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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	vii
Notices of Rulemaking Intent	
Cosmetology and Barbering, State Board of (Title 175)	275, 276
Horse Racing Commission, Oklahoma (Title 325)	278
Public Employees Retirement System, Oklahoma (Title 590)	278, 279
Public Safety, Department of (Title 595)	280
Rehabilitation Services, State Department of (Title 612)	280, 281, 282, 284, 285
Speech-Language Pathology and Audiology, Board of Examiners for (Title 690)	286
Teachers' Retirement System (Title 715)	287
Uniform Building Code Commission, Oklahoma (Title 748)	288
Submissions to Governor and Legislature	
Environmental Quality, Department of (Title 252)	293
Emergency Adoptions	
Human Services, Department of (Title 340)	295, 296
Insurance Department (Title 365)	311
Executive Orders (Title 1)	315

Agency/Action/Subject Index

**COSMETOLOGY and Barbering, State Board of
(Title 175)**

Notices of Rulemaking Intent

Administrative Operations (Chapter 1) 275
Licensure of Cosmetologists, Barbers, Schools and Related
Establishments (Chapter 10) 275
 Barbers [REVOKED] (Chapter 15) 276

ENVIRONMENTAL Quality, Department of (Title 252)

Submissions to Governor and Legislature

Air Pollution Control (Chapter 100) 293
 Hazardous Waste Management (Chapter 205) 293
 TNI Laboratory Accreditation [REVOKED]
 (Chapter 303) 293
TNI Laboratory Accreditation (Chapter 307) 293

GOVERNOR

Executive Orders

Ordering flags at half-staff in recognition of Pearl Harbor
 Remembrance Day (14-23) 315

HORSE Racing Commission, Oklahoma (Title 325)

Notices of Rulemaking Intent

Oklahoma-Bred Program (Chapter 75) 278

HUMAN Services, Department of (Title 340)

Emergency Adoptions

Public Assistance Procedures (Chapter 65) 295
 Child Welfare Services (Chapter 75) 296

INSURANCE Department (Title 365)

Emergency Adoptions

Life, Accident and Health (Chapter 10) 311

**PUBLIC Employees Retirement System, Oklahoma
(Title 590)**

Notices of Rulemaking Intent

Public Employees Retirement System (Chapter 10) 278
 Investments (Chapter 20) 279
Defined Contribution System (Chapter 40) 279

PUBLIC Safety, Department of (Title 595)

Notices of Rulemaking Intent

Wreckers and Towing Services (Chapter 25) 280

**REHABILITATION Services, State Department of
(Title 612)**

Notices of Rulemaking Intent

Administrative Operations (Chapter 1) 280
 Management Services Division (Chapter 3) 281
 Vocational Rehabilitation and ~~Visual Services~~ Vocational
Rehabilitation for the Blind & Visually Impaired
 (Chapter 10) 282
 Oklahoma Library for the Blind and Physically Handicapped
 (OLBPH) (Chapter 15) 284
 Special Schools (Chapter 20) 284
 Business Enterprise Program (Chapter 25) 285

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

Notices of Rulemaking Intent

Licensure and Fees (Chapter 10) 286

TEACHERS' Retirement System (Title 715)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1) 287

**UNIFORM Building Code Commission, Oklahoma
(Title 748)**

Notices of Rulemaking Intent

Adopted Codes (Chapter 20) 288

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
86:10-1-1.....	[NEW] (E) 140	86:10-19-1.1.....	[NEW] (E) 154
86:10-1-2.....	[NEW] (E) 140	86:10-19-2.....	[NEW] (E) 154
86:10-1-3.....	[NEW] (E) 141	86:10-19-3.....	[NEW] (E) 154
86:10-3-1.....	[NEW] (E) 141	86:10-19-4.....	[NEW] (E) 154
86:10-3-2.....	[NEW] (E) 141	86:10-19-5.....	[NEW] (E) 154
86:10-3-3.....	[NEW] (E) 142	86:10-21-1.....	[NEW] (E) 154
86:10-3-3.1.....	[NEW] (E) 143	86:10-21-2.....	[NEW] (E) 154
86:10-3-4.....	[NEW] (E) 143	86:10-21-3.....	[NEW] (E) 154
86:10-3-4.1.....	[NEW] (E) 143	86:10-21-3.1.....	[NEW] (E) 154
86:10-3-5.....	[NEW] (E) 144	86:10-21-3.2.....	[NEW] (E) 155
86:10-3-6.....	[NEW] (E) 144	86:10-21-4.....	[NEW] (E) 155
86:10-5-1.....	[NEW] (E) 144	86:10-21-5.....	[NEW] (E) 155
86:10-5-2.....	[NEW] (E) 144	86:10-21-6.....	[NEW] (E) 155
86:10-5-3.....	[NEW] (E) 145	86:10-21-7.....	[NEW] (E) 155
86:10-7-1.....	[NEW] (E) 145	86:10-23-1.....	[NEW] (E) 155
86:10-7-2.....	[NEW] (E) 145	86:10-23-2.....	[NEW] (E) 155
86:10-7-2.1.....	[NEW] (E) 146	86:10-23-3.....	[NEW] (E) 155
86:10-7-3.....	[NEW] (E) 146	86:10-23-4.....	[NEW] (E) 155
86:10-7-4.....	[NEW] (E) 146	86:10-25-1.....	[NEW] (E) 155
86:10-7-5.....	[NEW] (E) 146	86:10-25-2.....	[NEW] (E) 156
86:10-7-6.....	[NEW] (E) 146	86:10-25-3.....	[NEW] (E) 156
86:10-7-7.....	[NEW] (E) 147	86:10-27-1.....	[NEW] (E) 156
86:10-7-8.....	[NEW] (E) 147	86:10-27-2.....	[NEW] (E) 156
86:10-7-8.1.....	[NEW] (E) 147	86:10-27-3.....	[NEW] (E) 156
86:10-7-9.....	[NEW] (E) 147	86:10-27-4.....	[NEW] (E) 156
86:10-9-1.....	[NEW] (E) 147	86:10-29-1.....	[NEW] (E) 156
86:10-9-2.....	[NEW] (E) 147	86:10-29-2.....	[NEW] (E) 156
86:10-11-1.....	[NEW] (E) 149	86:10-29-3.....	[NEW] (E) 157
86:10-11-2.....	[NEW] (E) 149	86:10-29-4.....	[NEW] (E) 158
86:10-11-3.....	[NEW] (E) 149	86:10-29-5.....	[NEW] (E) 158
86:10-11-4.....	[NEW] (E) 149	86:10-29-6.....	[NEW] (E) 158
86:10-11-5.....	[NEW] (E) 150	86:10-29-7.....	[NEW] (E) 158
86:10-11-6.....	[NEW] (E) 150	86:10-29-8.....	[NEW] (E) 158
86:10-11-7.....	[NEW] (E) 150	86:10-29-9.....	[NEW] (E) 159
86:10-13-1.....	[NEW] (E) 151	86:10-29-10.....	[NEW] (E) 159
86:10-13-2.....	[NEW] (E) 151	86:10-29-11.....	[NEW] (E) 159
86:10-13-3.....	[NEW] (E) 151	86:10-29-12.....	[NEW] (E) 159
86:10-13-4.....	[NEW] (E) 151	86:10-29-13.....	[NEW] (E) 159
86:10-13-5.....	[NEW] (E) 151	86:10-29-14.....	[NEW] (E) 159
86:10-15-1.....	[NEW] (E) 151	86:10-29-15.....	[NEW] (E) 159
86:10-15-2.....	[NEW] (E) 151	86:15-1-1.....	[NEW] (E) 160
86:10-15-3.....	[NEW] (E) 151	86:15-1-2.....	[NEW] (E) 160
86:10-15-4.....	[NEW] (E) 151	86:15-1-3.....	[NEW] (E) 160
86:10-15-5.....	[NEW] (E) 152	86:15-1-4.....	[NEW] (E) 161
86:10-15-6.....	[NEW] (E) 152	86:15-3-1.....	[NEW] (E) 161
86:10-15-7.....	[NEW] (E) 152	86:15-3-2.....	[NEW] (E) 161
86:10-15-8.....	[NEW] (E) 152	86:15-3-3.....	[NEW] (E) 162
86:10-17-1.....	[NEW] (E) 152	86:15-3-4.....	[NEW] (E) 163
86:10-17-2.....	[NEW] (E) 152	86:15-3-5.....	[NEW] (E) 163
86:10-17-3.....	[NEW] (E) 152	86:15-3-6.....	[NEW] (E) 163
86:10-17-4.....	[NEW] (E) 153	86:15-3-7.....	[NEW] (E) 163
86:10-17-4.1.....	[NEW] (E) 153	86:15-3-8.....	[NEW] (E) 164
86:10-17-5.....	[NEW] (E) 153	86:15-3-8.1.....	[NEW] (E) 164
86:10-17-6.....	[NEW] (E) 153	86:15-3-9.....	[NEW] (E) 164
86:10-17-6.1.....	[NEW] (E) 153	86:15-5-1.....	[NEW] (E) 164
86:10-17-6.2.....	[NEW] (E) 154	86:15-5-2.....	[NEW] (E) 164
86:10-17-6.3.....	[NEW] (E) 154	86:15-5-2.1.....	[NEW] (E) 165
86:10-17-6.4.....	[NEW] (E) 154	86:15-5-2.2.....	[NEW] (E) 166
86:10-17-7.....	[NEW] (E) 154	86:15-5-3.....	[NEW] (E) 166
86:10-17-8.....	[NEW] (E) 154	86:15-5-4.....	[NEW] (E) 166
86:10-19-1.....	[NEW] (E) 154	86:15-7-1.....	[NEW] (E) 167

Rules Affected Index – *continued*

86:20-29-14.	[NEW] (E)	193	595:10-1-26.	[AMENDED] (E)	34
86:20-29-15.	[AMENDED] (E)	193	595:10-1-27.	[AMENDED] (E)	34
158:30-9-1.	[AMENDED] (E)	193	595:11-1-12.	[AMENDED] (E)	35
210:10-1-18.	[AMENDED] (E)	19	595:11-1-51.	[AMENDED] (E)	36
210:15-4-1.	[REVOKED] (E)	5	595:11-3-6.	[AMENDED] (E)	37
210:15-4-2.	[REVOKED] (E)	5	595:11-3-7.	[AMENDED] (E)	38
210:15-4-3.	[REVOKED] (E)	6	595:11-5-7.	[AMENDED] (E)	38
210:15-34-1.	[AMENDED] (E)	7	595:11-5-9.	[AMENDED] (E)	39
210:20-9-105.	[NEW] (E)	23	595:11-5-15.	[AMENDED] (E)	39
317:30-5-241.	[AMENDED] (E)	225	595:11-7-3.	[AMENDED] (E)	40
317:30-5-250.	[NEW] (E)	230	595:11-7-4.	[AMENDED] (E)	41
317:30-5-251.	[NEW] (E)	230	595:11-7-13.	[AMENDED] (E)	41
317:30-5-252.	[NEW] (E)	230	715:1-1-19.	[NEW] (E)	8
317:30-5-253.	[NEW] (E)	232	765:40-1-1.	[NEW] (E)	98
317:30-5-254.	[NEW] (E)	232	765:40-1-2.	[NEW] (E)	98
317:30-5-276.	[AMENDED] (E)	226	765:40-1-3.	[NEW] (E)	98
317:30-5-281.	[AMENDED] (E)	227	765:40-1-4.	[NEW] (E)	98
317:35-5-41.2.	[AMENDED] (E)	233	765:40-1-5.	[NEW] (E)	99
317:35-5-41.3.	[AMENDED] (E)	235	765:40-1-6.	[NEW] (E)	99
317:35-5-42.	[AMENDED] (E)	235	765:40-1-7.	[NEW] (E)	99
317:50-1-14.	[AMENDED] (E)	240	765:40-1-8.	[NEW] (E)	99
317:50-3-14.	[AMENDED] (E)	247	765:40-3-1.	[NEW] (E)	99
317:50-5-14.	[AMENDED] (E)	256	765:40-3-2.	[NEW] (E)	100
340:65-11-3.	[AMENDED] (E)	295	765:40-5-1.	[NEW] (E)	100
340:75-1-12.	[AMENDED] (E)	297	765:40-5-2.	[NEW] (E)	100
340:75-1-16.	[AMENDED] (E)	297	770:1-1-1.	[AMENDED] (E)	101
340:75-1-16.1.	[NEW] (E)	299	770:1-3-2.	[AMENDED] (E)	101
340:75-1-17.	[AMENDED] (E)	299	770:1-5-1.	[AMENDED] (E)	101
340:75-1-18.	[AMENDED] (E)	299	770:10-1-3.	[AMENDED] (E)	102
340:75-1-18.1.	[AMENDED] (E)	300	770:10-1-4.	[AMENDED] (E)	102
340:75-1-20.	[AMENDED] (E)	301	770:10-3-1.	[AMENDED] (E)	103
340:75-6-40.9.	[AMENDED] (E)	302	770:15-1-1.	[AMENDED] (E)	105
340:75-6-85.	[AMENDED] (E)	305	770:15-3-1.	[AMENDED] (E)	105
340:75-6-86.	[AMENDED] (E)	307	770:15-3-2.	[AMENDED] (E)	106
340:75-7-65.	[AMENDED] (E)	307	770:15-5-1.	[AMENDED] (E)	106
340:75-7-292.	[NEW] (E)	311	800:10-1-3.	[AMENDED] (E)	264
365:10-31-1.	[NEW] (E)	312	800:10-1-4.	[AMENDED] (E)	264
365:10-31-2.	[NEW] (E)	312	800:10-1-5.	[AMENDED] (E)	265
365:10-31-3.	[NEW] (E)	312	800:10-3-5.	[AMENDED] (E)	266
365:10-31-4.	[NEW] (E)	312	800:10-5-2.	[AMENDED] (E)	269
365:10-31-5.	[NEW] (E)	312	800:10-5-3.	[AMENDED] (E)	53
365:10-31-6.	[NEW] (E)	313	800:25-37-1.	[AMENDED] (E)	271
365:10-31-7.	[NEW] (E)	313	800:25-37-2.	[AMENDED] (E)	271
365:25-3-1.	[AMENDED] (E)	25	800:25-37-3.	[REVOKED] (E)	271
365:25-3-14.	[AMENDED] (E)	29	800:25-37-4.	[AMENDED] (E)	271
435:10-7-12.	[AMENDED] (E)	97	800:25-37-5.	[AMENDED] (E)	271
595:10-1-25.	[AMENDED] (E)	33			

Agency/Title Index

[Assigned as of 1-2-15]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	Board of Regents of EASTERN Oklahoma State College (<i>exempted 11-1-98</i>)	205
Oklahoma ACCOUNTANCY Board	10	EDGE Fund Policy Board	208
State ACCREDITING Agency	15	State Department of EDUCATION	210
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	EDUCATION Oversight Board (<i>merged under Office of Educational Quality and Accountability 7-1-14 - See Title 218</i>)	215
Oklahoma AERONAUTICS Commission	25	Office of EDUCATIONAL Quality and Accountability	218
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted 11-1-98</i>)	30	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	[RESERVED]	225
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	State ELECTION Board	230
Board of Tests for ALCOHOL and Drug Influence	40	Oklahoma FUNERAL Board (<i>Formerly: Oklahoma State Board of EMBALMERS and Funeral Directors</i>)	235
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma Department of EMERGENCY Management (<i>Formerly: Department of CIVIL Emergency Management</i>) - <i>See Title 145</i>	
ANATOMICAL Board of the State of Oklahoma	50	Oklahoma EMPLOYMENT Security Commission	240
Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly: Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS, Landscape Architects and Interior Designers of Oklahoma</i>)	55	Oklahoma ENERGY Resources Board	243
ARCHIVES and Records Commission	60	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly: State Board of Registration for Professional ENGINEERS and Land Surveyors</i>)	245
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted 11-1-98</i>)	65	Board of Trustees for the ENID Higher Education Program (<i>exempted 11-1-98</i>)	250
Oklahoma ARTS Council	70	Department of ENVIRONMENTAL Quality	252
Oklahoma State ATHLETIC Commission (<i>Formerly: Oklahoma Professional BOXING Commission</i>) - <i>See Title 92</i>		State Board of EQUALIZATION	255
ATTORNEY General	75	ETHICS Commission (<i>Title revoked</i>)	257
State AUDITOR and Inspector	80	ETHICS Commission	258
State BANKING Department	85	Office of MANAGEMENT and Enterprise Services (<i>Formerly: Office of State FINANCE</i>)	260
State Board of BEHAVIORAL Health Licensure	86	State FIRE Marshal Commission	265
Oklahoma State Employees BENEFITS Council	87	Oklahoma Council on FIREFIGHTER Training	268
Council of BOND Oversight	90	Oklahoma FIREFIGHTERS Pension and Retirement System	270
Oklahoma State ATHLETIC Commission (<i>Formerly: Oklahoma Professional BOXING Commission</i>)	92	[RESERVED]	275
State BURIAL Board (<i>abolished 7-1-92</i>)	95	FORENSIC Review Board	277
[RESERVED]	100	State Board of Registration for FORESTERS	280
Oklahoma CAPITAL Investment Board	105	FOSTER Care Review Advisory Board	285
Oklahoma CAPITOL Improvement Authority	110	Oklahoma FUNERAL Board (<i>Formerly: Oklahoma State Board of Embalmers and Funeral Directors</i>) - <i>See Title 235</i>	
State CAPITOL Preservation Commission	115	Oklahoma FUTURES	290
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	GOVERNOR (<i>See also Title 1, Executive Orders</i>)	295
Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>) - <i>See Title 780</i>		GRAND River Dam Authority	300
Board of Regents of CARL Albert State College (<i>exempted 11-1-98</i>)	125	Group Self-Insurance Association GUARANTY Fund Board	302
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>) - <i>See Title 580</i>		Individual Self-Insured GUARANTY Fund Board	303
CEREBRAL Palsy Commission	130	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>)	304
Commission on CHILDREN and Youth	135	Office of DISABILITY Concerns (<i>Formerly: Office of HANDICAPPED Concerns</i>)	305
Board of CHIROPRACTIC Examiners	140	Oklahoma State Department of HEALTH	310
Oklahoma Department of EMERGENCY Management (<i>Formerly: Department of CIVIL Emergency Management</i>)	145	Oklahoma Basic HEALTH Benefits Board (<i>abolished 11-1-97</i>)	315
Oklahoma Department of COMMERCE	150	Oklahoma HEALTH Care Authority	317
COMMUNITY Hospitals Authority	152	HIGHWAY Construction Materials Technician Certification Board	318
COMPSOURCE Oklahoma (<i>Formerly: State INSURANCE Fund</i>) - <i>See Title 370</i>		Oklahoma HISTORICAL Society	320
Oklahoma CONSERVATION Commission	155	Oklahoma HORSE Racing Commission	325
CONSTRUCTION Industries Board	158	Oklahoma HOUSING Finance Agency	330
Department of CONSUMER Credit	160	Oklahoma HUMAN Rights Commission	335
CORPORATION Commission	165	Department of HUMAN Services	340
Department of CORRECTIONS	170	Committee for INCENTIVE Awards for State Employees	345
State Board of COSMETOLOGY and Barbering	175	Oklahoma INDIAN Affairs Commission	350
Oklahoma State CREDIT Union Board	180	Oklahoma INDIGENT Defense System	352
CRIME Victims Compensation Board	185	Oklahoma INDUSTRIAL Finance Authority	355
Joint CRIMINAL Justice System Task Force Committee	190	INJURY Review Board	357
Board of DENTISTRY	195	Oklahoma State and Education Employees Group INSURANCE Board	360
Oklahoma DEVELOPMENT Finance Authority	200	INSURANCE Department	365
Office of DISABILITY Concerns (<i>Formerly: Office of HANDICAPPED Concerns</i>) - <i>See Title 305</i>		COMPSOURCE Oklahoma (<i>Formerly: State INSURANCE Fund</i>)	370
		Oklahoma State Bureau of INVESTIGATION	375
		Council on JUDICIAL Complaints	376
		Office of JUVENILE Affairs	377

Agency/Title Index – continued

Agency	Title	Agency	Title
Department of LABOR	380	Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620
Department of the Commissioners of the LAND Office	385	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
Council on LAW Enforcement Education and Training	390	SCENIC Rivers Commission	630
Oklahoma LAW Enforcement Retirement System	395	Oklahoma Commission on SCHOOL and County Funds Management	635
Board on LEGISLATIVE Compensation	400	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma Department of LIBRARIES	405	The Oklahoma School of SCIENCE and Mathematics	645
LIEUTENANT Governor	410	Oklahoma Center for the Advancement of SCIENCE and Technology	650
Oklahoma LINKED Deposit Review Board	415	SECRETARY of State	655
Oklahoma LIQUEFIED Petroleum Gas Board	420	Department of SECURITIES	660
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	Board of Regents of SEMINOLE State College (<i>exempted 11-1-98</i>)	665
LITERACY Initiatives Commission	425	SHEEP and Wool Commission	670
LONG-RANGE Capital Planning Commission	428	State Board of Licensed SOCIAL Workers	675
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING</i> Home Administrators) - <i>See</i> Title 490	429	SOUTHERN Growth Policies Board	680
LOTTERY Commission, Oklahoma	429	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of Trustees for the MCCURTAIN County Higher Education Program (<i>exempted 11-1-98</i>)	430	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology (<i>Formerly: Board of Examiners for SPEECH Pathology and Audiology</i>)	690
Office of MANAGEMENT and Enterprise Services (<i>Formerly: Office of State FINANCE</i>) - <i>See</i> Title 260	432	STATE Employee Charitable Contributions, Oversight Committee for (<i>Formerly: STATE</i> Agency Review Committee)	695
Commission on MARGINALLY Producing Oil and Gas Wells	432	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>) - <i>See</i> Title 304	700
State Board of MEDICAL Licensure and Supervision	435	Oklahoma STUDENT Loan Authority	705
MEDICAL Technology and Research Authority of Oklahoma	440	TASK Force 2000	710
Board of MEDICOLEGAL Investigations	445	Oklahoma TAX Commission	710
Department of MENTAL Health and Substance Abuse Services	450	Oklahoma Commission for TEACHER Preparation (<i>merged under Office of Educational Quality and Accountability 7-1-14 - See Title 218</i>)	712
MERIT Protection Commission	455	TEACHERS' Retirement System	715
MILITARY Planning Commission, Oklahoma Strategic	457	State TEXTBOOK Committee	720
Department of MINES	460	TOBACCO Settlement Endowment Trust Fund	723
Oklahoma MOTOR Vehicle Commission	465	Oklahoma TOURISM and Recreation Department	725
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	Department of TRANSPORTATION	730
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	Oklahoma TRANSPORTATION Authority (<i>Name changed to Oklahoma TURNPIKE Authority 11-1-05) - <i>See</i> Title 731</i>	731
Board of Regents of NORTHERN Oklahoma College (<i>exempted 11-1-98</i>)	480	Oklahoma TURNPIKE Authority (<i>Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority) - <i>See</i> also Title 745</i>	735
Oklahoma Board of NURSING	485	State TREASURER	740
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators)</i>	490	Board of Regents of TULSA Community College (<i>exempted 11-1-98</i>)	740
Board of Regents of OKLAHOMA City Community College (<i>exempted 11-1-98</i>)	495	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma TRANSPORATION Authority 11-1-99 - <i>no rules enacted in this Title - See</i> Title 731)</i>	745
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma UNIFORM Building Code Commission	748
Board of Examiners in OPTOMETRY	505	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted 11-1-98</i>)	750
State Board of OSTEOPATHIC Examiners	510	UNIVERSITY Hospitals Authority	752
PARDON and Parole Board	515	UNIVERSITY Hospitals Trust	753
Oklahoma PEANUT Commission	520	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted 11-1-98</i>)	755
Oklahoma State PENSION Commission	525	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma (<i>exempted 11-1-98</i>)	760
State Board of Examiners of PERFUSIONISTS	527	Oklahoma USED Motor Vehicle and Parts Commission	765
Office of PERSONNEL Management	530	Oklahoma Department of VETERANS Affairs	770
Board of Commercial PET Breeders	532	Board of VETERINARY Medical Examiners	775
Oklahoma State Board of PHARMACY	535	Statewide VIRTUAL Charter School Board	777
PHYSICIAN Manpower Training Commission	540	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL</i> and Technical Education)	780
Board of PODIATRIC Medical Examiners	545	Oklahoma WATER Resources Board	785
Oklahoma POLICE Pension and Retirement System	550	Board of Regents of WESTERN Oklahoma State College (<i>exempted 11-1-98</i>)	790
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Oklahoma WHEAT Commission	795
POLYGRAPH Examiners Board	560	Department of WILDLIFE Conservation	800
Oklahoma Board of PRIVATE Vocational Schools	565	WILL Rogers and J.M. Davis Memorials Commission	805
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Oklahoma WORKERS' Compensation Commission	810
State Board of Examiners of PSYCHOLOGISTS	575		
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>)	580		
PUBLIC Employees Relations Board	585		
Oklahoma PUBLIC Employees Retirement System	590		
Department of PUBLIC Safety	595		
REAL Estate Appraiser Board	600		
Oklahoma REAL Estate Commission	605		
Board of Regents of REDLANDS Community College (<i>exempted 11-1-98</i>)	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615		

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

[OAR Docket #14-1018]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

175:1-1-2 [AMENDED]

Subchapter 5. Rules of Practice

175:1-5-1 [AMENDED]

175:1-5-17 [NEW]

SUMMARY:

The Board is adding the definition for a mobile type salon which is a specialty Establishment. The Board is also allowing for fines for citations for violations allowed by statute and in Rule #175:1-5-14.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on February 6, 2015 at the following address: Sherry G. Lewelling, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107, during the comment period January 2, 2015 to February 6, 2015.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, February 6, 2015 at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd, Suite 84, Oklahoma City, OK 73107 in the Testing Center. Anyone wish to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107. Copies may be obtained by email written request to the attention of Sherry G. Lewelling, Executive Director at

slewelling@cosmo.ok.gov or in writing to Ms. Lewelling at the address above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after December 15, 2014. At the office of the Oklahoma State Board of Cosmetology, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107

CONTACT PERSON(S):

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

[OAR Docket #14-1018; filed 12-3-14]

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

[OAR Docket #14-1019]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Schools

Part 1. Initial School Licensing

175:10-3-1 [AMENDED]

Part 5. Equipment and Curriculum Requirements

175:10-3-34 [AMENDED]

175:10-3-38 [AMENDED]

175:10-3-39 [AMENDED]

175:10-3-40 [AMENDED]

175:10-3-41 [AMENDED]

175:10-3-43 [AMENDED]

175:10-3-45 [AMENDED]

Part 7. General Operations and Licensing Requirements

175:10-3-54 [AMENDED]

175:10-3-79 [NEW]

Subchapter 5. Licensure of Cosmetology and Barber Establishments

175:10-5-2 [AMENDED]

Subchapter 7. Sanitation, Disinfection and Safety Standards for ~~Cosmetology and Barber~~ Establishments, ~~Salons~~ and Schools

175:10-7-2 [AMENDED]

175:10-7-5 [AMENDED]

175:10-7-6 [AMENDED]

175:10-7-11 [AMENDED]

Notices of Rulemaking Intent

175:10-7-13 [AMENDED]

175:10-7-14 [AMENDED]

175:10-7-15 [AMENDED]

175:10-7-17 [AMENDED]

175:10-7-18 [AMENDED]

175:10-7-28 [AMENDED]

175:10-7-30 [AMENDED]

175:10-7-31 [AMENDED]

Subchapter 9. Licensure of Cosmetologists, Barbers and Related Occupations

Part 1. Apprenticeship

175:10-9-1 [AMENDED]

Part 3. State Board Examinations

175:10-9-25 [AMENDED]

Part 5. Demonstrators; Cosmetic Studios; Trade Shows; Guest Artists; Wig Dressing; Other Practices of Cosmetology and Barbering

175:10-9-50 [AMENDED]

175:10-9-54 [AMENDED]

175:10-9-55 [AMENDED]

Subchapter 11. License Renewal, Fees and Penalties

175:10-11-2 [AMENDED]

Subchapter 13. Reciprocal and Crossover Licensing

175:10-13-1 [AMENDED]

175:10-13-2 [AMENDED]

Subchapter 17. Emergency Cosmetology and Barbering Service

175:10-17-1 [AMENDED]

175:10-17-3 [NEW]

SUMMARY:

The Board amending specific rules and adding three new rules. The Board is updating requirements for schools regarding equipment and clarifying that the Board allows for credit of 500 hours in statutory approved related subjects for parochial, private school or home school high school transcript documentation. The Board is updated language by deleting the outdated terminology of sterilization and instead requiring disinfection. Amendments add for new regulations to allow for public barber school students to obtain 500 hours of approved related subjects that is the same allowance for currently for public cosmetology students. New rules clarify the statutory authority for hybrid learning in all courses. Amended rules allow that schools may count the instructor student in the required ration of instructor to student count. A new rule was added that was previously a Barber rule to allow for kiosk style Establishments to be licensed. The Board is lowering the passing score of all exams to 75% on all portions. Fees were updated to match current statute and reciprocity rule requirements were updated to match the statute. The Board is adding provisions to allow for mobile type establishments with limited provisions.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on February 6, 2015 at the following address: Sherry G. Lewelling, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107, during the comment period January 2, 2015 to February 6, 2015.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, February 6, 2015 at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd, Suite 84, Oklahoma City, OK 73107 in the Testing Center. Anyone wish to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107. Copies may be obtained by email written request to the attention of Sherry G. Lewelling, Executive Director at slewelling@cosmo.ok.gov or in writing to Ms. Lewelling at the address above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after December 15, 2014. At the office of the Oklahoma State Board of Cosmetology, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107

CONTACT PERSON(S):

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

[OAR Docket #14-1019; filed 12-3-14]

TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING CHAPTER 15. BARBERS [REVOKED]

[OAR Docket #14-1020]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

Subchapter 1. General Provisions [REVOKED]

175:15-1-1 [REVOKED]

175:15-1-2 [REVOKED]

175:15-1-3 [REVOKED]

Subchapter 3. Examinations [REVOKED]

175:15-3-1 [REVOKED]

175:15-3-2 [REVOKED]

175:15-3-3 [REVOKED]

175:15-3-4 [REVOKED]

- 175:15-3-5 [REVOKED]
- Subchapter 5. Licensing [REVOKED]
- 175:15-5-1 [REVOKED]
- 175:15-5-2 [REVOKED]
- 175:15-5-3 [REVOKED]
- 175:15-5-4 [REVOKED]
- 175:15-5-5 [REVOKED]
- 175:15-5-6 [REVOKED]
- 175:15-5-7 [REVOKED]
- 175:15-5-8 [REVOKED]
- 175:15-5-9 [REVOKED]
- Subchapter 7. General Sanitation [REVOKED]
- 175:15-7-1 [REVOKED]
- 175:15-7-2 [REVOKED]
- 175:15-7-3 [REVOKED]
- 175:15-7-4 [REVOKED]
- 175:15-7-5 [REVOKED]
- 175:15-7-6 [REVOKED]
- 175:15-7-7 [REVOKED]
- 175:15-7-8 [REVOKED]
- 175:15-7-9 [REVOKED]
- 175:15-7-10 [REVOKED]
- 175:15-7-11 [REVOKED]
- 175:15-7-12 [REVOKED]
- 175:15-7-13 [REVOKED]
- 175:15-7-14 [REVOKED]
- 175:15-7-15 [REVOKED]
- 175:15-7-16 [REVOKED]
- Subchapter 9. Barber School and College Requirements [REVOKED]
- 175:15-9-1 [REVOKED]
- 175:15-9-2 [REVOKED]
- 175:15-9-3 [REVOKED]
- 175:15-9-4 [REVOKED]
- 175:15-9-5 [REVOKED]
- 175:15-9-6 [REVOKED]
- 175:15-9-7 [REVOKED]
- 175:15-9-8 [REVOKED]
- 175:15-9-9 [REVOKED]
- 175:15-9-10 [REVOKED]
- 175:15-9-11 [REVOKED]
- 175:15-9-12 [REVOKED]
- Subchapter 11. Barber School or College Management Requirements [REVOKED]
- 175:15-11-1 [REVOKED]
- 175:15-11-2 [REVOKED]
- 175:15-11-3 [REVOKED]
- 175:15-11-4 [REVOKED]
- 175:15-11-5 [REVOKED]
- 175:15-11-6 [REVOKED]
- 175:15-11-7 [REVOKED]
- 175:15-11-8 [REVOKED]
- 175:15-11-9 [REVOKED]
- 175:15-11-10 [REVOKED]
- 175:15-11-11 [REVOKED]

- 175:15-11-12 [REVOKED]
- 175:15-11-13 [REVOKED]
- 175:15-11-14 [REVOKED]
- Subchapter 13. Regulatory Enforcement [REVOKED]
- 175:15-13-1 [REVOKED]
- 175:26-13-2 [REVOKED]
- Appendix A [REVOKED]
- Appendix B [REVOKED]
- Appendix C [REVOKED]

SUMMARY:

The Board is revoking Chapter 15 as a requirement to House Bill 1467 that combined the Cosmetology and Barber Board. The specific rules have since been adopted and now are a part other Chapters 1 and 10 of Title 175.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on February 6, 2015 at the following address: Sherry G. Lewelling, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107, during the comment period January 2, 2015 to February 6, 2015.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, February 6, 2015 at the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd, Suite 84, Oklahoma City, OK 73107 in the Testing Center. Anyone wish to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma State Board of Cosmetology and Barbering, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107. Copies may be obtained by email written request to the attention of Sherry G. Lewelling, Executive Director at slewelling@cosmo.ok.gov or in writing to Ms. Lewelling at the address above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be prepared and available for review after December 15, 2014. At the office of the Oklahoma State Board of Cosmetology, 2401 NW 23rd Street, Suite 84, Oklahoma City, OK 73107

CONTACT PERSON(S):

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

[OAR Docket #14-1020; filed 12-3-14]

Notices of Rulemaking Intent

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

[OAR Docket #14-1021]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

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

325:75-1-15. Distribution of funds for Oklahoma-Bred pari-mutuel races [AMENDED]

SUMMARY:

The Thoroughbred Racing Association of Oklahoma, the horsemen's representative organization for Thoroughbreds in Oklahoma, seeks to amend the current "breed back" rule for Thoroughbred broodmares in Rule 325:75-1-3, Definition of Accredited Oklahoma-Bred Thoroughbred, and broaden the distribution of Oklahoma-Bred stallion awards in Rule 325:75-1-15, Distribution of Funds for Oklahoma-Bred Pari-Mutuel Races. The objectives of these proposed rule amendments are to further enhance and improve the overall quality of Thoroughbreds in the state and, in turn, increase the value of Oklahoma-Bred horses in today's Thoroughbred market.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Friday, February 6, 2015, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Friday, February 6, 2015, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, 2401 N.W. 23, Suite 78, Oklahoma City, OK 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by these proposed rule amendments provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule amendments. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on February 6, 2015.

COPIES OF PROPOSED RULE AMENDMENTS:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by December 15, 2014 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

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

[OAR Docket #14-1021; filed 12-3-14]

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

[OAR Docket #14-1024]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Public Employees Retirement System [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented. Proposed changes include topics related to electronic signatures, actuarial cost for purchases, use of payroll records and service credit for retirees.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2015, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 19, 2015, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Joseph Fox, Executive Director, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400,

Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov .

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 16, 2015, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov .

CONTACT PERSON:

Joseph A. Fox, Executive Director (405) 858-6737.

[OAR Docket #14-1024; filed 12-5-14]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 20. INVESTMENTS

[OAR Docket #14-1025]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Investments [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes include topics related to investments in the defined contribution system created by Enrolled HB 2630 and Enrolled SB 2120 enacted by the 2014 legislature.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2015, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 19, 2015, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through

Friday, (excluding legal holidays) from Joseph Fox, Executive Director, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov .

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 16, 2015, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov .

CONTACT PERSON:

Joseph A. Fox, Executive Director (405) 858-6737.

[OAR Docket #14-1025; filed 12-5-14]

TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM CHAPTER 40. DEFINED CONTRIBUTION SYSTEM

[OAR Docket #14-1026]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 40. Defined Contribution System [NEW]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. The agency is considering proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification under the Internal Revenue Code. Proposed changes include topics related to the defined contribution system created by Enrolled HB 2630 and Enrolled SB 2120 enacted by the 2014 legislature. These topics include general provisions applicable to the 401(a) plan and the 457(b) plan, administration of the plans, eligibility and participation related to the plans, and qualified domestic relations orders.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 909.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on February 18, 2015, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, February 19, 2015, in the Board Room of the Oklahoma Public

Notices of Rulemaking Intent

Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Joseph Fox, Executive Director, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after January 16, 2015, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118, or on the OPERS website at www.opers.ok.gov.

CONTACT PERSON:

Joseph A. Fox, Executive Director (405) 858-6737.

[OAR Docket #14-1026; filed 12-5-14]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 25. WRECKERS AND TOWING SERVICES

[OAR Docket #14-1027]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 5. All Wrecker Operators
595:25-5-3. Operation [AMENDED]

SUMMARY:

This amendment is necessary due to the passage of SB 582 of the 2nd Session of the 54th Oklahoma Legislature. SB 582 clarifies a vehicle may be released to a lien holder after reasonable fees have been paid to and proof of valid lien is shown to the wrecker and/or towing company.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 952.

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 9:00 A.M., February 2, 2015 in the Robert R. Lester Training Center Conference Room, 3600 N. Martin Luther King Ave., Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:05 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/ 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

[OAR Docket #14-1027; filed 12-5-14]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #14-1028]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

612:1-1-6. Description of forms and instructions issued by the Department for public use [AMENDED]

Subchapter 3. Administrative Components of the Department

612:1-3-2. The Director of Rehabilitation Services [AMENDED]

612:1-3-2.1. The Chief of Staff of Rehabilitation Services [AMENDED]

612:1-3-8.1. Executive officers [AMENDED]

612:1-3-10. Final signature authority [AMENDED]

Subchapter 5. Program Divisions within the Department

612:1-5-1. Overview of the department [AMENDED]

612:1-5-3. Division of ~~Visual Services (DVS)~~ Vocational Rehabilitation for the Blind & Visually Impaired (DVRBVI) [AMENDED]

Subchapter 11. Compliance with the Americans with Disabilities Act of 1990

Part 1. Purpose and Legal Basis

- 612:1-11-2. Definitions [AMENDED]
- Part 3. Reasonable Accommodation
- 612:1-11-15. Overview of reasonable accommodation [AMENDED]
- 612:1-11-16. Providing reasonable accommodations for employees [AMENDED]
- Part 9. Medical and other Considerations
- 612:1-11-57. Undue hardship/undue burdens [REVOKED]
- Subchapter 13. Civil Rights and Nondiscrimination on Basis of Race, Color, National Origin, Sex, Age or Disability
- 612:1-13-3. Administration of programs [AMENDED]
- 612:1-13-4. Dissemination of rules [AMENDED]
- 612:1-13-5. Awareness [REVOKED]
- 612:1-13-6. Maintenance of racial and ethnic data [AMENDED]
- 612:1-13-7. Composition of planning and policymaking bodies [AMENDED]
- 612:1-13-9. Complaint rules and procedures [AMENDED]

SUMMARY:

The majority of the changes throughout Chapter 1 involve updating language to reflect restructuring of the Office of Civil Rights. Additional changes include division name change of Visual Services (VS) becoming Vocational Rehabilitation for the Blind & Visually Impaired (VRBVI). Updates include clarifying processes and updating language to reflect current use of terms.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.1 et seq.; 74 O.S. § 166.5(A)(2); 42 USC Subchapter 1 Sec. 12111 et seq. and Subchapter II Sec. 12131.

COMMENT PERIOD:

Written and oral comments will be accepted November 17, 2014 through February 4, 2015 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

- Monday, February 2, 2015
- 4:00 P.M. - 6:00 P.M.,
- Department of Rehabilitation Services
- 2nd Floor Conference Room
- 3535 N.W. 58th Street
- Oklahoma City, Oklahoma
- Tuesday, February 3, 2015
- 1:00 P.M. - 3:00 P.M.
- Total Source for Hearing-loss and Access
- 8740 E. 11th St., Conference Room
- Tulsa, Oklahoma
- Wednesday, February 4, 2015,
- 1:00 P.M. - 3:00 P.M.
- Great Plains Technology Center
- 4500 W. Lee Blvd., Bldg. 300, Room 301A
- Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2015, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #14-1028; filed 12-8-14]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 3. MANAGEMENT SERVICES
DIVISION**

[OAR Docket #14-1029]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Human Resources Unit
- Part 3. Human Resources Management Section - Personnel Programs
- 612:3-3-20. Department of Rehabilitation Services recruitment and selection plan [AMENDED]
- Subchapter 5. Policy Development and Program Standards
- Part 5. Program Standards
- 612:3-5-30. Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired compliance reviews [AMENDED]
- 612:3-5-31. Vocational Rehabilitation and ~~Visual Services~~ Vocational Rehabilitation for the Blind & Visually Impaired outcome measures [AMENDED]

SUMMARY:

Changes to Chapter 3 involve name change of Office of Personnel Management becoming Human Capital Management. Additional changes include division name

Notices of Rulemaking Intent

change of Visual Services (VS) becoming Vocational Rehabilitation for the Blind & Visually Impaired (VRBVI).

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted November 17, 2014 through February 4, 2015 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 2, 2015

4:00 P.M. - 6:00 P.M.

Department of Rehabilitation Services
2nd Floor Conference Room

3535 N.W. 58th Street

Oklahoma City, Oklahoma

Tuesday, February 3, 2015

1:00 P.M. - 3:00 P.M.

Total Source for Hearing-loss and Access
8740 E. 11th St., Conference Room

Tulsa, Oklahoma

Wednesday, February 4, 2015

1:00 P.M. - 3:00 P.M.

Great Plains Technology Center

4500 W. Lee Blvd., Bldg. 300, Room 301A

Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2015, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #14-1029; filed 12-8-14]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 10. VOCATIONAL REHABILITATION AND VISUAL SERVICES VOCATIONAL REHABILITATION FOR THE BLIND & VISUALLY IMPAIRED

[OAR Docket #14-1030]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

612:10-1-1. Purpose [AMENDED]

612:10-1-2. Definitions [AMENDED]

612:10-1-3. Basic philosophy of rehabilitation programs
[AMENDED]

612:10-1-3.1 Procedural exceptions [AMENDED]

612:10-1-3.2. Pilot projects [AMENDED]

612:10-1-5. Confidentiality [AMENDED]

612:10-1-6. Due process [AMENDED]

612:10-1-7. Purchase of services and goods for individuals
with disabilities [AMENDED]

Subchapter 3. Client Participation in Cost of Services

612:10-3-2. Consideration of comparable services and
benefits [AMENDED]

612:10-3-3. Client participation in services cost and
financial status determination [AMENDED]

612:10-3-4. Services exempt from client participation in
service costs [AMENDED]

612:10-3-5. Basic living requirements [AMENDED]

612:10-3-6. Income, ~~Assets~~ and Liabilities [AMENDED]

Subchapter 7. Vocational Rehabilitation and Visual
Services

Part 1. Scope of Vocational Rehabilitation and ~~Visual
Services~~ Vocational Rehabilitation for the Blind &
Visually Impaired

612:10-7-1. Overview of Vocational Rehabilitation and
~~Visual Services~~ Vocational Rehabilitation for the Blind
& Visually Impaired [AMENDED]

612:10-7-2. Field staff responsibilities [AMENDED]

612:10-7-3. Client responsibilities [AMENDED]

Part 3. Case Processing Requirements

612:10-7-21.1. Processing incoming referrals
[AMENDED]

612:10-7-21.2. Information and referral system
[AMENDED]

612:10-7-24.1. Basic eligibility requirements for
vocational rehabilitation services [AMENDED]

612:10-7-24.2 Assessment for determining eligibility
[AMENDED]

612:10-7-24.3 Trail Work Experience and Extended
Evaluation [AMENDED]

612:10-7-25.1 Order of selection [AMENDED]

612:10-7-31. Transfer of cases [AMENDED]

Part 5. Case Status and Classification System

- 612:10-7-50. Eligibility Status [AMENDED]
- 612:10-7-51. Individualized Plan for Employment [AMENDED]
- Part 9. Actions Requiring Review and Approval
- 612:10-7-87. Actions requiring supervisor's approval [AMENDED]
- Part 11. Physical and Mental Restoration Services
- 612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]
- Part 13. Supportive Services
- 612:10-7-130. Maintenance [AMENDED]
- Part 15. Training
- 612:10-7-142. General guidelines for training services [AMENDED]
- 612:10-7-149. College and university training [AMENDED]
- 612:10-7-150. Continued eligibility for college or university training [AMENDED]
- 612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]
- 612:10-7-158. Training for individuals in custody of the Department of Corrections [AMENDED]
- 612:10-7-161. Public and Private vocational schools [AMENDED]
- 612:10-7-162. Textbooks, supplies, training tools and equipment [AMENDED]
- Part 17. Supportive Employment Services
- 612:10-7-183. Ongoing support services [AMENDED]
- 612:10-7-184. Extended services [AMENDED]
- Part 19. Special Services for Individuals who are Blind, Deaf, or have other Severe Disabilities
- 612:10-7-199. Reader/recording services [AMENDED]
- 612:10-7-201. Rehabilitation teaching services [AMENDED]
- 612:10-7-203. Orientation and Mobility (O & M) [AMENDED]
- 612:10-7-205. Services to persons who are deaf-blind [AMENDED]
- 612:10-7-206. Assistive technology services for individuals with visual impairments [AMENDED]
- Part 21. Purchase of Equipment, Occupational Licenses and Certifications
- 612:10-7-216. Tools, occupational equipment, initial stocks and supplies [AMENDED]
- Part 25. Transition from School to Work Program
- 612:10-7-245. Definitions [AMENDED]
- Subchapter 9. Rehabilitation Teaching Services
- Part 3. Case Processing and Recording
- 612:10-9-17. Application Status [AMENDED]
- Subchapter 11. Independent Living Services for Older and Individuals who are Blind
- Part 1. Scope
- 612:10-11-7. Administrative review [AMENDED]

SUMMARY:

The majority of changes to Chapter 10 consist of division name change of Visual Services (VS) becoming Vocational

Rehabilitation for the Blind & Visually Impaired (VRBVI). Additional changes consist of clarifying terms and updating language to reflect current use of terms Updated language consists of requiring all diabetics to complete a knowledge survey regarding current best practices for the management of diabetes; requiring written medical/vocational justification when lenses and frames are purchased by DRS for clients and payment of tuition requires completion of the first semester, grade report, proof of enrollment, and an itemized invoice to support authorization.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.1 et seq.; 74 O.S. § 166.2; 34 CFR 361.48, 361.50 and 361.54; 29USC 709(c) and 723(a)

COMMENT PERIOD:

Written and oral comments will be accepted November 17, 2014 through February 4, 2015 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 2, 2015
4:00 P.M. - 6:00 P.M.

Department of Rehabilitation Services
2nd Floor Conference Room
3535 N.W. 58th Street
Oklahoma City, Oklahoma

Tuesday, February 3, 2015
1:00 P.M. - 3:00 P.M.

Total Source for Hearing-loss and Access
8740 E. 11th St., Conference Room
Tulsa, Oklahoma

Wednesday, February 4, 2015
1:00 P.M. - 3:00 P.M.

Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 300, Room 301A
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2015, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #14-1030; filed 12-8-14]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 15. OKLAHOMA LIBRARY FOR THE BLIND AND PHYSICALLY HANDICAPPED (OLBPH)

[OAR Docket #14-1031]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

612:15-1-3. Library functions and legal basis
[AMENDED]

Subchapter 5. Library Loan Policy

612:15-5-2. Suspension procedures [AMENDED]

SUMMARY:

Changes to Chapter 15 consist of division name change of Visual Services (VS) becoming Vocational Rehabilitation for the Blind & Visually Impaired (VRBVI).

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted November 17, 2014 through February 4, 2015 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 2, 2015

4:00 P.M. - 6:00 P.M.

Department of Rehabilitation Services

2nd Floor Conference Room

3535 N.W. 58th Street

Oklahoma City, Oklahoma

Tuesday, February 3, 2015

1:00 P.M. - 3:00 P.M.

Total Source for Hearing-loss and Access

8740 E. 11th St., Conference Room

Tulsa, Oklahoma

Wednesday, February 4, 2015

1:00 P.M. - 3:00 P.M.

Great Plains Technology Center

4500 W. Lee Blvd., Bldg. 300, Room 301A

Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2015, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #14-1031; filed 12-8-14]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 20. SPECIAL SCHOOLS

[OAR Docket #14-1032]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Operating Procedures for the Schools

Part 1. General Educational Policies

612:20-3-5. Departmental resources [AMENDED]

SUMMARY:

Changes to Chapter 20 consist of division name change of Visual Services (VS) becoming Vocational Rehabilitation for the Blind & Visually Impaired (VRBVI).

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted November 17, 2014 through February 4, 2015 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 2, 2015

4:00 P.M. - 6:00 P.M.
Department of Rehabilitation Services
2nd Floor Conference Room
3535 N.W. 58th Street
Oklahoma City, Oklahoma
Tuesday, February 3, 2015
1:00 P.M. - 3:00 P.M.
Total Source for Hearing-loss and Access
8740 E. 11th St., Conference Room
Tulsa, Oklahoma
Wednesday, February 4, 2015
1:00 P.M. - 3:00 P.M.
Great Plains Technology Center
4500 W. Lee Blvd., Bldg. 300, Room 301A
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2015, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #14-1032; filed 12-8-14]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 25. BUSINESS ENTERPRISE PROGRAM**

[OAR Docket #14-1033]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. General Provisions
612:25-2-5. Definitions [AMENDED]
Subchapter 4. The State Licensing Agency

Part 1. Organization and General Operation Standards
612:25-4-1. Organization of the State Licensing Agency [AMENDED]
Part 3. Business Enterprise Program Training
612:25-4-14. Training for new or potential licensed managers [AMENDED]
Part 5. State Licensing Agency Responsibility for Business Enterprise Operations
612:25-4-27. Initial inventory and supplies [AMENDED]
Part 9. Assignment and Transfer of Licensed Managers
612:25-4-52. SLA responsibility for assignment and transfer of licensed managers [REVOKED]
612:25-4-53. Assignment, ~~promotion~~ and transfer ~~policy~~ [AMENDED]
612:25-4-54. Business enterprise vacancy announcement [AMENDED]
612:25-4-55. Qualifications [AMENDED]
612:25-4-57. Applicant Selection Committee [AMENDED]
612:25-4-58. Annual and Performance Evaluations [AMENDED]
612:25-4-59. Interview, Selection Process and Scoring [AMENDED]
612:25-4-60. Ninety day replacement [AMENDED]
612:25-4-61. Satellite/~~remote~~ business enterprise locations [AMENDED]
612:25-4-62. Vending machine income [AMENDED]
Part 11. Business Enterprise Program Auditing and Due Process
612:25-4-72. Audits [AMENDED]
612:25-4-73. Due Process [AMENDED]
Subchapter 6. Licensed Managers and Business Enterprise Operation
Part 1. Licensed Managers
612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]
612:25-6-2.1. Probation [AMENDED]
612:25-6-3. Grounds for suspension or termination of a license [AMENDED]
Part 3. Business Enterprises
612:25-6-15. Setting aside of funds [AMENDED]
612:25-6-18. Establishing new licensed managers in business enterprises [AMENDED]
612:25-6-21. Business expenses [AMENDED]
612:25-6-22. Monthly reports [AMENDED]

SUMMARY:

Due to state and federal audits, minor changes to the Business Enterprise policies must be made as well as updating language. Additional changes include division name change of Visual Services (VS) becoming Vocational Rehabilitation for the Blind & Visually Impaired (VRBVI).

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2, 20 U.S.C. 107 et seq.; 29 U.S.C. 701 through 791; 7 O.S. § 71 et seq.

Notices of Rulemaking Intent

COMMENT PERIOD:

Written and oral comments will be accepted November 17, 2014 through February 4, 2015 during regular business hours by contacting Tina Calloway, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3552.

PUBLIC HEARING:

Monday, February 2, 2015

4:00 P.M. - 6:00 P.M.

Department of Rehabilitation Services

2nd Floor Conference Room

3535 N.W. 58th Street

Oklahoma City, Oklahoma

Tuesday, February 3, 2015

1:00 P.M. - 3:00 P.M.

Total Source for Hearing-loss and Access

8740 E. 11th St., Conference Room

Tulsa, Oklahoma

Wednesday, February 4, 2015

1:00 P.M. - 3:00 P.M.

Great Plains Technology Center

4500 W. Lee Blvd., Bldg. 300, Room 301A

Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from: the DRS Web Site www.okdrs.gov by e-mail policycomment@okdrs.gov by letter to the Policy Development Unit, attention Tina Calloway, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112 or by calling (405) 951-3552 - Toll free 1-800-845-8476.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2015, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Tina Calloway, Rulemaking Liaison, (405) 951-3552

[OAR Docket #14-1033; filed 12-8-14]

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

[OAR Docket #14-1023]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Speech-Language Pathologists and Audiologists

690:10-3-6. Clinical experience requirement [AMENDED]

690:10-3-7. Examination requirement and exceptions [AMENDED]

690:10-3-8. Continuing education (CE) for speech-language pathologists, audiologists, and speech-language pathology assistants [AMENDED]

Subchapter 5. Licensure of Speech-Language Pathology Clinical Experience Interns Completing Post-Graduate Clinical Experience

690:10-5-3. ~~Prohibition of private practice by~~ Representation of clinical experience intern/interns as independent practitioner [AMENDED]

690:10-5-6. Requirements for supervision of clinical experience interns [AMENDED]

Subchapter 7. Licensure of Speech-Language Pathology Assistants and Audiology Assistants

690:10-7-3. Supervision required [AMENDED]

690:10-7-9. Academic requirements [AMENDED]

SUMMARY:

The proposed amendments to Subchapter 3 correct outdated language describing the approved exam, and add new language about licensure by reciprocity. The continuing education requirements are amended to specify that at least 3 clock hours must be on ethics. The proposed amendment to Subchapter 5 clarify independent practice for clinical interns and adds new language requiring 6 hours of training for supervisors of clinical interns, effective January 2017. Subchapter 7 is amended to also require 6 hours of training for supervisors of speech-language pathology assistants, effective January 2017. The proposed changes also eliminate certain aspects of the clinical experience requirement for speech-language pathology assistants.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to submit written comments may do so from January 2, 2015 through February 3, 2015 at 5:00 p.m., to the attention of Amy Hall, Executive Secretary. Written comments may be mailed to the Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152, hand-delivered to the Board of Examiners for Speech-Language Pathology and Audiology, 3700 N. Classen Blvd, Suite 248, Oklahoma

City, OK, facsimile, at (405) 524-4985 or by email at amy.hall@obespa.ok.gov.

PUBLIC HEARING:

The Board of Examiners for Speech-Language Pathology and Audiology will conduct a public hearing on February 4 at 9:00am. in Conference Room 265 on the second floor at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OBESPA asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Amy Hall, at the above address, before the close of the comment period on February 3, 2015.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT

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

ADDITIONAL INFORMATION

For additional information contact Tracy Grammer, M.S., CCC-SLP at 405-410-7200.

[OAR Docket #14-1023; filed 12-5-14]

**TITLE 715. TEACHERS' RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #14-1010]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

715:1-1-19 [NEW]

SUMMARY:

715:1-1-19 is being added to provide a method to determine which statewide organization representing retired educators may make the one (1) non-voting Trustee appointment to the Board. This non-voting Trustee appointed by a statewide organization representing retired educators is a new addition to the Board by virtue of HB2740. As there is the possibility that more than one statewide organization representing retired educators exists, without the adopting of this rule, there is no way to determine which specific organization is entitled to make the nomination.

AUTHORITY:

70 O.S. Section 17-101, et seq., especially Section 17-106(10); Board of Trustees

COMMENT PERIOD:

Written comments may be made from January 5, 2015 through February 5, 2015, filed and available for inspection in the Office of the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:30 a.m. until 5:00 p.m., Monday through Friday, excluding holidays, or by mailing same to the Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. to 10:00 a.m. on February 12, 2015, at the offices of the Teachers' Retirement System, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Director, Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, until 5:00 p.m. on February 10, 2015. Written notice may be mailed to: Executive Director, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, and also will be available on the TRS website (www.ok.gov/TRS).

RULE IMPACT STATEMENT:

The Oklahoma Teachers' Retirement System will issue a rule impact statement. Copies of the statement will be available on the TRS website (www.ok.gov/TRS) or may be obtained from the Teachers' Retirement System of Oklahoma, 5th Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105, beginning January 2, 2015, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding holidays.

CONTACT PERSON:

Julie Ezell, Rules Liaison (405) 521-4746.

[OAR Docket #14-1010; filed 11-26-14]

Notices of Rulemaking Intent

TITLE 748. UNIFORM BUILDING CODE COMMISSION CHAPTER 20. ADOPTED CODES

[OAR Docket #14-1034]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. IBC[®]~~2009~~2015

748:20-1-1. Adoption of International Building Code[®]~~2009~~2015 (IBC[®]~~2009~~2015) [AMENDED]

748:20-1-2. Effect of Adoption [AMENDED]

748:20-1-3. IBC[®]~~2009~~2015 and Other Appendices [AMENDED]

748:20-1-4. IBC[®]~~2009~~2015 Provisions Adopted and Modified [AMENDED]

748:20-1-5. Participation in Federal Programs and/or Federally Funded or Financed Projects [AMENDED]

748:20-1-6. IBC[®]~~2009~~2015 Chapter 1 Scope and Administration [AMENDED]

748:20-1-7. IBC[®]2015 Chapter 2 Definitions [AMENDED]

748:20-1-8. IBC[®]2015 Chapter 3 Use and Occupancy Classification [AMENDED]

748:20-1-9. IBC[®]2015 Chapter 4 Special Detailed Requirements Based on Use and Occupancy [AMENDED]

748:20-1-10. IBC[®] Chapter 8 Interior Finishes [REVOKED]

748:20-1-11. IBC[®]2015 Chapter 9 Fire Protection Systems [AMENDED]

748:20-1-12. IBC[®]2015 Chapter 10 Means of Egress [AMENDED]

748:20-1-13. IBC[®]2015 Chapter 16 Structural Design [AMENDED]

748:20-1-14. IBC[®]2015 Chapter 18 Soils and Foundations [AMENDED]

748:20-1-15. IBC[®]2015 Chapter 29 Plumbing Systems [AMENDED]

748:20-1-16. IBC[®]2015 Chapter 32 Encroachments into the Public Right-of-Way [AMENDED]

748:20-1-17. IBC[®] Existing Buildings and Structures [REVOKED]

748:20-1-18. IBC[®]2015 Chapter 35 Referenced Standards [AMENDED]

748:20-1-19. Appendix N, Supplement Storm Shelter and Safe Room Requirements [NEW]

Subchapter 3. IFC[®]~~2009~~2015

748:20-3-1. Adoption of International Fire Code[®], ~~2009~~2015 Edition (IFC[®]~~2009~~2015) [AMENDED]

748:20-3-2. Effect of Adoption [AMENDED]

748:20-3-3. IFC[®]~~2009~~2015 and Other Appendices [AMENDED]

748:20-3-4. IFC[®]~~2009~~2015 Provisions Adopted and Modified [AMENDED]

748:20-3-5. Participation in Federal Programs and/or Federally Funded or Financed Projects [AMENDED]

748:20-3-6. IFC[®]~~2009~~2015 Chapter 1 Scope and Administration [AMENDED]

748:20-3-7. IFC[®]~~2009~~2015 Chapter 2 Definitions [AMENDED]

748:20-3-7.1. IFC[®] 2015 Chapter 3 General Regulations [NEW]

748:20-3-8. IFC[®]~~2009~~2015 Chapter 5 Fire Service Features [AMENDED]

748:20-3-9. IFC[®] 2009 Chapter 6 Building Service and Systems [REVOKED]

748:20-3-10. IFC[®] 2009 Chapter 8 Interior Finish, Decorative Materials and Furnishings [REVOKED]

748:20-3-11. IFC[®]~~2009~~2015 Chapter 9 Fire Protection System [AMENDED]

748:20-3-12. IFC[®]~~2009~~2015 Chapter 10 Means of Egress [AMENDED]

748:20-3-13. IFC[®]~~2009~~2015 Chapter 4611 Construction Requirements for Existing Buildings [AMENDED]

748:20-3-13.1. IFC[®] 2015 Chapter 57 Flammable and Combustible Liquids [NEW]

748:20-3-14. ~~2009~~2015 Chapter 4780 Referenced Standards [AMENDED]

748:20-3-15. Appendix N, Egress Path Markings for Existing Buildings [NEW]

Subchapter 7. IEBC ~~2009~~2015

748:20-7-1. Adoption of International Existing Building Code[®], ~~2009~~2015 Edition (IEBC ~~2009~~2015) [AMENDED]

748:20-7-2. Effect of Adoption [AMENDED]

748:20-7-3. IEBC[®]~~2009~~2015 Appendices [AMENDED]

748:20-7-4. IEBC[®]~~2009~~2015 Provisions Adopted and Modified [AMENDED]

748:20-7-5. Participation in Federal Programs and/or Federally Funded or Financed Projects [AMENDED]

748:20-7-6. IEBC[®]~~2009~~2015 Chapter 1 Scope and Administration [AMENDED]

748:20-7-7. IEBC[®] Chapter 2 Definitions [REVOKED]

748:20-7-8. IEBC[®]2015 Chapter ~~43~~14 Performance Compliance Methods [AMENDED]

748:20-7-9. IEBC[®]2015 Chapter ~~45~~16 Referenced Standards [AMENDED]

Subchapter 9. [®] NEC ~~2011~~2014

748:20-9-1. Adoption of National Electrical Code[®]~~2011~~2014 Edition (NEC[®]~~2011~~—2014) [AMENDED]

748:20-9-2. Effect of Adoption [AMENDED]

748:20-9-3. NEC[®]~~2011~~2014 Informative Annexes [AMENDED]

748:20-9-4. NEC[®]~~2011~~2014 Provisions Adopted and Modified [AMENDED]

748:20-9-5. Participation in Federal Programs and/or Federally Funded or Financed Projects [AMENDED]

748:20-9-6. NEC[®]~~2011~~2014 Article 90 Introduction [AMENDED]

748:20-9-6.1. NEC® 2014 Chapter 1 General [NEW]
748:20-9-6.2. NEC® 2014 Chapter 2 Wiring and Protection [NEW]
748:20-9-7. NEC®~~2014~~2014 Chapter 5 Special Occupancies [AMENDED]
748:20-9-8. NEC® 2014 Chapter 6 Special Equipment [NEW]
Subchapter 11. IFGC®~~2009~~2015
748:20-11-1. Adoption of International Fuel Gas Code®~~2009~~2015 Edition (IFGC®~~2009~~—~~2009~~2015) [AMENDED]
748:20-11-2. Effect of Adoption [AMENDED]
748:20-11-3. IFGC®~~2009~~2015 Appendices [AMENDED]
748:20-11-4. IFGC®~~2009~~2015 Provisions Adopted and Modified [AMENDED]
748:20-11-5. Participation in Federal Programs and/or Federally Funded or Financed Projects [AMENDED]
748:20-11-6. IFGC®~~2009~~2015 Chapter 1 Scope and Administration [AMENDED]
748:20-11-7. IFGC®~~2009~~2015 Chapter 3 General Regulations [AMENDED]
748:20-11-8. IFGC®~~2009~~2015 Chapter 4 Gas Piping Installations [AMENDED]
748:20-11-9. IFGC®~~2009~~2015 Chapter 6 Specific Appliances [REVOKED]
748:20-11-10. IFGC®~~2009~~2015 Referenced Standards [AMENDED]
Subchapter 13. IMC ~~2009~~2015
748:20-13-1. Adoption of International Mechanical Code®~~2009~~2015 (IMC®~~2009~~2015) [AMENDED]
748:20-13-2. Effect of Adoption [AMENDED]
748:20-13-3. IMC®~~2009~~2015 Appendices [AMENDED]
748:20-13-4. IMC®~~2009~~2015 Provisions Adopted and Modified [AMENDED]
748:20-13-5. Participation in Federal Programs and/or Federally Funded or Financed Projects [AMENDED]
748:20-13-6. IMC®~~2009~~2015 Chapter 1 Scope and Administration [AMENDED]
748:20-13-7. IMC®~~2009~~2015 Chapter 2 Definitions [REVOKED]
748:20-13-8. IMC®~~2009~~2015 Chapter 3 General Regulations [AMENDED]
748:20-13-9. IMC®~~2009~~2015 Chapter 5 Exhaust Systems [AMENDED]
748:20-13-10. IMC®~~2009~~2015 Chapter 6 Duct Systems [AMENDED]
748:20-13-10.1. IMC®~~2009~~2015 Chapter 11 Refrigeration [NEW]
748:20-13-11. IMC®~~2009~~2015 Chapter 15 Referenced Standards [AMENDED]
Subchapter 15. IPC ~~2009~~2015
748:20-15-1. Adoption of International Plumbing Code®~~2009~~2015 Edition (IPC®~~2009~~—~~2009~~2015) [AMENDED]
748:20-15-2. Effect of Adoption [AMENDED]
748:20-15-3. IPC®~~2009~~2015 Appendices [AMENDED]

748:20-15-4. IPC®~~2009~~2015 Provisions Adopted and Modified [AMENDED]
748:20-15-5. Participation in Federal Programs and/or Federally Funded or Financed Projects [AMENDED]
748:20-15-6. IPC®~~2009~~2015 Chapter 1 Scope and Administration [AMENDED]
748:20-15-7. IPC®~~2009~~2015 Chapter 2 Definitions [AMENDED]
748:20-15-8. IPC®~~2009~~2015 Chapter 3 General Regulations [AMENDED]
748:20-15-9. IPC®~~2009~~2015 Chapter 4 Fixtures, Faucets and Fixture Fittings [AMENDED]
748:20-15-10. IPC®~~2009~~2015 Chapter 5 Water Heaters [REVOKED]
748:20-15-11. IPC®~~2009~~2015 Chapter 6 Water Supply and Distribution [AMENDED]
748:20-15-12. IPC®~~2009~~2015 Chapter 7 Sanitary Drainage [AMENDED]
748:20-15-13. IPC®~~2009~~2015 Chapter 8 Indirect/Special Waste [REVOKED]
748:20-15-14. IPC®~~2009~~2015 Chapter 9 Vents [AMENDED]
748:20-15-15. IPC®~~2009~~2015 Chapter 10 Traps, Interceptors and Separators [AMENDED]
748:20-15-16. IPC®~~2009~~2015 Storm Drainage [AMENDED]
748:20-15-16.1. IPC®~~2009~~2015 Chapter 13 Nonpotable Water Systems [NEW]
748:20-15-17. IPC®~~2009~~2015 Chapter 15 Referenced Standards [AMENDED]

SUMMARY:

748:20-1-1, 748:20-1-2, 748:20-1-3, 748:20-1-4, and 748:20-1-5 modify the adoption of the IBC® from the 2009 edition to the 2015 edition, without appendices and establishes the IBC® 2015 edition as the statewide minimum code for commercial building construction in the State of Oklahoma. 748:20-1-6 modifies the adoption of Chapter 1 of the IBC® 2015 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-1-7, 748:20-1-8, 748:20-1-9, 748:20-1-10, 748:20-1-11, 748:20-1-12, 748:20-1-13, 748:20-1-14, 748:20-1-15, 748:20-1-16, 748:20-1-17, 748:20-1-18, and 748:20-1-19 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IBC® 2015 edition.

748:20-3-1, 748:20-3-2, 748:20-3-3, 748:20-3-4 and 748:20-3-5 modify the adoption of the IFC® from the 2009 edition to the 2015 edition, without appendices and establishes the IBC® 2015 edition as the statewide minimum code for residential and commercial fire prevention and fire protection systems in the State of Oklahoma. 748:20-3-6 modifies the adoption of Chapter 1 of the IFC® 2015 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-3-7, 748:20-3-8, 748:20-3-9, 748:20-3-10, 748:20-3-11, 748:20-3-12, 748:20-3-13, 748:20-3-13.1,

Notices of Rulemaking Intent

748:3-14, and 748:20-3-15 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IFC[®], 2015.

748:20-7-1, 748:20-7-2, 748:20-7-3, 748:20-7-4 and 748:20-7-5 modify the adoption of the IEBC[®] from the 2009 edition to the 2015 edition, without appendices and establishes the IEBC[®] 2015 edition as the statewide minimum code for commercial existing building construction in the State of Oklahoma. 748:20-7-6 modifies the adoption of Chapter 1 of the IEBC[®] 2015 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-7-7, 748:20-7-8 and 748:20-7-9 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IEBC[®] 2015.

748:20-9-1, 748:20-9-2, 748:20-9-3, 748:20-9-4 and 748:20-9-5 modify the adoption of the NEC[®] from the 2011 edition to the 2014 edition, without annexes and establishes the NEC[®] 2014 as the statewide minimum code for commercial electrical construction in the State of Oklahoma. 748:20-9-6 modifies the adoption of Article 90 of the NEC[®] 2014 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-9-6.1, 748:20-9-6.2, 748:20-9-7, and 748:20-9-8 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the NEC[®] 2014.

748:20-11-1, 748:20-11-2, 748:20-11-3, 748:20-11-4 and 748:20-11-5 modify the adoption of the IFGC[®] from the 2009 to the 2015 edition, with appendices and establishes the IFGC[®] 2015 edition as the statewide minimum code for commercial fuel gas construction within the State of Oklahoma. 748:20-11-6 modifies the adoption of Chapter 1 of the IFGC[®] 2015 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-11-7, 748:20-11-8, 748:20-11-9, and 748:20-11-10 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IFGC[®] 2015.

748:20-13-1, 748:20-13-2, 748:20-13-3, 748:20-13-4 and 748:20-13-5 modify the adoption of the IMC[®] from the 2009 edition to the 2015 edition, without appendices and establishes the IMC[®] 2015 as the statewide minimum code for commercial mechanical construction in the State of Oklahoma. 748:20-13-6 modifies the adoption of Chapter 1 of the IMC[®] 2015 only to the extent its provisions are not inconsistent with other laws or lawfully established code administration and enforcement policies. 748:20-13-7, 748:20-13-8, 748:20-13-9, 748:20-13-10, 748:20-13-10.1, and 748:20-13-11 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IMC[®] 2015.

748:20-15-1, 748:20-15-2, 748:20-15-3, 748:20-15-4, and 748:20-15-5 modify the adoption of the IPC[®] from the 2009 edition to the 2015 edition and establishes the IPC[®] 2015 as the statewide minimum code for commercial plumbing construction within the State of Oklahoma. 748:20-15-6 modifies the adoption of Chapter 1 of the IPC[®] 2015 only to the extent its provisions are not inconsistent with

other laws or lawfully established code administration and enforcement policies. 748:20-15-7, 748:20-15-8, 748:20-15-9, 748:20-15-10, 748:20-15-11, 748:20-15-12, 748:20-15-13, 748:20-15-14, 748:20-15-15, 748:20-15-16, 748:20-15-16.1, and 748:20-15-17 set forth the OUBCC's adoption of Oklahoma modifications to the provisions of the IPC[®] 2015.

AUTHORITY:

Oklahoma Uniform Building Code Commission; 59 O.S. § 1000.23 and 1000.24.

COMMENT PERIOD:

Written and oral comments will be accepted beginning Monday, January, 5, 2015 and will be accepted through Tuesday, February 3, 2015, during regular business hours at the offices of the Oklahoma Uniform Building Code Commission (the "OUBCC"). Written comments may be hand delivered to the OUBCC at, 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107 or may be mailed to the following address: Oklahoma Uniform Building Code Commission, P.O. Box 12540, Oklahoma City, OK 73157.

PUBLIC HEARING:

A public hearing on these proposed rules will be held at 1:30 p.m. on Tuesday, February 17, 2015, at a regular meeting of the Oklahoma Uniform Building Code Commission at 2401 NW 23rd, Suite 2-F. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Uniform Building Code Commission requests that business entities affected by these proposed rules provide the OUBCC, within the comment period set forth and described above, in dollar amounts if possible, the increase in the level of direct costs, such as administrative fees, and the indirect costs such as report, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs that the business entity expects to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Kathy Hehnlly at the above address, before the close of the comment period on Tuesday, February 3, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Uniform Building Code Commission at: 2401 NW 23rd, Suite 2-F, Oklahoma City, OK 73107, before the close of the comment period on Tuesday, February 3, 2015. Proposed rules can be found on the Oklahoma Uniform Building Code Commission website at: http://www.ok.gov/oubcc/Codes_&_Rules/Proposed_Rules/index.html

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared, and may be obtained from the Oklahoma Uniform Building Code Commission at the above physical address

CONTACT PERSONS:

Billy Pope, Chief Executive Officer 405.521-6501

Kathy Hehnlly, Commission Secretary 405.521-6506

[OAR Docket #14-1034; filed 12-8-14]

Submissions to Governor and Legislature

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

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

[OAR Docket #14-1014]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 2. Incorporation by Reference

252:100-2-3. [AMENDED]

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2014

[OAR Docket #14-1014; filed 12-3-14]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 205. HAZARDOUS WASTE MANAGEMENT

[OAR Docket #14-1015]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Incorporation by Reference

252:205-3-1. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2014

[OAR Docket #14-1015; filed 12-3-14]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 303. TNI LABORATORY ACCREDITATION [REVOKED]

[OAR Docket #14-1016]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Chapter 303. TNI Laboratory Accreditation [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 17, 2014

[OAR Docket #14-1016; filed 12-3-14]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 307. TNI LABORATORY ACCREDITATION

[OAR Docket #14-1017]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Introduction [NEW]

Subchapter 3. Laboratory Accreditation Process [NEW]

Subchapter 5. Conditions of Accreditation [NEW]

Subchapter 7. Onsite Assessment Requirements [NEW]

Subchapter 9. Management and Technical Requirements [NEW]

Part 1. Proficiency Testing [NEW]

Part 3. Personnel and Subcontractors [NEW]

Part 5. Quality Systems [NEW]

Part 7. Record keeping and Reporting [NEW]

Subchapter 11. Secondary Accreditation [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

November 24, 2014

[OAR Docket #14-1017; filed 12-3-14]

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 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 65. PUBLIC ASSISTANCE PROCEDURES

[OAR Docket #14-1011]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 11. Voter Registration
340:65-11-3 [AMENDED]

(Reference WF 14-20)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Public Law 103-31, Section 4-109.2 of Title 26 of the Oklahoma Statutes, and the ruling by a Federal Court of Appeals (*Valdez v. Squier*, 676 F.3d 935, 945-46 (10th Cir. 2012)).

ADOPTION:

November 4, 2014

APPROVED BY GOVERNOR:

December 4, 2014

EFFECTIVE:

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:

A letter was sent on behalf of the Metropolitan Tulsa Urban League, the League of Women Voters of Oklahoma and Metropolitan Tulsa, and the YWCA Tulsa notifying the Oklahoma State Election Board that DHS is not in compliance with the National Voter Registration Act (NVRA). The letter specifically mentions that OAC 340:65-11-3 contains an incorrect statement regarding worker action when a client does not answer the voter registration question on the Voter Registration Statement. The proposed revision addresses concerns raised and will help AFS staff more fully comply with the NVRA. If the proposed rule is not amended, DHS will not be fully complying with the NVRA and may be subject to litigation and monetary penalties.

ANALYSIS:

The proposed revision to Chapter 65 Subchapter 11 amend voter registration rules to comply with Section 7 of the NVRA of 1993 [Public Law 103-31], comply with a ruling by a Federal Court of Appeals (*Valdez v. Squier*, 676 F.3d 935, 945-46 (10th Cir. 2012)), and be responsive to a letter received from agencies involved in voter registration activities that allege Oklahoma is not in compliance with the NVRA. Proposed amendments include: (1) changing how the Oklahoma Department of Human Services (DHS) Adult and Family Services (AFS) staff responds when an applicant or recipient does not respond to the voter registration offer; (2) adding information regarding when

AFS staff is required to offer voter registration services, staff prohibitions, training requirements, local voter registration site coordinator duties, and data collection requirements; and (3) updating terminology.

CONTACT PERSON:

Dena Thayer at 405-521-4326

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

SUBCHAPTER 11. VOTER REGISTRATION

340:65-11-3. Forms used in providing voter registration services

(a) ~~With every application, benefit renewal, or any time a change of address is reported, local county office or support center staff provides the applicant or recipient with the Oklahoma Voter Registration Statement and the Oklahoma Voter Registration Application. All voter registration materials are kept confidential.~~

~~(1) Oklahoma Voter Registration Statement. When an applicant or recipient:~~

~~(A) chooses to register to vote, the person must sign and return the Oklahoma Voter Registration Statement to the local county office; or~~

~~(B) does not complete the Oklahoma Voter Registration Statement, it is presumed the person does not wish to register.~~

~~(2) Oklahoma Voter Registration Application.~~

~~(A) When an applicant or recipient submits an Oklahoma Voter Registration Statement indicating that he or she wants to register to vote, the person is provided an Oklahoma Voter Registration Application.~~

~~(B) Oklahoma Department of Human Services (OKDHS) staff in the county office or support center offers the same degree of assistance in completing the Oklahoma Voter Registration Application as they offer in completing OKDHS application forms, unless the person refuses such assistance.~~

Emergency Adoptions

(b) ~~The State Election Board provides OKDHS with pre-addressed, postage paid envelopes to transmit Oklahoma Voter Registration Application forms.~~ **Voter registration offer.** Adult and Family Services (AFS) staff is federally mandated to offer voter registration services to applicants and recipients for qualifying events included in (1) through (3). Qualifying events include when persons:

- (1) apply for AFS benefits, such as Child Care Subsidy, Low Income Home Energy Assistance Program, Sooner-Care (Medicaid), State Supplemental Payment, Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families;
- (2) complete a mid-certification benefit renewal, annual benefit renewal, or SNAP certification renewal; or
- (3) report an address or name change.

(b) **Voter registration forms.** Voter registration forms include Form 08MP007E, Voter Registration Statement, and the Oklahoma State Election Board's, Oklahoma Voter Registration Application.

- (1) The applicant, recipient, or the worker records the applicant's or recipient's decision to apply or decline to register to vote.
- (2) When the applicant or recipient wants to apply to register to vote or does not want to answer the question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?" on Form 08MP007E, Voter Registration Statement, the Oklahoma Voter Registration Application is given or mailed to the applicant or recipient.
- (3) When the applicant or recipient declines to apply to register to vote in writing, an Oklahoma Voter Registration Application is not given or mailed to the applicant or recipient.

(c) **Assistance completing the Oklahoma Voter Registration Application.** AFS staff offers the same degree of assistance in completing the Oklahoma Voter Registration Application as is provided when completing the AFS application and renewal forms.

(d) **Confidentiality.** AFS staff keeps the applicant's or recipient's decision to register or not to register to vote and all voter registration materials confidential.

(e) **Prohibitions.** AFS staff must not:

- (1) seek to influence an applicant's or recipient's political preference or party registration;
- (2) display political preference or party allegiance;
- (3) make statements or take action that has the purpose or effect of discouraging the applicant or recipient from registering to vote; or
- (4) make statements or take action that has the purpose or effect of leading the applicant or recipient to believe that a decision to apply to register or a decision not to register to vote has any bearing on the availability of services or benefits.

(f) **Record retention.** AFS staff images and files a completed Form 08MP007E in the applicant's or recipient's case record. Form 08MP007Es, when completed, are retained until the case record is destroyed per Oklahoma Administrative Code 340:65-1-6.

(g) **Training.** AFS staff are required to view voter registration training within 30 calendar days of his or her enter on duty date and annually thereafter.

(h) **Local voter registration site coordinator.** Each county director and field manager is responsible for assigning a local voter registration site coordinator. Site coordinator duties include:

- (1) maintaining a sufficient supply of Oklahoma Voter Registration Application forms;
- (2) the daily compilation of all completed and partially completed Oklahoma Voter Registration Application forms and mailing them to the Oklahoma State Election Board at the close of each business week in the pre-addressed, prepaid, postage envelopes provided by the Oklahoma State Election Board;
- (3) maintaining a weekly count of Oklahoma Voter Registration Application forms mailed to the Oklahoma State Election Board and sending a monthly total to the AFS regional office.
- (4) being the local office contact person for applicants, recipients, the public, or staff inquiries regarding the voter registration process;
- (5) maintaining all voter registration posters as required;
- (6) monitoring staff compliance with standard voter registration procedures included in this Section; and
- (7) monitoring the staff's completion of annual voter registration training.

(i) **Data collection.** DHS produces a statewide monthly report regarding voter registration activity based on weekly data collection.

[OAR Docket #14-1011; filed 12-3-14]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 75. CHILD WELFARE SERVICES

[OAR Docket #14-1012]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions of Child Welfare Services

Part 1. Scope and Applicability

340:75-1-12 [AMENDED]

340:75-1-16 [AMENDED]

340:75-1-16.1 [NEW]

340:75-1-17 through 340:75-1-18.1 [AMENDED]

340:75-1-20 [AMENDED]

Subchapter 6. Permanency Planning

Part 7. Family and Child Individualized Service Planning Components

340:75-6-40.9 [AMENDED]

Part 11. Permanency Planning and Placement Services

340:75-6-85 [AMENDED]

340:75-6-86 [AMENDED]

Subchapter 7. Foster Home Care

Part 6. Foster Home Care Support Services

340:75-7-65 [AMENDED]

Part 28. Foster Parent Helpline, and Mediation, and Complaints about the Department of Human Services (DHS) or child-Placing Agency Employees

340:75-7-292 [NEW]
(Reference WF 14-19)

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (O.S. 56 § 162);

Chapter 75 Subchapter 1: O.S. 10 § 601.6; O.S. 10A §§ 1-1-102, 1-4-802, 1-4-805, 1-4-807, 1-4-807.1, 1-4-810, and 1-9-120;

Chapter 75 Subchapter 6: O.S. 10A §§ 1-1-102, 1-4-802, 1-4-805, 1-4-807, 1-4-902, 1-4-904, and 1-9-119; and

Chapter 75 Subchapter 7: O.S. 10 § 601.6 and 10A §§ 1-9-119, and 1-9-120.

ADOPTION:

October 28, 2014

APPROVED BY GOVERNOR:

November 17, 2014

EFFECTIVE:

November 1, 2014 or upon Governor's approval, whichever is later

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:

Emergency rulemaking approval is requested so the Oklahoma Department of Human Services will be in compliance with Senate Bills 1793 and 2088, and House Bills 2130, 2585, 2667, and 3475 passed during the 2014 legislative session with an effective date of November 1, 2014.

ANALYSIS:

The proposed revisions to Chapter 75 Subchapter 1 amend grievance, adjudicatory, dispositional, permanency, and judicial review hearing rules to comply with statutory changes following passage of House Bill (HB) 2585 and Senate Bills (SB) 1793 and 2088. The bills have an effective date of November 1, 2014.

The proposed revisions to Chapter 75 Subchapter 6 amend the termination of parental rights rules to comply with statutory changes following passage of HBs 2130 and 2667 during the 2014 session of the Oklahoma Legislature. Both bills have an effective date of November 1, 2014.

The proposed revisions to Chapter 75 Subchapter 7 amend the Bridge resource support service rules to comply with statutory changes following passage of SB 1793 and HB 3475. Both bills have November 1, 2014, effective dates.

CONTACT PERSON:

Dena Thayer at 405-521-4326

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE NOVEMBER 1, 2014 OR UPON GOVERNOR'S APPROVAL, WHICHEVER IS LATER AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 1. GENERAL PROVISIONS OF CHILD WELFARE SERVICES

PART 1. SCOPE AND APPLICABILITY

340:75-1-12. Grievances

(a) **Grievance rules/procedures.** Sections 1-9-112 and 1-9-120 of Title 10A of the Oklahoma Statutes, authorize the Commission for Human Services to establish and maintain a fair, simple, and expeditious system for the resolution of grievances. Oklahoma Administrative Code 340:2-3, Part 5 the Oklahoma Department of Human Services (DHS) Office of

Client Advocacy is responsible for establishing and maintaining grievance procedures for:

- (1) individuals receiving services from ~~Oklahoma Department of Human Services (OKDHS)~~ DHS;
- (2) placement providers; or
- (3) children in the DHS custody of OKDHS.

(b) **Grievance subjects.** Grievances may be ~~regard~~ in regard:

- (1) the substance or application of ~~any written or unwritten~~ DHS policy, ~~or rule of OKDHS or of an agent of OKDHS~~ regulation, written or unwritten, but does not include DHS policies, rules, and regulations of DHS operated shelters and residential facilities for children; or
- (2) ~~any~~ decision, ~~act, or action~~ omission by an employee ~~or an agent of OKDHS, or any child in the custody of OKDHS~~ of DHS or in a DHS operated facility.

(c) **Monitoring.** ~~The minimum standards of the grievance program are maintained by ongoing monitoring by OKDHS, Office of Client Advocacy.~~

340:75-1-16. Custody hearings, placement hearings, and court orders

(a) **Pre-petition emergency custody order.** Section 1-4-201 of Title 10A of the Oklahoma ~~Statute~~ Statutes (10A O.S. § 1-4-201) directs that the court may not enter a pre-petition, emergency custody order removing a child from the ~~child's home of the child~~ unless the court makes a determination:

- (1) that an imminent safety threat exists and continuation in the ~~child's home of the child~~ is contrary to the child's welfare; and
- (2) whether reasonable efforts have been made to prevent the child's removal from the child's home; or
- (3) an absence of efforts to prevent the removal of the child from the child's home is reasonable because the removal is due to an emergency and ~~is to provide~~ provides for the child's safety and welfare.

(b) **Emergency custody hearing.** 10A O.S. § 1-4-203 requires that within two judicial days after a child is taken into emergency or protective custody as an alleged deprived child, the child's parent, legal guardian, or custodian is entitled to an emergency custody hearing, and thereafter at such intervals as determined by the court.

(c) **Due diligence to identify relatives.** Per 10A O.S. § 1-4-203, within 30 calendar days of the child's removal, ~~the~~ Oklahoma Department of Human Services ~~(OKDHS)~~ (DHS) exercises due diligence to identify the child's relatives. ~~The notice is provided by OKDHS~~ DHS provides notice to all grandparents; and to other relatives as the court directs. Relatives are not notified ~~if~~ when notification would not be in the child's best interests, due to past or current family or domestic violence. The notice advises the relatives:

- (1) the child was or will be removed from the custody of the parent or parents;
- (2) of the options under applicable law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; and

Emergency Adoptions

(3) of the requirements to become a foster family home and the additional services and supports available for the child placed in the home.

(d) **Pre-adjudicatory emergency custody order extension.** Per 10A O.S. § 1-4-601, the child is released from emergency custody ~~if~~when the adjudication hearing is delayed beyond 90 calendar days from the date the petition is filed unless the court ~~issues~~extends the emergency order up to an additional 90 calendar days by a written order with findings of fact supporting a determination that ~~there exists~~:

(1) reasonable suspicion exists that the health, safety, or welfare of the child would be in imminent danger if the child were returned to the home; and

(2) an exceptional circumstance exists to support the continuance of the child in emergency custody; or

(3) an agreement by the parents and the guardian ad litem, if any, exists to the continuance.

(e) **Emergency custody order expiration.** Per 10A O.S. § 1-4-601, when the adjudicatory hearing is delayed, the emergency custody order expires, unless the hearing on the merits of the petition is held within 180 calendar days after the actual removal of the child and custody is returned to the parent or legal guardian from whom the child was removed, or as otherwise directed by the court. However, the expiration of the emergency custody order does not cause the court to lose jurisdiction over the parties, including the child, and the court may enter other orders the court deems necessary to provide for the health, safety, and welfare of the child pending hearing on the petition.

(f) **Post-petition emergency hearing.** Once a child is the subject of a deprived child proceeding, any party may file a verified application for an emergency hearing that demonstrates harm or threatened harm to the health, safety, or welfare of the child. The court must hold an emergency hearing within 72 hours after receipt of the application. The court may issue an emergency order to protect the health, safety, and welfare of the child ending the emergency hearing per 10A O.S. §1-4-807.1.

(g) **Opportunity for ~~OKDHS~~DHS and others to be heard in placement and custody decisions.**

(1) Per 10A O.S. § 1-4-802, at any hearing under the Oklahoma Children's Code for the purpose of determining placement of the child in ~~OKDHS~~DHS custody, or whether the child in ~~OKDHS~~DHS custody, whether protective, emergency, temporary, or permanent,—is released from ~~OKDHS~~DHS custody, the court provides an opportunity for ~~an OKDHS~~ a DHS representative, the current foster parent, a group home representative where the child is currently placed, the guardian ad litem, and child, ~~if~~when of sufficient age, to present sworn testimony regarding the placement or release.

(2) When the Oklahoma Commission on Children and Youth (OCCY), Office of Juvenile System Oversight has conducted an investigation regarding placement of a child or release of a child from state custody and determines that there is a serious risk of danger to the health or safety of the child, ~~the~~ OCCY provides the court and the parties a written report of the investigation and recommendation for placement of the child. The OCCY report is provided

to the court and the parties no less than five judicial days prior to the hearing. The court, upon motion of any party, orders attendance of any person preparing the OCCY report when it appears there is a substantial likelihood that material evidence not contained in the report may be produced by the testimony of the person who prepared the report. The court considers the report when making the decision regarding placement of the child or release of the child from ~~OKDHS~~DHS custody.

(gh) **Objection by district attorney or child's attorney to child's release from state custody and review of court order.**

Per 10A O.S. § 1-8-103, at any hearing where a child's release from ~~OKDHS~~DHS custody, whether protective, emergency, temporary, or permanent custody, creates a serious risk of danger to the health or safety of the child, the district attorney or the attorney for the child may give verbal notice to the court of an objection to the court's order and an intention to seek review of the order releasing the child from state custody.

(1) Upon receiving notice, the court issuing the custody order in question stays the custody order pending the filing of an application and completion of the review. The district attorney or attorney for the child files a written application for review within three judicial days from the custody order with the presiding judge of the administrative judicial district. When a written application for review is not filed within the required time period, or when a written notice to the trial court withdrawing the objection is filed within the time period, the objection is deemed abandoned and the stay expires.

(2) Each application for review is assigned by the presiding judge of the administrative judicial district to a judge with juvenile docket responsibilities within that administrative judicial district.

(A) The review is completed within five judicial days of the filing of the written application for review and addresses the question of whether releasing the child from ~~OKDHS~~DHS custody creates a serious risk of danger to the health or safety of the child.

(B) The reviewing court reviews the hearing record and any other evidence the reviewing court deems relevant and issues a findings of fact and conclusions of law.

(hi) **Directed placement not allowed.** ~~if~~When the court determines it would be in the best interests of the child, the court may place the child in ~~the DHS~~ legal custody of ~~OKDHS~~. Per ~~10A O.S. § 1-4-803~~10A O.S. § 1-4-803, when the child is placed in ~~OKDHS~~DHS custody, the court does not have the authority to order a specific placement, but has the authority to approve or disapprove a specific placement when the placement does not conform to statutory requirements and the child's best interests of the child.

(ij) **Right to be heard and hearing notification to placement providers.** Per 10A O.S. §§ 1-4-807 and 1-4-811, ~~a foster parent, pre-adoptive parent, or relative providing care for the child in OKDHS custody has a right to notice of court proceedings regarding the child and the right to be heard at all proceedings. Except when allowed to intervene, the foster parent, pre-adoptive parent, or relative providing care for the~~

~~child is not considered a party to the juvenile court proceeding solely because of notice and the right to be heard at the proceeding~~DHS provides notice of the hearing per Oklahoma Administrative Code 340:75-1-16.1.

(jk) **Telephonic or teleconference hearings.** Per 10A O.S. § 1-4-503 any proceeding held pursuant to the Oklahoma Children's Code may be conducted via teleconference communication when authorized by the court; provided, that when a parent or child appears for a proceeding via teleconference, the attorney representing the parent or child must personally appear at the hearing. Teleconference communication means participation in the hearing by interactive telecommunication, including telephonic communication, by the absent party, parties present in court, the attorneys, and others deemed to be necessary participants to the proceeding including, but not limited to, foster parents and facility staff where a child may be receiving care or treatment.

340:75-1-16.1. Right to be heard and hearing notification to placement providers

Per Section 1-4-807 of Title 10A of the Oklahoma Statutes, a foster parent, group home, pre-adoptive parent, or relative providing care for the child in the Oklahoma Department of Human Services custody has a right to notice of court proceedings regarding the child and the right to be heard at all proceedings. Except when allowed to intervene, the foster parent, group home, pre-adoptive parent, or relative providing care for the child is not considered a party to the juvenile court proceeding solely because of the right to notice and the right to be heard at the proceeding.

340:75-1-17. AdjudicatoryAdjudication hearing

(a) ~~Adjudicatory hearing.~~ The ~~adjudicatory~~adjudication hearing is a proceeding in which the district attorney, representing the State, must prove ~~that~~ the allegations of the deprived petition are supported by a preponderance of the evidence and that as a result, the child should be adjudged is adjudicated to be deprived and made a ward of the court. The hearing ~~must be~~ held per Section 1-4-601 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-601). The order of adjudication must include a statement ~~that advises~~advising the parents, legal guardians, or ~~custodians~~parent that failure to appear at any subsequent hearing, or to comply with the requirements of the court may result in the loss of custody of the child or the termination of their parental rights.

(b) ~~Notification of hearing.~~ Prior written notice of court proceedings concerning the child is provided by OKDHS to the current foster parent of the child, any pre-adoptive parent, or relative providing care for the child per 10A O.S. § 1-4-807.

340:75-1-18. Dispositional hearing and options, and placement guidelines

(a) **Dispositional hearing purpose.** The purpose of the dispositional hearing is to determine the individualized needs of the child and family, and custody of the child during the deprived case. The court considers all helpful evidence ~~that is~~

helpful in determining the disposition that is in the child's best interests.

(b) **Dispositional hearing.** After a child is adjudicated to be deprived, the court holds a dispositional hearing, per Section 1-4-706 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-706).

(1) When the child is removed from the parent's custody, the court and the Oklahoma Department of Human Services (~~OKDHS~~(DHS)) consider concurrent permanency immediately and throughout the case. When appropriate, a concurrent plan is developed to ensure ~~that~~ permanency for the child occurs at the earliest opportunity in the event ~~that~~—reunification fails or is delayed. Appropriate in-state and out-of-state placement options are identified and the placement selected is the best available placement to provide permanency for the child ~~if reunification fails or is delayed.~~

(2) At the hearing, ~~OKDHS~~a DHS recommended, individualized service plan is presented to the court. The judge makes the final decision regarding ~~whether~~if the proposed individualized service plan is accepted and ~~whether~~if any or all recommendations are ordered by the court.

(c) **Court orders regarding custody or guardianship.** Every effort is made to place a child with a member of the child's family in a safe and appropriate home, per 10 O.S. 1-4-706. When a child is removed from the custodial parent and the court, in the child's best interests, is unable to release the child to the noncustodial parent, a placement preference is given to relatives and persons who have a kinship relationship with the child. ~~OKDHS~~DHS reports ~~the diligent efforts made to the court~~ the diligent efforts made to secure the placement per 10A O.S. 1-4-204 and Oklahoma Administrative Code (OAC) 340:75-6-85.2. In cases ~~where~~when the Indian Child Welfare Act applies, the placement preferences of the Act are followed per OAC 340:75-19-14.

(d) **Placement prohibitions.** A prospective foster or adoptive parent is not approved as placement for a child ~~if~~when the prospective foster or adoptive parent or any other person residing in the home of the prospective foster or adoptive parent has been convicted of any of the criminal offenses specified in 10A O.S. § 1-4-705 and OAC 340:75-7-15 or ~~if~~when the prospective foster or adoptive parent is subject to, or is married to, or living with someone subject to the Oklahoma Sex Offender Registration Act.

(e) **Dispositional options.** 10A O.S. § 1-4-707 permits the court to enter dispositional orders including, but not limited to:

(1) placing the child under ~~OKDHS~~DHS protective supervision in the child's own home, with the child's parent or legal guardian with whom the child was residing at the time the events or conditions arose that brought the child within the jurisdiction of the court, subject to conditions as prescribed by the court that would reasonably prevent the child from continued deprivation. ~~OKDHS~~DHS supervision remains in effect for one year unless extended or reduced in appropriate circumstances by the court per 10A O.S. § 1-4-707; or

Emergency Adoptions

- (2) placing custody of the child with the non-custodial parent under ~~OKDHS~~DHS protective supervision; and order:
- (A) reunification services for the parent; or legal guardian from whom the child has been, or is being removed;
 - (B) services for the parent, who is assuming physical custody of the child to allow the parent to later obtain legal custody without court supervision; or
 - (C) services for both parents, with the court determining at a subsequent review hearing which parent, if either, will have legal custody of the child;
- (3) placing the child in ~~OKDHS~~DHS custody. ~~OKDHS~~DHS makes an individualized determination when selecting a placement for the child based upon the child's best interests and permanency plan, utilizing:
- (A) a home or facility ~~that meets~~meeting the preferences specified by the state and federal Indian Child Welfare Acts, when applicable;
 - (B) a non-custodial parent's home;
 - (C) ~~an OKDHS~~a DHS approved relative's home;
 - (D) ~~an OKDHS~~a DHS approved non-relative's, kinship, family home;
 - (E) an approved foster home where the child was previously placed;
 - (F) ~~an OKDHS~~a DHS approved suitable, non-kinship, foster family home;
 - (G) a suitable licensed group home for children; or
 - (H) an independent living program.
- (4) ordering that any person residing in the home, follow specific conduct the court determines is in the child's best interests that will reasonably prevent the child from continued deprivation;
- (5) ordering establishment of a permanent guardianship established per 10A O.S. § 1-4-709; and
- (6) dismissing the petition and terminating the court's jurisdiction at any time for good cause when it is in the child's best interests.
- (f) **Additional court determinations.** The court makes a determination whether:
- (1) reasonable efforts:
 - (A) have been made to reunite the child with his or her family; however, the period for reunification services may not exceed 17 months from the date the child was initially removed from the child's home, unless the court finds compelling reasons to the contrary;
 - (B) are inconsistent with the child's permanency plan;
 - (C) have been taken to finalize the child's permanent placement including, if when appropriate, through an interstate placement; or
 - (D) to reunite the child with the family are not required, per 10A O.S. § 1-4-809 and OAC 340:75-1-18.4;
 - (2) services provided to assist any youth, 16 years of age or older, in the transition from out-of-home care to independent living are appropriate; and
 - (3) to place siblings, who have been removed, together in the same foster care, guardianship, or adoptive placement and provide for frequent visitation or other ongoing interaction for siblings, who have been removed, and are not placed together.
- (g) **Notification of hearing.** ~~Prior written notice of the hearing via Form 04MP030E, Hearing Notification, is provided by OKDHS to the child's current foster parent, any pre-adoptive parent, or relative providing care for the child. A right to be heard is provided by the court to the child's current foster parent, any pre-adoptive parent, or relative providing care for the child. A right to be heard is not construed as requiring any foster parent, pre-adoptive parent, or relative to be made a party to such action, per 10A O.S. § 1-4-807. DHS provides notice of the hearing per OAC 340:75-1-16.1.~~
- ### 340:75-1-18.1. Permanency hearings
- (a) **Permanency hearing.** A permanency hearing is held for the child alleged or adjudicated to be deprived. State and federal law establish the requirements for permanency hearings.
- (1) Per Section 1-4-810 of Title 10A of the Oklahoma ~~Statutes~~Statutes (10A O.S. § 1-4-810), when a child has been in out-of-home care for 12 months or longer, the court may require the Oklahoma Department of Human Services (~~OKDHS~~)DHS to facilitate a meeting, held no later than 30 calendar days prior to the permanency hearing, to discuss recommendations regarding the child's permanency plan that are reported to, and reviewed by, the court. The court may direct the assigned guardian ad litem, if any, who may be a court-appointed special advocate, a judicial case manager, or ~~OKDHS~~DHS to make meeting arrangements ~~for the meeting~~. The child's foster parents, the child's parents, or the parents' attorney, a post-adjudication review board member, the guardian ad litem ~~who has been~~ appointed to the case, the child, the child's attorney, and others as appropriate are contacted to assist in the preparation of the report; however, persons determined ~~not to require reasonable efforts pursuant to the provisions of~~ by the court per 10A O.S. § 1-4-809 are not required to attend.
 - (2) The judge conducts the permanency hearing and makes determinations, per 10A O.S. § 1-4-811. ~~OKDHS~~DHS Child Welfare (CW) specialists provide the court with the necessary information to conduct the hearing. The initial and subsequent permanency hearings may be held earlier or more frequently at the request of a party, ~~OKDHS~~DHS, or the court, but initially no later than:
 - (A) six months from the date of the child's placement in out-of-home care and every six months thereafter; and
 - (B) 30 calendar days after a determination that reasonable efforts are not required to prevent the removal of the child from the home or to reunite the child with the family, and every six months thereafter.
- (b) **Notification of hearing and right to be heard.** ~~Prior written notice of the hearing, Form 04MP030E, Hearing Notification, is provided by OKDHS to the current foster parent~~

~~of the child, any pre-adoptive parent, or relative providing care for the child. A right to be heard is provided by the court. Such notice and right to be heard is not construed as requiring any foster parent, pre-adoptive parent, or relative to be made a party to such action.~~ DHS provides notice of the hearing per OAC 340:75-1-16.1.

(c) **Court jurisdiction to finalize child's permanent plan.** The judge presiding over the deprived case ~~also~~ has authority to make final determination in the matter and preside over any separate action necessary to finalize a child's permanency plan, including an adoption, guardianship, or other custody proceeding per 10A O.S. § 1-4-101.

340:75-1-20. Judicial review hearings

(a) **Six-month review hearing requirement.** Section 1-4-807 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-807) requires ~~that~~ the court to review every case regarding a child alleged or adjudicated deprived no later than six months after the date of the child's removal from the home and at least once every six months thereafter until permanency is achieved or the court otherwise terminates jurisdiction.

(1) At the review hearing, Oklahoma Department of Human Services (~~OKDHS~~)DHS provides information similar to that offered at the dispositional hearing, with special emphasis on the parent or legal guardian's progress on the court-ordered treatment and service plan.

(2) The court reviews all evidence that assists in decision-making including, but not limited to, oral and written reports presented by ~~OKDHS~~DHS and others involved in the case.

(b) **Ninety-day review requirement.** Per 10A O.S. § 1-4-807, when ~~OKDHS~~DHS documents a compelling reason why a petition to terminate parental rights to the child is not in the child's best interests, based upon a consideration that the child is not presently capable of functioning in a family setting, the child's status is re-evaluated by the court every 90 calendar days until a final determination is made that the child cannot be placed in a family setting.

(c) **Requesting review hearing and concurrent review and permanency hearings.**

(1) At any time during the pendency of the case, any party may request the court to review the case. ~~If~~When a review is granted, the requesting party provides notice to all parties of the date and time of the hearing, per 10A O.S. § 1-4-807.

(2) A review hearing may be held concurrently with a permanency hearing, per 10A O.S. § 1-4-807.

(d) **Review hearing report.** ~~OKDHS~~DHS prepares the review hearing report for the court when the child is in ~~OKDHS~~DHS legal custody or when ~~OKDHS~~DHS has court-ordered protective supervision of the child. Per 10A O.S. § 1-4-808, the report includes, but is not limited to:

(1) a summary of the child's physical, mental, and emotional condition, the conditions existing in the out-of-home placement where the child has been placed, and the child's adjustment;

(2) a report on the child's progress in school and, ~~if~~when the child has been placed outside of the child's

home, the visitation exercised by the child's parents or other persons authorized by the court;

(3) services provided to the child 16 years of age or older that assist the child in the transition from out-of-home care or other community placement to independent living;

(4) a description of:
(A) each parent's progress to correct the conditions or change behaviors that caused the child to be adjudicated deprived;

(B) changes that still need to occur and the specific actions the parent must take to make the changes; and

(C) services and assistance offered or provided to each parent since the previous hearing and the services that are needed in the future;

(5) a description of the child's placements:

(A) by number and type with dates of entry and exit;

(B) reasons for the placement or change in placement; and

(C) a statement regarding the success or lack of success of each placement;

(6) ~~OKDHS~~DHS efforts to locate and involve each parent in the planning for the child, ~~if~~when the parent is not currently communicating with ~~OKDHS~~DHS;

(7) compliance by ~~OKDHS~~DHS, as applicable, and each parent with the court's orders concerning the individualized service plans, previous court orders, and ~~OKDHS~~DHS recommendations;

(8) whether the current placement is appropriate for the child, its distance from the child's home and ~~whether~~if it is the least restrictive, most family-like placement available;

(9) a proposed timetable for the child's return to ~~the~~his or her home or other permanent placement; and

(10) specific recommendations, giving reasons whether:
(A) trial reunification should be approved by the court;

(B) trial reunification should be continued to a certain date as specified by the court;

(C) the child should remain in, or be placed outside of the child's parent or legal guardian's home; or

(D) the child should remain in the current placement when the permanency plan is other than reunification with the child's parent or legal guardian.

(e) **Notice of hearing.** ~~OKDHS provides written notice of review hearings via Form 04MP030E, Hearing Notification, to the pre-adoptive parent(s), relative, and current foster parent. The court provides the right to be heard to the child's current foster parent, any pre-adoptive parent, or relative providing care for the child. Such notice and right to be heard is not construed as requiring any foster parent, pre-adoptive parent, or relative to be made a party to such deprived proceedings.~~ DHS provides notice of the hearing per Oklahoma Administrative Code 340:75-1-16.1.

SUBCHAPTER 6. PERMANENCY PLANNING

Emergency Adoptions

PART 7. FAMILY AND CHILD INDIVIDUALIZED SERVICE PLANNING COMPONENTS

340:75-6-40.9. Termination of parental rights

(a) **Effect of termination of parental rights.** Per Section 1-4-904 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-904), the termination of parental rights (TPR) terminates the parent-child relationship including the parent's right to:

- (1) custody of the child;
- (2) visit the child;
- (3) control the child's training and education;
- (4) consent to the child's adoption;
- (5) the child's earnings;
- (6) inherit from or through the child; although termination of parental rights does not affect the child's right to inherit from the parent.

(b) **Legal grounds for termination of parental rights.**

(1) Per 10A O.S. § 1-4-904, a court may not terminate a parent's parental rights unless the child is adjudicated deprived prior to, or concurrent with the termination of parental rights proceedings, and the court makes the finding that TPR is in the child's best interests.

(2) Per 10A O.S. § 1-4-901, a petition or motion for TPR may be filed by the district attorney or by the attorney for the child alleged to be or adjudicated deprived.

(3) Per 10A O.S. § 1-4-904 the court may terminate parental rights on the grounds listed in subparagraphs (A) through ~~(M)~~(Q) of this paragraph.

(A) **Consent.** The parent may consent to termination of his or her parental rights by signing a voluntary consent form to relinquish parental rights.

(i) The written, voluntary consent, signed under oath, is not revocable unless the parent can provide clear and convincing evidence that the consent was executed by reason of fraud or duress.

(ii) In any proceeding for a voluntary TPR to an Indian child, the parent's consent may be withdrawn for any reason at any time prior to the entry of a final decree of termination. Any consent given prior to, or within 10 calendar days after, the birth of the Indian child is not valid.

(B) **Abandonment.** The court may find that the parent who is entitled to custody of the child has abandoned the child.

(C) **Abandonment of an Infant.** The court may find that the child, 12 months of age or younger, was abandoned.

(D) **Non-compliance with voluntary placement agreement.** The court may find that the child's parent:

- (i) voluntarily placed physical custody of the child with ~~OKDHS~~the Oklahoma Department of Human Services (DHS) or a child-placing agency for out-of-home placement;
- (ii) has not complied with the placement agreement, and
- (iii) has not demonstrated during the child's period of voluntary out-of-home placement, a firm

intent to resume physical custody of the child or make other permanent legal arrangements for the child's care.

(E) **Failure to correct conditions.** The court may find that the parent failed to correct conditions that led to the child's adjudication as a deprived child although the parent was given at least three months to correct the conditions.

(F) **Same conditions - another child.** The court may find that another child of a parent whose parental rights to any other child have been terminated and the conditions that led to the prior TPR have not been corrected.

(G) **Failure to support.** The court may find that the non-custodial parent has willfully failed, refused, or neglected to contribute to the child's support for six out of the last 12 months immediately preceding the filing of the termination petition or motion:

- (i) as specified by a court order for child support, or
- (ii) according to the parent's financial ability to support the child, when an order for child support does not exist. Incidental or token support is not construed or considered when determining if the parent has maintained or contributed to the child's support.

(H) **Certain criminal convictions.** A conviction in a criminal action in any state, of any of the following acts:

- (i) permitting a child to participate in pornography;
- (ii) rape or rape by instrumentation;
- (iii) lewd molestation of a child under 16 years of age;
- (iv) child abuse or neglect;
- (v) enabling child abuse or neglect;
- (vi) causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child;
- (vii) causing the death of the child's sibling as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling;
- (viii) murder of any child or aiding or abetting, attempting, conspiring, or soliciting to commit murder of any child;
- (ix) voluntary manslaughter of any child;
- (x) a felony assault that resulted in serious bodily injury to the child or another child of the parents; or
- (xi) murder or involuntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring, or soliciting to commit murder of the child's parent.

(I) **Heinous or shocking abuse or neglect.** The court may find that a parent has abused or neglected the child or the child's sibling or failed to protect the child or sibling from abuse or neglect that is heinous or shocking.

(J) **Prior abuse or neglect.** The court may find that a parent has previously abused or neglected the child or the child's sibling, or failed to protect the child or sibling from abuse or neglect and the child or sibling has been subjected to subsequent abuse.

(K) **Rape by the parent.** The court may find the child was conceived as a result of a rape perpetrated by the parent whose rights to the child are sought to be terminated.

(L) **Incarceration.** The parent's incarceration in and of itself is not sufficient to deprive a parent of parental rights. The court may find ~~that~~ the parent whose rights are sought to be terminated is incarcerated, and continuation of parental rights will result in harm to the child based on the consideration of the factors, including, but not limited to the:

- (i) ~~the~~ duration of incarceration and its detrimental effect on the parent-child relationship;
- (ii) previous convictions resulting in involuntary confinement in a secure facility;
- (iii) history of criminal behavior, including crimes against children;
- (iv) ~~the~~ age of the child;
- (v) evidence of abuse or neglect or failure to protect the child or siblings of the child by the parent;
- (vi) ~~the~~ current relationship between the parent and child; and
- (vii) ~~the~~ manner in which the parent has exercised parental rights and duties in the past.

(M) **Behavioral health illness or incapacity.** The court must find ~~that~~ the factors in units (i) and (ii) of this subparagraph exist:

- (i) the parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health that renders the parent incapable of adequately and appropriately exercising parental rights, duties, and responsibilities within a reasonable time, considering the age of the child; and
- (ii) allowing the parent to have custody will cause the child actual harm or harm in the near future.

(I) A parent's refusal or non-compliance with treatment or assistance for the condition can be used as evidence.

(II) A finding that a parent has a diagnosed cognitive disorder, an extreme physical incapacity, or a medical condition, including behavioral health or substance dependency, does not in, and of itself, deprive the parent of parental rights.

(N) **Prior adjudication of same conditions.** The court may find the:

- (i) condition that led to the deprived adjudication has been the subject of a previous deprived adjudication of this child or a sibling of this child; and

- (ii) parent has been given an opportunity to correct the conditions that led to the determination of the initial deprived child.

(O) **Substantial erosion of parent-child relationship.** The court may find a substantial erosion of the relationship between the parent and child exists caused at least in part by:

- (i) the parent's serious or aggravated neglect of the child, physical or sexual abuse or exploitation of the child;
- (ii) a prolonged and unreasonable absence of the parent from the child; or
- (iii) an unreasonable failure by the parent to visit or communicate in a meaningful way with the child.

(P) **Lengthy foster care of child 4 years of age and older.**

- (i) The court may find:
 - (I) a child 4 years of age and older at the time of placement, has been placed in foster care by DHS for 15 of the most recent 22 months, preceding the filing of the TPR petition or motion; and
 - (II) at the time of the filing of the TPR petition or motion, the child cannot be safely returned to the home of the parent.
- (ii) A child is considered to have entered foster care on the earlier of the adjudication date, or the date that is 60 calendar days after the date the child is removed from the home; and

(Q) **Lengthy foster care of a child younger than 4 years of age.**

- (i) The court may find a child younger than 4 years of age at the time of the filing of the TPR petition or motion:
 - (I) has been placed in foster care by DHS for at least six of the 12 months preceding the filing of the TPR petition or motion; and
 - (II) the child cannot be safely returned to the home of the parent.
- (ii) A child is considered to have entered foster care on the earlier of the adjudication date or the date 60 calendar days after the date the child is removed from his or her home.

(iii) The court may consider:

- (I) circumstances of the failure of the parent to develop and maintain a parental bond with the child in a meaningful, supportive manner; and
- (II) whether allowing the parent to have custody would likely cause the child actual serious psychological harm or harm in the near future as a result of the removal of the child from the substitute caregiver due to the existence of a strong, positive bond between the child and caregiver.

(ii) A child is considered to have entered foster care on the earlier of the adjudication date or the date 60 calendar days after the date the child is removed from his or her home.

(c) **Mandatory petition or motion for ~~termination~~—of parental—rights TPR.** Per 10A O.S. § 1-4-902, the district

Emergency Adoptions

attorney is required to file a petition or motion to terminate the parent-child relationship and parental rights with respect to a child or joins in the petition or motion, if filed by the child's attorney ~~when: as in any of the circumstances~~ detailed in paragraphs (1) through ~~(3)~~(4) of this subsection.

(1) **The child is in out-of-home care for 15 out of the most recent 22 months.** Prior to the end of the fifteenth month, ~~when~~ the child has been placed in foster care by ~~OKDHS—DHS~~ for 15 of the most recent 22 months. The child is considered to have entered foster care on the earlier ~~of the date:~~

- (A) of adjudication as a deprived child, or
- (B) ~~that is~~ 60 calendar days after the date on which the child is removed from the home;

(2) **The child is determined to be an abandoned infant.** A petition or motion to termination parental rights is filed no later than 60 calendar days after the child is judicially determined to be an abandoned infant;

(3) **Reasonable efforts to reunite are not required due to certain felony convictions of the parent.** No later than 60 calendar days after the court ~~has—determined~~determines that reasonable efforts to reunite are not required due to a felony conviction of a parent ~~who has~~of any of the following acts:

~~(A) committed the murder of any child or has aided or abetted, attempted, conspired in, or solicited the commission of the murder of any child;~~

~~(B) committed voluntary manslaughter of another child of the parent, or has aided or abetted, attempted, conspired in, or solicited the commission of voluntary manslaughter of any child; or~~

~~(C) committed a felony assault that resulted in serious bodily injury to the child or to any child.~~

(A) permitting a child to participate in pornography;

(B) rape, or rape by instrumentation;

(C) lewd molestation of a child under 16 years of age;

(D) child abuse or neglect;

(E) enabling child abuse or neglect;

(F) causing the death of a child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child;

(G) causing the death of a sibling of the child as a result of the physical or sexual abuse or chronic abuse or chronic neglect of the child's sibling;

(H) murder of any child or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of any child;

(I) voluntary manslaughter of any child;

(J) a felony assault that resulted in serious bodily injury to the child or another child of the parent; or

(K) murder or voluntary manslaughter of the child's parent or aiding or abetting, attempting, conspiring in, or soliciting to commit murder of the child's parent; or

(4) The parent has made no measurable progress in correcting conditions. No later than 90 calendar days after the court has ordered the individualized service plan, the parent has made no measurable progress in correcting the conditions that caused the child to be adjudicated deprived.

(d) **District attorney not mandated to file petition or motion to terminate parental rights under certain conditions.** Per 10A O.S. § 1-4-902, when any of the conditions in paragraphs (1) through (3) exist, the district attorney is not mandated to file a petition or motion for termination of parental rights.

(1) At the option of ~~OKDHS~~DHS or by order of the court, the child is properly cared for by a relative;

(2) ~~OKDHS~~DHS has documented a compelling reason for determining that filing a petition to terminate parental rights would not serve the child's best interests ~~of the child~~ that may include consideration that the:

(A) parents or legal guardians have maintained a relationship with the child and the child would benefit from continuing the relationship;

(B) child, who is 12 years of age ~~or~~and older objects to the termination of the parent-child, legal relationship;

(C) child's foster parents are unable to adopt the child because of exceptional circumstances that do not include an unwillingness to accept legal responsibility for the child; but are willing and capable of providing the child with a stable and permanent environment, and the removal of the child from the physical custody of the foster parents would be seriously detrimental to the emotional well-being of the child because the child has substantial psychological ties to the foster parents;

(D) child is not capable of achieving stability ~~if~~when placed in a family setting; or

(E) child is an unaccompanied, refugee minor and the situation regarding the child involves international legal issues or compelling foreign policy issues; or

(3) ~~OKDHS~~DHS has not provided to the child's family, consistent with the time period in the state case plan, services that the state deems necessary for the safe return of the child to the child's home, ~~if~~when reasonable efforts are required to be made with respect to the child.

(c) **Parental rights not terminated at trial.** Per 10A O.S. § 1-4-908, when parental rights are not terminated ~~as a result of~~ at trial, the court ~~sets the matter for~~schedules a permanency hearing within 30 calendar days. The failure of parental rights to be terminated at trial does not;

(1) deprive the court of the court's continuing jurisdiction over the child, ~~or~~nor

(2) require reunification of the child with the parent when the child is adjudicated deprived.

(d) **Adoption consent authority when parental rights terminated.** Per 10A O.S. § 1-4-907, when the court terminates parental rights and the child's custody is placed with ~~OKDHS~~DHS, the court ~~vests~~OKDHS must vest DHS with the authority to place the child, and consent to the child's adoption.

PART 11. PERMANENCY PLANNING AND PLACEMENT SERVICES

340:75-6-85. Placement considerations for the child in Oklahoma Department of Human Services (OKDHS)(DHS) custody

(a) **Legislative intent for the child placed outside the child's home.** Per Section 1-1-102 of Title 10A of the Oklahoma Statutes (10A O.S. 1-1-102), when a child's placement outside of the home is necessary, pursuant to the Oklahoma Children's Code, each child is assured the care, guidance, and supervision in a permanent home or foster home that will serve the child's best interests including, but not limited to, the development of the child's moral, emotional, spiritual, mental, social, educational, and physical well-being. The child is entitled to a permanent home and placement in the least restrictive environment that meets the child's needs.

(b) **Multiethnic Placement Act of 1994.** OKDHS/DHS follows the provisions of the Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996, per Oklahoma Administrative Code (OAC) 340:75-1-9, unless the court finds that the Indian Child Welfare Act (~~ICWA~~) applies to the child.

(c) **OKDHS/DHS responsibility for the child's out-of-home placement.** OKDHS/DHS has the duty to provide for the care and treatment of each child placed in OKDHS/DHS custody by an order of the court, per Section 1-7-103 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-7-103). OKDHS/DHS:

- (1) may place the child in:
 - (A) a kinship care home or other foster care home; or
 - (B) when no kinship or foster care home is available, a group home, children's shelter, or any licensed facility established for the care of children;
- (2) gives priority to the child's placement with the child's noncustodial parent unless the placement is not in the child's best interests; and
- (3) reviews and assesses the child to determine the type of placement and services consistent with the child's needs in the nearest geographic proximity to the child's home as possible.

(d) **Placement/Relative placement preference if not with noncustodial parent.** Per 10A O.S. § 1-4-204 and 10A O.S. § 1-7-106, when OKDHS/DHS determines that placement with the noncustodial parent is not in the child's best interests, preference is given to relatives and persons who have a kinship relationship with the child, and who are determined to be suitable, capable, and willing to serve as caretakers for the child.

- (1) Per 10A O.S. § 1-4-204 and 10A O.S. § 1-4-706, every effort is made to place the child with a suitable relative of the child.
- (2) OKDHS/DHS makes efforts to locate the relative, kinship relation, or resource parent who is best able to meet the child's long-term best interests.
- (3) OKDHS/DHS ~~reports to the court~~, per 10A O.S. § 1-4-204, reports to the court what the diligent efforts were made to secure the placement.

(4) OKDHS/DHS complies with the ICWA placement preferences ~~in per~~ OAC 340:75-19-14, when applicable to the child; and

(5) ~~When the child cannot be placed pursuant to 10A O.S. 1-7-106, the reason for the determination is specified in the Child Welfare Services case record and provided to the court.~~ When a child is not placed with a relative who has been considered for placement, DHS must advise the court, in writing on Form 04MP056E, Notice to the Court of Relative Denied Placement, the reasons why that relative was denied and the written reasons are made a part of the court record per 10A O.S. § 1-4-204 and documented in the Child Welfare Services case record.

(e) **Court's authority to approve or disapprove placement.** When the court determines it is in the child's best interests, the court may place the child in OKDHS/DHS legal custody. Per 10A O.S. § 1-4-803, when the child is placed in OKDHS/DHS custody, the court may not direct OKDHS/DHS to place the child in a specific home or placement, but may approve or disapprove a specific placement ~~if~~ when it does not conform to statutory requirements and the child's best interests.

(f) **OKDHS/DHS authority to change the child's placement.** OKDHS/DHS has the responsibility to determine ~~whether~~ if a placement is appropriate for the child in OKDHS/DHS custody and to remove the child from the placement when in the child's best interests, per 10A O.S. § 1-7-103, subject to the provisions of 10A O.S. §§ 1-4-804 and 1-4-805.

(g) **Placement in nearest geographic proximity to parent or school.** Per 10A O.S. § 1-4-707, unless the child is placed with relatives or in accordance with federal and state Indian Child Welfare Acts, the child is placed when possible, in the parent or legal guardian's district/county of residence to facilitate family reunification.

- (1) When an appropriate placement is not available in the parent or legal guardian's county of residence, the child is placed in an appropriate home in the nearest proximity to the parent or legal guardian's district/county of residence, the child's school district, or both, to facilitate family reunification and ensure educational consistency for the child.
- (2) The child's placement is not intended to correspond in frequency to the parent or legal guardian's change of residence.
- (3) When determining ~~whether~~ if the child ~~should be~~ is moved, OKDHS/DHS considers the potential harmful effects of disrupting the child's placement and the reason the parent or legal guardian changed residences.

(h) **Sibling placement.** Per 10A O.S. § 1-7-107, when two or more ~~children in foster care are~~ siblings are removed and placed in foster care, every reasonable attempt is made to place the siblings, ~~who have been removed~~, together in the same temporary or permanent placement.

- (1) When siblings are separated, the siblings are allowed contact or visitation with each other when appropriate.
- (2) The best interests of each child ~~determine~~ determine whether joint placement, contact, or visitation is allowed.

Emergency Adoptions

- (3) Per 10A O.S. § 1-4-707, when the child is a part of a sibling group, it is presumed that placement of the entire sibling group in the same placement is in the best interests of the child and siblings unless the presumption is rebutted by a preponderance of evidence to the contrary.
- (i) **Indian Child Welfare Act and placement.** The federal Indian Child Welfare Act (~~FICWA~~), 25 United States Code § 1915, Oklahoma Indian Child Welfare Act (~~OICWA~~), 10 O.S. § 40.6, and OAC 340:75-19-14 define placement preferences for Indian children.
- (j) **Religious consideration in placement decision.** Consideration is given to the parent's wishes regarding religious preference in the selection of a placement provider for the child, per 10A O.S. § 1-4-705 and OAC 340:75-6-49.
- (k) **Placement stability.**
- (1) When reunification is feasible, the child's first out-of-home placement ~~should be~~ is the best available placement to provide permanency and placement stability for the child.
- (2) A request by a placement provider for immediate removal of the child is examined and assessed to determine ~~whether~~ if the situation can be resolved to prevent disruption of the child's placement.
- (l) **Placement provider's age.** Per 10A O.S. § 1-4-705, when a prospective placement provider meets the minimum age required per OAC 340:75-7-12, ~~OKDHS~~DHS may not use the age of an otherwise eligible individual as a reason for denial of placement.
- (m) **Prescribed standards for placement provider.** Each placement utilized by ~~OKDHS~~DHS is approved or licensed by specified procedures and meets prescribed standards.
- (1) The child in ~~OKDHS~~DHS custody is not placed in a home, temporarily or with a closely related person, prior to the person meeting provider standards per OAC 340:75.
- (2) Placement providers must:
- (A) provide safety for the child in ~~OKDHS~~DHS custody;
- (B) have sufficient space in the home to allow the child privacy;
- (C) support and participate in the child's permanency plan;
- (D) adhere to ~~OKDHS~~DHS rules, such as not using physical discipline; and
- (E) support the child's preferred religious and cultural choices.
- (n) **Determining the appropriate placement.** Per 10A O.S. § 1-4-204, when determining the appropriate placement for the child, ~~OKDHS~~DHS considers, but does not limit consideration to the:
- (1) person's ability to provide safety for the child, including a willingness to cooperate with any restrictions placed on contact between the child and others and to prevent others from influencing the child in regard to allegations of the case;
- (2) person's ability to support ~~OKDHS~~DHS efforts to implement the ~~permanent~~permanency plan for the child;
- (3) person's ability to meet the child's physical, emotional, and educational needs, including the child's need to continue in the same school or educational placement;
- (4) person who has the closest existing personal relationship with the child, when more than one person requests placement;
- (5) person's ability to provide a placement for the child's sibling who is also in need of placement or continuation in out-of-home care;
- (6) wishes of the parent, the relative, and the child ~~if~~when appropriate;
- (7) person's ability to care for the child as long as necessary and to provide a permanent home when needed; and
- (8) child's best interests.
- (o) **Child's placement preference.** Per 10A O.S. § 1-7-110, when determining placement of a deprived child in foster care, ~~OKDHS~~DHS is governed by the child's long-term best interests. The child may express a preference as to placement and the preference may be expressed by the child with or without the parents, foster parents, guardians, or any other parties present. ~~OKDHS~~DHS determines whether the best interests of the child are served by the child's preference, but is not bound by the child's preference and may consider other facts in determining the placement.
- (p) **Certain criminal convictions prohibit placement approval.** Per 10A O.S. § 1-4-705, ~~OKDHS~~DHS does not approve prospective foster or adoptive parents as Bridge resource parents when the applicant, or any person residing in the prospective applicant's home, has a criminal conviction for any of the felony offenses listed in paragraphs (1) through (5). The felony offenses are:
- (1) physical assault, battery, or a drug-related offense within the five-year period preceding the application date;
- (2) child abuse or neglect;
- (3) domestic abuse;
- (4) a crime against a child, including, but not limited to, child pornography; or
- (5) a crime involving violence, including, but not limited to, rape, sexual assault, or homicide, but excluding those crimes specified in paragraph (A). Homicide includes manslaughter. A crime involving violence means an offense that:
- (A) has as an element, the use, attempted use, or threatened use of physical force against the person or property of another; or
- (B) by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- (q) **Former foster parent preferred placement.** Per 10A O.S. § 1-9-119, the foster parent has a right to be considered as a preferred placement option when the foster child who was formerly placed with the foster parent reenters foster care at the same level and type of care, when the placement is consistent with the best interests of the child and other children in the foster parent's home.
- (r) **Eligibility of foster parent to adopt the child.** Per 10A O.S. § 1-4-812, during any permanency hearing, when the

court determines the child is to be placed for adoption and the child has resided with the foster parent for at least one year, the court considers the foster parent eligible to adopt and gives great weight to the foster parent in the adoption consideration unless there is an existing, loving, emotional bond with a relative of the child, by blood or marriage, who is willing, able, and eligible to adopt the child.

(s) **Foster parent as essential participant.** 10A O.S. § 1-9-119 and OAC 340:75-7-37 recognize foster parents as essential participants in the decisions related to the growth, development, care, protection, and treatment of the child placed in the foster parent's home with whom they have established a familial relationship.

(t) **Foster parent rights.** A ~~complete~~ statement of foster parent's rights ~~can be viewed~~ is found at 10A O.S. § 1-9-119 and annually, a copy is given to every foster parent.

340:75-6-86. Changes in child's living arrangements

(a) **Notification requirement when the child in Oklahoma Department of Human Services (OKDHS) custody is moved from one location to another.** Section 1-4-804 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-4-804) requires ~~that~~ when the child in Oklahoma Department of Human Services (~~OKDHS~~)(DHS) custody is moved from one location to another, within a reasonable time after ~~OKDHS~~DHS is aware of the need for movement, but in no event less than five judicial days prior to movement unless an emergency exists, ~~OKDHS~~DHS notifies the:

- (1) court of jurisdiction;
- (2) child's attorney of the child's specific location;
- (3) district attorney;
- (4) Post Adjudication Review Board (~~PARB~~);
- (5) court-appointed special advocate (~~CASA~~), ~~if~~ when any, of the child's specific location;
- (6) guardian ad litem of the child, ~~if~~ when any, of the child's specific location;
- (7) the tribal representative ~~is~~ involved in the case, ~~if~~ when any, of the child's specific location; and
- (8) ~~Oklahoma~~ Child Support Services office in the county of jurisdiction.

(b) **Emergency movement of the child in OKDHS custody.** "Emergency," as used in 10A O.S. § 1-4-804, means movement of the child that is:

- (1) pursuant to a court order including, but not limited to, an order authorizing placement of the child with a parent or sibling;
- (2) immediate removal of the child without delay or notice requested by the child-placing agency or child's foster parent;
- (3) for emergency medical or mental health treatment;
- (4) for substantial noncompliance by the foster parent or child-placing agency with applicable placement standards and agreements such that the child is in imminent danger; or
- (5) due to a pending investigation of an allegation of abuse or neglect of a child by the foster parent, ~~or~~ child-placing agency, ~~or~~ other person residing in the foster family home.

(c) **Removal from foster care and required notification when the child has resided in the foster home or group home for three months or more.**

(1) Pursuant to 10A O.S. § 1-4-805, except in an emergency, when the child has resided with the foster parent or in a group home for three months or more, written notice is provided five judicial days prior to the child's removal from the foster parent or group home to the:

- (A) tribal foster parent;
- (B) emergency foster parent;
- (C) therapeutic foster parent;
- (D) Developmental Disabilities Services ~~Division~~ (~~DDSD~~) foster parent;
- (E) kinship foster parent;
- (F) non-kinship foster parent; and
- (G) court.

(2) The length of time applies to placement in each individual therapeutic or ~~emergency contract~~ foster care home or group home and not placement with the therapeutic or ~~emergency foster care~~ contract agency.

(d) **Foster parent's objection** Objection to removal when the child has resided in the foster home or group home for more than six months. When the child has resided in the same foster home or group home for more than six months, the foster parent or group home representative has the right to file a written objection to the child's removal from the ~~foster~~ placement home per 10A O.S. § 1-4-805.

(1) The objection must be filed with the court and served on ~~OKDHS~~DHS within five judicial days after receipt of the notice to remove the child.

(2) Timely filing and service of the objection stays removal of the child pending review by the court, unless the reason ~~OKDHS~~DHS stated for removal is due to an emergency, ~~as defined in~~ per subsection (b) of this Section.

(e) **Hearing on any party or foster parent's objection to child's removal from the foster home or group home.** When the child is being removed from the foster home or group home and any party, ~~or~~ the foster parent, or group home representative files an objection, an informal placement review hearing is held within 15 judicial days per 10A O.S. § 1-4-805. The court may order ~~that~~ the child remain in, or be returned to, the objecting foster parent's home or group home ~~if~~ when the court finds the ~~OKDHS~~DHS placement decision was arbitrary, inconsistent with the child's permanency plan, or not in the child's best interests.

PART 6. FOSTER HOME CARE SUPPORT SERVICES

340:75-7-65. Foster care child care and supportive services for the Bridge resource

(a) **Child care subsidy benefits for the child in Oklahoma Department of Human Services (~~OKDHS~~)(DHS) and/or tribal custody.** Child care subsidy benefits paid by ~~OKDHS~~DHS for a child in ~~OKDHS~~DHS or tribal custody are available when:

- (1) the resource is a:

Emergency Adoptions

- (A) paid or non-paid Bridge resource parent authorized for child care subsidy benefits by Child Welfare Services (CWS);
- (B) tribal resource family providing care for the child in tribal custody in a paid placement when child care subsidy is authorized by the tribal liaison;
- (C) contract resource parent when child care subsidy is authorized by the district of service; ~~or~~
- (D) shelter host home when child care subsidy is authorized by the district of service; ~~or~~
- ~~(E) contracted emergency resource care home approved on a case-by-case basis by the OKDHS Foster Care Program Unit;~~
- (2) the need for child care is met.
- (A) The need is met ~~when: the~~ for a single Bridge resource parent when he or she is:
- (i) employed 20 hours a week or more;
- (ii) enrolled and attending a formal education program for at least six credit hours per semester. A formal education program is defined as a course of study that leads to the attainment of an associate, bachelor's, or post-graduate degree;
- (iii) enrolled and attending a training program. A training program is defined as a course of study that when completed qualifies a person to meet requirements for a job the individual could not have obtained without the certificate of completion, accreditation, or licensure resulting from completion of training; or
- (iv) approved for child care by the Bridge deputy director for reasons other than those listed in this subparagraph. These decisions are made on a case-by-case basis.
- (B) ~~The need is met for~~ a two-parent Bridge resource home when:
- (i) both Bridge resource parents are employed 20 hours a week or more and have the same working hours; ~~or~~
- (ii) one Bridge resource parent works and the other resource parent has a significant disability that precludes providing care for the child;
- (iii) one Bridge resource parent works during the same hours the other Bridge resource parent is enrolled and attending a formal education or training program per (a)(2)(A) of this subsection; or
- (iv) one Bridge resource parent works during the same hours the other Bridge resource parent needs child care for a reason other than those listed in this subparagraph. In this situation, the need for subsidized child care must be approved by the Bridge deputy director on a case-by-case basis.
- (C) ~~the~~ The need is met when a Bridge resource parent works night hours, a feasible alternative is used at no cost to ~~OKDHS~~ DHS during the night working hours, and the Bridge resource parent needs child care to allow the other Bridge resource parent to sleep during the day. Night working hours are defined as the hours between 11:00 p.m. and 7:00 a.m.
- (i) The maximum amount of child care time approved by the specialist allows the Bridge resource parent eight hours of sleep plus travel time to and from the child care provider.
- (ii) In a two parent Bridge resource home, child care subsidy is only approved for this reason when both Bridge resource parents work nights or when one Bridge resource parent works nights and the other Bridge resource parent works during the day while the other Bridge resource parent is sleeping; or when one Bridge resource parent works nights and the other Bridge resource parent needs child care during the day for a reason that requires approval of the Bridge deputy director while the Bridge resource parent is sleeping; and
- (3) child care is provided:
- (A) in a licensed and contracted child care center with a one star plus or higher star status, unless there are no centers with a one star plus or higher star status in the community or special exception criteria are met. Special exception criteria are:
- (i) the child was already approved for care at this one star center prior to January 1, 2003, or prior to the provider's star status being reduced to one star. The child can remain at this facility, unless the child stops attending there for more than 30 calendar days. The child may be approved at this same facility again ~~if~~ when the only reason the child did not attend for more than 30 calendar days was because of a school break or due to circumstances beyond the control of the resource home, such as the child's illness;
- (ii) care is requested for a child living in the same home as a child already approved for care as described in (3)(A)(i) of this subsection for the same one star child care provider; or
- (iii) the Bridge resource parent demonstrates there is no other child care option that meets the family's needs;
- (B) in a licensed and contracted child care home regardless of star level; ~~or~~
- (C) by an approved in-home provider who cares for the child at the resource parent's home, per Oklahoma Administrative Code (OAC) 340:40-13-2; or
- (D) a foster child attends an Early Head Start (EHS) program.
- (b) **Child care subsidy benefits available through Adult and Family Services (AFS).** Child care subsidy benefits may be available through local ~~OKDHS~~ DHS AFS for child care, per OAC 340:40 to:
- (1) Bridge resource parents who have finalized an adoption of a foster child;
- (2) a child in tribal custody placed by the tribe in a home that has no resource case in KIDS; and
- (3) children in the custody of another state placed in a kinship home in Oklahoma through the Interstate Compact on the Placement of Children (ICPC).

(c) **Foster care child care subsidy benefits not paid by ~~OKDHS~~DHS.** Foster care child care subsidy benefits are not paid by ~~OKDHS~~DHS when the:

- (1) child is placed in therapeutic foster care;
- (2) Bridge resource parent has an ownership interest in the chosen child care center;
- (3) foster child attends a family child care home where the child lives, unless:
 - (A) the child care home provided child care to the child immediately prior to the foster care placement; and
 - (B) it is in the child's best interests to remain in the kinship provider's child care home;
- (4) Bridge resource parent works in the child care home during the same hours the child attends child care;
- (5) ~~Bridge resource parent attends school or participates in training;~~
- ~~(6)~~ Bridge resource parent chooses more than one child care provider to provide service to a child on the same day;
- ~~(7)~~ Bridge resource parent's hours of employment interfere with the provision of suitable family life;
- ~~(8)~~ Bridge resource parent makes informal arrangements for child care;
- ~~(9)~~ provider is receiving state or federal funds, such as Head Start, ~~Early Head Start~~, or public schools and is not charging all parents for the hours the subsidy payment is requested, EHS programs are exempt from this rule; or
- ~~(10)~~ provider caring for a school age child during the regular school day when such student could be attending a public or private school during those hours.

(d) **Child care subsidy benefits for a child with disabilities.** A child with disabilities is potentially eligible for the higher special needs rate for child care subsidy benefits. Each child with disabilities requires a separate and specific certification of the child care provider.

- (1) A child with disabilities is defined as a child:
 - (A) receiving Supplemental Security Income (SSI). This includes those whose SSI payment stops because of financial reasons, but who still meet the medical definition of disability as determined by the Social Security Administration;
 - (B) receiving SoonerStart early intervention services; or
 - (C) receiving special education services provided in accordance with an Individualized Education Plan ~~(IEP)~~ by the local school district.
- (2) When the child with disabilities is 13 years of age or older, the Bridge resource parent must provide a statement from a licensed health care professional verifying the child is physically or mentally incapable of self-care as age appropriate, before care is approved and annually at review. When the licensed health care professional states ~~that~~ the child is capable of self-care as age appropriate, subsidized child care benefits are not approved.

(e) **Bridge resource parent's responsibility for electronic benefit transfer (EBT).** Refer to OAC 340:40-10 for information regarding the EBT system that includes the manual

claim process. Bridge resource parent responsibilities for EBT include:

- (1) watching the EBT training video;
- (2) signing Form 04MP042E, Application for Child Welfare Child Care Benefits;
- (3) swiping the EBT card every day the child attends child care;
- (4) not swiping the EBT card for any day the child does not attend child care;
- (5) checking the message on the point of service (POS) machine for correct times of attendance and approval;
- (6) not giving the EBT card or personal identification number (PIN) to anyone, including the child care provider; and
- (7) paying for care that ~~OKDHS~~DHS does not pay because the:
 - (A) ~~the~~ EBT card was not swiped for the correct days and times the child attended child care;
 - (B) swipes were denied and not corrected within ~~ten~~10 days; or
 - (C) ~~the~~ provider loses the weekly rate payment for absent days because the correct attendance for every day the child attended that month was not swiped.

(f) **Therapeutic child care services.** Therapeutic child care services are paid by ~~OKDHS~~DHS when recommended by a mental health professional and supporting documentation is provided. Prior authorization from the Operations and Business Processes Section (OBPS) is required. ~~The Operations and Business Processes Section~~OBPS makes the determination of the availability of funds.

(g) **Overpayment of child care.** ~~OKDHS~~DHS seeks repayment for any child care subsidy benefit paid in error to a licensed child care center, home, or professional in the foster parent's own home. The foster parent is responsible for reimbursing these costs to the child care provider when overpayment occurs due to the foster parent's ineligibility for child care paid through ~~OKDHS~~DHS.

(h) **Informal arrangements or babysitting.** Bridge resource parents may make informal care arrangements with friends, neighbors, or relatives for the occasional care of a child for less than 12 hours at a time on an irregular basis, including before and after school hours.

- (1) The Bridge resource parent ensures informal care providers possess the maturity and skills to address the needs of the child in foster care.
- (2) Prior authorization by the resource specialist may apply to multiple events using the same informal provider.
- (3) A person younger than 18 years of age living outside of the home may not be an informal provider.
- (4) An informal provider living in the home must be at least 16 years of age. The CW specialist and the Bridge resource parent discuss the situation in-depth before a person, particularly a teen, babysits the child in ~~OKDHS~~DHS custody. The discussion assists in assessing the appropriateness of the person assuming responsibility for the child and ensures the child's needs and well-being are considered.

Emergency Adoptions

- (5) Informal providers must be notified how to reach the Bridge resource parent and other emergency contacts.
- (6) The Bridge resource parent may allow the child in ~~OKDHS~~DHS custody overnight stays with friends of the child when the Bridge Resource Parent:
- (A) knows the family;
 - (B) reasonably believes the family and all people in the household are safe for the child to have a relationship with;
 - (C) exchanges contact information, including ~~name~~names, ~~address~~addresses, and phone ~~num-~~ber numbers; and
 - (D) uses the same discretion as to the safety and well-being of the child as the foster parent would with his or her own child.
- (i) **Alternate caregiver selected by the Bridge resource parent.** The Bridge resource parent is required to identify ~~at least one~~ alternate caregiver, ~~but no more than three~~, who can care for the child in ~~OKDHS~~DHS custody placed in the Bridge resource home in case of family emergencies, family vacations, or when the family needs a break.
- (1) The alternate caregiver may be used for periods of time over 12 hours at a time on an irregular basis.
 - (2) The Bridge resource parent is responsible for identifying and reimbursing the alternate caregiver. When funding is available, respite vouchers may be used for reimbursement.
 - (3) The alternate caregiver must be at least 21 years of age.
 - (4) The alternate caregiver and each adult household member must be willing to:
 - (A) submit to a background assessment by Oklahoma State Bureau of Investigation (~~OSBI~~), per OAC 340:75-7-15;
 - (B) submit to a Child Abuse and Neglect Information System records search for Child Welfare Services history, per OAC 340:75-7-15;
 - (C) submit to a search of Juvenile Justice Information System (JOLTS) records for each child 13 years of age or older living in the house, per OAC 340:75-7-15;
 - (D) engage in an evaluation of the home to assess the location, condition, and capacity to accommodate the child in foster care;
 - (E) provide one reference on Form 04AF026E, Alternate Caregiver Reference Letter;
 - (F) comply with discipline policy, per OAC 340:75-7-38 and confidentiality policy, per OAC 340:75-1-42; and
 - (G) participate in a yearly re-assessment.
- (j) **Insurance for the Bridge resource home.** Liability insurance is provided for Bridge resource families for damages incurred by the child in ~~OKDHS~~DHS custody pursuant to the terms of the policy. Bridge resource families have the right to receive a copy of the liability insurance policy per Section 1-9-119 of Title 10A of the Oklahoma Statutes (10A O.S. §1-9-119). Questions related to Bridge resource parent liability insurance are referred to the designated insurance company. Bridge resource parents are responsible for the deductible.
- (k) **Foster care associations.** ~~OKDHS~~DHS cooperates with and promotes the development of foster care associations for Bridge resource parents in each district. ~~OKDHS~~DHS provides names and addresses of Bridge resource families, who have provided written authorization for the release of this information, to persons developing a local foster care association.
- (l) **Foster parent helpline.** The foster parent helpline, 1-800-376-9729, is maintained by the Bridge Unit and assists with problem resolution, policy clarification, and grievance information.
- (m) **Foster parents' rights.** Foster parents' rights are found in Section 1-9-119 of Title 10A of the Oklahoma Statutes 10A O.S. § 1-9-119 and a copy is given to every foster parent annually.
- (n) **Shared information.** Information shared between ~~Child Welfare Services~~CWS employees, foster parents, and parents includes, but is not limited to:
- (1) the child's legal status;
 - (2) upcoming court hearings;
 - (3) the reason for the child's foster care placement;
 - (4) the child's and parent's prior and present living experiences; and
 - (5) the child's medical, psychological, and behavioral information, current photographs, and educational records.
- (o) **Foster care grievance procedures.** The Bridge resource parent and child in foster care have access to ~~OKDHS~~DHS grievance procedures through the Office of Client Advocacy, per OAC 340:2-3.
- (p) **Foster care mediation program.** The Bridge resource parent may access the foster care mediation program through the Oklahoma Commission on Children and Youth (OCCY), per OAC 340:75-7-291.
- (q) **Foster parent complaints about DHS employees.** Foster parents may file a complaint with OCCY Office of Juvenile System Oversight about an action of a DHS employee involving retaliation or discrimination against a foster parent per OAC 340:75-7-292.
- (r) **Information relevant to fostering.** Pre-service and in-service training is provided to enhance the Bridge resource parent's foster parenting skills. ~~An informative quarterly newsletter is sent to each OKDHS foster family.~~
- (s) **Travel reimbursement for the Bridge resource parent.** The Bridge resource parent may be reimbursed for ~~three~~four trips per child per month for mileage incurred when providing transportation for the child in ~~OKDHS~~DHS custody placed in the Bridge resource home. When multiple children are included on a trip, the trip is counted as a trip for each child and not as one trip for the group. ~~Reimbursement~~Travel reimbursement may occur when the:
- (1) ~~CW specialist is required to provide transportation for the child if not provided by the Bridge resource parent, including transports the child for travel associated with the child's permanency and well-being, limited to:~~

- (A) visits with parents;
- (B) visits with the child's sibling;
- (C) court hearings; ~~or~~
- (D) medical, behavioral health, dental, or vision appointments. Transportation for medical appointments is limited to appointments not covered by medical transport provided by SoonerCare; or
- (E) transporting a child who is placed in either the Oklahoma School for the Blind or School for the Deaf to and from the foster placement to the school on a bi-weekly basis;

- (2) round trip for ~~the~~ single event ~~is~~ in excess of 25 miles; ~~or and~~
- (3) trip is documented on Form 10AD006E, Travel Claim, provided by a CW specialist, and processed through the ~~OKDHS~~DHS office in the district of service each month.

(t) Tax deduction available. An Oklahoma tax deduction is available for resource parents who meet requirements per 68 O.S. § 2358.5-1. A Bridge resource parent who has tax questions related to the care of a foster child is referred to the resource parent's own tax professional for advice.

PART 28. FOSTER PARENT HELPLINE, AND MEDIATION, AND COMPLAINTS ABOUT THE DEPARTMENT OF HUMAN SERVICES (DHS) OR CHILD-PLACING AGENCY EMPLOYEES

340:75-7-292. Foster parent complaints about DHS or child-placing employees made to the Office of Juvenile System Oversight

(a) The Oklahoma Commission on Children and Youth, Office of Juvenile System Oversight (OJSO), receives any complaint alleging an employee of the Department of Human Services (DHS) or a child-placing agency has threatened a foster parent with removal of a child from the foster parent, harassed a foster parent, refused to place a child in a licensed or certified foster home, or disrupted a child placement as retaliation or discrimination toward a foster parent who has:

- (1) filed a grievance pursuant to Section 1-9-120 of Title 10A of the Oklahoma Statutes (10A O.S. § 1-9-120);
- (2) provided information to any state official or DHS employee; or
- (3) testified, assisted, or otherwise participated in an investigation, proceeding, or hearing against the DHS or child-placing agency.

(b) OJSO forwards complaints to the DHS Office of Client Advocacy (OCA) for investigation per 10A O.S. § 1-9-112. OJSO works with OCA to ensure the complaints are investigated and resolved in accordance with the grievance procedures provided in 10A O.S. § 1-9-120. This does not apply to any complaint by a foster parent regarding the result of a criminal, administrative, or civil proceeding for a violation of any law, rule, or contract provision by that foster parent, or the

action taken by DHS or a child-placing agency in conformity with the result of any such proceeding.

[OAR Docket #14-1012; filed 12-3-14]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 10. LIFE, ACCIDENT AND HEALTH**

[OAR Docket #14-1013]

RULEMAKING ACTION:
EMERGENCY adoption

- RULES:**
- Subchapter 31. Navigators and Navigator Entities [NEW]
 - 365:10-31-1. Purpose [NEW]
 - 365:10-31-2. Scope [NEW]
 - 365:10-31-3. Authority [NEW]
 - 365:10-31-4. Individual navigator registration application, registration renewals, fees, and civil penalties [NEW]
 - 365:10-31-5. Navigator entity registration application, registration renewals, fees, and civil penalties [NEW]
 - 365:10-31-6. Individual navigator requirements [NEW]
 - 365:10-31-7. Navigator entity requirements [NEW]

AUTHORITY:
Insurance Commissioner, 36 O.S. §§ 1415.5

COMMENT PERIOD:
n/a

PUBLIC HEARING:
n/a

ADOPTION:
October 3, 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

INCORPORATION BY REFERENCE:
n/a

FINDING OF EMERGENCY:
The rule amendments are necessary to implement the provisions of Sections 1415.2-1415.5 of Title 36 of the Oklahoma Statutes, enacted into law in House Bill 3286 in 2014.

ANALYSIS:
Sections 1-3 set out the purpose, scope, and authority for the rules. 365:10-31-4 sets out the process for individual navigators to register with the Oklahoma Insurance Department, required background checks, required fees, and the procedure in the event of a denial of a registration application. 365:10-31-5 sets out the process for navigator entities to register with the Oklahoma Insurance Department, required fees, and the procedure in the event of a denial of a registration application. 365:10-31-6 sets out the record keeping requirements for individual navigators and guidelines for dealing with private consumer information. 365:10-31-7 sets out the record keeping requirements for navigator entities and required reporting to the Commissioner.

CONTACT PERSON:
Buddy Combs, Oklahoma Insurance Department, (405) 522-4609

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):

Emergency Adoptions

SUBCHAPTER 31. NAVIGATORS AND NAVIGATOR ENTITIES

365:10-31-1. Purpose

The purpose of this Subchapter is to set forth the regulations and procedures relating to the registration and oversight of navigators and navigator entities under 36 O.S. §§ 1415.2-1415.5.

365:10-31-2. Scope

This Subchapter shall apply to all navigators and navigator entities, as defined by 36 O.S. § 1415.2, which must be registered pursuant to 36 O.S. § 1415.3.

365:10-31-3. Authority

This Subchapter is promulgated under the authority granted to the Insurance Commissioner ("Commissioner") in 36 O.S. § 1415.5.

365:10-31-4. Individual navigator registration application, registration renewals, fees, and civil penalties

(a) An application for an individual navigator registration shall be on a form provided by the Commissioner and shall be accompanied by a fee of Twenty-Five Dollars (\$25.00). This fee shall be deemed earned and not refundable if the application is denied, withdrawn, cancelled, or refused for any reason by either the applicant or the Commissioner. Subject to the Oklahoma Insurance Department's ("OID") ability to accept electronic applications, all applicants for an individual navigator registration shall apply electronically. The individual navigator registration fee may be paid by the individual navigator or by the navigator entity employing or supervising the navigator.
(b) An applicant for an initial individual navigator registration shall submit to a criminal background check with the Oklahoma State Bureau of Investigation ("OSBI"). The criminal background check shall be conducted through submission of a Criminal History Record Information Request Form ("Form") to the OSBI. The Form can be found on the OSBI website. An individual navigator registration applicant shall submit to the following searches with the OSBI: name based, sex offender, and Mary Rippy Violent Offender. The individual navigator registration applicant shall submit a completed OSBI criminal background check report to the OID at the time of application.

(1) An individual navigator registration applicant who is not a resident of the State of Oklahoma shall submit with his or her initial application the results of a criminal background check conducted by the state in which the applicant maintains his or her principal place of residence.

(2) The background check required by this Section may be requested and paid for by the individual navigator or by the navigator entity employing or supervising the navigator.

(3) The background check required by this Section shall be current as of a date no more than thirty (30) days prior to the date of application.

(c) An individual navigator registration shall continue in force no longer than twelve (12) months from the month of issuance. If the individual navigator fails to timely apply for renewal of his or her registration or fails to pay any applicable fees or outstanding fines by the last day of the month in which the registration was originally issued, the registration shall expire automatically and the individual shall be required to apply for a registration in the same manner as an initial individual navigator registration application.

(d) Upon filing an individual navigator registration renewal application on a form provided by the Commissioner, and upon payment of a renewal fee of Twenty-Five Dollars (\$25.00), a renewal registration shall be issued by the Commissioner to an individual navigator registrant who has continuously maintained such registration. The registration renewal fee may be paid by the individual navigator or by the navigator entity employing or supervising the navigator. An applicant for renewal of an individual navigator registration shall not be required to submit to a new criminal background check with the OSBI.

(e) In the event that the Commissioner declines to issue or renew an individual navigator registration for any reason provided by law, the Commissioner shall notify the individual of such declination and advise the individual, in writing, of the reason for the denial or nonrenewal of the individual's navigator registration. The individual may make written demand upon the Commissioner within thirty (30) days of the date of notification by the Commissioner for a hearing before the Commissioner or an independent hearing examiner appointed by the Commissioner to determine the existence of the grounds for the Commissioner's action. The hearing shall be held within a reasonable time period pursuant to the Oklahoma Administrative Procedures Act.

(f) After notice and opportunity for hearing, and upon determining that an individual navigator has violated any of the provisions of Title 36 of the Oklahoma Statutes, or any rules promulgated by the Commissioner, the Commissioner or his or her duly appointed hearing examiner may suspend or revoke an individual navigator registration and assess a civil penalty for each occurrence, or both, as set out by 36 O.S. §§ 1415.3 and 1415.4.

365:10-31-5. Navigator entity registration application, registration renewals, fees, and civil penalties

(a) An application for a navigator entity registration shall be on a form provided by the Commissioner and shall be accompanied by a fee of Fifty Dollars (\$50.00). This fee shall be deemed earned and not refundable if the application is denied, withdrawn, cancelled, or refused for any reason by either the applicant or the Commissioner. Subject to the OID's ability to accept electronic applications, all applicants for a navigator entity registration shall apply electronically.

(b) The navigator entity registration shall continue in force no longer than twelve (12) months from the month of issuance. If the navigator entity fails to timely apply for renewal of its registration or fails to pay any applicable fees or outstanding fines by the last day of the month in which the license was originally issued, the registration shall expire automatically and the

navigator entity shall be required to apply for a registration in the same manner as an initial navigator entity registration application.

(c) Upon filing a navigator entity registration renewal application on a form provided by the Commissioner, and upon payment of a renewal fee of Fifty Dollars (\$50.00), a renewal registration shall be issued by the Commissioner to a navigator entity registrant which has continuously maintained such registration.

(d) In the event that the Commissioner declines to issue or renew a navigator entity registration for any of the reasons provided by law, the Commissioner shall notify the entity of such declination and advise the entity, in writing, of the reason for the denial or nonrenewal of the navigator entity registration. The entity may make written demand upon the Commissioner within thirty (30) days of the date of notification by the Commissioner for a hearing before the Commissioner or an independent hearing examiner appointed by the Commissioner to determine the existence of the grounds for the Commissioner's action. The hearing shall be held within a reasonable time period pursuant to the Oklahoma Administrative Procedures Act.

(e) After notice and opportunity for hearing, and upon determining that a navigator entity has violated any of the provisions of Title 36 of the Oklahoma Statutes, or any rules promulgated by the Commissioner, the Commissioner or his or her duly appointed hearing examiner may suspend or revoke the navigator entity's registration.

(f) After notice and opportunity for hearing, and upon determining that a navigator entity has allowed an individual who is employed or overseen by the navigator entity to interact with individuals or employer groups while performing any of the functions of a navigator without an active registration, the Commissioner or his or her duly appointed hearing examiner may assess a civil penalty as set out by 36 O.S. § 1415.3.

365:10-31-6. Individual navigator requirements

(a) For the purpose of this Subchapter, the term "assist" shall mean:

(1) facilitating the application for or enrollment of an individual or employer group in a qualified health plan (QHP) on the exchange, either through an in-person meeting, telephone conversation, video conference, mail, or any other electronic means, regardless of whether the individual or employer group completes final enrollment in a QHP, or

(2) assisting in determining an individual's eligibility for premium tax credits and cost sharing reductions available for QHPs, including but not limited to receiving an individual's financial information for the purpose of determining said eligibility.

(b) "Assist" shall not include answering general questions about the exchange such as the website address or phone number of the exchange.

(c) If an individual navigator obtains authorization to provide assistance to an individual or employer group pursuant to 45 C.F.R. § 155.210(e)(6)(ii), the navigator shall provide a disclaimer to the individual or employer group on a form provided by the Commissioner. If the navigator assists an individual

or employer group via telephone, the navigator shall read the contents of the disclaimer to the individual or employer group, confirm that the individual or employer group understands the disclaimer, and shall send a signed copy of the disclaimer to the individual or employer group via certified mail, e-mail, or facsimile.

(d) If an individual navigator obtains authorization to provide assistance to an individual or employer group pursuant to 45 C.F.R. § 155.210(e)(6)(ii), the navigator shall record the contact information and the date of contact for the individual or employer group and provide such information to the navigator entity within three (3) business days after the date of contact. "Contact information" shall mean, but is not limited to, an individual or employer group's name, mailing address, phone number, and e-mail address. A navigator shall only be required to record an individual or employer group's contact information which is available.

(e) Any individual or employer group receiving assistance from a navigator may refuse, in writing, to allow the individual or employer group's contact information from being disclosed to the Oklahoma Insurance Department. Provided, however, that no individual navigator shall instruct, coerce, or otherwise direct the individual or employer group to make such a refusal. An individual navigator shall provide a copy of the written refusal to the navigator entity within three (3) business days after the date of refusal. If the individual or employer group receiving assistance from a navigator refuses in writing to allow the individual or employer group's contact information from being disclosed to the Oklahoma Insurance Department, the disclaimer form shall still be provided to the individual or employer group pursuant to paragraph (c) of this Section.

(f) An individual navigator shall allow for an inspection of operations and records related to the fulfillment of the enrollment or assistance with enrollment duties of the individual navigator at the discretion of the Commissioner. In order to safeguard consumer privacy, such an inspection of operations and records shall not include the observation of an enrollment session.

(g) An individual navigator shall submit to the Commissioner, at the request of the Commissioner, a report setting forth the individuals or employer groups which have received a disclaimer form from the navigator pursuant to paragraph (c) of this Section. The report shall include the contact information of any individual or employer group received by the navigator pursuant to paragraph (d) of this Section.

(h) Any notification or report submitted to the Commissioner shall be submitted electronically. Any navigator or navigator entity submitting information to the Commissioner shall take appropriate steps to safeguard the transmission of the information in compliance with applicable federal and state laws governing the security of such information.

365:10-31-7. Navigator entity requirements

(a) A navigator entity shall maintain a record of all individuals employed or overseen as an individual navigator for a period of three (3) years following the date of termination of the employment or oversight of the individual as a navigator. This

Emergency Adoptions

record shall include the name, date of hiring, job title, job description, length of employment, and date of termination for each individual navigator. Subject to the ability of the navigator entity, these records shall be maintained electronically.

(b) A navigator entity shall maintain all records required to be provided to the navigator entity by registered individual navigators for a period of three (3) years following the date of termination of the employment or oversight of each individual navigator. Subject to the ability of the navigator entity, these records shall be maintained electronically.

(c) A navigator entity shall allow for an inspection of operations and records related to the fulfillment of the enrollment or assistance with enrollment duties at the discretion of the Commissioner. In order to safeguard consumer privacy, such an inspection of operations and records shall not include the observation of an enrollment session.

(d) A navigator entity shall submit to the Commissioner, at the request of the Commissioner, a report setting forth the individuals or employer groups which have received a disclaimer from any navigator employed or supervised by the navigator

entity pursuant to paragraph (c) of Section 6 of this Subchapter. The report shall include the contact information of any individual or employer group received by the navigator pursuant to paragraph (d) of Section 6 of this Subchapter.

(e) At the time of application, a navigator entity shall provide the Commissioner with a list of all individual navigators whom, at the time of application, it is employing, supervising or affiliated with or has, during the previous year while registered as a navigator entity, employed, supervised or been affiliated with. Subject to the ability of the navigator entity, this list shall be submitted to the OID electronically.

(f) A navigator entity registrant shall report to the Commissioner any termination of employment, engagement, affiliation or other relationship with an individual navigator within thirty (30) days if the individual navigator registrant is terminated for failing to comply with any requirement of Title 36 of the Oklahoma Statutes. Subject to the ability of the navigator entity, this report shall be submitted electronically to the OID.

[OAR Docket #14-1013; filed 12-3-14]

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2014-23.

EXECUTIVE ORDER 2014-23

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the authority vested in me by Section 90.10 of Title 25 of the Oklahoma Statutes, in recognition of Oklahoma Pearl Harbor Remembrance Day and those who died or were injured in World War II, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 5:00 p.m. Friday, December 5, 2014, until 8:00 a.m. Monday, December 8, 2014, to honor the many Oklahoma and United States citizens who died on December 7, 1941, as a result of the attack by the Japanese on Pearl Harbor, Hawaii.

This executive order shall be forwarded to the Division of Capital Assets Management who shall cause the provisions

of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 4th day of December, 2014.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Chris Bengé
Secretary of State

[OAR Docket #14-1022; filed 12-4-14]

