and after December 16, 2013 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:**

The contact person for these proposals is Cheryl E. Bradley, Environmental Programs Manager, at (405) 702-4218. Please send written comments on the proposed rule changes to Ms. Bradley at cheryl.bradley@deq.ok.gov. Mail should be addressed to Department of Environmental Quality, Air Quality Division, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, ATTN: Cheryl E. Bradley. The Air Quality Division FAX number is (405)702-4101.

**PERSONS WITH DISABILITIES:**

Should you desire to attend the public hearing but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405)702-4172. For the hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

*[OAR Docket #13-1313; filed 11-19-13]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 25. SOONERCARE CHOICE**

*[OAR Docket #13-1315]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 9. Health Access Networks

317:25-9-2. [AMENDED]

(Reference APA WF # 13-04)

**SUMMARY:**

Policy is being revised to give providers greater flexibility in the populations with complex health care needs that can receive care management services through HANs. Policy is also amended to remove the HMP care management component as a responsibility of the HAN and to allow HMP to provide health coaching services to "high risk" or "at risk" members that are in the HAN but not receiving care management services through the HAN. These changes streamline policy in the waiver, contract, and OHCA rules.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes; Section 1011.6 of Title 56 of Oklahoma Statutes; House Bill 2842

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority,

2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1315; filed 11-21-13]*

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

*[OAR Docket #13-1316]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 17. Medical Suppliers

317:30-5-211.15. Supplies [AMENDED]

(Reference APA WF # 13-07)

**SUMMARY:**

Rules are revised to clarify diabetic supplies (e.g., test strips and lancets) are covered items when medically necessary and prescribed by a physician using the appropriate diagnostic certification. In addition, the amended proposed rule change will allow OHCA flexibility to manage the dispensed quality and refill limit of glucose testing supplies related to gestational diabetes.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

### **PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1316; filed 11-21-13]*

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

*[OAR Docket #13-1317]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-126. [AMENDED]

(Reference APA WF # 13-10)

### **SUMMARY:**

Policy is being revised to remove reference to OKDHS form Adm 41, a form used to claim therapeutic and hospital

leave. The form has not been utilized in over 7 years and the agency now tracks leave through its claims system; therefore, the process to claim leave in the rules is obsolete and must be amended to reflect current practice.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

### **PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1317; filed 11-21-13]*

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

*[OAR Docket #13-1318]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-26. [NEW]

Part 3. Hospitals  
317:30-5-42.19. [NEW]  
Part 5. Pharmacies  
317:30-5-87. [NEW]  
Part 35. Rural Health Clinics  
317:30-5-363. [NEW]  
Part 75. Federally Qualified Health Centers  
317:30-5-664.6. [AMENDED]  
**(Reference APA WF # 13-11)**

**SUMMARY:**

The proposed 340B Drug Discount program rules are implemented to comply with Federal Mandate. The 340B mandate requires states to include their 340B Drug Discount program rules in their State plan and Medicaid policy.

**AUTHORITY:**

Oklahoma Health Care Authority Board; 42 U.S.C.256b (a) (i) and Sec.340B Public Health Act

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1318; filed 11-21-13]*

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

*[OAR Docket #13-1319]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 17. Medical Suppliers  
317:30-5-216. [AMENDED]  
**(Reference APA WF # 13-12)**

**SUMMARY:**

Policy rules are revised to remove current Manufacturer Suggested Retail Price (MSRP) minus 20% reimbursement from the State plan and OHCA policy. The proposed rule change will now allow OHCA to reimburse manually-priced DME items at invoice cost plus 20% as opposed to using two separate methodology reimbursement for manual price DME items.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

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**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development,  
(405)522-7153.

*[OAR Docket #13-1319; filed 11-21-13]*

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

*[OAR Docket #13-1321]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-2. [AMENDED]

Part 79. Dentists

317:30-5-696. [AMENDED]

(Reference APA WF # 13-17)

**SUMMARY:**

Tobacco cessation counseling policy is revised to include Maternal/Child Health Licensed Clinical Social Workers (LCSWs) with certification as a tobacco treatment specialist as a qualified provider for cessation counseling services.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes; 42 USC § 1396(bb)

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development,  
(405)522-7153.

*[OAR Docket #13-1321; filed 11-21-13]*

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

*[OAR Docket #13-1322]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. General Provider Policies

Part 3. General Medical Program Information

317:30-3-46. [AMENDED]

(Reference APA WF # 13-18)

**SUMMARY:**

Rules are revised to update references to other areas of policy within the text. The policy that is referenced in the tuberculosis rules is outdated and it has been revoked. Additionally, correct policy references are inserted to replace the revoked policy.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1322; filed 11-21-13]*

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

*[OAR Docket #13-1323]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

(Reference APA WF # 13-19A)

**SUMMARY:**

Policy will be revised to provide clarification that ADvantage program residential units are deemed to be rental units and that members in the program are to be provided with a lockable compartment within each member's rental unit for valuables. Additionally, minor grammatical changes will be made through the policy.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 1915(C) statutes, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1323; filed 11-21-13]*

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

*[OAR Docket #13-1326]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 5. Pharmacies  
317:30-5-70.3. [AMENDED]  
317:30-5-72. [AMENDED]  
317:30-5-77. [AMENDED]  
317:30-5-77.3. [AMENDED]

(Reference APA WF # 13-21)

**SUMMARY:**

Pharmacy rules are revised to update and make general clean up changes and to comply with Federal Law on claims for covered over-the counter (OTC) products, which must be prescribed by a health care professional with prescriptive authority. Additional revisions include removing hard coded dates that no longer apply, removing the "Upper limit" reference from brand necessary certification product policy, and clarifying the product-based prior authorization for tier one and tier two products.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

### **PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1326; filed 11-21-13]*

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

*[OAR Docket #13-1327]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. General Provider Policies  
Part 1. General Scope and Administration  
317:30-3-31. [NEW]  
Subchapter 5. Individual Providers and Specialties  
Part 1. Physicians  
317:30-5-2. [AMENDED]  
(Reference APA WF # 13-28)

### **SUMMARY:**

Education services rules are established to clarify policy coverage for certified educator to provide education training to SoonerCare members.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

### **PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1327; filed 11-21-13]*

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

*[OAR Docket #13-1328]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 9. Long Term Care Facilities  
317:30-5-133.3. [NEW]

**(Reference APA WF # 13-29)**

**SUMMARY:**

Ventilator-dependent and tracheostomy care rules are implemented to comply with Federal Law, 42 CFR 440.185 regulations for ventilator-dependent individuals and clarify coverage for Nursing Home admission for ventilator-dependent and tracheostomy care services for resident in a nursing home facility.

**AUTHORITY:**

Oklahoma Health Care Authority Board; 42 CFR 440.185 Respiratory care for ventilator-dependent individuals

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1328; filed 11-21-13]*

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

*[OAR Docket #13-1330]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 63. Ambulatory Surgical Centers (ASC)

317:30-5-565. [AMENDED]

Part 79. Dentists

317:30-5-696. [AMENDED]

317:30-5-697. [AMENDED]

317:30-5-698. [AMENDED]

317:30-5-699. [AMENDED]

317:30-5-700. [AMENDED]

317:30-5-700.1. [AMENDED]

317:30-5-704. [AMENDED]

317:30-5-705. [AMENDED]

**(Reference APA WF # 13-39)**

**SUMMARY:**

Dental policy rules are revised to clarify documentation requirements. Furthermore, rules are revised to align ambulatory surgery center (ASC) policy with Title 63 Oklahoma Statue §2567 to recognized dental ambulatory surgical center (DASC) as an established ambulatory surgical center.

**AUTHORITY:**

Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 thru 5016 of Title 63 of Oklahoma Statutes and Title 63 Okla. Stat. § 2657

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

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**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development,  
(405)522-7153.

*[OAR Docket #13-1330; filed 11-21-13]*

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

*[OAR Docket #13-1331]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-41. [AMENDED]

317:30-5-42.1. [AMENDED]

(Reference APA WF # 13-40)

**SUMMARY:**

OHCA rules for hospitals are revised to clarify the definition of inpatient and outpatient status. Current policy is silent to the appropriate claim filing guidelines for members who are admitted as inpatient, but leave or are discharged before the midnight census. The proposed revisions would clarify that hospitals may submit an outpatient claim for the ancillary services provided to the member while they were on inpatient status. Most hospitals already re-bill the denied inpatient claims; a policy change would provide written clarification for hospitals they are not violating OHCA policy.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes.

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development,  
(405)522-7153.

*[OAR Docket #13-1331; filed 11-21-13]*

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

*[OAR Docket #13-1324]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 17. ADvantage Waiver Services

317:35-17-14. [AMENDED]

(Reference APA WF # 13-19B)

**SUMMARY:**

Policy will be revised to provide clarification regarding interdisciplinary team (IDT) meetings for case management services in the ADvantage Assisted Living waiver as well as other minor changes.

Policy changes specify that IDT meetings, except for extraordinary circumstances, are to be held in the member's home.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 1915(c) statutes, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1324; filed 11-21-13]*

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

*[OAR Docket #13-1325]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 18. Programs of All-Inclusive Care for the Elderly

317:35-18-5. [AMENDED]

317:35-18-6. [AMENDED]

317:35-18-7. [AMENDED]

317:35-18-9. [AMENDED]

317:35-18-12. [NEW]

(Reference APA WF # 13-20)

**SUMMARY:**

PACE rules are revised to replace ADvantage policy reference with a more precise ADvantage policy that defines the PACE eligibility criteria and the PACE eligibility determination for the PACE program. The proposed rule change to the PACE program will align rules to reflect the PACE model and PACE CFR Part 460.

**AUTHORITY:**

Oklahoma Health Care Authority Board; 42 CFR Parts 460.2, 460.4 and 460.6

**COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

**PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1325; filed 11-21-13]*

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 45. INSURE OKLAHOMA**

*[OAR Docket #13-1320]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 11. Insure Oklahoma IP

Part 3. Insure Oklahoma IP Member Health Care Benefits

317:45-11-10. [AMENDED]

317:45-11-11. [AMENDED]

317:45-11-12. [REVOKED]

317:45-11-13. [REVOKED]

Part 5. Insure Oklahoma IP Member Eligibility

317:45-11-20. [AMENDED]

317:45-11-21. [AMENDED]

317:45-11-21.1. [REVOKED]

317:45-11-24. [AMENDED]

Subchapter 13. Insure Oklahoma Dental Services

317:45-13-1. [REVOKED]

(Reference APA WF # 13-16)

**SUMMARY:**

Insure Oklahoma (IO) rules are revised to align with the Special Terms and Conditions of the Section 1115

## Notices of Rulemaking Intent

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Demonstration Waiver. In accordance with waiver special terms and conditions, the federal government has approved a one year (calendar) extension of the IO program. Rules are revised to remove Individual Plan children (while retaining Employer Sponsored Insurance (ESI) children) and limit adult Individual Plan enrollment to persons with household income at or below 100 percent of FPL. Revisions also include changes to the Individual Plan copayment structure; copayments cannot exceed current federal maximums with the exception of emergency room (ER) visits in which case the existing copay for ER visits will remain at \$30.00.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 1115 Demonstration Project No. 11-W00048/6

### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

### **PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1320; filed 11-21-13]*

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## **TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 50. HOME AND COMMUNITY BASED SERVICES WAIVERS**

*[OAR Docket #13-1329]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. My Life, My Choice

317:50-3-14 [AMENDED]

Subchapter 5. Sooner Seniors

317:50-5-5 [AMENDED]

317:50-5-14. [AMENDED]

**(Reference APA WF # 13-32)**

### **SUMMARY:**

Policy will be amended to remove language regarding the Level of Care Evaluation Unit (LOCEU) and to state that only categorical relationship to age is necessary per SSA guidelines for Sooner Senior Waiver Services only.

In addition, policy will be amended to change the scope of waiver services regarding Pharmacological Evaluations for Sooner Seniors and My Life, My Choice Waivers. This service will be redefined as Pharmacological Therapy Management, and its scope of work will be changed to include a case management approach to reviewing medication profiles of qualified members who meet medication utilization criterion or if they are referred for this service by a care manager.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Public Law 111-148

### **COMMENT PERIOD:**

Written and oral comments will be accepted December 16, 2013, through January 15, 2014, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

### **PUBLIC HEARING:**

A public hearing is scheduled for Monday, January 27, 2014, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23<sup>rd</sup>, Suite 1A, Oklahoma City, Oklahoma, 73107.

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

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on January 15, 2014.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Tywanda Cox, Director, Policy Development, (405)522-7153.

*[OAR Docket #13-1329; filed 11-21-13]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 45. MEDICATION AND EQUINE TESTING PROCEDURES**

*[OAR Docket #13-1341]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

325:45-1-28. Report of treatment: Procaine penicillin administration [AMENDED]

**SUMMARY:**

Rule 325:45-1-28 was added as a new rule in CY 2009 to assist Trainers in using Procaine Penicillin as a therapeutic medication. Commission Staff recommends the repeal of the rule to make it clear that the use of Procaine Penicillin as a therapeutic medication includes an assumption of risk by Owners and Trainers as cited in the Directive on Commission-Sanctioned Thresholds. The risk is that, even if the drug is administered twenty-four (24) hours prior to post [racing] time, the concentration level of the medication in the horse's plasma or serum may, nevertheless, exceed the Commission-Sanctioned Threshold for the medication. If the concentration exceeds the threshold, then the Trainer may be found to be in violation of Rule 325:35-1-5, Trainer Responsibility, and Rule 325:45-1-4, Drugs or Medication, resulting in the following penalties: disqualification of the horse, listing of the horse as unplaced in the order of finish, loss of purse money as well as imposition of a fine to the Trainer and suspension of the Trainer's occupation license.

**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., Wednesday, January 15, 2014, 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 Wednesday,

January 15, 2014, 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 January 15, 2014.

**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 December 20, 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 #13-1341; filed 11-21-13]*

**TITLE 325. OKLAHOMA HORSE RACING COMMISSION  
CHAPTER 65. PARI-MUTUEL WAGERING**

*[OAR Docket #13-1342]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULE:**

Subchapter 1. General Provisions

325:65-1-44. Pools dependent upon betting interests [AMENDED]

**SUMMARY:**

Commission Staff recommends amending this rule to correct Option 7, in which the racetrack would be allowed to prohibit Trifecta wagering with six (6) or fewer betting interests scheduled to start, rather than six (6) or more interests.

**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., Wednesday, January 15, 2014, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

## Notices of Rulemaking Intent

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### **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 Wednesday, January 15, 2014, 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 January 15, 2014.

### **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 December 20, 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 #13-1342; filed 11-21-13]*

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### **TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 75. OKLAHOMA-BRED PROGRAM**

*[OAR Docket #13-1343]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

### **PROPOSED RULE:**

325:75-1-2. Definitions [AMENDED]

325:75-1-3. Definition of accredited Oklahoma-Bred Thoroughbred [AMENDED]

### **SUMMARY:**

In CY 2009, the Commission adopted a new rule, Rule 325:75-1-12.1, Application Requirements, Categories and Fees for Thoroughbreds, Beginning with an Effective Date of January 1, 2010, that included a new fee, the yearly re-certification fee for Thoroughbred Stallions. At this time, Ms. Tara Teel, Oklahoma-Bred Registrar, recommends amendments to Rule 325:75-1-2 to add the definition of 'yearly re-certification of Thoroughbred stallions' and Rule 325:75-1-3 to address the penalty if the yearly re-certification fee is not paid, i.e., the horse would lose its accreditation in the Oklahoma-Bred Stallion Registry, and the Owner would be

ineligible for stallion awards for all foals resulting from that breeding season.

### **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., Wednesday, January 15, 2014, 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 Wednesday, January 15, 2014, 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 January 15, 2014.

### **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 December 20, 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 #13-1343; filed 11-21-13]*

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### **TITLE 777. STATEWIDE VIRTUAL CHARTER SCHOOL BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #13-1332]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions [NEW]

777:1-1-1. Purpose [NEW]

777:1-1-3. Authority, interpretation, and severability of rules [NEW]

- 777-1-1-4. Organization [NEW]
- 777-1-1-5. Time computation [NEW]
- 777:1-1-6. Records requests [NEW]
- 777:1-1-7. Procedures for declaratory rulings [NEW]
- 777:1-1-8. Petitions for adoption, amendment, or repeal of a rule [NEW]

**SUMMARY:**

The proposed new rules set forth certain organizational and procedural rules for the new Statewide Virtual Charter School Board established pursuant to 70 O.S. §3-145.1.

777:1-1-1 sets forth the general purpose statement for the new Chapter 1 of Title 777, in accordance with the requirements of 655:10-3-48 which requires each chapter to begin with a section containing a purpose statement.

777:1-1-3 establishes a general statement of authority to promulgate the rules and a statement pertaining to rule interpretation and severability.

777:1-1-4 establishes a general statement of the purpose and organization of the Statewide Virtual Charter School Board.

777:1-1-5 establishes a statement of time computation applicable to rules to be included in the Title which reference deadlines.

777:1-1-6 establishes procedures for submission, processing, and response to Open Records Act requests.

777:1-1-7 establishes procedures for filing and disposition of petitions for declaratory rulings pursuant to Administrative Procedures Act at 75 O.S. § 307.

777:1-1-8 establishes procedures for filing and disposition of petitions for adoption, amendment, or repeal of an administrative rule pursuant to the Administrative Procedures Act at 75 O.S. § 305.

The proposed rules are necessary to comply with the "Required rule" provisions of the Administrative Procedures Act at 75 O.S. § 302(A) and accompanying regulations at 655:10-5-7, which require every agency to promulgate certain organizational and procedural rules.

**AUTHORITY:**

Statewide Virtual Charter School Board; 70 O.S. § 3-145.4; 51 O.S. §§ 24.A1 et seq.; 75 O.S. §§ 302; 305; 307.

**COMMENT PERIOD:**

Written comments on the proposed rules will be accepted from December 16, 2013 until 4:30 p.m., January 17, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on January 17, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma. Persons wishing to speak

must sign in at the door of the State Board Room prior to the start of the hearing. 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 of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**RULE IMPACT STATEMENT:**

Pursuant to 70 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Stephanie Moser Goins, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 521-4890

*[OAR Docket #13-1332; filed 11-21-13]*

**TITLE 777. STATEWIDE VIRTUAL CHARTER SCHOOL BOARD  
CHAPTER 10. STATEWIDE VIRTUAL CHARTER SCHOOLS**

*[OAR Docket #13-1333]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Statewide Virtual Charter School Authorization and Sponsorship [NEW]

777:10-3-1. Purpose [NEW]

777:10-3-3. Applications to sponsor statewide virtual charter schools; renewal, and termination of contracts for sponsorship of statewide virtual charter schools. [NEW]

**SUMMARY:**

The proposed new rule at 777:10-3-1 sets forth a general purpose statement for the subchapter in accordance with the requirements of 655:10-3-48.

## Notices of Rulemaking Intent

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The proposed new rule at 777:10-3-3 establishes procedures for submission and disposition of applications for sponsorship of statewide virtual charter schools submitted to the Statewide Virtual Charter School Board; establishes procedures for renewals of contracts for sponsorship of statewide virtual charter schools by the Statewide Virtual Charter School Board; and establishes procedures for termination of contracts for sponsorship of statewide virtual charter schools by the Statewide Virtual Charter School Board.

The proposed new rules are necessary to implement recent amendments to the Oklahoma Charter Schools Act during the 2013 legislative session. SB 267 amended 70 O.S. §§ 3-132, 3-140, and 3-145.1 to provide that the Statewide Virtual Charter School Board shall have the sole authority to authorize and sponsor statewide virtual charter schools. In addition, the amendment to 70 O.S. § 3-145.3 directs the Statewide Virtual Charter School Board to establish procedures for acceptance, approval, and disapproval of statewide virtual charter school applications in accordance with the Oklahoma Charter Schools Act.

### **AUTHORITY:**

Statewide Virtual Charter School Board; 70 O.S. §§ 3-132; 3-140; 3-145.1; 3-145.3; 3-145.4.

### **COMMENT PERIOD:**

Written comments on the proposed rules will be accepted from December 16, 2013 until 4:30 p.m., January 17, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at [rules@sde.ok.gov](mailto:rules@sde.ok.gov) or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on January 17, 2014, at the Hodge Education Building, State Board

Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. 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 of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### **RULE IMPACT STATEMENT:**

Pursuant to 70 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### **CONTACT PERSON:**

Stephanie Moser Goins, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 521-4890

*[OAR Docket #13-1333; filed 11-21-13]*

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# Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

*For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.*

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

*[OAR Docket #13-1306]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 1. General Provisions

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

### **SUBMITTED TO GOVERNOR:**

November 12, 2013

### **SUBMITTED TO HOUSE:**

November 12, 2013

### **SUBMITTED TO SENATE:**

November 12, 2013

*[OAR Docket #13-1306; filed 11-14-13]*

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

*[OAR Docket #13-1307]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 4. Application and Examination Procedures for  
Licensure as Physician and Surgeon

435:10-4-6. Medical licensure examination [AMENDED]

### **SUBMITTED TO GOVERNOR:**

September 12, 2013

### **SUBMITTED TO HOUSE:**

September 12, 2013

### **SUBMITTED TO SENATE:**

September 12, 2013

*[OAR Docket #13-1307; filed 11-14-13]*

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## **TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 40. REGISTERED ELECTROLOGISTS**

*[OAR Docket #13-1308]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

435:40-1-5. Academic requirements for examination and  
licensure [AMENDED]

### **SUBMITTED TO GOVERNOR:**

November 12, 2013

### **SUBMITTED TO HOUSE:**

November 12, 2013

### **SUBMITTED TO SENATE:**

November 12, 2013

*[OAR Docket #13-1308; filed 11-14-13]*

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# 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

**1:2013-38.**

### EXECUTIVE ORDER 2013-38

I, Todd Lamb, 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 Friday, November 22, 2013, to honor Former State Representative Forrest Claunch, who passed away on Monday, November 18, 2013.

Former Representative Claunch was elected to serve the House in 1994 and continued serving until 2004. He served for six years as chairman of the House Republican Caucus. He also served as the executive director of the Oklahoma Council on Public Affairs. Throughout his lifetime he was an active member of the Southern Baptist community. His service 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 21st day of November, 2013.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Todd Lamb

ATTEST:  
Chris Morriss  
Assistant Secretary of State

*[OAR Docket #13-1344; filed 11-21-13]*

