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Oklahoma  
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**Mary Fallin, Governor**  
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**Secretary of State**  
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# Notices of Rulemaking Intent

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

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

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

## **TITLE 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 2. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #13-1408]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions  
5:2-1-2. Definitions [AMENDED]

### **SUMMARY:**

The proposed revisions to Subchapter 1 are intended to provide definitions for new terms to clarify the meaning and intent of these Rules and the Act. Further, they clarify what records are to be copied and how indexes are to be acquired and to provide a way for consumers to be aware of payment policies of abstract companies and when their order has been accepted by an abstract company. It also requires the abstract company to prepare and retain a comprehensive invoice for their services in accordance with Title 5:11-5-1(c).

### **AUTHORITY:**

Oklahoma Abstractors Board; Oklahoma Abstractors Act, 1 O.S. §§20 through 43.

### **COMMENT PERIOD:**

Persons may submit oral or written comments to Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 2401 Northwest 23<sup>rd</sup> Street, Suite 60B, Oklahoma City, Oklahoma, 73107, (405) 522-5019, FAX (405) 522-5503 or via electronic mail to [glynda.reppond@abstract.ok.gov](mailto:glynda.reppond@abstract.ok.gov) during the period from January 15 to no later than 5:00 p.m. on February 14, 2014.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on February 18, 2014, in the OSBELTCA conference room located across from the Abstractors Board office, 2401 Northwest 23<sup>rd</sup> Street, Suite 60B, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 15 to February 14, 2014 to Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 2401

Northwest 23<sup>rd</sup> Street, Suite 60B, Oklahoma City, Oklahoma, 73107, (405) 522-5019, FAX (405) 522-5503 or via electronic mail to [glynda.reppond@abstract.ok.gov](mailto:glynda.reppond@abstract.ok.gov).

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

Copies of the rules may be obtained by visiting [www.abstract.ok.gov](http://www.abstract.ok.gov) or contacting Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 2401 Northwest 23<sup>rd</sup> Street, Suite 60B, Oklahoma City, Oklahoma, 73107 (405) 522-5019, FAX (405) 522-5503 or via electronic mail to [glynda.reppond@abstract.ok.gov](mailto:glynda.reppond@abstract.ok.gov).

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Glynda Reppond, (405) 522-5019,  
[glynda.reppond@abstract.ok.gov](mailto:glynda.reppond@abstract.ok.gov).

*[OAR Docket #13-1408; filed 12-19-13]*

## **TITLE 5. OKLAHOMA ABSTRACTORS BOARD CHAPTER 11. ADMINISTRATION OF ABSTRACTORS ACTS**

*[OAR Docket #13-1409]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Abstract Licenses, Certificates of Authority, and Permits [AMENDED]  
Subchapter 5. Regulation of Licensees, Certificate Holders, and Permit Holders [AMENDED]  
Subchapter 7. Application for Permit to Develop Abstract Plant [AMENDED]

### **SUMMARY:**

The proposed rule amendment in Subchapter 3 would decrease the amount of time certificate of authority or permit holders are allowed in which to notify the Board concerning the change of controlling interest of their business so that the Board is always aware of the ownership of companies. Proposed amendments in Subchapter 5 allow for the implementation of new technology to promote more accurate and timely preparation of abstracts. New text is also added so that when there are natural disasters or other acts beyond the abstractor's control, the company will not be penalized if they are unable to complete building abstracts in the time periods mandated by Title 1. In Subchapter 7, new text has been added to help new

## Notices of Rulemaking Intent

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permit holders know and understand the guidelines for building a new plant and for the OAB inspector to have an approved list of guidelines that must be conformed to.

### **AUTHORITY:**

Oklahoma Abstractors Board; Oklahoma Abstractors Act, 1 O.S. §§20 through 43.

### **COMMENT PERIOD:**

Persons may submit oral or written comments to Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 2401 Northwest 23<sup>rd</sup> Street, Suite 60B, Oklahoma City, Oklahoma, 73107, (405) 522-5019, FAX (405) 522-5503 or via electronic mail to [glynda.reppond@abstract.ok.gov](mailto:glynda.reppond@abstract.ok.gov) during the period from January 15 to no later than 5:00 p.m. on February 14, 2014.

### **PUBLIC HEARING:**

A public hearing will be held at 1:00 p.m. on February 18, 2014, in the OSBELTCA conference room located across from the Abstractors Board office, 2401 Northwest 23<sup>rd</sup> Street, Suite 60B, Oklahoma City, Oklahoma.

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

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 15 to February 14, 2014 to Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 2401 Northwest 23<sup>rd</sup> Street, Suite 60B, Oklahoma City, Oklahoma, 73107, (405) 522-5019, FAX (405) 522-5503 or via electronic mail to [glynda.reppond@abstract.ok.gov](mailto:glynda.reppond@abstract.ok.gov).

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

Copies of the rules may be obtained by visiting [www.abstract.ok.gov](http://www.abstract.ok.gov) or contacting Glynda Reppond, Executive Director, Oklahoma Abstractors Board, 2401 Northwest 23<sup>rd</sup> Street, Suite 60B, Oklahoma City, Oklahoma, 73107, (405) 522-5019, FAX (405) 522-5503 or via electronic mail to [glynda.reppond@abstract.ok.gov](mailto:glynda.reppond@abstract.ok.gov).

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Glynda Reppond, (405) 522-5019,  
[glynda.reppond@abstract.ok.gov](mailto:glynda.reppond@abstract.ok.gov).

*[OAR Docket #13-1409; filed 12-19-13]*

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## **TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL CHAPTER 1. ADMINISTRATIVE OPERATIONS [REVOKED]**

*[OAR Docket #13-1488]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 1. Administrative Operations [REVOKED]

### **SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the rules within Title 87, Chapter 1, 10, 15 and 20 and re-adopted as necessary within Title 260. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

### **AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. §1361 et seq.

### **COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

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

N/A

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

**CONTACT PERSON:**

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

*[OAR Docket #13-1488; filed 12-20-13]*

**TITLE 87. OKLAHOMA STATE  
EMPLOYEES BENEFITS COUNCIL  
CHAPTER 10. FLEXIBLE BENEFITS PLAN  
[REVOKED]**

*[OAR Docket #13-1489]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Flexible Benefits Plan [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the rules within Title 87, Chapter 1, 10, 15 and 20 and re-adopted as necessary within Title 260. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. §1361 et seq.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

**CONTACT PERSON:**

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

*[OAR Docket #13-1489; filed 12-20-13]*

**TITLE 87. OKLAHOMA STATE  
EMPLOYEES BENEFITS COUNCIL  
CHAPTER 15. COMPETITIVE BIDDING  
CRITERIA AND PROCEDURES FOR  
CONTRACTS AWARDED FOR FLEXIBLE  
BENEFITS PLANS [REVOKED]**

*[OAR Docket #13-1490]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 15. Competitive Bidding Criteria And Procedures For Contracts Awarded For Flexible BenefitsPlans [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the rules within Title 87, Chapter 1, 10, 15 and 20 and re-adopted as necessary within Title 260. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. §1361 et seq and 74 O.S §1341.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

### CONTACT PERSON:

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

*[OAR Docket #13-1490; filed 12-20-13]*

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### TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL CHAPTER 20. AUTHORIZED PAYROLL DEDUCTION VENDOR MATERIAL [REVOKED]

*[OAR Docket #13-1491]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 20. Authorized Payroll Deduction Vendor Material  
[REVOKED]

### SUMMARY:

The purpose of this proposed rulemaking action is to revoke the rules within Title 87, Chapter 1, 10, 15 and 20 and re-adopted as necessary within Title 260. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

### AUTHORITY:

The Director of the Office of Management and Enterprise Services: 74 O.S. §1361 et seq and 74 O.S §1701.

### COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

### PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

### CONTACT PERSON:

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

*[OAR Docket #13-1491; filed 12-20-13]*

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

*[OAR Docket #13-1410]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 87. Rules for Payment to Charter Schools  
210:40-87-3. Distribution and reporting of state-appropriated funds to charter school sponsors and charter schools ~~Guidelines for payment~~ [AMENDED]

### SUMMARY:

The proposed rules set forth the procedures for payments to charter schools in accordance with the requirements of 70 O.S. § 3-142(A), which requires the State Board of Education to determine the policy and procedure for making payments to a charter school. The proposed amendments address distribution and reporting requirements for state appropriated funds necessary to ensure transparency and accountability for use of state funds by charter schools and their sponsors. The proposed amendments also ensure that charter schools comply with financial reporting requirements in 70 O.S. § 5-135 and 5-135.2 to which charter schools are subject pursuant to the provisions of 70 O.S. § 3-136(A)(6).

The proposed changes to the rule are necessary to update the rules to comply with recent amendments to the Oklahoma Charter Schools Act.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-136; 70 O.S. § 3-142; 70 O.S. § 5-135; 70 O.S. § 5-135.2.

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from January 15, 2014 until 4:30 p.m., February 19, 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 10:30 a.m. on February 19, 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 #13-1410; filed 12-19-13]

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #13-1464]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 1. Administrative Operations [AMENDED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

Rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services. It is proposed that the rules and regulations may be amended.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

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**CONTACT PERSON:**

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

*[OAR Docket #13-1464; filed 12-20-13]*

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

*[OAR Docket #13-1465]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

**SUMMARY:**

The purpose of this proposed rulemaking action is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

Rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services. It is proposed that the rules and regulations may be amended.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #13-1465; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT  
AND ENTERPRISE SERVICES  
CHAPTER 15. ACCESSIBILITY OF  
INFORMATION TECHNOLOGY**

*[OAR Docket #13-1466]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 15. Accessibility of Information Technology [AMENDED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

Rules and regulations are necessary to promote and enhance effective operation of the Office of Management and Enterprise Services. It is proposed that the rules and regulations may be amended.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #13-1466; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 20. THE BOARD**

*[OAR Docket #13-1467]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 20. The Board [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 360 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only anticipated changes to these rules are to reflect the consolidation of the Oklahoma Employees Insurance and Benefits Board into the Office of Management and Enterprise Services, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

3545 NW 58<sup>th</sup> Street, Suite 110

Oklahoma City, OK 73112

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #13-1467; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 25. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES**

*[OAR Docket #13-1468]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 25. Merit System of Personnel Administration Rules [NEW]

Appendix A. Pay Band Schedule [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 530, Chapters 1, 10, 20, 25, Appendix A and B in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Additionally, the changes in these rules are to replace all references to the Office of Personnel Management with the Office of Management and Enterprise Services and/or Human Capital Management Division of the Office of Management and Enterprise Services pursuant to the provisions of HB 3053 (2012 Legislative Session), updating contact information and terminology, the omission of references and rules relating to affirmative action and civil rights administrator training and standards and Appendix A: Pay Band Schedule. Omission of affirmative action and civil rights administration are a required pursuant of the repeal of applicable Oklahoma Statutes.

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. § 840-1.1 et seq, 74 O.S. §292.10 and 74 O.S. §4190 et. seq.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period

## Notices of Rulemaking Intent

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will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

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

N/A

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

### **CONTACT PERSON:**

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

*[OAR Docket #13-1468; filed 12-20-13]*

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### **TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 30. VOLUNTARY PAYROLL DEDUCTION RULES**

*[OAR Docket #13-1469]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 30. Voluntary Payroll Deduction Rules [NEW]

### **SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 530, Chapters 15, in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Additionally, the changes in these rules are to replace all references to the Office of Personnel Management with the Office of Management and Enterprise Services and/or Human Capital Management Division of the Office of Management and Enterprise Services pursuant to the provisions of HB 3053 (2012 Legislative Session).

### **AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 62 O.S. §34.70et seq.

### **COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

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

N/A

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

### **CONTACT PERSON:**

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

*[OAR Docket #13-1469; filed 12-20-13]*

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### **TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 35. COMMITTEE FOR INCENTIVE AWARDS FOR STATE EMPLOYEES**

*[OAR Docket #13-1470]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 35. Committee for Incentive Awards for State Employees [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 345, Chapter 10, in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Additionally, the changes in these rules are to replace all references to the Office of Personnel Management with the Office of Management and Enterprise Services and/or Human Capital Management Division of the Office of Management and Enterprise Services pursuant to the provisions of HB 3053 (2012 Legislative Session).

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. §4112 et seq.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

**CONTACT PERSON:**

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

*[OAR Docket #13-1470; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 40. EMPLOYEE BENEFITS DEPARTMENT**

*[OAR Docket #13-1471]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 40. Employee Benefits Department [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 87, Chapter 1, 10, 15 and 20 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Additionally, the changes in these rules are to replace all references to the Employee Benefits Council with the Office of Management and Enterprise Services, Human Capital Management Division of the Office of Management and Enterprise Services and/or Employee Benefits Department pursuant to the provisions of HB 3053 (2012 Legislative Session).

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. §1361 et seq.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

## Notices of Rulemaking Intent

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### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

### **CONTACT PERSON:**

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

*[OAR Docket #13-1471; filed 12-20-13]*

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### **TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 45. EMPLOYEES GROUP INSURANCE DIVISION - ADMINISTRATIVE AND GENERAL PROVISIONS**

*[OAR Docket #13-1472]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 45. Employees Group Insurance Division -  
Administrative And General Provisions [NEW]

### **SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 360 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only anticipated changes to these rules are to update terminology to reflect the consolidation of the Employees Group Insurance Division into the Office of Management and Enterprise Services, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

### **PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

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

n/a

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #13-1472; filed 12-20-13]*

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### **TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 50. EMPLOYEES GROUP INSURANCE DIVISION - HEALTH, DENTAL, VISION AND LIFE PLANS**

*[OAR Docket #13-1473]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 50. Employees Group Insurance Division - Health,  
Dental, Vision and Life Plans [NEW]

### **SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 360 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only substantive changes to these rules, other than to update terminology to reflect the consolidation of the Employees Group Insurance Division into the Office of Management and Enterprise Services, are as follows:

- Language relating to benefit provisions for eligible former employees is stricken to avoid repetition.
- Repetitive and obsolete language regarding plan limits is stricken or changed for clarity.
- Clinical trials are covered under certain circumstances.
- Language for clarification of term life coverage is added. Obsolete language is removed and clarified language is added under dental coverage.
- The Office of Management and Enterprise Services may also make changes to improve clarity, correct citations, or correct scrivener's errors.

### **AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #13-1473; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT  
AND ENTERPRISE SERVICES  
CHAPTER 55. EMPLOYEES GROUP  
INSURANCE DIVISION - THE DISABILITY  
PLAN**

*[OAR Docket #13-1474]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 55. Employees Group Insurance Division - The Disability Plan [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 360 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only anticipated changes to these rules are to update terminology to reflect the consolidation of the Employees Group Insurance Division into the Office

of Management and Enterprise Services, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #13-1474; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT  
AND ENTERPRISE SERVICES  
CHAPTER 60. FACILITIES MANAGEMENT**

*[OAR Docket #13-1475]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Subchapter 1. General Provisions [NEW]  
Subchapter 3. Use of Public Areas of Capitol and Plazas [NEW]  
Subchapter 5. Use of State Capitol Park [NEW]  
Subchapter 7. Operation of Buildings Owned, Used or Occupied by or on Behalf of the State [NEW]

## Notices of Rulemaking Intent

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### SUMMARY:

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only substantive changes to these rules, other than to update terminology to reflect the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, are as follows:

The rules will no longer establish a fee for the rental of tables and chairs. It is anticipated that this equipment will no longer be leased to the public. Persons needing use of such equipment for a private event may rent such equipment from private business.

Rules regarding smoking rooms in buildings owned or used or occupied by the State will not be re-adopted due to the Governor's Executive Order prohibiting smoking on property owned or occupied by the State.

The Office of Management and Enterprise Services may also make changes to improve clarity, correct citations, or correct scrivener's errors

### AUTHORITY:

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### PUBLIC HEARING:

A public hearing has been scheduled for 9 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1475; filed 12-20-13]*

## TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 65. CONSTRUCTION AND PROPERTIES

*[OAR Docket #13-1476]*

### RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

### PROPOSED RULES:

Chapter 65. Construction and Properties [NEW]

### SUMMARY:

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Changes may be made to these rules to reflect the changes made by the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, to correct citations and scrivener's errors, to improve the clarity of the rules, to modernize language, and to remove redundancies.

PLEASE NOTE: The fees set out in 260:65-23-2 are not new. The fees in this rule reflect the same fees as were previously in Title 580. These fees are simply being moved to a new title of the Oklahoma Administrative Code because of the consolidation of state agencies.

### AUTHORITY:

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### PUBLIC HEARING:

A public hearing has been scheduled for 9:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1476; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 70. RISK MANAGEMENT PROGRAM**

*[OAR Docket #13-1477]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 70. Risk Management Program [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Changes may be made to these rules to update terminology to reflect the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, to correct citations and scrivener's errors, and to improve the clarity of the rules. The only other changes to be made to these rules are as follows:

- An amendment to the rule now numbered 260:70-5-1 (formerly 580:25-5-1) to clarify that failure to consent to an appropriate settlement offer limits the liability of Risk Management to the amount for which the claim could have been settled.

- A second amendment to 260:70-5-1 to clarify that Risk Management cannot pay self-insurance coverage if a commercial policy of insurance has been purchased outside of the Risk Management Program.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:30 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1477; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 75. FLEET MANAGEMENT DEPARTMENT**

*[OAR Docket #13-1478]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

- 580:35-1-1. General Provisions [NEW]
- 580:35-1-2. Vehicle inventory control [NEW]
- 580:35-1-3. Vehicle management control [NEW]
- 580:35-1-4. Use of state owned vehicles [NEW]
- 580:35-1-5. Service and rental rates [NEW]
- 580:35-1-6. Daily reservations and monthly assignments [NEW]
- 580:35-1-7. Gasoline and oil purchases [NEW]
- 580:35-1-8. Wrecker service, on-the-road breakdown and repairs [NEW]
- 580:35-1-9. Other credit and cash purchases [NEW]
- 580:35-1-10. Care and maintenance of vehicles [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). These rules are also intended to supersede emergency rules currently in effect. The only substantive changes to these rules, other than to update terminology to reflect the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, are as follows:

In 260:75-1-2(a)(2), the addition of two categories of information which must be maintained by state agency on their inventory of motor vehicles. The categories are the purchase odometer reading, and any other information deemed necessary by the Fleet Management Division.

Clarification that a state agency is responsible for the Fleet Management Division's deductible under the Physical Damage Insurance Policy if damage to a vehicle is not recoverable from a third party.

## Notices of Rulemaking Intent

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Clarification that when a state agency is considered "at fault" in regards to damage to a vehicle, the state agency is responsible for full replacement cost, repairs, or the loss of value of the vehicle.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:30 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1478; filed 12-20-13]*

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**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 80. PLAN OF OPERATION FOR OKLAHOMA STATE AGENCY FOR SURPLUS PROPERTY**

*[OAR Docket #13-1479]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 80. Plan of Operation for Oklahoma State Agency for Surplus Property [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only anticipated changes to these rules are to update terminology to reflect the consolidation of the Department of Central Services into the Office of Management

and Enterprise Services, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 9 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1479; filed 12-20-13]*

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**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 85. RECYCLING**

*[OAR Docket #13-1480]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

260:85-1-1. Purpose [NEW]  
260:85-1-2. Definitions [NEW]  
260:85-1-3. Recyclable materials collection [NEW]  
260:85-1-4. Recycled products procurement [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only changes to these rules are to update terminology to reflect the consolidation of the Department of Central Services into the Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 9 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available after January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1480; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 90. ALTERNATIVE FUELS PROGRAM**

*[OAR Docket #13-1481]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 90. Alternative Fuels Program [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Changes may be made to these rules to reflect the changes made by the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, to correct citations and scrivener's errors, to improve the clarity of the rules, to modernize language, and to remove redundancies.

PLEASE NOTE: The fees established in 260:90-5-6 are not new. The fees in this rule reflect the same fees as were previously in Title 580. These fees are simply being moved to

a new title of the Oklahoma Administrative Code because of the consolidation of state agencies.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:30 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1481; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 95. LEASING AND SPACE STANDARDS**

*[OAR Docket #13-1482]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 95. Leasing and Space Standards [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Changes may be made to these rules to reflect the changes made by the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, to correct citations and scrivener's errors, to improve the clarity of the rules, to modernize language, and to remove redundancies.

## Notices of Rulemaking Intent

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**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 3:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1482; filed 12-20-13]*

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**TITLE 260. OFFICE OF MANAGEMENT  
AND ENTERPRISE SERVICES  
CHAPTER 100. OKLAHOMA STATE  
GOVERNMENT ASSET REDUCTION AND  
COST SAVINGS PROGRAM**

*[OAR Docket #13-1483]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 100. Oklahoma State Government Asset Reduction and Cost Savings Program [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Changes may be made to these rules to reflect the changes made by the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, to correct citations and scrivener's errors, to improve the clarity of the rules, and to remove redundancies.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 3:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1483; filed 12-20-13]*

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**TITLE 260. OFFICE OF MANAGEMENT  
AND ENTERPRISE SERVICES  
CHAPTER 105. STATE SURPLUS  
PROPERTY**

*[OAR Docket #13-1484]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 105. State Surplus Property [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only anticipated changes to these rules are to update terminology to reflect the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov)

during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 9 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1484; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 110. STATE INVENTORY**

*[OAR Docket #13-1485]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 110. State Inventory [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). The only anticipated changes to these rules are to update terminology to reflect the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, the correction of citations and scrivener's errors, and changes to improve the clarity of the rules.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:30 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1485; filed 12-20-13]*

**TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES  
CHAPTER 115. PROCUREMENT**

*[OAR Docket #13-1486]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 115. Procurement [NEW]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 580 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Changes may be made to these rules to reflect the changes made by the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, to correct citations and scrivener's errors, and to improve the clarity of the rules. Changes may also be made to reduce administrative burdens on state agencies where possible.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 3:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets

## Notices of Rulemaking Intent

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Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

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

This proposed rulemaking action is not intended to impose costs on business entities.

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

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### **RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

### **CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1486; filed 12-20-13]*

### **TITLE 260. OFFICE OF MANAGEMENT AND ENTERPRISE SERVICES CHAPTER 120. STATE USE COMMITTEE OPERATIONAL PROCEDURES**

*[OAR Docket #13-1487]*

### **RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

### **PROPOSED RULES:**

Chapter 120. State Use Committee Operational Procedures  
[NEW]

### **SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 304 in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013). Changes may be made to these rules to reflect the changes made by the consolidation of the Department of Central Services into the Office of Management and Enterprise Services, to correct citations and scrivener's errors, to improve the clarity of the rules, to modernize language, and to remove redundancies.

### **AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### **PUBLIC HEARING:**

A public hearing has been scheduled for 3:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

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

This proposed rulemaking action is not intended to impose costs on business entities.

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

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### **RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

### **CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1487; filed 12-20-13]*

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

*[OAR Docket #13-1458]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Definitions, Purpose and Application  
300:35-1-5. [AMENDED]

Subchapter 3. General Provisions  
300:35-3-14. [AMENDED]

Subchapter 7. Vessels  
300:35-7-10. [REVOKED]

300:35-7-11. [AMENDED]

300:35-7-12. [AMENDED]

Subchapter 9. Sanctioned Events  
300:35-9-3. [AMENDED]

Subchapter 11. Permits for Wharves, Landings, Buoys, Breakwaters and Docking Facilities

300:35-11-6. [AMENDED]

Subchapter 23. Four-Wheel Vehicles, Off-Road Vehicles and All Terrain Vehicles

300:35-23-10. [AMENDED]

### **SUMMARY:**

The proposed amendments change references to the Grand River Dam Authority ("GRDA") Lake Patrol and law enforcement to "GRDA Police Officers" for consistency and clarity. The mailing address and phone number references have been removed.

### **AUTHORITY:**

Grand River Dam Authority; 82 O.S. 2010 § 861A(B)(1), 82 O.S. Supp. 2012 § 863.2(B).

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014 through 4:45 p.m. on February 14, 2014 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Ellen Caslavka Edwards.

**PUBLIC HEARING:**

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Tuesday, February 18, 2014 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, within the Comment Period from January 15, 2014 through February 14, 2014, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from January 15, 2014 through 4:45 p.m. on February 14, 2014 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Ellen Caslavka Edwards.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Ellen Caslavka Edwards at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545. The proposed amendments may also be viewed on the Grand River Dam Authority website at [www.grda.com](http://www.grda.com).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a Rule Impact Statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301. The Rule Impact Statement may also be viewed on the Grand River Dam Authority website at [www.grda.com](http://www.grda.com).

**CONTACT PERSON:**

Ellen Caslavka Edwards, General Counsel, (918) 256-0800

*[OAR Docket #13-1458; filed 12-20-13]*

**TITLE 304. STATE USE COMMITTEE  
CHAPTER 10. OPERATIONAL  
PROCEDURES [REVOKED]**

*[OAR Docket #13-1492]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 10. Operational Procedures [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 304, as the Department of Central Services has been consolidated into the Office

of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 3:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1492; filed 12-20-13]*

**TITLE 317. OKLAHOMA HEALTH CARE  
AUTHORITY  
CHAPTER 2. GRIEVANCE PROCEDURES  
AND PROCESS**

*[OAR Docket #13-1527]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

317:2-1-7 [AMENDED]

(Reference APA WF # 13-30)

**SUMMARY:**

Policy is amended to more accurately reflect each party's responsibilities in an audit and clarify other audit procedures in order to streamline the process.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes, 56 Okla. Stat. 1011.9, 42 U.S.C. § 1396a(a)(42)(B)(ii)(III), 42 C.F.R. §447.202, and 75 Okla. Stat. 250.2

## Notices of Rulemaking Intent

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### COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1527; filed 12-23-13]*

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

*[OAR Docket #13-1521]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties  
Part 3. Hospitals  
317:30-5-47 [AMENDED]  
(Reference APA WF # 13-13)

### SUMMARY:

Policy is amended to allow reimbursement for Long Acting Reversible Contraceptive (LARC) devices to hospitals outside of the Diagnosis Related Group (DRG) methodology.

### AUTHORITY:

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

### COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1521; filed 12-23-13]*

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

*[OAR Docket #13-1525]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties  
Part 1. Physicians  
317:30-5-2 [AMENDED]  
(Reference APA WF # 13-26)

**SUMMARY:**

Policy is being revised to add language that sets boundaries as to what is deemed approved genetic testing methods. Problems have recently arisen which call for more stringent policy, particularly issues regarding lab billing for expensive methods that lack sufficient evidence for their use.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1525; filed 12-23-13]*

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

*[OAR Docket #13-1526]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-20 [AMENDED]

(Reference APA WF # 13-27)

**SUMMARY:**

Policy is being added to include language that explicitly addresses proper billing in regard to nucleic acid testing of single/multiple infectious organisms in a specimen.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1526; filed 12-23-13]*

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

*[OAR Docket #13-1530]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## Notices of Rulemaking Intent

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### PROPOSED RULES:

Subchapter 3. General Provider Policies  
Part 1. General Scope and Administration  
317:30-3-4 [AMENDED]

(Reference APA WF # 13-35)

### SUMMARY:

Policy is amended to specify that providers enroll in Electronic Fund Transfers for Medicaid reimbursement via the electronic enrollment process. Language referencing the Provider Relations unit will be removed as this unit no longer exists.

### AUTHORITY:

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

### COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1530; filed 12-23-13]

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

[OAR Docket #13-1531]

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-42.9 [AMENDED]

317:30-5-42.12 [AMENDED]

Part 27. Independent Licensed Physical Therapists

317:30-5-290.1 [AMENDED]

317:30-5-291 [AMENDED]

317:30-5-291.1 [AMENDED]

317:30-5-291.2 [AMENDED]

317:30-5-292 [NEW]

317:30-5-293 [AMENDED]

Part 28. Occupational Therapy Services

317:30-5-295 [AMENDED]

317:30-5-296 [AMENDED]

317:30-5-297 [AMENDED]

317:30-5-298 [AMENDED]

317:30-5-299 [AMENDED]

Part 77. Speech and Hearing Services

30-5-674 [NEW]

317:30-5-675 [AMENDED]

317:30-5-676 [AMENDED]

317:30-5-677 [AMENDED]

317:30-5-678 [AMENDED]

317:30-5-679 [NEW]

317:30-5-680 [AMENDED]

(Reference APA WF # 13-43)

### SUMMARY:

OHCA rules for therapy services are being revised to add services may be provided under the direction of a qualified provider".

### 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; The Code of Federal Regulations Title 42 Public Health, Part 440, Section 440.110

### COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1531; filed 12-23-13]*

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

*[OAR Docket #13-1532]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. General Provider Policies  
Part 1. General Scope and Administration  
317:30-3-27 [AMENDED]  
(Reference APA WF # 13-44)

**SUMMARY:**

OHCA Telemedicine rules are revised to provide clarity and consistency for telehealth technology and telemedicine services.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Telemedicine Act of 1997; 42 CFR 410.78.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1532; filed 12-23-13]*

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

*[OAR Docket #13-1533]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 6. Inpatient Psychiatric Hospitals  
317:30-5-95.29 [AMENDED]  
317:30-5-95.30 [AMENDED]  
317:30-5-95.34 [AMENDED]  
317:30-5-95.39 [AMENDED]  
317:30-5-95.42 [AMENDED]  
(Reference APA WF # 13-45)

**SUMMARY:**

Agency Inpatient Psychiatric Hospital rules are being revised to establish medical necessity criteria specific for admission and continued stays in community based transitional (CBT) programs as these facilities are a lower level of care than psychiatric residential treatment facilities (PRTF) and acute residential treatment facilities. Changes are also being proposed to the rules regarding "active treatment" requirements for children under the age of 18. The change

## Notices of Rulemaking Intent

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will allow providers flexibility to better tailor treatment to the individual needs of the child. Additional proposed changes include: revisions to Inspection of Care (IOC) rules, clarifying which types of facilities will be still receive on-site inspections, allowing psychosocial evaluations or admission assessments to substituted for the first therapy session, and allowing the use of mechanical restraints for children 18-20 since they are treated on the adult care unit. The agency is also exploring the possibility of moving from a full to a partial recoupment when "critical documents" are missing from the medical records during an IOC inspection, if deemed permissible by federal regulation.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 441.154 through 441.156; 42 CFR 456.

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1533; filed 12-23-13]*

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

*[OAR Docket #13-1534]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 21. Outpatient Behavioral Health Services In an Agency Setting

317:30-5-240.1 [AMENDED]

317:30-5-240.2 [AMENDED]

317:25-5-240.3 [AMENDED]

317:30-5-241 [AMENDED]

317:30-5-241.1 [AMENDED]

317:30-5-241.2 [AMENDED]

317:30-5-241.3 [AMENDED]

317:30-5-241.5 [AMENDED]

317:30-5-248 [AMENDED]

317:30-5-249 [AMENDED]

**(Reference APA WF # 13-46)**

### **SUMMARY:**

The Agency's outpatient behavioral health (OBH) rules are being revised to remove the behavioral health rehabilitation specialist (BHRS) designation from policy since, effective July 1, 2014, these services will only be reimbursed if provided by an LBHP, CADC or Case Manager II (CM II). Changes are also being proposed to the rules to clarify that OBH services cannot be separately billable to individuals residing in nursing facilities. Reimbursements for these services are included within the nursing facility rate, as required by federal regulation. Additionally, clarification is made that individual and group psychotherapy services cannot be provided to children ages 0-3 unless medical necessity criteria is met, and partial hospitalization (PHP) and day treatment language will be amended to clarify psychosocial rehabilitation is not allowed for children ages 0-3 and prior authorization is required for children ages 4-6. Additional proposed changes include: additional supervision requirements for paraprofessionals by licensed, master level staff that render services to members outside of an agency setting, revising peer recovery support specialist services to include youth ages 16-18 that are transitioning into adulthood, revise behavioral health rehabilitation service documentation requirements, and clarifying when services may be rendered without a treatment plan. Other revisions are also made to make minor "cleanup" changes to terminology, which include changes mandated by the Diagnostic and Statistical Manual (DSM) V.

### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes, 43 A Oklahoma

Statute 3-326; 42 CFR 440.230, and CFR 447.253(b)(iii)(A) , 483.15(g), and 483.20.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1534; filed 12-23-13]*

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

*[OAR Docket #13-1535]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 25. Psychologists
- 317:30-5-276 [AMENDED]
- Part 26. Licensed Behavioral Health Providers

317:30-5-281 [AMENDED]

(Reference APA WF # 13-47)

**SUMMARY:**

The Agency's psychologists and licensed behavioral health provider rules are being revised to add coverage for bio-psychosocial assessments for adults when required by OCHA as part of a preoperative prior authorization protocol for organ transplant or bariatric surgical procedures. Revisions are also made to clarify that reimbursement for psychologist services is not available for services rendered to members residing in a nursing facility.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes, 42 CFR 440.230, and CFR 447.253(b)(iii)(A), 483.15(g), and 483.20.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1535; filed 12-23-13]*

## Notices of Rulemaking Intent

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

*[OAR Docket #13-1536]*

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

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 26. Licensed Behavioral Health Providers

317:30-5-280 [AMENDED]

(Reference APA WF # 13-48)

#### **SUMMARY:**

The Agency's licensed behavioral health provider rules are being revised to eliminate reimbursement for services provided by behavioral health professionals under supervision for licensure if they work under the direction of an individually contracted LBHP, outside of an agency setting. The additional oversight requirements imposed upon agencies provide a better training ground for individuals under supervision and afford OHCA and the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) better opportunity to ensure the quality of services being provided to SoonerCare members.

#### **AUTHORITY:**

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

#### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1536; filed 12-23-13]*

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

*[OAR Docket #13-1537]*

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

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 67. Behavioral Health Case Management Services

317:30-5-595 [AMENDED]

317:30-5-596 [AMENDED]

(Reference APA WF # 13-49)

#### **SUMMARY:**

The Agency's behavioral health case management rules are being revised to ensure consistency with changes in case manager provider requirements made in Title 450 of the Oklahoma Administrative Code, by the certifying agency, the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS). Provider qualifications are being revised in order to reflect the legislature's intent, as expressed during the 2013 legislative session. Case management reimbursement rules are also being revised in order to allow reimbursement for transitional case management provided during the last 30 days of an inpatient stay. This change will ensure successful integration back into the community upon discharge from the inpatient facility.

#### **AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes, 42 CFR 440.230, and CFR 447.253(b)(iii)(A), 483.15(g), and 483.20.

#### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1537; filed 12-23-13]*

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

*[OAR Docket #13-1538]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 83. Residential Behavior Management Services in Foster Care Settings
- 317:30-5-740.1 [AMENDED]
- 317:30-5-741 [AMENDED]
- 317:30-5-742.2 [AMENDED]
- (Reference APA WF # 13-50)**

**SUMMARY:**

The Agency's therapeutic foster care (TFC) rules are being revised to allow for the completion of assessments and treatment plans from 14 days to 30 days. This change aligns with current practice that mandates when provisional diagnosis documentation must be submitted. All documentation will now be due to the OHCA within 30 days of admission to a TFC facility. The Agency is also proposing rule revisions to disallow coverage of Psychosocial Rehabilitation (PSR) services for children below age 6 unless services are medically necessary and required pursuant to Federal Early and Periodic Screening Diagnostic and Treatment (EPSDT) laws. Additionally, the agency is proposing to add detail language requirements for developing and rendering assessments,

service plans, and PSR services. Other revisions are also made to make minor "cleanup" changes to terminology, which include changes mandated by the Diagnostic and Statistical Manual (DSM) V.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1538; filed 12-23-13]*

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

*[OAR Docket #13-1539]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. General Provider Policies
- Part 4. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program/Child Health Services

# Notices of Rulemaking Intent

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317:30-3-65.8 [AMENDED]  
(Reference APA WF # 13-51)

**SUMMARY:**

Policy is revised to expand the age for which application of fluoride varnish during course of a well child screening is covered, from ages 12 month to 42 month to ages 6 months to 60 months.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1539; filed 12-23-13]*

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

*[OAR Docket #13-1540]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties  
Part 73. Early Intervention Services

317:30-5-640 [AMENDED]

317:30-5-640.1 [AMENDED]

317:30-5-641 [AMENDED]

317:30-5-641.1 [AMENDED]

317:30-5-641.3 [AMENDED]

317:30-5-644 [AMENDED]

Part 103. Qualified Schools as Providers of Health Related Services

317:30-5-1020 [AMENDED]

317:30-5-1021 [AMENDED]

317:30-5-1022 [AMENDED]

317:30-5-1023 [AMENDED]

317:30-5-1024 [AMENDED]

317:30-5-1025 [AMENDED]

317:30-5-1026 [AMENDED]

317:30-5-1027 [AMENDED]

Part 104. School-Based Case Management Services

317:30-5-1030 [AMENDED]

317:30-5-1031 [AMENDED]

317:30-5-1032 [AMENDED]

317:30-5-1033 [AMENDED]

317:30-5-1034 [AMENDED]

(Reference APA WF # 13-52)

**SUMMARY:**

OHCA rules related to IDEA and School Based services are revised for clarity and consistency. Revisions include removing references to outdated terms and/or policy, and adding guidelines for school-based services and evaluations as it relates to the Individual Education Plan/ Individual Family Service Plan (IEP/IFSP) for clarity and consistency.

**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; The Code of Federal Regulations Title 34 Public Health, Part 300, Section 300.142; The Individuals with Disabilities Act, Pub.L. 94-142.

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1540; filed 12-23-13]*

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

*[OAR Docket #13-1541]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Individual Providers and Specialties
- Part 7. Certified Laboratories
- 317:30-5-106 [AMENDED]
- (Reference APA WF # 13-53)

**SUMMARY:**

Policy is revised to clarify clinical laboratory services will be reimbursed in accordance with methodology approved under the State Plan.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; the Oklahoma Health Care Authority Act, Section 5003 thru 5016 of Title 63 of Oklahoma Statutes; CFR 440.30

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1541; filed 12-23-13]*

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

*[OAR Docket #13-1520]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Eligibility and Countable Income
- Part 1. Determination of Qualifying Categorical Relationships
- 317:35-5-7 [AMENDED]
- Part 5. Countable Income and Resources
- 317:35-5-43 [AMENDED]
- 317:35-5-44 [AMENDED]
- 317:35-5-45 [AMENDED]
- 317:35-5-46 [AMENDED]
- Subchapter 6. SoonerCare for Pregnant Women and Families with Children
- Part 1. General
- 317:35-6-1 [AMENDED]
- Part 3. Application Procedures
- 317:35-6-15 [AMENDED]
- Part 5. Determination of Eligibility for SoonerCare Health Benefits for Pregnant Women and Families with Children
- 317:35-6-35 [AMENDED]
- 317:35-6-36 [AMENDED]
- 317:35-6-37 [AMENDED]
- Part 7. Certification, Redetermination and Notification
- 317:35-6-60.1 [AMENDED]
- 317:35-6-61 [AMENDED]
- Subchapter 7. Medical Services
- Part 5. Determination of Eligibility for Medical Services

## Notices of Rulemaking Intent

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317:35-7-48 [AMENDED]  
Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age 65 or Older in Mental Health Hospitals  
Part 7. Determination of Financial Eligibility  
317:35-9-67 [AMENDED]  
Subchapter 10. Other Eligibility Factors for Families with Children and Pregnant Women  
Part 3. Resources  
317:35-10-10 [AMENDED]  
Part 5. Income  
317:35-10-25 [AMENDED]  
317:35-10-26 [AMENDED]  
Subchapter 15. Personal Care Services  
317:35-15-6 [AMENDED]  
Subchapter 19. Nursing Facility Services  
317:35-19-20 [AMENDED]  
**(Reference APA WF # 13-08)**

### SUMMARY:

Eligibility policy is amended to implement Systems Simplification Implementation rules effective October 1, 2013, instead of January 1, 2014. Rules are also revised to delay periodic renewals that would fall during the period January - March, 2014 until April, 2014, and to delay the effective date of terminations of SoonerCare eligibility for reasons related to changes in household composition or income until April, 2014 when the agency is redetermining eligibility based on changes in circumstances from January to March, 2014. These emergency rule revisions allow the State to correct regulatory complications created by federal rules; they implement a waiver of the federal requirement that the State use two sets of financial eligibility rules for pregnant women and families with children from October 1, 2013 to March 31, 2014, thereby avoiding serious prejudice to the public interest.

### AUTHORITY:

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

### COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1520; filed 12-23-13]*

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

*[OAR Docket #13-1523]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 17. Advantage Waiver Services  
317:35-17-25 [NEW]

**(Reference APA WF # 13-24)**

### SUMMARY:

Policy is added to include information on the Address Confidentiality Program (ACP). The ACP provides victims of domestic violence, sexual assault, or stalking with a substitute address and mail forwarding service that can be utilized when victims interact with state and local agencies.

### AUTHORITY:

Section 60.14 of Title 22 of the Oklahoma Statutes; The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act; Section 5003 through 5016 of Title 63 of Oklahoma Statutes

### COMMENT PERIOD:

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1523; filed 12-23-13]*

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

*[OAR Docket #13-1524]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 17. ADvantage Waiver Services  
317:35-17-22 [AMENDED]

(Reference APA WF # 13-25)

**SUMMARY:**

Policy is amended to include information on rounding of billable time as per the Interactive Voice Response Authentication (IVRA) system. This change in policy will enforce compliance, clarify information for providers, and reflect practices already taking place. Additionally, minor policy revisions are made to the policy.

**AUTHORITY:**

1915(c) of the Social Security Act, The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1524; filed 12-23-13]*

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

*[OAR Docket #13-1529]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions  
317:35-1-2 [AMENDED]

Subchapter 5. Eligibility and Countable Income

Part 1. Determination of Qualifying Categorical Relationships

317:35-5-4 [AMENDED]

317:35-5-4.1 [AMENDED]

Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age 65 or Older in Mental Health Hospitals

Part 5. Determination of Medical Eligibility for ICF/MR, HCBW/ID, and Individuals Age 65 or Older in Mental Health Hospitals

317:35-9-48.1 [AMENDED]

(Reference APA WF # 13-34)

**SUMMARY:**

Policy is amended to change TEFRA program rules to better match current business practices and federal regulations. Changes include changing all TEFRA language regarding mental retardation or ICF/MR to individuals with intellectual disabilities or IID to match Public Law 111-256. As well,

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rules regarding cost effectiveness analyses being posted on MEDATS will be changed to require that the cost effectiveness analyses will be reported annually with no specification as to where that report will reside. Rules regarding TEFRA eligibility for applicants aged three years and older for the ICF/IID level of care will change the IQ requirements from 75 or less to 70 or less to match current DSM-5 and SSA guidelines regarding intellectual disabilities. Additionally, changes also include amending the current criteria to state that applicants can either have an IQ of 70 or less, or have a full-scale adaptive functional assessment indicating a functional age that does not exceed 50% of child's age to match current DSM-5 and SSA guidelines regarding intellectual disabilities. It also removes the rule that requires the assessment be either Battelle or Vineland since SSA does not specify which test is to be used. Finally, another amendment will require that one additional psychological evaluation be administered for all approved TEFRA children once they reach the age of sixteen.

### **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 111-256.

### **COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1529; filed 12-23-13]*

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

*[OAR Docket #13-1522]*

### **INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

317:45-1-3 [AMENDED]

(Reference APA WF # 13-16)

### **SUMMARY:**

OHCA Insure Oklahoma rules are revised to remove outdated references related to eligibility income determinations.

### **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 January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1522; filed 12-23-13]*

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

*[OAR Docket #13-1528]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Medically Fragile Waiver Services

317:50-1-14 [AMENDED]

Subchapter 3. My Life, My Choice

317:50-3-14

Subchapter 5. Sooner Seniors

317:50-5-14

(Reference APA WF # 13-33)

**SUMMARY:**

Policy is amended to change the service criteria for Personal Emergency Response System (PERS) to also include that OHCA's Care Management Team can authorize PERS service when the member's service plan indicates member is at high risk for falls and the service will help prevent premature or unnecessary institutionalization.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted January 15, 2014, through February 14, 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, February 24, 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 February 14, 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 #13-1528; filed 12-23-13]*

**TITLE 345. COMMITTEE FOR INCENTIVE AWARDS FOR STATE EMPLOYEES  
CHAPTER 10. PRODUCTIVITY ENHANCEMENT PROGRAM [REVOKED]**

*[OAR Docket #13-1493]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Productivity Enhancement Program [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the rules within Title 345, Ch. 10 and re-adopted as necessary within Title 260. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. § 840-1.1 et seq and 74 O.S. §4116 et. seq.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building,

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2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

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

N/A

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

### **CONTACT PERSON:**

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

*[OAR Docket #13-1493; filed 12-20-13]*

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

*[OAR Docket #13-1494]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 1. Administrative Operations [REVOKED]

### **SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 360, as the Oklahoma State and Education Employees Group Insurance Board has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

### **PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma

City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

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

n/a

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

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #13-1494; filed 12-20-13]*

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### **TITLE 360. OKLAHOMA STATE AND EDUCATION EMPLOYEES GROUP INSURANCE BOARD CHAPTER 10. STATE AND EDUCATION EMPLOYEES HEALTH, DENTAL, VISION AND LIFE PLANS [REVOKED]**

*[OAR Docket #13-1495]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 10. State and Education Employees Health, Dental, Vision and Life Plans [REVOKED]

### **SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 360, as the Oklahoma State and Education Employees Group Insurance Board has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

### **AUTHORITY:**

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

### **COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

### **PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees

Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #13-1495; filed 12-20-13]*

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

*[OAR Docket #13-1496]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 15. The Disability Plan [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 360, as the Oklahoma State and Education Employees Group Insurance Board has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments may be made from this date until February 18, 2014. Comments should be filed in the office of Gary Goff, Deputy General Counsel, Office of Management and Enterprise Services Employees Group Insurance Division, located at 3545 NW 58<sup>th</sup> Street, Suite 110, Oklahoma City, Oklahoma 73112.

**PUBLIC HEARING:**

8:00 am, February 18, 2014, in the 5<sup>th</sup> Floor Board Room of the Office of Management and Enterprise Services Employees Group Insurance Division, 3545 NW 58<sup>th</sup> Street, Oklahoma

City, Oklahoma. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #13-1496; filed 12-20-13]*

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING  
CHAPTER 60. REGULATING OKLAHOMA BAIL ENFORCEMENT**

*[OAR Docket #13-1398]*

**RULEMAKING ACTION:**

Notice of proposed EMERGENCY rulemaking

**PROPOSED RULES:**

Chapter 60. Regulating Oklahoma Bail Enforcement [NEW]

**SUMMARY:**

These rules are needed to incorporate statutory language from the last legislative session in Senate Bill 1013, which established The Bail Enforcement and Licensing Act. The Council finds it necessary to promulgate emergency rules to insure the safety and welfare of individuals seeking training and licensing under this statute, and to implement certain provisions of this law which will become effective March 14, 2014.

**AUTHORITY:**

Council on Law Enforcement Education and Training; 59 O.S., § 1301, 1303, 1327, 1328, 1329, 1332 and 1332.1.1; 59 O.S., §1350.1 through 1350.20; 59 O.S. §1750.2A, 1750.5, 1750.14; 70 O.S., § 3311 et seq.

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m. on December 30, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will

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be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on December 30, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma, 74820.

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

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services 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 Norma Floyd, at the above address, before the close of the comment period on December 30, 2013.

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

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at [www.ok.gov/cleet](http://www.ok.gov/cleet).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on December 10, 2013 at the CLEET offices and web address listed above.

### **CONTACT PERSON:**

Norma Floyd, Administrative Assistant, (405) 239-5166.

*[OAR Docket #13-1398; filed 12-10-13]*

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### **TITLE 429. OKLAHOMA LOTTERY COMMISSION CHAPTER 30. PROBLEM GAMBLING VOLUNTARY SELF-EXCLUSION PROGRAM**

*[OAR Docket #13-1399]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

- 429:30-1-1 [RESERVED]
- 429:30-1-2 [NEW]
- 429:30-1-3 [NEW]
- 429:30-1-4 [NEW]
- 429:30-1-5 [NEW]
- 429:30-1-6 [NEW]

### **SUMMARY:**

The proposed rules create a new chapter 30 in Title 429 related to lottery activities. The rule changes would implement a voluntary self-exclusion program for problem gamblers. This offers a tool to those with gambling problems that will disincentivize them from purchasing lottery tickets.

There is no cost to the player. A person wishing to avail themselves of this tool would sign an agreement developed by the Lottery Commission Executive Director with assistance from the Office of the Attorney General, and approved by

the Lottery Commission Board of Trustees. The document would state that the person self-excluding themselves forfeits any right to any lottery prize in excess of \$600 from tickets in their possession, should they attempt to claim such a prize. By not being able to claim such a prize, the individual with the gambling problem would be disincentivized from playing lottery games.

A similar voluntary self-exclusion program is offered in many of Oklahoma's tribal casinos, in casinos around the country and in several other U.S. lotteries.

The rules outline the contents of the agreement to be signed by the person wishing to self-exclude themselves and outlines the procedures to be followed by the Lottery Commission.

### **AUTHORITY**

Oklahoma Lottery Commission, 3A O.S., Section 709 and Section 710.

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so before 5:00 p.m. on Friday, February 14, 2014 at the following address: Rollo Redburn, Oklahoma Lottery Commission, 3817 N. Santa Fe, Okla. City, OK 73118. Comments may be emailed to: [Rollo.Redburn@lottery.ok.gov](mailto:Rollo.Redburn@lottery.ok.gov).

### **PUBLIC HEARING:**

A public hearing will be held at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK, on Tuesday, February 18, 2014 at 11:00 a.m. Anyone who wishes to speak must sign in by 10:45 a.m. on that day.

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

Business entities affected by these proposed rules are requested to provide the Commission with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from January 15, 2014 until 5:00 p.m., February 14, 2014 at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, Attn.: Rollo Redburn.

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

Copies of proposed rules may be obtained by contacting Rollo Redburn at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118, (405) 522-7700, or they can be obtained on the Oklahoma Lottery Commission web site at [www.lottery.ok.gov](http://www.lottery.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available on and after January 30, 2014, at the Oklahoma Lottery Commission, 3817 N. Santa Fe, Oklahoma City, OK 73118.

### **CONTACT PERSON:**

Rollo Redburn, Administrative Rules Liaison, 522-7700.

*[OAR Docket #13-1399; filed 12-11-13]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 1. ADMINISTRATION**

*[OAR Docket #13-1432]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 1. Administration [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 1 are part of the Department's review of Title 450. The proposed rules are intended to clarify existing rules, improve processes, and are intended to comply with statutory changes.

**AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-110, 3-306, 3-306.1, 3-314.1, 3-315, 3-317, 3-318, 3-319 and 3-415; 74 O.S. §85.9G.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from Gretchen Geis, Administrative Rules Liaison, at the above address or through the ODMHSAS website at www.odmhsas.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's

website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or ggeis@odmhsas.org.

*[OAR Docket #13-1432; filed 12-20-13]*

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

*[OAR Docket #13-1433]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 16. Standards and Criteria for Community Residential Mental Health Facilities [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 16 are part of the Department's review of Title 450. The proposed rules clarify existing rules.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

*[OAR Docket #13-1433; filed 12-20-13]*

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

*[OAR Docket #13-1434]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 17. Standards and Criteria for Community Mental Health Centers [AMENDED]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 17 are part of the Department's review of Title 450. The proposed rules are intended to clarify existing rules, improve processes, and are intended to comply with statutory changes.

### AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, 3-306.1 and 3-315; 74 O.S. §85.9G.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### PUBLIC HEARING:

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the

Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

*[OAR Docket #13-1434; filed 12-20-13]*

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

*[OAR Docket #13-1435]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 18. Standards and Criteria for Alcohol and Drug Treatment Programs [AMENDED]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 18 are part of the Department's review of Title 450. The proposed rules are intended to clarify existing rules, improve processes, and are intended to comply with statutory changes.

### AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, 3-306.1 and 3-315; 74 O.S. § 85.9G.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. ' 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or ggeis@odmhsas.org.

*[OAR Docket #13-1435; filed 12-20-13]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 23. STANDARDS AND CRITERIA FOR COMMUNITY-BASED STRUCTURED CRISIS CENTERS**

*[OAR Docket #13-1436]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 23. Standards and Criteria for Community-Based Structured Crisis Centers [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 23 are part of the Department's review of Title 450. These actions are intended to create standards and criteria for urgent recovery clinic services and distinguish these services from traditional facility based crisis stabilization services. Other proposed revisions clarify existing rules and ensure compliance with statutory provisions.

**AUTHORITY:**

43A O.S. § 3-317; Board of Mental Health and Substance Abuse Services.

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

## Notices of Rulemaking Intent

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### CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or ggeis@odmhsas.org.

*[OAR Docket #13-1436; filed 12-20-13]*

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### TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS

*[OAR Docket #13-1437]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 24. Standards and Criteria for Comprehensive  
Community Addiction Recovery Centers [AMENDED]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 24 are part of the Department's review of Title 450. The proposed rules clarify existing rules, improve existing processes and are intended to comply with statutory changes.

### AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-415.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

### PUBLIC HEARING:

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

### CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or ggeis@odmhsas.org.

*[OAR Docket #13-1437; filed 12-20-13]*

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### TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 27. STANDARDS AND CRITERIA FOR MENTAL ILLNESS SERVICE PROGRAM

*[OAR Docket #13-1438]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 27. Standards and Criteria for Mental Illness  
Service Program [AMENDED]

### SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 27 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes.

### AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-323A.

### COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

### PUBLIC HEARING:

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

*[OAR Docket #13-1438; filed 12-20-13]*

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

*[OAR Docket #13-1439]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 50 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes and legislative intent.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department

of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

*[OAR Docket #13-1439; filed 12-20-13]*

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES  
CHAPTER 53. STANDARDS AND CRITERIA FOR CERTIFIED PEER RECOVERY SUPPORT SPECIALISTS**

*[OAR Docket #13-1440]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 53. Standards and Criteria for Certified Peer Recovery Support Specialists [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 53 are part of the Department's review of Title 450. The proposed rules clarify

## Notices of Rulemaking Intent

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existing rules and are intended to comply with statutory changes.

### **AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-326.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

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

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

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

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

*[OAR Docket #13-1440; filed 12-20-13]*

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

*[OAR Docket #13-1441]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 55. Standards and Criteria for Programs of Assertive Community Treatment [AMENDED]

### **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 55 are part of the Department's review of Title 450. The proposed rules clarify existing rules and improve existing processes.

### **AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306 and 3-319.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

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

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

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

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's

website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or ggeis@odmhsas.org.

*[OAR Docket #13-1441; filed 12-20-13]*

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

*[OAR Docket #13-1442]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 60. Standards and Criteria for Certified Eating Disorder Treatment Programs [AMENDED]

**SUMMARY:**

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

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

**CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or ggeis@odmhsas.org.

*[OAR Docket #13-1442; filed 12-20-13]*

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

*[OAR Docket #13-1443]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 65. Standards and Criteria for Gambling Treatment Programs [AMENDED]

**SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 65 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at ggeis@odmhsas.org.

**PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the

## Notices of Rulemaking Intent

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Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

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

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

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

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

*[OAR Docket #13-1443; filed 12-20-13]*

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### **TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS**

*[OAR Docket #13-1444]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 70. Standards and Criteria for Opioid Treatment Programs [AMENDED]

### **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 70 are part of the Department's review of Title 450. The proposed rules clarify existing rules, improve existing processes and are intended to comply with statutory changes.

### **AUTHORITY:**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-601 through 3-603.

### **COMMENT PERIOD:**

Persons wishing to submit written comments may do so from January 16, 2014, until 5:00 p.m., February 19, 2014, to the attention of Gretchen Geis, Administrative Rules

Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 1200 N.E. 13<sup>th</sup> Street, Oklahoma City, OK, facsimile, at (405) 522-0637 or by email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **PUBLIC HEARING:**

The Department will conduct a public hearing on February 21, 2014, at 10:00 a.m. in Conference Room A of the Department located at 1200 NE 13<sup>th</sup> ST, Oklahoma City, OK 73117.

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

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on February 19, 2014.

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

Copies of the proposed rules may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 30, 2014. Copies may be obtained from the Department's website at [www.odmhsas.org](http://www.odmhsas.org) or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

### **CONTACT PERSON:**

Gretchen Geis, Administrative Rules Liaison, (405) 522-2053 or [ggeis@odmhsas.org](mailto:ggeis@odmhsas.org).

*[OAR Docket #13-1444; filed 12-20-13]*

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### **TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 1. OFFICE OF PERSONNEL MANAGEMENT [REVOKED]**

*[OAR Docket #13-1497]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 1. Office of Personnel Management [REVOKED]

### **SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the rules within Title 530, Chapters 1, 10, 20, 25, Appendix A and B and re-adopted as necessary within Title 260. The purpose of the revocation and re-adoption is to consolidate the

rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. § 840-1.1 et seq.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

**CONTACT PERSON:**

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

*[OAR Docket #13-1497; filed 12-20-13]*

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

*[OAR Docket #13-1498]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

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

Appendix A. Pay Band Schedule [REVOKED]

Appendix B. Schedule of Annual and Sick Leave Accumulation Limits and Yearly Accruals [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to re-adopt the above-referenced rules which are being revoked from Title 530, Chapters 1, 10, 20, 25, Appendix A and B in a separate rulemaking action. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. § 840-1.1 et seq.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

**CONTACT PERSON:**

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

*[OAR Docket #13-1498; filed 12-20-13]*

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### **TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 15. VOLUNTARY PAYROLL DEDUCTION [REVOKED]**

*[OAR Docket #13-1499]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Chapter 15. Voluntary Payroll Deduction [REVOKED]

#### **SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the rules within Title 530, Chapter 15 and are being re-adopted within Title 260. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

#### **AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 62 O.S. §34.70et seq.

#### **COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

#### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

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

N/A

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

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

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

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

#### **CONTACT PERSON:**

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

*[OAR Docket #13-1499; filed 12-20-13]*

### **TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 20. OKLAHOMA STATE EMPLOYEES' DIRECT DEPOSIT [REVOKED]**

*[OAR Docket #13-1500]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Chapter 20. Oklahoma State Employees' Direct Deposit [REVOKED]

#### **SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the rules within Title 530, Chapters 1, 10, 20, 25, Appendix A and B and re-adopted as necessary within Title 260. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

#### **AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. § 840-1.1 et seq and 74 O.S. §292.10.

#### **COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

#### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

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

N/A

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

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

**CONTACT PERSON:**

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

*[OAR Docket #13-1500; filed 12-20-13]*

**TITLE 530. OFFICE OF PERSONNEL  
MANAGEMENT  
CHAPTER 25. STATE EMPLOYEE CHILD  
DAY CARE PROGRAM RULES [REVOKED]**

*[OAR Docket #13-1501]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 25. State Employee Child Day Care Program Rules [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the rules within Title 530, Chapters 1, 10, 20, 25, Appendix A and B and re-adopted as necessary within Title 260. The purpose of the revocation and re-adoption is to consolidate the rules for the Office of Management and Enterprise Services as directed by HB 1477 (2013).

**AUTHORITY:**

The Director of the Office of Management and Enterprise Services: 74 O.S. § 840-1.1 et seq and 74 O.S. §4190 et. seq.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Management and Enterprise Services. Written comments should be addressed to Ms. Lucinda Meltabarger, ATTENTION: Kara I. Smith, Human Capital Management Division, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kara.smith@omes.ok.gov](mailto:kara.smith@omes.ok.gov). The comment period will begin on Friday, January 15, 2014. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 pm Friday, February 28, 2014.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules at 9:30 a.m., Friday, February 28, 2014 at Human Capital Management Division, Jim Thorpe Building, 2101 N. Lincoln, HCM Training Room, Basement Floor, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 15, 2014. Copies may be obtained at the Human Capital Management Division, address and telephone listed above.

**CONTACT PERSON:**

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

*[OAR Docket #13-1501; filed 12-20-13]*

**TITLE 580. DEPARTMENT OF CENTRAL  
SERVICES  
CHAPTER 1. ADMINISTRATIVE  
OPERATIONS [REVOKED]**

*[OAR Docket #13-1502]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

- 580:1-1-1. Purpose [REVOKED]
- 580:1-1-2. Chief administrative officer [REVOKED]
- 580:1-1-3. Availability of records [REVOKED]
- 580:1-1-4. Organization of the Department of Central Services [REVOKED]
- 580:1-1-5. Appeals [REVOKED]
- 580:1-1-6. Petition Requesting Promulgation, amendment or repeal of a rule [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules regarding the administrative operations of the Department of Central Services. Since the Department of Central Services has been consolidated into the Office of Management and Enterprise Services, these rules are no longer necessary.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 9 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available after January 30, 2014.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1502; filed 12-20-13]*

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### TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 10. FACILITIES MANAGEMENT [REVOKED]

*[OAR Docket #13-1503]*

### RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

### PROPOSED RULES:

Chapter 10. Facilities Management [REVOKED]

### SUMMARY:

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

### AUTHORITY:

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### PUBLIC HEARING:

A public hearing has been scheduled for 9:00 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1503; filed 12-20-13]*

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### TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 16. CENTRAL PURCHASING [REVOKED]

*[OAR Docket #13-1504]*

### RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

### PROPOSED RULES:

Chapter 16. Central Purchasing [REVOKED]

### SUMMARY:

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

### AUTHORITY:

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### PUBLIC HEARING:

A public hearing has been scheduled for 3:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1504; filed 12-20-13]*

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**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 20. CONSTRUCTION AND PROPERTIES [REVOKED]**

*[OAR Docket #13-1505]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 20. Construction and Properties [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 9:00 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1505; filed 12-20-13]*

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 25. RISK MANAGEMENT PROGRAM [REVOKED]**

*[OAR Docket #13-1506]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 25. Risk Management Program [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:30 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1506; filed 12-20-13]*

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 35. FLEET MANAGEMENT DIVISION [REVOKED]**

*[OAR Docket #13-1507]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

- 580:35-1-1. General Provisions [REVOKED]
- 580:35-1-2. Vehicle inventory control [REVOKED]
- 580:35-1-3. Vehicle management control [REVOKED]
- 580:35-1-4. Use of state owned vehicles [REVOKED]
- 580:35-1-5. Service and rental rates [REVOKED]
- 580:35-1-6. Daily reservations and monthly assignments [REVOKED]

## Notices of Rulemaking Intent

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580:35-1-7. Gasoline and oil purchases [REVOKED]

580:35-1-8. Wrecker service, on-the-road breakdown and repairs [REVOKED]

580:35-1-9. Other credit and cash purchases [REVOKED]

580:35-1-10. Care and maintenance of vehicles [REVOKED]

### SUMMARY:

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

### AUTHORITY:

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### PUBLIC HEARING:

A public hearing has been scheduled for 1:30 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1507; filed 12-20-13]*

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## TITLE 580. DEPARTMENT OF CENTRAL SERVICES

### CHAPTER 40. ASBESTOS ABATEMENT DIVISION [REVOKED]

*[OAR Docket #13-1508]*

### RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

### PROPOSED RULES:

580:40-1-1. Purpose [REVOKED]

580:40-1-2. Asbestos abatement guidelines [REVOKED]

580:40-1-3. Appeals [REVOKED]

### SUMMARY:

The purpose of this proposed rulemaking action is to revoke the above-referenced rules regarding the former Asbestos Abatement Division of the Department of Central Services. The Department of Central Services (now the Office of Management and Enterprise Service) no longer has authority for an Asbestos Abatement Division and therefore these rules are no longer necessary.

### AUTHORITY:

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### PUBLIC HEARING:

A public hearing has been scheduled for 9 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available after January 30, 2014.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1508; filed 12-20-13]*

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## TITLE 580. DEPARTMENT OF CENTRAL SERVICES

### CHAPTER 45. PLAN OF OPERATION FOR OKLAHOMA STATE AGENCY FOR SURPLUS PROPERTY [REVOKED]

*[OAR Docket #13-1509]*

### RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

### PROPOSED RULES:

Chapter 45. Plan of Operation for Oklahoma State Agency for Surplus Property [REVOKED]

### SUMMARY:

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be

re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 9:00 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1509; filed 12-20-13]*

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 50. RECYCLING [REVOKED]**

*[OAR Docket #13-1510]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

- 580:50-1-1. Purpose [REVOKED]
- 580:50-1-2. Definitions [REVOKED]
- 580:50-1-3. Recyclable materials collection [REVOKED]
- 580:50-1-4. Recycled products procurement [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 9 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available after January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1510; filed 12-20-13]*

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 55. ALTERNATIVE FUELS PROGRAM [REVOKED]**

*[OAR Docket #13-1511]*

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 55. Alternative Fuels Program [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:30 p.m. February 18, 2014 at the offices of the Division of Capital Assets

## Notices of Rulemaking Intent

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Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1511; filed 12-20-13]*

## TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 60. LEASING AND SPACE STANDARDS [REVOKED]

*[OAR Docket #13-1512]*

### RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

### PROPOSED RULES:

Chapter 60. Leasing and Space Standards [REVOKED]

### SUMMARY:

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

### AUTHORITY:

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### PUBLIC HEARING:

A public hearing has been scheduled for 3:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

### CONTACT PERSON:

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

*[OAR Docket #13-1512; filed 12-20-13]*

## TITLE 580. DEPARTMENT OF CENTRAL SERVICES CHAPTER 61. OKLAHOMA STATE GOVERNMENT ASSET REDUCTION AND COST SAVINGS PROGRAM [REVOKED]

*[OAR Docket #13-1513]*

### RULEMAKING ACTION:

Notice of proposed permanent rulemaking.

### PROPOSED RULES:

Chapter 61. Oklahoma State Government Asset Reduction and Cost Savings Program [REVOKED]

### SUMMARY:

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

### AUTHORITY:

62 O.S. §34.6; Director of Office of Management and Enterprise Services

### COMMENT PERIOD:

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

### PUBLIC HEARING:

A public hearing has been scheduled for 3:00 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

This proposed rulemaking action is not intended to impose costs on business entities.

### COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

### RULE IMPACT STATEMENT:

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

[OAR Docket #13-1513; filed 12-20-13]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 65. STATE SURPLUS PROPERTY  
[REVOKED]**

[OAR Docket #13-1514]

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 65. State Surplus Property [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 9:00 a.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

[OAR Docket #13-1514; filed 12-20-13]

**TITLE 580. DEPARTMENT OF CENTRAL SERVICES  
CHAPTER 70. STATE INVENTORY  
[REVOKED]**

[OAR Docket #13-1515]

**RULEMAKING ACTION:**

Notice of proposed permanent rulemaking.

**PROPOSED RULES:**

Chapter 70. State Inventory [REVOKED]

**SUMMARY:**

The purpose of this proposed rulemaking action is to revoke the above-referenced rules from Title 580, as the Department of Central Services has been consolidated into the Office of Management and Enterprise Services. The rules will be re-adopted in Title 260, Office of Management and Enterprise Services.

**AUTHORITY:**

62 O.S. §34.6; Director of Office of Management and Enterprise Services

**COMMENT PERIOD:**

Persons may submit written and oral comments to Kimberlee Williams at [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov) during the period from January 15, 2014 through February 19, 2014.

**PUBLIC HEARING:**

A public hearing has been scheduled for 1:30 p.m. February 18, 2014 at the offices of the Division of Capital Assets Management, 2401 N. Lincoln Blvd, Conference Room 216, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

This proposed rulemaking action is not intended to impose costs on business entities.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained by written request directed to [Kimberlee.Williams@omes.ok.gov](mailto:Kimberlee.Williams@omes.ok.gov).

**RULE IMPACT STATEMENT:**

As required by 75 O.S. §303(D), a rule impact statement will be available beginning January 30, 2014.

**CONTACT PERSON:**

Kimberlee Williams, (405) 522-3615 or [Kimberlee.Williams@omes.gov](mailto:Kimberlee.Williams@omes.gov).

[OAR Docket #13-1515; filed 12-20-13]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS  
CHAPTER 10. LICENSURE REQUIREMENTS**

[OAR Docket #13-1445]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## Notices of Rulemaking Intent

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### PROPOSED RULES:

- 675:10-1-3. Requirements for the Licensed Social Work Associate [AMENDED]
- 675:10-1-5. Title of Licenses [AMENDED]
- 675:10-1-6. Continuing Education [AMENDED]

### SUMMARY:

The proposed amendments to Rule 675: 10-1-3 deletes language and eliminates the requirement of two years of supervised practice for the Bachelor's level license. The proposed amendment to Rule 675: 10-1-5 (c) (d) modifies language for the Licensed Social Worker and Licensed Social Worker-Adm licensure levels, making the language consistent with how the other levels of licensure are defined in the agency rules. The proposed amendments to Rule 675:10-1-6 deletes (a) (3) as continuing education for military personnel and their spouses will be incorporated as part of proposed new Chapter 25 which implements Senate Bill 1863, the Post-Military Service Occupation, Education and Credentialing Act.

### AUTHORITY:

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 14, 2014 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on February 15, 2014 at the office of the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning January 18, 2014.

### CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #13-1445; filed 12-20-13]*

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## TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 12. GUIDELINES FOR SUPERVISION

*[OAR Docket #13-1446]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- 675:12-1-2. Supervision [AMENDED]

### SUMMARY:

The proposed amendments to Rule 675: 12-1-2 deletes language and eliminates the requirement of two years of supervised practice for the Bachelor's level license.

### AUTHORITY:

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 14, 2014 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on February 15, 2014 at the office of the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning January 18, 2014.

### CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #13-1446; filed 12-20-13]*

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**TITLE 675. STATE BOARD OF LICENSED  
SOCIAL WORKERS  
CHAPTER 15. GUIDELINES FOR  
CONTINUING EDUCATION**

*[OAR Docket #13-1447]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 675:15-1-2. Introduction [AMENDED]
- 675:15-1-5. Information to providers of continuing education [AMENDED]

**SUMMARY:**

The proposed amendments to Rule 675:15-1-2 deletes the last sentences of this section as continuing education for military personnel and their spouses will be incorporated as part of Chapter 25 which implements Senate Bill 1863, the Post-Military Service Occupation, Education and Credentialing Act. The proposed amendments to 675:15-1-5 (6) and 675:15-1-5 (6) (c) are spelling corrections.

**AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 14, 2014 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on February 18, 2014 at the office of the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning January 18, 2014.

**CONTACT PERSON:**

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #13-1447; filed 12-20-13]*

**TITLE 675. STATE BOARD OF LICENSED  
SOCIAL WORKERS  
CHAPTER 20. CODE OF PROFESSIONAL  
CONDUCT**

*[OAR Docket #13-1448]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 675:20-1-1. Purpose [AMENDED]

**SUMMARY:**

The proposed amendments to Rule 675:20-1-1 changes language to reflect correct statute citation.

**AUTHORITY:**

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 14, 2014 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on February 18, 2014 at the office of the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning January 18, 2014.

## Notices of Rulemaking Intent

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### CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #13-1448; filed 12-20-13]*

### **TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 25. POST-MILITARY SERVICE OCCUPATION AND CREDENTIALING**

*[OAR Docket #13-1449]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

675:25-1-1. Education, training and experience completed as a member of the Armed Forces of the United States pursuant to 59 O.S. 59 O.S. § 4100.4(A) [NEW]

675:25-1-2. Automatic extension of license, payment of fees and continuing education for active-duty military service members [NEW]

675:25-1-3. Reciprocal licensing of spouses of active-duty members of the Armed Forces of the United States [NEW]

### SUMMARY:

The proposed rules are added as Chapter 25 to implement Senate Bill 1863, the Post-Military Service Occupation, Education and Credentialing Act. Proposed Rule 675:25-1-1 addresses licensure requirements respective to education, training and experience for current, active members of the Armed Forces. Proposed Rule 675:25-1-2 addresses continuing education requirements for active military members who wish to have their license placed on inactive status during active-duty military service, and the requirements for active-duty military members who wish to maintain current licensure. Proposed Rule 675:25-1-3 establishes procedures to expedite endorsement of licensure for spouses of active-duty members of the military.

### AUTHORITY:

Oklahoma State Board of Licensed Social Workers, 59 O.S. § 1256.1(A)(10), 1261.1 and §§ 4100.1 through 4100.8.

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on February 14, 2014 at the following address: James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on February 18, 2014 at the office of the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the

proposed rules. The comments shall be submitted to James Marks, Executive Director, State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Board of Licensed Social Workers, 4545 North Lincoln Boulevard, Suite 162, Oklahoma City, Oklahoma 73105. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma State Board of Licensed Social Workers at the above address beginning January 18, 2014.

### CONTACT PERSON:

James Marks, Executive Director, (405) 521-3712.

*[OAR Docket #13-1449; filed 12-20-13]*

### **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #13-1412]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Public Policy

Part 7. Taxpayer Payments

710:1-3-46 [AMENDED]

### SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Administration Operations rules have been made.

Section 710:1-3-46 has been amended to provide for a revision to the application of involuntary tax payments as a result of the Tax Commission's conversion to OneLink, an integrated tax processing system.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

### AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

### COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 17, 2014**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

### PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are

as follows: **February 18, 2014, 9:30 a.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.tax.ok.gov](http://www.tax.ok.gov).

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2014, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #13-1412; filed 12-19-13]*

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 20. ALCOHOL, MIXED BEVERAGES AND LOW-POINT BEER**

*[OAR Docket #13-1413]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Subchapter 5. Mixed Beverages  
710:20-5-4 [AMENDED]

**SUMMARY:**

Section 710:20-5-4 has been amended to conform with the provisions of Section 1 of Senate Bill 321 [2013] which amended the definition of total gross receipts contained in Section 576 of Title 37 of the Oklahoma Statutes relating to the imposition of mixed beverage gross receipts tax.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. § 203; 37 O.S. § 586

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by **4:30 p.m. February 17, 2014**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **February 18, 2014, at 10:00 a.m.**, in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period,

## Notices of Rulemaking Intent

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in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at [www.tax.ok.gov](http://www.tax.ok.gov).

### RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2014, from the same source listed above for obtaining copies of proposed rules.

### CONTACT PERSON:

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #13-1413; filed 12-19-13]*

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## TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 40. FRANCHISE TAX

*[OAR Docket #13-1414]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

710:40-1-6 [AMENDED]

### SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Franchise Tax rules have been made.

Section 710:40-1-6 has been amended due to the expiration of the moratorium on the franchise tax for July 1, 2010 through July 1, 2013, pursuant to the provisions of SJR 61 (2010). [68:1212.1]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

### AUTHORITY:

68 O.S. § 203; Oklahoma Tax Commission

### COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 17, 2014**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

### PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 18, 2014, 10:30 a.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.tax.ok.gov](http://www.tax.ok.gov).

### RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2014, from the same source listed above for obtaining copies of proposed rules.

### CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #13-1414; filed 12-19-13]*

**TITLE 710. OKLAHOMA TAX  
COMMISSION  
CHAPTER 50. INCOME**

*[OAR Docket #13-1415]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 50. Income [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Income tax rules have been made to implement recent legislation. All legislative references are to the First Regular Session of the 54<sup>th</sup> Legislature (2013) unless otherwise indicated.

Section 710:50-1-5 has been amended to remove language providing for the copying and distribution of taxpayer lists. **[68:205(D)]**

Section 710:50-3-6 has been amended to reflect a change in policy. For tax years 2013 and subsequent tax years, if a resident taxpayer is required or elects to amend an individual Oklahoma income tax return, OTC Form 511 must be used and the appropriate box indicating that the return is an amended return must be marked.

Section 710:50-3-35 has been amended to reflect IRS Revenue Ruling 2013-17.

Section 710:50-3-46 has been amended to reflect legislative changes made in 2010 (House bill 3166, Second Regular Session of the 52<sup>nd</sup> Legislature). **[68:2385]**

Section 710:50-15-30 has been amended to update a statutory citation. **[68:2358(E)(1)(c)]**

Section 710:50-15-75 has been amended to reflect the provisions of House Bill 2308 which repealed the credit for investments in equipment used for recycling, reuse, or source reduction of hazardous waste, effective January 1, 2014. **[27A:2-11-303]**

Section 710:50-15-76 has been amended to implement the provisions of Senate Bill 343, amending the Oklahoma coal credits. **[68:2357.11]**

Section 710:50-15-80 has been revoked to implement the provisions of House Bill 2308, which repealed the income tax credit for wind or photovoltaic systems, effective January 1, 2014. **[68:2357.32]**

Section 710:50-15-81 has been amended to reflect the provisions of House Bill 2005, which amended the Qualified Clean-Burning Motor Vehicle Fuel Property Credit by removing obsolete language regarding qualified electric motor vehicle property and extending the sunset date to December 31, 2019. **[68:2357.22]**

Section 710:50-15-91 has been amended to reflect the provisions of House Bill 2308 which repealed the credit for employers providing child care services, effective January 1, 2014. **[68:2357.26]**

Section 710:50-15-97 has been amended to reflect the provisions of House Bill 1248, which repealed the income tax credit for breeders of specially trained canines. **[68:2357.203]**

Section 710:50-15-99 has been amended to reflect the provisions of House Bill 2308 which repealed the credit for cost of purchase of a dry fire hydrant, effective January 1, 2014. **[68:2357.102]**

Section 710:50-15-105 has been amended to reflect the provisions of House Bill 2308 which repealed the credit for research and development, effective January 1, 2014. **[68:54006]**

Section 710:50-15-112 has been amended to reflect the provisions of House Bill 2308 which repealed the credit for electric motor vehicle manufacturers, effective January 1, 2014. **[68:2357.402]**

Section 710:50-17-51 has been amended to reflect the provisions of Senate Bill 166 which removed the net income limiter for the allowance of percentage depletion in computing Oklahoma taxable income for non-major oil companies effective for tax year 2014. **[68:2353]**

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

**AUTHORITY:**

68 O.S. §§ 203; 2357.11; 2357.22; 2368; Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by **4:30 p.m., February 17, 2014**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 18, 2014, 2:00 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

## Notices of Rulemaking Intent

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### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.tax.ok.gov](http://www.tax.ok.gov).

### RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2014, from the same source listed above for obtaining copies of proposed rules.

### CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #13-1415; filed 12-19-13]*

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## TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

*[OAR Docket #13-1416]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

Chapter 60. Motor Vehicles [AMENDED]

### SUMMARY:

As part of the Commission's ongoing review of its rules, proposed amendments to the existing Motor Vehicle rules have been made. All legislative references are to the First Regular Session of the 54<sup>th</sup> Legislature (2013) unless otherwise indicated.

Section 710:60-3-22 has been amended to clarify policy regarding certain charitable organizations which are exempt from registering with the Secretary of State's office and their entitlement to accept and assign ownership of donated vehicles. [47:1107, 1115; 18:552.3]

Section 710:60-3-23 has been amended to reflect the provisions of Senate Bill 330 which provides a credit towards the Oklahoma registration fee of a vehicle which is a replacement for a properly registered vehicle destroyed

by a tornado in 2013 for which a Presidential Major Disaster Declaration was issued. [47:1132.3]

New Section 710:60-3-57 has been added to reflect the provisions of Senate Bill 925 regarding licensing of powersports vehicle dealers. [47:562, 564]

Section 710:60-3-97 has been amended to reflect the provisions of Senate Bill 924 which adds the definition of "construction machinery" to the Oklahoma Vehicle License and Registration Act, and requires construction machinery to be registered. [47:1102, 1133]

Section 710:60-5-53 has been amended to assist insurance companies in establishing a procedure for recording their ownership of an unrecovered theft vehicle for which the Oklahoma title has previously been placed on hold pending completion of a serial inspection.

Section 710:60-7-3 has been amended to reflect the provisions of Senate Bill 678 which provides for an excise tax exemption for a repossessed vehicle which is transferred back to the former owner. [68:2105]

Section 710:60-7-5 has been amended to correct a scrivener's error.

Section 710:60-7-8 has been amended to reflect the provisions of Senate Bill 330 which provides a credit with respect to the excise tax due on a vehicle which is a replacement for a vehicle destroyed by a tornado in 2013 for which a Presidential Major Disaster Declaration was issued and on which excise tax had been paid on or after January 1, 2012. [68:2103.1]

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and insure accurate internal cross-references.

### AUTHORITY:

47 O.S. §§ 1140, 1149 and 1151; 68 O.S. § 203; Oklahoma Tax Commission

### COMMENT PERIOD:

Persons wishing to make written submissions may do so by **4:30 p.m., February 17, 2014**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

### PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 19, 2014, 10:00 a.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room,

attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.tax.ok.gov](http://www.tax.ok.gov).

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2014, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #13-1416; filed 12-19-13]*

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 65. SALES AND USE TAX**

*[OAR Docket #13-1417]*

**RULEMAKING ACTION:**

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

Chapter 65. Sales and Use Tax [AMENDED]

**SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Sales Tax rules have been made to implement recent legislation. All legislative references are to the First Regular Session of the 54<sup>th</sup> Legislature (2013) unless otherwise indicated.

Section 710:65-3-4 has been amended to update and delete obsolete language.

Section 710:65-9-8 has been amended consistent with the provisions of House Bill 1039 [2013] which modifies the definition of "special event" found in 68 O.S. § 1364.2(K)(2) to exclude registered farmers markets.

Sections 710:65-9-10, 710:65-13-170 and 710:65-13-173 have been amended to implement House Bill 1399 [2013] which allows certain healthcare providers to obtain a direct payment permit to make sales/use tax payments directly to the Tax Commission on items used in Oklahoma in a taxable manner. **[68:1364.1]**

Section 710:65-9-10 has also been amended to reflect the provisions of Section 1 of Senate Bill 1465 [2012] which provides that sales made to direct payment permit holders of tangible personal property intended solely for use in other states, but which is stored in Oklahoma pending shipment to other states or which is temporarily retained in Oklahoma for the purpose of fabrication, repair, testing, alteration, maintenance, or other service are not subject to Oklahoma sales tax. **[68:1364.1]**

Section 710:65-13-154 has been amended to update rule references consistent with governing statutory authority. **[68:3607]**

Section 710:65-13-172 has been amended to conform to legislative changes made in Section 3 of House Bill 1104 to correct an out-of-date U.S. Code reference relating to the sales tax exemption afforded certain health centers. **[68:1356(22)]**

Other sections may be amended to clarify policy, improve readability, correct scrivener's errors, remove obsolete language, update statutory citation, and ensure accurate internal cross-references.

**AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. § 203

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by **4:30 p.m. February 17, 2014**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 19, 2014 at 2:00 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

## Notices of Rulemaking Intent

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Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

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

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

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

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at [www.tax.ok.gov](http://www.tax.ok.gov)

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2014, from the same source listed above for obtaining copies of proposed rules.

### **CONTACT PERSON:**

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: [lhaws@tax.ok.gov](mailto:lhaws@tax.ok.gov)

*[OAR Docket #13-1417; filed 12-19-13]*

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## **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING**

*[OAR Docket #13-1418]*

### **RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

### **PROPOSED RULES:**

Chapter 90. Withholding [AMENDED]

### **SUMMARY:**

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing withholding rules have been made to implement recent legislation.

Section 710:90-1-3 has been amended to update a statutory citation.

Proposed amendments to Subchapter 3, "*Returns and Payments*" have been made to implement the provisions of House Bill 2576 [2012] which modified certain withholding tax remitters reporting requirements and changed the date late payment penalty is imposed for wage, royalty and pass through withholding. [68:2385.3, 2385.6, 2385.28, 2385.31]

### **AUTHORITY:**

68 O.S. § 203, Oklahoma Tax Commission

### **COMMENT PERIOD:**

Persons wishing to make written submissions may do so by **4:30 p.m., February 17, 2014**, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

### **PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing are as follows: **February 18, 2014, 1:30 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133.

In order to facilitate entry into the building, those wishing to appear should contact Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is completed.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

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

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

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

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at [www.tax.ok.gov](http://www.tax.ok.gov).

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2014, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #13-1418; filed 12-19-13]

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY**

[OAR Docket #13-1419]

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 95. Miscellaneous Areas of Regulatory and Administrative Authority [AMENDED]

**SUMMARY:**

Section 710:95-4-4 has been amended to update a statutory citation.

Section 710:95-19-5 has been updated to implement the provisions of Senate Bill 1436 [2012] which provided that upon certification by the State Election Board of the approval by the people of Oklahoma of the provisions of Enrolled Senate Joint Resolution No. 52 of the 2nd Session of the 53rd Oklahoma Legislature, the Oklahoma Business Activity Tax Code expired for tax years beginning after December 31, 2012. [68:1228]

Subchapter 21 has been amended to reflect the changes made to the Quality Event Incentive Act, 68 O.S. §§ 4301 et seq., pursuant to the adoption by the Oklahoma Legislature of SB 976 [2013] effective August 23, 2013.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and ensure accurate internal cross-references.

**AUTHORITY:**

Oklahoma Tax Commission; 68 O.S. §§ 203 & 4309

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by **4:30 p.m. February 17, 2014**, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Emmily Hood at (405) 521-3133

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, date and place of the hearing is as follows: **February 19, 2014 at 1:30 p.m.** in the 4<sup>th</sup> floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact

Emmily Hood at (405) 521-3133 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4<sup>th</sup> floor hearing room, attendees must register at the information desk in the lobby by presenting a driver license or other photo identification. A name badge and floor access card will be issued once registration is complete.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that any business entity affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be reviewed online at [www.tax.ok.gov](http://www.tax.ok.gov)

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2014, from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

Lisa Haws, Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #13-1419; filed 12-19-13]

**TITLE 748. UNIFORM BUILDING CODE COMMISSION  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #13-1451]

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

**PROPOSED RULES:**

748:1-1-1. Organization [AMENDED]

**SUMMARY:**

The proposed rule amendment is to allow requested copies of the organizational chart to be provided by the Chief Executive Officer instead of the Chairman.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

This rule is being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

### **COMMENT PERIOD:**

Written and oral comments will be accepted beginning Thursday, January 16, 2014 and will be accepted through Friday, February 14, 2014, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission (the "Commission"). Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

### **PUBLIC HEARING:**

A public hearing on this proposed rule will be held at 1:30 p.m. on Tuesday, February 18, 2014, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

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

The Oklahoma Uniform Building Code Commission requests that business entities affected by this proposed rule provide the Commission, 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 report, 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 Kathy Hehnly at the above address, before the close of the comment period on Friday, February 14, 2014.

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

Copies of the proposed rule may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Friday, February 14, 2014. The proposed rule can be found on the Oklahoma Uniform Building Code Commission website at: [http://www.ok.gov/oubcc/Codes\\_&\\_Rules/Proposed\\_Rules/index.html](http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html)

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address

### **CONTACT PERSONS:**

Billy Pope, Chief Executive Officer 405.521-6501  
Kathy Hehnly, Commission Secretary 405.521-6506

*[OAR Docket #13-1451; filed 12-20-13]*

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## **TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 3. GENERAL PROVISIONS**

*[OAR Docket #13-1452]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

748:3-1-2. Definitions [AMENDED]

### **SUMMARY:**

The proposed rule amendments make permanent certain rules to conform with the amendments to 59 O.S. 2011 § 1000.25 adopted by the Fifty-Third Legislature, 2012 Second Regular Session, effective November 1, 2012, by deleting the definition of a "Hardship Waiver of Late Fees". The proposed rule amendment modifies the definition of a "Building Permit" by removing the words "or verbal" as a type of building permit issued.

### **AUTHORITY:**

These rules are being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

### **COMMENT PERIOD:**

Written and oral comments will be accepted beginning Thursday, January 16, 2014 and will be accepted through Friday, February 14, 2014, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission (the "Commission"). Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

### **PUBLIC HEARING:**

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, February 18, 2014, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

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

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Commission, 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 report, 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 Kathy Hehnly at the above address, before the close of the comment period on Friday, February 14, 2014.

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

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK

73107, before the close of the comment period on Friday, February 14, 2014. The proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: [http://www.ok.gov/oubcc/Codes\\_&\\_Rules/Proposed\\_Rules/index.html](http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html)

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address.

**CONTACT PERSONS:**

Billy Pope, Chief Executive Officer 405.521-6501  
Kathy Hehnly, Commission Secretary 405.521-6506

*[OAR Docket #13-1452; filed 12-20-13]*

**TITLE 748. UNIFORM BUILDING CODE COMMISSION  
CHAPTER 5. FEES AND COLLECTION OF FEES**

*Docket #13-1453]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. Fees
- 748:5-1-1. Fee for initial permit and permit renewal [AMENDED]
- Subchapter 3. Collection and Late Fee Assessment
- 748:5-3-1. Late Fee Assessment [AMENDED]

**SUMMARY:**

The proposed rule amendments change the language in 748:5-1-1 to remove the reference to the initial point at which the Oklahoma Uniform Building Code Commission (the "Commission"), would start collecting fees and to remove the reference to a specific dollar amount to be charged so long as that amount does not exceed the amount allowed by statute. Further: 748:5-3-1 has been amended to conform the late fee assessment requirements of the Commission to those adopted by the Fifty-Third Legislature, Second Regular Session in its amendments to 59 O.S. 2011, § 1000.25 effective November 1, 2012.

**AUTHORITY:**

These rules are being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

**COMMENT PERIOD:**

Written and oral comments will be accepted beginning Thursday, January 16, 2014 and will be accepted through Friday, February 14, 2014, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, February 18, 2014, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Commission, 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 report, 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 Kathy Hehnly at the above address, before the close of the comment period on Friday, February 14, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Friday, February 14, 2014. Proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: [http://www.ok.gov/oubcc/Codes\\_&\\_Rules/Proposed\\_Rules/index.html](http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html)

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address

**CONTACT PERSONS:**

Billy Pope, Chief Executive Officer 405.521-6501  
Kathy Hehnly, Commission Secretary 405.521-6506

*[OAR Docket #13-1453; filed 12-20-13]*

**TITLE 748. UNIFORM BUILDING CODE COMMISSION  
CHAPTER 7. COMMISSION COMMITTEES**

*[OAR Docket #13-1454]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Standing Committees [AMENDED]
- 748:7-5-1 Standing committees [AMENDED]
- Subchapter 7. Technical Committees [AMENDED]
- 748:7-7-1. Specific purpose [AMENDED]
- 748:7-7-3. Technical committee composition [AMENDED]
- 748:7-7-4. Member selection [AMENDED]

## Notices of Rulemaking Intent

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### **SUMMARY:**

The proposed rule amendments add language to 748:7-5-1 to require the Chairman of the Oklahoma Uniform Building Code Commission (the "Commission"), review standing committee appointments annually; add language 748:7-7-1 to clarify that technical committees recommend amendments, modifications or improvements to specific codes, as well as recommend adoption of codes to the Commission; add language to 748:7-7-3 requiring office staff provide clerical/secretarial support to the technical committees; and add language to section 748:7-7-4 to allow the Vice-Chairman of the Commission to assign a designee to help with receipt of requests to serve and member selection to the technical committees.

### **AUTHORITY:**

These rules are being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

### **COMMENT PERIOD:**

Written and oral comments will be accepted beginning Thursday, January 16, 2014 and will be accepted through Friday, February 14, 2014, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

### **PUBLIC HEARING:**

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, February 18, 2014, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

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

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Commission, 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 report, 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 Kathy Hehnly at the above address, before the close of the comment period on Friday, February 14, 2014.

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

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Friday, February 14, 2014. Proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: [http://www.ok.gov/oubcc/Codes\\_&\\_Rules/Proposed\\_Rules/index.html](http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html)

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address

### **CONTACT PERSONS:**

Billy Pope, Chief Executive Officer 405.521-6501  
Kathy Hehnly, Commission Secretary 405.521-6506

*[OAR Docket #13-1454; filed 12-20-13]*

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## **TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 10. CODE ADOPTION PROCEDURES**

*[OAR Docket #13-1455]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

748:10-1-2. Public input to technical committees  
[AMENDED]

### **SUMMARY:**

The proposed rule amendment adds language to allow the Oklahoma Uniform Building Code Commission (the "Commission") staff to determine the number of public meetings that shall be called for technical committees, as well as establish to the extent possible that all technical committee meetings will be held at the offices of the Commission and when not possible allow for meetings at a different location upon approval of the Chairman.

### **AUTHORITY:**

This rule is being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

### **COMMENT PERIOD:**

Written and oral comments will be accepted beginning Thursday, January 16, 2014 and will be accepted through Friday, February 14, 2014, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission. Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

### **PUBLIC HEARING:**

A public hearing on this proposed rule will be held at 1:30 p.m. on Tuesday, February 18, 2014, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

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

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Commission, 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 report, 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 Kathy Hehnlly at the above address, before the close of the comment period on Friday, February 14, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Friday, February 14, 2014. The proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: [http://www.ok.gov/oubcc/Codes\\_&\\_Rules/Proposed\\_Rules/index.html](http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html)

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address

**CONTACT PERSONS:**

Billy Pope, Chief Executive Officer 405.521-6501  
Kathy Hehnlly, Commission Secretary 405.521-6506

*[OAR Docket #13-1455; filed 12-20-13]*

**TITLE 748. UNIFORM BUILDING CODE COMMISSION  
CHAPTER 15. CODE ADOPTED BY STATE AGENCIES AND POLITICAL SUBDIVISIONS**

*[OAR Docket #13-1456]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

748:15-1-1. Codes which may be adopted [AMENDED]

**SUMMARY:**

The proposed rule amendment adds language requesting state agencies and political subdivisions to submit code adoption notifications to the Oklahoma Uniform Building Code Commission (the "Commission") annually to fulfill the statutory obligation of the Commission in 59 O.S. § 1000.24(6).

**AUTHORITY:**

This rule is being promulgated under the authority of 59 O.S. § 1000.24.; Uniform Building Code Commission

**COMMENT PERIOD:**

Written and oral comments will be accepted beginning Thursday, January 16, 2014 and will be accepted through Friday, February 14, 2014, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission.

Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

**PUBLIC HEARING:**

A public hearing on this proposed rule will be held at 1:30 p.m. on Tuesday, February 18, 2014, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Uniform Building Code Commission requests that business entities affected by this proposed rule provide the Commission, 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 report, 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 Kathy Hehnlly at the above address, before the close of the comment period on Friday, February 14, 2014.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rule may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Friday, February 14, 2014. The proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: [http://www.ok.gov/oubcc/Codes\\_&\\_Rules/Proposed\\_Rules/index.html](http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html)

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address

**CONTACT PERSONS:**

Billy Pope, Chief Executive Officer 405.521-6501  
Kathy Hehnlly, Commission Secretary 405.521-6506

*[OAR Docket #13-1456; filed 12-20-13]*

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

*[OAR Docket #13-1457]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 9. NEC® 2011 Edition

## Notices of Rulemaking Intent

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748:20-9-7. NEC® 2011 Chapter 5 Special Occupancies [NEW]

Subchapter 11. IFGC® 2009

748:20-11-10. IFGC® 2009 Chapter 8 Referenced Standards [NEW]

Subchapter 13. IMC® 2009

748:20-13-11. IMC® 2009 Chapter 15 Referenced Standards [NEW]

Subchapter 15. IPC® 2009

748:20-15-17. IPC® 2009 Chapter 13 Referenced Standards [NEW]

### SUMMARY:

748:20-9-7 sets forth the Commission's adoption of further Oklahoma modifications to the provisions of the NEC® 2011.

748:20-11-10 set forth the Commission's adoption of further Oklahoma modifications to the provisions of the IFGC® 2009.

748:20-13-11 set forth the Commission's adoption of further Oklahoma modifications to the provisions of the IMC® 2009.

748:20-15-17 set forth the Commission's adoption of further Oklahoma modifications to the provisions of the IPC® 2009.

### AUTHORITY:

These rules are being promulgated under the authority of 59 O.S. § 1000.23 and 1000.24.; Uniform Building Code Commission

### COMMENT PERIOD:

Written and oral comments will be accepted beginning Thursday, January 16, 2014 and will be accepted through Friday, February 14, 2014, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission (the "Commission"). Written comments may be hand delivered to the Commission at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 700007, Oklahoma City, OK 73107.

### PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, February 18, 2014, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the Commission, 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 report, 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 Kathy Hehnlly at the above address, before the close of the comment period on Friday, February 14, 2014.

### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on February 14, 2014. Proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: [http://www.ok.gov/oubcc/Codes\\_&\\_Rules/Proposed\\_Rules/index.html](http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html)

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address

### CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501

Kathy Hehnlly, Commission Secretary 405.521-6506

*[OAR Docket #13-1457; filed 12-20-13]*

## TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #13-1518]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Open Records Act

770:1-5-2 [AMENDED]

Subchapter 7. Quality Workforce for Oklahoma's Heroes [NEW]

770:1-7-1. Eligibility [NEW]

770:1-7-2. Qualification and application procedures [NEW]

770:1-7-3. Benefits [NEW]

770:1-7-4. Conditions for receipt of benefits [NEW]

770:1-7-5. Standards [NEW]

770:1-7-6. Eligible Institutions [NEW]

770:1-7-7. Other [NEW]

### SUMMARY:

Proposed rule revisions to Subchapter 5 replace the Emergency Rule approved by the Governor on June 13, 2013. The revisions clean up statutory references, clean up references to the Open records Act by deleting language restating statutory language of all exemptions to the Open Records Act and references to specific Oklahoma Department of Veterans Affairs forms, replacing it with a general reference to the exemptions contained in the Open Records Act.

The proposed new Subchapter 7 replaces Emergency Rules approved by the Governor on December 3, 2013. This new subchapter implements The Quality Workforce for Oklahoma's Heroes Act (74 O.S. §§ 1735 *et seq.*), which authorizes the Oklahoma Department of Veterans Affairs to establish education and training programs for positions critical

to the quality care of veterans residing within Department institutions. These rules implement the requirements of the Act by establishing the standards for the eligibility of employees, qualification and application procedures, benefits, conditions to receive benefits, standards for continued receipt of benefits, and eligible institutions.

**AUTHORITY:**

Oklahoma Open Records Act, 51 O.S. §§ 24A.10, 24A.11, 24A.14; The Privacy Act of 1974 (PL 93-579); 38 U.S.C. §§ 3301, 3302; Veterans Administration Regulations 500-527; 74 O.S. §§ 1735 *et seq.*, the Quality Workforce for Oklahoma's Heroes Act.

**COMMENT PERIOD:**

Persons wishing to present their comments orally or in writing may do so before 4:30 p.m. on February 15, 2014, at the office of the Executive Director, Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105; P. O. Box 53067, Oklahoma City, OK 73152.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Monday, February 18, 2014, at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period at 4:30 p.m. on February 15, 2014, and at the public hearing on February 18, 2014, at the Oklahoma Department of Veterans Affairs, at the above address.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105, before the close of comment period on February 15, 2014. The proposed rules will also be available on the ODVA website, <http://www.ok.gov/odva>.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be available on and after publication of this notice on January 15, 2014, at the same location listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Tamara Hodge, Human Resource Program Manager, 405-522-2212, [thodge@odva.state.ok.us](mailto:thodge@odva.state.ok.us).

*[OAR Docket #13-1518; filed 12-23-13]*

**TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS  
CHAPTER 10. CENTER DIVISION  
PROGRAM**

*[OAR Docket #13-1519]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Maintenance Charges, Patient Funds and Assets
  - 770:10-3-1. Care and maintenance charges [AMENDED]
- Subchapter 5. Resident Rights and Responsibilities [NEW]
  - 770:10-5-1. Purpose [NEW]
  - 770:10-5-2. Residents' Rights and Responsibilities [NEW]
  - 770:10-5-3. Involuntary Transfer or Discharge of Resident - Grounds [NEW]
  - 770:10-5-4. Appeal Process for Residents Objecting to Discharge [NEW]
  - 770:10-5-5. Room Relocation [NEW]
  - 770:10-5-6. Complaints [NEW]
  - 770:10-5-7. Complaints to the Central Office of the Oklahoma Department of Veterans Affairs [NEW]

**SUMMARY:**

Proposed revisions to Subchapter 3 bring language relating to income in compliance with statutes and clarify definition of personal income, and basis for computing care and maintenance charges; remove references to specific forms; amend the appeal process to include appeal to an independent Administrative Hearing Officer; increase the amount patients can maintain in personal funds in special accounts maintained by the Oklahoma Veterans Centers; and removes references to domiciliary services, which are no longer offered.

The proposed new Subchapter 5 provides resident rights and responsibilities; reasons for involuntary transfers or discharges; the appeal process to an independent Administrative Hearing Officer; and the complaint procedures.

**AUTHORITY:**

War Veterans Commission; 72 O.S. §§ 63.1, 63.3, 63.5, 202, 222, 223, 225; and Title 38, Part 51 of the Code of Federal Regulations.

**COMMENT PERIOD:**

Persons wishing to present their comments orally or in writing may do so before 4:30 p.m. on February 15, 2014, at the office of the Executive Director, Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105; P. O. Box 53067, Oklahoma City, OK 73152.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Monday, February 18, 2014, at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period at 4:30 p.m. on February 15, 2014, and at the public hearing on February 18, 2014, at the Oklahoma Department of Veterans Affairs, at the above address.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105, before the close of comment period on February 15, 2014. The proposed rules will also be available on the ODVA website, <http://www.ok.gov/odva>.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be available on and after publication of this notice on January 15, 2014, at the same location listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

Tamara Hodge, Human Resource Program Manager, 405-522-2212, [thodge@odva.state.ok.us](mailto:thodge@odva.state.ok.us).

*[OAR Docket #13-1519; filed 12-23-13]*

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

*[OAR Docket #13-1411]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

777:1-1-9. Individual proceedings [NEW]

### SUMMARY:

The proposed new rule sets forth procedural rules for individual proceedings conducted in accordance with the provisions of the Administrative Procedures Act by the new Statewide Virtual Charter School Board established pursuant to 70 O.S. §3-145.1.

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; 75 O.S. §§ 302; 305-323.

### COMMENT PERIOD:

Written comments on the proposed rules will be accepted from January 15, 2014 until 4:30 p.m., February 19, 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 February 19, 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 #13-1411; filed 12-19-13]*

# Submissions for Review

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

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

## **TITLE 10. OKLAHOMA ACCOUNTANCY BOARD CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #13-1461]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

10:1-1-4.1. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

December 20, 2013

### **SUBMITTED TO HOUSE:**

December 20, 2013

### **SUBMITTED TO SENATE:**

December 20, 2013

*[OAR Docket #13-1461; filed 12-20-13]*

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

*[OAR Docket #13-1462]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 24. Return of Certificate or License

10:15-24-1. [AMENDED]

Subchapter 27. Fees

10:15-27-9.1. [REVOKED]

Subchapter 33. Peer Review

10:15-33-2. [AMENDED]

10:15-33-5. [AMENDED]

10:15-33-6. [AMENDED]

10:15-33-7. [AMENDED]

Subchapter 35. Reinstatement

10:15-35-1. [AMENDED]

Subchapter 43. ~~Audits~~ Attest Engagements Performed in accordance with Government Auditing Standards [AMENDED]

10:15-43-1. [AMENDED]

10:15-43-4. [AMENDED]

10:15-43-7. [AMENDED]

### **SUBMITTED TO GOVERNOR:**

December 20, 2013

### **SUBMITTED TO HOUSE:**

December 20, 2013

### **SUBMITTED TO SENATE:**

December 20, 2013

*[OAR Docket #13-1462; filed 12-20-13]*

## **TITLE 165. CORPORATION COMMISSION CHAPTER 32. RAILROADS**

*[OAR Docket #13-1463]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

Subchapter 1. General Provisions

165:32-1-6. Timetables and trackcharts [AMENDED]

Subchapter 3. Railroad Crossing Signal System Safety

165:32-3-1. Incorporation of federal regulations [REVOKED]

165:32-3-2. General provisions [AMENDED]

165:32-3-3. Changes in existing crossing warning devices [AMENDED]

165:32-3-6. Notice [AMENDED]

Subchapter 5. Track Clearances

165:32-5-1. Definitions [AMENDED]

165:32-5-3. Incorporation of ~~AREA~~AREMA Manual provisions [AMENDED]

165:32-5-5. Bridges [REVOKED]

Subchapter 7. Railroad Workplace Safety [REVOKED]

165:32-7-1. Scope; incorporation by reference [REVOKED]

Subchapter 9. Track Safety Standards [REVOKED]

165:32-9-1. Scope; incorporation by reference [REVOKED]

165:32-9-2. Exemptions [REVOKED]

### **SUBMITTED TO GOVERNOR:**

December 20, 2013

### **SUBMITTED TO HOUSE:**

December 20, 2013

### **SUBMITTED TO SENATE:**

December 20, 2013

*[OAR Docket #13-1463; filed 12-20-13]*

## Submissions for Review

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

*[OAR Docket #13-1420]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 13. Student Assessment

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

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1420; filed 12-20-13]*

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

*[OAR Docket #13-1421]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 13. Student Assessment

210:10-13-22. Implementation of a System of School Improvement and Accountability [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1421; filed 12-20-13]*

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

*[OAR Docket #13-1425]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 1. General Provisions

210:10-1-20. Implementation of policies prohibiting harassment, intimidation, and bullying [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1425; filed 12-20-13]*

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

*[OAR Docket #13-1426]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 13. Student Assessment

210:10-13-2. Oklahoma School Testing Program (OSTP) scope and general administration [AMENDED]

210:10-13-11. Testing students with disabilities [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1426; filed 12-20-13]*

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

*[OAR Docket #13-1427]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 13. Student Assessment

210:10-13-4. Test security and validity [AMENDED]

210:10-13-18. Oklahoma School Accountability System [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1427; filed 12-20-13]*

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

*[OAR Docket #13-1422]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 27. Reading Sufficiency Act
- 210:15-27-2. Good cause exemptions for promotion under the Reading Sufficiency Act [AMENDED]
- 210:15-27-3. Standards for mid-year promotion of retained third graders [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1422; filed 12-20-13]*

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

*[OAR Docket #13-1423]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 34. Supplemental Online Course Procedures
- 210:15-34-1. General provisions [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1423; filed 12-20-13]*

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

*[OAR Docket #13-1428]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 3. Priority Academic Student Skills
- Part 13. The Arts
- 210:15-3-114. Overview [AMENDED]
- 210:15-3-114.1. Definitions for visual art [AMENDED]
- 210:15-3-114.2. Definitions for music [AMENDED]
- 210:15-3-115. The arts for grade 1 [AMENDED]
- 210:15-3-116. The arts for grade 2 [AMENDED]
- 210:15-3-117. The arts for grade 3 [AMENDED]
- 210:15-3-118. The arts for grade 4 [AMENDED]
- 210:15-3-119. The arts for grade 5 [AMENDED]
- 210:15-3-120. The arts for grade 6 [AMENDED]
- 210:15-3-121. The arts for grade 7 [AMENDED]
- 210:15-3-122. The arts for grade 8 [AMENDED]
- 210:15-3-123. The arts for high school [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1428; filed 12-20-13]*

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

*[OAR Docket #13-1429]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 23. School Board Members
- 210:20-23-3. Requirements for new school board member training [AMENDED]
- 210:20-23-4. Requirements for continuing education; certificates; costs [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 19, 2013

**SUBMITTED TO HOUSE:**

December 19, 2013

**SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1429; filed 12-20-13]*

## Submissions for Review

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### **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 30. SCHOOL FACILITIES AND TRANSPORTATION**

*[OAR Docket #13-1424]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 5. Transportation

210:30-5-8. School bus driver certification [NEW]

#### **SUBMITTED TO GOVERNOR:**

December 19, 2013

#### **SUBMITTED TO HOUSE:**

December 19, 2013

#### **SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1424; filed 12-20-13]*

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

*[OAR Docket #13-1430]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 3. Standards for Elementary, Middle Level,  
Secondary, and Career and Technology Schools

Part 19. Standard X: School Facilities

210:35-3-186. Site and buildings: size and space;  
accessibility; maintenance; health and safety  
[AMENDED]

#### **SUBMITTED TO GOVERNOR:**

December 19, 2013

#### **SUBMITTED TO HOUSE:**

December 19, 2013

#### **SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1430; filed 12-20-13]*

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

*[OAR Docket #13-1431]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 9. Additional Standards for Secondary Schools  
Part 7. Standard IV: Curriculum, Instruction, Assessment  
and Climate

210:35-9-31. Program of studies and graduation  
requirements [AMENDED]

#### **SUBMITTED TO GOVERNOR:**

December 19, 2013

#### **SUBMITTED TO HOUSE:**

December 19, 2013

#### **SUBMITTED TO SENATE:**

December 19, 2013

*[OAR Docket #13-1431; filed 12-20-13]*

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

*[OAR Docket #13-1545]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 1. Function and Structure of the Office of  
Juvenile Affairs

377:1-1-11. Executive Director [AMENDED]

#### **SUBMITTED TO GOVERNOR:**

December 23, 2013

#### **SUBMITTED TO HOUSE:**

December 23, 2013

#### **SUBMITTED TO SENATE:**

December 23, 2013

*[OAR Docket #13-1545; filed 12-23-13]*

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

*[OAR Docket #13-1546]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 1. Office of the Executive Director
- Part 3. Office of the Advocate General
- 377:3-1-20. Legal base and authority [AMENDED]
- 377:3-1-21. Definitions [AMENDED]
- 377:3-1-25. Abuse, neglect, and caretaker misconduct of a child in OJA custody and placed in a secure facility or other facility operated by or through contract with OJA [AMENDED]
- 377:3-1-27. OJA grievance policy [AMENDED]
- 377:3-1-28. General Grievance Procedure [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 23, 2013

**SUBMITTED TO HOUSE:**

December 23, 2013

**SUBMITTED TO SENATE:**

December 23, 2013

*[OAR Docket #13-1546; filed 12-23-13]*

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

*[OAR Docket #13-1547]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 1. Office of the Executive Director
- Part 3. Office of the Advocate General
- 377:3-1-30. Grievance procedures for institutions, group homes, and contract facilities [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 23, 2013

**SUBMITTED TO HOUSE:**

December 23, 2013

**SUBMITTED TO SENATE:**

December 23, 2013

*[OAR Docket #13-1547; filed 12-23-13]*

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

*[OAR Docket #13-1544]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 7. Contract Programs and Services
- Part 1. General Provisions and Foster Care

- 377:10-7-1. Legal Authority and Purpose [AMENDED]
- 377:10-7-2. General provisions [REVOKED]
- 377:10-7-2.1. Definitions [NEW]
- 377:10-7-3. Foster ~~Care~~Home Licensing [AMENDED]
- 377:10-7-3.1. Foster Home Study [NEW]
- 377:10-7-3.2. Criminal History Records Searches and Disqualifying Crimes [NEW]
- 377:10-7-3.3. Foster Home Physical Requirements [NEW]
- 377:10-7-3.4. General Foster Parent Qualifications [NEW]
- 377:10-7-3.5. Foster Parent Responsibility [NEW]
- 377:10-7-3.6. OJA Responsibility [NEW]
- 377:10-7-3.7. Foster Home Contract [NEW]
- 377:10-7-3.8. Informal and Alternate Care Arrangements [NEW]
- 377:10-7-3.9. Discipline and Behavior Management Requirements [NEW]
- 377:10-7-3.10. Applicable Records [NEW]
- 377:10-7-3.11. Applicable Rights [NEW]
- 377:10-7-3.12. Foster Parent Grievance Procedure [NEW]
- 377:10-7-4. Therapeutic Foster Care [AMENDED]
- 377:10-7-5. Specialized community home[AMENDED]
- 377:10-7-7. Kinship foster care[AMENDED]

**SUBMITTED TO GOVERNOR:**

December 23, 2013

**SUBMITTED TO HOUSE:**

December 23, 2013

**SUBMITTED TO SENATE:**

December 23, 2013

*[OAR Docket #13-1544; filed 12-23-13]*

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

*[OAR Docket #13-1548]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 1. General Provisions
- 377:10-1-4. Use of physical force and/or mechanical restraints [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 23, 2013

**SUBMITTED TO HOUSE:**

December 23, 2013

**SUBMITTED TO SENATE:**

December 23, 2013

*[OAR Docket #13-1548; filed 12-23-13]*

## Submissions for Review

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

*[OAR Docket #13-1549]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 5. Agreements Between States for Placement and Transfer of Juveniles

377:10-5-1. Purpose [AMENDED]

377:10-5-2. Legal authority [AMENDED]

377:10-5-4. Interstate Compact on the Placement of Children [AMENDED]

377:10-5-5. Compact Administrator [NEW]

#### **SUBMITTED TO GOVERNOR:**

December 23, 2013

#### **SUBMITTED TO HOUSE:**

December 23, 2013

#### **SUBMITTED TO SENATE:**

December 23, 2013

*[OAR Docket #13-1549; filed 12-23-13]*

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### **TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #13-1405]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **PROPOSED RULES:**

Subchapter 7. Fees and Deposits

490:1-7-1. Fees and deposits [AMENDED]

490:1-7-2. Schedule of fees [AMENDED]

#### **SUBMITTED TO THE GOVERNOR:**

November 27, 2013

#### **SUBMITTED TO THE HOUSE:**

November 27, 2013

#### **SUBMITTED TO THE SENATE:**

November 27, 2013

*[OAR Docket #13-1405; filed 12-16-13]*

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### **TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #13-1406]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

490:1-1-1 [AMENDED]

490:1-1-2 [AMENDED]

Subchapter 3. Oklahoma State Board of Examiners for Long Term Care Administrators

490:1-3-1 [AMENDED]

490:1-3-2 [AMENDED]

490:1-3-3 [AMENDED]

490:1-3-8 [AMENDED]

Subchapter 5. Investigative Procedures

490:1-5-2 [AMENDED]

490:1-5-2.1 [AMENDED]

490:1-5-3 [AMENDED]

490:1-5-6 [REVOKED]

490:1-5-7 [AMENDED]

490:1-5-7.1 [AMENDED]

490:1-5-8 [AMENDED]

Subchapter 7. Fees and Deposits

490:1-7-1 [AMENDED]

490:1-7-2 [AMENDED]

Subchapter 9. Continuing Education

490:1-9-1 [AMENDED]

490:1-9-2 [AMENDED]

490:1-9-3 [AMENDED]

490:1-9-4 [AMENDED]

490:1-9-5 [AMENDED]

#### **SUBMITTED TO GOVERNOR:**

November 27, 2013

#### **SUBMITTED TO HOUSE:**

November 27, 2013

#### **SUBMITTED TO SENATE:**

November 27, 2013

*[OAR Docket #13-1406; filed 12-16-13]*

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### **TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 10. LONG TERM CARE ADMINISTRATORS**

*[OAR Docket #13-1407]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

- Subchapter 1. Licensing of Long Term Care Administrators
  - 490:10-1-1 [AMENDED]
  - 490:10-1-2 [AMENDED]
  - 490:10-1-2.1 [AMENDED]
  - 490:10-1-3 [AMENDED]
  - 490:10-1-3.1 [AMENDED]
  - 490:10-1-3.2 [AMENDED]
  - 490:10-1-3.3 [AMENDED]
  - 490:10-1-3.4 [AMENDED]
  - 490:10-1-3.5 [AMENDED]
  - 490:10-1-3.6 [AMENDED]
  - 490:10-1-4 [AMENDED]
  - 490:10-1-5 [AMENDED]
  - 490:10-1-5.1 [AMENDED]
  - 490:10-1-11 [AMENDED]
- Subchapter 3. Application for Long Term Care Administrator Licensure
  - 490:10-3-1 [AMENDED]
  - 490:10-3-1.1 [AMENDED]
  - 490:10-3-2 [AMENDED]
  - 490:10-3-3 [AMENDED]
  - 490:10-3-4 [AMENDED]
  - 490:10-3-5 [AMENDED]
  - 490:10-3-6 [AMENDED]
- Subchapter 5. Discipline
  - 490:10-5-3 [AMENDED]
  - 490:10-5-5 [AMENDED]
- Subchapter 7. Fees and Deposits
  - 490:10-7-3 [AMENDED]
- Subchapter 8. Administrator-in-Training (AIT) Internship Program for Administrators
  - 490:10-8-1 [AMENDED]
  - 490:10-8-2 [AMENDED]
  - 490:10-8-3 [AMENDED]
  - 490:10-8-4 [AMENDED]
  - 490:10-8-5 [AMENDED]
  - 490:10-8-5.1 [AMENDED]
  - 490:10-8-6 [AMENDED]
  - 490:10-8-7 [AMENDED]
  - 490:10-8-8 [AMENDED]
  - 490:10-8-9 [AMENDED]
  - 490:10-8-10 [AMENDED]
  - 490:10-8-11 [AMENDED]
  - 490:10-8-12 [AMENDED]
  - 490:10-8-13 [AMENDED]
  - 490:10-8-14 [AMENDED]
  - 490:10-8-16 [AMENDED]
  - 490:10-8-17 [AMENDED]
- Subchapter 13. Standards for Administrators
  - 490:10-13-1 [AMENDED]
  - 490:10-13-2 [AMENDED]
  - 490:10-13-3 [AMENDED]

**SUBMITTED TO GOVERNOR:**

November 27, 2013

**SUBMITTED TO HOUSE:**

November 27, 2013

**SUBMITTED TO SENATE:**

November 27, 2013

*[OAR Docket #13-1407; filed 12-16-13]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 15. EDUCATIONAL OUTREACH**

*[OAR Docket #13-1402]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 3. Robert S. Kerr Conference Center
  - 610:15-3-1. Purpose [REVOKED]
  - 610:15-3-2. Utilization Policy [REVOKED]
  - 610:15-3-3. Administration and management of Center [REVOKED]
  - 610:15-3-4. Operating budget [REVOKED]
  - 610:15-3-5. Financial and program reports [REVOKED]
  - 610:15-3-6. Internal control and accounting procedures [REVOKED]
  - 610:15-3-7. Changes in policy and procedures [REVOKED]

**SUBMITTED TO GOVERNOR:**

December 12, 2013

**SUBMITTED TO HOUSE:**

December 12, 2013

**SUBMITTED TO SENATE:**

December 12, 2013

*[OAR Docket #13-1402; filed 12-16-13]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

*[OAR Docket #13-1403]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

- Subchapter 33. Regional University Baccalaureate Scholarship Program
  - 610:25-33-2. Definitions [AMENDED]
  - 610:25-33-3. General Provisions [AMENDED]
  - 610:25-33-5. Criteria for Continued Eligibility [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 12, 2013

## Submissions for Review

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**SUBMITTED TO HOUSE:**

December 12, 2013

**SUBMITTED TO SENATE:**

December 12, 2013

*[OAR Docket #13-1403; filed 12-16-13]*

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**TITLE 610. STATE REGENTS FOR HIGHER  
EDUCATION  
CHAPTER 25. STUDENT FINANCIAL AID  
AND SCHOLARSHIPS**

*[OAR Docket #13-1404]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 1. Academic Scholars Program

610:25-1-5. Criteria for Annual Renewal [AMENDED]

610:25-1-7. Fiscal aspects of program [AMENDED]

**SUBMITTED TO GOVERNOR:**

December 12, 2013

**SUBMITTED TO HOUSE:**

December 12, 2013

**SUBMITTED TO SENATE:**

December 12, 2013

*[OAR Docket #13-1404; filed 12-16-13]*

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# Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] . . . . [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

*For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

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

*[OAR Docket #13-1543]*

### RULEMAKING ACTION:

EMERGENCY adoption

### PROPOSED RULES:

Subchapter 1. Office of the Executive Director

Part 3. Office of the Advocate General

377:3-1-20. Legal base and authority [AMENDED]

377:3-1-21. Definitions [AMENDED]

377:3-1-25. Abuse, neglect, and caretaker misconduct of a child in OJA custody and placed in a secure facility or other facility operated by or through contract with OJA [AMENDED]

377:3-1-27. OJA grievance policy [AMENDED]

377:3-1-28. General Grievance Procedure [AMENDED]

### AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

### DATES:

#### Adoption:

November 1, 2013

#### Approved by Governor:

December 3, 2013

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through September 14, 2014, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rules are necessary in order to avoid violation of federal law. Proposed rule revisions are the result of the promulgation of the national standards for the elimination of prison rape, which were promulgated on June 20, 2012. These proposed rule revisions are in anticipation of the required audits by the federal government that commence August 20, 2013. The proposed rules are necessary in order to conform to the Prison Rape Elimination Act concerning the reporting process within juvenile facilities that are operated or contracted by the Office of Juvenile Affairs.

### ANALYSIS:

This emergency rule interprets the national standards of the Prison Rape Elimination Act on the reporting process within juvenile facilities that are operated or contracted by the Office of Juvenile Affairs.

### CONTACT PERSON:

JLynn Hartman, (405) 530-2866

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,  
THE FOLLOWING EMERGENCY RULES ARE  
CONSIDERED PROMULGATED AND EFFECTIVE**

**UPON APPROVAL BY THE GOVERNOR AS SET  
FORTH IN 75 O.S., § 253(D):**

## SUBCHAPTER 1. OFFICE OF THE EXECUTIVE DIRECTOR

## PART 3. OFFICE OF THE ADVOCATE GENERAL

### 377:3-1-20. Legal base and authority

The State's legal basis and authority for the rules and procedure in this subchapter are found in 10A O.S., §§ 1-2-101, 1-2-102, 2-7-302, and 2-7-603.

### 377:3-1-21. Definitions

The following words and terms when used in this subchapter, have the following meaning, unless the context clearly indicates otherwise:

"Abuse" is defined in Title 10A O.S., § 1-1-105, for purposes of this subchapter abuse includes sexual abuse and sexual harassment.

"Advocate defender" means the institutional staff member responsible for:

- (A) assuring that juveniles in custody have available and understand grievance channels;
- (B) monitoring and reviewing grievance procedures;
- (C) conducting the tentative release date hearings with juveniles and attending parole hearings;
- (D) supervising the communication of grievance procedure to staff and juveniles;
- (E) facilitating resolutions and regularly reviewing informal grievances;
- (F) ensuring allegations of abuse and neglect are properly reported to the Advocate General of the Office Of Juvenile Affairs; and
- (G) ensuring that allegations of caretaker misconduct by a person responsible for a child residing in an OJA secure facility not rising to the level of abuse or neglect are reported to the Advocate General of the Office of Juvenile Affairs.

"Caretaker" with regard to juveniles in the Office of Juvenile Affairs' custody means an agent or employee of a

## Emergency Adoptions

public or private institution or a public or private residential home above the level of foster care.

**"Caretaker Misconduct"** is defined in Department of Human Services' Rule OAC:340:2-3-2.

**"Grievance coordinator"** means a group home staff member responsible for:

- (A) assuring that juveniles in custody have available and understand grievance channels;
- (B) monitoring and reviewing grievance procedures and hearings;
- (C) supervising the communication of grievance procedure to staff and juveniles; and
- (D) regularly reviewing informal grievances and resolutions.

**"Neglect"** is defined in Title 10A O.S., § 1-1-105.

**"Sexual harassment"** as used in this subchapter is defined in 28 C.F.R. § 115.6.

### **377:3-1-25. Abuse, neglect, and caretaker misconduct of a child in OJA custody and placed in a secure facility or other facility operated by or through contract with OJA**

(a) **Requirements for reporting incidents of abuse and neglect.** Title 10A O.S., § 1-2-101 requires every person who, in good faith and exercising due care, has reason to believe that a child under the age of eighteen (18) ~~is or has been abused or neglected~~ a victim of abuse or neglect to report the condition or incident to the appropriate office for investigation through the DHS statewide centralized hotline. For purposes of the reporting requirements for this subchapter, abuse shall include sexual abuse and sexual harassment. An employee who, in good faith and exercising due care, has reason to believe that a child is a victim of abuse or neglect shall make an immediate, verbal or email ~~transmittal~~ report, as required by 10A O.S., § 1-2-101 and to the supervisor who shall ensure a report is made to the OJA Office of Advocate General, or as required by 10A O.S., § 1-2-102 to the DHS hotline, when:

- (1) the employee has reason to believe such child has been the victim of abuse or neglect;
- (2) a child, parent, guardian, or other person makes an allegation of abuse or neglect of such child.

(b) **Use of restraints and physical force.** Abuse and neglect do not include the use of restraints or physical force as authorized by law, allowed by regulation or policy, and performed in such a manner as to be deemed acceptable by approved systems of restraint including, but not limited to, MANDT, CPI, CAPE, or CCMS. Medical attention shall be provided immediately upon the juvenile's release from restraint as a result of physical force even if there is no visible evidence or complaint of injury. Medical attention shall be provided in an institution by a licensed physician, licensed practical nurse, registered nurse, physician's assistant, or emergency medical technician; or in a group-home or private facility, staff certified in first aid and CPR may provide medical attention and are responsible for referring the juvenile to licensed medical personnel, if warranted.

(c) When a reportable situation arises and within 24-hours, each staff member, resident, or other person present during the

incident shall prepare and submit to the facility administrator or designee, a written incident report describing what the person saw or heard. The facility administrator, shall ensure a preliminary assessment is conducted to:

- (1) assure the safety of any juvenile named in the referral and of other juveniles in the same placement;
  - (2) protect the integrity of any evidence which may be relevant to the allegation, including taking photos following every restraint or act of physical force; and
  - (3) coordinate activities with OCA and any law enforcement authority involved in investigating the allegation.
- (d) The facility administrator shall collect medical records, other documents and reports which pertain to the alleged incident, written statements and any other documentary evidence and place them in a holding file for investigative use by the appropriate investigative authority.
- (e) Caretaker misconduct in OJA secure facilities. Every employee in an OJA secure facility shall report allegations of caretaker misconduct to the OJA AG for investigation and disposition. The system for investigation and disposition of such investigation shall be developed by the AG in cooperation with the Executive Director and shall be approved by the Board of Juvenile Affairs. The Advocate General shall determine whether the allegation involves caretaker misconduct.
- (f) **Caretaker misconduct in facilities other than OJA secure facilities.** Every employee of a facility, other than an OJA secure facility, operated by or through contract with OJA shall report allegations of caretaker misconduct in accordance with DHS Rule 340:2-3-33.
- (g) **Educational employees.** If the alleged abuse, neglect, or caretaker misconduct involves an employee of a school district which provides contract educational services to OJA, either as a witness or as an accused caretaker, the facility administrator shall notify the principal of the school of the nature of the allegation, and name of the assigned investigator. The principal shall then be responsible for advising the employee accordingly and coordinating with the appropriate investigative authority.
- (h) **Protection or medical treatment.** In the event of alleged abuse, neglect, or caretaker misconduct in a facility, the facility administrator or designee shall assure protection of the juvenile and obtain medical attention for the juvenile.
- (i) **Failure to report.** Any employee who fails to report abuse, neglect, or caretaker misconduct as required by this Section, is subject to disciplinary action under OJA's personnel rules. If it is determined the employee failed to report as required, the Advocate General of OJA shall make a referral to the appropriate law enforcement agency.
- (j) **Interference prohibition.** Any employee who interferes with an abuse, neglect, or caretaker misconduct investigation, or attempts to intimidate or harass a witness, victim, or employee accused of alleged abuse, neglect, or caretaker misconduct through force or fear, or by threatening physical or mental harm to a witness, victim or others, is subject to disciplinary action under OJA's personnel policy and could be subject to criminal prosecution.

(k) **Contract termination.** A contractor's contract shall be subject to immediate termination for failure to adhere to this subchapter or knowingly allowing an employee to:

- (1) interfere with an abuse, neglect, or caretaker misconduct investigation;
- (2) interfere or retaliate against any employee for reporting or cooperating in such investigation; or
- (3) deny the assigned investigator immediate and direct access to the contractor's employees, facilities, clients, places, or records of any type.

(l) **Retaliation.** The agency shall ensure protection of both staff and juveniles who report sexual abuse or sexual harassment or for cooperating in sexual abuse or sexual harassment investigations from retaliation.

**377:3-1-27. OJA grievance policy**

(a) It is OJA's intent to establish and maintain a fair, simple, and speedy system for resolution of grievances of all OJA-custody juveniles. The grievance policy and procedure is designed to provide an OJA-custody juvenile with a way to have another person review and, when appropriate, correct problems the juvenile is having.

(b) A juvenile may file a grievance regarding:

- (1) the conditions of confinement, action of staff, and incidents occurring within or under the authority and control of the Office of Juvenile Affairs.
- (2) any decision, behavior, or action by an OJA employee or contractor, or by another juvenile in OJA custody. Any grievance regarding allegations of abuse, including sexual abuse and sexual harassment, or neglect, shall be forwarded to the DHS hotline.

(c) A grievance may be filed by either a juvenile or by another person on behalf of the juvenile. The juvenile or person filing on behalf of the juvenile shall try to resolve the grievance informally at the local level before he or she submits a formal appeal. The procedures for informally resolving grievances with JSU and in institutions and contract facilities are set forth in OAC 377:3-1-28. If resolution cannot be achieved through the informal process, the juvenile has the right to appeal.

(d) Staff members shall not in any way discourage any juvenile from filing a grievance or appealing a grievance resolution. The rules in this Section shall not be construed to impinge upon the duties of the Advocate General, ~~advocate defender~~ Advocate Defender, grievance coordinator, or any designee thereof from fairly and accurately advising a juvenile of his or her rights or alternative means of dispute resolution.

(e) OJA ensures the quality of the system by maintaining minimum standards and by using an ongoing monitoring program carried out by the Office of Advocate General in conjunction with other OJA Divisions.

(f) Each OJA and contracted facility shall make its grievance policies and procedures available upon request to any member of the public.

(g) Each OJA and contracted facility shall post its grievance policies in conspicuous places readily accessible to the juveniles in residence.

(h) Each OJA and contracted facility shall explain OJA grievance policies and procedures to every resident during intake at the facility.

(i) Every effort should be made to utilize the correct form, but all grievances must be processed regardless of the form used by the juvenile.

(j) The secure facility shall permit a juvenile to report sexual abuse or sexual harassment to DHS via the hotline.

**377:3-1-28. General Grievance Procedure**

(a) **Informal grievances.**

(1) Informal grievances are issues relating to daily life at the juvenile's placement, which can be resolved at the facility or local level. Informal grievances include, but are not limited to:

- (A) grooming and hygiene;
- (B) clothing;
- (C) cottage cleanliness;
- (D) food;
- (E) disrespect not involving threats of harm;
- (F) restrictions; or
- (G) routine problems with the JSU; i.e., complaints against a JSU worker.

(2) A juvenile shall try to informally resolve his or her grievance by talking with the ~~Social Service Inspector~~ Advocate Defender, supervising employee or other appropriate staff, excluding a staff member who is the subject of the grievance, within three (3) working days, excluding weekends and holidays, of the incident. If the issue is not resolved the juvenile may submit in writing a brief description of the problem and what efforts have been made to resolve the issue within (7) seven working days, excluding weekend and holidays, of the incident. The grievance should include the name of the person or group with whom the juvenile wants to meet to discuss the problem. The juvenile may put the written information in a designated grievance box or give the grievance to any staff member.

(3) The grievance must be numbered and logged in a grievance log on the day the grievance is received and distributed to the appropriate staff, excluding a staff member who is the subject of the grievance, for processing and possible resolution.

(4) The assigned staff shall review each grievance and attempt to resolve the grievance with the juvenile.

(5) If the grievance is not resolved within (5) five working days (excluding weekends and holidays), the juvenile may seek review by the supervisor.

(6) The supervisor shall have (10) ten working days (excluding weekends and holidays) from receipt of the review to resolve the grievance.

(7) If the juvenile does not accept the resolution of the supervisory review, he/she may file a formal grievance, which shall be received within 5 working days (excluding weekends and holidays) from the receipt of the review.

(8) The grievance log must also indicate the disposition of the grievance and the date of the resolution or the

## Emergency Adoptions

review. OJA Form OJA-AG-2 may be used to facilitate the grievance resolution process.

(b) **Formal Grievances.**

(1) Formal grievances are those grievances, which are appeals of informal grievances or those which cannot otherwise be resolved at the facility or local level. Issues which cannot be resolved at the facility or local level include, but are not limited to:

- (A) placement;
- (B) treatment;
- (C) psychological services;
- (D) social services;
- (E) educational services;
- (F) recreation; or
- (G) abuse, neglect, or caretaker misconduct.

(2) Grievances which contain allegations of abuse, neglect, or caretaker misconduct shall be processed in accordance with 377:3-1-25 and 377:3-1-26.

(3) Formal grievances may be filed with any staff member, excluding a staff member who is the subject of the grievance, but shall be routed to the Advocate General for appropriate distribution and resolution by OJA State Office as set forth in paragraph (c) of this section. Form OJA-AG-3 may be used to facilitate the formal grievance process.

(c) **Emergency Grievances.** Any situation where the juvenile believes that he or she is subject to substantial risk of imminent sexual abuse, may file a grievance as an emergency grievance. Immediately upon the discovery that an emergency grievance has been filed, the emergency grievance shall be forwarded to the superintendent or designee, who may take corrective action within 48 hours.

(d) **Grievances received by Advocate General.** Upon receipt of an appeal of an informal grievance or formal grievance, the Advocate General's Office shall post the date of receipt. The Advocate General shall review the grievance and the accompanying documentation to determine what additional information is necessary for disposition of the grievance within five (5) working days and set deadlines for receipt of required information. If the Advocate General finds that an appeal or formal grievance was prematurely filed, the Advocate General shall send a reply containing suggestions regarding the proper procedure to the person that sent the grievance. The Advocate General shall review the applicable OJA rules, policy, and/or Oklahoma law to determine if the appeal or formal grievance is appropriate and provide an opinion regarding possible resolution.

(de) **Appeal to the Division Director/final decision** The Advocate General shall prepare a cover worksheet or memorandum for the appeal or formal grievance and forward a copy to the Division Director/designee for response. The response shall be completed within ten (10) working days (extension may be granted by the Advocate General where a formal, legal opinion or policy decision is necessary). Upon receipt of the proposed resolution, the Advocate General shall forward a copy to the juvenile and/or to other appropriate person named in the grievance and to the appropriate advocate defender or grievance coordinator. A copy of the resolution shall be

inserted in the juvenile's master file. Resolutions, which will change or create OJA rules, are submitted to the appropriate division responsible for drafting new or revised rules. The Advocate General shall ensure that resolutions containing directives for specific action are completed.

(ef) **Board notification.** All matters referred to the Division Director for final decision may be placed on the agenda for the next, regularly scheduled meeting of the Board of Juvenile Affairs upon authorization of the Executive Director. If the Executive Director denies the request the OJA Board shall be informed. The Executive Director shall review any such grievance with the Board during Executive Session. At that time, the Advocate General will be allowed to voice concerns, the wishes of the juvenile, or such other matters as are relevant to the Board's understanding of the issues presented in the appeal.

(fg) **Review by juvenile.** The grievance coordinator, ~~advocate-defender~~ Advocate Defender, or Advocate General (whoever filed the last grievance), shall review the Division Director's resolution with the juvenile and notify the juvenile that his or her administrative remedies have been exhausted. If the juvenile does not accept the resolution, a copy of the grievance, appeals, and proposed resolutions shall be forwarded to the Office of Juvenile Systems Oversight.

(gh) **Grievances originated by the Advocate General.** The Advocate General may, on behalf of all or part of the juveniles committed to OJA, originate a grievance at the State Office level concerning:

(1) the substance or application of any written or unwritten policy, rule, or regulation of:

- (A) OJA;
- (B) an agent of OJA; or
- (C) an OJA contractor; or

(2) any decision, behavior, or action of

- (A) an OJA employee;
- (B) an agent of OJA;
- (C) an OJA-contractor; or
- (D) any other person committed to OJA.

(hi) The Advocate General may write the grievance by way of a detailed memorandum.

(ij) The appropriate Division Director and Advocate General may determine there is misuse of the grievance process. Types of misuse, include, but are not limited to:

- (1) Grievances intended to harass another;
- (2) The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);
- (3) The repeated submitting of grievances about an issue, which has been adequately and completely addressed by staff.

(4) If misuse of the process is determined, the juvenile will be notified in writing, citing the above listed reason or reasons the grievance will not be processed through the grievance procedure. A copy of the determination will be placed in the offender's field file, Advocate General's and Advocate Defender's file. The agency may discipline a resident for filing a grievance related to alleged sexual

abuse only where the agency demonstrates that the resident filed the grievance in bad faith.

- (jk) Non-grievable issues include;
  - (1) any appeals finalized and resolved by the disciplinary hearing process shall not be processed through the grievance process, or
  - (2) Requests for disciplinary action against staff.
- (l) At any level of the administrative process, including the final level, if the juvenile does not receive a response within the time allotted for reply, including any properly noticed extension, the juvenile may consider the absence of a response to be a denial at that level.

[OAR Docket #13-1543; filed 12-23-13]

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

[OAR Docket #13-1550]

**RULEMAKING ACTION:**

EMERGENCY adoption

**PROPOSED RULES:**

Subchapter 1. General Provisions  
377:10-1-4. Use of physical force and/or mechanical restraints  
[AMENDED]

**AUTHORITY:**

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

**DATES:**

**Adoption:**

November 1, 2013

**Approved by Governor:**

December 3, 2013

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through September 14, 2014, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

Pursuant to 75 O.S., § 253, the emergency rules are necessary in order to avoid violation of a court approved Settlement Agreement. Proposed rule revisions are the result of the Terry D. Settlement Agreement, dated August 10, 2012, effective January 24, 2013, which pertain to the Oklahoma Office of Juvenile Affairs ("OJA") and the plaintiff class of children in Terry D., et al. v. Rader, et al., Case No. CIV-78-4-T, in the United States District Court for the Western District of Oklahoma. The proposed rules are necessary in order to conform to the Settlement Agreement concerning the operations of the juvenile institutions under OJA jurisdiction, which necessitates the promulgation of emergency rules.

**ANALYSIS:**

This emergency rule interprets a Settlement Agreement concerning the operations of the juvenile institutions under OJA jurisdiction.

**CONTACT PERSON:**

JLynn Hartman, (405) 530-2866

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

**SUBCHAPTER 1. GENERAL PROVISIONS**

**377:10-1-4. Use of physical force and/or mechanical restraints**

(a) **Use of physical force.** Title 10A O.S., § 2-7-604 prohibits the use of physical force in institutions and other facilities operated by or contracted with OJA except:

- (1) when necessary for self-protection;
- (2) to separate juveniles who are fighting;
- (3) ~~to restrain juveniles who have escaped or are in the process of escaping~~ to restrain juveniles who are in danger of harming themselves or others; or
- (4) ~~to restrain juveniles who are in danger of harming themselves or others~~ to restrain juveniles who have escaped or are in the process of escaping.

(b) **Use of mechanical restraints.** The use of mechanical restraints in institutions or other facilities operated by or contracted with OJA for any purpose is prohibited except upon a juvenile's hands and/or legs as specifically provided for in this subsection. ~~The practice of attaching hands and feet, as in hog-tying, is presumptively punitive and is specifically prohibited.~~ Mechanical restraints may be employed only in the following situations:

- (1) for transporting a juvenile to or from a facility when there are reasonable grounds to believe that the juvenile is a serious escape risk or a threat to the public safety; or
- (2) within OJA institutions, to gain control of a violently out-of-control juvenile or in situations where multiple juveniles are collectively engaged in physically assaultive behavior. If the juvenile is not transported to a place of separation or confinement, the restraints shall be removed as soon as staff have gained control of the situation or the juvenile is no longer violently out of control.
- (3) within OJA institutions, to transport a violently out-of-control juvenile to a place of ~~crisis~~ management ~~separation or confinement~~, but only after less restrictive methods of control have failed. When the restraints are employed in this situation, the restraints shall be removed as soon as the juvenile ~~is transported to a place of crisis management and~~ regains control but no later than the time that the juvenile is placed into solitary confinement. Under no circumstances shall OJA staff or contractors apply the restraints as punishment.
- (4) A "walk and talk" policy shall be implemented wherein the juvenile is first afforded the opportunity to voluntarily walk to a place of separation or confinement without the application of any mechanical restraints.

(c) **Additional restraints.** The following use of mechanical restraints may be employed:

- (1) bellychain;
- (2) humane blanket wrap;
- (3) newly developed mechanical restraint methods or practices that are no more restricted than those authorized by this subsection and reflect current standards of practice in the juvenile justice field.

(d) **Prohibited restraints.** The practice of attaching hands and feet, as in hog-tying, is presumptively punitive and is

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specifically prohibited. The use of a restraint chair is prohibited.

[OAR Docket #13-1550; filed 12-23-13]

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

[OAR Docket #13-1551]

### RULEMAKING ACTION:

EMERGENCY adoption

### PROPOSED RULES:

Subchapter 5. Agreements Between States for Placement and Transfer of Juveniles

377:10-5-1. Purpose [AMENDED]

377:10-5-2. Legal authority [AMENDED]

377:10-5-4. Interstate Compact on the Placement of Children [AMENDED]

377:10-5-5. Compact Administrator [NEW]

### AUTHORITY:

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

### DATES:

#### Adoption:

November 1, 2013

#### Approved by Governor:

December 3, 2013

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through September 14, 2014, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

Pursuant to 75 O.S., § 253, the emergency rules are necessary in order to avoid violation of state law. The Interstate Compact for Juveniles, as found in Title 10A O.S., Sections 2-9-101 through 2-9-116, was amended by Senate Bill 301 (2013), effective July 1, 2013, which pertains to Oklahoma's State Council for Interstate Juvenile Supervision and necessitates the promulgation of emergency rules.

### ANALYSIS:

This emergency rule interprets Senate Bill 301 (2013), pertaining to Oklahoma's State Council and the Interstate Compact for Juveniles.

### CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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

## SUBCHAPTER 5. AGREEMENTS BETWEEN STATES FOR PLACEMENT AND TRANSFER OF JUVENILES

### 377:10-5-1. Purpose

The Interstate Compact ~~on~~for Juveniles (ICJ) is an agreement ~~between~~among compacting states to take joint and

cooperative action, pursuant to 10A O.S., § 2-9-102(B) ~~states which provides a framework and a constitutional basis for contracts between individual states to:~~

- (1) provide supervision of a juvenile placed on probation or parole;
- (2) provide for the return, from one state to another, of a delinquent juvenile who has escaped or absconded;
- (3) provide for the return, from one state to another, of a non delinquent juvenile who has run away from home; and
- (4) take additional measures for the protection of juveniles and the public which any two or more of the involved states desire to undertake cooperatively.

### 377:10-5-2. Legal authority

The Interstate Compact ~~on~~for Juveniles is authorized by and functions in ~~accord~~—accordance with 10A O.S., §§~~5312-9-101~~2-9-101 through ~~5372-9-116~~2-9-116 and the Rules of the Interstate Commission for Juveniles, ~~the Association of Juvenile Compact Administrators' Rules and Regulations handbook, and the Manual of the Association of Juvenile Compact Administrators (Revised 1976).~~

### 377:10-5-4. Interstate Compact on the Placement of Children

(a) The Interstate Compact on the Placement of Children (ICPC) is an agreement ~~between~~among compacting states to effect the out-of-state placement of children, which may include delinquent or in need of supervision (INS) juveniles in privately owned and operated group homes or institutions for delinquents.

(b) The ICPC functions pursuant to 10 O.S., §§ 571, ~~Articles I through X through 577.~~

(c) The JSU worker must use the ICPC in order to place a delinquent or INS juvenile in an out-of-state:

- (1) privately owned and operated group home; or
- (2) institution for delinquents.

### 377:10-5-5. Compact Administrator

(a) The Executive Director of the Office of Juvenile Affairs (OJA) shall serve as the Compact Administrator pursuant to the Interstate Compact for Juveniles (ICJ).

(b) The Compact Administrator shall be responsible for the administration and management of the state's supervision and transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the State Council.

(c) The Compact Administrator, or designee, shall preside at all meetings of the State Council.

[OAR Docket #13-1551; filed 12-23-13]

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

[OAR Docket #13-1542]

**RULEMAKING ACTION:**

EMERGENCY adoption

**PROPOSED RULES:**

- Subchapter 7. Contract Programs and Services
- Part 1. General Provisions and Foster Care
- 377:10-7-1. Legal Authority and Purpose [AMENDED]
- 377:10-7-2. General provisions [REVOKED]
- 377:10-7-2.1. Definitions [NEW]
- 377:10-7-3. Foster Care home licensing [AMENDED]
- 377:10-7-3.1. Foster home study [NEW]
- 377:10-7-3.3. Foster home physical requirements [NEW]
- 377:10-7-3.4. General foster parent qualifications [NEW]
- 377:10-7-3.5. Foster parent responsibility [NEW]
- 377:10-7-3.6. OJA responsibility [NEW]
- 377:10-7-3.7. Foster home contract [NEW]
- 377:10-7-3.9. Discipline and behavior management requirements [NEW]
- 377:10-7-3.10. Applicable records [NEW]
- 377:10-7-3.11. Applicable rights [NEW]
- 377:10-7-3.12. Foster parent grievance procedure [NEW]
- 377:10-7-4. Therapeutic Foster Care [AMENDED]
- 377:10-7-5. Specialized community home [AMENDED]
- 377:10-7-7. Kinship foster care [AMENDED]

**AUTHORITY:**

The Board of Juvenile Affairs; 10A O.S., Sections 2-7-101(H)(3) and 2-7-101(I)(1); 75 O.S., Section 302(A)(1).

**DATES:**

**Adoption:**

September 20, 2013

**Approved by Governor:**

October 29, 2013

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through September 14, 2014, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

Pursuant to 75 O.S., § 253, the emergency rules are necessary as an emergency in order to avoid violation of state law. Title 10A O.S., Sections 2-7-613 through 2-7-615, were amended by Senate Bill 200 (2013), effective July 1, 2013, which necessitates the promulgation of emergency rules by conforming OJA's foster care program to current state law.

**ANALYSIS:**

This emergency rule interprets Senate Bill 200 (2013), pertaining to OJA foster care program.

**CONTACT PERSON:**

JLynn Hartman, (405) 530-2866

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

**SUBCHAPTER 7. CONTRACT PROGRAMS AND  
SERVICES**

**PART 1. GENERAL PROVISIONS AND FOSTER  
CARE**

**377:10-7-1. Legal Authority and Purpose**

(a) The Office of Juvenile Affairs is authorized by 10A O.S., § 2-7-613, to establish and implement a foster care program for juveniles in the custody of OJA, and by 10A O.S., § 2-7-614, to be the certification authority for foster homes. No juvenile in the custody of the Office of Juvenile Affairs shall be placed with any foster placement unless the foster placement meets licensing standards as required by rules promulgated by the Board of Juvenile Affairs and the Oklahoma Child Care Facilities Licensing Act, as found in 10 O.S., § 401 et seq, and is otherwise approved for foster care by the Office of Juvenile Affairs for juveniles within its custody.

(b) The Office of Juvenile Affairs is authorized by 10A O.S., § 2-7-606(D) to develop a variety of placements for OJA-custody juveniles.

(c) The purpose of this subchapter is to describe and establish the requirements for the programs and facilities withfor which the Office of Juvenile Affairs contracts for the placement of juveniles, and to establish the licensing standards for foster care.

**377:10-7-2. General provisions [REVOKED]**

(a) ~~OJA staff and contractors shall strictly adhere to OJA rules found in Subchapter 1 of this Chapter. Rules include juvenile rights, discipline, use of physical force, use of mechanical restraints, confidentiality, Individual Service Plan (ISP), and contracting requirements.~~

(b) ~~Any contractor, sub-contractor, or Community Intervention Center (CIC) regularly transporting juveniles or providing 24 hour a day care must maintain a policy for testing employees and job applicants for the use of alcohol and illegal drugs that is reasonably consistent with the OJA's rules, policies, and procedures. The policy must be approved in writing by the OJA Executive Director or designee.~~

(c) ~~A consultant supervising the provision of clinical services in a contracted facility must possess a license as a:~~

- (1) ~~psychiatrist;~~
- (2) ~~psychologist; or~~
- (3) ~~clinical social worker.~~

(d) ~~Mental health evaluations conducted by staff or consultants of contracted programs must be performed by a licensed mental health professional as defined in 43A O.S., § 5-502.~~

**377:10-7-2.1. Definitions**

The following words and terms when used in this subchapter, have the following meaning, unless the context clearly indicates otherwise:

"Foster family home" is defined in 10 O.S., § 402 and means a private residence in which a juvenile is placed for out-of-home foster care services and includes a specialized foster home, a therapeutic foster family home, or a kinship care home. Foster parents shall provide continuous 24-hour care and support.

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**"Kinship care"** means full-time care of a child by a kinship relation.

**"Kinship relation" or "kinship relationship"** means relatives, stepparents, or other responsible adults who have a bond or tie with a child and/or to whom has been ascribed a family relationship role with the child's parents or the child provided, however, in cases where the Indian Child Welfare Act applies, the definitions contained in 25 U.S.C., Section 1903 shall control.

**"Parental substitute authority"** means the foster parent's authority to integrate a juvenile who is in the custody of OJA and who requires out-of-home placement into the family setting, and to care for the juvenile as the foster parent would his or her own child, excluding the authority to use corporal punishment, by:

(A) meeting the juvenile's physical and emotional needs;

(B) teaching the juvenile problem-solving, self-control, and responsibility; and

(C) building the relationship between the foster parent and the juvenile.

**"Treatment team"** means the Juvenile Services Unit worker, the foster parents, and others deemed as appropriate by OJA.

### 377:10-7-3. Foster Carehome licensing

(a) A foster family home is a private residence in which a juvenile is placed for out of home foster care services and includes a specialized foster home, a therapeutic foster family home, or a kinship care home. Foster parents shall provide continuous 24-hour care and support.

(1) **OJA responsibility.** OJA is responsible for certification of the foster home and to verify the foster home meets minimum requirements, which include the following:

(A) **Criminal history records search.** OJA shall conduct a criminal history records search for each member of the foster family who is 18 years of age or older. A criminal history records search is obtained from:

(i) the Oklahoma State Bureau of Investigation (OSBI) which shall include a search of Department of Corrections files maintained by the OSBI pursuant to the Sex Offenders Registration Act; and

(ii) the state investigative agency in the previous state of residence if the person has resided in Oklahoma less than one year;

(iii) a Federal Bureau of Investigation (FBI) national criminal history search, based on the fingerprints of the individual; and

(iv) a search of any child abuse registry maintained by a state in which the prospective foster parent or any adult living in the home of the prospective foster parent has resided in the past five years.

(B) **Disqualifying crimes.** A prospective foster parent is not an approved placement for a juvenile

if the prospective foster parent or any other person residing in the home of the prospective foster parent has been convicted of any of the following felony offenses:

(i) within the five year period preceding the application date, physical assault, battery, or a drug-related offense;

(ii) child abuse or neglect;

(iii) domestic abuse;

(iv) a crime against a child, including, but not limited to, child pornography; and

(v) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in (A) of this paragraph.

(C) **Certification.** A copy of the certification is maintained in the foster home file.

(i) Certification of the foster home applies only to the location of the residence at the time the home study is made.

(ii) If the family moves, OJA shall certify the new location.

(D) **Policy.** OJA shall provide foster parents with OJA policy relative to foster care.

(E) **Medical services.** OJA requires that the juvenile in foster care receives appropriate medical services.

(F) **Case planning.** OJA is responsible for case planning.

(G) **Supervision.** OJA shall provide supervision at least once a month to each juvenile in foster care, including private visits with the juvenile in foster care and on-site visits to the home, to assess the continued suitability of the foster home environment.

(H) **Written agreement.** OJA shall have a written agreement with the foster family, and provides the foster parents a copy of the agreement. The agreement includes statements:

(i) regarding the financial agreement, if applicable, between OJA and the foster home;

(ii) that the foster home will not:

(I) accept a non-relative juvenile from any source without the approval from OJA; or

(II) provide child care on a regular basis;

(iii) that OJA has the right to remove the juvenile at its discretion;

(iv) that the juvenile in foster care is discharged from foster care only with the consent of OJA;

(v) that visitation by the juvenile's parents or relatives must be approved by OJA;

(vi) regarding absences of the juvenile from the home, including respite care, as per OJA policy;

(vii) that the foster parents agree to cooperate with OJA staff in evaluating the foster home and in the ongoing supervision of the foster home; and

(viii) that the foster parents agree to contact OJA when a household member has any involvement

- with legal authorities, a household member is alleged to have committed any allegations of child abuse, or if there are any other circumstance or incident seriously affecting the juvenile or care of the juvenile.
- (I) **Grievance policy and procedure.** OJA shall have written grievance policy and procedure for foster parents and juveniles in foster care.
- (2) **Foster home certification.** Certification of the foster home includes written documentation of:
- (A) application for foster home certification that includes prior child care experience with other agencies;
- (B) appropriate immunizations for the foster parents' children;
- (C) a statement from a health professional certifying that all members of the household have had a physical examination within one year prior to application, verifying that they:
- (i) are in good health; and
  - (ii) do not have a condition that would interfere with their ability to care for juveniles;
- (D) three written references from non relatives who have knowledge of family functioning;
- (E) a current, completed foster home study before the home is approved; and
- (F) a criminal history records search conducted for each household member who is 18 years of age or older, per OAC 377:10-7-3(a)(1)-(2).
- (3) **Foster home study.** OJA shall prepare a written home study before approving the foster home and prior to placement of a juvenile that contains, at a minimum, information regarding:
- (A) **Interviews and home visits.** Interviews and home visits, include documentation of at least one:
- (i) separate face to face interview with each parent, school age child, and any other household member;
  - (ii) joint face to face interview; and
  - (iii) home visit;
- (B) **Household composition.** Information regarding household composition includes each person residing in the home;
- (C) **Criminal history records search.** A criminal history records search is conducted on each household member who is 18 years of age or older, per OAC 377:10-7-3(a)(1)-(2), prior to initial approval of the home and when a new household member, age 18 or older, moves into the home;
- (D) **Foster juvenile profile.** The foster home study includes statements regarding the applicant's preference for age, gender, and special needs of the juvenile;
- (E) **Motivation, attitudes, and expectations.** The foster home study includes motivation and attitudes toward foster care and expectations regarding juveniles in foster care;
- (F) **Health.** Health information for each household member includes:
- (i) present physical health;
  - (ii) emotional stability;
  - (iii) medical history; and
  - (iv) any history of drug or alcohol use;
- (G) **Family functioning.** The foster home study includes information regarding the assessment of family dynamics, functions and interactions with each member of the family.
- (H) **Foster parents' marital status.** The foster home study includes information regarding the marital status of the foster parents, such as present marital status, history of previous marriages or significant relationships, date of present marriage, and description of the marriage or relationship;
- (I) **Employment.** The foster home study includes the employment history of family members;
- (J) **Financial information.** Financial information in the foster home study includes documentation of annual income.
- (K) **Education.** The foster home study includes information regarding the education of family members.
- (L) **Religion.** Information regarding religion includes the family's religious preference and practices;
- (M) **Description of the home.** The description of the home includes the:
- (i) type of dwelling and physical description; and
  - (ii) location of the home and description of the neighborhood;
- (N) **Weapons and firearms.** The foster home study includes the location of weapons and firearms, if any, and a notice that weapons and firearms are prohibited unless a full time duly appointed peace officer, who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of 10 O.S., § 3311, resides in the home;
- (O) **Transportation.** Information regarding transportation includes the family's means of transportation and verification of:
- (i) a valid driver's license for each family member who will transport a juvenile in foster care;
  - (ii) license tag;
  - (iii) insurance; and
  - (iv) an agreement to transport all juveniles and adults in compliance with applicable state law, per 47 O.S., § 11-1112;
- (P) **Family history.** The foster home study includes information regarding family history, including:
- (i) names of parents and siblings;
  - (ii) dates and places of birth;
  - (iii) physical health and mental stability;
  - (iv) relationship with family members;

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- (v) social, cultural, and religious orientation; and
  - (vi) information regarding their childhood including how they were disciplined;
- (Q) ~~Written references.~~ The foster home study includes three written references from persons who have information relative to the family's ability to provide foster care that include:
- (i) name, address, and telephone number;
  - (ii) when and how the person became acquainted with the applicants;
  - (iii) how often the person has contact with the family;
  - (iv) information regarding family functioning; and
  - (v) opinions regarding personal qualities and ability to provide care for juveniles in foster care; and
- (R) ~~Recommendation.~~ The foster home study includes the recommendation whether to approve the home that:
- (i) is signed and dated by the person who conducted the foster home study and the district supervisor; and
  - (ii) if approved, contains the juvenile's profile and number of juveniles for which the home is approved.
- (4) ~~Annual home study updates.~~ The foster home study is updated annually to include:
- (A) documentation of a home visit;
  - (B) documentation of a face to face interview with each parent, school age child, and any other household member;
  - (C) current vehicle insurance verification; and
  - (D) reports of any significant changes from the initial home study.
- (5) ~~Foster parent training.~~ OJA shall provide and document that each foster parent has received at a minimum:
- (A) six hours of orientation or preservice training prior to approval of the foster home or placement of a juvenile and includes at a minimum:
    - (i) OJA policy;
    - (ii) program philosophy;
    - (iii) confidentiality;
    - (iv) mandatory reporting of child abuse;
    - (v) grievance process;
    - (vi) emergency medical procedures; and
    - (vii) fire and disaster plans;
  - (B) six additional hours of training within the first calendar year of certification that is relevant to the needs of the juvenile placed in their care and is documented by the OJA to include, but is not limited to:
    - (i) normal child development;
    - (ii) behavior management;
    - (iii) separation and loss; and
    - (iv) infection control and injury prevention; and
  - (C) 12 hours of training each calendar year thereafter that is relevant to foster parents' roles and responsibilities and may include workshops and video presentations.
- (6) ~~Foster parent responsibility.~~
- (A) ~~General.~~ Foster parents shall provide OJA any information related to compliance with all requirements and allow representatives of the agency access to any member of the household and into all rooms within the home. Foster parents:
- (i) are responsible, mature, healthy adults capable of meeting the needs of the juveniles in foster care;
  - (ii) demonstrate a capacity for setting realistic expectations for behavior and performance based on the ages, abilities, and special needs of the juveniles;
  - (iii) may be married couples, single persons, or family members with a stable living arrangement; and
  - (iv) ensure that all members of the household are informed of and agree to accept the juvenile into the home.
- (B) ~~Age.~~ Foster parents shall be at least 21 years of age.
- (C) ~~Income and employment.~~ Foster parents shall have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments if applicable.
- (i) Foster parents who both work outside the home shall obtain approval from OJA for their plan of care for the juveniles during their absence.
  - (ii) Foster parents shall obtain approval from OJA to conduct a business in the home and demonstrate that the activities related to this business will not interfere with the care of the juveniles.
- (D) ~~Notifications.~~ Foster parents shall comply with the requirements pertaining to notifications. Foster parents shall notify OJA:
- (i) in writing prior to allowing any person to take up residence for more than two weeks in the foster home;
  - (ii) immediately of the occurrence of:
    - (I) the death of a juvenile;
    - (II) a serious injury or illness involving medical treatment of the juvenile;
    - (III) unauthorized absence of the juvenile from the home as defined by OJA policy;
    - (IV) removal of the juvenile from the home by any person or agency other than OJA, or attempts at such removal;
    - (V) loss of income that affects the family's ability to meet the needs of the juveniles in foster care;
    - (VI) any involvement of a juvenile with legal authorities;

- (VII) any fire or other emergency requiring evacuation of the home; and
- (VIII) lack of heat, water, or electricity; and
- (iii) as soon as possible of:
  - (I) any serious illness or death in the household;
  - (II) the departure or return of any member of the household;
  - (III) a move to another residence; and
  - (IV) any other circumstance or incident seriously affecting the juvenile or care of the juvenile; and
  - (V) any allegations of child abuse.
- (E) **Cooperation.** Foster parents shall work cooperatively with OJA representatives as members of the treatment team responsible for planning, providing, and discussing the total care and services provided to each child. Foster parents shall:
  - (i) fully disclose all information related to a juvenile's problems or progress to OJA representatives;
  - (ii) treat any personal information about a juvenile or the juvenile's family in a confidential manner; and
  - (iii) participate in an annual mutual review with OJA to evaluate the strengths and weaknesses of the foster home and of OJA representatives' relationships with foster parents.
- (F) **Number of children.** The foster home agency complies with requirements regarding placement of children in the foster family home.
  - (i) No more than five foster juveniles are placed in the home.
  - (ii) The number, ages, and needs of foster juveniles placed in the home are in keeping with the capacity and skills of the foster parents and accommodations of the home.
  - (iii) The total number of juveniles in the home, including the foster parents biological children, adopted children, and foster children cannot exceed six. Local city ordinances should be researched to determine if other restrictions apply.
- (7) **General foster home requirements.**
  - (A) **Home requirements.** The foster home shall:
    - (i) be clean, safe, and in good repair;
    - (ii) have the exterior around the home free from objects, materials, and conditions that constitute a danger to the juveniles served;
    - (iii) be accessible to school, church, recreational and health facilities, and other community resources, as needed; and
    - (iv) be in compliance with all applicable fire, health, and safety laws, ordinances, and regulations.
  - (B) **Safety requirements.**
    - (i) Clear glass doors are plainly marked to avoid accidental impact.
    - (ii) Juveniles are protected from hazardous materials, such as flammable liquids and poisonous materials.
    - (iii) All weapons and firearms are prohibited, except as provided for in OAC 377:10-7-3(c)(14).
    - (iv) The premises are free of illegal drugs and paraphernalia.
    - (v) Smoking is prohibited inside the home and when transporting juveniles.
    - (vi) Stairways over four steps, inside and outside, have railings.
    - (vii) Any play activity that involves water is supervised constantly. Ponds or pools are not left accessible to juveniles.
  - (C) **Fire safety requirements.**
    - (i) A fire extinguisher rated for Class ABC fires is installed in the kitchen area.
    - (ii) The foster home is equipped with adequate operable smoke detectors in the vicinity of the sleeping areas.
    - (iii) Each floor used as living space has at least two means of escape, at least one of which is a door leading to an unobstructed path to the outside. The second means of escape may be an unobstructed, operable window with 20" X 24" minimum dimensions.
    - (iv) All heating and air conditioning equipment is installed in accordance with state and local mechanical codes and manufacturer's instructions.
  - (D) **Health requirements.**
    - (i) Water supply, sewage disposal, and solid waste disposal meet local city ordinances and Oklahoma Department of Environmental Quality regulations.
    - (ii) Rooms used by juveniles are well lighted and ventilated.
    - (iii) Windows and doors used for ventilation are screened.
    - (iv) The foster parents take measures to keep the house and grounds free of rodents, insects, and stray animals.
    - (v) At least one operable sink, one operable toilet, and one operable tub or shower are available in the home.
    - (vi) Each juvenile is provided with individual combs, toothbrushes, wash cloths, towels, and eating and drinking utensils.
    - (vii) Linens are changed when needed.
    - (viii) Animals or household pets are permitted provided there is proof of annual rabies vaccinations for each animal. Pets or animals in the foster home, indoors or outdoors, are in good health, show no evidence of carrying disease, are friendly toward juveniles, and present no threat to the health, safety, and well being of juveniles.
    - (ix) OJA requires the foster family to comply with the Oklahoma State Department of Health

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recommendations regarding tuberculin skin testing when there is a local identified tuberculin exposure.

(E) **Sleeping arrangements.** A separate bed is provided for each child or juvenile.

(i) No more than two children or juveniles may share a sleeping room, except as approved by OJA.

(ii) Separate sleeping rooms are provided for children older than four years who are of different sex.

(iii) Juveniles in foster care do not share a sleeping surface with adults in the household.

(F) **Emergency plans.** The foster home complies with the requirements pertaining to emergency plans contained in this subsection:

(i) The foster home has a planned source of medical care available, such as a hospital emergency room, clinic, or health professional known to the foster family.

(ii) The home has a telephone with emergency numbers posted nearby for the health professional or clinic, fire department, police department, ambulance service, and substitute caregiver.

(iii) The foster parent has an emergency evacuation plan in the event of fires, tornadoes, floods, and other emergencies.

(iv) First aid procedures and supplies are readily available.

(v) The foster parent ensures that each child and juvenile, as appropriate to age and developmental level, knows how to evacuate from the home in the event of a fire. The foster parent conducts periodic evacuation drills.

(G) **Transportation.** Juveniles in foster care are transported in compliance with applicable state law, 47 O.S., § 11-1112. The transporting vehicle shall be covered by liability insurance as required by Oklahoma laws. The foster family has emergency transportation available.

(i) **Driver qualifications.** Drivers transporting juveniles in foster care have an operator's license of the type appropriate for the vehicle that is valid in the driver's state of residence.

(ii) **Passenger restraints.** Juveniles who are transported are properly secured in an individual seat belt.

(H) **Nutrition.** Each juvenile is provided a balanced, nutritious, and developmentally appropriate diet. The food is wholesome in quality, ample in quantity, and of sufficient variety.

(I) **Informal care arrangement requirements.** The foster parent may make informal care arrangements with friends, neighbors, or relatives for occasional care of the juvenile, including before and after school hours, and not to exceed 24 consecutive hours.

(i) The foster parent shall:

(I) ensure that informal care providers possess the maturity and skill to address the needs of the juvenile in foster care;

(II) secure prior authorization for informal care from OJA. Prior authorization may apply to multiple events when the same informal provider is used;

(III) not utilize a juvenile in foster care to babysit a younger child unless approved by OJA; and

(IV) provide the informal provider information for contacting the foster parent and other emergency contacts.

(ii) The informal provider must be at least 18 years of age.

(J) **Alternate care arrangement requirements.** The foster family is encouraged to develop a relationship with another family as an alternate provider who can provide care for the juvenile in foster care in case of family emergencies, family vacations, or when the provider needs respite care. The agency must approve the alternate care and have documentation that the alternate provider:

(i) is at least 21 years of age;

(ii) has obtained a criminal history records search within the last 12 months conducted by:

(I) the Oklahoma State Bureau of Investigation (OSBI) which shall include a search of Department of Corrections files maintained by the OSBI pursuant to the Sex Offenders Registration Act for each household member who is 18 years of age or older; and

(II) the authorized agency in the previous state of residence if the person has resided in Oklahoma less than one year;

(iii) meets the foster home requirements listed in OAC 377:10-7-3(g);

(iv) provides one reference; and

(v) complies with discipline and behavior management requirements in OAC 377:10-7-3(g)(11).

(K) **Discipline and behavior management requirements.** The objective of discipline and behavior management is to provide a positive learning experience for the juvenile to grow and develop and to learn acceptable standards of social behavior.

(i) **Expectations of foster parents.** Foster parents shall:

(I) recognize and encourage appropriate behavior;

(II) teach by example and use fair and consistent rules with logical consequences;

(III) use methods of discipline that are relevant to the behavior;

(IV) supervise with an attitude of understanding, firmness, and discipline;

- (V) give clear directions and provide guidance consistent with the juvenile's level of understanding;
  - (VI) redirect the juvenile by stating alternatives when behavior is unacceptable;
  - (VII) express themselves so the child understands that the juvenile's feelings are acceptable but certain actions or behavior are not;
  - (VIII) help the juvenile learn what conduct is acceptable in various situations;
  - (IX) encourage the juvenile to control the juvenile's own behavior, cooperate with others and solve problems by talking things out; and
  - (X) communicate with the juvenile by showing an attitude of affection and concern.
- (L) **Discipline and behavior management policy.** OJA complies with the requirements regarding discipline and behavior management contained in this subsection. OJA's discipline policy is maintained in writing and is provided to foster parents, the juvenile and the juvenile's parent or custodian.
- (i) OJA's discipline policy includes:
    - (I) the goal and purpose of OJA's discipline and behavior management program;
    - (II) approved methods of discipline and behavior management;
    - (III) a list of persons authorized to administer discipline and behavior management methods to juveniles in foster care; and
    - (IV) the agency's method of monitoring and documenting implementation of the policy; and
  - (ii) OJA's discipline policy prohibits punishment:
    - (I) of a physical nature, such as shaking, striking, spanking, or physical abuse;
    - (II) that constitutes emotional abuse, such as humiliation, name calling, cursing, or degrading remarks regarding the juvenile or the juvenile's family;
    - (III) administered by one juvenile to another juvenile;
    - (IV) that denies meals, sleep, or mail; and
    - (V) that places a juvenile in a locked room.
- (8) **Juvenile's case record.** Records maintained by OJA for juveniles in placement include, but are not limited to:
- (A) an intake form that includes the juvenile's full name, nickname(s), if any, date of birth, race, gender, place of birth, religion, and names, addresses and telephone numbers of parents and other significant relatives;
  - (B) history of previous placements and dates;
  - (C) reason for the present placement;
  - (D) a description of the circumstances that led to the juvenile's present placement;
  - (E) a description of the juvenile's relationship with other significant adults and children;
  - (F) admission assessment that includes the juvenile's current level of functioning and medical history, including:
    - (i) medications the juvenile is currently taking;
    - (ii) immunizations;
    - (iii) allergies; and
    - (iv) childhood diseases;
  - (G) current court order(s) documenting legal custody of the juvenile and other applicable court orders;
  - (H) certified birth verification;
  - (I) juvenile's medical information, including:
    - (i) juvenile's medical authorization number, if applicable;
    - (ii) medical examination completed no more than 60 days prior to placement or scheduled within 10 days after placement;
    - (iii) written authorization to provide medical care;
    - (iv) disabilities;
    - (v) psychosocial information;
    - (vi) name of the juvenile's last doctor, if known; and
    - (vii) documentation of medical services;
  - (J) history of the juvenile's family of origin;
  - (K) information regarding the physical health of the juvenile's family, including father, mother, and grandparents;
  - (L) information regarding the emotional stability of family members;
  - (M) reports from schools, specialists, and other agencies;
  - (N) documentation that the juvenile's rights have been explained to the juvenile;
  - (O) documentation that the grievance policy has been explained to the juvenile;
  - (P) a service plan per OAC 340:110-5-3 completed within 30 days of placement and signed and dated by the juvenile, staff, foster parents, and parent or guardian;
  - (Q) revision of the service plan every six months;
  - (R) case notes that have been signed and dated;
  - (S) a discharge plan that includes anticipated length of placement and future placement;
  - (T) a discharge summary that includes an assessment of the juvenile's progress in placement, the juvenile's continuing needs and plans, and recommendations for follow up services, if any; and
  - (U) documentation of inability to obtain any of the information contained in this Section and efforts to obtain it.
- (9) **Foster home record.** OJA shall maintain a current record on each foster home. Entries, dated in chronological order and identifying the staff member who recorded the information, include:
- (A) certification form and documents verifying certification, per OAC 377:10-7-3(b);

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- (B) a complete report of the home study with evaluation and recommendations as required;
  - (C) records of all juveniles placed in the home with dates, names, ages, and rates of payment for services, if applicable;
  - (D) records of all juveniles removed from the home with dates, names, ages, and reasons for removal;
  - (E) financial agreements, if applicable;
  - (F) signed and dated case notes, visits or contacts, and conferences;
  - (G) a copy of the placement worksheet on each juvenile;
  - (H) correspondence;
  - (I) records of the home study, updated annually, per OAC 377:10-7-3(d);
  - (J) documentation of training; and
  - (K) written agreements and contracts between the agency and the foster parents.
- (10) **Juvenile's rights.** OJA requires that the juvenile in foster care is:
- (A) not forced to participate in publicity or promotional activities;
  - (B) not publicly identified as in the custody of OJA;
  - (C) provided an opportunity to participate in religious services;
  - (D) supplied with facilities and supplies for personal care, hygiene, and grooming;
  - (E) supplied with his or her own clothing and shoes appropriate to the season, age, activities, and individual needs and comparable to that of other juveniles in the community;
  - (F) provided individual space in the foster home for the juvenile's personal possessions and a reasonable degree of privacy.
    - (i) The juvenile has the right to bring, possess, and acquire personal belongings subject only to reasonable household rules and the Individual Treatment and Service Plan (ITSP).
    - (ii) Personal belongings are sent with the juvenile when the juvenile leaves the home;
  - (G) expected to perform only household tasks that are within the child's abilities, reasonable for the child's age, and similar to those expected of other household members of comparable age and ability;
  - (H) given guidance in managing money.
    - (i) Money earned by the juvenile or received as a gift or allowance is the juvenile's personal property.
    - (ii) The juvenile is not required to use earned money to pay for room and board, unless it is a part of the ITSP and approved by the parent or custodian and the agency;
  - (I) allowed privacy in writing, sending, or receiving correspondence, unless restricted by the ITSP;
  - (J) not denied meals as punishment;
  - (K) not subjected to remarks that belittle or ridicule the juvenile or the juvenile's family;

- (L) allowed to visit with the juvenile's family, in accordance with the service plan;
- (M) not forced to acknowledge dependency on OJA or foster home or gratitude to them;
- (N) given the opportunity, at the juvenile's or OJA's request, for private conversation with OJA's staff members who are responsible for the juvenile's supervision; and
- (O) provided educational opportunities in accordance with the juvenile's plan of care. The Office of Juvenile Affairs, as the licensing authority, shall issue a certificate of licensure for each foster home approved for placement of OJA custody juveniles. A copy of the license is maintained in the foster home file. Certification of the foster home applies only to the location of the residence at the time the home study is made. If the family moves, OJA shall certify the new location. Certification of the foster home includes, but is not limited to, written documentation of:

- (1) an application for foster home certification that includes prior child care experience with other agencies;
- (2) a current and complete foster home study before the home is approved;
- (3) criminal history records search conducted for each household member over the age of 18; and
- (4) an annual foster home study update.

### **377:10-7-3.1. Foster home study**

- (a) **Written home study.** OJA shall prepare a written home study before approving the foster home and prior to placement of a juvenile that contains, at a minimum, information regarding:
- (b) **Interviews and home visits.** Interviews and home visits include documentation of at least one of the following:
  - (1) separate face-to-face interview with each parent, school-age child, and any other household member;
  - (2) joint face-to-face interview; and
  - (3) home visit;
- (c) **Household composition.** Information regarding household composition includes each person residing in the home;
- (d) **Foster juvenile profile.** The foster home study includes the applicant's preference for age, gender, and special needs of the juvenile;
- (e) **Motivation, attitudes, and expectations.** The foster home study includes motivation and attitudes toward foster care and expectations regarding juveniles in foster care;
- (f) **Health.** Health information for each household member includes:
  - (1) present physical health;
  - (2) emotional stability;
  - (3) medical history, including records of immunizations; and
  - (4) any history of drug or alcohol use;
- (g) **Family functioning.** The foster home study includes information regarding the assessment of family dynamics, functions and interactions with each member of the family;

(h) **Foster parents' marital status.** The foster home study includes information regarding the marital status of the foster parents, history of previous marriages or significant relationships, date of present marriage, and a description of the marriage or relationship;

(i) **Employment.** The foster home study includes the employment history of family members;

(j) **Financial information.** Financial information in the foster home study includes documentation of annual income;

(k) **Education.** The foster home study includes information regarding the education of family members;

(l) **Religion.** Information regarding religion includes the family's religious preference and practices;

(m) **Description of the home.** The description of the home includes the:

- (1) type of dwelling and physical description; and
- (2) location of the home and description of the neighborhood;

(n) **Weapons and firearms.** The foster home study includes the location of weapons and firearms, if any, and documentation of a notice to the applicant that weapons and firearms are prohibited unless a full-time duly appointed peace officer, who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of 70 O.S., § 3311, resides in the home;

(o) **Transportation.** Information regarding transportation includes the family's means of transportation and verification of:

- (1) a valid driver's license for each family member who will transport a juvenile in foster care;
- (2) license tag;
- (3) insurance; and
- (4) verification of the existence of the applicant's agreement to transport all juveniles and adults in compliance with applicable state law, per 47 O.S., § 11-1112;

(p) **Family history.** The foster home study includes information regarding family history, including:

- (1) names of parents and siblings;
- (2) dates and places of birth;
- (3) physical health and mental stability;
- (4) relationship with family members;
- (5) social, cultural, and religious orientation; and
- (6) information regarding each applicant's childhood including how each was disciplined;

(q) **Written references.** The foster home study includes three written references from persons who have information relative to the family's ability to provide foster care and includes:

- (1) name, address, and telephone number;
- (2) when and how the person became acquainted with the applicants;
- (3) how often the person has contact with the family;
- (4) information regarding family functioning; and
- (5) opinions regarding personal qualities and ability to provide care for juveniles in foster care; and

(r) **Recommendation.** The foster home study includes a recommendation of whether to approve the home that:

- (1) is signed and dated by the person who conducted the foster home study and the district supervisor; and
- (2) if approved, contains the juvenile's profile and number of juveniles for which the home is approved.

### **377:10-7-3.3. Foster home physical requirements**

(a) **General requirements.** The foster home shall:

- (1) be clean, safe, and in good repair;
- (2) have the exterior around the home free from objects, materials, and conditions that constitute a danger to the juveniles served;
- (3) have access to, or be able to provide transportation to, school, church, recreational and health facilities, and other community resources, as needed; and
- (4) be in compliance with all applicable fire, health, and safety laws, ordinances, and regulations.

(b) **Safety requirements.**

- (1) Clear glass doors are plainly marked to avoid accidental impact.
- (2) All weapons and firearms are prohibited, except as provided in 70 O.S., § 3311.
- (3) All controlled, prescribed, and alcoholic substances shall be secured in a locked cabinet.
- (4) All dangerous, flammable, and poisonous substances shall be secured in a locked cabinet.
- (5) Smoking is prohibited inside the home and when transporting juveniles.
- (6) Stairways over four steps, inside and outside, have railings.

(c) **Fire safety requirements.**

- (1) A fire extinguisher rated for Class ABC fires is installed in the kitchen area.
- (2) The foster home is equipped with at least one operable smoke detector in the vicinity of the sleeping areas, or as required by OJA.
- (3) Each floor used as living space has at least two means of escape, at least one of which is a door leading to an unobstructed path to the outside. The second means of escape may be an unobstructed, operable window with minimum dimensions of 20" X 24".
- (4) All heating and air conditioning equipment is installed in accordance with state and local mechanical codes and manufacturer's instructions.

(d) **Health requirements.**

- (1) Water supply, sewage disposal, and solid waste disposal meet local city ordinances and Oklahoma Department of Environmental Quality regulations.
- (2) Rooms used by juveniles are well ventilated and well lit.
- (3) Windows and doors used for ventilation are screened.
- (4) The foster parent shall not expose the juvenile to environmental tobacco smoke, also known as passive or secondhand smoke.
- (5) Measures are taken by the foster parents to keep the house and grounds free of rodents, insects, and stray animals.

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- (6) At least one operable sink, one operable toilet, and one operable tub or shower are available in the home.
  - (7) Each juvenile is provided with individual combs, toothbrushes, wash cloths, towels, and eating and drinking utensils.
  - (8) Linens are changed when needed.
  - (9) Animals or household pets are permitted, provided there is proof of annual rabies vaccinations for each animal. Pets or animals in the foster home, indoors or outdoors, are in good health, show no evidence of carrying disease, are friendly toward juveniles, and present no threat to the health, safety, and well-being of juveniles.
  - (10) OJA requires the foster family to comply with the Oklahoma State Department of Health recommendations regarding tuberculin skin testing when there is a local identified tuberculin exposure.
- (e) **Sleeping arrangements.** A separate bed is provided for each child or juvenile.
- (1) No more than two children or juveniles may share a sleeping room, except as approved by OJA.
  - (2) Separate sleeping rooms are provided for children older than four years who are of a different sex.
  - (3) Juveniles in foster care do not share a sleeping surface with adults in the household.
- (f) **Emergency plans.** The foster home complies with the requirements pertaining to emergency plans contained in this subsection.
- (1) The foster home has a planned source of medical care available, such as a hospital emergency room, clinic, or health professional known to the foster family.
  - (2) The home has a telephone, and emergency numbers are posted for the health professional or clinic, fire department, police department, ambulance service, and substitute caregiver.
  - (3) The foster parent has an emergency evacuation plan in the event of fires, tornadoes, floods, and other emergencies.
  - (4) First aid procedures and supplies are readily available.
  - (5) The foster parent ensures that each child and juvenile, as appropriate to age and developmental level, knows how to evacuate from the home in the event of a fire. The foster parent conducts periodic evacuation drills.

### **377:10-7-3.4. General foster parent qualifications**

- (a) **Age.** Foster parents shall be at least 21 years of age.
- (b) **Income and employment.** Foster parents shall have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments, if applicable.
  - (1) Foster parents who both work outside the home shall obtain approval from OJA for their plan of care for the juveniles during their absence.
  - (2) Foster parents shall obtain approval from OJA to conduct a business in the home and demonstrate that the activities related to this business will not interfere with the care of the juveniles.

- (3) The foster home shall not operate a child care business in the foster home.
- (c) **Number of children.** The foster home complies with requirements regarding placement of juveniles in the foster family home.
- (1) No more than five foster juveniles are placed in the home.
  - (2) The number, ages, and needs of foster juveniles placed in the home are in keeping with the capacity and skills of the foster parents and accommodations of the home.
  - (3) The total number of juveniles in the home, including the foster parents' biological children, adopted children, and foster children, cannot exceed six. Local city ordinances should be researched by the foster parents to determine if other restrictions apply.
- (d) **Foster Parent Training.** OJA shall provide and document that each foster parent has received at a minimum:
- (1) six hours of orientation or pre-service training prior to approval of the foster home or placement of a juvenile which includes at a minimum:
    - (A) OJA policy;
    - (B) program philosophy;
    - (C) confidentiality;
    - (D) mandatory reporting of child abuse;
    - (E) grievance process;
    - (F) emergency medical procedures; and
    - (G) fire and disaster plans;
  - (2) six additional hours of training within the first calendar year of certification that is relevant to the needs of the juvenile placed in the foster home including, but not limited to:
    - (A) normal child development;
    - (B) behavior management;
    - (C) separation and loss; and
    - (D) infection control and injury prevention; and
  - (3) twelve hours of training each calendar year thereafter that is relevant to foster parents' roles and responsibilities and may include workshops and video presentations.

### **377:10-7-3.5. Foster parent responsibility**

- (a) **General.** Foster parents shall provide OJA any information related to compliance with all requirements and allow OJA access to any member of the household and entry into all rooms within the home. Foster parents:
- (1) are responsible, mature, healthy adults capable of meeting the needs of the juveniles in foster care;
  - (2) demonstrate a capacity for setting realistic expectations for behavior that is based on the ages, abilities, and special needs of the juveniles;
  - (3) may be married couples, single persons, or family members with a stable living arrangement; and
  - (4) ensure that all members of the household are informed of and agree to accept the juvenile into the home.
- (b) **Notifications.** Foster parents shall comply with the requirements pertaining to notifications. Foster parents shall notify OJA:

- (1) in writing, prior to allowing any person to take up residence for more than two weeks in the foster home;
  - (2) immediately of the occurrence of:
    - (A) the death of the juvenile;
    - (B) a serious injury or illness involving medical treatment of the juvenile;
    - (C) unauthorized absence of the juvenile from the home as defined by OJA policy;
    - (D) removal of the juvenile from the home by any person or agency other than OJA, or attempts at such removal;
    - (E) loss of income that affects the family's ability to meet the needs of the juveniles in foster care;
    - (F) any involvement of the juvenile with legal authorities;
    - (G) any fire or other emergency requiring evacuation of the home;
    - (H) lack of heat, water, or electricity; and
    - (I) removal of the juvenile from the county for an overnight stay; and
  - (3) as soon as possible of:
    - (A) any serious illness or death in the household;
    - (B) the departure or return of any member of the household;
    - (C) a move to another residence;
    - (D) any other circumstance or incident seriously affecting the juvenile or care of the juvenile; and
    - (E) any allegations of child abuse.
- (c) **Cooperation.** Foster parents shall work cooperatively with OJA representatives as members of the treatment team responsible for planning, providing, and discussing the total care and services provided to each juvenile. Foster parents shall:
- (1) fully disclose all information related to a juvenile's problems or progress to OJA;
  - (2) treat any personal information about a juvenile or the juvenile's family in a confidential manner;
  - (3) participate in an annual review with OJA to mutually evaluate the strengths and weaknesses of the foster home, as well as OJA's relationship with the foster parents; and
  - (4) agree to not accept a non-relative juvenile from any source without the approval from OJA.
- (d) **Medical services.** OJA requires that the juvenile in foster care receive appropriate medical services.
- (e) **Nutrition.** Each juvenile is provided a balanced, nutritious, and developmentally appropriate diet. The food is wholesome in quality, ample in quantity, and of sufficient variety.
- (f) **Transportation.** Juveniles in foster care are transported in compliance with applicable state law, 47 O.S., § 11-1112. The transporting vehicle shall be covered by liability insurance as required by Oklahoma laws. The foster family has emergency transportation available.
- (1) **Driver qualifications.** Drivers transporting juveniles in foster care have an operator's license that is valid in the driver's state of residence and is of the type appropriate for the vehicle.
  - (2) **Passenger restraints.** Juveniles who are transported are properly secured in an individual seat belt.
  - (g) **Financial disclosure.** The foster parent shall immediately make available to OJA the cost of the juvenile's care, all income, other than part-time employment income earned by the juvenile, and resources (including, but not limited to Social Security or SSI or other federal or state benefits, inheritance, trust funds, insurance benefits, Indian trusts, or other monies to which the juvenile may be entitled) that are received by the foster parent(s) on behalf of the juvenile.
- 377:10-7-3.6. OJA responsibility**
- (a) **Policy.** OJA shall provide foster parents with OJA policy relative to foster care.
  - (b) **Case planning.** OJA is responsible for case planning.
  - (c) **Supervision.**
    - (1) OJA shall provide supervision at least once a month to each juvenile in foster care, including private visits with the juvenile in foster care and on-site visits to the home, to assess the continued suitability of the foster home environment;
    - (2) OJA may remove the juvenile at its discretion or provide consent for discharge of the juvenile from foster care when appropriate; and
    - (3) OJA may approve visitation by parents or relatives when appropriate.
  - (d) **Annual home study updates.** OJA shall update the foster home study annually to include:
    - (1) documentation of a home visit;
    - (2) documentation of a face-to-face interview with each parent, school-age child, and any other household member;
    - (3) current vehicle insurance verification; and
    - (4) reports of any significant changes from the initial home study.
- 377:10-7-3.7. Foster home contract**
- (a) **Contract.** OJA shall have a written contract with the foster care placement provider and provide the foster parents a copy of the contract. At a minimum, the contract shall include the following provisions:
    - (1) OJA shall have access at all times to the juvenile and to the foster placement;
    - (2) a listing of any specific requirements, duties, or restrictions in providing foster care services;
    - (3) that any foster child shall have access to and be accessible by any court-appointed special advocate for the foster child and the foster child's attorney;
    - (4) any foster care placement provider shall comply with performance standards required pursuant to 10 O.S., § 401 and any of the rules promulgated by the Board of Juvenile Affairs;
    - (5) information regarding the amount of payment to be made for foster care services, including but not limited to a description of the process involved in receiving payment, including projected time frames, information related to reimbursements for eligible costs and expenses for which

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the foster parent may be reimbursed and any information concerning the accessibility and availability of funds for foster parents;

- (6) OJA may remove a juvenile in OJA custody from a foster placement whenever the agency determines that removal is in the best interests of the juvenile or consistent with the state's interest in the protection of the public; and
- (7) such other contract provisions required by OJA.

### **377:10-7-3.9. Discipline and behavior management requirements**

(a) **Objectives.** The objectives of discipline and behavior management are to provide a positive learning experience for the juvenile to grow and develop and to learn acceptable standards of social behavior.

(b) **Expectations of foster parents.** Foster parents shall:

- (1) recognize and encourage appropriate behavior;
- (2) teach by example and use fair and consistent rules with logical consequences;
- (3) use methods of discipline that are relevant to the behavior;
- (4) supervise with an attitude of understanding, firmness, and discipline;
- (5) give clear directions and provide guidance consistent with the juvenile's level of understanding;
- (6) redirect the juvenile by stating alternatives when behavior is unacceptable;
- (7) express themselves so the juvenile understands that the juvenile's feelings are acceptable but certain actions or behavior are not;
- (8) help the juvenile learn what conduct is acceptable in various situations;
- (9) encourage the juvenile to control the juvenile's own behavior, cooperate with others and solve problems by talking things out; and
- (10) communicate with the juvenile by showing an attitude of affection and concern.

(c) **Discipline and behavior management policy.** OJA complies with the requirements regarding discipline and behavior management contained in this subsection. OJA's discipline policy is maintained in writing and is provided to foster parents, the juvenile, and the juvenile's parent or custodian.

- (1) OJA's discipline policy includes:
  - (A) the goal and purpose of OJA's discipline and behavior management program;
  - (B) approved methods of discipline and behavior management;
  - (C) a list of persons authorized to administer discipline and behavior management methods to juveniles in foster care; and
  - (D) OJA's method of monitoring and documenting implementation of the policy; and
- (2) OJA's discipline policy prohibits punishment:
  - (A) of a physical nature, such as shaking, striking, spanking, or physical abuse;

- (B) that constitutes emotional abuse, such as humiliation, name-calling, cursing, or degrading remarks regarding the juvenile or the juvenile's family;
- (C) administered by one juvenile to another juvenile;
- (D) that denies meals, sleep, or mail;
- (E) that places a juvenile in a locked room; and
- (F) any disciplinary action prohibited in OAC 377:10-1-3(d).

### **377:10-7-3.10. Applicable records**

(a) **Juvenile's case record.** Records maintained by OJA for juveniles in placement include, but are not limited to:

- (1) an intake form that includes the juvenile's full name, nickname(s), if any, date of birth, race, gender, place of birth, religion, and names, addresses and telephone numbers of parents and other significant relatives;
- (2) history of previous placements and dates;
- (3) reason for the present placement;
- (4) a description of the circumstances that led to the juvenile's present placement;
- (5) a description of the juvenile's relationship with other significant adults and children;
- (6) admission assessment that includes the juvenile's current level of functioning and medical history, including:
  - (A) medications the juvenile is currently taking;
  - (B) immunizations;
  - (C) allergies; and
  - (D) childhood diseases;
- (7) current court order(s) documenting legal custody of the juvenile and other applicable court orders;
- (8) certified birth verification;
- (9) juvenile's medical information, including:
  - (A) juvenile's medical authorization number, if applicable;
  - (B) medical examination completed no more than 60 days prior to placement or scheduled within 10 days after placement;
  - (C) written authorization to provide medical care;
  - (D) disabilities;
  - (E) psychosocial information;
  - (F) name of the juvenile's last doctor, if known; and
  - (G) documentation of medical services;
- (10) history of the juvenile's family of origin;
- (11) information regarding the physical health of the juvenile's family, including father, mother, and grandparents;
- (12) information regarding the emotional stability of family members;
- (13) reports from schools, specialists, and other agencies;
- (14) documentation that the juvenile's rights have been explained to the juvenile;
- (15) documentation that the grievance policy has been explained to the juvenile;

- (16) a service plan per OAC 377:25-9-2 completed within 30 days of placement and signed and dated by the juvenile, staff, foster parents, and parent or guardian;
- (17) revision of the service plan every six months;
- (18) case notes that have been signed and dated;
- (19) a discharge plan that includes anticipated length of placement and future placement;
- (20) a discharge summary that includes an assessment of the juvenile's progress in placement, the juvenile's continuing needs and plans, and recommendations for follow-up services, if any; and
- (21) documentation of inability to obtain any of the information contained in this subsection and efforts to obtain it.

(b) **Foster home record.** OJA shall maintain a current record on each foster home. Entries, dated in chronological order and identifying the staff member who recorded the information, include:

- (1) certification form and documents verifying certification, per OAC 377:10-7-3;
- (2) a complete report of the home study with evaluation and recommendations as required;
- (3) records of all juveniles placed in the home with dates, names, ages, and rates of payment for services, if applicable;
- (4) records of all juveniles removed from the home with dates, names, ages, and reasons for removal;
- (5) financial agreements, if applicable;
- (6) signed and dated case notes, visits or contacts, and conferences;
- (7) a copy of the placement worksheet on each juvenile;
- (8) correspondence;
- (9) records of the home study, updated annually, per OAC 377:10-7-3.6(d);
- (10) documentation of training; and
- (11) written agreements and contracts between the agency and the foster parents.

### **377:10-7-3.11. Applicable rights**

(a) **Juvenile's rights.** OJA requires that the juvenile in foster care is:

- (1) not forced to participate in publicity or promotional activities;
- (2) not publicly identified as in the custody of OJA;
- (3) provided an opportunity to participate in religious services;
- (4) supplied with facilities and supplies for personal care, hygiene, and grooming;
- (5) supplied with his or her own clothing and shoes appropriate to the season, age, activities, and individual needs and comparable to that of other juveniles in the community;
- (6) provided individual space in the foster home for the juvenile's personal possessions and a reasonable degree of privacy.

(A) The juvenile has the right to bring, possess, and acquire personal belongings subject only to reasonable household rules and the Individual Treatment and Service Plan (ITSP).

(B) Personal belongings are sent with the juvenile when the juvenile leaves the home;

(7) expected to perform only household tasks that are within the juvenile's abilities, reasonable for the juvenile's age, and similar to those expected of other household members of comparable age and ability;

(8) given guidance in managing money.

(A) Money earned by the juvenile or received as a gift or allowance is the juvenile's personal property.

(B) The juvenile is not required to use earned money to pay for room and board, unless it is a part of the ITSP and approved by the parent or custodian and OJA;

(9) allowed privacy in writing, sending, or receiving correspondence, unless restricted by the ITSP;

(10) not denied meals as punishment;

(11) not subjected to remarks that belittle or ridicule the juvenile or the juvenile's family;

(12) allowed to visit with the juvenile's family, in accordance with the service plan;

(13) not forced to acknowledge dependency on OJA or foster home or gratitude to them;

(14) given the opportunity, at the juvenile's or OJA's request, for private conversation with OJA's staff members who are responsible for the juvenile's supervision;

(15) given the opportunity to file a grievance, pursuant to 377:3-1-27 through 377:3-1-30; and

(16) provided educational opportunities in accordance with the juvenile's ITSP.

(b) **Foster parent's rights.** Foster parent's rights shall include, but not be limited to, the right to:

(1) be treated with dignity, respect, and consideration as a professional member of the treatment team;

(2) be notified of and given appropriate, ongoing and continuing education and training to develop and enhance foster parenting skills;

(3) be informed about ways to contact OJA or the child-placing agency in order to receive information and assistance to access supportive services for any juvenile in the foster parent's care;

(4) receive timely financial reimbursement for providing foster care services;

(5) be notified of any costs or expenses for which the foster parent may be eligible for reimbursement;

(6) be provided a clear, written explanation of the ITSP concerning the juvenile in the foster parent's home;

(7) receive, at any time during which a juvenile is placed with a foster parent, additional or necessary information that is relevant to the care of the juvenile;

(8) be notified of scheduled review meetings, permanency planning meetings, and special staffing concerning the juvenile in order to actively participate in the case planning and decision-making process regarding the juvenile;

## Emergency Adoptions

- (9) provide input concerning the plan of services for the juvenile and to have that input be given full consideration in the same manner as information presented by any other professional on the treatment team;
- (10) communicate with other foster parents in order to share information regarding the juvenile; specifically, information concerning the number of times a juvenile has been moved, the reasons for the movement, and the names and telephone numbers of the previous foster parents, if such information is authorized for release;
- (11) communicate with other professionals who work with the juvenile within the context of the treatment team including, but not limited to, therapists, physicians, and teachers;
- (12) be given, in a timely and consistent manner, any information regarding the juvenile and the juvenile's family which is pertinent to the care and needs of the juvenile and to the permanency plan for the juvenile. Disclosure of information shall be limited to that information which is authorized by the provisions of 10A O.S., § 2-6-101 et seq;
- (13) be given reasonable notice of any change in or addition to the services provided to the juvenile pursuant to the juvenile's ITSP;
- (14) except in emergency cases, be given written notice of plans to terminate the placement of the juvenile with the foster parents and the reasons for the changes or termination in placements;
- (15) be notified by OJA in a timely and complete manner of all court hearings, including notice of the date and time of any court hearing, the name of the judge or hearing officer, location of the hearing, and court docket number of the case;
- (16) be informed of decisions made by the court, OJA, or the child-placing agency concerning the juvenile;
- (17) be considered a preferred placement option when a juvenile who was formerly placed with a foster parent is to re-enter foster care at the same level and type of care, if that placement is consistent with the best interests of the juvenile and other children in the home of the foster parent and the protection of the public;
- (18) be provided a fair, timely, and impartial investigation of complaints concerning the certification of the foster parent;
- (19) be provided the opportunity to request and receive a fair and impartial hearing regarding decisions that affect certification retention or placement of children in the home;
- (20) be allowed to exercise parental substitute authority;
- (21) have timely access to the appeals process of OJA and the child placing agency and the right to be free from acts of harassment and retaliation by any other party when exercising the right to appeal;
- (22) be provided the number of the statewide toll-free Foster Parent Hotline;
- (23) file a grievance and be informed of the process for filing a grievance;

(c) OJA and a child-placing agency under contract with OJA shall be responsible for implementing this subsection on foster parents' rights.

(d) Nothing in this subsection shall be construed to create a private right of action or claim on the part of any individual, OJA, or any child-placing agency, pursuant to 10A O.S., § 1-9-119(C).

### **377:10-7-3.12. Foster parent grievance procedure**

OJA's grievance policy and procedures for foster parents are as follows:

(1) Grievances shall be in writing and submitted to the Juvenile Services Unit District Supervisor of the district where the foster home is located. The JSU District Supervisor shall meet with the foster parent within five (5) days of the submission of the grievance to the district office. Within two (2) days of the initial meeting, a proposed resolution will be established and presented to the foster parent, unless the resolution was finalized at the initial meeting. If additional time is needed to satisfy a grievance, these time frames may be extended by agreement.

(2) If there is not an established agreed upon resolution within five (5) days of the initial meeting or applicable extensions, the foster parents may appeal to the JSU Division Director. Such appeal shall be filed within two (2) days. The JSU Division Director shall make a decision that resolves the appeal within three (3) days, and the decision shall be final.

(3) All resolved and unresolved grievances shall be reviewed by the JSU Division Director. Grievances shall be annually reported to the Board of Juvenile Affairs.

### **377:10-7-4. Therapeutic foster care**

(a) The Office of Juvenile Affairs may contract for the provision of therapeutic foster care services to OJA-custody juveniles who are between the ages of 10 and 18 years of age with documented mental health problems. A therapeutic foster home is a foster family home, which provides specific services to eliminate social and behavioral problems of a juvenile placed in the home.

(b) Juveniles who are not appropriate for therapeutic foster care are those with serious and repeated delinquent behaviors who appear to need intensive residential or group care treatment programs which provide 24-hour awake supervision and/or juveniles who are so severely emotionally disturbed that they require hospitalization or intensive residential or group care treatment programs which provide 24-hour awake supervision.

(c) The number of children placed in one therapeutic foster home shall not exceed two unless written authorization is granted by OJA. The placement of a third resident shall only occur in special circumstances such as keeping sibling groups together or when a third resident is temporarily placed due to an existing resident approaching discharge from the program.

(d) Prior to the placement of children in therapeutic foster care homes, all foster parents must satisfactorily complete thirty-five pre-service hours, not including the six hours of

orientation, of primarily skill-based training consistent with OJA's treatment methodology and the service needs of emotionally disturbed and behaviorally disordered children. All therapeutic foster parents must satisfactorily complete a minimum of eighteen hours of in-service training per year to maintain certification, whether or not a resident is placed in the home. First Aid and CPR training may count for up to 8 hours of in-service training within the first year of certification. After the first year, First Aid and CPR recertification training may count as no more than 4 hours of the required 18 hours of in-service training annually. In-service training may include a variety of formats and procedures including in-home training provided by OJA staff.

(e) Rules regarding eligible providers, admission requirements, description of required services, and the Title XIX payment rate are found in Title 317, the Oklahoma Health Care Authority [317:30-5-740, 317:30-5-741(5)(D), 317:30-5-742, 317:30-5-473, and 317:30-5-475]. In addition to the requirements of the Oklahoma Health Care Authority, therapeutic foster homes shall be licensed by DHS, provide services, and meet the licensing requirements for therapeutic foster care as identified in OAC 340:75, the therapeutic foster care contract, and, at a minimum, the OJA foster home standards listed in OAC 377:10-7-31 through 377:10-7-3.12.

(ef) In working with therapeutic foster families, OJA shall abide by the provisions of the Oklahoma Foster Care and Out of Home Placement Act. OJA, pursuant to 2-7-613(A), shall provide supervision to juveniles in therapeutic foster care.

**377:10-7-5. Specialized community home**

(a) **General provisions.** A specialized community home (SCH) is a community-based, family-structured home for up to five OJA-custody juveniles. A SCH shall be operated by, and in the home of, a professional, contracted social service provider. The contractor shall provide an intensive, individually-focused, therapeutic intervention program of social services in addition to basic residential care. The contractor shall also provide counseling, educational opportunity, employment opportunity, cultural enrichment, and independent living skills training consistent with each juvenile's treatment plan. The SCH contractor's full-time job shall be to operate the specialized community home and provide services.

(b) **Foster family care standards.** An applicant, to become a specialized community home provider, shall submit a program proposal to the Executive Director or the affected division administrator, and meet the requirements listed in OAC 377:10-7-3. A specialized community home ~~operator~~ contractor shall meet, at a minimum, the OJA foster home standards listed in OAC 377:10-7-3.

(c) **Program proposal.** An applicant shall address each of the criteria listed in (1)-(16) of this subsection in the applicant's written program proposals.

(1) **Previous child care experience.** The applicant shall provide a description of the applicant's previous child care experience with the target population described.

(2) **Educational background and abilities of the applicant.** The applicant shall provide information regarding the applicant's formal education, training, and abilities. The applicant shall describe how the education enhances his or her ability to successfully operate this program.

(3) **Adaptability.** The applicant shall describe in writing how he or she may adapt to meet the needs of juveniles referred to the program.

(4) **Behavior management.** The applicant shall describe in writing his or her philosophy of behavior management methods and its applicability to the proposal population.

(5) **Effect on other family members.** The applicant shall provide information on the effect, if any, becoming a specialized community home will have on family members and the plan to minimize any risk potential that may exist.

(6) **Role of the spouse.** The applicant shall describe in writing the role which a spouse, present in the home, will play in the overall operation of the specialized community home.

(7) **Overall plan of service delivery.** The applicant shall provide a written plan of service delivery. The applicant shall answer the following questions:

- (A) What types of services will be directly provided and in what manner?; and
- (B) What will be accessed from the community?

(8) **Relief/respite care.** The applicant shall provide an outline of the plan for relief/respite care arrangements.

(9) **Community/school system acceptance.** The applicant shall describe the community/school system tolerance level for the type of juveniles proposed for placement.

(10) **Facility.** The applicant shall provide information regarding whether the home is adequate to accommodate four juveniles in addition to the applicant's own family. Upon written approval from the Executive Director or the affected division administrator, a home may be certified for five juveniles in addition to the applicant's own family.

(11) **Recreational resources.** The applicant shall provide a written description of and a plan for using available recreational resources.

(12) **Educational resources.** The applicant shall provide a description of available State Board of Education certified educational resources, including vocational education and special education.

(13) **Independent living.** The applicant shall have a plan to assess and teach independent living skills to juveniles 16 years of age and older.

(14) **Employment resources.** The applicant shall describe plans to teach job skills and access employment resources. The applicant shall identify transportation resources.

(15) **Community resources.** The applicant shall provide information regarding the availability of community resources and the applicant's plan for accessing community resources.

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(16) **Transportation.** The applicant shall advise whether he or she can provide transportation for the juveniles.

(d) **OJA staff participation.** OJA staff may not participate in writing program proposals.

(e) **Role expectations of the specialized community home operator/contractor.** OJA may require specific training for the SCH prior to placing a juvenile in the home. Specialized community home (SCH) contractors shall annually obtain 21 hours of training regarding working with juveniles. All SCH contractors and their spouses shall receive training in an approved system for managing aggressive and non-aggressive acting-out behavior. Contractors shall attend OJA mandatory meetings held twice yearly, as well as any additional required training. Contractors shall receive training hours for attending the required meetings.

(f) **Responsibilities of the specialized community home contractor.** The Office of Juvenile Affairs shall set forth specific responsibilities of the specialized community home operator/contractor in the contract between OJA and the contractor. OJA staff shall ensure that contractors meet all contractual requirements.

## 377:10-7-7. Kinship foster care

(a) Any responsible adult over the age of 18 with whom a juvenile has a kinship relationship may apply to become a kinship foster home for that juvenile.

(b) An OSBI criminal history records search must be completed and a national criminal history records search based on fingerprints initiated before a family is certified as a foster home.

(c) The worker shall complete a foster home study on kinship foster parents. Kinship foster parents must meet the standards set forth in OAC 377:10-7-~~31~~ through 377:10-7-3.12.

(d) A foster parent providing kinship care shall, if possible, complete the training before the juvenile is placed. If training is not possible before placement, the kinship foster parent must receive the training no later than three months after placement. Training requirements are listed in OAC 377:10-7-~~31~~ through 377:10-7-3.12.

[OAR Docket #13-1542; filed 12-23-13]

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

[OAR Docket #13-1401]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

475:30-1-11. Refilling of prescriptions [AMENDED]

475:30-1-12. Partial filling of Schedules III, IV and V prescriptions [AMENDED]

### AUTHORITY:

The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, 63 O.S. §§ 2-301, 2-309H.

### DATES:

#### Adoption:

November 8, 2013

#### Approved by Governor:

December 3, 2013

#### Effective:

Immediately upon Governor's approval

#### Expiration:

Effective through September 14, 2014, unless superseded by another rule or disapproved.

#### SUPERSEDED EMERGENCY ACTIONS:

n/a

#### INCORPORATIONS BY REFERENCE:

n/a

#### FINDING OF EMERGENCY:

The imminent peril to the preservation of the public health, safety and welfare that requires these rule amendments stems from the recent statute change to 63 O.S. §2-309, which does not allow for hydrocodone products to be refilled. Without the rule amendments, the rules do not align with the statute, and there is a loophole wherein large prescriptions can be written with the specification that the amount be partially filled at different intervals. This practice is essentially a refill and is contrary to the intent of the statute change, which was an effort to combat the prescription drug abuse problem in our state.

#### ANALYSIS:

475:30-1-11. Refilling of prescriptions [AMENDED]- Adds the prohibition of refilling a hydrocodone prescription.

475:30-1-12. Partial filling of Schedules III, IV and V prescriptions [AMENDED]- Adds section addressing partial refills of hydrocodone products.

#### CONTACT PERSON:

Marie Schuble, 405-521-2885

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

#### 475:30-1-11. Refilling of prescriptions

(a) No prescription for a controlled dangerous substance in Schedules III or IV shall be filled or refilled more than six (6) months after the date such prescription was issued, and no such prescription authorized to be refilled may be refilled more than five (5) times. Each refilling of a prescription shall be maintained by the pharmacy, which indicated by the number of the prescription the following information: the name and dosage form of the controlled dangerous substance; the date of each refilling; the quantity dispensed; the identity or initials of the dispensing pharmacist in each refilling; and the total number of refills for that prescription. If the pharmacist merely initials and dates the back of the prescription, he/she shall be deemed to have dispensed a refill for the full face amount of the prescription. Additional quantities of controlled dangerous substances listed in Schedule III or IV may only be authorized by a prescribing practitioner through issuance of a new and separate prescription. Refills shall not be obtained at the same time as the initial filling of the prescription and only one (1) refill shall be obtained at any one time. A new prescription for a specific CDS voids any existing refills or other prescriptions for the same drug.

(b) A pharmacy registrant may elect to use an automated data processing system to maintain prescription files; however, if such a system is used, there must also be written files kept

which meet the requirements of Title 59 Okl.St. Ann. § 353.20, OAC 535:15-3-21 and 21 CFR § 1306.22.

(c) Prescriptions for hydrocodone containing products may not be refilled.

**475:30-1-12. Partial filling of Schedules III, IV and V prescriptions**

The partial filling of a prescription for a controlled dangerous substance listed in Schedules III, IV or V is permissible; PROVIDED that:

- (1) Each partial filling is recorded in the same manner as a refilling.
- (2) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed.
- (3) No dispensing occurs after six (6) months after the date on which the prescription was issued.
- (4) Prescriptions for hydrocodone containing products are partially filled pursuant to 475:30-1-7.

[OAR Docket #13-1401; filed 12-16-13]

**TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #13-1517]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**

- Subchapter 7. Quality Workforce for Oklahoma's Heroes [NEW]
- 770:1-7-1. Eligibility [NEW]
- 770:1-7-2. Qualification and application procedures [NEW]
- 770:1-7-3. Benefits [NEW]
- 770:1-7-4. Conditions for receipt of benefits [NEW]
- 770:1-7-5. Standards [NEW]
- 770:1-7-6. Eligible Institutions [NEW]
- 770:1-7-7. Other [NEW]

**AUTHORITY:**

74 O.S. §§ 1735 *et seq.*, the Quality Workforce for Oklahoma's Heroes Act.

**DATES:**

**Adoption:**

October 28, 2013

**Approved by Governor:**

December 3, 2013

**Effective:**

Immediately upon Governor's approval

**Expiration:**

Effective through September 14, 2014, unless superseded by another rule or disapproved by the Legislature.

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

Implements emergency rules to comply with 74 O.S. §§ 1735 *et seq.*, which went into effect on November 1, 2013.

**ANALYSIS:**

The Quality Workforce for Oklahoma's Heroes Act (74 O.S. §§ 1735 *et seq.*) authorizes the Oklahoma Department of Veterans Affairs to establish education and training programs for positions critical to the quality care of veterans residing within Department institutions. These rules implement the requirements of the Act by establishing the standards for the eligibility of employees, qualification and application procedures, benefits, conditions

to receive benefits, standards for continued receipt of benefits, and eligible institutions.

**CONTACT PERSON:**

Tamara Hodge (405) 522-2212

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

**SUBCHAPTER 7. QUALITY WORKFORCE FOR OKLAHOMA'S HEROES**

**770:1-7-1. Eligibility**

The Quality Workforce for Oklahoma's Heroes applies to fulltime employees of the Oklahoma Department of Veterans Affairs, as defined below:

- (1) Must be a current, full-time ODVA employee with at least 12 months continuous employment with the agency;
- (2) Must have achieved an overall rating of "meets" or "exceeds" standards on his or her most recent performance evaluation;
- (3) Meets the standards of the program as defined within this section; and
- (4) Have no pending or formal disciplinary actions in his or her permanent personnel file within the last year from date of application to the program.

**770:1-7-2. Qualification and application procedures**

Applicants for the Quality Workforce for Oklahoma's Heroes shall provide the following information to the Oklahoma Department of Veterans Affairs Education Review Team for review and determination of eligibility:

- (1) A completed application form as prescribed by the Executive Director;
- (2) The application must be received prior to the start of the course/program;
- (3) The employee must have applied for, and been accepted into, the program by the institution providing the education or training; and
- (4) The employee must provide documentation from the education institution for the course(s) or program in which the employee is enrolled;

**770:1-7-3. Benefits**

(a) Funds of the ODVA may be used to pay salaries, tuition expenses, or fees for employees enrolled in an education or training program leading to quality care of residents and/or to maintain licensure of the Centers.

(b) Employees may be in a work status while attending these training and education programs.

(c) An individual employee is limited to total education and training benefits of \$5,250.00 in any one calendar year. The calendar year is determined by the payment date for the benefit.

## **Emergency Adoptions**

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### **770:1-7-4. Conditions for receipt of benefits**

(a) The employee receiving benefits under this Subchapter shall execute a promissory note to the ODVA (who completes the promissory note and tracks it) to repay the amount of tuition and/or fees paid by the ODVA to the employee or on behalf of the employee if the employee leaves the employment of the ODVA for any reason, except for employees who volunteer or are drafted into active military service.

(b) If the employee participated in the education and training program during working hours, the cost of any pay paid to the employee while attending the course will be included in the total amount of the promissory note.

(c) The amount of the promissory note shall be reduced at a rate of \$13.00 per calendar day beginning the first day following graduation or completion from the education or training program.

(d) Should the employee fail to make satisfactory progress, as defined by the ODVA, in the education or training program, or be terminated from the education or training program for any reason, the promissory note shall be reduced at a rate of \$13.00 per calendar day beginning the first day following termination from the education or training program.

(e) Should the employee leave employment with the ODVA for any reason, except for employees who have volunteered or have been drafted into active military service, the obligation to the ODVA becomes due and payable immediately.

(f) Violation of the terms of the promissory note shall give rise to a cause of action and suit may be commenced by the ODVA for and on behalf of the State of Oklahoma for restitution of any and all sums plus interest at the statutory rate, costs, and reasonable attorney fees.

### **770:1-7-5. Standards**

The ODVA shall insure the employee:

(1) Makes satisfactory scholastic progress toward the program of education or training until completion of all program requirements;

(2) Maintains a grade point average required for satisfactory academic progress in the program of education or training, as defined by the institution providing the education or training; and

(3) Meets ODVA attendance time and attendance rules if the employee attends the training class during working hours.

### **770:1-7-6. Eligible Institutions**

(a) The ODVA will contract for enrollment in an education and training program only at public schools and institutions accredited by a national accrediting agency recognized by the U.S. Department of Education, or programs offered by licensing or certification entity's.

(b) The ODVA will contract with eligible institutions for education and training programs only for employees that have submitted applications as defined in this Subchapter and have been approved by the Executive Director.

(c) The ODVA will pay licensure and certification fees only for those employees whose positions with the ODVA require such a license or certification, or as the education or training program requires.

### **770:1-7-7. Other**

The total amount available under this Subchapter shall not exceed funds set aside for this purpose in the administrative budget of the ODVA, as approved by the Executive Director and the Commission each year.

*[OAR Docket #13-1517; filed 12-23-13]*

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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

### 1:2011-6B.

#### SECOND AMENDED EXECUTIVE ORDER 2011-06

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by the Executive Branch Reform Act of 1986, hereby create the Cabinet System. Pursuant to Section 10.3 of Title 74 of the Oklahoma Statutes, it is hereby ordered:

The Cabinet shall be comprised of the following Secretaries:

1. Secretary of Agriculture;
2. Secretary of Commerce;
3. Secretary of Education and Workforce Development;
4. Secretary of Energy and Environment;
5. Secretary of Finance, Administration, and Information Technology;
6. Secretary of Health and Human Services;
7. Secretary of the Military;
8. Secretary of Safety and Security;
9. Secretary of Science and Technology;
10. Secretary of State;
11. Secretary of Tourism
12. Secretary of Transportation; and
13. Secretary of Veterans Affairs.

The **Secretary of Agriculture** shall be responsible for the following executive entities or their successors:

Agriculture, State Board of, and Agriculture, Food and Forestry, Department of  
Boll Weevil Eradication Organization  
Commodity Commissions and entities (Peanut, Sheep and Wool, Sorghum and Wheat)  
Conservation Commission, Oklahoma  
Horse Racing Commission, Oklahoma  
Industry Advisory Committee  
South Central Interstate Forest Fire Protection Compact and Advisory Committee  
Southern Dairy Compact  
Standards, Bureau of  
Veterinary Medical Examiners, State Board of

The **Secretary of Commerce** shall be responsible for the following executive entities or their successors:

Commerce, Oklahoma Department of  
Alarm and Locksmith Industry Committee  
CompSource Oklahoma, Board of Managers of, and CompSource Oklahoma  
Employment Security Commission, Oklahoma, and State Advisory Council and Board of Review  
Geographer, State  
Geographic Information Council, State  
Governor's Council on Workforce and Economic Development  
Greenwood Area Redevelopment Authority  
Housing Finance Agency, Oklahoma  
Industrial Finance Authority, Oklahoma  
Labor Commissioner and Department of Labor  
Midwestern Oklahoma Development Authority  
Northeast Oklahoma Public Facilities Authority  
Office for Minority and Disadvantaged Business Enterprises  
Ordinance Works Authority, Oklahoma  
Rural Action Partnership Program  
Rural Area Development Task Force  
Rural Development, Center for  
Southern Growth Policies Board  
Sub-State Planning Districts  
Workers' Compensation, Advisory Council on  
Workers' Compensation Commission

The **Secretary of Education and Workforce Development** shall be responsible for the following executive entities or their successors:

Accrediting Agency, State  
Anatomical Board, State  
Career and Technology Education, State Board of, and Department of Career and Technology Education  
College and University Boards of Regents or Trustees  
Community Service Commission, Oklahoma  
Dyslexia Teacher Training Pilot Program Advisory Committee  
Education Commission of the States  
Education Quality and Accountability, Office of, and Commission for Education Quality and Accountability  
Education, State Board of, Superintendent of Public Instruction and State Department of Education  
Educational Professional Standards Board

## Executive Orders

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Educational Television Authority (OETA), Oklahoma  
Municipal Clerks and Treasurers Division of the Oklahoma  
Career and Technology Education, Advisory Committee  
to the  
Partnership for School Readiness Board, Oklahoma  
Physician Manpower Training Commission  
Post-secondary Oversight Council  
Private Vocational Schools, Oklahoma Board of  
Regional University System of Oklahoma  
School and County Funds Management, Commission on  
School of Science and Mathematics, Oklahoma Board of  
Trustees of, and Oklahoma School of Science and Mathe-  
matics  
Southern Regional Educational Compact and Board of Con-  
trol for Southern Regional Education  
State Regents for Higher Education, Oklahoma  
Student Loan Authority  
Student Tracking and Reporting (STAR) Coordinating Com-  
mittee  
Textbook Committee, State  
Virtual Charter School Board, Statewide  
Vocational Education, State Council on

The **Secretary of Energy and Environment** shall be responsible for the following executive entities or their succes-  
sors:

Air Quality Advisory Council  
Arkansas River Basin Compact Commission, Arkansas-Ok-  
lahoma  
Arkansas River Basin Compact and Commission,  
Kansas-Oklahoma  
Canadian River Commission  
Central Interstate Low-Level Radioactive Waste Compact  
and Commission  
Compliance Advisory Panel  
Climatological Survey  
Corporation Commission, Oklahoma  
Energy Resources Board, Oklahoma  
Energy Initiative and Energy Initiative Board, Oklahoma  
Environmental Quality Board and Department of Environ-  
mental Quality  
Grand River Dam Authority Board of Directors and Grand  
River Dam Authority  
Geological Survey  
Hazardous Waste Management Advisory Council  
Lead-Impacted Communities Relocation Assistance Trust  
Liquefied Petroleum Gas (LPG) Board, Oklahoma  
LPG Research, Marketing and Safety Commission, Okla-  
homa  
Mining Commission, Interstate  
Mining Commission, Oklahoma, and Department of Mines  
Miner Training Institute, Oklahoma  
Municipal Power Authority Board, Oklahoma  
Oil and Gas Compact Commission, Interstate  
Radiation Management Advisory Committee

Red River Compact and Commission, Arkansas-Louisiana-  
Oklahoma-Texas  
Solid Waste Management Advisory Council  
Southern States Energy Compact and Southern States En-  
ergy Board  
Storage Tank Advisory Council  
Sustaining Oklahoma's Energy Resources, Committee  
Water Quality Management Advisory Council  
Water Research Institute, Oklahoma  
Water Resources Board, Oklahoma  
Wildlife Conservation Commission and Department of  
Wildlife Conservation

The **Secretary of Finance, Administration, and Infor-  
mation Technology** shall be responsible for the following  
executive entities or their successors:

Abstractors Board, Oklahoma  
Accountancy Board, Oklahoma  
Alternative Fuels Technician Examiners and Board, Okla-  
homa  
Auditor and Inspector, State  
Banking Board, State, and State Banking Department  
Bipartisan Legislative Apportionment Commission  
Bond Advisor, State  
Bond Oversight, Council of  
Building Bonds Commission  
Capital Investment Board, Oklahoma  
Capitol-Medical Center Improvement and Zoning Commis-  
sion  
Capitol Preservation Commission, State  
Cash Management Oversight Committee  
Cigarette and Tobacco Tax Advisory Committee  
Compensation and Unclassified Positions Review Board,  
Oklahoma  
Construction Industries Board  
Consumer Credit Commission and Department of Consumer  
Credit  
Contingency Review Board  
Development Finance Authority, Oklahoma  
Electronic and Information Technology Accessibility Advi-  
sory Council  
Employee Assistance Program, State, and Advisory Council  
Employee Insurance & Benefits Board, Oklahoma  
Equalization, State Board of  
Firefighters Pension and Retirement System and Board  
Home Inspector Examiners, Committee of  
Incentive Approval Committee  
Incentive Awards for State Employees, Committee for  
Insurance Commissioner and State Insurance Department  
Internet Applications Review Board, State Governmental  
Interstate Cooperation, Oklahoma Commission on  
Land Office, Commissioners of the  
Law Enforcement Retirement System and Board, Oklahoma  
Legislative Compensation, Board on  
Life and Health Insurance Guaranty Association and Board  
of Directors, Oklahoma

Long-Range Capital Planning Commission  
 Lottery Commission and Board of Trustees, Oklahoma  
 Management and Enterprise Services, Office of  
 Manufactured Home Advisory Committee  
 Market Assistance Association and Board of Directors  
 Merit Protection Commission  
 Motor Vehicle Commission, Oklahoma  
 Multiple Injury Trust Fund  
 Oversight Committee for State Employee Charitable Contributions  
 Pension Commission, Oklahoma State  
 Police Pension and Retirement System and Board, Oklahoma  
 Program Development and Credit Review Committee  
 Property and Casualty Insurance Guaranty Association and Board, Oklahoma  
 Public Employees Relations Board  
 Public Employees Retirement System and Board, Oklahoma  
 Securities Commission, Oklahoma, and Department of Securities  
 State Credit Union Board, Oklahoma  
 State Governmental Technology Applications Review Board  
 Streamlined Sales and Use Tax Agreement Committee  
 Tax Commission, Oklahoma  
 Teachers' Retirement System, Board of Trustees of the, and Teachers' Retirement System  
 Treasurer, State  
 Used Motor Vehicle and Parts Commission, Oklahoma

The **Secretary of Health and Human Services** shall be responsible for the following executive entities or their successors:

Advanced Practice Nurse Formulary Advisory Council  
 Advancement of Wellness Advisory Council  
 Agent Orange Outreach Committee  
 Aging, Oklahoma State Council on  
 Alcohol and Drug Counselors, Oklahoma Board of Licensed Alcohol, Drug Abuse and Community Mental Health Planning and Coordination Boards  
 Alzheimer's Research Advisory Council  
 Athletic Trainers Advisory Committee  
 Behavioral Health Licensure, Board of  
 Blind Vendors, Committee of  
 Boxing Commission, Oklahoma Professional  
 Cerebral Palsy Commission and J.D. McCarty Center for Children with Developmental Disabilities  
 Certified Registered Nurse Anesthetist Formulary Advisory Council  
 Child Abuse Examination, Board of  
 Child Abuse Prevention Training and Coordination Council  
 Child Abuse Prevention, Office of  
 Child Death Review Board  
 Children and Youth, Oklahoma Commission on  
 Chiropractic Examiners, Board of

Community Hospitals Authority  
 Community Social Services Center Authority  
 Cosmetology, Board of  
 Consumer Advocacy, Office of  
 Consumer Protection Licensing Advisory Council  
 Cord Blood Donations, Advisory Council on  
 Dentistry, Board of  
 Dietetic Registration, Advisory Committee on  
 Developmental Disabilities Council  
 Early Childhood Intervention, Interagency Coordinating Council for  
 Embalmers and Funeral Directors, Oklahoma State Board of Faith-based and Community Initiatives  
 Food Service Advisory Council  
 Governor's Council on Physical Fitness and Sports  
 Governor's Interagency Council on Homelessness  
 Governor's Oklahoma United We Ride Council  
 Governor's Transformation Advisory Board  
 Group Homes for Persons with Developmental or Physical Disabilities Advisory Board  
 Handicapped Concerns, Advisory Committee on, and Office of Handicapped Concerns  
 Health Care Authority, Oklahoma  
 Health Care Information Advisory Committee  
 Health, State Board of, and Department of Health  
 Home Care and Hospice Advisory Council  
 Hospital Advisory Council, Oklahoma  
 Human Services, Department of  
 Infant and Children's Health Advisory Council  
 Juvenile Affairs, Board of, and Office of Juvenile Affairs  
 Juvenile Justice, State Advisory Group on  
 Licensed Social Workers, State Board of  
 Long-Term Care Administrators, Oklahoma State Board of Examiners for  
 Long-Term Care Facility Advisory Board  
 Medical Care for Public Assistance Recipients, Advisory Committee for  
 Medical Direction Subcommittee  
 Medical Licensure and Supervision, Board of  
 Mental Health Advisory Committee on Deafness and Hearing Impairment  
 Mental Health and Substance Abuse, Board of, and Department of Mental Health and Substance Abuse  
 Mental Health, Interstate Compact on  
 Nursing, Board of, and Formulary Advisory Council  
 Occupational Therapy Advisory Committee, Oklahoma  
 Oklahoma State University Medical Authority  
 Optometry, Board of Examiners in  
 Osteopathic Examiners, State Board of  
 Partnership for Children's Behavioral Health  
 Perfusionists, State Board of Examiners of  
 Pharmacy, Board of  
 Physical Therapy Committee  
 Physician's Assistant Advisory Committee  
 Placement of Children, Interstate Compact on the  
 Podiatric Medical Examiners, Board of  
 Post Adjudication Review Advisory Board

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Prevention of Adolescent Pregnancy and Sexually Transmitted Diseases, Interagency Coordinating Council for Coordination of Efforts for  
Psychologists, State Board of Examiners of  
Public Guardian, Office of  
Registered Electrologists, Advisory Committee of  
Rehabilitation Services Commission, Oklahoma Rehabilitation Services, Department of  
Residents and Family State Council  
Respiratory Care Advisory Committee  
Sanitarian and Environmental Specialist Registration Advisory Council  
Sanitarian Registration Advisory Council  
Santa Claus Commission  
Speech Pathology and Audiology, Board of Examiners for  
State-Tribal Relations, Joint Committee on  
Statewide Independent Living Council (SILC)  
Strategic Planning Committee on the Olmstead Decision  
Tobacco Settlement Endowment Trust Fund Board of Directors  
Trauma and Emergency Response Advisory Council  
Traumatic Spinal Cord and Traumatic Brain Injury, Advisory Council on  
University Hospitals Authority  
Youth Suicide Prevention Council

The **Secretary of the Military** shall be responsible for the following executive entities or their successors:

Adjutant General, State  
Military Department, Oklahoma

The **Secretary of Safety and Security** shall be responsible for the following executive entities or their successors:

Adult Offender Supervision, Oklahoma State Council for Interstate  
Alcohol and Drug Abuse Policy Board  
Alcohol and Drug Influence, Board of Tests for  
Alcoholic Beverage Laws Enforcement (ABLE)  
AMBER Alert Committee, Oklahoma  
Attorney General, Oklahoma  
Bureau of Investigation Commission, Oklahoma State, (OSBI) and Oklahoma State Bureau of Investigation  
Bureau of Narcotics and Dangerous Drugs Control Commission, Oklahoma State, and Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
Chief Medical Examiner, Office of, and Board of Medicolegal Investigations  
Corrections, Department of, and Board of Corrections  
Crime Victims Compensation Board  
District Attorney's Council  
Domestic Violence and Sexual Assault Advisory Council  
Domestic Violence Fatality Review Board  
Driver License Compact  
Driver's License Medical Advisory Committee

Emergency Management, Oklahoma Department of  
Governor's Committee on Homeland Security Funding  
Hazardous Materials Emergency Response Commission  
Homeland Security Director, Office of  
Indigent Defense System Board and Appellate Indigent Defender System  
Law Enforcement Education and Training, Council on (CLEET), and CLEET Advisory Council  
Motorcycle Safety and Education, Committee for  
National Crime Prevention and Privacy Compact Council  
Nonresident Violator Compact Board of Administrators  
Pardon and Parole Board, Oklahoma  
Polygraph Examiners Board  
Public Safety, Department of  
Sick Leave Review Board  
State Fire Marshal Commission, and State Fire Marshal, Office of  
Statewide Nine-One-One Advisory Board

The **Secretary of Science and Technology** shall be responsible for the following executive entities or their successors:

Center for the Advancement of Science and Technology, Oklahoma (OCAST), and Oklahoma Health Research Committee  
Experimental Program to Stimulate Competitive Research Advisory Committee (Epscor)  
Science and Technology Council  
Science and Technology Research and Development Board, Oklahoma  
Space Industry Development Authority, Oklahoma

The **Secretary of State** shall be responsible for the following executive entities or their successors:

Access to Justice Commission, Oklahoma  
Archives and Records Commission  
County Government Personnel Education and Training, Commission on  
Election Board, State  
Ethics Commission, Oklahoma  
Judicial Compensation, Board of  
Judicial Complaints, Council on  
Judicial Nominating Commission  
Library Board, State, and Department of Libraries  
Licensed Architects, Landscape Architects and Interior Designers of Oklahoma, Board of Governors of  
National Conference of Commissioners on Uniform State Laws  
Professional Engineers and Land Surveyors, State Board of Registration for  
Professional Responsibility Tribunal  
Real Estate Appraiser Board  
Real Estate Commission, Oklahoma  
Real Estate Contract Form Committee, Oklahoma  
Secretary of State

The **Secretary of Tourism** shall be responsible for the following executive entities or their successors:

- 1921 Tulsa Race Riot Memorial of Reconciliation Design Committee
- African-American Centennial Plaza Design Committee
- Arts Council, Oklahoma
- Capitol Complex and Centennial Commemoration Commission, Oklahoma
- Historic Preservation Review Committee, Oklahoma
- Historical Records Advisory Board
- Historical Society, Oklahoma
- Humanities Council, Oklahoma
- J.M. Davis Memorial Commission
- Jazz Hall of Fame Board, Oklahoma
- Music Hall of Fame Board, Oklahoma
- Native American Cultural and Educational Authority
- Quartz Mountain Arts and Conference Center and Nature Park, Board of Trustees, and Quartz Mountain Arts and Conference Center and Nature Park
- Register of Natural Heritage Areas, State
- Sam Noble Museum of Natural History, Oklahoma
- Scenic Rivers Commission
- Tourism and Recreation Commission, Oklahoma, and Department of Tourism and Recreation
- Tourism Promotion Advisory Committee, Oklahoma
- Will Rogers Memorial Commission

The **Secretary of Transportation** shall be responsible for the following executive entities or their successors:

- Aeronautics Commission
- Highway Construction Materials Technician Certification Board
- Port Authorities
- Tourism Signage Advisory Task Force, Oklahoma
- Transportation Commission and Department of Transportation
- Transportation County Advisory Board, Department of Transportation
- Transportation Tribal Advisory Board, Department of Turnpike Authority, Oklahoma
- Waterways Advisory Board

The **Secretary of Veterans Affairs** shall be responsible for the following executive entities or their successors:

- Strategic Military Planning Commission, Oklahoma
- Veterans Affairs, Department of War Veterans Commission

It shall be the duty of each board, commission, agency or other entity of the executive branch of state government to facilitate the purposes of this Order and the Executive Branch

Reform Act of 1986 and to cooperate fully with designated cabinet secretaries.

The State Chief Information Officer shall remain an appointee of the Governor and an employee of the Office of Management and Enterprise Services pursuant to 62 O.S. §34.11.1. The CIO shall continue to administer the OMES Information Services Division and the statewide plan to reform, streamline and consolidate the state of Oklahoma's information technology and telecommunications structure, operations and purchasing procedures in order to reduce the size of government and ensure that essential public services are delivered to Oklahoma taxpayers in the most efficient, cost-effective manner possible. The information technology consolidation has brought positive attention to Oklahoma as a progressive state in the information technology arena and the legislative intent of the consolidation effort remains a priority of this administration.

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, this 20th day of December, 2013.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengel  
Secretary of State

*[OAR Docket #13-1459; filed 12-20-13]*

**1:2013-19A.**

**AMENDED EXECUTIVE ORDER 2013-19**

I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution hereby establish the Pipeline Safety Task Force.

The purpose of the task force shall be to study the issues related to pipeline safety and prevention of excavation damage. The Pipeline Safety Task Force shall consist of eleven (11) appointed members. All members shall be appointed by and serve at the pleasure of the Governor. At least eight (8) members shall be operators of pipeline facilities and excavators covered by the Oklahoma Underground Facilities Damage Prevention Act. The Governor shall select the chair who shall then select a vice-chair. The Speaker of the House of Representatives and the President Pro Tempore of the Senate are also invited to appoint one legislator each to serve as ex-officio members of the task force.

The task force shall assess pipeline safety and prevention of excavation damage in connection with the Pipeline Inspection,

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Protection, Enforcement and Safety Act of 2006, the Pipeline Safety Regulatory Certainty and Job Creation Act of 2011 relating to underground damage prevention programs and any Pipeline and Hazardous Materials Safety Administration rules resulting from authority granted under either act, including but not limited to:

1. Whether the Oklahoma Underground Facilities Damage Prevention Act is consistent with any final rules issued in the Pipeline and Hazardous Materials Safety Administration, Notice of Proposed Rulemaking, 49 C.F.R. Parts 196 & 198 (April 2, 2012);
2. The need to implement a complaint process under the regulatory authority of the Corporation Commission;
3. The adequacy of the current enforcement powers of the Commission;
4. The need to authorize the Commission to take enforcement action with respect to any of the following prohibited practices:
  - a. excavation or demolition by an excavator without first notifying all operators in the geographic area, as required by law,
  - b. failure by an excavator to employ excavation or demolition procedures specified by law,
  - c. failure by an excavator to report damage to the operator as required by law,
  - d. in the event of damage to a pipeline that results in the escape of any flammable, toxic, or corrosive gas or liquid that may endanger life or cause serious bodily harm or damage to property, failure to report the incident promptly to local 911 emergency authority,
  - e. failure by a pipeline operator to report to the Commission those incidents involving its facilities as required by law,
  - f. frivolous and malicious notifications to operators of pipelines, and
  - g. repeated instances of any of these prohibited practices;
5. Whether providing enforcement authority requires clarifying the private rights-of-action provided by the Oklahoma Underground Facilities Damage Prevention Act; and
6. Any other issues the task force deems advisable.

The task force shall report its findings to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives no later than October 1, 2014. This report shall include the results of its assessment and any recommendations approved by a majority of the members.

If the Pipeline and Hazardous Materials Safety Administration has not issued final rules in Docket No. PHMSA-2009-0192 by December 1, 2013, then the task force shall issue its preliminary findings on December 1, 2013, and shall issue its final report thirty (30) days after the issuance of final rules in Docket No. PHMSA-2009-0192. This task force shall sunset upon issuance of its final report.

The task force shall meet at such times and places as it deems appropriate. Members shall serve without compensation. Administrative support for the task force, including personnel necessary to ensure the proper performance of the duties and responsibilities of the task force, shall be provided by the Oklahoma Corporation Commission.

This Executive Order shall be distributed to the Secretary of Energy, which shall cause the provisions of this Order to be implemented.

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 20th day of December, 2013.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

*[OAR Docket #13-1460; filed 12-20-13]*

**1:2013-43.**

### **EXECUTIVE ORDER 2013-43**

I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

In 2012, I signed Executive Order 2012-01, which prohibited the use of any tobacco product on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies or instrumentalities of the State of Oklahoma. The goal of this Executive Order was to provide for a healthier work environment, encourage healthier lifestyle choices for state employees and protect visitors to state property.

In the last couple of years, there has been an increase in the use of electronic cigarettes and vaping devices, including use in the work place and public places. While the popularity and use of these products has increased, we still do not know the potential long-term health effects associated with these devices. We do, however, know that the vapor produced from these devices can release chemicals such as nicotine and other tobacco related contaminants, including tobacco-specific nitrosamines and formaldehyde. Because the secondhand vapor contains chemicals, it can impact bystanders.

Additionally, many electronic cigarettes and vaping devices look like traditional cigarettes and emit a vapor that

looks like cigarette smoke. The similarity of these products to combustible cigarettes, which are prohibited on state property under Executive Order 2012-01, may create confusion for employees and visitors and present enforcement challenges for state agencies.

On December 17, 2013, Secretary of Health and Human Services Dr. Terry Cline released a Public Health Advisory to consumers and advised using caution when using or considering using these e-cigarette and vaping devices. This is, in part, due to the reality that these devices contain and emit harmful chemicals, are currently unregulated, and pose known and unknown health risks to users and non-users alike.

State and local laws and ordinances have been created to ensure clean indoor air for Oklahoma citizens in most places. The vapor emitted from these devices contains chemicals and toxins that undermine Oklahoma citizens' expectations of clean indoor air. Accordingly, over 100 worksites across Oklahoma have voluntarily prohibited the use of these devices on their property. Another 65 school districts have passed similar policies thereby protecting approximately 150,000 of our children while on school property.

Therefore, the use of any electronic cigarette or vaping device shall be prohibited on any and all properties owned, leased or contracted for use by the State of Oklahoma, including but not limited to all buildings, land and vehicles owned, leased or contracted for use by agencies or instrumentalities of the State

of Oklahoma. Provided, however, this Executive Order shall not apply to residents of Veteran's Affairs Residential Facilities while at those facilities.

The Executive Order shall be distributed to all members of the Governor's Executive Cabinet and the chief executives of all state agencies, who shall cause the provisions of this order to be implemented by all appropriate officials and agencies of state government. The Oklahoma State Department of Health ("OSDH") and Tobacco Settlement Endowment Trust ("TSET") will provide assistance to state agencies for implementing this order. The Executive Order shall be effective January 1, 2014.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 23<sup>rd</sup> day of December, 2013.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

*[OAR Docket #13-1516; filed 12-23-13]*

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