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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



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

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# 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 340. DEPARTMENT OF HUMAN SERVICES** **CHAPTER 110. LICENSING SERVICES**

*[OAR Docket #15-237]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

Part 1. Licensing Services - Child Care

340:110-1-4.1 [REVOKED]

340:110-1-8.1 [AMENDED]

340:110-1-9 through 340:110-1-9.1 [AMENDED]

340:110-1-15 [AMENDED]

Part 3. Licensing Services - Residential Care and Agencies

340:110-1-43.1 [REVOKED]

340:110-1-46 through 340:110-1-47.1 [AMENDED]

340:110-1-54 [AMENDED]

Subchapter 3. Licensing Standards for Child Care Facilities

Part 1. Requirements for Child Care Centers

340:110-3-1 [REVOKED]

340:110-3-2 [AMENDED AND RENUMBERED TO 340:110-3-275]

340:110-3-3 [AMENDED AND RENUMBERED TO 340:110-3-276]

340:110-3-5 [AMENDED AND RENUMBERED TO 340:110-3-277]

340:110-3-5.1 [AMENDED AND RENUMBERED TO 340:110-3-278]

340:110-3-6 [AMENDED AND RENUMBERED TO 340:110-3-281.2]

340:110-3-7.1 [AMENDED AND RENUMBERED TO 340:110-3-284]

340:110-3-9.1 [AMENDED AND RENUMBERED TO 340:110-3-287]

340:110-3-10 [AMENDED AND RENUMBERED TO 340:110-3-293]

340:110-3-11 [AMENDED AND RENUMBERED TO 340:110-3-300]

340:110-3-14 [AMENDED AND RENUMBERED TO 340:110-3-302]

340:110-3-22 [AMENDED AND RENUMBERED TO 340:110-3-301]

340:110-3-25 [AMENDED AND RENUMBERED TO 340:110-3-297]

340:110-3-25.1 [AMENDED AND RENUMBERED TO 340:110-3-289]

340:110-3-25.2 [AMENDED AND RENUMBERED TO 340:110-3-290]

340:110-3-25.3 [AMENDED AND RENUMBERED TO 340:110-3-281.4]

340:110-3-25.4 [AMENDED AND RENUMBERED TO 340:110-3-291]

340:110-3-25.5 [AMENDED AND RENUMBERED TO 340:110-3-296]

340:110-3-25.6 [AMENDED AND RENUMBERED TO 340:110-3-286]

340:110-3-26 [AMENDED AND RENUMBERED TO 340:110-3-288]

340:110-3-27 [AMENDED AND RENUMBERED TO 340:110-3-294]

340:110-3-28 [AMENDED AND RENUMBERED TO 340:110-3-298]

340:110-3-29 [AMENDED AND RENUMBERED TO 340:110-3-305]

340:110-3-31 [AMENDED AND RENUMBERED TO 340:110-3-299]

340:110-3-33 [AMENDED AND RENUMBERED TO 340:110-3-279]

340:110-3-33.1 [AMENDED AND RENUMBERED TO 340:110-3-308]

340:110-3-33.2 [AMENDED AND RENUMBERED TO 340:110-3-311]

340:110-3-33.3 [REVOKED]

Part 2. Requirements for Part-Day Children's Programs

340:110-3-35 through 340:110-3-49.7 [REVOKED]

Part 14. Requirements for School-Age Programs

340:110-3-220 through 340:110-3-242 [REVOKED]

Part 15. Requirements for Child Care Centers, Day Camps, Drop-In Programs, Out-of-School Time Programs, Part-Day Programs and Programs for Sick Children [NEW]

340:110-3-275 through 340:110-3-311 [NEW]

Appendices EE through NN [NEW]

**(Reference APA WF 14-07)**

### **SUMMARY:**

The proposed amendments Chapter 110 Subchapter 1 and 3 are to: (1) clarify division practice and procedure; and (2) amend licensing requirements for child care centers, drop-in, centers caring for sick children, part-day, school-age and day camp programs. Rule sections revoked are issued as new Sections. Revisions to licensing requirements include the areas of professional development of child care personnel, areas impacting children's health and safety, emergency preparedness, learning program principles, health, hygiene,

## Notices of Rulemaking Intent

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and nutrition. Rules also clarify Child Care Services staff policy and procedure for the monitoring and licensing of residential programs and child-placing agencies.

**AUTHORITY:**

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (O.S. 56 § 162); and 10 O.S. § 404, Oklahoma Child Care Facilities Licensing Act.

**COMMENT PERIOD:**

Written comments are accepted April 15, 2015 through May 15, 2015, during regular business hours by contacting Mitzi Lee, Oklahoma Department of Human Services, Child Care Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-2556.

**PUBLIC HEARING:**

A public hearing to provide a means by which persons may offer oral comments is scheduled for May 18, 2015 at 9:00 a.m. at the Oklahoma Department of Human Services, Sequoyah Building, 2400 North Lincoln Boulevard, Room C48, Oklahoma City, OK.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Department of Human Services (DHS) requests business entities who believe they may be affected by these proposed rules provide DHS, in writing within the comment

period, in dollar amounts if possible, the increase in the level of direct costs (for example, fees) and indirect costs (for example, reporting, recordkeeping, equipment, labor and revenue loss) to the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dena Thayer at Oklahoma Department of Human Services, Office of Intergovernmental Relations and Policy, PO Box 25352, Oklahoma City, OK 73125, before the close of the comment period on May 15, 2015.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the person listed above or going to [www.okdhs.org/library/policy/pp/](http://www.okdhs.org/library/policy/pp/).

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

*[OAR Docket #15-237; filed 3-18-15]*

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# Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.  
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

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

*[OAR Docket #15-276]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 3. Administrative Operations  
5:2-3-2. Principal office, hours of operation and official website [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 24, 2015

*[OAR Docket #15-276; filed 3-25-15]*

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

*[OAR Docket #15-275]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 5. Regulation of Licensees, Certificate Holders, and Permit Holders  
5:11-5-3. Preparation of abstracts [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 24, 2015

*[OAR Docket #15-275; filed 3-25-15]*

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

*[OAR Docket #15-226]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

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

35:2-3-2.2 [AMENDED]

35:2-3-2.3 [AMENDED]

35:2-3-2.4 [AMENDED]

35:2-3-2.5 [AMENDED]

35:2-3-2.6 [AMENDED]

35:2-3-2.7 [AMENDED]

35:2-3-2.8 [AMENDED]

35:2-3-5 [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 5, 2015

*[OAR Docket #15-226; filed 3-13-15]*

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

*[OAR Docket #15-227]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

Subchapter 1. General Provisions  
35:10-1-3 [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 4, 2015

*[OAR Docket #15-227; filed 3-13-15]*

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

*[OAR Docket #15-228]*

### **RULEMAKING ACTION:**

Submission to Governor and Legislature

### **RULES:**

35:13-1-1 [AMENDED]

35:13-1-2 [AMENDED]

35:13-1-3 [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 5, 2015

*[OAR Docket #15-228; filed 3-13-15]*

## Submissions to Governor and Legislature

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

[OAR Docket #15-229]

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

- Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets
  - 35:15-13-3 [AMENDED]
  - 35:15-13-6 [AMENDED]
- Subchapter 36. Scrapie
  - 35:15-36-1 [AMENDED]
  - 35:15-36-2 [AMENDED]
- Subchapter 40. Bovine Tuberculosis
- Part 3. ~~General Tuberculosis Rules Adopted from USDA Uniform Methods and Rules for Bovine Tuberculosis Eradication~~
  - 35:15-40-49.1 [AMENDED]
  - 35:15-40-50 [AMENDED]
- Part. 7. Import Requirements
  - 35:15-40-92 [AMENDED]
  - 35:40-92.1 [NEW]
- Subchapter 42. Tuberculosis Eradication in Cervidae
  - Part 7. Incorporations by Reference
    - 35:15-42-54. [AMENDED]
  - Subchapter 47. Chronic Wasting Disease (CWD) in Cervids
    - Part 3. Herd Certification Standards
      - 35:15-47-6. [AMENDED]
    - Part 7. Interstate Movement Requirements
      - 35:15-47-18. [AMENDED]

#### SUBMITTED OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 2, 2015

[OAR Docket #15-229; filed 3-13-15]

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### TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #15-230]

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

- Subchapter 3. Swine Feeding Operations
  - 35:17-3-14 [AMENDED]

#### SUBMITTED OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 4, 2015

[OAR Docket #15-230; filed 3-13-15]

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

[OAR Docket #15-231]

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

- Subchapter 17. Combined Pesticide
  - Part 6. Pesticidal Product Producing Establishments
    - 35:30-17-13 [AMENDED]
  - Part 21. Standards for Disposal of Pesticide and Pesticide Containers
    - 35:30-17-89.1 [AMENDED]
    - 35:30-17-92 [AMENDED]
- Subchapter 45. Scrap Metal Dealers
  - 35:30-45-1 [AMENDED]
  - 35:30-45-2 [AMENDED]
  - 35:30-45-4 [AMENDED]
  - 35:30-45-11 [AMENDED]
  - 35:30-45-12 [AMENDED]
  - 35:30-45-13 [AMENDED]

#### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

February 5, 2015

[OAR Docket #15-231; filed 3-13-15]

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

[OAR Docket #15-232]

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

- Subchapter 1. Eggs
  - 35:37-1-1 [AMENDED]
  - 35:37-1-2 [AMENDED]
- Subchapter 3. Meat Inspection
  - Part 1. General Provisions
    - 35:37-3-1 [AMENDED]
    - 35:37-3-3 [AMENDED]
- Subchapter 5. Poultry Products Inspection
  - Part 1. General Provisions
    - 35:37-5-1 [AMENDED]
    - 35:37-5-2 [AMENDED]
- Subchapter 13. Milk and Milk Products
  - 35:37-13-2 [AMENDED]
- Subchapter 15. Organic Products
  - 35:37-15-1 [AMENDED]
  - 35:37-15-2 [AMENDED]
  - 35:37-15-3 [AMENDED]

Appendix A. Chemical, Bacteriological and Temperature Standards for Milk and Milk Products [REVOKED]  
Appendix A. Chemical, Bacteriological and Temperature Standards for Milk and Milk Products [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 5, 2015

*[OAR Docket #15-232; filed 3-13-15]*

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

*[OAR Docket #15-233]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. Agriculture Environmental Permitting and AGPDES

Part 1. General Provisions

35:44-1-3 [AMENDED]

Subchapter 3. Permit Conditions and Requirements

35:44-3-3 [AMENDED]

**SUBMITTED OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE**

February 4, 2015

*[OAR Docket #15-233; filed 3-13-15]*

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY  
CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS**

*[OAR Docket #15-234]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. Licensing

35-55-1-3. [AMENDED]

Subchapter 3. Standards of Care

35-55-3-1. [AMENDED]

**SUBMITTED OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 5, 2015

*[OAR Docket #15-234; filed 3-13-15]*

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE  
CHAPTER 10. PERSONNEL**

*[OAR Docket #15-264]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**PROPOSED RULE:**

Subchapter 3. Breath-Alcohol Analysts

40:10-3-7. Instructors for breath-alcohol training courses

[AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE**

March 23, 2015

*[OAR Docket #15-264; filed 3-23-15]*

**TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE  
CHAPTER 50. IGNITION INTERLOCK DEVICES**

*[OAR Docket #15-265]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**PROPOSED RULE:**

40:50-1-1.1. Definitions [AMENDED]

40:50-1-2. Device certification process [AMENDED]

40:50-1-2.3. Revocation of certification [AMENDED]

40:50-1-3. Standards and specifications [AMENDED]

40:50-1-3.1. Violation reset [AMENDED]

40:50-1-3.2. Reportable violations [AMENDED]

40:50-1-7. Service center licensing process [AMENDED]

40:50-1-7.3. Inactivation, suspension, and revocation [AMENDED]

40:50-1-8.3. Inactivation, suspension, and revocation [AMENDED]

40:50-1-12. Reciprocity [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE**

March 23, 2015

*[OAR Docket #15-265; filed 3-23-15]*

## Submissions to Governor and Legislature

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### **TITLE 45. ALCOHOLIC BEVERAGE LAWS ENFORCEMENT COMMISSION CHAPTER 30. MANUFACTURERS, WHOLESALERS, BREWERS NONRESIDENT SELLERS AND CLASS B WHOLESALERS**

*[OAR Docket #15-251]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 3. Manufacturers and Wholesalers

45:30-3-6 [AMENDED]

Subchapter 5. Brewers, Nonresident Sellers and Class B  
Wholesalers

45:30-5-6 [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-251; filed 3-18-15]*

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160:75-1-1 [NEW]  
160:75-1-2 [NEW]  
160:75-1-3 [NEW]  
Subchapter 3. Licensing [NEW]  
160:75-3-1 [NEW]  
160:75-3-2 [NEW]  
160:75-3-3 [NEW]  
160:75-3-4 [NEW]  
Subchapter 5. Records [NEW]  
160:75-5-1 [NEW]  
Subchapter 7. Complaints and Investigations [NEW]  
160:75-7-1 [NEW]  
160:75-7-2 [NEW]  
Subchapter 9. Forms [NEW]  
160:75-9-1 [NEW]

Appendix A. Consumer Litigation Funding Agreement  
Model Form [NEW]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 13, 2015

*[OAR Docket #15-236; filed 3-16-15]*

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### **TITLE 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 10. RULES FOR BOXING AND OTHER ACTIVITIES**

*[OAR Docket #15-224]*

#### **PERMANENT RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

92:10-1-5 [AMENDED]

92:10-1-8 [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 12, 2015

*[OAR Docket #15-224; filed 3-12-15]*

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### **TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 75. CONSUMER LITIGATION FUNDING**

*[OAR Docket #15-236]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. General Provisions [NEW]

### **TITLE 165. CORPORATION COMMISSION CHAPTER 5. RULES OF PRACTICE**

*[OAR Docket #15-249]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Chapter 5. Rules of Practice [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 17, 2015

*[OAR Docket #15-249; filed 3-18-15]*

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

*[OAR Docket #15-250]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Chapter 10. Oil & Gas Conservation [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-250; filed 3-18-15]*

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**TITLE 165. CORPORATION COMMISSION  
CHAPTER 20. GAS & HAZARDOUS LIQUID  
PIPELINE SAFETY**

[OAR Docket #15-223]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 17. Obligations Under the Oklahoma Underground Facilities Damage Prevention Act Subject to Commission Enforcement [NEW]

165:20-17-1. Scope [NEW]

165:20-17-2. Definitions [NEW]

165:20-17-3. Statutory citation [NEW]

165:20-17-4. Compliance with the Act required [NEW]

165:20-17-5. Emergencies [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR  
AND LEGISLATURE:**

March 12, 2015

[OAR Docket #15-223; filed 3-12-15]

**TITLE 165. CORPORATION COMMISSION  
CHAPTER 55. TELECOMMUNICATIONS  
SERVICES**

[OAR Docket #15-268]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. General Provisions

165:55-1-2. Jurisdiction [AMENDED]

165:55-1-4. Definitions [AMENDED]

165:55-1-6. Relief from rules [AMENDED]

165:55-1-7. Exceptions or variances [AMENDED]

165:55-1-8. Supremacy [AMENDED]

165:55-1-11. Severability [AMENDED]

165:55-1-16. Universal service [AMENDED]

Subchapter 3. Certificates, Reports, and Records

Part 1. Certificates of Convenience and Necessity

165:55-3-1. Certificate of Convenience and Necessity [AMENDED]

165:55-3-2. Notice requirements when filing an Application of hearing for Certificate of Convenience and Necessity [AMENDED]

165:55-3-3. Approval of initial tariffs [AMENDED]

Part 5. Record Requirements

165:55-3-21. Retention of records [AMENDED]

165:55-3-22. Records to be provided to the Commission [AMENDED]

165:55-3-23. Complaints report [AMENDED]

Subchapter 5. Rates and Tariffs

Part 1. Tariff Filing

165:55-5-2. Contents of tariffs [AMENDED]

Part 3. Approval and Notice Requirements

165:55-5-10. Tariff approval and revisions to tariffs [AMENDED]

165:55-5-10.2. Promotional offerings [AMENDED]

165:55-5-10.3. Customer-specific contracts under ICB pricing [AMENDED]

165:55-5-11. Type of notices [AMENDED]

165:55-5-14. Objections [AMENDED]

Part 5. Tariff Structure and Composition

165:55-5-20. Requirements as to size, form and identification of tariffs [AMENDED]

Part 7. Miscellaneous Tariff and/or Terms of Service Requirements

165:55-5-34. Data and information on proposed tariff revisions [AMENDED]

165:55-5-35. Confidential information [AMENDED]

165:55-5-36. Returned check charge [REVOKED]

Subchapter 7. Directories, Telephone Numbers, and Customer-Provided Equipment

165:55-7-1. Telephone directories [AMENDED]

165:55-7-4. Availability of rules and tariffs [AMENDED]

Subchapter 9. Customer Billing and Deposits

Part 1. Billing and Payment Requirements

165:55-9-2.1. Bills rendered by a billing agent [AMENDED]

165:55-9-5. Billing disputes [AMENDED]

Subchapter 11. Service Denial, Suspension and Disconnection

Part 3. Suspension and Disconnection Procedures

165:55-11-12.1. Emergency service following suspension [AMENDED]

Subchapter 13. Operating and Maintenance Requirements

Part 3. Service Standards

165:55-13-10.1. Calling areas [AMENDED]

165:55-13-12.1. New Developments [AMENDED]

165:55-13-14. Lifeline program [REVOKED]

Part 5. Service Quality Standards

165:55-13-26. Customer access to provider [REVOKED]

Part 7. Transmission Objectives

165:55-13-30. Accepted transmission design factors [REVOKED]

Subchapter 15. Notification of Transactions Affecting Customers or Business Operations

165:55-15-1. Notification of certain transactions affecting the customers or operations of a telecommunications service provider or IXC [AMENDED]

165:55-15-5. Cessation of business in Oklahoma [AMENDED]

165:55-15-5.1. Withdrawal of competitive services [NEW]

Subchapter 17. Facilitation of Local Exchange Competition

165:55-17-1. Rules governing local exchange competition [AMENDED]

165:55-17-3. Designation of service territory [AMENDED]

165:55-17-5. Obligations of telecommunications service providers to facilitate competition [AMENDED]

## Submissions to Governor and Legislature

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165:55-17-7. Procedures for negotiation, arbitration and approval of agreements [AMENDED]  
165:55-17-11. Unbundling of incumbent LEC networks [AMENDED]  
165:55-17-13. Interconnection of networks [AMENDED]  
165:55-17-17. Number portability and dialing parity [AMENDED]  
165:55-17-25. Costing standards [AMENDED]  
165:55-17-29. Eligible Telecommunications carrier [REVOKED]  
165:55-17-33. Verification of compliance prior to providing certain In-Region InterLATA services [REVOKED]  
Subchapter 19. Unlawful Practices  
Part 1. Slamming  
165:55-19-1.2. Letter of agency form and content [AMENDED]  
165:55-19-1.3. Carrier liability for slamming [AMENDED]  
165:55-19-1.4. Procedures for resolution of unauthorized changes in preferred carrier [AMENDED]  
165:55-19-1.5. Absolution procedures where the end-user has not paid charges [AMENDED]  
165:55-19-1.6. Reimbursement procedures where the end-user has paid charges [AMENDED]  
165:55-19-1.7. Preferred carrier freezes [AMENDED]  
Subchapter 22. Resolution Disputes  
165:55-22-3. Facilitation [AMENDED]  
165:55-22-5. Formal non-expedited dispute resolution [AMENDED]  
165:55-22-7. Formal expedited dispute resolution [AMENDED]  
165:55-22-9. Interim relief [AMENDED]  
Subchapter 23. ~~Wireless~~ Eligible Telecommunications ~~Carrier~~ Carriers [AMENDED]  
Part 1. General Provisions  
165:55-23-1. Requirements [AMENDED]  
165:55-23-2. ETC Designation [NEW]  
165:55-23-3. Records to be provided to the Commission [AMENDED]  
165:55-23-5. Emergency service reporting requirements [AMENDED]  
165:55-23-7. Content of bills [AMENDED]  
165:55-23-9. Billing disputes [AMENDED]  
165:55-23-11. Minimum service standards and Supported Services [AMENDED]  
165:55-23-12. Lifeline Eligibility Requirements [NEW]  
165:55-23-13. ~~Extension of facilities~~ Service Installation Intervals [AMENDED]  
165:55-23-15. Lifeline program [AMENDED]  
165:55-23-16. Limitations on Marketing of Supported Services by ETCs [NEW]  
165:55-23-17. Link-up program on Tribal Lands [AMENDED]  
165:55-23-19. Responsibility for adequate and safe service [AMENDED]

165:55-23-21. Emergencies [AMENDED]  
165:55-23-23. Response to customer complaint inquiries [AMENDED]  
Part 3. Transmission Objectives  
165:55-23-50. Service standards; sufficient operating and maintenance force [AMENDED]  
165:55-23-52. Records of trouble reports [AMENDED]  
165:55-23-54. Notice of service interruptions [AMENDED]  
165:55-23-56. Restoration of service plan [AMENDED]  
165:55-23-58. Customer choice [AMENDED]  
Subchapter 25. Homeland Security and Critical Infrastructure  
165:55-25-1. Purpose and scope [AMENDED]  
165:55-25-3. Definitions [AMENDED]  
165:55-25-5. FBP Security Plan [AMENDED]  
165:55-25-7. Reporting requirements [AMENDED]  
**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**  
March 23, 2015

*[OAR Docket #15-268; filed 3-24-15]*

### **TITLE 165. CORPORATION COMMISSION CHAPTER 59. OKLAHOMA UNIVERSAL SERVICE AND OKLAHOMA LIFELINE**

*[OAR Docket #15-269]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. General Provisions  
165:59-1-1. Purpose and title [AMENDED]  
165:59-1-2. Jurisdiction [AMENDED]  
165:59-1-4. Definitions [AMENDED]  
Subchapter 3. Oklahoma Universal Service Fund  
Part 1. Oklahoma Universal Services  
165:59-3-1. Oklahoma Universal Services [AMENDED]  
Part 3. Oklahoma Universal Service Fund  
165:59-3-10. Use of the Oklahoma Universal Service Fund [AMENDED]  
165:59-3-11. How the Oklahoma Universal Service Fund shall be funded [AMENDED]  
Part 5. Administration of the OUSF  
165:59-3-32. Audits of the Fund [AMENDED]  
165:59-3-34. Resolution of disputes regarding contributions to the OUSF and OLF [AMENDED]  
165:59-3-38. Violations [AMENDED]  
Part 7. Contributions to the OUSF  
165:59-3-40. Contributions to the OUSF [AMENDED]  
165:59-3-42. Reporting requirements [AMENDED]  
165:59-3-44. Amount of contributions and charges assessed for the OUSF [AMENDED]

- 165:59-3-46. Recovery of OUSF contributions [AMENDED]
- Part 9. Request for OUSF funding
- 165:59-3-60. Requests for funding from the OUSF [AMENDED]
- 165:59-3-61. Forms for requesting funding from the OUSF [AMENDED]
- 165:59-3-62. Procedures for requesting funding from the OUSF [AMENDED]
- Subchapter 7. Special Universal Services
- 165:59-7-1. Reimbursement from the OUSF for Special Universal Service [AMENDED]
- 165:59-7-6. Telemedicine access for eligible healthcare entities [AMENDED]
- 165:59-7-8. Internet access to public schools and libraries [AMENDED]
- 165:59-7-10. Other sources of funds [AMENDED]
- 165:59-7-17. Disclosure on bill regarding provided Special Universal Services [AMENDED]
- Subchapter 9. Oklahoma Lifeline Fund
- Part 1. Lifeline Service Program
- 165:59-9-1. Purpose of Oklahoma Lifeline Fund [AMENDED]
- 165:59-9-3. Oklahoma Lifeline Service Program [AMENDED]
- 165:59-9-5. Recertification of Lifeline eligibility [AMENDED]
- 165:59-9-6. Retention of Lifeline Eligibility Records [NEW]
- Part 3. Administration of the Oklahoma Lifeline Fund
- 165:59-9-13. Audits [AMENDED]
- 165:59-9-17. Reporting requirements [AMENDED]
- Part 5. Contributions and Reimbursements
- 165:59-9-23. Amount of contribution [AMENDED]
- 165:59-9-27. Recovery of contribution [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 23, 2015

*[OAR Docket #15-269; filed 3-24-15]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

*[OAR Docket #15-213]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 7. Environmental Permit Process
- Part 7. Water Quality Division Tiers and Timelines
- 252:4-7-76. UIC applications - Tier I [AMENDED]
- 252:4-7-77. UIC applications - Tier II [AMENDED]
- 252:4-7-78. UIC applications - Tier III [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2015

*[OAR Docket #15-213; filed 3-10-15]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

*[OAR Docket #15-214]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 21. Used Tire Processing, Certification, Permits and Compensation
- Part 3. Used Tire Facilities
- 252:515-21-32. Facility operation requirements [AMENDED]
- Part 7. Compensation from the Used Tire Indemnity Fund
- 252:515-21-71. Eligibility requirements [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2015

*[OAR Docket #15-214; filed 3-10-15]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

*[OAR Docket #15-215]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 1. General Provisions
- 252:515-1-8. Special considerations [AMENDED]
- Subchapter 3. Permit Provisions and Applications
- Part 1. General Provisions
- 252:515-3-5. Duration of permit [AMENDED]
- Subchapter 15. Applicability Methane Gas Monitoring and Control
- 252:515-15-4. Installation of gas monitoring probes [AMENDED]
- Subchapter 21. Used Tire Processing, Certification, Permits and Compensation
- Part 3. Used Tire Facilities
- 252:515-21-32. Facility operation requirements [AMENDED]
- Part 5. Used Tire Transportation
- 252:515-21-51. Used tire manifests [AMENDED]

## Submissions to Governor and Legislature

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Part 7. Compensation from the Used Tire Indemnity Fund  
252:515-21-71. Eligibility requirements [AMENDED]  
Part 9. Erosion Control, River Bank Stabilization and Other  
Conservation Projects  
252:515-21-92. Eligibility requirements [AMENDED]  
Subchapter 41. Roofing Material Recycling  
252:515-41-8. Variance from the rules of this Chapter  
[AMENDED]  
252:515-41-15. Closure [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2015

*[OAR Docket #15-215; filed 3-10-15]*

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### **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS**

*[OAR Docket #15-216]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. Introduction  
252:606-1-1. Purpose [AMENDED]  
252:606-1-2. Definitions [AMENDED]  
252:606-1-4. Date of federal regulations incorporated  
[AMENDED]  
252:606-1-6. Spill reporting [AMENDED]  
Subchapter 3. Discharge Permitting Process for Individual  
and General Discharge Permits  
252:606-3-3. Draft permit [AMENDED]  
252:606-3-7. Timely application for permit renewals -  
continuation of expired permits [NEW]  
Subchapter 5. Discharge Permit Requirements  
252:606-5-2. Technology-based methodologies  
[AMENDED]  
Subchapter 8. Biosolids Requirements  
252:606-8-6. Land application of biosolids [AMENDED]  
Subchapter 11. Tests and Reports  
252:606-11-2. Laboratory analyses and reporting  
[AMENDED]  
252:606-11-4. Records [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2015

*[OAR Docket #15-216; filed 3-10-15]*

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### **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 627. OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS**

*[OAR Docket #15-217]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. General Provisions  
252:627-1-3. [AMENDED]  
252:627-1-5 [AMENDED]  
252:627-1-6 [AMENDED]  
Subchapter 3. Operation and Maintenance  
252:627-3-1 [AMENDED]  
252:627-3-3 [AMENDED]  
252:627-3-5 [NEW]  
Subchapter 5. Sampling, Record Keeping and Reporting  
Requirements  
252:627-5-1 [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2015

*[OAR Docket #15-217; filed 3-10-15]*

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### **TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

*[OAR Docket #15-218]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 1. Introduction  
252:631-1-2 [AMENDED]  
252:631-1-3 [AMENDED]  
Subchapter 3. Operations  
252:631-3-2 [AMENDED]  
252:631-3-4 [AMENDED]  
252:631-3-10 [AMENDED]  
252:631-3-11 [AMENDED]

### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2015

*[OAR Docket #15-218; filed 3-10-15]*

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**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 650. UNDERGROUND INJECTION CONTROL**

*[OAR Docket #15-219]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Chapter 650. Underground Injection Control [REVOKED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2015

*[OAR Docket #15-219; filed 3-10-15]*

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY  
CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS**

*[OAR Docket #15-220]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. Introduction

252:656-1-2 [AMENDED]

252:656-1-3 [AMENDED]

Subchapter 3. Permit Procedures

252:656-3-4 [AMENDED]

252:656-3-5 [AMENDED]

252:656-3-10 [AMENDED]

Subchapter 11. Lagoon Standards

252:656-11-2 [AMENDED]

252:656-11-3 [AMENDED]

Subchapter 13. Preliminary Treatment Standards

252:656-13-2 [AMENDED]

Subchapter 21. Disinfection Standards

252:656-21-2 [AMENDED]

Subchapter 23. Supplemental Treatment Standards

252:656-23-4 [NEW]

Subchapter 27. Water Reuse

252:656-27-1 [AMENDED]

252:656-27-4 [AMENDED]

Appendix A. Design Tables [REVOKED]

Appendix A. Design Tables [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

February 27, 2015

*[OAR Docket #15-220; filed 3-10-15]*

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

*[OAR Docket #15-238]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

260:15-1-2. Definitions [AMENDED]

260:15-1-3. Information technology accessibility standards [AMENDED]

260:15-1-4. Evaluation of proposed custom-designed information technology systems [AMENDED]

260:15-1-5. Accessibility compliance representative [AMENDED]

260:15-1-6. Filing a formal complaint [AMENDED]

260:15-1-7. Processing a complaint [AMENDED]

260:15-1-8. Disagreement with final complaint response [AMENDED]

260:15-1-9. Annual complaint report [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-238; filed 3-18-15]*

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

*[OAR Docket #15-239]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

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

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-239; filed 3-18-15]*

## Submissions to Governor and Legislature

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

*[OAR Docket #15-240]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 5. Grievance Panel Authority and Hearing  
Proceedures

260:45-5-2. Notice of hearing [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-240; filed 3-18-15]*

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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 #15-241]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 3. Administration of Plans

260:50-3-17. Dependents [AMENDED]

Subchapter 5. Coverage and Limitations

Part 3. The Plans

260:50-5-12. Health plan limitations and exclusions  
[AMENDED]

Part 5. Life Benefits

260:50-5-23. Rights of retired and vested employees to  
continue life insurance coverage [AMENDED]

Subchapter 7. Termination of Benefits

260:50-7-1. Termination of benefits [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-241; filed 3-18-15]*

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

*[OAR Docket #15-242]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

260:55-1-9. Preexisting conditions [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-242; filed 3-18-15]*

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

*[OAR Docket #15-243]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

Subchapter 3. Use of Public Areas of Capitol and Plazas

260:60-3-2. Capitol access, operating hours and access  
requirements [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-243; filed 3-18-15]*

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

*[OAR Docket #15-244]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **RULES:**

260:75-1-1. General Provisions [AMENDED]

260:75-1-2. Vehicle inventory control [AMENDED]

260:75-1-4. Use of state owned and leased vehicles  
[AMENDED]

260:75-1-5. ~~Service, lease and rental rates~~ Rates  
[AMENDED]

260:75-1-6. Daily rental reservations and monthly lease  
assignments [AMENDED]

260:75-1-7. Fuel ~~Gasoline and oil~~ purchases [AMENDED]

260:75-1-8. Wrecker service, on-the-road breakdown and repairs [AMENDED]  
260:75-1-9. Other credit and cash purchases [AMENDED]  
260:75-1-10. Care and maintenance of vehicles [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-244; filed 3-18-15]*

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

*[OAR Docket #15-245]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Chapter 115. Procurement [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-245; filed 3-18-15]*

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

*[OAR Docket #15-246]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

260:120-1-2. Definitions [AMENDED]  
260:120-1-4. Determination of fair market price [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-246; filed 3-18-15]*

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

*[OAR Docket #15-266]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

300:20-1-1. [AMENDED]  
300:20-1-2. [AMENDED]  
300:20-1-4. [AMENDED]  
300:20-1-7. [AMENDED]  
300:20-1-9. [AMENDED]  
300:20-1-13. [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 18, 2015

*[OAR Docket #15-266; filed 3-23-15]*

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

*[OAR Docket #15-267]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

Subchapter 1. Definitions, Purpose and Application  
300:35-1-1. [AMENDED]  
Subchapter 3. General Provisions  
300:35-3-5. [AMENDED]  
300:35-3-9. [AMENDED]  
300:35-3-10. [AMENDED]  
300:35-3-14. [AMENDED]  
300:35-3-15. [AMENDED]  
Subchapter 5. Boating Safety Rules  
300:35-5-6. [AMENDED]  
300:35-5-10. [NEW]  
Subchapter 7. Vessels  
300:35-7-9 [AMENDED]  
300:35-7-12 [AMENDED]  
Subchapter 11. Permits for Wharves, Landings, Buoys, Breakwaters and Docking Facilities  
300:35-11-12 [AMENDED]  
300:35-11-13 [NEW]  
Subchapter 13. Permits for Dikes, Excavations, Dredgings, Erosion Control Devices, Retaining Walls, and Shoreline Stabilization  
300:35-13-4 [AMENDED]  
Subchapter 15. Commercial Use of the Lakes and Lands of GRDA  
300:35-15-1 [AMENDED]  
300:35-15-2 [AMENDED]  
Subchapter 17. Raw Water Permits  
300:35-17-1 [AMENDED]  
Subchapter 21. Administration of Rules and Hearings  
300:35-21-1 [AMENDED]  
300:35-21-3 [AMENDED]  
300:35-21-4 [AMENDED]  
300:35-21-7 [AMENDED]

## Submissions to Governor and Legislature

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300:35-21-8 [AMENDED]  
Subchapter 27. Vegetation Management Plan  
300:35-27-7 [AMENDED]  
Subchapter 29. Shoreline Management Plans [NEW]  
300:35-29-1 [NEW]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 18, 2015

*[OAR Docket #15-267; filed 3-23-15]*

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### TITLE 428. LONG-RANGE CAPITAL PLANNING COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

*[OAR Docket #15-247]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 1. Administrative Operations  
428:1-1-1. Purpose and scope [AMENDED]  
428:1-1-2. Official office [AMENDED]  
428:1-1-4. Notice of meetings [AMENDED]  
428:1-1-5. Agenda items [AMENDED]  
428:1-1-6. Open records [AMENDED]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2015

*[OAR Docket #15-247; filed 3-18-15]*

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### TITLE 428. LONG-RANGE CAPITAL PLANNING COMMISSION CHAPTER 10. ADMINISTRATION OF THE STATE CAPITAL IMPROVEMENT PLANNING ACT

*[OAR Docket #15-248]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 1. General Provisions  
428:10-1-1. Purpose and scope [AMENDED]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 16, 2015

*[OAR Docket #15-248; filed 3-18-15]*

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### TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 15. PHARMACIES

*[OAR Docket #15-222]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 3. Pharmacies  
535:15-3-9. Non-resident pharmacies [AMENDED]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

February 25, 2015

*[OAR Docket #15-222; filed 3-10-15]*

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

*[OAR Docket #15-279]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 3. Organization of Board  
550:1-3-1 [AMENDED]  
550:1-3-2 [AMENDED]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 25, 2015

*[OAR Docket #15-279; filed 3-25-15]*

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

*[OAR Docket #15-280]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### RULES:

Subchapter 7. Collections and Disbursements  
550:1-7-2 [AMENDED]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 25, 2015

*[OAR Docket #15-280; filed 3-25-15]*

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**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #15-252]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**PROPOSED RULES:**

- Subchapter 3. Public Policy
- Part 3. Taxpayer Identification
- 710:1-3-6 [AMENDED]
- 710:1-3-7 [REVOKED]
- Subchapter 5. Practice and Procedure
- Part 1. General Provisions
- 710:1-5-1 [AMENDED]
- Part 3. Description of Administrative Review and Hearings
- 710:1-5-10 [AMENDED]
- 710:1-5-11 [AMENDED]
- 710:1-5-17 [AMENDED]
- Part 5. Administrative Proceedings Related to Tax Protests
- 710:1-5-21 [AMENDED]
- 710:1-5-25 [AMENDED]
- 710:1-5-42 [AMENDED]
- Part 8. Settlement of Tax Liability
- 710:1-5-92 [AMENDED]
- Part 10. Business Compliance Proceedings
- 710:1-5-117 [AMENDED]
- Part 11. Disqualification of Persons Representing Taxpayers before the Oklahoma Tax Commission
- 710:1-5-200 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 5, 2015

[OAR Docket #15-252; filed 3-20-15]

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 10. AD VALOREM**

[OAR Docket #15-253]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 710:10-1-3 [AMENDED]
- 710:10-1-4 [AMENDED]
- Subchapter 3. Equalization Study
- Part 1. General Provisions
- 710:10-3-18 [AMENDED]
- Subchapter 7. Manufacturing Facilities
- 710:10-7-15 [AMENDED]

Subchapter 12. Agricultural Land Conservation Adjustment

710:10-12-11 [AMENDED]

Subchapter 13. Valuation Exclusion for Desulphurization Equipment

710:10-13-12 [AMENDED]

Subchapter 14. Disabled Veterans in Receipt of Compensation at the One Hundred Percent Rate

710:10-14-1 [AMENDED]

710:10-14-5 [AMENDED]

710:10-14-6 [AMENDED]

710:10-14-8 [AMENDED]

Subchapter 16. Unremarried Surviving Spouses of Persons Who Died in the Line of Military Duty [NEW]

710:10-16-1 [NEW]

710:10-16-2 [NEW]

710:10-16-3 [NEW]

710:10-16-4 [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

[OAR Docket #15-253; filed 3-20-15]

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 20. ALCOHOL, MIXED BEVERAGES AND LOW-POINT BEER**

[OAR Docket #15-254]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**PROPOSED RULES:**

Subchapter 1. General Provisions

710:20-1-3 [AMENDED]

Subchapter 5. Mixed Beverage

710:20-5-1 [AMENDED]

710:20-5-2 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 6, 2015

[OAR Docket #15-254; filed 3-20-15]

**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 40. FRANCHISE TAX**

[OAR Docket #15-255]

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**PROPOSED RULES:**

710:40-1-6 [AMENDED]

## Submissions to Governor and Legislature

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### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 6, 2015

*[OAR Docket #15-255; filed 3-20-15]*

### TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 45. GROSS PRODUCTION

*[OAR Docket #15-256]*

#### RULEMAKING ACTION:

Submission for gubernatorial and legislative review

#### PROPOSED RULES:

Subchapter 5. Required Returns and Reports  
710:45-5-1. [AMENDED]  
710:45-5-2. [AMENDED]  
710:45-5-4. [AMENDED]  
Subchapter 7. Special Reporting Requirements  
710:45-7-1. [REVOKED]  
Subchapter 9. Exemptions and Exclusions  
Part 5. Horizontally Drilled Production Wells  
710:45-9-28. [REVOKED]  
Part 7. Incremental Production from Enhanced Recovery  
Projects or Properties  
710:45-9-31. [AMENDED]  
710:45-9-32.1. [AMENDED]  
710:45-9-34. [AMENDED]  
710:45-9-35. [AMENDED]  
Part 9. Production Enhancement Projects  
710:45-9-40. [AMENDED]  
710:45-9-41. [AMENDED]  
710:45-9-43. [AMENDED]  
Part 11. Reestablishment of Production from an Inactive  
Well  
710:45-9-51. [AMENDED]  
710:45-9-53. [AMENDED]  
Part 13. Deep Wells  
710:45-9-60. [AMENDED]  
710:45-9-62.1. [AMENDED]  
Part 15. New Discovery Wells  
710:45-9-70. [AMENDED]  
710:45-9-71. [AMENDED]  
710:45-9-73. [AMENDED]  
Part 17. Economically At-Risk Leases  
710:45-9-82. [AMENDED]  
710:45-9-84. [AMENDED]  
Part 19. Production Using Three Dimensional Seismic  
Shoots  
710:45-9-90. [AMENDED]  
710:45-9-92. [AMENDED]  
710:45-9-93. [AMENDED]  
Subchapter 11. Transporters  
710:45-11-2. [AMENDED]

Subchapter 15. Reclaimers and Reclaiming Operations  
710:45-15-2. [AMENDED]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 6, 2015

*[OAR Docket #15-256; filed 3-20-15]*

### TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

*[OAR Docket #15-257]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### PROPOSED RULES:

Subchapter 7. Remittances  
710:50-7-2 [REVOKED]  
Subchapter 13. Estimated Tax  
710:50-13-2 [REVOKED]  
710:50-13-6 [AMENDED]  
Subchapter 15. Oklahoma Taxable Income  
Part 7. Credits against Tax  
710:50-15-85 [REVOKED]  
710:50-15-93 [REVOKED]  
710:50-15-101 [AMENDED]  
710:50-15-107 [AMENDED]  
710:50-15-109 [AMENDED]  
710:50-15-111 [AMENDED]  
710:50-15-114 [AMENDED]  
710:50-15-115 [AMENDED]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 13, 2015

*[OAR Docket #15-257; filed 3-20-15]*

### TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

*[OAR Docket #15-258]*

#### RULEMAKING ACTION:

Submission to Governor and Legislature

#### PROPOSED RULES:

Subchapter 1. General Provisions  
710:60-1-3 [AMENDED]  
Subchapter 3. Registration and Licensing  
Part 1. General Provisions  
710:60-3-23 [AMENDED]  
Part 3. Penalties  
710:60-3-32 [AMENDED]  
Part 11. Other Vehicles

710:60-3-111 [AMENDED]  
Part 14. All-Terrain Vehicles, Off-Road Motorcycles and Utility Vehicles  
710:60-3-140 [AMENDED]  
Part 15. Special License Plates  
710:60-3-168 [AMENDED]  
Subchapter 5. Motor Vehicle Titles  
Part 5. Certificates of Title  
710:60-5-51 [AMENDED]  
710:60-5-66 [NEW]  
Part 7. Transfer of Title  
710:60-5-71 [AMENDED]  
710:60-5-74 [AMENDED]  
710:60-5-75 [AMENDED]  
Part 11. Liens  
710:60-5-111 [AMENDED]  
710:60-5-115 [AMENDED]  
710:60-5-116 [AMENDED]  
Subchapter 7. Motor Vehicle Excise Tax  
710:60-7-3 [AMENDED]  
710:60-7-8 [AMENDED]  
Subchapter 9. Motor Vehicle License Agents/Agencies  
Part 5. Specific Recordkeeping Duties  
710:60-9-52 [AMENDED]  
Part 7. Specific Reporting Duties  
710:60-9-72 [AMENDED]  
Part 9. Specific Fiscal Duties  
710:60-9-91 [AMENDED]  
Part 11. Agency Operation  
710:60-9-120 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 16, 2015

*[OAR Docket #15-258; filed 3-20-15]*

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**TITLE 710. OKLAHOMA TAX COMMISSION  
CHAPTER 65. SALES AND USE TAX**

*[OAR Docket #15-259]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**PROPOSED RULES:**

Subchapter 3. Reports and Returns; Payments and Penalties; Records  
Part 1. General Provisions  
710:65-3-4 [AMENDED]  
Subchapter 5. Audit and Assessment  
710:65-5-5 [AMENDED]  
Subchapter 7. Duties and Liabilities  
710:65-7-3 [AMENDED]

710:65-7-18 [AMENDED]  
710:65-7-24 [NEW]  
Subchapter 9. Permits  
710:65-9-10 [AMENDED]  
Subchapter 13. Sales and Use Tax Exemptions  
Part 3. Agricultural Transactions  
710:65-13-15 [AMENDED]  
Part 7. Churches  
710:65-13-40 [AMENDED]  
Part 9. Computers; Data Processing; Telecommunications  
710:65-13-51 [AMENDED]  
710:65-13-54 [AMENDED]  
Part 15. Hazardous Wastes  
710:65-13-80 [AMENDED]  
Part 16. Electronic Goods - Refitting, Refurbishing or Repairing  
710:65-13-85 [AMENDED]  
Part 18. Precious Metals  
710:65-13-95 [AMENDED]  
Part 29. Manufacturing  
710:65-13-153 [AMENDED]  
710:65-13-155 [AMENDED]  
710:65-13-156 [AMENDED]  
Part 31. Medicine, Medical Appliances, and Health Care Entities and Activities  
710:65-13-171 [AMENDED]  
Part 35. Newspapers; Periodicals; Programs; Media  
710:65-13-194 [AMENDED]  
Part 43. Social, Charitable, and Civic Organizations and Activities  
710:65-13-348 [AMENDED]  
Subchapter 19. Specific Applications and Examples  
Part 1. "A"  
710:65-19-9 [AMENDED]  
Part 5. "C"  
710:65-19-50 [REVOKED]  
710:65-19-58 [REVOKED]  
710:65-19-61 [AMENDED]  
Part 11. "F"  
710:65-19-105 [AMENDED]  
Part 15. "H"  
710:65-19-142 [AMENDED]  
Part 39. "T"  
710:65-19-330 [AMENDED]  
Part 45. "W"  
710:65-19-367 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 20, 2015

*[OAR Docket #15-259; filed 3-20-15]*

## Submissions to Governor and Legislature

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### **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES**

*[OAR Docket #15-260]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **PROPOSED RULES:**

Subchapter 2. Cigarette Stamp Tax

Part 3. Delivery Sales

710:70-2-50. [AMENDED]

710:70-2-51. [AMENDED]

710:70-2-52. [REVOKED]

Subchapter 5. Excise on Tobacco Products

710:70-5-3. [AMENDED]

Subchapter 7. Cigarette and Tobacco Products Sales by  
Federally Recognized Indian Tribes and Nations

710:70-7-8. [AMENDED]

710:70-7-9. [AMENDED]

710:70-7-10. [AMENDED]

Subchapter 9. Reporting Required by the Prevention of  
Youth Access to Tobacco Act and the Master Settlement  
Agreement Complementary Act

710:70-9-4. [AMENDED]

710:70-9-5. [NEW]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 5, 2015

*[OAR Docket #15-260; filed 3-20-15]*

### **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 85. VARIOUS TAX INCENTIVES**

*[OAR Docket #15-261]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **PROPOSED RULES:**

Subchapter 1. Oklahoma Quality Jobs Program

710:85-1-8 [AMENDED]

710:85-1-13 [AMENDED]

Subchapter 3. Saving Quality Jobs Program

Part 3. Premium Payment Program

710:85-3-34 [AMENDED]

Part 5. High Impact Projects

710:85-3-57 [AMENDED]

Subchapter 5. Small Employer Quality Jobs Program

710:85-5-11 [AMENDED]

Subchapter 7. Oklahoma Film Enhancement Rebate  
Program

710:85-7-3 [AMENDED]

Subchapter 9. Oklahoma Quality Investment Act

710:85-9-4 [AMENDED]

Subchapter 11. 21st Century Quality Jobs Program

710:85-11-7 [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 13, 2015

*[OAR Docket #15-261; filed 3-20-15]*

### **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING**

*[OAR Docket #15-262]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **PROPOSED RULES:**

Subchapter 1. General Provisions

710:90-1-12 [AMENDED]

Subchapter 5. Liability and Penalties

710:90-5-3 [AMENDED]

#### **SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 13, 2015

*[OAR Docket #15-262; filed 3-20-15]*

### **TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY**

*[OAR Docket #15-263]*

#### **RULEMAKING ACTION:**

Submission to Governor and Legislature

#### **PROPOSED RULES:**

Subchapter 21. Quality Events

710:95-21-2 [AMENDED]

710:95-21-3 [AMENDED]

710:95-21-4 [AMENDED]

710:95-21-7 [AMENDED]

710:95-21-8 [AMENDED]

710:95-21-9 [AMENDED]

710:95-21-10 [AMENDED]

710:95-21-11 [AMENDED]

Subchapter 22. Registration Requirements for Resident and  
Nonresident Contractors

710:95-22-9 [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 13, 2015

*[OAR Docket #15-263; filed 3-20-15]*

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**CHAPTER 1. GENERAL INFORMATION**

*[OAR Docket #15-270]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

810:1-1-1 through 810:1-1-7 [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 24, 2015

*[OAR Docket #15-270; filed 3-24-15]*

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**CHAPTER 10. PRACTICE AND PROCEDURE**

*[OAR Docket #15-271]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 1. General Provisions [NEW]
- 810:10-1-1 through 810:10-1-13 [NEW]
- Subchapter 3. Informal Dispute Resolution Processes [NEW]
- 810:10-3-1 through 810:10-3-12 [NEW]
- Subchapter 5. Hearings Conducted by Administrative Law Judges and Commissioners [NEW]
- Part 1. Commencement of Claims and Review of Qualified Employer Benefit Determinations [NEW]
- 810:10-5-1 through 810:10-5-7 [NEW]
- Part 3. Subsequent Pleadings [NEW]
- 810:10-5-15 through 810:10-5-19 [NEW]
- Part 5. Prehearing Proceedings [NEW]
- 810:10-5-30 through 810:10-5-31 [NEW]
- Part 7. Initial and Subsequent Proceedings [NEW]
- 810:10-5-45 through 810:10-5-54 [NEW]
- Part 9. Post Order Relief [NEW]
- 810:10-5-66 [NEW]
- 810:10-5-67 [RESERVED]
- 810:10-5-68 [NEW]
- Part 11. Contempt [NEW]
- 810:10-5-75 [NEW]
- Part 13. Dismissals [NEW]

- 810:10-5-85 [NEW]
- Part 15. Settlements [NEW]
- 810:10-5-95 [NEW]
- Part 17. Fees [NEW]
- 810:10-5-105 [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 24, 2015

*[OAR Docket #15-271; filed 3-24-15]*

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**CHAPTER 15. MEDICAL SERVICES**

*[OAR Docket #15-272]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- Subchapter 1. General Provisions [NEW]
- 810:15-1-1 through 810:15-1-2 [NEW]
- Subchapter 3. Workers' Compensation Fee Schedule [NEW]
- 810:15-3-1 through 810:15-3-2 [NEW]
- Subchapter 5. Pharmaceutical Benefits [NEW]
- 810:15-5-1 through 810:15-5-4 [NEW]
- Subchapter 7. Treatment Guidelines [NEW]
- 810:15-7-1 [NEW]
- Subchapter 9. Independent Medical Examiners [NEW]
- 810:15-9-1 through 810:15-9-6 [NEW]
- Subchapter 11. Medical Case Management [NEW]
- 810:15-11-1 through 810:15-11-5 [NEW]
- Subchapter 13. Change of Treating Physician [NEW]
- 810:15-13-1 through 810:15-13-2 [NEW]
- Subchapter 15. Medical Dispute Resolution [NEW]
- 810:15-15-1 through 810:15-15-4 [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:**

March 24, 2015

*[OAR Docket #15-272; filed 3-24-15]*

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION**  
**CHAPTER 20. VOCATIONAL REHABILITATION SERVICES**

*[OAR Docket #15-273]*

**RULEMAKING ACTION:**

Submission to Governor and Legislature

**RULES:**

- 810:20-1-1 through 810:20-1-5 [NEW]

## Submissions to Governor and Legislature

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### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2015

*[OAR Docket #15-273; filed 3-24-15]*

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### **TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION CHAPTER 25. WORKERS' COMPENSATION INSURANCE AND SELF INSURANCE**

*[OAR Docket #15-274]*

### RULEMAKING ACTION:

Submission to Governor and Legislature

### RULES:

Subchapter 1. General Provisions [NEW]

810:25-1-1 through 810:25-1-3 [NEW]

Subchapter 3. Proof of Coverage [NEW]

810:25-3-1 [NEW]

Subchapter 7. Enforcement of Workers' Compensation Insurance Requirements [NEW]

810:25-7-1 through 810:25-7-4 [NEW]

Subchapter 9. Individual Own Risk Employer Permit [NEW]

810:25-9-1 through 810:25-9-19 [NEW]

Subchapter 11. Group Self-Insurance Association Permit [NEW]

810:25-11-1 through 810:25-11-24 [NEW]

Subchapter 13. Third-Party Administrator Permit For Workers' Compensation Purposes [NEW]

810:25-13-1 through 810:25-13-4 [NEW]

### SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 24, 2015

*[OAR Docket #15-274; filed 3-24-15]*

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# Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawal in the *Register*.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. However, the withdrawal notice is not published in the *Register* unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the emergency rules.

*For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.*

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

*[OAR Docket #15-278]*

### **RULEMAKING ACTION:**

Withdrawal of PERMANENT rulemaking

### **WITHDRAWN RULES:**

Subchapter 87. Rules for Payments to Charter Schools  
210:40-87-3. Guidelines for payment [AMENDED]

### **DATES:**

#### **Adoption:**

February 26, 2015

#### **Submission of adopted rules to Governor and Legislature:**

March 5, 2015

#### **Withdrawn:**

March 9, 2015

### **ADDITIONAL INFORMATION:**

The rule is being withdrawn because statutory changes to 70 O.S. § 3-136 have already been incorporated as necessary into the version of the rule currently in effect.

*[OAR Docket #15-278; filed 3-25-15]*

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## **TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 15. PHARMACIES**

*[OAR Docket #15-221]*

### **RULEMAKING ACTION:**

Withdrawal of PERMANENT rulemaking

### **WITHDRAWN RULES:**

Subchapter 3. Pharmacies  
535:15-3-9. Non-resident pharmacies [AMENDED]

### **DATES:**

#### **Adoption:**

January 22, 2015

#### **Submission of Adopted Rules to Governor and Legislature:**

January 22, 2015

#### **Withdrawn:**

February 25, 2015

*[OAR Docket #15-221; filed 3-10-15]*

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# Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect the public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its 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 cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

*For additional information on the emergency rulemaking process, see 75 O.S., Section 253.*

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

[OAR Docket #15-277]

### RULEMAKING ACTION:

EMERGENCY Adoption

### RULES:

Subchapter 5. Member Services  
Part 1. Agency Companion Services  
317:40-5-3. [AMENDED]  
317:40-5-4. [REVOKED]  
317:40-5-5. [AMENDED]  
317:40-5-6. [AMENDED]  
317:40-5-9. [REVOKED]  
317:40-5-10. [REVOKED]  
317:40-5-11. [AMENDED]  
317:40-5-13. [AMENDED]  
Part 3. Guidelines to Staff  
317:40-5-40. [AMENDED]  
(Reference APA WF # 14-23)

### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, 29 CFR 552.109

### ADOPTION:

January 8, 2015

### APPROVED BY GOVERNOR:

February 9, 2015

### EFFECTIVE:

Immediately upon governor's approval

### EXPIRATION:

Effective through September 14, 2016, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

The Agency finds substantial evidence that this rule is necessary as an emergency measure to avoid violation of federal regulation. This necessitates promulgation of emergency rules and emergency approval of rule revisions to the agency's general scope and administration guidelines. These emergency revisions are necessary to comply with the federal guidelines regarding Department of Labor provisions for domestic service employees employed by third-party employers, or employers other than the individual receiving services, or his or her family, or household. The regulation precludes third party employers (i.e. provider agencies) from claiming the companion exemption. These changes become effective on January 1, 2015. As a result, Developmental Disabilities Services (DDS) is initiating the emergency rule making process to avoid violation of this new regulation. Without the

recommended changes, the State is out of compliance with CMS and may be in risk of losing federal funding.

### ANALYSIS:

Developmental Disabilities Services (DDS) policy is revised to comply with 29 CFR 552.109 regarding domestic service employees employed by third-party employers, or employers other than the individual receiving services, or his or her family, or household. The regulation precludes third party employers from claiming the companion exemption.

### CONTACT PERSON:

Tywanda Cox at (405)522-7153

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

## SUBCHAPTER 5. MEMBER SERVICES

### PART 1. AGENCY COMPANION SERVICES

#### 317:40-5-3. Agency companion services

- (a) Agency companion services (ACS) are:
  - (1) ~~are~~ provided by agencies that have a provider agreement with the Oklahoma Health Care Authority (OHCA);
  - (2) ~~provide~~ are provided by independent contractors of the provider agency and provide a shared living arrangement developed to meet the specific needs of the member that includes a live-in companion providing supervision, supportive assistance, and training in daily living skills, and integrates the member into the shared experiences of a family provided in a shared home owned or rented by the member, companion, or in a mutually rented or owned home;
  - (3) ~~are~~ available to members 18 years of age or older who are eligible for services through Community or Homeward Bound Waivers. Persons under ~~the age of~~ 18 years of age may be served with approval from the ~~DDS~~ Oklahoma Department of Human Services Developmental Disabilities Services (DDS) director or designee;

## Emergency Adoptions

- (4) ~~are~~ based on the member's need for residential services per ~~OAC~~Oklahoma Administrative Code (OAC) 340:100-5-22 and support as described in the member's Individual Plan (Plan), per OAC 340:100-5-50 through 340:100-5-58.
- (b) An agency companion:
- (1) ~~must be employed by or~~have an approved home profile per OAC 317:40-5-3 and contract with a provider contract with a provider agency approved by ~~the Oklahoma Department of Human Services Developmental Disabilities Services Division (DDSD) DDS;~~
- (2) may provide companion services for one member. Exceptions to serve as companion for two members may be approved by the ~~DDSD~~DDS director or designee. Exceptions may be approved when members have an existing relationship and to separate them would be detrimental to their well being and the companion demonstrates the skill and ability required to serve as companion for two members;
- (3) household is limited to one individual companion provider. Exceptions for two individual companion providers in a household who each provide companion services to different members may be approved by the ~~DDSD~~DDS director or designee;
- (4) may not provide companion services to more than two members at any time;
- (5) household may not serve more than three members through any combination of companion or respite services;
- (6) may not have employment, volunteer activities, or personal commitments that prevent the companion from fulfilling his or her responsibilities to the member per OAC 317:40-5.
- (A) ~~Employment as an agency companion is the companion's primary employment.~~
- (B) ~~The companion may not have other employment when approved to serve two members regardless of the levels of support required by the members.~~
- (C) The companion may have ~~other~~ employment when the:
- (i) ~~the Team~~personal support team (Team) documents and addresses all related concerns in the member's Plan;
- (ii) ~~the other~~ employment is approved in advance by the ~~DDSD~~DDS area manager or designee; and
- (iii) ~~the~~ companion's employment does not require on-call duties and occurs during time the member is engaged in outside activities such as school, employment or other routine scheduled meaningful activities; and
- (iv) ~~the~~ companion provides assurance the employment is such that the member's needs will be met by the companion should the member's outside activities be disrupted.
- (D) If, after receiving approval for ~~other~~ employment, authorized ~~DDSD~~DDS staff determines the ~~other~~ employment interferes with the care, training, or supervision needed by the member, the companion must terminate, within 30 calendar days:
- (i) ~~the other~~his or her employment; or
- (ii) his or her ~~employment~~contract as an agency companion.
- (E) Homemaker, habilitation training specialist, and respite services are not provided for the companion to maintain other employment.
- (c) Each member may receive up to 60 days per year of therapeutic leave without reduction in the agency companion's salary payment.
- (1) Therapeutic leave:
- (A) is a SoonerCare payment made to the contract provider to enable the member to retain services; and
- (B) is claimed when the:
- (i) ~~the~~ member does not receive ACS for 24 consecutive hours due to:
- (I) a visit with family or friends without the companion;
- (II) vacation without the companion; or
- (III) hospitalization, regardless of whether the companion is present; or
- (ii) ~~the~~ companion uses authorized respite time;
- (C) is limited to no more than 14 consecutive, calendar days per event, not to exceed 60 days per Plan of Care (POC) year; and
- (D) cannot be ~~accrued~~carried over from one ~~Plan of Care (POC)~~POC year to the next.
- (2) The therapeutic leave daily rate is the same amount as the ACS per diem rate except for the pervasive rate ~~which that~~ is paid at the enhanced agency companion per diem rate.
- (3) The provider agency pays the agency companion the ~~salary that~~payment he or she would earn if the member were not on therapeutic leave.
- (d) The companion may receive a combination of hourly or daily respite per POC year equal to 660 hours ~~for respite for the companion.~~
- (e) Habilitation Training Specialist (HTS) services:
- (1) may be approved by the ~~DDSD~~DDS director or designee when providing ACS with additional support represents the most cost-effective placement for the member when there is an ongoing pattern of not:
- (A) sleeping at night; or
- (B) working or attending employment, educational, or day services ~~with documented and continuing efforts by the Team;~~
- (2) may be approved when a time-limited situation exists in which the ~~ACS~~companion provider is unable to provide ACS, and the provision of HTS will maintain the placement or provide needed stability for the member, and must be reduced when the situation changes;
- (3) must be reviewed annually or more frequently as needed, which includes a change in agencies or individual companion providers; and
- (4) must be documented by the Team and the Team must continue efforts to resolve the need for HTS.

(f) ~~The agency receives a provider rate based on the agency's service model. The AC rate for the:~~

- ~~(1) employer model includes funding for the provider agency for the provision of benefits to the companion; or~~
- ~~(2) contractor model does not include funding for the provider agency for the provision of benefits to the companion.~~

(gf) The agency receives a ~~provider~~daily rate based on the member's level of support. Levels of support for the member and corresponding payment are:

- (1) determined by authorized ~~DDS/DDS~~ staff in accordance with per levels described in (A) through (D); and
- (2) re-evaluated when the member has a change in agency companion providers ~~which that~~ includes a change in agencies or individual companion providers.

(A) **Intermittent level of support.** Intermittent level of support is authorized when the member:

- (i) requires minimal physical assistance with basic daily living skills, such as bathing, dressing, and eating;
- (ii) may be able to spend short periods of time unsupervised inside and outside the home; and
- (iii) requires assistance with medication administration, money management, shopping, housekeeping, meal preparation, scheduling appointments, arranging transportation or other activities.

(B) **Close level of support.** Close level of support is authorized when the member requires:

- (i) ~~requires~~ regular, frequent and sometimes constant physical assistance and support to complete daily living skills, such as bathing, dressing, eating, and toileting;
- (ii) ~~requires~~ extensive assistance with medication administration, money management, shopping, housekeeping, meal preparation, scheduling appointments, arranging transportation or other activities; and
- (iii) ~~requires~~ assistance with health, medication, or behavior interventions that may include the need for specialized training, equipment, and diet.

(C) **Enhanced level of support.** Enhanced level of support is authorized when the member:

- (i) is totally dependent on others for:
  - (I) completion of daily living skills, such as bathing, dressing, eating, and toileting; and
  - (II) medication administration, money management, shopping, housekeeping, meal preparation, scheduling appointments, and arranging transportation or other activities;
- (ii) demonstrates ongoing complex medical issues requiring specialized training courses per OAC 340:100-5-26; or
- (iii) has behavioral issues that requires a protective intervention plan (PIP) with a restrictive or intrusive procedure ~~as defined in~~ per OAC 340:100-1-2. The PIP must:

(I) be approved by the Statewide Behavior Review Committee (SBRC), per OAC 340:100-3-14;

(II) be reviewed by the Human Rights Committee (HRC), per OAC 340:100-3-6, or

(III) have received expedited approval per OAC 340:100-5-57.

(D) **Pervasive level of support.** Pervasive level of support is authorized when the member:

(i) requires additional professional level support to remain in an agency companion setting due to pervasive behavioral or emotional challenges. The support must be provided:

(I) by a licensed professional counselor (LPC) or professional with a minimum of Masters of Social Work (MSW) degree; and

(II) as ongoing support and training to the companion, offering best practice approaches in dealing with specific members; and

(ii) does not have an available personal support system. The need for this service level:

(I) must be identified by the grand staffing committee, per OAC 340:75-8-40; and

(II) requires the provider to market, recruit, screen, and train potential companions for the member identified.

(g) Authorization for payment of Agency Companion Service is contingent upon receipt of:

(1) the applicant's approval letter authorizing ACS for the identified member;

(2) an approved relief and emergency back-up plan addressing a back-up location and provider;

(3) the Plan;

(4) the POC; and

(5) the date the member moved to the companion home.

(h) The Plan reflects the amount of room and board the member pays to the companion. The provider must use the room and board reimbursement payment to meet the member's needs. Items purchased with the room and board reimbursement payment includes housing and food. If the amount exceeds \$450, the additional amount must be:

(1) agreed upon by the member and, if when applicable, legal guardian;

(2) recommended by the Team; and

(3) approved by the DDS/DDS area manager or designee.

(i) If the amount exceeds \$500, the additional amount must be:

(1) agreed upon by the member and, if when applicable, legal guardian;

(2) recommended by the Team; and

(3) approved by the DDS/DDS area manager or designee.

## Emergency Adoptions

### 317:40-5-4. Selection of Agency Companion Services provider [REVOKED]

(a) ~~The matching of the lifestyles and personalities of a companion and a service recipient and the overall compatibility of the companion with the service recipient are the most critical elements of the Agency Companion Services (ACS) program. The past and present relationship the service recipient has with the potential companion is the most important consideration in the companion selection process.~~

(b) ~~In addition to considering the relationship between the service recipient and the companion, the case manager, the service recipient or legal guardian, and the service recipient's provider agency must reach consensus regarding the criteria listed in this Section before the approval process described in OAC 317:40-5-40 begins.~~

~~(1) The companion must have a relationship with the service recipient. Exceptions may be made by the service recipient's personal support team (Team) upon the recommendation of the Developmental Disabilities Services Division (DDSD) case manager, Division of Children and Family Services (DCFS) worker, or the Adult Protective Services (APS) worker, when appropriate.~~

~~(2) The companion must have the commitment and skills to meet the individual needs of the service recipient.~~

~~(3) The companion must understand the level of commitment required for the ACS program and how the commitment will affect the companion's personal life.~~

~~(4) The companion must understand how the commitment to the ACS program will impact the companion's family.~~

~~(5) The companion must demonstrate the ability to establish and maintain a positive relationship with the service recipient, particularly when stressful situations occur.~~

~~(6) The companion must demonstrate the ability to work collaboratively with others in the service process.~~

~~(7) Neither a service recipient's spouse nor the parent of a minor child may serve as that person's companion. A family member serving as companion must meet all requirements for the ACS program given in this Subchapter.~~

~~(8) The Chief Executive Officer (CEO) of a provider agency may not serve as a companion.~~

### 317:40-5-5. Agency Companion Services provider responsibilities

(a) ~~Providers of Agency Companion Services (ACS) Companions are required to meet all applicable standards outlined in this subchapter and competency-based training described in OAC per Oklahoma Administrative Code (OAC) 340:100-3-38. The provider agency ensures that all companions meet the criteria in this Section.~~

(b) ~~Failure to follow any rules or standards, failure to promote the independence of the member, or failure to follow recommendation(s) of the personal support team (Team) results in problem resolution, per OAC 340:100-3-27, for the companion, and if/when warranted, revocation of approval of the companion.~~

(c) ~~In addition to the criteria given in OAC 317:40-5-4, the~~The companion:

(1) ensures no other adult or child is cared for in the home on a regular or part-time basis, including other Oklahoma Department of Human Services (~~OKDHS~~)(DHS) placements, family members, or friends without prior written authorization from the ~~OKDHS~~—Developmental Disabilities Services Division (~~DDSD~~)(DDS) area manager or designee;

(2) meets the requirements of OAC 317:40-5-103, ~~Transportation~~. Neither the companion nor the provider agency may claim transportation reimbursement for vacation travel;

(3) transports or arranges transportation for the member to and from school, employment programs, recreational activities, medical appointments, and therapy appointments;

(4) delivers services in a manner that contributes to the member's enhanced independence, self-sufficiency, community inclusion, and well-being;

(5) participates as a member of the member's Team and assists in the development of the member's Individual Plan(Plan) for service provision;

(6) ~~with assistance from the DDSD case manager and the provider agency program coordination staff,~~ develops, implements, evaluates, and revises the training strategies corresponding to the relevant outcomes for which the companion is responsible, as identified in the Plan<sub>s</sub>;

~~(A) The companion documents and provides monthly data and health care summaries to the provider agency program coordination staff may request assistance from the case manager or program coordinator.~~

~~(B) The agency staff provides monthly reports to the DDSD case manager or nurse.~~

(7) delivers services at appropriate times as directed in the Plan<sub>s</sub>;

(8) does not deliver services that duplicate the services mandated to be provided by the public school district pursuant to the Individuals with Disabilities Education Act (IDEA);

(9) is sensitive to and assists the member in participating in the member's chosen religious faith. No member is expected to attend any religious service against his or her wishes;

(10) participates in<sub>s</sub> and supports visitation and contact with the member's natural family, guardian, and friends, ~~provided this~~when visitation is desired by the member;

(11) obtains permission from the member's legal guardian, ~~if/when~~ a guardian is assigned, and notifies the family, the provider agency program coordination staff, and the case manager prior to:

(A) traveling out of state;

(B) overnight visits; or

(C) involvement of the member in any publicity;

(12) serves as the member's health care coordinator per OAC 340:100-5-26;

(13) ensures the monthly room and board contribution received from the member is used toward the cost of operating the household;

- (14) assists the member in accessing entitlement programs for which the member may be eligible and maintains records required for the member's ongoing eligibility;
- (15) works closely with the provider agency program coordination staff and the ~~DDSD~~-DDS case manager, to ensure all aspects of the member's program are implemented to the satisfaction of the member, the member's family or legal guardian, when appropriate, and the member's Team;
- (16) assists the member ~~in achieving~~ to achieve the member's maximum level of independence;
- (17) submits, in a timely manner, to the provider agency program coordination staff all necessary information regarding the member;
- (18) ensures ~~that~~ the member's confidentiality is maintained per OAC 340:100-3-2;
- (19) supports the member in forming and maintaining friendships with neighbors, co-workers, and peers, including people who do not have disabilities;
- (20) implements training and provides supports that enable the member to actively join in community life;
- (21) does not serve as representative payee for the member without a written exception from the ~~DDSD~~DDS area manager or designee;
  - (A) The written exception is retained in the member's home record.
  - (B) When serving as payee, the companion complies ~~with the requirements~~ of OAC 340:100-3-4 requirements;
- (22) ensures the member's funds are properly safeguarded;
- (23) obtains prior approval from the member's representative payee when making a purchase of over \$50.00 with the member's funds;
- (24) allows ~~the~~ provider agency and DDS staff ~~and~~ ~~DDSD~~ staff to make announced and unannounced visits to the home;
- (25) develops an Evacuation Plan, using ~~OKDHS~~DHS Form 06AC020E, Evacuation/Escape Plan, for the home and conducts training with the member;
- (26) conducts fire and weather drills at least quarterly and documents the fire and weather drills using Form 06AC021E, Fire and Weather Drill Record;
- (27) develops and maintains a personal possession inventory for personal possessions and adaptive equipment, using Form 06AC022E, Personal Possession Inventory;
- (28) supports the member's employment program by:
  - (A) assisting the member to wear appropriate work attire; and
  - (B) contacting the member's employer as outlined by the Team and in the Plan; ~~and~~
- (29) is responsible for the cost of ~~their~~ the member's meals and entertainment during recreational and leisure activities. Activities must be affordable to the member. Concerns about affordability are presented to the Team for resolution;

- (30) for adults, reports suspected maltreatment including abuse, verbal abuse, sexual abuse, neglect, financial neglect, and/or exploitation of a vulnerable adult per Section 10-104 of Title 43A of the Oklahoma Statutes to the DHS Office of Client Advocacy (OCA);
- (31) for children, reports abuse, neglect, sexual abuse, or sexual exploitation per Section 1-2-101 of Title 10A of the Oklahoma Statutes to the Child Abuse and Neglect Hotline at 1-800-522-3511; ~~and~~
- (32) follows all applicable rules promulgated by the Oklahoma Health Care Authority and ~~DDSD~~DDS, including:
  - (A) OAC 340:100-3-40;
  - (B) OAC 340:100-5-50 through 100-5-58;
  - (C) OAC 340:100-5-26;
  - (D) OAC 340:100-5-34;
  - (E) OAC 340:100-5-32;
  - (F) OAC 340:100-5-22.1;
  - (G) OAC 340:100-3-27;
  - (H) OAC 340:100-3-38 ; ~~and~~
  - (I) OAC 340:100-3-34;
- (33) is neither the member's spouse, nor when the member is a minor child, the member's parent. A family member servicing as companion must meet all requirements listed in this Subchapter; and
- (34) is not the Chief Executive Officer of a provider agency.

**317:40-5-6. Agency Companion Services ~~provider~~contractor requirements**

- (a) The service recipient or legal guardian, the provider agency, ~~and~~ or the Oklahoma Department of Human ~~Services~~Services Developmental Disabilities Services ~~Division~~Division (~~DDSD~~) (DDS) case manager may identify an applicant to be screened for approval to serve as ~~the~~ companion.
- (b) Approval by ~~DDSD~~DDS for a person to provide contracted Agency Companion Services (ACS) requires ~~that~~ the applicant:
  - (1) is 21 years of age or older;
  - (2) has attended the ~~DDSD~~DDS or provider agency ACS orientation;
  - (3) ~~is employed by, or~~ contracts with, a provider agency having a current contract with the Oklahoma Health Care Authority to provide ACS;
  - (4) submits the completed ~~DDSD~~DDS application packet ~~in accordance with OAC~~ per Oklahoma Administrative Code (OAC) 317:40-5-40 within the required time period to designated ~~DDSD~~DDS staff or the provider agency staff;
  - (5) cooperates with ~~the~~ designated ~~DDSD~~ staff DDS or ~~the~~ provider agency staff in the development and completion of the home profile approval process ~~described in~~ per OAC 317:40-5-40; and
  - (6) has completed all training required by OAC 340:100-3-38, including medication administration training, and all provider agency pre-employment training ~~as described in~~ per OAC 317:40-5-40.

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### 317:40-5-9. Payment authorization for Agency Companion Services [REVOKED]

Authorization for payment of Agency Companion Services (ACS) is contingent upon receipt of:

- (1) the applicant's approval letter authorizing ACS for the identified member;
- (2) approved relief and emergency back-up plan;
- (3) revised Individual Plan;
- (4) revised Plan of Care; and
- (5) placement of the member in the ACS home.

### 317:40-5-10. Agency companion services (ACS) annual review [REVOKED]

(a) In addition to the requirements of OAC 317:40-5-40, Oklahoma Department of Human Services Developmental Disabilities Services Division (DDSD) ACS staff annually review services provided by the companion to determine:

- (1) continued compliance of the companion and home environment with DDSD and Oklahoma Health Care Authority rules;
- (2) the satisfaction of the service recipient with the living arrangement; and
- (3) continued use of the home.

(b) The annual review contains:

- (1) written comments of the ACS staff from interviews with the service recipient that highlight the service recipient's thoughts and feelings about his or her companion and the ACS placement;
- (2) written comments from the companion regarding program changes and issues of concern;
- (3) summaries of the information obtained from the companion, the service recipient, the provider agency program coordination staff, and the DDSD case manager;
- (4) recommendations for continued service;
- (5) information received from Child Welfare or Adult Protective Services, if available; and
- (6) identified areas of service that need improvement as well as areas of service that have been beneficial.

(c) A copy of the annual review is maintained in the DDSD area office with copies to the DDSD state office and the provider agency.

### 317:40-5-11. Termination of Agency Companion placement

(a) ~~Designated~~ Oklahoma Department of Human Services Developmental Disabilities Services Division (DDSD) (DDS) staff may terminate an individual agency companion (AC) placement for reasons including, but not limited to the:

- (1) ~~the~~ member's decision to move to a different residence;
- (2) ~~the~~ request of the companion; and
- (3) ~~the~~ personal support team ~~Team~~ determines the AC placement is no longer the most appropriate placement for the member;
- (4) ~~failure of the companion to complete tasks related to problem resolution, per OAC 340:100-3-27, as agreed;~~

(5) ~~confirmed abuse, neglect, or exploitation of any person;~~

(6) ~~breach of confidentiality;~~

(7) ~~involvement of the companion in criminal activity, or criminal activity in the home;~~

(8) ~~failure to provide for the care and well-being of the member;~~

(9) ~~continued failure to implement the Individual Plan, per OAC 340:100-5-50 through 100-5-58;~~

(10) ~~failure to complete and maintain training per OAC 340:10-3-38;~~

(11) ~~failure to report changes in the household;~~

(12) ~~failure or inability of the home to meet standards per OAC 317:40-5-40;~~

(13) ~~continued failure to follow applicable Oklahoma Department of Human Services or Oklahoma Health Care Authority rules;~~

(14) ~~decline of the companion's health to the point that he or she can no longer meet the needs of the member;~~

(15) ~~employment by the companion without prior approval by the DDSD area programs manager for residential services; or~~

(16) ~~domestic disputes which may result in emotional instability of the member.~~

(b) Upon termination of the placement:

(1) ~~the property of the member or the state is removed immediately by the member or his or her designee; and~~

(2) ~~the Team meets to develop an orderly transition plan and arranges for the member's property to be moved as necessitated by the transition plan.~~

(c) ~~If an individual placement is terminated for reasons identified in (4) (16) in this Section, DDSD staff will disapprove continued use of the companion. Termination of an individual companion placement may also occur in conjunction with denial of a home profile per OAC 317:40-5-40.~~

### 317:40-5-13. Agency Companion Services provider agency responsibilities

(a) The agency providing Agency Companion Services (ACS) complies with Oklahoma Health Care Authority and Oklahoma Department of Human Services (DHS) policies and procedures governing all aspects of service provision.

(b) The provider agency is responsible for all ~~employee or~~ contract provider related activities detailed in this Subchapter.

(c) In the event the provider agency wishes to discontinue services immediately due to an emergency, the provider agency cooperates with the DHS Developmental Disabilities Services ~~Division (DDSD) (DDS)~~ to secure alternative services in the least restrictive environment.

(d) The provider agency ensures that services provided meet requirements of ~~OAC~~ Oklahoma Administrative Code (OAC) 340:100-5-22.1, unless different other requirements are stated in this Section.

(e) ~~If~~ When the provider agency serves as the member's representative payee, the provider agency must adhere to ~~the~~ requirements of OAC 340:100-3-4.1 requirements.

(f) The provider agency acts immediately to remedy any situation posing a risk to the health, well-being, or provision of specified services to the member.

~~(1) In the event of such a risk, the provider agency immediately notifies DDS of the nature of the situation and notifies DDS upon the resolution of the threatening situation.~~

~~(2) The provider agency's program coordination staff contacts and informs the DDS case manager within 24 hours of an incident or injury. The provider agency completes and submits incident and injury reports to DDS per accordance with OAC 340:100-3-34.~~

~~(3) A companion's contract is immediately terminated when a provider agency becomes aware that a companion's name appears on the Community Services Worker Registry per OAC 340:100-3-39.~~

(g) The provider agency ensures that only one member is served in a provider home. Exceptions may be approved by the DDS area manager or designee.

~~(h) When the provider agency has knowledge of problems occurring in the placement, the provider agency's program coordination staff immediately schedules a meeting with the companion, the member, the member's legal guardian or advocate, the DDS case manager and other appropriate DDS staff to resolve the issues involved. If resolution of the issues does not occur at the meeting, any participant is to contact the DDS area manager or designee and the provider agency for resolution. Team members, including the provider agency program coordinator, companion, member, legal guardian, advocate, and DDS case manager work together to resolve issues to ensure the member's needs are met and the shared living arrangement is successful.~~

~~(i) When a change in the provider agency is requested by the member or the companion, all participants attempt to resolve the issues. No change in the provider agency occurs unless the DDS area manager or designee agrees that all issues have been or discussed.~~

~~(j) The decision to remain or terminate services with the provider agency is the choice of provider agency is made by the member or his or her legal guardian.~~

~~(k) When a member transfers from a provider agency, the outgoing provider agency ensures that the member has a 30 calendar-day supply of medication and a seven-day supply of food, household supplies, and personal supplies.~~

~~(l) The responsibilities of the provider agency's program coordination staff responsibilities are to:~~

- ~~(1) to visit the provider home daily during the first week of placement;~~
- ~~(2) to visit the homemaker a minimum of three times face to face per month per OAC 340:100-5-22.1;~~
- ~~(3) to allow the member's needs to determine the frequency of all other visits;~~
- ~~(4) to coordinate and submit quarterly reports to the provider agency for submission to the DDS area office; and~~
- ~~(5) to communicate regularly with the DDS case manager regarding any changes in the household or any other program issues or concerns.~~

~~(m) The provider agency works with the companion, member, and guardian to develop a back-up plan identifying respite staff and an alternate location in the event the home becomes uninhabitable. The back-up plan:~~

- ~~(1) is submitted to the DDS case manager for approval;~~
- ~~(2) describes expected and emergency back-up support and program monitoring for the home; and~~
- ~~(3) is incorporated into the member's Individual Plan (Plan).~~

~~(n) The respite provider is:~~

- ~~(1) knowledgeable about the member;~~
- ~~(2) trained to implement the member's Plan;~~
- ~~(3) trained per OAC 340:100-3-38;~~
- ~~(4) responsible for the cost of the member's meals and entertainment during recreation and leisure activities. Activities selected must be affordable to the member and respite staff. Concerns about affordability are presented to the Team for resolution.~~

~~(o) The spouse or other adult residing in the home is considered a natural support and may provide ACS in the absence of the companion, when trained per OAC 340:100-3-38.12.~~

~~(p) The spouse or other adult residing in the home cannot serve as paid respite staff.~~

### PART 3. GUIDELINES TO STAFF

#### **317:40-5-40. Home profile process**

(a) **Applicability.** This Section establishes procedures for the Developmental Disabilities Services (DDS) home profile process. A home profile is required for:

- (1) agency companion services (ACS);
- (2) specialized foster care (SFC) services;
- (3) respite services delivered in the provider's home;
- (4) approving services in a home shared by a non-relative provider and a member; and
- (5) any other situation that requires a home profile.

(b) **Pre-screening.** Designated Developmental Disabilities Services Division (DDS) staff provides the applicant with program orientation and pre-screening information that includes, but is not limited to:

- (1) facts, description, and guiding principles of the Home and Community-Based Services (HCBS) program;
- (2) an explanation of:
  - (A) the home profile process;
  - (B) basic provider qualifications of the provider;
  - (C) health, safety, and environmental issues; and
  - (D) training required per Oklahoma Administrative Code (OAC) 340:100-3-38;
- (3) the Oklahoma Department of Human Services (OKDHS) (DHS) Form 06AC012E, Specialized Foster Care/Agency Companion Services Information Sheet;
- (4) explanation of a background investigation conducted on the applicant and any adult or child living in the applicant's home.
  - (A) Background investigations are conducted at the time of application and include, but are not limited to:

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- (i) an Oklahoma State Bureau of Investigation (OSBI) name and criminal records history search, including the Oklahoma Department of Public Safety (DPS), Sex Offender Registry and Mary Rippy Violent Offender Registries;
  - (ii) Federal Bureau of Investigation (FBI) national criminal history search, based on the fingerprints of the applicant and any adult members of the household;
  - (iii) search of any involvement as a party in a court action;
  - (iv) search of all ~~OKDHS~~DHS records, including Child Welfare Services records and the Community Services Worker Registry;
  - (v) a search of all applicable out-of-state child abuse and neglect registries for any applicant or adult household member who has not lived ~~continuously~~ in Oklahoma continuously for the past five years. ~~The~~ home is not approved without the results of the out-of-state maintained child abuse and neglect registry checks, if when a registry is maintained in the applicable state, for all adult household members living in the home. ~~If~~ When a child abuse and neglect registry is not maintained in the applicable state, a request for information is made to the applicable state; and
  - (vi) search of Juvenile Justice Information System (JOLTS) records for any child older than 13 years of age in the applicant's household.
- (B) An application is denied if when the applicant or any person residing in the applicant's home:
- (i) ~~or any person residing in the applicant's home~~ has a criminal conviction of or pled guilty or no contest to:
    - (I) physical assault, battery, or a drug-related offense within the five-year period preceding the application date;
    - (II) child abuse or neglect;
    - (III) domestic abuse;
    - (IV) a crime against a child, including, but not limited to, child pornography;
    - (V) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, including manslaughter, ~~but~~ excluding physical assault and battery. ~~Homicide including manslaughter;~~
  - (ii) does not meet ~~the requirements of~~ OAC 340:100-3-39 requirements;
- (5) ~~OKDHS~~(DHS) Form 06AC015E, Agency Companion/Specialized Foster Care Employment Record;
  - (6) ~~OKDHS~~(DHS) Form 06AC016E, ~~DDSD~~(DDS) Reference Information Waiver;
  - (7) ~~OKDHS~~(DHS) Form 06AC029E, Employer Reference Letter; and
  - (8) ~~OKDHS~~(DHS) Form 06AC013E, Pre-Screening for Specialized Foster Care/Agency Companion Services.
- (c) **Home profile process.** If When the applicant meets the requirements of the prescreening, the initial home profile

process described in (1) through (8) of this subsection is initiated.

- (1) The applicant completes the required forms and returns the forms to the ~~DDSD~~DDS address provided. Required forms include ~~OKDHS~~DHS Forms:
    - (A) 06AC008E, Specialized Foster Care/Agency Companion Services Application;
    - (B) 06AC009E, Financial Assessment;
    - (C) 06AC011E, Family Health History;
    - (D) 06AC018E, Self Study Questionnaire;
    - (E) 06AC019E, Child's Questionnaire;
    - (F) 06AC010E, Medical Examination Report, if when Form 06AC011E indicates conditions that may interfere with the provision of services;
    - (G) 06AC017E, Insurance Information; and
    - (H) 06AC020E, Evacuation/Escape Plan.
  - (2) If When an incomplete form or other information is returned to ~~DDSD~~DDS, designated ~~DDSD~~DDS staff sends a letter to the provider or provider agency identifying information needed to complete the required forms. The home profile is not completed until all required information is provided to ~~DDSD~~DDS.
  - (3) Designated ~~DDSD~~DDS staff completes the home profile when all required forms are completed and provided to ~~DDSD~~DDS.
  - (4) For each reference provided by the applicant, designated ~~DDSD~~DDS staff completes ~~OKDHS~~DHS Form 06AC058E, Reference Letter;
  - (5) Designated ~~DDSD~~DDS staff, through interviews, visits, and phone calls, gathers information required to complete ~~OKDHS~~DHS Form 06AC047E, Home Profile Notes.
  - (6) ~~OKDHS~~DHS Form 06AC069E, Review of Policies and Areas of Responsibilities, is dated and signed by the applicant and designated ~~DDSD~~DDS staff.
  - (7) The ~~DDSD~~DDS area residential services programs manager sends to the applicant:
    - (A) a provider approval letter confirming the applicant is approved to serve as a provider; or
    - (B) a denial letter stating the application ~~is and~~ home profile are denied.
  - (8) ~~DDSD~~DDS staff records the dates of completion of each part of the home profile process.
- (d) **Home standards.** In order to qualify and remain in compliance, the applicant's or provider's home must meet the provisions in (1) through (11) of this subsection.
- (1) **General conditions.**
    - (A) The home, buildings, and furnishings must be comfortable, clean, and in good repair and the grounds must be maintained. There must be no accumulation of garbage, debris, or rubbish or offensive odors.
    - (B) The home must:
      - (i) be accessible to school, employment, church, day programming, recreational activities, health facilities, and other community resources as needed;

- (ii) have adequate heating, cooling and plumbing; and
  - (iii) provide space for the member's personal possessions and privacy; ~~and allow adequate space for the recreational and socialization needs of the occupants.~~
  - (iv) allow adequate space for the recreational and social needs of the occupants.
- (C) Provisions for the member's safety must be present, as needed, including:
- (i) guards and rails on stairways;
  - (ii) wheelchair ramps;
  - (iii) widened doorways;
  - (iv) grab bars;
  - (v) adequate lighting;
  - (vi) anti-scald devices; and
  - (vii) heat and air conditioning equipment guarded and installed in accordance with manufacturer requirements. Home modifications and equipment may be provided through HCBS Waivers operated by ~~DDSD~~ DDS.
- (D) Providers must not permit members to access or use swimming or other pools, hot tubs, saunas, ponds, or spas on the premises without supervision. Swimming pools, hot tubs, saunas, ponds, or spas must be equipped with sufficient safety barriers or devices designed to prevent accidental injury or unsupervised access.
- (E) The household must be covered by homeowner's or renter's insurance including personal liability insurance.
- (2) **Sanitation.**
- (A) Sanitary facilities must be adequate and safe, including toilet and bathing facilities, water supply, and garbage and sewer disposal.
- (B) ~~If~~ When a septic tank or other non-municipal sewage disposal system is used, it must be in good working order.
- (C) Garbage and refuse must be stored in readily cleanable containers, pending weekly removal.
- (D) Sanitation for household pets and other domestic animals must be adequate to prevent health hazards.
- (i) Proof of rabies or other vaccinations as required by a licensed veterinarian for household pets must be maintained on the premises ~~for household pets.~~
  - (ii) Pets not confined in enclosures must be under control and not present a danger to members or guests.
- (E) There must be adequate control of insects and rodents, including screens used for ventilation in good repair on doors and windows ~~used for ventilation.~~
- (F) Universal precautions for infection control must be followed in care to the member. Hands and other skin surfaces must be washed immediately and thoroughly ~~if~~ when contaminated with blood or other body fluids.
- (G) Laundry equipment, if in the home, must be located in a safe, well-ventilated, and clean area, with the dryer vented to the outside.
- (3) **Bathrooms.** A bathroom must:
- (A) provide for individual privacy and have a finished interior;
  - (B) be clean and free of objectionable odors; and
  - (C) have a bathtub or shower, flush toilet, and sink in good repair, and hot and cold water in sufficient supply to meet the member's hygiene needs.
    - (i) A sink must be located near each toilet.
    - (ii) A toilet and sink must be provided on each floor where rooms of members who are non-ambulatory or with limited mobility are located.
    - (iii) There must be at least one toilet, one sink, and one bathtub or shower for every six household occupants, including the provider and family.
- (4) **Bedrooms.** A bedroom must:
- (A) have been constructed as such when the home was built or remodeled under permit;
  - (B) be provided for each member.
    - ~~(i) Minor members must not share bedrooms with adults in the household.~~
    - ~~(ii) No more than two members may share a bedroom.~~
      - (i) Exception to allow members to share a bedroom may be made by DDS area residential program manager, when DDS determines sharing a bedroom is in the best interest of the member. Minor members must not share bedrooms with adults.
      - ~~(iii) Exceptions to allow members to share a bedroom may be made by the DDSD area residential programs manager, when DDSD determines sharing a bedroom is in the best interest of the members;~~
        - (ii) A member must not share a bedroom with more than one other person;
  - (C) have a minimum of 80 square feet of usable floor space for each member or 120 square feet for two members and two means of ~~exit~~ egress. The provider, family members, or other occupants of the home must not sleep in areas designated as common use living areas, nor share bedrooms with members;
  - (D) be finished with walls or partitions of standard construction that go from floor to ceiling;
  - (E) be adequately ventilated, heated, cooled, and lighted;
  - (F) include an individual bed for each member consisting of a frame, box spring, and mattress at least 36 inches wide, unless a specialized bed is required to meet identified needs. Cots, rollaways, couches, futons, and folding beds must not be used for members.
    - (i) Each bed must have clean bedding in good condition consisting of a mattress pad, bedspread, two sheets, pillow, pillowcase, and blankets adequate for the weather.

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- (ii) Sheets and pillowcases must be laundered at least weekly or more often if necessary.
  - (iii) Waterproof mattress covers must be used for members who are incontinent;
  - (G) have sufficient space for each member's clothing and personal effects, including hygiene and grooming supplies.
    - (i) Members must be allowed to keep and use reasonable amounts of personal belongings and have private, secure storage space.
    - (ii) The provider assists the member in furnishing and decorating the member's bedroom.
    - (iii) Window coverings must be in good condition and allow privacy for members;
  - (H) be on ground level for members with impaired mobility or who are non-ambulatory; and
  - (I) be in close enough proximity to the provider to alert the provider to nighttime needs or emergencies, or be equipped with a call bell or intercom.
- (5) **Food.**
- (A) Adequate storage must be available to maintain food at the proper temperature, including a properly working refrigerator. Food storage must be such that food is protected from dirt and contamination and maintained at proper temperatures to prevent spoilage.
  - (B) Utensils, dishes, glassware, and food supplies must not be stored in bedrooms, bathrooms, or living areas.
  - (C) Utensils, dishes, and glassware must be washed and stored to prevent contamination.
  - (D) Food storage and preparation areas and equipment must be clean, free of offensive odors, and in good repair.
- (6) **Phone.**
- (A) A working phone must be provided in the home that is available and accessible for the member's use for incoming and outgoing calls.
  - (B) Phone numbers to the home and providers must be kept current and provided to ~~DDSD~~ DDS and, ~~if~~ when applicable, the provider agency.
- (7) **Safety.**
- (A) Buildings must meet all applicable state building, mechanical, and housing codes.
  - (B) Heating, in accordance with manufacturer's specifications, and electrical equipment, including wood stoves, must be installed in accordance with all applicable fire and life safety codes. Such equipment must be used and maintained properly and in good repair.
    - (i) Protective glass screens or metal mesh curtains attached at top and bottom are required on fireplaces.
    - (ii) Unvented portable oil, gas, or kerosene heaters are prohibited.
  - (C) Extension cord wiring must not be used in place of permanent wiring.
  - (D) Hardware for all exit and interior doors must have an obvious method of operation that cannot be locked against ~~exit~~ egress.
- (8) **Emergencies.**
- (A) Working smoke detectors must be provided in each bedroom, adjacent hallways, and in two story homes at the top of each stairway. Alarms must be equipped with a device that warns of low battery condition, when battery operated.
  - (B) At least one working fire extinguisher must be in a readily accessible location.
  - (C) A working flashlight must be available for emergency lighting on each floor of the home.
  - (D) The provider:
    - (i) maintains a working carbon monoxide detector in the home;
    - (ii) maintains a written evacuation plan for the home and conducts training for evacuation with the member;
    - (iii) conducts fire drills quarterly and severe weather drills twice per year ~~and maintains and makes available fire drill and severe weather drill documentation for review by DDSD;~~
    - (iv) ~~has a written back-up plan for temporary housing in the event of an emergency; and~~ makes fire and severe weather drill documentation available for review by DDS;
    - (v) ~~is responsible to re-establish a residence, if the home becomes uninhabitable; has a written back-up plan for temporary housing in the event of an emergency; and~~
    - (vi) is responsible to re-establish a residence, if the home becomes uninhabitable.
  - (E) A first aid kit must be available in the home.
  - (F) The address of the home must be clearly visible from the street.
- (9) **Special hazards.**
- (A) Firearms and other dangerous weapons must be stored in a locked permanent enclosure. Ammunition must be stored in a separate locked location. Providers are prohibited from assisting members to obtain, possess, or use dangerous or deadly weapons per OAC 340:100-5-22.1.
  - (B) Flammable and combustible liquids and hazardous materials must be safely and properly stored in original, properly labeled containers.
  - (C) Cleaning supplies, medical sharps containers, poisons, and insecticides must be properly stored in original, properly labeled containers in a safe area away from food, food preparation areas, dining areas, and medications.
  - (D) Illegal substances are not permitted on the premises.
- (10) **Vehicles.**
- (A) All vehicles used to transport members must meet local and state requirements for licensing, inspection, insurance, and capacity.

- (B) Drivers of vehicles must have valid and appropriate driver licenses.
- (11) **Medication.** Medication for the member is stored per OAC 340:100-5-32.
- (e) **Evaluating the applicant and home.** The initial home profile evaluation includes, but is not limited to:
  - (1) evaluating the applicant's:
    - (A) interest and motivation;
    - (B) life skills;
    - (C) children ~~in the home~~;
    - (D) methods of behavior support and discipline;
    - (E) marital status, ~~and~~ background, and household composition, ~~and children~~;
    - (F) income and money management; and
    - (G) teamwork and supervision, back-up plan, and use of relief; and
  - (2) assessment and recommendation. ~~DDS~~ DDS staff:
    - (A) evaluates the ability of the applicant to provide services ;
    - (B) ~~approves only applicants who can fulfill the expectations of the role of service provider;~~ assesses the overall compatibility of the applicant and the service recipient, ensuring the lifestyles and personalities of each are compatible for the shared living arrangement. The applicant must:
      - (i) express a long term commitment to the service member unless the applicant will only be providing respite services;
      - (ii) demonstrate the skills to meet the individual needs of the member;
      - (iii) express an understanding of the commitment required as a provider of services;
      - (iv) express an understanding of the impact the arrangement will have on personal and family life;
      - (v) demonstrates the ability to establish and maintain positive relationships, especially during stressful situations; and
    - (C) ~~if the applicant does not meet standards per OAC 317:40-5-40, ensures the final recommendation includes:~~ approves only applicants who can fulfill the expectations of the role of service provider;
      - (i) ~~basis for the denial decision; and~~
      - (ii) ~~effective date for determining the applicant as not meeting standards. Reasons for denying a profile may include, but are not limited to:~~
        - (I) ~~lack of stable, adequate income to meet the applicant's own or total family needs or poor management of available income;~~
        - (II) ~~a physical facility that is inadequate to accommodate the addition of a member to the home or presents health or safety concerns;~~
        - (III) ~~the age, health, or any other condition of the applicant that impedes the applicant's ability to provide appropriate care for a member;~~
        - (IV) ~~relationships in the applicant's household are unstable and unsatisfactory;~~

- (V) ~~the mental health of the applicant or other family or household member impedes the applicant's ability to provide appropriate care for a member;~~
- (VI) ~~references are guarded or have reservations in recommending the applicant;~~
- (VII) ~~the applicant fails to complete the application, required training, or verifications in a timely manner as requested or provides information that is incomplete, inconsistent, or untruthful; or~~
- (VIII) ~~the home is determined unsuitable for the member requiring placement;~~
- (D) notifies the applicant in writing of the final recommendation; and when the applicant does not meet standards per OAC 317:40-5-40, ensures the final recommendation includes:
  - (i) a basis for the denial decision; and
  - (ii) an effective date for determining the applicant does not meet standards. Reasons for denying a request to be a provider may include, but are not limited to:
    - (I) a lack of stable, adequate income to meet the applicant's own or total family needs or poor management of the available income;
    - (II) a physical facility that is inadequate to accommodate the addition of a member to the home or presents health or safety concerns;
    - (III) the age, health, or any other condition of the applicant that impedes the applicant's ability to provide appropriate care for a member;
    - (IV) relationships in the applicant's household that are unstable and unsatisfactory;
    - (V) the mental health of the applicant or other family or household member that impedes the applicant's ability to provide appropriate care for a member;
    - (VI) references who are guarded or have reservations in recommending the applicant;
    - (VII) the reason the applicant failed to complete the application, required training, or verifications in a timely manner as requested or provided incomplete, inconsistent, or untruthful information;
    - (VIII) the home is determined unsuitable for the member requiring placement;
    - (IX) confirmed abuse, neglect, or exploitation of any person;
    - (X) breach of confidentiality;
    - (XI) involvement of the applicant or provider involvement in criminal activity or criminal activity in the home;
    - (XII) failure to complete training per OAC 340:100-3-38;
    - (XIII) failure of the home to meet standards per subsection (d) of this Section;

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(XIV) failure to follow applicable DHS or Oklahoma Health Care Authority (OHCA) rules;

(E) if an application is canceled or withdrawn prior to completion of the profile, completes a final written assessment that includes:

(i) reason the application was canceled or withdrawn;

(ii) DDS staff's impression of the applicant based on information obtained; and

(iii) effective date of cancellation or withdrawal. Written notice is sent to the applicant to confirm cancellation or withdrawal of the application, a copy is included in local and State Office records; notifies the applicant in writing of the final approval or denial of the home profile;

(F) when an application is canceled or withdrawn prior to completion of the home profile, completes a final written assessment that includes the:

(i) reason the application was canceled or withdrawn; and

(ii) DDS staff's impression of the applicant based on information obtained; and

(iii) effective date of cancellation or withdrawal. Written notice is sent to the applicant to confirm cancellation or withdrawal of the application, and a copy is included in local and State Office records.

(f) **Frequency of evaluation.** Homes are assessed for Home profile evaluations are completed for initial approval or denial of an applicant. After an initial approval, a home profile review is conducted annually and as needed for compliance and continued approval. Agency Companion Services providers are assessed annually and as needed for compliance and continued approval. Specialized foster care and respite homes are assessed bi-annually and as needed for compliance and continued approval. Any other situations requiring a home profile are assessed annually and as needed for compliance and continued approval. DDS area residential services staff conduct at least biannual home visits to specialized foster care providers. The annual evaluation home profile review is a comprehensive review of the living arrangement, the provider's continued ability to meet standards, the needs of the member and the home to ensure ongoing compliance with home standards. A home profile review is conducted when a provider notifies DDS of his or her intent to move to a new residence. DDS staff assess the home to ensure the new home meets home standards and is suitable to meet the member's needs. The annual home profile review;

(1) The annual evaluation consists of includes information specifically related to the provider's home and is documented on OKDHS/DHS Form 06AC024E, Annual Review;

(2) OKDHS include FORM form 06AC010E, Medical Examination Report, must be completed a minimum of every three years following the initial approval, unless medical circumstances warrant more frequent completion;

(3) Input includes information from the DDS/DDS case manager, the provider of agency companion or SFC services, the Child Welfare workers specialist, Adult Protective Services staff, and Office of Client Advocacy staff, and the provider agency program coordinator is included in the evaluation, if when applicable.

(4) The background investigation per OAC 317:40-5-40(b) is repeated every year, except the FBI national criminal history search includes information from the service member indicating satisfaction with service and a desire to continue the arrangement;

(5) Providers are notified in writing of the continued recommendation of the use of the home, addresses areas of service where improvement is needed;

(6) Copies of OKDHS Forms 06AC024E and, if applicable, 06AC010E, are included in local and State Office records, includes areas of service where progress was noted or were of significant benefit to the member;

(7) ensures background investigation per OAC 317:40-5-40(b) is repeated every year, except for the OSBI and FBI national criminal history search;

(8) ensures the FBI national criminal history search per OAC 317:40-5-40(b)(4)(A)(ii) is repeated every five years;

(9) includes written notification to providers and agencies, when applicable, of the continued approval of the provider.

(10) includes written notification to providers and agencies, when the provider or agency fails to comply with the home standards per OAC 317:40-5-40 including deadlines for correction of the identified standards; and includes copies of DHS Forms 06AC024E and, when applicable, 06AC010E, in local and State Office records.

(g) Reasons a home profile review may be denied include, but are not limited to:

(1) lack of stable, adequate income to meet the provider's own or total family needs or poor management of available income;

(2) a physical facility that is inadequate to accommodate the addition of a member to the home or presents health or safety concerns;

(3) the age, health, or any other condition of the provider that impedes the provider's ability to provide appropriate care for a member;

(4) relationship in the provider's household that are unstable and unsatisfactory;

(5) the mental health of the provider or other family or household member impedes the provider's ability to provide appropriate care for a member;

(6) the provider fails to complete required training, or verifications in a timely manner as requested or provides incomplete, inconsistent, or untruthful information;

(7) the home is determined unsuitable for the member;

(8) failure of the provider to complete task related to problem resolution, as agreed, per OAC 340:100-3-27;

(9) failure of the provider to complete a plan of action, as agreed, per OAC 317:40-5-63;

- (10) confirmed abuse, neglect, or exploitation of any person;
- (11) breach of confidentiality;
- (12) involvement of the provider in criminal activity in the home;
- (13) failure to provide for the care and well-being of the service member;
- (14) failure or continued failure to implement the individual Plan, per OAC 340:100-5-50 through 100-5-58;
- (15) failure to complete and maintain training per OAC 340:100-3-38.1;
- (16) failure to report changes in the household;
- (17) failure to meet standards of the home per subsection (d) of this Section;

- (18) failure or continued failure to follow applicable DHS or OHCA rules;
- (19) decline of the provider's health to the point he or she can no longer meet the needs of the service member;
- (20) employment by the provider without prior approval of the DDS area programs manager for residential services; or
- (21) domestic disputes that causes emotional distress to the member.

[OAR Docket #15-277; filed 3-25-15]

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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

**1:2015-16.**

### EXECUTIVE ORDER 2015-16

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution hereby declare the following:

1. Tornadoes, severe storms, straight-line winds, and flooding beginning March 25, 2015 and continuing have caused extensive damage to public and private properties within the State of Oklahoma; and said damages have caused an undue hardship on the citizens of this State.
2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.
3. There is hereby declared a disaster emergency caused by the tornadoes, severe storms, straight-line winds, and flooding in the State of Oklahoma that threatens the lives and property of the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

Caddo, Canadian, Carter, Cleveland, Comanche, Creek, Garvin, Grady, Lincoln, Logan, Love, McClain, Murray, Oklahoma, Osage, Pawnee, Payne, Pontotoc, Rogers, Seminole, Stephens, Tulsa, Wagoner, Washington, and Washita.

This declaration may be amended to add counties as conditions warrant.

4. The State Emergency Operations Plan was activated on March 25, 2015 and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.
5. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the

purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.

6. This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 26<sup>th</sup> day of March 2015.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
Chris Bengé  
Secretary of State

[OAR Docket #15-281; filed 3-26-15]

**1:2015-17.**

### EXECUTIVE ORDER 2015-17

By Executive Order 2013-8, I established the Governor's Blue Ribbon Panel for Developmental Disabilities (Blue Ribbon Panel), which was tasked with developing a comprehensive plan to support individuals with developmental disabilities and their families in acquiring reliable, high-quality care. This Blue Ribbon Panel, comprised of individuals with developmental disabilities, their family members, and professionals from developmental disability-related fields, is scheduled to sunset on April 1, 2015. Much important work, however, remains unfinished.

It is for this reason that, I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby create an executive council of State officials (Executive Council), which shall be composed of the individuals designated in Section A, below. The Executive Council is hereby authorized, with the support and guidance of an Advisory

## Executive Orders

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Committee as established in Section B, below, to continue improving the range and quality of services accessible to Oklahomans with developmental disabilities.

More specifically, the Executive Council shall coordinate and improve the information tools that key State agencies make publicly available regarding existing developmental disability services and community resources (hereinafter referred to as "resources"). As part of this initiative, the Executive Council shall: 1) provide for the regular, periodic dissemination of information about resources to individuals on the waiver services request list that are specifically-tailored to each individual's need; 2) develop and implement resource training programs that are designed both for State workers to employ at the point of intake, and for families and self-advocates to access, more generally, throughout Oklahoma; and 3) improve the ease-of-use and prominence of information on State agency websites concerning resources, including the potential creation of a uniform disability information web portal. In addition, the Executive Council shall analyze how best to prioritize the waiver services request list so that need and urgency of care, and not just date of application, are considered in the ordering of the list.

The Executive Council, however, is by no means restricted from considering and recommending implementation of statutorily authorized State agency action(s) on unanticipated issues critical to the developmentally disabled community, or from championing necessary statutory amendments to me or the Legislature, where appropriate.

A. The Executive Council shall be composed of the following State officials:

1. The Chief Executive Officer of the Oklahoma Health Care Authority (OHCA), or his or her designee;
2. The State Superintendent of Public Instruction (Superintendent), or his or her designee;
3. The Director of the Oklahoma Department of Rehabilitation Services (DRS), or his or her designee;
4. The Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), or his or her designee;
5. The Chancellor of the Oklahoma State System of Higher Education (Chancellor), or his or her designee;
6. Director of the Oklahoma Department of Human Services (DHS), or his or her designee;
7. The Secretary of Health and Human Services, or his or her designee; and
8. The Secretary of Education and Workforce Development, or his or her designee.

The Chair(s) of the Executive Council shall rotate on an annual basis, with the DHS representative serving as Chair in 2015; the OHCA and ODMHSAS representatives serving as co-Chairs in 2016; the Superintendent and Chancellor representatives serving as co-Chairs in 2017; and the DRS representative serving as Chair in 2018. Administrative support for the Executive Council and its Advisory Committee, as is deemed necessary and appropriate to ensure compliance with this Order, shall be provided by the State agency of that year's designated Chair; except that, OHCA shall be exclusively responsible for providing administrative support in 2016, and the Chancellor shall be exclusively responsible for providing administrative support in 2017.

B. The Advisory Committee shall be comprised of the ten (10) non ex-officio members of the Blue Ribbon Panel. The Executive Council is hereby authorized to appoint, as it deems necessary, replacements for any vacancies that arise on the Advisory Committee; however, in no event shall the Advisory Committee include less than six (6) members. The Advisory Committee's composition shall remain restricted to individuals with developmental disabilities, parents of adults or children with developmental disabilities, and individuals with professional experience regarding developmental disabilities. Advisory Committee members shall not be compensated for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties in the same manner as provided State employees by the State Travel Reimbursement Act.

This Executive Order shall be distributed to the Secretary of Health and Human Services, the Secretary of Education and Workforce Development, and all of the State officials designated to serve on the Executive Council in Section A, above, who 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 27<sup>th</sup> day of March, 2015.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Mary Fallin

ATTEST:  
LeeAnn McNaughton Hayes  
Acting Assistant Secretary of State

[OAR Docket #15-302; filed 3-27-15]