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

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State Department of <b>POLLUTION</b> Control ( <i>abolished 1-1-93</i> )	555	Oklahoma <b>WATER</b> Resources Board	785
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Board of Regents of <b>REDLANDS</b> Community College ( <i>exempted 11-1-98</i> )	607		
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Board of Regents of <b>ROGERS</b> State College ( <i>exempted 11-1-98</i> )	615		

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

*[OAR Docket #14-897]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 13. Student Assessment

210:10-13-2. Oklahoma School Testing Program (OSTP)  
scope and general administration [AMENDED]

### **SUMMARY:**

The proposed amendments to the rule remove references to the Oklahoma Modified Alternate Assessment Program (OMAAP) and an implementation date which has already passed. The amendments are necessary to ensure that the rule reflects current policy and practice regarding the Oklahoma School Testing Program, and that state requirements comply with federal law.

### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.

### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from November 17, 2014 until 4:30 p.m., Friday, December 19, 2014.

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

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

### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, December 19, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

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

N/A

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### **CONTACT PERSON:**

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #14-897; filed 10-24-14]*

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

*[OAR Docket #14-898]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 13. Student Assessment

210:10-13-11. Testing students with disabilities  
[AMENDED]

### **SUMMARY:**

The proposed amendments to the rule clarify under what conditions a student with a disability may be offered an accommodation on an assessment required under the Oklahoma School Testing Program (OSTP). The amendments

## Notices of Rulemaking Intent

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establish criteria for evaluating whether a student with a disability is eligible for specific accommodations on English Language Arts/Literacy assessments. The amendments also remove references to the Oklahoma Modified Alternate Assessment Program (OMAAP). The proposed amendments are necessary to establish statewide standards for determining assessment accommodation eligibility, and to clean up outdated references.

### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.

### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from November 17, 2014 until 4:30 p.m., Friday, December 19, 2014.

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

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

### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, December 19, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

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

N/A

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

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

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### **CONTACT PERSON:**

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #14-898; filed 10-24-14]*

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

*[OAR Docket #14-899]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 13. Student Assessment

210:10-13-24. Oklahoma School Testing Program field test participation [NEW]

### **SUMMARY:**

The proposed rule expresses the requirement under 70 O.S. § 1210.505 et seq. for Oklahoma public school districts to participate in the field testing of assessments administered under the Oklahoma School Testing Program (OSTP), at the direction of the State Board of Education. The rule codifies existing Department of Education policy and statutory provisions relating to the field testing requirements of the OSTP, which ensure the validity and reliability of assessments.

### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 1210.505 et seq.

### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from November 17, 2014 until 4:30 p.m., Friday, December 19, 2014.

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

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

### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, December 19, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #14-899; filed 10-24-14]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 25. FINANCE**

*[OAR Docket #14-900]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Budgeting and Business Management  
Part 1. Implementation  
210:25-5-4. Accounting [AMENDED]

**SUMMARY:**

The proposed amendments to the rule remove an outdated reference, and change the final date that school boards or the State Department of Education are permitted to make alterations to submitted financial data from November 15 to December 15 of each year. The proposed changes to the rule are necessary to non-substantively update references, and to permit local educational agencies and the State Department of Education Financial Accounting Section additional time to verify financial data submitted to the State Department by school districts.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from November 17, 2014 until 4:30 p.m., Friday, December 19, 2014.

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

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

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, December 19, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #14-900; filed 10-24-14]*

## Notices of Rulemaking Intent

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### TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #14-901]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 5. Budgeting and Business Management

Part 1. Implementation

210:25-5-5. Auditing [AMENDED]

#### **SUMMARY:**

The proposed amendment to the rule removes a reference to the Oklahoma State Board of Education as the authority which must approve independent auditors qualified to examine the finances of local school districts, and states that such auditors must be approved by the Oklahoma State Auditor and Inspector. This change is necessary because the State Auditor is the appropriate agency authorized to approve independent auditors. There is also a statutory citation added for clarity to a reference to the "School Audit Law".

#### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 22-101 et seq.

#### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from November 17, 2014, until 4:30 p.m., Friday, December 19, 2014.

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

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

#### **PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, December 19, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

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

N/A

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

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also

available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

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

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

#### **CONTACT PERSON:**

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #14-901; filed 10-24-14]

### TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

[OAR Docket #14-902]

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

#### **PROPOSED RULES:**

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools

Part 5. Standard III: Administration and Organization

210:35-3-47. School reports and records [AMENDED]

#### **SUMMARY:**

The proposed amendment to the rule provides guidance on the State Department of Education's authorization to issue a high school diploma to a person who has completed at least thirty (30) hours of credit at an accredited college or university in Oklahoma, under 70 O.S. § 24-116. This amendment is necessary to inform the public about how to obtain a high school diploma after completing thirty (30) college credits, and to outline the State Department of Education's criteria for issuing diplomas.

#### **AUTHORITY:**

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 24-116

#### **COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from November 17, 2014 until 4:30 p.m., Friday, December 19, 2014.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the

open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

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

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, December 19, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

**CONTACT PERSON:**

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #14-902; filed 10-24-14]*

**TITLE 210. STATE DEPARTMENT OF EDUCATION  
CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS**

*[OAR Docket #14-903]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 3. Standards for Elementary, Middle Level, Secondary, and Career and Technology Schools  
Part 9. Standard V: The School Staff  
210:35-3-86. Qualifications: personnel records  
[AMENDED]

**SUMMARY:**

The proposed amendments to the rule extend the acceptable formats for official transcripts to include digital copies sent electronically by the educational institution that issues the transcript. The proposed amendments also remove an outdated reference to applicability beginning with the 1991-1992 school year. The proposed amendments are necessary to update the rule to acknowledge that official copies of transcripts are now often transmitted electronically, and to remove the reference to a starting date of effectiveness that passed over twenty years ago.

**AUTHORITY:**

State Board of Education; 70 O.S. § 3-104

**COMMENT PERIOD:**

Written comments on the proposed rule(s) will be accepted from November 17, 2014 until 4:30 p.m., Friday, December 19, 2014.

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

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

**PUBLIC HEARING:**

A public hearing is scheduled for 10:00 a.m. on Friday, December 19, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of

## Notices of Rulemaking Intent

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Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #14-903; filed 10-24-14]*

### TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

*[OAR Docket #14-904]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 25. Student Entrance and Progression Through the System  
210:35-25-2. Student entrance and progression through the system [AMENDED]

### SUMMARY:

The proposed amendments to the rule clarify that academic credits received from one school district or state-accredited private school in Oklahoma shall transfer to another school district or accredited private school upon a student's transfer to a different district or school site. The proposed amendments also update the rule to reflect current required curriculum under 70 O.S. § 11-103.6. The proposed amendments are necessary to ensure that Oklahoma students who have met the requirements to receive credit for a particular course at a state accredited school may transfer their earned credits to any other accredited school in Oklahoma, and to clarify the statutory source of Oklahoma graduation requirements.

### AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 11-103.6

### COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from November 17, 2014 until 4:30 p.m., Friday, December 19, 2014.

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

via regular mail to the individual at the address shown below under "Contact Person."

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

### PUBLIC HEARING:

A public hearing is scheduled for 10:00 a.m. on Friday, December 19, 2014, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

### CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

*[OAR Docket #14-904; filed 10-24-14]*

### TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 1. GENERAL PROVISIONS

*[OAR Docket #14-887]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Records and Inspections  
240:1-3-3. Confidential records [AMENDED]  
240:1-3-5. Copying and reproduction fees [AMENDED]

240:1-3-9. Release of confidential information to specific government agencies [AMENDED]

**SUMMARY:**

The amendments to the rules in this chapter will conform the confidential records rule to the requirement passed in the confidential records statute in the last legislative session that allows a maximum of 90 days for a person to receive confidential information based upon an administrative subpoena, court order or notarized waiver. The amendments will also allow for records to be provided on flash drives and other electronic storage devices. The amendments will change the rule on release of information to government agencies to incorporate changes made in the confidentiality statute in the last legislative session.

**AUTHORITY:**

40 O.S. §§ 4-302, 4-508 and the Oklahoma Employment Security Commission.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

**COMMENT PERIOD:**

Written and oral comments will be accepted through December 17, 2014, during regular business hours by the contact person listed below.

**PUBLIC HEARING:**

A public hearing will be scheduled for December 18, 2014 at 9:00 a.m. in the OESC Commission Room, 5<sup>th</sup> Floor, Will Rogers Building, 2401 North Lincoln Blvd., Oklahoma City, OK 73105.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review from the contact person listed below.

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

**CONTACT PERSON:**

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, 405/557-7146, FAX: 405/557-5320, E-Mail: [Melissa.Copenhaver@oesc.state.ok.us](mailto:Melissa.Copenhaver@oesc.state.ok.us) .

*[OAR Docket #14-887; filed 10-17-14]*

**TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION  
CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM**

*[OAR Docket #14-888]*

**INTENDED RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
- 240:10-1-2. Definitions [AMENDED]
- Subchapter 3. Benefits
- Part 5. Eligibility
- 240:10-3-20. Instructions to secure work [AMENDED]
- 240:10-3-28. Application of payments made to repay an overpayment of benefits [AMENDED]
- Part 11. Filing Claims - Notice
- 240:10-3-53. High volume employers and third party administrators - filing requirement [AMENDED]
- Subchapter 5. Contributions
- Part 19. Maintenance and Production of Work Records
- 240:10-5-97. Professional Employer Organization - quarterly client list report [NEW]
- Subchapter 13. Appeal Tribunal Procedure
- Part 1. General Provisions
- 240:10-13-10. Case review study [NEW]

**SUMMARY:**

The amendments to these rules will add a citation to 40 O.S. §2-507 to the definition of "interested party", provide detailed instructions on work search requirements, set out how payments made to repay an overpayment of unemployment benefits will be applied to multiple overpayment debts, set out that high volume employers and third party administrators shall be able to file protest to claims by fax or by using the State Information Data Exchange System (SIDES), set out the requirements for professional employer organizations to file client lists as required by legislation passed in the last session, and set out how the case review study required by 40 O.S. §2-406.2 will be conducted by the Appellate Division.

**AUTHORITY:**

40 O. S. §§2-406.2, 2-417, 2-418, 2-507, 3-120, 4-302 and the Oklahoma Employment Security Commission.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

## Notices of Rulemaking Intent

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### COMMENT PERIOD:

Written and oral comments will be accepted through December 17, 2014, during regular business hours by the contact person listed below.

### PUBLIC HEARING:

A public hearing will be scheduled for December 18, 2014 at 9:00 a.m. in the OESC Commission Room, 5th Floor, Will Rogers Building, 2401 North Lincoln Blvd., Oklahoma City, OK 73105.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

### RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

### CONTACT PERSON:

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, 405/557-7146, FAX: 405/557-5320, E-Mail: [Melissa.Copenhaver@oesc.state.ok.us](mailto:Melissa.Copenhaver@oesc.state.ok.us).

*[OAR Docket #14-888; filed 10-17-14]*

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### TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 15. BOARD OF REVIEW PROCEDURES

*[OAR Docket #14-889]*

### INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Appeals to the Board of Review  
240:15-3-2. Correspondence with Board of Review;  
address [AMENDED]

### SUMMARY:

The amendment to the Board of Review rule will correct the telephone number and fax number for the Board of Review.

### AUTHORITY:

40 O.S. §2-607, and the Board of Review.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Employment Security Commission requests that business entities affected by this rule provide the Oklahoma Employment Security Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

### COMMENT PERIOD:

Written and oral comments will be accepted through December 17, 2014, during regular business hours by the contact person listed below.

### PUBLIC HEARING:

A public hearing will be scheduled for December 18, 2014 at 10:00 a.m. in the OESC Commission Room, 5th Floor, Will Rogers Building, 2401 North Lincoln Blvd., Oklahoma City, OK 73105.

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review from the contact person listed below.

### RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained for review from the contact person listed below.

### CONTACT PERSON:

For information regarding processing of proposed rulemaking for this agency contact Melissa Copenhaver at P. O. Box 53039, Oklahoma City, OK 73152-3039, 405/557-7146, FAX: 405/557-5320, E-Mail: [Melissa.Copenhaver@oesc.state.ok.us](mailto:Melissa.Copenhaver@oesc.state.ok.us).

*[OAR Docket #14-889; filed 10-17-14]*

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### TITLE 258. ETHICS COMMISSION CHAPTER 1. STATUTORY ADMINISTRATIVE OPERATIONS

*[OAR Docket #14-894]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Chapter 1. Statutory Administrative Operations  
[REVOKED]

### SUMMARY:

APA rules governing Statutory Administrative Operations are no longer necessary. Statutes granting authority to promulgate APA rules were repealed. All necessary information for administrative operations of the Ethics Commission is contained in the Constitutional Ethics Rules adopted by the Ethics Commission. The existing rules promulgated under the APA should be revoked in full.

### AUTHORITY:

Ethics Commission; Okla.Const.art. 29 §§ 1-7

### COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 18, 2014 at the following address: 2900 N. Lincoln Blvd., Room B-5, Oklahoma City, OK 73105, Attn: Geoffrey Long, or by email to [Geoffrey.Long@ethics.ok.gov](mailto:Geoffrey.Long@ethics.ok.gov)

### PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, December 19, 2014 at the State Capitol, 2300 N. Lincoln

Blvd., Room B-5, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the front desk by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Geoffrey Long at the Ethics Commission, 2900 N. Lincoln Blvd., Room B-5, Oklahoma City, OK 73105 or by phone at 405-521-3451 or by email at Geoffrey.Long@ethics.ok.gov

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from Geoffrey Long at the above address, phone number, or email beginning December 1, 2014

**CONTACT PERSON:**

Geoffrey Long, General Counsel, 405-521-3451, Geoffrey.Long@ethics.ok.gov

*[OAR Docket #14-894; filed 10-23-14]*

**TITLE 258. ETHICS COMMISSION  
CHAPTER 20. ETHICS AND CONFLICTS  
OF INTEREST FOR COUNTY OFFICIALS  
AND EMPLOYEES**

*[OAR Docket #14-895]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 20. Ethics and Conflicts of Interest for County Officials and Employees [REVOKED]

**SUMMARY:**

APA rules governing Ethics and Conflicts of Interest for County Officials and Employees are no longer necessary. Statutes granting authority to promulgate APA rules were repealed. All necessary information for county official and employee ethics and conflicts of interest are now addressed in other statutes and the Constitutional Ethics Rules adopted by the Ethics Commission. The existing rules promulgated under the APA should be revoked in full.

**AUTHORITY:**

Ethics Commission; Okla.Const.art. 29 §§ 1-7

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 18, 2014 at the following address: 2900 N. Lincoln Blvd., Room B-5, Oklahoma City, OK 73105, Attn: Geoffrey Long, or by email to Geoffrey.Long@ethics.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, December 19, 2014 at the State Capitol, 2300 N. Lincoln Blvd., Room B-5, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the front desk by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Geoffrey Long at the Ethics Commission, 2900 N. Lincoln Blvd., Room B-5, Oklahoma City, OK 73105 or by phone at 405-521-3451 or by email at Geoffrey.Long@ethics.ok.gov

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from Geoffrey Long at the above address, phone number, or email beginning December 1, 2014

**CONTACT PERSON:**

Geoffrey Long, General Counsel, 405-521-3451, Geoffrey.Long@ethics.ok.gov

*[OAR Docket #14-895; filed 10-23-14]*

**TITLE 258. ETHICS COMMISSION  
CHAPTER 25. PROCEDURE FOR  
ASSESSING LATE FILING FEES**

*[OAR Docket #14-896]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 25. Procedure for Assessing Late Filing Fees [REVOKED]

**SUMMARY:**

APA rules governing Late Filing Fees are no longer necessary. Statutes granting authority to promulgate APA rules were repealed. All necessary information for late filing fees is contained in the Constitutional Ethics Rules adopted by the Ethics Commission. The existing rules promulgated under the APA should be revoked in full.

**AUTHORITY:**

Ethics Commission; Okla.Const.art. 29 §§ 1-7

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 18, 2014 at the following address: 2900 N. Lincoln Blvd., Room B-5, Oklahoma City, OK 73105, Attn: Geoffrey Long, or by email to Geoffrey.Long@ethics.ok.gov

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Friday, December 19, 2014 at the State Capitol, 2300 N. Lincoln Blvd., Room B-5, Oklahoma City, OK 73105. Anyone who wishes to speak must sign in at the front desk by 10:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Geoffrey Long at the Ethics Commission, 2900 N. Lincoln

## Notices of Rulemaking Intent

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Blvd., Room B-5, Oklahoma City, OK 73105 or by phone at 405-521-3451 or by email at [Geoffrey.Long@ethics.ok.gov](mailto:Geoffrey.Long@ethics.ok.gov)

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared and may be obtained from Geoffrey Long at the above address, phone number, or email beginning December 1, 2014

### **CONTACT PERSON:**

Geoffrey Long, General Counsel, 405-521-3451, [Geoffrey.Long@ethics.ok.gov](mailto:Geoffrey.Long@ethics.ok.gov)

*[OAR Docket #14-896; filed 10-23-14]*

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

*[OAR Docket #14-876]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. Office of the Executive Director

Part 3. Office of the Advocate General

377:3-1-34. Coordination with other monitoring entities

[AMENDED]

### **SUMMARY:**

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per House Bill 3496 (2014), effective November 1, 2014, pertaining to the Oklahoma child trafficking reporting law. The reporting law states every person, having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children, is required to make an immediate report to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (OBN). The proposed rule requires the reporting by all OJA employees to OBN, as well as to OJA's Advocate General, and further requires the reporting by all OJA employees who have been informed by a youth, parents, guardians, or other persons of a child trafficking allegation.

### **AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or [JLynn.Hartman@oja.ok.gov](mailto:JLynn.Hartman@oja.ok.gov).

### **PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

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

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

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

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to [JLynn.Hartman@oja.ok.gov](mailto:JLynn.Hartman@oja.ok.gov).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

### **CONTACT PERSON:**

JLynn Hartman, Director of Government Relations, (405) 530-2866, or [JLynn.Hartman@oja.ok.gov](mailto:JLynn.Hartman@oja.ok.gov).

*[OAR Docket #14-876; filed 10-17-14]*

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

*[OAR Docket #14-877]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 11. Risk Management

Part 1. Drug Policy

377:3-11-10. Consequences of positive test results

[AMENDED]

### **SUMMARY:**

Proposed rule revisions are necessary to protect the public health and welfare. Under Oklahoma state laws and the federal Controlled Substances Act, the use and possession of marijuana remains illegal in Oklahoma, even with the legalization in other states, such as the passage of Amendment 64 to the Colorado Constitution. Proposed rule revisions clarify OJA's drug testing continues to apply, even if drugs found in the system were purchased and consumed legally in another state in which the controlled substance is legalized.

**AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

**PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

**COPIES OF THE PROPOSED RULES:**

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

**CONTACT PERSON:**

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

*[OAR Docket #14-877; filed 10-17-14]*

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

*[OAR Docket #14-878]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 13. Office of Public Integrity  
Part 3. Requirements for Secure Juvenile Detention Centers  
377:3-13-39. Admission procedure and criteria  
[AMENDED]

**SUMMARY:**

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per Senate Bill 929 (2014), effective May 28, 2014, which allows for an extended OJA youth to be held in detention and to continue receiving services. The proposed rules are necessary in order to prevent the improper release of an extended OJA youth and to conform to new law.

**AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

**PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

**COPIES OF THE PROPOSED RULES:**

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

## Notices of Rulemaking Intent

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### CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

*[OAR Docket #14-878; filed 10-17-14]*

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

*[OAR Docket #14-879]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 13. Office of Public Integrity  
Part 3. Requirements for Secure Juvenile Detention Centers  
377:3-13-43. Staff requirements [AMENDED]

### SUMMARY:

Proposed rule revisions are the result of recommendations of the Oklahoma State Department of Health on Tuberculosis testing. Further, OJA is clarifying the requirements of background records searches for juvenile detention centers due to the 2013 amendment to 10 O.S., § 404.1, as per Senate Bill 917 (2013).

### AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

### COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

### PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

### COPIES OF THE PROPOSED RULES:

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs,

3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

### CONTACT PERSON:

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

*[OAR Docket #14-879; filed 10-17-14]*

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

*[OAR Docket #14-880]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 13. Office of Public Integrity  
Part 7. Requirements for Community Intervention Centers (CIC)  
377:3-13-88. Personnel [AMENDED]

### SUMMARY:

Proposed rule revisions are the result of recommendations of the Oklahoma State Department of Health on Tuberculosis testing. Further, OJA is clarifying the requirements of background records searches for juvenile detention centers due to the 2013 amendment to 10 O.S., § 404.1, as per Senate Bill 917 (2013).

### AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

### COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

### PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in

the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

**COPIES OF THE PROPOSED RULES:**

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to [JLynn.Hartman@oja.ok.gov](mailto:JLynn.Hartman@oja.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

**CONTACT PERSON:**

JLynn Hartman, Director of Government Relations, (405) 530-2866, or [JLynn.Hartman@oja.ok.gov](mailto:JLynn.Hartman@oja.ok.gov).

*[OAR Docket #14-880; filed 10-17-14]*

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

*[OAR Docket #14-881]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 17. Federal Funds Development Unit  
Part 5. Federal-State Coordination and Technical Assistance Services  
377:3-17-29. Federal/state liaison [AMENDED]

**SUMMARY:**

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per Senate Bill 1781 (2014), effective November 1, 2014, which provides OJA with access to all adult jails, lockups, and facilities, including all data, in order for OJA to accurately provide for federal reporting requirements relating to the health, safety, and welfare of youth who could be held in such facilities.

**AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman,

3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or [JLynn.Hartman@oja.ok.gov](mailto:JLynn.Hartman@oja.ok.gov).

**PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

**COPIES OF THE PROPOSED RULES:**

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to [JLynn.Hartman@oja.ok.gov](mailto:JLynn.Hartman@oja.ok.gov).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

**CONTACT PERSON:**

JLynn Hartman, Director of Government Relations, (405) 530-2866, or [JLynn.Hartman@oja.ok.gov](mailto:JLynn.Hartman@oja.ok.gov).

*[OAR Docket #14-881; filed 10-17-14]*

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

*[OAR Docket #14-882]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. Function and Structure of the Office of Juvenile Affairs  
377:10-1-8. Agency records [AMENDED]

**SUMMARY:**

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per Senate Bills 929 and 1235 (2014), effective May 28 and November 1, 2014,

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pertaining to disclosing records without a court order when provided for in 10A O.S., § 2-6-106(A). The statute has been expanded to include records may be given to the child upon attaining eighteen years of age or upon the termination of court jurisdiction of the case, whichever occurs later. The statute was further expanded to include records may be given to the Department of Mental Health and Substance Abuse Services in the course of their official duties.

### **AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLYnn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLYnn.Hartman@oja.ok.gov.

### **PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

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

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLYnn Hartman at the above address before the close of the comment period on December 17, 2014.

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

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLYnn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLYnn.Hartman@oja.ok.gov.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

### **CONTACT PERSON:**

JLYnn Hartman, Director of Government Relations, (405) 530-2866, or JLYnn.Hartman@oja.ok.gov.

*[OAR Docket #14-882; filed 10-17-14]*

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

*[OAR Docket #14-883]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Contract Programs and Services

Part 5. Detention

377:10-7-30. Legal base [AMENDED]

### **SUMMARY:**

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per Senate Bill 929 (2014), effective May 28, 2014, which allows for an extended OJA youth to be held in detention and to continue receiving services. The proposed rules are necessary in order to prevent the improper release of an extended OJA youth and to conform to new law.

### **AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLYnn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLYnn.Hartman@oja.ok.gov.

### **PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

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

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLYnn Hartman at the above address before the close of the comment period on December 17, 2014.

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

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLYnn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLYnn.Hartman@oja.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

**CONTACT PERSON:**

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

*[OAR Docket #14-883; filed 10-17-14]*

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

*[OAR Docket #14-884]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 7. Contract Programs and Services  
Part 1. General Provisions and Foster Care  
377:10-7-3.2. Criminal history records searches and disqualifying crimes [AMENDED]

**SUMMARY:**

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per Senate Bill 1791 (2014), effective November 1, 2014, which provides for OJA Foster Care applicant background records searches to include Department of Human Services Child Welfare confidential records. The proposed rules are necessary in order to conform to new law.

**AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

**PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be

incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

**COPIES OF THE PROPOSED RULES:**

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

**CONTACT PERSON:**

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

*[OAR Docket #14-884; filed 10-17-14]*

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

*[OAR Docket #14-885]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 11. Certification of Children's Shelters  
Operated by the Oklahoma Department of Human Services  
377:15-11-3. Certification process [AMENDED]

**SUMMARY:**

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per Senate Bill 1449 (2014), effective November 1, 2014, which allows the Department of Human Services to contract with designated youth services agencies or designated child-placing agencies for the management and operation of the two DHS-operated children's shelters, now certified by the Office of Juvenile Affairs. OJA is interrupting Oklahoma state law for the purpose of certification to clarify that DHS would certify contracted shelters.

**AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

**COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman,

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3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

### **PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

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

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

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

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

### **CONTACT PERSON:**

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

*[OAR Docket #14-885; filed 10-17-14]*

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

*[OAR Docket #14-886]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Pre-Court

Part 1. Juvenile Detention

377:25-3-1. Legal base [AMENDED]

377:25-3-2. Detention recommendations [AMENDED]

### **SUMMARY:**

Proposed rule revisions are the results of changes within the Oklahoma State Statutes, as per Senate Bill 929 (2014),

effective May 28, 2014, which allows for an extended OJA youth to be held in detention and to continue receiving services. The proposed rules are necessary in order to prevent the improper release of an extended OJA youth and to conform to new law.

### **AUTHORITY:**

The Board of Juvenile Affairs, pursuant to 10A O.S., Sections 2-7-101(H)(3), 2-7-101(I)(1), and 75 O.S. § 302(A)(1).

### **COMMENT PERIOD:**

Persons wishing to present their views in writing may do so before 5:00 p.m. on December 17, 2014 at the following address: Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or JLynn.Hartman@oja.ok.gov.

### **PUBLIC HEARING:**

A Public Hearing will be held at 9:00 a.m. on Thursday, December 18, 2014 at the Centennial Building, 3815 N. Santa Fe Ave., Ste. 170, Oklahoma City, OK 73118. Anyone who wishes to speak must sign-in at the door by 9:05 a.m.

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

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide the OJA, within the comment period, in dollar amounts if possible, the increase in the level of direct services, revenue loss, costs, or other indirect costs, such as fees, reporting, recordkeeping, equipment, construction, labor, or professional costs, expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to JLynn Hartman at the above address before the close of the comment period on December 17, 2014.

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

The proposed rules may be viewed on the OJA website at <http://www.ok.gov/oja/> and copies may be obtained during normal business hours from the Office of Juvenile Affairs, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK, 73118. Copies may also be obtained by written request mailed to the Office of Juvenile Affairs, Attn: JLynn Hartman, 3812 N. Santa Fe Ave., Ste. 400, Oklahoma City, OK 73118, or emailed to JLynn.Hartman@oja.ok.gov.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement is being prepared and will be available for review on or before December 1, 2014 at the above address for the Office of Juvenile Affairs, as well as on the OJA website.

### **CONTACT PERSON:**

JLynn Hartman, Director of Government Relations, (405) 530-2866, or JLynn.Hartman@oja.ok.gov.

*[OAR Docket #14-886; filed 10-17-14]*

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**TITLE 535. OKLAHOMA STATE BOARD OF  
PHARMACY  
CHAPTER 1. ADMINISTRATIVE  
OPERATIONS**

*[OAR Docket #14-913]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 535:1-1-1. Purpose [AMENDED]
- Subchapter 3. Description of organization
  - 535:1-3-1. Creation of Board [AMENDED]
  - 535:1-3-2. Board members [AMENDED]
  - 535:1-3-3. Powers and duties of Board [AMENDED]
- Subchapter 5. ~~Board Administrative General Course in~~  
~~Method of Operations~~ [AMENDED]
  - 535:1-5-1. Board office [AMENDED]
  - 535:1-5-3. Communication in writing [AMENDED]
  - 535:1-5-4. Board meetings [AMENDED]
  - 535:1-5-5. Appearance before the Board Complaints  
[AMENDED]
    - 535:1-5-5.1. Complaint confidentiality [AMENDED]
    - 535:1-5-6. Availability of records [AMENDED]
- Subchapter 7. Individual Proceedings
  - 535:1-7-1. Complaints [AMENDED]
  - 535:1-7-2. Serving of notices [AMENDED]
  - 535:1-7-3. Hearings [AMENDED]
    - 535:1-7-3.1. Standard of proof [AMENDED]
  - 535:1-7-4. Failure to appear or failure to comply  
[AMENDED]
  - 535:1-7-5. Subpoenas [AMENDED]
  - 535:1-7-6. Hearing records and record maintenance  
[AMENDED]
- Subchapter 8. Requests for Rule Changes [NEW]
  - 535:1-8-1. Requests for rule changes [NEW]
- Subchapter 9. Rulemaking Hearings
  - 535:1-9-1. Reasonable opportunity for public input on  
proposed rulemaking [AMENDED]
  - 535:1-9-2. Administrative Procedures Act (APA)  
rulemaking requirements [AMENDED]
- Subchapter 11. Fees
  - 535:1-11-1. Annual licenses, permits and renewals  
[AMENDED]
  - 535:1-11-2. Pharmacist initial registration and other fees  
[AMENDED]
  - 535:1-11-4. Other fees [AMENDED]
  - 535:1-11-5. Miscellaneous [AMENDED]
- Subchapter 13. Requests for Rule Changes [REVOKED]
  - 535:1-13-1. Requests for rule changes [REVOKED]
- Subchapter 15. Declaratory Rulings
  - 535:1-15-1. Definitions [AMENDED]
  - 535:1-15-2. Declaratory rulings [AMENDED]

**SUMMARY:**

The revisions in 535:1-1-1 removes archaic language, standardizes "Board" references and corrects grammar. The revisions in 535:1-3-1, 535:1-3-2, 535:1-3-3, 535:1-5-1, 535:1-5-3, 535:1-5-4, and 535:1-5-6(a) cleans up law cites and standardizes "Board of Pharmacy to "Board". The revisions in 535:1-5-1 also corrects the Board address to 2920 N Lincoln Suite A, Oklahoma City, OK 73105-4212. The revisions in 535:1-5-3, 535:1-7-2 corrects "Executive Director of the Board" to "Director". The revisions in 535:1-5-4(d) correct grammar. The revisions in 535:1-5-5 correct title and describes the process for appearances before the Board.

The revision in 535:1-5-5.1 cleans up language in (b), the revision in 535:1-5-6 clarifies official records, in 535:1-7-1 clarifies sworn complaint and notice of hearing; the revisions in 535:1-7-2(b) clarifies service of notice; and in 535:1-7-3 clarifies notice time and continuance, imminent danger suspension, and the hearing procedure. The revisions in 535:1-7-3.1 clarify standard of proof. The revisions in 535:1-7-4, in 535:1-7-5 and 535:1-7-6 clarify these rules.

The new rule in 535:1-8-1 was moved from 535:1-13-1 as this rule better fits between subchapter 7 and 9. The revisions in 535:1-9-1 and 535:1-9-2 clarify the rules and cleanup law cites.

The revisions in 535:1-11-1 clean up the titles in (5), (7), (8), (9), (10), (11), added are the fees for two new category fees for entities created under federal law called "Outsourcing facility" (12) and "Third-party logistics provider" (13). These new fees are authorized under Title 59 OS 353.18. Federal requirements on the state for these entities require separate rules. The old 535:1-11-1 (12) and (13) are moved to (14) and (15) respectively.

The revisions in 535:1-11-2 (b) (1) and (2) move 535-1-11-5 (2) and (5) up to this fee section for pharmacist for clarity. The revisions in 535-1-11-4 do not change fees, they just update from tape to recording in (b) (6) and cleanup language regarding website information in (c).

The revision in 535-1-11-5 deletes (2) and (5) which are moved for clarity to 535:1-11-2 (b) (1) and (2) and renumbers the contents of the section. Rules in 535:1-13 are revoked and the text is moved to 535-1-8 as these rules better fit between subchapter 7 and 9. The revisions in 535:1-15-1 and 535:1-15-2 improve the clarity of the declaratory ruling rules.

**AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.3, 353.5 - 353.7, 353.9, 353.11, 353.18; 353.20, 353.22, 353.24 - 353.26, 353.29, 353.30; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

**COMMENT PERIOD:**

The comment period will run from November 17, 2014 through January 13, 2015, at 9:30 a.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

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## **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on January 14, 2015, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than January 13, 2015, at 9:30 a.m.

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

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

## **COPIES OF PROPOSED RULES:**

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

## **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after November 17, 2014, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

## **CONTACT PERSON:**

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard, Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

*[OAR Docket #14-913; filed 10-24-14]*

## **TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 10. PHARMACISTS; AND INTERNS, PRECEPTORS AND TRAINING AREAS**

*[OAR Docket #14-914]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 1. General Provisions

535:10-1-1. Purpose [AMENDED]

Subchapter 3. Pharmacists

535:10-3-1.1. Rules of professional conduct [AMENDED]

535:10-3-1.2. Violations of professional conduct [AMENDED]

535:10-3-4. Uniform pharmacy continuing education [AMENDED]

Subchapter 5. Interns, Preceptors and Training Areas

535:10-5-1.1. Purpose [AMENDED]

535:10-5-1.2. Definitions [AMENDED]

535:10-5-1.3. Intern experience requirements [AMENDED]

535:10-5-2. Intern registration [AMENDED]

535:10-5-2.1. Multiple locations of employment, duplicate [AMENDED]

535:10-5-3. Intern requirements; licenses [AMENDED]

535:10-5-4. Intern practice requirements [AMENDED]

535:10-5-5. Intern credit hours; computation [AMENDED]

535:10-5-8. Preceptor requirements [AMENDED]

535:10-5-9. Training area requirements [AMENDED]

Subchapter 7. Pharmacist Licensure

535:10-7-4. General requirements for pharmacist licensure applicants [AMENDED]

535:10-7-9. Pharmacist renewal [AMENDED]

535:10-7-10. Pharmacist reinstatement [AMENDED]

Subchapter 9. Pharmaceutical Care

535:10-9-1. Prospective drug review [REVOKED]

535:10-9-1.1. Purpose [NEW]

535:10-9-1.2. Prospective drug review [NEW]

535:10-9-3. Intern role in pharmaceutical care [AMENDED]

535:10-9-4. Purpose [REVOKED]

535:10-9-13. Administer [AMENDED]

Subchapter 11. Pharmacist Administration of Immunizations

535:10-11-1. Purpose [AMENDED]

535:10-11-2. Definitions [AMENDED]

535:10-11-3. D.Ph. administering of immunization requirements [AMENDED]

535:10-11-4. Immunization registration [AMENDED]

535:10-11-6. Records [AMENDED]

## **SUMMARY:**

The revisions in 535:10-1-1, 535:10-3-1.1, and 535:10-3-1-2 corrects grammar, spelling and tags, standardizes Board references, clarifies practice of medicine restrictions and clarifies arrangements inimical to public health, corrects Act and Oklahoma law reference; adds new federal law reference; adds drug diversion detection and prevention requirements, moves like numbers together, changes physicians to prescribers, corrects misfills, adds auto refilling and corrects numbering.

The revision in 535:10-3-4 corrects grammar and improves clarity of the rule, it reorders related subsections together, it clarifies continuing education committee rules, it standardizes Board references, and it changes continuing education committee approved to posting on Board's website.

The revisions in 535:10-5-1.1, 535:10-5-1.3, 535:10-5-2, and 535:10-5-3 corrects law and Board references, it updates the pharmacy degree from PharmD to Doctor of (Pharmacy), it adds experiential rotations and removes the pro-practice rotation definition, it changes the words register and certificate to license; and it removes the reference to multiple location duplicates. Changes from pro-practice to experiential, from non-college to non-experiential, as well as standardization of

Board references occur in 535:10-5-4 and 535:10-5-5. The revisions in 535:10-5-8 and 535:10-5-9 remove the After December 31, 2011 date, and standardize Board references.

Revisions in 535:10-7-4 and 535:10-7-9 standardizes Oklahoma law references. The revision in 535:10-7-9 corrects grammar and punctuation. The revision in 535:10-7-10 removes the references to 535:10-7-4 (c).

Section 535:10-9-1 is overstruck and renumbered to 535:10-9-1.2 to make room to add the purpose statement in the proper order 535:10-9-1.1, while the old purpose statement in 535:10-9-4 is overstruck. Section 535:10-9-3 changes registered to licensed and clearly spells out that an intern shall not certify a prescription nor supervise a technician. The revision in 535:10-9-13 changes prescribing practitioner to prescriber.

The revision in 535:10-11-1, 535:10-11-3, and 535:10-11-6 standardized Oklahoma law reference and adds licensed to prescribing practitioner. The revision removes Pharmacist, Prescribing practitioner, and Prescription drug from 535:10-11-2 definitions. The revision in 535:10-11-3 clarifies current certification and training. The revision in 535:10-11-4 changes registrant to applicant and changes registrant (all forms) to permit (all forms). These subchapter 11 changes improve grammar and clarity of the rules.

**AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.9, 353.11, 353.16A, 353.18, 353.20, 353.22, 353.24 - 353.26, and 364.

**COMMENT PERIOD:**

The comment period will run from November 17, 2014 through January 13, 2015, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on January 14, 2015, at 1:30 p.m., in Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than January 13, 2015, at 9:30 a.m.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

**COPIES OF PROPOSED RULES:**

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

**RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after November 17, 2014, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

**CONTACT PERSON:**

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

*[OAR Docket #14-914; filed 10-24-14]*

**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY  
CHAPTER 12. UNUSED PRESCRIPTION DRUG PROGRAM FOR OKLAHOMA'S MEDICALLY INDIGENT**

*[OAR Docket #14-915]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

535:12-1-9. Requirements for Pharmacies dispensing unused prescription drugs [AMENDED]

**SUMMARY:**

The revision in 535:12-1-9 (a) (2) changes practitioner to prescribers, to standardize the reference throughout Board rules.

**AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 363.1 through 363.7.

**COMMENT PERIOD:**

The comment period will run from November 17, 2014 through January 13, 2015, at 9:30 a.m. Written comments may be sent to Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on January 14, 2015, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than January 13, 2015, at 9:30 a.m.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Proposed rules are available for review at Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in Board offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after November 17, 2014, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

### CONTACT PERSON:

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

*[OAR Docket #14-915; filed 10-24-14]*

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### TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY CHAPTER 13. EMERGENCY / DISASTER PRESCRIPTION DRUG RULES

*[OAR Docket #14-916]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

535:13-1-4. Prescription Drug Emergency / Disaster Response [AMENDED]

### SUMMARY:

Revisions in 535:13-1-4 change prescribing practitioner to prescriber and hyphenates the word 'one-time'.

### AUTHORITY:

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.15A, 353.17, 353.18; 353.20, 353.22, 353.24 - 353.26, 353.29, 354; Title 75 O.S., Section 302, 305, 307, and 309; Title 63 O.S., Sec 2-201, 2-208 and 2-210; and Title 51 Sec. 24 A.5 (3).

### COMMENT PERIOD:

The comment period will run from November 17, 2014 through January 13, 2015, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

### PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on January 14, 2015, at 1:30 p.m., in our Board office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than January 13, 2015, at 9:30 a.m.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

### COPIES OF PROPOSED RULES:

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

### RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available on and after November 17, 2014, at the location listed above for copies of the proposed rules. It may be viewed in our office, on our website; or copies may be obtained for 25 cents a page.

### CONTACT PERSON:

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

*[OAR Docket #14-916; filed 10-24-14]*

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

*[OAR Docket #14-917]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions

535:15-1-1. Purpose [AMENDED]

Subchapter 3. Pharmacies

535:15-3-1.1. Definitions [AMENDED]

535:15-3-2. Pharmacy responsibilities [AMENDED]

535:15-3-4. Physical requirements for pharmacies [AMENDED]

535:15-3-4.1. Pharmacy licensing requirement [AMENDED]

535:15-3-4.2. Minimum required information for licensure [AMENDED]

535:15-3-6. Required library reference books or computer sources [AMENDED]

535:15-3-7. Condemnation authority for packages of drugs taken in thefts / burglaries [AMENDED]

535:15-3-8. Closing a drug store; violation notice [AMENDED]

- 535:15-3-9. Non-resident pharmacies [AMENDED]
- 535:15-3-11. Prescription drugs [AMENDED]
- 535:15-3-12. Transfer of prescription refill information [AMENDED]
- 535:15-3-12.1. Electronic transfer of prescription refill information [AMENDED]
- 535:15-3-13. Pharmacist's responsibility in a pharmacy [AMENDED]
- 535:15-3-14. Patient records [AMENDED]
- 535:15-3-15.1. Transmission of prescription orders other than verbal orders [AMENDED]
- 535:15-3-16. Adequate staffing rules for pharmacists and pharmacies [AMENDED]
- 535:15-3-21. Prescription fill, refill and partial fill records and reports [AMENDED]
- Subchapter 4. Remote Medication Order Processing (RMOP) and RMOP Pharmacy for Hospital Pharmacies
- 535:15-4-1. Purpose [AMENDED]
- 535:15-4-5. Responsibilities and duties of RMOP pharmacies and pharmacy manager [pharmacist in charge (PIC's)] [AMENDED]
- 535:15-4-7. Unlawful acts and violations [AMENDED]
- Subchapter 5. Hospital Pharmacies
- 535:15-5-2. Definitions [AMENDED]
- 535:15-5-7.4. Pharmacy technician tasks [AMENDED]
- 535:15-5-7.6. Pharmacy technician annual permit requirement [AMENDED]
- 535:15-5-9. Hospital pharmacy physical requirements [AMENDED]
- 535:15-5-10. Director of Pharmacy responsibilities [AMENDED]
- 535:15-5-10.1. Labeling [AMENDED]
- 535:15-5-10.2. ~~Physician's medication~~ Medication orders [AMENDED]
- 535:15-5-14. Performance improvement [AMENDED]
- 535:15-5-17. Board of ~~Pharmacy~~ Pharmacy inspections [AMENDED]
- 535:15-5-19. Remote medication order processing (RMOP) [AMENDED]
- Subchapter 6. Hospital Drug Room
- 535:15-6-1. Purpose [AMENDED]
- 535:15-6-2. Definitions [AMENDED]
- 535:15-6-4. Staffing requirements [AMENDED]
- 535:15-6-5. Drug room and PIC responsibilities and duties [AMENDED]
- 535:15-6-6. Physical and library requirements [AMENDED]
- 535:15-6-7. Drug distribution and control [AMENDED]
- 535:15-6-8. Emergency dispensing and pre-packaged medications [AMENDED]
- 535:15-6-9. Emergency room pre-packaged medications formulary [AMENDED]
- 535:15-6-10. Access to drugs in absence of PIC or drug room supervisor [AMENDED]
- 535:15-6-11. Administration of drugs to patients [AMENDED]
- 535:15-6-12. Medication from other sources [AMENDED]
- 535:15-6-14. Drug storage stock inspections [AMENDED]
- 535:15-6-15. Non-distributive roles of pharmacists [AMENDED]
- 535:15-6-16. Performance improvement [AMENDED]
- 535:15-6-17. Board of Pharmacy inspections [AMENDED]
- 535:15-6-20. Remote medication order processing [AMENDED]
- Subchapter 7. Drug Supplier Permits
- 535:15-7-1. Definitions [AMENDED]
- 535:15-7-3. Drug supplier restriction [NEW]
- Subchapter 9. Sterile Compounded Preparations ~~Parenteral~~ Pharmacy Permits
- 535:15-9-1. Scope and purpose [AMENDED]
- 535:15-9-2. Definitions [AMENDED]
- 535:15-9-3. Sterile compounding preparation ~~Parenteral~~ permit requirements [AMENDED]
- 535:15-9-4. Permit issuance [AMENDED]
- 535:15-9-5. Policy and procedure manual [AMENDED]
- 535:15-9-6. ~~Parenteral~~ Sterile compounding preparation pharmacy physical requirements [AMENDED]
- 535:15-9-7. Manager [AMENDED]
- 535:15-9-8. Pharmacist accessibility [AMENDED]
- 535:15-9-9. Drug distribution and control [AMENDED]
- 535:15-9-10. Cytotoxic or Hazardous drugs [AMENDED]
- 535:15-9-11. Quality assurance [AMENDED]
- 535:15-9-12. Pharmacist manager responsibility [AMENDED]
- Subchapter 10. Good Compounding Practices
- Part 1. Good Compounding Practices for Non-sterile Products
- 535:15-10-1. Purpose [AMENDED]
- 535:15-10-2. Definitions [AMENDED]
- 535:15-10-3. Pharmacist responsibilities [AMENDED]
- 535:15-10-4. Drug compounding facilities [AMENDED]
- 535:15-10-5. Compounding equipment [AMENDED]
- 535:15-10-8. Drug compounding controls [AMENDED]
- 535:15-10-8.2. Beyond-use dating [AMENDED]
- 535:15-10-9. Labeling [AMENDED]
- 535:15-10-11. Pharmacy generated preparations ~~product~~ requirements [AMENDED]
- 535:15-10-12. Compounding for a prescriber's office use [AMENDED]
- 535:15-10-13. Compounding veterinarian preparations ~~products~~ [AMENDED]
- 535:15-10-14. Compounding of non-sterile hazardous drugs [AMENDED]
- 535:15-10-16. Violations [AMENDED]
- Part 3. Good Compounding Practices for Sterile Preparations ~~Products~~ [AMENDED]
- 535:15-10-50. Purpose [AMENDED]
- 535:15-10-51. Definitions [AMENDED]
- 535:15-10-52. Pharmacist responsibilities [AMENDED]
- 535:15-10-53. General requirements [AMENDED]

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535:15-10-54. CSP microbial contamination risk levels [AMENDED]  
535:15-10-55. Drug compounding facilities [AMENDED]  
535:15-10-56. Compounding equipment [AMENDED]  
535:15-10-57. Component selection requirements [AMENDED]  
535:15-10-59. Drug compounding controls [AMENDED]  
535:15-10-61. Beyond use dating (BUD)[AMENDED]  
535:15-10-62. Labeling [AMENDED]  
535:15-10-63. Records and reports [AMENDED]  
535:15-10-64. Compounding for institution and/or practitioner administration [REVOKED]  
535:15-10-65. Compounding of sterile hazardous drugs [AMENDED]  
535:15-10-66. Compounding of sterile radiopharmaceuticals [AMENDED]  
535:15-10-67. Compounding of sterile allergen extracts [AMENDED]  
535:15-10-68. Violations [NEW]  
Subchapter 11. Charitable Clinic Pharmacies  
535:15-11-1. Charitable clinic pharmacy license [AMENDED]  
Subchapter 13. Pharmacy Supportive Personnel  
535:15-13-3. Definitions [AMENDED]  
535:15-13-5. Supervision of pharmacy technicians [AMENDED]  
535:15-13-6. Duties [AMENDED]  
535:15-13-7. Prohibited duties [AMENDED]  
535:15-13-8. Technician annual permit requirement [AMENDED]  
535:15-13-10. Technician address and employment change, and training at change of employment [AMENDED]  
535:15-13-11. Multiple locations of employment [AMENDED]  
535:15-13-13. Pharmacy technician training [AMENDED]  
Subchapter 16. Pharmacy Emergency Medication Kits for Use in a Facility [AMENDED]  
535:15-16-4. Policies and procedures for use of emergency medication kit drugs [AMENDED]  
535:15-16-5. Security [AMENDED]  
535:15-16-6. Drug categories allowed in emergency medication kits [AMENDED]  
535:15-16-7. Violations [AMENDED]  
Subchapter 17. Nuclear Pharmacy  
535:15-17-5. General requirements [AMENDED]  
535:15-17-7. Minimum equipment [AMENDED]  
Appendix A. USP <797> Beyond-Use Date Limits Chart [REVOKED]

### SUMMARY:

The revisions in this chapter include 535:15-1-1, 535:15-3-4, 535:15-3-4.1, 535:15-3-4.2, 535:15-3-6, 535:15-3-7, 535:15-3-8, 535:15-3-11, 535:15-3-13, 535:15-3-14, 535:15-3-15-1, 535:15-3-16, 535:15-3-21, 535:15-4-1, 535:15-4-5, 535:15-4-7, 535:15-5-7.4, 535:15-5-7.6, 535:15-5-10, 535:15-5-10.1, 535:15-5-10.2,

535:15-5-14, 535:15-5-17, 535:15-5-19, 535:15-6-1, 535:15-6-4, 535:15-6-5, 535:15-6-6, 535:15-6-8, 535:15-6-10, 535:15-6-11, 535:15-6-12, 535:15-6-14, 535:16-6-15, 535:15-6-16, 535:15-6-17, 535:15-9-2, 535:15-11-1, 535:15-11-1, 535:15-13-5, 535:15-16-4, 535:15-16-5, 535:15-16-6, 535:15-16-7, and 535:15-17-5 correct rule references, correct grammar, spelling, punctuation and improve clarity of the rules, standardize 'Board' and law references, and correct practitioner or physician to prescriber.

Additionally in 535:15-1-1 it changes parenteral to sterile compounding and changes the H in hospital to lower case. The revision in 535:15-3-1.1 takes out the pharmacist-in-charge definition since it is moved to statute. 535:15-3-2 also describes the pharmacy manager requirements; and clarify that the pharmacy, pharmacy manager and/or the pharmacist are responsible to establish and maintain controls including supervision of automation. Also they describe drug diversion detection and prevention responsibilities and they include changes in inspections.

The revisions in 535:15-3-9 include requirement for non-resident pharmacies submit inspection reports; to have an Oklahoma licensed Pharmacist in charge and reporting requirements. The revisions improve the clarity of the rule. The changes describe inspection and investigation requirements. The rules require non-resident to reimburse the Board for actual expenses incurred in inspections and investigations. The revisions add Schedule V drugs to the scheduled drugs must be reported as well as correcting the new name of the Oklahoma drug monitoring program. The revision improves the clarity of the rule regarding toll-free telephone counseling requirement and improves the clarity of the rule regarding prescription integrity. The revisions describe drug diversion detection and prevention requirement for non-resident pharmacies.

The revision in 535:15-3-11 also adds the requirement to maintain prescription integrity. The revisions in 535:15-3-12 and 535:15-3-12-1 improve the clarity of the rule regarding prescription transfer and electronic prescription transfer. The revisions in 535:15-3-15.1 describes requirements if order is transmitted by prescriber's agent (when allowed); it changes maintained to secured; it cleans up the language in the prohibition of restrictive agreements with prescribers that interfere with patient choice.

The revision in 535:15-4-5 corrects the confidentiality rule references and the records rule reference. The revisions in 535:15-5-2 definitions reference the statutory definition of Certified Medication Order, Hospital, Medication Order, Pharmacy Technician and Supportive Personnel; they correct the definition of pharmacist and medical staff.

The revisions in 535:15-5-7.4, 535:15-5-9, 535:15-5-10, 535:15-5-10.1, 535:15-6-5, 535:15-6-6, 535:15-6-7, 535:15-6-8, 535:15-16-5, 535:15-16-6, 535:15-16-7 and 535:15-17-7 change parenteral products to sterile compounded preparations.

Revisions in 535:15-5-7.6 makes rule more clear that pharmacy technicians must be employed in a licensed

pharmacy located in Oklahoma. The rule changes 535:15-5-9 change library requirements. In 535:15-5-10 revisions correct spelling; correct the reference to the 'Act'; change practitioner to prescribers; they clean up the language on automated dispensing. Revision in 535:15-5-10.1 change parenteral to sterile compounded, and cleans up the language in sterile compounder admixtures. The revision in 535:15-6-2 standardize the reference to the 'Board' they remove ALI practitioner from definitions. 535:15-6-4 clarifies reporting hospital drug room requirements for reporting drug room supervisor and changes in same.

The revision in 535:15-6-5 corrects the library sources punctuation. The revision in 535:15-6-7 and 535:15-6-8 correct the reference to the 'Act' and remove the references to ALI practitioner. The changes in 535:15-6-9 remove and change the CDS that can be included. The revision in 535:15-6-11 change ALI practitioner to prescriber. The revision in 535:15-6-20 removes a duplicated sentence; corrects rule references and grammar.

The revision in 535:15-7-1 changes practitioners to prescribers and removes two definitions that are in statute. The revision in 535:15-7-3 adds restrictions to pharmacies with a drug supplier permit that is required by federal law.

Revisions in 535:15-9-1, 535:15-9-2, 535:15-9-3, 535:15-9-4, 535:15-9-5, 535:15-9-6, 535:15-9-7, 535:15-9-10, 535:15-9-11, 535:15-9-12, 535:15-10-1, 535:15-10-3, change parenteral (in all forms) to sterile compound (in all forms).

The revisions in 535:15-9-2 remove definitions for biological safety cabinet, Class 100 environment, Cytotoxic agency, Federal Standard 209E, NSF, and Parenteral and refer to 535:15-10-51; they change cytotoxic to hazardous, they add sterile eye drops and add 'pyrogen free'. In 535:15-9-3 and 535:15-9-4 they indicate either a retail or non-resident pharmacy license is required to have a sterile compounding permit. In 535:15-9-4 they remove "beginning July 1, 1990". In 535:15-9-5 they correct the 'Board' reference. The changes require compounding pharmacies to meet USP Compounding standards / requirements; and change the required reference materials in 535:15-9-6. 535:15-9-8 clarifies requirements that a qualified pharmacist is accessible. They change cytotoxic to hazardous in 535:15-9-9; they improve the rule clarity punctuation and grammar. The requirements in 535:15-9-10 for cytotoxic or hazardous drugs and in 535:15-9-11 quality assurance change to requirements to comply with all aspects of USP compounding and these rules.

The revisions in 535:15-10-1 through 535:15-10-16 change references from 'product' to 'preparation', since product has a different federal definition.

The revision in 535:15-10-2 clarifies the Beyond-Use date definition, it changes 'Compounding', 'Hazardous drug', 'manufacturing', 'preparation', 'product' to the statutory definition; 'pharmacy generated products' are changed to 'pharmacy generated preparations'; and 'Component' is changed from ingredient in a product to ingredient in a preparation.

The revision in 535:15-10-3 clarifies requirements for pharmacists who performs or supervises the preparation of compounded preparations including compliance with USP Compounding Standards; The revisions in 535:15-10-4 modifies requirements for drug compounding facilities. The revisions in 535:15-10-5 modifies requirements for compounding equipment and logs. The revisions in 535:15-10-8 modifies drug compounding controls; corrects spelling, punctuation, and grammar; and adds reasons for compounding preparations.

The revision in 535:15-10-8.2 and 535:15-10-9 changes 'beyond-use date' to 'BUD' and corrects 'i.e.' to 'e.g.'. The revision in 535:15-10-12 change practitioner to prescriber. The revision in 535:15-10-14 changes employees to individuals. Added are violations in 535:15-10-16.

The revisions in 535:15-10-50 through 535:15-10-68 change references from compounded product to compounded preparation, due to the federal definition of product; they change the references from parenteral to compound preparation (in various forms of the words).

The revision in 535:15-10-50 corrects the rule reference in the purpose statement; the revision in 535:15-10-51 corrects the Beyond-use, component, compounding, Media-Fill Test, multiple-dose container, product, single-dose container definitions; they add manufacturer, NSF, and Sterile drug definitions.

The revision in 535:15-10-52 changes requirements for pharmacists who performs or supervises the compounding of preparations including compliance with USP Compounding Standards; they change training, evaluating and testing standards and records.

Revisions in 535:15-10-53 change general requirements. Changes in 535:15-10-54 include sterile preparations, risk level, quality assurance, personnel competence documentation, and in PIC responsibilities for high-risk CSP preparations. Revisions in 535:15-10-55 include changes in drug compounding facilities; in 535:15-10-56 in compounding equipment; in 535:15-10-57 in component selection; in 535:15-10-59 in drug compounding controls; in 535:15-10-61 in beyond use dating; in the beyond use date limits chart; in 535:15-10-62 change products to preparations and labeling; in 535:15-10-63 change records and reports. 535:15-10-64 is revoked since it would conflict with new federal law. The revisions in 535:15-10-65 cleans up rule and standards references. The change in 535:15-10-66 correct grammar and corrects to LAFW. The change in 535:15-10-67 corrects punctuation. Violations are added in 535:15-10-68. And Appendix A is removed and added to 535:15-10-1 as 'beyond use date limit chart' because it was unclear where it applied.

The revision in 535:15-13-3 refers definitions of 'certify a prescription', 'pharmacy technician' and 'supportive personnel' to the definitions in the Act. The revision in 535:15-13-5 adds technician supervision requirements on the pharmacist, pharmacy and pharmacy manager. The revisions in 535:15-13-6 improve the clarity, change parenteral products to sterile compound preparations, correct grammar;

## Notices of Rulemaking Intent

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and add the ability for pharmacy technicians to take verbal authorizations from licensed practitioners or licensed practitioner's authorized agent for refill of only non-controlled prescriptions with no changes to strength or directions.

The revision in 535:15-13-7, prohibited duties, change 'may not' to 'shall not'; they improve the clarity of the pharmacist responsibilities; they require the pharmacist to take verbal authorizations on any refill of a controlled substance or any non-controlled prescription that has changes to strength or directions. The revision in 535:15-13-8 improves the clarity, grammar and punctuation of the rule; they add "any abuse of alcohol to the review factors regarding a pharmacy technician permit. The revisions in 535:15-13-10 add "of employment" to the title of the section. The revision in 535:15-13-11 remove the multiple location designation for duplicates; and indicate that a duplicate license for technicians who have renewed online may be printed by the technician online at no additional fee. The revisions in 535:15-13-13 clean up grammar and adds requirement that pharmacy technicians be trained and the training documented annually and that such be available in the pharmacy for inspections by the Board.

Revisions in 535:15-16-4 spell-out 'CDS' 'controlled dangerous substances'.

### **AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29, 354, and 367.8.

### **COMMENT PERIOD:**

The comment period will run from November 17, 2014 through January 13, 2015, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on January 14, 2015, at 1:30 p.m., in our Board office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than January 13, 2015, at 9:30 a.m.

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

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

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

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after November 17, 2014, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

### **CONTACT PERSON:**

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

*[OAR Docket #14-917; filed 10-24-14]*

**TITLE 535. OKLAHOMA STATE BOARD OF  
PHARMACY  
CHAPTER 20. MANUFACTURERS,  
REPACKAGERS, PACKAGERS,  
OUTSOURCING FACILITIES, AND  
WHOLESALE, THIRD-PARTY  
LOGISTICS PROVIDERS, AND MEDICAL  
GAS SUPPLIERS AND DISTRIBUTORS**

*[OAR Docket #14-918]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Purpose

535:20-1-1. Purpose [AMENDED]

Subchapter 3. Manufacturers

535:20-3-1.1. Purpose [AMENDED]

535:20-3-1.2. Definitions [NEW]

535:20-3-2. Registration; manufacturer permit requirement [REVOKED]

535:20-3-3. ~~Minimum required information for permit~~  
Manufacturer licensing requirements [AMENDED]

535:20-3-4. ~~Minimum qualifications~~  
Minimum required information for licensure [AMENDED]

535:20-3-4.10. Minimum qualifications [NEW]

535:20-3-5. Personnel [REVOKED]

535:20-3-5.1. Personnel [NEW]

535:20-3-6. Minimum requirements for Rx Only  
drug storage, handling, maintenance and records [REVOKED]

535:20-3-6.1. Facility requirements [REVOKED]

535:20-3-6.2. Multiple Licensing [REVOKED]

535:20-3-6.3. Security [REVOKED]

535:20-3-6.4. Storage [REVOKED]

535:20-3-6.5. Examination of materials [REVOKED]

535:20-3-6.6. Returned, damaged, and outdated drugs [REVOKED]

535:20-3-6.7. Recordkeeping [REVOKED]

535:20-3-6.8. Written policies and procedures [REVOKED]

535:20-3-6.9. Responsible persons [REVOKED]

535:20-3-6.10. Compliance with federal, state and local laws  
 535:20-3-6.11. Salvaging and reprocessing [REVOKED]  
 535:20-3-8. Violations and Penalties [REVOKED]  
 535:20-3-9. Prohibited conduct  
 535:20-3-10. Violations and penalties [NEW]  
 Subchapter 5. ~~Repackagers~~ ~~Packagers~~ [AMENDED]  
 535:20-5-1. Definitions [REVOKED]  
 535:20-5-1.1. Purpose [NEW]  
 535:20-5-2. Registration; packager permit requirements [REVOKED]  
 535:20-5-2.1. Definitions [NEW]  
 535:20-5-3. Minimum required information for permit [REVOKED]  
 535:20-5-3.1. Repackager licensing requirement [NEW]  
 535:20-5-4. Minimum qualifications [REVOKED]  
 535:20-5-4.1. Minimum required information for licensure [NEW]  
 535:20-5-4.10. Minimum qualifications [NEW]  
 535:20-5-5. Personnel [REVOKED]  
 535:20-5-5.1. Personnel [NEW]  
 535:20-5-6. Minimum requirements for storage, handling, maintenance and records [REVOKED]  
 535:20-5-6.1. Facility requirements [REVOKED]  
 535:20-5-6.2. Multiple Licensing [REVOKED]  
 535:20-5-6.3. Security [REVOKED]  
 535:20-5-6.4. Storage [REVOKED]  
 535:20-5-6.5. Examination of materials [REVOKED]  
 535:20-5-6.6. Returned, damaged, and outdated drugs [REVOKED]  
 535:20-5-6.7. Recordkeeping [REVOKED]  
 535:20-5-6.8. Written policies and procedures [REVOKED]  
 535:20-5-6.9. Responsible persons [REVOKED]  
 535:20-5-6.10. Compliance with federal, state and local laws [AMENDED]  
 535:20-5-6.11. Salvaging and reprocessing [REVOKED]  
 535:20-5-8. Violations and Penalties [REVOKED]  
 535:20-5-9. Prohibited conduct [AMENDED]  
 535:20-5-10. Violations and Penalties [NEW]  
 Subchapter 6. Outsourcing Facilities [NEW]  
 535:20-6-1. Purpose [NEW]  
 535:20-6-2. Definitions [NEW]  
 535:20-6-3. Outsourcing facility licensing requirement [NEW]  
 535:20-6-4. Minimum required information for licensure [NEW]  
 535:20-6-5. Minimum qualifications [NEW]  
 535:20-6-6. Personnel [NEW]  
 535:20-6-7. Compliance with federal, state and local laws [NEW]  
 535:20-6-8. Prohibited conduct [NEW]  
 535:20-6-9. Violations and penalties [NEW]  
 Subchapter 7. ~~Wholesalers~~ ~~Wholesale~~ ~~Distributor~~ ~~and~~ ~~Pedigree~~ Rules [AMENDED]  
 535:20-7-1. Purpose [AMENDED]

535:20-7-2. Definitions [AMENDED]  
 535:20-7-3. Wholesale ~~drug~~—distributor licensing requirement [AMENDED]  
 535:20-7-4. Minimum required information for licensure [AMENDED]  
 535:20-7-5. Minimum qualifications [AMENDED]  
 535:20-7-6. Personnel [AMENDED]  
 535:20-7-7. Minimum requirements for the storage, handling, transport, and shipment of drugs and/or devices and establishment and maintenance of drug records [REVOKED]  
 535:20-7-7.1. Facility requirements [REVOKED]  
 535:20-7-7.2. Multiple Licensing [REVOKED]  
 535:20-7-7.3. Security and anti-counterfeiting [REVOKED]  
 535:20-7-7.4. Storage [REVOKED]  
 535:20-7-7.5. Examination of materials [REVOKED]  
 535:20-7-7.6. Drug returns, and returned, damaged, and outdated drugs [REVOKED]  
 535:20-7-7.7. Recordkeeping; including pedigree requirement [REVOKED]  
 535:20-7-7.8. Written policies and procedures [REVOKED]  
 535:20-7-7-10. Compliance with federal, state and local laws [AMENDED]  
 535:20-7-9. Violations and penalties [REVOKED]  
 535:20-7-9.1. Prohibited Conduct [AMENDED]  
 535:20-7-10. Violations and penalties [NEW]  
 Subchapter 8. Third-party Logistics Providers [NEW]  
 535:20-8-1. Purpose [NEW]  
 535:20-8-2. Definitions [NEW]  
 535:20-8-3. Third-party logistics provider licensing requirement [NEW]  
 535:20-8-4. Minimum required information for licensure [NEW]  
 535:20-8-5. Minimum qualifications [NEW]  
 535:20-8-6. Personnel [NEW]  
 535:20-8-7. Compliance with federal, state and local laws [NEW]  
 535:20-8-8. Prohibited conduct [NEW]  
 535:20-8-9. Violations and penalties [NEW]  
 Subchapter 9. Medical Gas Suppliers and Distributors  
 535:20-9-2. Definitions [AMENDED]  
 535:20-9-3. Medical gas suppliers [AMENDED]  
 535:20-9-4. Medical gas distributors [AMENDED]  
 535:20-9-5. Violations and penalties [AMENDED]  
 535:20-9-6. Prohibited conduct [AMENDED]

**SUMMARY:**

The revisions in this chapter are required due to the federal drug quality and security act which created new categories and changed application, requirements and procedures.

The revision in 535:20-1-1 changes the purpose statement to bring it into compliance with federal law changes. The revision in 535:20-3-1.2 definitions refer to Oklahoma and federal statute definitions.

## Notices of Rulemaking Intent

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Revoked sections include 535:20-3-2, 535:20-3-5, 535:20-3-6, 535:20-3-6.1, 535:20-3-6.2, 535:20-3-6.3, 535:20-3-6.4, 535:20-3-6.5, 535:20-6.6, 535:20-3-6.7, 535:20-3-6.8, 535:20-3-6.9, 535:20-3-6.11, 535:20-3-8, 535:20-5-2, 535:20-5-3, 535:20-5-4, 535:20-5-5, 535:20-5-6, 535:20-5-6.1, 535:20-5-6.2, 535:20-5-6.3, 535:20-5-6.4, 535:20-5-6.5, 535:20-5-6.6, 535:20-5-6.7, 535:20-5-6.8, 535:20-5-6.9, 535:20-5-6.11, 535:20-5-8, 535:20-7-7, 535:20-7-7.1, 535:20-7-7.1, 535:20-7-7.2, 535:20-7-7.3, 535:20-7-7.4, 535:20-7-7.5, 535:20-7-7.6, 535:20-7-7.7, 535:20-7-7.8, and 535:20-7-9.

The revisions in sections 535:20-3-3, 535:20-3-4, 535:20-3-9, 535:20-5-1, and 535:20-5-6.10 make changes in manufacturing requirements to comply with federal law changes. New rule 535:20-3-4.10 adds minimum qualifications for manufacturers; while new 535:20-3-5.1 add personnel requirements; Rules 35:20-5-6.10, and new 535:20-3-10 adds violations and penalties.

The revisions in sections 535:20-5-1.1, 535:20-5-2.1, 535:20-5-3.1, 535:20-5-9 and new rules in 535:20-5-4.10 make changes in repackager requirements, formerly called packager in Oklahoma, to comply with federal law changes; and add definitions which refer to Oklahoma statutes and federal statute definitions.

Revisions in 535:20-5-4.10 add minimum qualifications for repackagers; and add personnel requirements in 535:20-5-5.1, and add new 535:20-5-10 adds violations and penalties.

Federal law created a new category of 'outsourcing facilities' that require state licensure. The new rules in 535:20-6-1, 535:20-6-2, 535:20-6-3, 535:20-6-4, 535:6-5, 535:20-6-6, 535:20-6-7, 535:20-6-8, and 535:20-6-9 implement the new federal licensing category that is within the statutory authority of Title 59 OS Section 353.18 licensing requirements.

The revisions in sections 535:20-7-1, 535:20-7-2, 535:20-7-3, 535:20-7-4, 535:20-7-5, 535:20-7-6, 535:20-7-7.10, 535:20-7-8, 535:20-7-9.1, and make changes in wholesale distributor requirements, formerly called wholesaler in Oklahoma, to comply with federal law changes; and add definitions which refer to Oklahoma statutes and federal statute definitions. Added are violations and penalties for wholesale distributors in 535:20-7-10.

Federal law created a new category of 'third-party logistics providers' that require state licensure. The new rules in 535:20-8-1, 535:20-8-2, 535:20-8-3, 535:20-8-4, 535:20-8-5, 535:20-8-6, 535:20-8-7, 535:20-8-8, and 535:20-8-9 implement the new federal licensing category of third-party logistics providers that is within the statutory authority of Title 59 OS Section 353.18 licensing requirements.

The revision in 535:20-9-2 changes medical practitioner to prescriber. The revision in 535:20-9-3 and 535:20-9-4 updates references to the Board; it changes permit to license; it restriction a medical gas supplier / distributor from locating within a residence; it cleans up language, corrects spelling, and

renumbers the rules to make the section more clear. It changes medical practitioner to prescriber. The revision in 535:20-9-5 cleans up the language in violations and penalties to make improve the clarity of the rule. The revision in 535:20-9-6 prohibited conducts add requirements to comply with the new federal law and state law.

### **AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29, 354, and 367.8; Title 51 OS 24A et seq.; Title 75 OS, Sec 2-201, 2-208, and 2-210.

### **COMMENT PERIOD:**

The comment period will run from November 17, 2014 through January 13, 2015, at 9:30 a.m. Written comments may be sent to the offices of the Board at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

### **PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on January 14, 2015, at 1:30 p.m., in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than January 13, 2015, at 9:30 a.m.

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

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

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

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Copies may be viewed in our offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after November 17, 2014, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

### **CONTACT PERSON:**

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

*[OAR Docket #14-918; filed 10-24-14]*

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**TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY  
CHAPTER 25. RULES AFFECTING VARIOUS REGISTRANTS**

[OAR Docket #14-919]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Requirements [AMENDED]
- 535:25-1-1. Purpose [AMENDED]
- subchapter 3. Applicants, registrants, and applications [AMENDED]
- 535:25-3-3. Qualifications and requirements for registrant applicants [AMENDED]
- 535:25-3-4. Requirements for applicants or registrants who have had Board action taken against any license, permit or certificate [AMENDED]
- 535:25-3-5. Multiple licenses / permits [AMENDED]
- 535:25-3-7. Change requirements and notification [AMENDED]
- 535:25-3-8. Requirements for Licensees [NEW]
- Subchapter 5. General Requirements or Procedures [AMENDED]
- 535:25-5-1. Inspector's warning notice [AMENDED]
- 535:25-5-3. Drug Screening [AMENDED]
- 535:25-5-5. Prescription drug (Rx only) purchases and record requirements [AMENDED]
- Subchapter 6. Post-military Service Applicants [NEW]
- 535:25-6-3. Post-Military Service Applicants [NEW]
- Subchapter 7. Rules of Registrant Conduct
- 535:25-7-3. Registrant Conduct [AMENDED]
- 535:25-7-4. Confidentiality [AMENDED]
- 535:25-7-5. Practice of medicine [AMENDED]
- 535:25-7-6. Governing body [AMENDED]
- Subchapter 9. Violations of the Rules of Registrant Conduct
- 535:25-9-1. Scope and purpose [AMENDED]
- 535:25-9-3. Violating laws or rules [AMENDED]
- 535:25-9-4. False report or record, billing incorrectly, fraudulent billing or reports [AMENDED]
- 535:25-9-8. Failure to establish and maintain effective controls [AMENDED]
- 535:25-9-9. ~~Misfilling~~ Misfill or incorrect fill of a prescription or drug order [AMENDED]
- 535:25-9-10. Patient Health and Safety [NEW]
- 535:25-9-11. Arrangements [NEW]
- 535:25-9-12. Professional fee [NEW]
- 535:25-9-13. Auto Refills [NEW]

**SUMMARY:**

The revision in 535:25-1-1 corrects grammar, clarifies the rule, removes the old (d) as well as renumbers the subsections that follow. The revision in 535:25-3-3, 535:25-3-4 and 535:25-3-7 standardize Board reference, improve grammar and clarity of the rules; make changes due to the new federal

drug quality and security act; and they change parenteral to sterile compounding.

The revision in 535:25-3-5 modified the multiple license and permits section, 535:25-3-7 modifies requirements and notices at change; and it clarifies the requirement that a new license must be issued prior to drugs being moved to or stored at a new address; the changes improve grammar and clarity of the rule. Requirements for licensees are added at 535:25-3-8.

The revision in 535:25-5-1 change inspector warning notices. Revisions in 535:25-5-3 535:25-5-5, 535:25-7-3, 535:25-7-4, 535:25-7-6, and 535:25-7-6 improve the grammar, punctuation and clarity of these rules; and they standardize Board references. A new 535:25-6-3 rule is added regarding post-military service applicants. The revision in 535:25-7-5 expands prohibition to mid-level practitioners.

Revisions in 535:25-9-1 corrects the scope and purpose statement. Revisions in 535:25-9-3 standardized Board and Oklahoma and federal law references. Revisions in 535:25-9-4 correct grammar, punctuation, and clarify the rules. The revision in 535:25-9-8 improve grammar and change the rules regarding effective controls and violations of registrant conduct. The change in 535:25-9-9 corrects the grammar on the rule. Added in 535:25-9-10 are rules regarding patient safety, while revised in 535:25-9-11 are rules regarding arrangements inimical to public health; 535:25-9-12 regarding professional fee and 535:25-9-13 regarding auto refills.

**AUTHORITY:**

Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29, 354, and 367.8; Title 51 OS 24A et seq.; Title 75 OS, Sec 2-201, 2-208, and 2-210.

**COMMENT PERIOD:**

The comment period will run from November 17, 2014 through January 13, 2015, at 9:30 a.m. Written comments may be sent to the Board offices at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212.

**PUBLIC HEARING:**

A public hearing will be held to provide an opportunity for persons to orally present their views on January 14, 2015, at 1:30 p.m., in our Board office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. Written notice of intent to make oral comment must be received by this office no later than January 13, 2015, at 9:30 a.m.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).

**COPIES OF PROPOSED RULES:**

Proposed rules are available for review in our office at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK

## Notices of Rulemaking Intent

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73105-4212. Copies may be viewed in our offices or on our website [www.pharmacy.ok.gov](http://www.pharmacy.ok.gov), or provided at a cost of 25 cents per page.

### **RULE IMPACT STATEMENT:**

A rule impact statement will be prepared and will be available on and after November 17, 2014, at the location listed above for copies of the proposed rules. It may be viewed in our office or on our website or copies may be obtained for 25 cents per page.

### **CONTACT PERSON:**

Mr. John A. Foust, Executive Director, Oklahoma State Board of Pharmacy located at 2920 N Lincoln Boulevard Suite A, Oklahoma City, OK 73105-4212. The Board phone number is (405) 521-3815 and the FAX number is (405) 521-3758.

*[OAR Docket #14-919; filed 10-24-14]*

### **TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY**

*[OAR Docket #14-905]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULE:**

Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions and Open Records

595:1-9-3. Records of the Department of Public Safety [AMENDED]

595:1-9-3.1. Retention and Destruction of Department Records [NEW]

595:1-9-4. Fees established by the Department pursuant to law [AMENDED]

595:1-9-5. Obtaining open records [AMENDED]

### **SUMMARY:**

Theses amended rules will clarify definitions pertaining to records of the Department. The amendments provide direction to the agency as to the time limits of Department records are to be maintained prior to being destroyed. They further instruct citizens in obtaining said records.

### **AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 6-101, et seq.

### **COMMENT PERIOD:**

Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

### **PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 3:00 P.M., January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 3:05 P.M.

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

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

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

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

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at [www.dps.state.ok.us/rules/](http://www.dps.state.ok.us/rules/) or may be obtained from the contact person.

### **CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-905; filed 10-24-14]*

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

*[OAR Docket #14-909]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULE:**

Subchapter 11. Certified Schools and Designated Class D Examiners

595:10-11-3. Definitions [AMENDED]

595:10-11-7. Examination requirements and standards [AMENDED]

595:10-11-8. Reexamination upon failure of examination [AMENDED]

595:10-11-9. Driver license applicant [AMENDED]

595:10-11-11. Records to be maintained at the Department [AMENDED]

### **SUMMARY:**

595:10-11-3 - This amendment will add "parent-taught" driver education to the definition of "driver education"

595:10-11-7 - This amendment will allow the commercial driver education school to accept the Oklahoma driver license permit or, if the student has lost or is no longer in possession of the permit, allows the student to provide a photo identification along with another form of identification listed under the

primary forms of identification found in 595:10-1-3 in order to take the skills examination for an Oklahoma Graduated driver license.

595:10-11-8 and 595:10-11-9 - This amendment allows the designated examiner to conduct the skills examination of a student up to three times before referring that student to the Department of Public Safety for additional skills examination.

595:10-11-11 - This amendment will allow a digital copy to be an acceptable method of retaining the application and subsequent renewal applications for designated examiners.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 1-101, et seq.

**COMMENT PERIOD:**

Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 9:30 A.M., January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:35 A.M.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at [www.dps.state.ok.us/rules](http://www.dps.state.ok.us/rules) or may be obtained from the contact person.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-909; filed 10-24-14]*

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

*[OAR Docket #14-910]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULE:**

Subchapter 1. Procedures for obtaining and maintaining a driver license or identification card

Part 7. Identification cards

595:10-1-25. Procedure for obtaining an identification card [AMENDED]

595:10-1-26. Procedure for obtaining a renewal identification card [AMENDED]

595:10-1-27. Procedure for obtaining a replacement identification card [AMENDED]

**SUMMARY:**

This rule change is to allow the Department of Public Safety to accept an unexpired Oklahoma Driver License from the person applying for an Oklahoma Identification Card as both primary and secondary proofs of identification.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 6-106

**COMMENT PERIOD:**

Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing

**PUBLIC HEARING:**

A public hearing will be held at 9:30 A.M. on Tuesday, January 6, 2015 at the Robert R. Lester Training Center, 3600 N. Martin Luther King Ave, Oklahoma City, OK 73111. Anyone wishing to speak must sign in at the door by 9:35 A.M.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules can be viewed on the Department of Public Safety's website at [www.dps.state.ok.us](http://www.dps.state.ok.us) or from the contact person.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at [www.dps.state.ok.us/rules](http://www.dps.state.ok.us/rules) or may be obtained from the contact person.

## Notices of Rulemaking Intent

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### CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-910; filed 10-24-14]*

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

*[OAR Docket #14-911]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULE:

Subchapter 3. Examination  
595:10-3-7. Knowledge test [AMENDED]

### SUMMARY:

The Department is making efforts reduce wait times for those applicants applying for, renewing, or replacing driver licenses. Amending this rule will allow the Department to administer the written examination for an Oklahoma driver license on-line, thereby reducing the wait time for those applicants.

### AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-110(D)(6).

### COMMENT PERIOD:

Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

### PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 9:30 A.M., January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:35 A.M.

### REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at [www.dps.state.ok.us/rules](http://www.dps.state.ok.us/rules) or may be obtained from the contact person.

### CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-911; filed 10-24-14]*

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

*[OAR Docket #14-912]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULE:

Subchapter 1. Procedures for obtaining and maintaining a driver license or identification card

Part 2. Application for Initial Driver License

595:10-1-3. Procedures for obtaining an initial driver license [AMENDED]

Part 3. Driver License Renewal

595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]

Part 13. Motor License Agents

595:10-1-51. Operational procedures [AMENDED]

595:10-1-52. Photographic procedures [AMENDED]

595:10-1-56. Renewal of driver license or identification cards [AMENDED]

Part 21. Identity Verification Unit

595:10-1-101. Identity fraud or theft [AMENDED]

### SUMMARY:

595:10-1-3: The amendment updates the list of secondary proofs of identification accepted by the Department and to clean up grammatical and spelling errors.

595:10-1-10: HB1082 amended 47 O.S. § 6-115(D) to reflect that an Oklahoma driver license that is not more than one year past the date of expiration shall be a valid form of identification for the purposes of renewing the Oklahoma driver license. The rule amendment is required to reflect that statutory change.

595:10-1-51: Amendment increases the security of the driver license process to reduce the risk of driver license or identification fraud.

595:10-1-52: Amends the rule for clarification on requirements for the photograph taken for driver licenses and identification cards.

595:10-1-56: HB1082 amended 47 O.S. § 6-115(D) to reflect that an Oklahoma driver license that is not more than one year past the date of expiration shall be a valid form of identification for the purposes of renewing the Oklahoma driver license. The rule amendment is required to reflect that statutory change.

595:10-1-101: Amended will provide a way of detailing specific information to records regarding each case of identity fraud.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 6-101, et seq.

**COMMENT PERIOD:**

Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 9:30 A.M, January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:35 A.M.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at [www.dps.state.ok.us/rules](http://www.dps.state.ok.us/rules) or may be obtained from the contact person.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-912; filed 10-24-14]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 11. COMMERCIAL DRIVER LICENSES**

*[OAR Docket #14-907]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**RULES:**

- Subchapter 1. Commercial Driver Licensing
- Part 2. Application for Initial Commercial Driver License
- 595:11-1-12. Procedures for obtaining an initial commercial driver license [AMENDED]
- Part 7. Changes to Information Contained on Commercial Driver License
- 595:11-1-51. Procedure to make a change of name on a commercial driver license [AMENDED]
- Subchapter 3. Examination
- 595:11-3-7. Pre-trip inspection examination of commercial motor vehicles [AMENDED]
- Subchapter 5. Commercial Driver License Third-Party Examiners
- 595:11-5-7. Skills examination requirements and standards [AMENDED]
- 595:11-5-9. Failed examinations and reexamination [AMENDED]
- 595:11-5-15. Prohibited acts; conduct [AMENDED]
- Subchapter 7. Truck Driver Training
- 595:11-7-3. School licenses and instructor permits [AMENDED]
- 595:11-7-4. Qualifications for instructors [AMENDED]
- 595:11-7-13. Requirements for schools and classrooms [AMENDED]

**SUMMARY:**

These proposed amendments are to ensure the Department of Public Safety meets Federal Regulations regarding the application process, examination, and issuance of Oklahoma Commercial Driver Licenses. Failure to implement these rules could deem the Oklahoma CDL program in noncompliance and therefore the State could no longer issue any type of Commercial Driver License that would be recognized by other states.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 6-101 et seq.

**COMMENT PERIOD:**

Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 1:30 P.M., January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35 P.M.

# Notices of Rulemaking Intent

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## REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

## COPIES OF PROPOSED RULES:

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

## RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at [www.dps.state.ok.us/rules/](http://www.dps.state.ok.us/rules/) or may be obtained from the contact person.

## CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-907; filed 10-24-14]*

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## TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 11. COMMERCIAL DRIVER LICENSES

*[OAR Docket #14-908]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULE:

Subchapter 1. Commercial Driver Licensing

Part 2. Application for Initial Commercial Driver License

595:11-1-13. Application by person licensed by another jurisdiction [AMENDED]

Part 3. Commercial Driver License Renewal - In Person

595:11-1-21. Procedure for obtaining a renewal commercial driver license in person [AMENDED]

Part 6. Renewal or replacement - not in person [REVOKED]

595:11-1-41. Renewal or replacement - not in person [REVOKED]

Part 9. Commercial Driver License Card Content

595:11-1-61. Information displayed on commercial driver licenses [AMENDED]

Subchapter 3. Examination

595:11-3-2. Study guide [AMENDED]

595:11-3-9. Automatic failure of skills examination [AMENDED]

Subchapter 5. Commercial Driver License Third-Party Examiners

595:11-5-3. Definitions [AMENDED]

595:11-5-4. Requirements for certification as a certified school; display of certificate; certification renewal [AMENDED]

595:11-5-11. Records to be maintained by certified schools and third-party examiners [AMENDED]

Subchapter 7. Truck Driver Training

595:11-7-5. Review of permitted instructors and licensed schools [AMENDED]

595:11-7-10. Specification for commercial motor vehicles [AMENDED]

## SUMMARY:

Amendments to these rules are for clarification and to meet federal standards.

## AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 6-101, et seq.

## COMMENT PERIOD:

Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

## PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 1:30 P.M., January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35 P.M.

## REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

## COPIES OF PROPOSED RULES:

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

## RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at [www.dps.state.ok.us/rules/](http://www.dps.state.ok.us/rules/) or may be obtained from the contact person.

## CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-908; filed 10-24-14]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT**

*[OAR Docket #14-906]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULE:**

- Subchapter 1. Driver Education Instruction
- 595:40-1-2. Definitions [AMENDED]
- 595:40-1-3. Driver education instructor permit/license [AMENDED]
- 595:40-1-4. Qualifications for instructors [AMENDED]
- 595:40-1-6. Review of permit and school [AMENDED]
- 595:40-1-9. Prescribed course of study [AMENDED]
- 595:40-1-13. Reports [AMENDED]
- 595:40-1-15. Requirements for all commercial driver education schools and classrooms [AMENDED]
- 595:40-1-16. Prohibited acts; conduct [AMENDED]

**SUMMARY:**

- 595:40-1-2 - This amendment will clarify the meaning and interpretation of driver education.
- 595:40-1-3 - This amendment will change the language for the instructor renewal application as prescribed in 47 O.S. § 69-805.
- 595:40-1-4 - This amendment clarifies the requirements for instructors of driver education.
- 595:40-1-6 - This amendment clarifies and cleans up the language set forth in this subsection.
- 595:40-1-9 - This amends the requirement that DPS must approve a student roster list and instead only require that the roster be on maintained at the commercial school location.
- 595:40-1-13 - The amendment provides clean up language and allows for electronic record keeping.
- 595:40-1-15 - This amendment provides clean up language and allows for electronic record keeping.
- 595:40-1-16 - Amends rule to emphasize 47 O.S. §804.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 1-101, et seq.

**COMMENT PERIOD:**

Interested persons may present their views or questions regarding these rules in writing to the contact person referenced below. Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 9:30 A.M., January 6, 2015 in the Robert R. Lester Training Center, Class Room C, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:35 A.M.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in

writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. § 303(D), and will be posted on the Internet at [www.dps.state.ok.us/rules/](http://www.dps.state.ok.us/rules/) or may be obtained from the contact person.

**CONTACT PERSON:**

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: [kdammen@dps.state.ok.us](mailto:kdammen@dps.state.ok.us)

*[OAR Docket #14-906; filed 10-24-14]*

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION  
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

*[OAR Docket #14-890]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 11. Purchasing
- 610:1-11-16. Professional and Personal services contracts [AMENDED]

**SUMMARY:**

The proposed rule changes address the following issues:

The Regents currently have exceptions to the purchasing policy for professional service contracts that do not include the services of education professionals. The Regents often have projects, programs and initiatives that require the unique expertise of education professionals who are intimately familiar with the Oklahoma K-12 or Higher Education systems and possess the necessary skills to achieve the goals established by the Regents. In addition to education professionals familiar with Oklahoma, there are also national and international education experts whose research and experience is invaluable to the Regents and their constituents. These individual professionals provide services that provide new perspectives and approaches that assist the agency in successfully performing essential agency functions and completing agency missions.

The proposed rule changes address the issue of hiring suitable education professionals in an efficient and cost

## Notices of Rulemaking Intent

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effective manner. The process still requires written justification for all hires and provides for final approval of all personnel by the Chancellor or his designee.

**AUTHORITY:**

70 O.S. §3206 (o); 74 O.S. §85.3A (A) (2) and (3)

**COMMENT PERIOD:**

Interested persons may submit written and oral comments to David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., December 17, 2014.

**PUBLIC HEARING:**

A public hearing has not been scheduled; however, one can be requested by contacting David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., December 17, 2014.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

**RULE IMPACT STATEMENT:**

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after November 17, 2014.

**CONTACT PERSON:**

David B. Harting, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9289.

*[OAR Docket #14-890; filed 10-21-14]*

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# Cancelled Hearings/Comment Periods

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

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

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

*[OAR Docket #14-874]*

### **RULEMAKING ACTION:**

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

### **PROPOSED RULES:**

- Subchapter 1. Introduction  
252:606-1-1 [AMENDED]  
252:606-1-2 [AMENDED]  
252:606-1-4 [AMENDED]  
252:606-1-6 [AMENDED]
- Subchapter 3. Discharge Permitting Process for Individual and General Discharge Permits  
252:606-3-3 [AMENDED]  
252:606-3-7 [NEW]
- Subchapter 5. Discharge Permit Requirements  
252:606-5-2 [AMENDED]
- Subchapter 8. Biosolids Requirements  
252:606-8-6 [AMENDED]
- Subchapter 11. Tests and Reports  
252:606-11-2 [AMENDED]  
252:606-11-4 [AMENDED]

### **REGISTER PUBLICATION OF NOTICE:**

The Notice of Rulemaking Intent for this action was published at 31 Ok Reg 679.

### **CANCELLED COMMENT PERIOD:**

September 2, 2014 to October 2, 2014

### **CANCELLED PUBLIC HEARING:**

1:00 p.m., October 7, 2014, DEQ Multipurpose Room, 707 N. Robinson, Oklahoma City, OK.

### **ADDITIONAL INFORMATION:**

Another public hearing will be announced at a later date. For additional information please contact Mark Hildebrand at Mark.Hildebrand@deq.ok.gov or via phone at (405) 702-8100.

*[OAR Docket #14-874; filed 10-16-14]*

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

*[OAR Docket #14-875]*

### **RULEMAKING ACTION:**

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

### **PROPOSED RULES:**

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

### **REGISTER PUBLICATION OF NOTICE:**

The Notice of Rulemaking Intent for this action was published at 31 Ok Reg 680.

### **CANCELLED COMMENT PERIOD:**

September 2, 2014 to October 2, 2014

### **CANCELLED PUBLIC HEARING:**

1:00 p.m., October 7, 2014, DEQ Multipurpose Room, 707 N. Robinson, Oklahoma City, Ok.

### **ADDITIONAL INFORMATION:**

Another public hearing will be announced at a later date. For additional information please contact Mark Hildebrand at Mark.Hildebrand@deq.ok.gov or via phone at (405) 702-8100.

*[OAR Docket #14-875; filed 10-16-14]*

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

*[OAR Docket #14-872]*

### **RULEMAKING ACTION:**

EMERGENCY adoption.

### **RULES:**

Subchapter 7. Regulation of Physician and Surgeon Practice  
435:10-7-12. Establishing a physician/patient relationship; exceptions  
[AMENDED]

### **AUTHORITY:**

Board of Medical Licensure and Supervision; Title 59 O.S., Section 489,  
and Title 63 O.S. Section 1-2506.1.

### **ADOPTION:**

September 18, 2014

### **APPROVED BY GOVERNOR:**

October 6, 2014

### **EFFECTIVE:**

Immediately upon Governor's approval

### **EXPIRATION:**

Effective through September 14, 2015, unless superseded by another rule or  
disapproved by the Legislature

### **SUPERSEDED EMERGENCY ACTIONS:**

n/a

### **INCORPORATIONS BY REFERENCE:**

n/a

### **FINDING OF EMERGENCY:**

The Board of Medical Licensure and Supervision was approached by the Governor's Office and the Oklahoma Department of Mental Health and Substance Abuse with a request to add an exemption for physicians ordering opioid antagonists (Naloxone) pursuant to 63 O.S. §1-2506.1. The emergency amendments are needed to aid the Oklahoma Department of Mental Health and Substance abuse, families and physicians in the state combat opioid overdose deaths.

### **ANALYSIS:**

The proposed amendments at OAC 435:10-7-12 would allow physicians to prescribe opioid antagonists to an individual for use by that individual when encountering a family member exhibiting signs of an opiate overdose.

### **CONTACT PERSON:**

Kathy Plant, Executive Secretary, 405-962-1400, #122

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,  
THE FOLLOWING EMERGENCY RULES ARE  
CONSIDERED PROMULGATED AND EFFECTIVE**

**UPON APPROVAL BY THE GOVERNOR AS SET  
FORTH IN 75 O.S., SECTION 253(F):**

## **SUBCHAPTER 7. REGULATION OF PHYSICIAN AND SURGEON PRACTICE**

### **435:10-7-12. Establishing a physician/patient relationship; exceptions**

A physician/patient relationship is established when a physician agrees by direct or indirect contact with a patient to diagnose or treat any condition, illness or disability presented by a patient to that physician, whether or not such a presenting complaint is considered a disease by the general medical community. The physician/patient relationship shall include a medically appropriate, timely-scheduled, face-to-face encounter with the patient, subject to any supervisory responsibilities established elsewhere in these rules except the following providers are not subject to the face-to-face encounter:

- (1) Providers covering the practice of another provider may approve refills of previously ordered medications if they have access to the medical file of the patient.
- (2) Hospice medical directors may initiate prescriptions based on requests from licensed health care providers and on information from Hospice records.
- (3) Providers ordering appropriate medications for persons with laboratory-proven, sexually transmitted diseases and persons who have been in contact with certain infectious diseases.
- (4) Telemedicine physicians who meet the criteria set out in OAC 435:10-7-13 of this Subchapter.
- (5) Licensed healthcare providers providing medical immunizations, which may be implemented by means of standing order(s) and/or policies.
- (6) Licensed providers ordering opioid antagonists pursuant to 63 O.S. §1-2506.2.

*[OAR Docket #14-872; filed 10-16-14]*

# Emergency Adoptions

## TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 40. CRUSHERS

[OAR Docket #14-873]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees [NEW]

765:40-1-1 [NEW]

765:40-1-2 [NEW]

765:40-1-3 [NEW]

765:40-1-4 [NEW]

765:40-1-5 [NEW]

765:40-1-6 [NEW]

765:40-1-7 [NEW]

765:40-1-8 [NEW]

Subchapter 3. Operation [NEW]

765:40-3-2 [NEW]

765:40-3-1 [NEW]

Subchapter 5. Assessment of Fine or Denial, Suspension, or Revocation of

License [NEW]

765:40-5-1 [NEW]

765:40-5-2 [NEW]

### AUTHORITY:

Oklahoma Used Motor Vehicle and Parts Commission

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

47 O.S. Section 592.9 A

47 O.S. Section 592.6 C

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

75 O.S. Section 307

### COMMENT PERIOD:

A comment period was not required or utilized.

### PUBLIC HEARING:

September 9<sup>th</sup>, 2014

### ADOPTION:

September 9<sup>th</sup>, 2014

### APPROVED BY GOVERNOR:

October 6, 2014

### EFFECTIVE:

Immediately upon Governor's approval

### EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

n/a

### INCORPORATIONS BY REFERENCE:

n/a

### FINDING OF EMERGENCY:

The enactment of the proposed emergency rules is required by the enactment of House Bill 1516 which authorizes the Commission to license and regulate crushers, set fees and promulgate Rules, effective November 1, 2014. The Commission deems this situation a compelling extraordinary circumstance requiring emergency rules.

### ANALYSIS:

Without the enactment of these rules, there would be no procedures for licensing crushers and there would be no authority to assess fees, resulting in an abdication of the responsibilities assigned to this Commission in HB 1516.

### CONTACT PERSON:

John W. Maile, Executive Director (405)521-3600

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

## SUBCHAPTER 1. LICENSING QUALIFICATIONS, PROCEDURES AND FEES

### 765:40-1-1. Purpose

The Rules of this Chapter have been adopted for the purpose of complying with the provisions of 75 O. S. Section 250 et. seq., 47 O. S. Section 582(E), 47 O. S. Section 592.6( C. ) and 47 O. S. Section 592.9 ( A. ). This Chapter will provide a description of the fees for the licenses and functions authorized by statute, the qualifications for obtaining and maintaining a crusher license, operation of a crusher under this license, and the grounds and procedures for denial, suspension or revocation of a crusher's license.

### 765:40-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning:

"Crusher" shall be defined as set forth in 47 O. S. Section 592.2.(2.).

"Scrap Metal Dealer" shall be defined as set forth in 2 O. S. Section 11-91 (7).

### 765:40-1-3. Fees

The Commission shall prescribe by rule a fee for each of the following in the amount stated herein:

(1) The fee required for an initial application, which shall be Three Hundred Dollars (\$300.00).

(2) An investigation fee, which shall be Three Hundred Dollars (\$300.00). The investigation fee shall be waived for an applicant licensed as an automotive dismantler prior to applying to be licensed as a crusher.

(3) A fee required for an application for renewal of a license, which shall be Three Hundred Dollars (\$300.00).

(4) A late fee for renewals not received by June 15 of each year, which shall be One Hundred Fifty (\$150.00).

(5) A fee for a change of name of the licensee, which shall be Fifty Dollars (\$50.00).

(6) A fee for a change of location of the licensee, which shall be One Hundred Dollars (\$100.00).

(7) A fee for a duplicate license, which shall be Twenty Five Dollars (\$25.00).

(8) A fee for a returned check, which shall be Seventy Five Dollars (\$75.00).

### 765:40-1-4. Applicant

(a) Information required. An applicant shall provide sufficient information on the application or otherwise to enable the Commission to determine whether the applicant should be granted a license. The information shall include:

(1) Information as set forth in the application form relating to the person or persons applying for the license,

(2) Information relating to the applicant's financial standing.

(3) Information relating to the applicant's business integrity, the applicant's experience in the same or similar businesses, and the applicant's business history.

(4) Whether the applicant or anyone acting for the applicant in the business has been convicted of a felony.

(5) Whether the applicant will be personally involved in the operation of the business or whether some other person shall be the primary participant in the business.

(6) Whether the applicant will devote full or part time to the business.

(7) Whether the applicant is able to properly conduct the business, and.

(8) Such other pertinent information consistent with the safeguarding of the public interest and welfare.

(b) **Application required.** Applications for license shall be verified by the oath or affirmation of the applicant and shall be on forms prescribed by the Commission and furnished to such applicants. The applications shall contain such information as the Commission deems necessary to enable it to fully determine the qualifications and eligibility of the applicant for the license.

#### **765:40-1-5. Bond**

Each applicant for a crusher license shall procure and file with the Commission a good and sufficient bond in the amount required by law. The bond shall be approved as to form by the Attorney General. The bond form shall contain provisions relating to the bond amount, parties responsible for payment of bond claims, and parties who may make claims on bonds and priorities of claimants, if applicable.

#### **765:40-1-6. Issuance of license**

(a) **Name.** A crusher license will be issued in the legal name of the business as identified on the application for license. A license will not be issued in a name which is offensive to a reasonable person's sensibilities, nor any name which is misleading or confusing to those with whom the licensee deals.

(b) **Certificate.** A crusher's license shall consist of a signed certificate bearing the official seal of the Commission and shall specify the name and location of the place of business and assigned license number, which shall be posted in a conspicuous place in the crusher's place of business. The crusher license number will be prefixed with CR, followed by a four digit number and then the current year of license. (CR-0000-00).

(c) **Card and Identification sticker.** The licensee will receive a gratis license card which shall be carried upon the licensee's person at all times when acting as a crusher. An identifying sticker shall be issued to licensee for each crusher, which shall be placed on a conspicuous location on the crusher.

(d) **Beginning business.** No applicant for a crusher license shall conduct business until such time as the Commission has issued a license to the applicant.

#### **765:40-1-7. Renewal of license**

All bonds and licenses issued under this Chapter shall expire on the 30th day of June, following the date of issue and shall be nontransferable. All applications for renewal shall be

submitted by the 1st day of June of each year. Renewals received after June 15 shall be assessed a late fee. If application has not been made for renewal of license, such license shall expire on June 30th, and it shall be illegal for such former licensee to represent himself as a crusher thereafter.

#### **765:40-1-8. Changes**

(a) **Ownership.** A change of ownership, including a change in a primary stockholder in the case of a corporation, or membership in the case of a limited liability company, shall require a new application and approval by the Commission before the business may begin operation.

(b) **Notification.** A change of ownership or any other change, such as a change of name or address, which makes Commission records no longer accurate must be reported to the Commission immediately in writing on forms prescribed by the Commission for approval by the Commission. The crusher must meet all the requirements as prescribed for licensing. The Commission may revoke or suspend a license after it has been granted for change of condition resulting in failure to maintain the qualifications for license. Failure to complete the requirements for licensing after change of conditions within thirty (30) days shall result in suspension of the dealer's license until the licensing requirements are met.

### **SUBCHAPTER 3. OPERATION**

#### **765:40-3-1. Proof of ownership**

(a) **Documentation required.** Prior to the purchase of a used motor vehicle, trailer, or nonmotorized recreational vehicle a crusher shall require one of the following documents as proof of ownership from the person selling the used motor vehicle, trailer, or nonmotorized recreational vehicle:

(1) a certificate of title in the name of the seller that shows no outstanding liens,

(2) a notarized power of attorney from the individual on the certificate of title authorizing the seller to dispose of the vehicle on behalf of the owner,

(3) a bill of sale from the owner as identified by the certificate of title to the person presenting the vehicle to be crushed or shredded,

(4) a statement of ownership from the seller stating that the vehicle to be crushed was purchased from the lawful owner, accompanied by a bill of sale from the lawful owner including a statement that there are no outstanding liens on the vehicle, and a statement that the vehicle was inoperable or incapable of operation or use on the highway and has no resale value except as scrap,

(5) paperwork from a licensed wrecker operator showing that the wrecker operator has properly foreclosed its lien on the vehicle to be crushed or shredded and that the person selling the vehicle is the owner as shown on the return of sale in the foreclosure form.

(6) a bill of sale from a property owner together with proof of ownership or leasehold interest of the land from which the vehicle to be crushed was removed and a current

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printout from the Oklahoma Tax Commission Motor Vehicle Division showing that there is no record of the vehicle in its records or that the owner of the vehicle according to its records is the property owner.

(7) a document that upon presentation to the Oklahoma Tax Commission could be the basis for the issuance of a certificate of title in the name of the person presenting the vehicle to be crushed, such as a Court Order stating that the person is the owner of the vehicle.

(b) **Holding period required.** A crusher shall:

(1) Make available a report or copy within three (3) days of the purchase of a vehicle to the local enforcement agency of the municipality or other political subdivision in which the crusher is located or temporarily operating. If the crusher is operating within the city limits of a municipality, the crusher shall submit its report to the police department for the municipality and to the County Sheriff's office for the County in which the municipality lies. If the crusher is located outside of municipal limits, the report shall be submitted to the County Sheriff's Office only. With the report shall be an acknowledgment form which the representative of the law enforcement agency shall sign acknowledging receipt of the report, the original of which shall become part of the crusher's records. Such copy or report shall be shown upon request to the representative of the Commission or to any authorized peace officer. The report shall be on a form approved by the Commission and shall contain the following information:

(A) The name, address and telephone number of the crusher whereby the crusher operator may be immediately contacted.

(B) The name, address, race, sex, weight, height, date of birth and identifying number of the seller as verified by either a state-issued identification card, driver's license or federal government-issued identification card, or, in lieu of other form of identification card, a readable fingerprint of the seller's right or left index finger. If a fingerprint of either index finger cannot be obtained, a readable fingerprint of the left thumb or any finger on the left hand shall be taken. If no fingerprint from the left hand can be taken, nor the right index finger, then a readable fingerprint from the right hand shall be taken.

(C) A description of the vehicle, the manufacturer of the vehicle, the vehicle identification numbers of the vehicle, and the date and time of the purchase of the vehicle.

(D) A description of the ownership document provided by the seller.

(2) Hold the vehicles reported in the same condition in which they were purchased for a period of three (3) days after submitting the report required in paragraph (1) above. The crusher shall retain a vehicle in the same condition in which it was purchased for a period up to thirty (30) days, in the event a representative of the Commission or a law enforcement officer requests that the crusher do so.

Retention of a vehicle beyond the thirty (30) day period shall require a Court Order or administrative Order from the Commission.

(c) **Exception.** A licensed automotive dismantler shall not be required to produce proof of ownership to a crusher before selling vehicles to the crusher if the dismantler purchased the vehicles in the ordinary course of business and the dismantler has purchase records for the vehicles to be crushed.

(d) **No re-assignment.** A crusher shall not have the right of reassignment of a certificate of title.

(e) **Records retention:** A crusher shall keep the records of its purchases for a period of three (3) years from the date of purchase. The records shall be kept at the crusher's licensed place of business and shall be available to any representative of the Commission or any law enforcement officer upon request.

### **765:40-3-2. Reading of Rules required**

Prior to the issuance of a license to a crusher, the applicant shall be given a copy of the Rules relating to the operation of a crusher business and the person operating the crusher business shall verify in writing that that person has read the Rules and agrees to conduct the crusher business within the guidelines of the Rules.

## **SUBCHAPTER 5. ASSESSMENT OF FINE OR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE**

### **765:40-5-1. Grounds**

(a) The Commission may deny an application for a license, or revoke or suspend a license after it has been granted for any of the reasons listed in 47 O. S. Sections 592.4 and 47 O. S. Section 592.10; for willful violation of any statute or regulation relating to the purchase, sale or transfer of a used motor vehicle, trailer, or nonmotorized recreational vehicle; or, if it is determined that the license is being or has been issued for the benefit of a person who would not or could not qualify for the license in his or her own right.

(b) The Commission may in addition to any other sanction or penalty assessed, or in lieu of the assessment of any other sanction or penalty, impose a fine as authorized by law.

### **765:40-5-2. Prohibition**

A person whose license has been denied or revoked or whose license was surrendered in lieu of revocation or under circumstances such that said license could have been revoked, shall not have any financial interest of any kind in a crusher business, nor shall that person participate in any way, including in an advisory position, in the operation of the crusher business.

[OAR Docket #14-873; filed 10-16-14]

**TITLE 770. OKLAHOMA DEPARTMENT OF  
VETERANS AFFAIRS  
CHAPTER 1. ADMINISTRATIVE  
OPERATIONS**

[OAR Docket #14-893]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 1. General Provisions  
770:1-1-1 [AMENDED]  
Subchapter 3. Organizational Structure  
770:1-3-2 [AMENDED]  
Subchapter 5. Open Records Act  
770:1-5-1 [AMENDED]

**AUTHORITY:**

Oklahoma Veterans Commission; 72 O.S. §§ 2, 63.1, 63.3, 202, 225

**ADOPTION:**

September 26, 2014

**APPROVED BY GOVERNOR:**

October 6, 2014

**EFFECTIVE:**

November 1, 2014

**EXPIRATION:**

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

Implements emergency rules to comply with amendments to Title 72, which will go into effect on November 1, 2014.

**ANALYSIS:**

The amendments to Title 72 change the definition of veterans eligible for services to include all eligible veterans, not just war-time veterans, changes the name of the War Veterans Commission to the Oklahoma Veterans Commission, and changes the structure of the Oklahoma Veterans Commission. These emergency rules implement the requirements of the Act by reflecting the change in the structure of the Oklahoma Veterans Commission, and change the name of the War Veterans Commission to the Oklahoma Veterans Commission.

**CONTACT PERSON:**

Tamara Hodge (405) 522-2212

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN,  
THE FOLLOWING EMERGENCY RULES ARE  
CONSIDERED PROMULGATED UPON APPROVAL  
BY THE GOVERNOR AS SET FORTH IN 75 O.S.,  
SECTION 253(F), WITH A LATER EFFECTIVE DATE  
OF NOVEMBER 1, 2014:**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**770:1-1-1. Purpose**

The purpose of this Chapter is to comply with the requirements of the Administrative Procedures Act, 75 O.S., Sections 302, 305 and 307; to publish the organization of the ~~War Okla-~~homa Veterans Commission, the responsibility and authority by law placed on the Commission; and to clarify, identify and set forth the overall objectives of the veterans program in Oklahoma under existing law.

**SUBCHAPTER 3. ORGANIZATIONAL  
STRUCTURE**

**770:1-3-2. Program administration**

(a) The ~~Oklahoma War~~ Veterans Commission is the successor to the ~~War Veterans Commission and the Soldiers Relief Commission~~ and was created by House Bill 247 of the Twenty-First Session of the Oklahoma Legislature in 1947. The Commission consists of nine members appointed by the Governor, with the advice and consent of the Senate, ~~from lists of ten names submitted by The American Legion, Veterans of Foreign Wars and Disabled American Veterans. Four members are selected from The American Legion, three members from the Veterans of Foreign Wars and two members from the Disabled American Veterans from lists of five names submitted by the American Legion, the Veterans of Foreign wars, the Disabled American Veterans, the Paralyzed Veterans of America, the Military Order of the Purple Heart, and the National Guard Association of Oklahoma. One member is selected from each of these groups and three members at large will be appointed, one of whom may be a nonveteran with a family member residing in a state veteran center.~~ All appointments will be made for a three year term.

(b) The ~~War~~Oklahoma Veterans Commission is the controlling board for the Oklahoma Department of Veterans Affairs, Oklahoma Veterans Centers at Ardmore, Claremore, Clinton, Lawton/Ft. Sill, Norman, Sulphur and Talihina and is responsible to the Governor for carrying out the laws enacted by the Oklahoma Legislature and for administering the veterans program in Oklahoma. The Commission has the authority to appoint the necessary personnel to administer the program. The Commission acts as the funding agency for the State Accrediting Agency.

(c) The ~~War~~Oklahoma Veterans Commission has authorized and charged the Director with the responsibility of administering the program.

**SUBCHAPTER 5. OPEN RECORDS ACT**

**770:1-5-1. Program description, compliance standard and basis for exemptions**

(a) Section 24A.4 of Title 51 of the Oklahoma Statutes, **Oklahoma Open Records Act** specifically states that "in addition to other records which are kept or maintained, every public body and public official has a specific duty to keep and maintain complete records of the receipt and expenditure of any public funds reflecting all financial and business transactions relating thereto, except that such records may be disposed of as provided by law." [51 O.S. §24A.4]

(b) The Records Disposition Schedule for the Oklahoma Department of Veterans Affairs, (a copy of the Schedule is on file in the Central Office of the Department) lists and provides authority for the disposition of all records of the Department. No record as defined by Section 24A.3 (1) of Title 51 shall be disposed of in any manner other than that authorized by said Schedule.

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(c) It is the policy of the ~~War~~Oklahoma Veterans Commission as the controlling board for the Oklahoma Department of Veterans Affairs that no person shall be denied access to a record of the Department and that Title 51, Chapter 1 of the Oklahoma Statutes shall be complied with in accordance with the procedures set out in the rules of this Chapter.

(d) If any provision of this procedure or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

(e) All records of the Oklahoma Department of Veterans Affairs shall be open to any person for inspection, copying, and/or mechanical reproduction during regular business hours with the exception of those records identified in this Subchapter. Generally, exempt records can be classified as follows:

- (1) Records specifically required by law to be kept confidential including:
  - (A) records not discoverable under state law such as material prepared in anticipation of litigation or trial; or
  - (B) records protected by a state evidentiary privilege such as the attorney-client and the identity of informer privileges; or
  - (C) records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act.
- (2) Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions.

[OAR Docket #14-893; filed 10-22-14]

## TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 10. CENTER DIVISION PROGRAM

[OAR Docket #14-892]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

Subchapter 1. General Provisions

770:10-1-3 [AMENDED]

770:10-1-4 [AMENDED]

Subchapter 3. Maintenance Charges, Patient Funds and Assets

770:10-3-1 [AMENDED]

### AUTHORITY:

Oklahoma Veterans Commission; 72 O.S. §§ 2, 63.1, 63.3, 202, 225

### ADOPTION:

September 26, 2014

### APPROVED BY GOVERNOR:

October 6, 2014

### EFFECTIVE:

November 1, 2014

### EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature

### SUPERSEDED EMERGENCY ACTIONS:

N/A

### INCORPORATIONS BY REFERENCE:

N/A

### FINDING OF EMERGENCY:

Implements emergency rules to comply with amendments to Title 72, which will go into effect on November 1, 2014.

### ANALYSIS:

The amendments to Title 72 change the definition of veterans eligible for services to include all eligible veterans, not just war-time veterans, and changes the name of the War Veterans Commission to the Oklahoma Veterans Commission. These rules implement the requirements of the Act by establishing the standards for the priority of eligibility for benefits to include all eligible veterans and change the name of the War Veterans Commission to the Oklahoma Veterans Commission. Typographical errors are also corrected.

### CONTACT PERSON:

Tamara Hodge (405) 522-2212

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2014:**

## SUBCHAPTER 1. GENERAL PROVISIONS

### 770:10-1-3. Eligibility requirements

To be eligible for admission to an Oklahoma Veterans Center, an individual must ~~be~~meet the definition of a War Veteran as defined in 72 O.S., Section 224 and/or as certified by the United States Department of Veterans Affairs for receipt of per diem payment, ~~and such other dates as may be established by U.S. Congress, Oklahoma Legislature or Oklahoma War Veterans Commission.~~

(1) Veterans must have served at least ninety (90) days on active duty, except where discharged due to or as a result of a service connected disability, ~~with one or more days being during a wartime period as prescribed in (1) of this subsection. (Oklahoma Statutes, Title 72.)~~

(2) A veteran must be disabled by age, disease or other reason to be eligible for admission, ~~For domiciliary, he/she must be ambulant, be able to dress himself or herself and perform necessary bathroom needs and share in some measure in the maintenance of his or her living area. For nursing care, he/she must be disabled or diseased to a degree that requires intermediate or skilled type nursing care.~~

### 770:10-1-4. Admission priorities and procedures

(a) It is the intent of the ~~War~~Oklahoma Veterans Commission to establish a fair and equitable system and one that allows for the flexibility necessary in the operation of long-term nursing care facilities whereby eligible veterans may be placed on waiting lists for admission to the Oklahoma Veterans Centers operated by the Oklahoma Department of Veterans Affairs.

(b) Priorities for placement are as follows:

(1) Eligible World War II veterans seeking admission will be placed at the top of the waiting list and will be

admitted to the first available bed capable of providing the level of care they require. When there are no longer living World War II veterans seeking admission, veterans of the next oldest wartime period will be placed at the top of the waiting list and will be admitted to the first available bed capable of providing the level of care they require and so on through established wartime periods.

(2) ~~Eligible Ex-Prisoners of War and veterans rated service connected by the United States Department of Veterans Affairs~~ will be placed at the top of the waiting list if there are no eligible veterans on the waiting list in category (1) above, and will be admitted to the first available bed capable of providing the level of care they require.

(3) ~~All eligible veterans not specified in (1) or (2) of this subsection will be placed on the waiting list in chronological order based on the date of receipt of the application. If more than one application is received on the same day, the Medical Director will determine their sequential order on the list according to medical need. The veterans will be called from this list and will be admitted to the first available bed capable of providing the level of care they require.~~

(3) Eligible wartime veterans will be placed at the top of the waiting list if there are no eligible veterans on the waiting list in categories (1) and (2) above, and will be admitted to the first available bed capable of providing the level of care they require, in the following order based on the date of receipt of the application:

(A) Eligible wartime veterans with service connected ratings of 70% to 100% by the United States Department of Veterans Affairs.

(B) All other wartime veterans with service connected ratings from 0% to 60% by the United States Department of Veterans Affairs.

(C) All other eligible wartime veterans not specified in earlier categories will be placed on the waiting list in chronological order based on the date of receipt of the application.

(4) All other eligible veterans, including those with no wartime service, will be placed at the top of the waiting list if there are no eligible veterans on the waiting list in categories (1) through (3) above, and will be admitted to the first available bed capable of providing the level of care they require, in the following order based on the date of receipt of the application:

(A) All other eligible veterans with service connected ratings of 70% to 100% by the United States Department of Veterans Affairs.

(B) All other eligible veterans with service connected ratings from 0% to 60% by the United States Department of Veterans Affairs.

(C) All eligible veterans not specified in earlier categories will be placed on the waiting list in chronological order based on the date of receipt of the application.

(5) If more than one application is received on the same day, the Medical Director will determine their sequential order on the list according to medical need. The veterans

will be called from this list and will be admitted to the first available bed capable of providing the level of care they require.

(c) The admission priorities as set forth in (b) of this Section are to be adhered to as closely as possible; however, the Administrator of each Veterans Center must maintain the flexibility of being allowed to deviate from the waiting list when medical or humanitarian need dictates.

(d) Applications for admission are provided by writing or calling the Oklahoma Department of Veterans Affairs Center as follows:

(1) Ardmore - Administrator, Oklahoma Veterans Center Box 489, Ardmore, Oklahoma 73402 Telephone: Area Code (580) 223-2266

(2) Claremore - Administrator, Oklahoma Veterans Center P. O. Box 988, Claremore, Oklahoma 74018 Telephone: Area Code (918) 342-5432

(3) Clinton - Administrator, Oklahoma Veterans Center Box 1209, Clinton, Oklahoma 73601 Telephone: Area Code (580) 331-2200

(4) Lawton/Ft. Sill Division - Administrator, Oklahoma Veterans Center P. O. Box 849, Lawton, Oklahoma 73502 Telephone: Area Code (580) 351-6511

(5) Norman - Administrator, Oklahoma Veterans Center Box 1668, Norman, Oklahoma 73070 Telephone: Area Code (405) 360-5600

(6) Sulphur - Administrator, Oklahoma Veterans Center 304 E. Fairlane, Sulphur, Oklahoma 73086 Telephone: Area Code (580) 622-2144

(7) Talihina - Administrator, Oklahoma Veterans Center P. O. Box 1168, Talihina, Oklahoma 74571 Telephone: Area Code (918) 567-2251

(8) Oklahoma City Central Office - P.O. Box 53067, Oklahoma City, Oklahoma 73152 Telephone: Area Code (405) 521-3684

(9) Other applications for admission can be obtained at USDVA Medical Centers in Muskogee and Oklahoma City and through Oklahoma Department of Veterans Affairs Service Officers.

(e) Spouses and surviving spouses may be admitted on exhaustion of placement of all eligible ~~war time~~ veterans.

### SUBCHAPTER 3. MAINTENANCE CHARGES, PATIENT FUNDS AND ASSETS

#### 770:10-3-1. Care and maintenance charges

(a) Patients of all Oklahoma Veterans Centers shall be assessed a monthly care and maintenance charge based upon the level of care provided to them and their individual ability to pay. The claim of the State for such care and treatment shall constitute a valid indebtedness against any such patient and his estate and shall not be barred by any statute of limitations. At the death of the patient, this claim shall be allowed and paid as other lawful claims against the estate.

(b) All sources of personal income, except the income of a working spouse, shall be considered when computing maintenance and care charges. Personal income shall include

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pensions and awards for aid and attendance from the Veterans Administration. The care and maintenance charges shall be computed to maximize the Veterans Administration pensions and compensation benefits to which the veteran is entitled. Income will be rounded to the nearest whole dollar when computing care and maintenance charges. Notwithstanding any other language under this rule, a veteran shall retain not less than \$150.00 per month of total monthly income. Furthermore, no care and maintenance charges will exceed the full cost of care minus the Veterans Administration per diem payment.

(c) The charge for nursing care to patients who regularly contribute to the support of legal dependents shall be fifty percent (50%) of their personal income from all sources except the income of a working spouse. The charge for nursing care to patients who do not regularly contribute to the support of legal dependents shall be eighty-five percent (85%) of their personal income from all sources.

(d) Nursing care shall include room and board in the nursing care or hospital unit of the Veterans Center and the full range of medical and nursing services offered in-house at the Center. Medical and nursing services shall minimally include: staff physician services, skilled nursing care, all required medications and their administration, all necessary x-ray and laboratory services which are performed by the Center, and all laboratory services which are performed by the Center, and all required therapy performed by the Center. Nursing care does not include those medical or other services which a patient requires or receives outside those provided within or by the Center, personal discretionary use items such as tobacco or the purchase of street clothes.

(e) When two veteran residents are married to each other, all sources of personal income will be considered to include projected income from the Veterans Administration. The maintenance charge will be considered to include projected income from the Veterans Administration. The maintenance charge will be assessed at 50% of the combined income.

(f) If a patient receives reimbursement through long-term care insurance, the insurance payment will be counted as income.

(g) When the care and maintenance charge assessed any patient does not result in compliance with all statutory requirements, the percentage of charge against income will be increased or decreased accordingly for compliance.

(h) Payment of any supplemental health insurance premium will not reduce the amount retained by the patient below \$150.00 per month.

(i) Any patient of an Oklahoma Veterans Center or his/her guardian may seek a reduction or waiver of care and maintenance charges for (1) financial hardship resulting from unreimbursed unusual medical expenses of the veteran patient, spouse or legal dependents or (2) financial hardship on patients with dependent children. Requests for reduction or waiver of care and maintenance charges for other reasons will not be considered.

(j) The Veterans Center Administrator will make every effort to ensure the patient is afforded the opportunity to purchase irrevocable burial insurance that will not decrease the amount retained by the patient below \$150.00 per month.

(k) Care and maintenance charges begin on the first day of admission and cease on the first day of the month in which an Oklahoma Veterans Center patient expires.

(l) Care and maintenance charges are to be paid on the first of each month or as soon thereafter as possible for the care and maintenance received in the preceding month.

(m) Any patient, his/her guardian, or legal spouse, who knowingly withholds or falsifies income or resource data or who withholds payment of assessed care and maintenance charges may subject the patient to discharge and forfeiture of benefits and may subject the patient, or other parties responsible, to legal action related to the recovery of valid indebtedness to the State of Oklahoma.

(n) When a patient's Veterans Administration compensation and pension benefits have been reduced or stopped due to excessive resources or estate, a care and maintenance charge will continue to be assessed at the level which would otherwise be indicated if the patient was still entitled to receive full Veterans Administration compensation and benefits.

(o) Dependents, for purposes of this policy, shall be legal spouses and minor children under the age of eighteen (18) or disabled children who became disabled prior to their eighteenth birthday or legal children through the age of twenty-one (21) years who are enrolled in school full-time.

(p) Patients on leave from a Center for outside hospitalization or medical care shall not be charged for care and maintenance after their fourth (4th) day of absence. Patients on leave from a center for personal reasons of their own volition shall continue to be charged for care and maintenance for such period of their leave that their bed is being held open for them.

(q) The procedure and process for the filing and adjudication of appeals for reduction or waiver of care and maintenance charges is as follows:

(1) The request for reduction or waiver shall be made in writing to the Administrator of the Center where the veteran is a patient, by the veteran, a responsible family member of the veteran, and/or the veteran's guardian.

(2) The appealing party shall complete the appropriate Department forms, supply the Center Administrator with pertinent financial data and shall sign said form attesting to the accuracy of the information recorded thereon.

(3) The Administrator shall submit a letter to the Executive Director of the Oklahoma Department of Veterans Affairs notifying him or her of the appeal request and stating the Administrator's recommendation in the matter. Additionally, the Administrator shall attach copies of all information which describe the appealing party's financial status.

(4) The Executive Director will determine whether the appeals requests are in conformity with policy for presentation to the Oklahoma ~~War~~-Veterans Commission and shall make a recommendation on the appeal request and forward the request to the Commission.

(5) The Commission shall consider all appeals information as presented by the Director and then shall render a decision on said appeals by a majority vote.

(6) The Executive Director shall notify the appealing parties of the Commission's decisions on their appeals

through the appropriate Center Administrator within five (5) working days following the ~~Commission~~Commission action, along with any appeal procedures.

(7) Adverse decisions may be appealed to an independent Administrative Hearing Officer with the Oklahoma Department of Health. The decision of the Administrative Hearing Officer will be final.

[OAR Docket #14-892; filed 10-22-14]

**TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS  
CHAPTER 15. CLAIMS AND BENEFITS  
DIVISION PROGRAM**

[OAR Docket #14-891]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 1. General Provisions

770:15-1-1 [AMENDED]

Subchapter 3. Claims Services

770:15-3-1 [AMENDED]

770:15-3-2 [AMENDED]

Subchapter 5. Emergency Financial Assistance

770:15-5-1 [AMENDED]

**AUTHORITY:**

Oklahoma Veterans Commission; 72 O.S. §§ 2, 63.1, 63.3, 202, 225

**ADOPTION:**

August 15, 2014

**APPROVED BY GOVERNOR:**

September 22, 2014

**EFFECTIVE:**

November 1, 2014

**EXPIRATION:**

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature

**SUPERSEDED EMERGENCY ACTIONS:**

N/A

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

Implements emergency rules to comply with amendments to Title 72, which will go into effect on November 1, 2014.

**ANALYSIS:**

The amendments to Title 72 change the definition of veterans eligible for services to include all eligible veterans, not just war-time veterans, and changes the name of the War Veterans Commission to the Oklahoma Veterans Commission. These rules implement the requirements of the Act by establishing the standards for the priority of eligibility for benefits to include all eligible veterans and change the name of the War Veterans Commission to the Oklahoma Veterans Commission.

**CONTACT PERSON:**

Tamara Hodge (405) 522-2212

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2014:**

**SUBCHAPTER 1. GENERAL PROVISIONS**

**770:15-1-1. Purpose**

The purpose of this Chapter is to:

- (1) Effect new policy and procedure in the Claims Office as it pertains to the Hospital Officers and Veterans Service Officers regarding claims work, and set forth a basic guide for the Claims and Hospital Officers to observe in the performance of their duties.
- (2) Establish a clear-cut policy for the Veterans Service Officers and other personnel to follow when there is a tornado, flood or other disaster where this department may render financial or other assistance.
- (3) Clarify the question of eligibility requirements for a veteran to receive a free hunting and fishing license.
- (4) Set forth the basic policy on securing documents to support a veterans claim with the Veterans Administration.
- (5) Promulgate the rules and procedures of the Oklahoma ~~War~~Veterans Commission under the authority of 72 O.S. §67.13 for administering the emergency financial aid program by the Department of Veterans Affairs and establish a policy on minimum amount of time and type of discharges from the military service.

**SUBCHAPTER 3. CLAIMS SERVICES**

**770:15-3-1. Policies and procedures for Claims Officers, Hospital Officers and Veterans Service Officers**

(a) The following procedure requires action by the Claims Officers, Hospital Officers and Veterans Service Officers as indicated below:

- (1) When submitting new claims or reopening claims, acknowledgment will be sent only to the party submitting the claim.
- (2) They will, however, write to a veteran if they are unable to secure a document and request that he either supply the document or submit the correct information in order to obtain it.
- (3) The schedule of events in the processing of a claim should be explained. He should be advised where and who he can contact when reporting for examination and who to contact in order to obtain information concerning his claim.

(b) The Department of Veterans Affairs is accredited by the Veterans Administration; however, it has never been the policy of this department to accept power of attorney in name of the State, but rather to work through the veterans organizations. The Claims Officers in the Regional Office are accredited by most of the national service organizations. These officers assist veterans and dependents with their claims before the Veterans Administration in the same manner as the Claims Officers of the veterans organizations. The Department of Veterans Affairs Claims Officers follow, within their guidelines, the procedures and policies of the veterans organizations, both the State and national offices. The Department of Veterans Affairs has two Claims Officers in the V. A. R. O., Muskogee.

(c) The Claims Officers will observe the following basic policies:

## Emergency Adoptions

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- (1) Follow the policies and procedures of the veterans organizations pertaining to claims work where they are not in conflict with the policies of this department.
- (2) Refer those cases needing rehabilitation to the proper agencies.
- (d) The Department of Veterans Affairs maintains one Hospital Officer in each of the Veterans Administration Hospitals in Oklahoma. These Hospital Officers are accredited by the American Legion and/or Veterans of Foreign Wars to represent veterans and dependents with their claims before the Veterans Administration.
- (e) If deemed proper, efforts will be made to render financial assistance through various agencies.
- (f) Proper counseling will be given the veteran and if found in need of rehabilitation, his case will be referred to the proper authorities and agencies.
- (g) When called upon by service organization officials, Veterans Service Officers, doctors and other people, will assist in obtaining admission to V. A. Hospitals, federal domiciliaries and Centers under control of the ~~War~~Oklahoma Veterans Commission.
- (h) Proper counseling will be done by the Hospital Officer and when necessary, proper claims filed for any benefits for which they may be entitled.

### **770:15-3-2. Disaster assistance**

- (a) The following procedure will be observed by the Veterans Service Officers in whose territory a disaster occurs and is so declared by the President or branch of the federal government or the Governor of the State of Oklahoma as being a major disaster area.
  - (1) Advise the local officials and individual veterans that this department will work with other sources from various agencies to render financial assistance. This department can give assistance in conjunction with resources from various agencies and service organizations, but a qualifying veteran is not required to wait until all other resources from various agencies have been completed. The Department of Veterans Affairs will render financial assistance in keeping with the rules and policies of the ~~War~~Oklahoma Veterans Commission on the expenditure of child welfare and emergency aid funds.
  - (2) Advise the local veteran service organization officials and veterans as much as possible on help that can

be secured through the American Red Cross. When the disasters are over, financial assistance may be rendered by the Department of Veterans Affairs in the normal manner with applications and upon recommendations of the local veteran service organization. Veterans Service Officers will render every assistance possible to local officials by assisting in completing the application forms except the investigation and recommendation, which is to be handled and made by the local officials.

- (b) The Managers and other officials of the Centers will render every assistance possible in the event of local disasters in their communities. Likewise, the Claims Officers and Hospital Officers will assist in the event disasters occur in their towns.

## **SUBCHAPTER 5. EMERGENCY FINANCIAL ASSISTANCE**

### **770:15-5-1. Eligibility for financial assistance**

- (a) To be eligible for emergency financial assistance through the Oklahoma Department of Veterans Affairs, a ~~war time~~-veteran must be honorably discharged and otherwise meet the following, pursuant to 72 O.S. § 67.13:
  - (1) Meet the definition of a ~~War~~-Veteran as defined in 72 O.S. § 224.
  - (2) Have one (1) year residence in the State of Oklahoma immediately prior to date of application for emergency aid.
- (b) Other than death cases, a medical statement showing the veteran's inability to work is required for payment of emergency aid. No medical statement is required for emergencies involving disasters such as fire, flood or storm damage to the home.
- (c) The spouse or surviving spouse of an eligible veteran may also be eligible for emergency financial assistance. The spouse or surviving spouse must have one (1) year residence in the State of Oklahoma prior to date of application for emergency aid.

[OAR Docket #14-891; filed 10-22-14]

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**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE  
CHAPTER 11. LICENSED PROFESSIONAL COUNSELORS**

**NOTICE OF TRANSFERRED RULES:**

Effective 11-1-13, "all administrative rules promulgated by the State Board of Health relating to the Licensed Professional Counselors Act . . . shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure" [HB 1467 (2013), § 3(F)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Chapter 405 of the State Department of Health's Title 310 to a new Chapter 11 in the State Board of Behavioral Health Licensure's Title 86.

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**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE  
CHAPTER 16. LICENSED MARITAL AND FAMILY THERAPISTS**

**NOTICE OF TRANSFERRED RULES:**

Effective 11-1-13, "all administrative rules promulgated by the State Board of Health relating to . . . the Marital and Family Therapist Licensure Act . . . shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure" [HB 1467 (2013), § 3(F)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Chapter 400 of the State Department of Health's Title 310 to a new Chapter 16 in the State Board of Behavioral Health Licensure's Title 86.

**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE  
CHAPTER 21. LICENSED BEHAVIORAL PRACTITIONERS**

**NOTICE OF TRANSFERRED RULES:**

Effective 11-1-13, "all administrative rules promulgated by the State Board of Health relating to . . . the Licensed Behavioral Practitioner Act shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure" [HB 1467 (2013), § 3(F)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Chapter 403 of the State Department of Health's Title 310 to a new Chapter 21 in the State Board of Behavioral Health Licensure's Title 86.

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**TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING  
CHAPTER 15. BARBERS**

**NOTICE OF TRANSFERRED RULES:**

Effective 11-1-13, "all administrative rules promulgated by the State Board of Health relating to the licensing and regulating of barbers shall be transferred to and become a part of the administrative rules of the State Board of Cosmetology and Barbering" [HB 1467 (2013), § 80(F)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Chapter 210 of the State Department of Health's Title 310 to a new Chapter 15 in the State Board of Cosmetology and Barbering's Title 175.

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

**NOTICE OF TRANSFERRED RULES:**

Effective 7-1-14, "all administrative rules promulgated by the State Board of Education that relate to adult education programs shall be transferred to and become a part of the administrative rules of the State Board of Career and Technology Education" [SB 1661 (2014), § 4(A)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Subchapter 9 (Lifelong Learning) of Chapter 10 of the State Department of Education's Title 210 to a new Chapter 35 in the Oklahoma Department of Career and Technology Education's Title 780.

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 400. LICENSED MARITAL AND FAMILY THERAPISTS**

**NOTICE OF TRANSFERRED RULES:**

Effective 11-1-13, "all administrative rules promulgated by the State Board of Health relating to . . . the Marital and Family Therapist Licensure Act . . . shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure" [HB 1467 (2013), § 3(F)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Chapter 400 of the State Department of Health's Title 310 to a new Chapter 16 in the State Board of Behavioral Health Licensure's Title 86.

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**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 210. BARBER**

**NOTICE OF TRANSFERRED RULES:**

Effective 11-1-13, "all administrative rules promulgated by the State Board of Health relating to the licensing and regulating of barbers shall be transferred to and become a part of the administrative rules of the State Board of Cosmetology and Barbering" [HB 1467 (2013), § 80(F)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Chapter 210 of the State Department of Health's Title 310 to a new Chapter 15 in the State Board of Cosmetology and Barbering's Title 175.

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**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH  
CHAPTER 403. LICENSED BEHAVIORAL PRACTITIONERS**

**NOTICE OF TRANSFERRED RULES:**

Effective 11-1-13, "all administrative rules promulgated by the State Board of Health relating to . . . the Licensed Behavioral Practitioner Act shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure" [HB 1467 (2013), § 3(F)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Chapter 403 of the State Department of Health's Title 310 to a new Chapter 21 in the State Board of Behavioral Health Licensure's Title 86.

**TITLE 310. OKLAHOMA STATE  
DEPARTMENT OF HEALTH  
CHAPTER 405. LICENSED PROFESSIONAL  
COUNSELORS**

**NOTICE OF TRANSFERRED RULES:**

Effective 11-1-13, "all administrative rules promulgated by the State Board of Health relating to the Licensed Professional Counselors Act . . . shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure" [HB 1467 (2013), § 3(F)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Chapter 405 of the State Department of Health's Title 310 to a new Chapter 11 in the State Board of Behavioral Health Licensure's Title 86.

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**TITLE 780. OKLAHOMA DEPARTMENT OF  
CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 35. LIFELONG LEARNING**

**NOTICE OF TRANSFERRED RULES:**

Effective 7-1-14, "all administrative rules promulgated by the State Board of Education that relate to adult education programs shall be transferred to and become a part of the administrative rules of the State Board of Career and Technology Education" [SB 1661 (2014), § 4(A)]. As directed, the Office of Administrative Rules has transferred and renumbered the active sections in Subchapter 9 of Chapter 10 of the State Department of Education's Title 210 to a new Chapter 35 in the Oklahoma Department of Career and Technology Education's Title 780.

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