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Notices of Rulemaking Intent

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

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 20. FORESTRY

[OAR Docket #02-1528]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Forest Resources Development Program
[NEW]

SUMMARY:

The proposed new rules establish administrative policies and procedures for the operation of the Forest Resources Development program, a forestry cost-share program of the Forestry Services Division, Oklahoma Department of Agriculture, Food, and Forestry. The rules describe land and landowner eligibility, application procedures, basic program requirements and other aspects of program administration. The rules will govern administration of forestry cost-share funds, regardless of their source.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S., Article 16, Section 16-10 through 16-13

COMMENT PERIOD:

Persons may submit written and oral comments to Kurt Atkinson at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 2, 2003 through February 4, 2003.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., February 4, 2003 in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Kurt Atkinson, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kurt Atkinson, Assistant Director, Forestry Services, (405) 522-6147

[OAR Docket #02-1528; filed 12-5-02]

TITLE 75. ATTORNEY GENERAL CHAPTER 10. TELEMARKETER RESTRICTION ACT CONSUMER REGISTRY [NEW]

[OAR Docket #02-1512]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Establishment, Use, and Enforcement of Telemarketer Restriction Act Consumer Registry
[NEW]

Part 1. Establishment and Maintenance of the Telemarketer Restriction Act Consumer Registry [NEW]

75:10-1-1 through 75:10-1-8 [NEW]

Part 2. Access and Use of the Telemarketer Restriction Act Consumer Registry

75:10-1-9 through 75:10-1-10 [NEW]

Part 3. Fines and Reporting of Violations

75:10-1-11 [NEW]

SUMMARY:

The Telemarketer Restriction Act requires the Attorney General to establish and maintain, by January 1, 2003, a statewide registry of consumers who do not wish to receive unsolicited telemarketing sales calls. The proposed new permanent rules establish the framework for the Telemarketer Restriction Act Consumer Registry. The rules set forth the registration process to be used by consumers who wish to have their telephone number(s) included in the registry; the process through which telemarketers may obtain access to the registry in order to accomplish compliance with the Telemarketer Restriction Act; fees to be charged by the Attorney General for access to the registry; a complaint process for reporting of violations; and a schedule of fines.

AUTHORITY:

Attorney General; 15 O.S. Sections 775 B.1. et seq.

COMMENT PERIOD:

Written and oral comments will be accepted January 2, 2003 through February 3, 2003 at the Office of Attorney General, Attention Tom Bates, 4545 North Lincoln Boulevard, Suite 260, Oklahoma City, OK 73105.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303 (B)(9), persons may demand a hearing by contacting Tom Bates at the Office of Attorney General, 4545 North Lincoln Boulevard, Suite 260, Oklahoma City, OK. 73105, Telephone: 405-422-1013, no later than 5:00 P.M., February 3, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Attorney General requests that business entities affected by these proposed rules provide the Attorney General, within the comment period specified above, 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, labor, and revenue loss, or other costs, expected to be incurred by the particular business entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Office of Attorney General, Attention Tom Bates, 4545 North Lincoln Boulevard, Suite 260, Oklahoma City, OK. 73105, Telephone: 405-522-1013 or on the internet at www.oag.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D)(1), a rule impact statement will be prepared by January 17, 2003 and may be obtained from the Office of Attorney General, Attention Tom Bates, 4545 North Lincoln Boulevard, Suite 260, Oklahoma City, OK. 73105, Telephone: 405-522-1013 or on the internet at www.oag.state.ok.us.

CONTACT PERSON:

Tom Bates, Assistant Attorney General, 405-522-1013.

[OAR Docket #02-1512; filed 12-3-02]

TITLE 230. STATE ELECTION BOARD CHAPTER 10. THE COUNTY ELECTION BOARD

[OAR Docket #02-1529]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Election Personnel [AMENDED]

Subchapter 7. General Administration of the County Election Board [AMENDED]

SUMMARY:

Amendments are proposed in Subchapter 3 concerning the salary of the County Election Board Secretary and the timing of salary increases for the Secretary. The amendments are necessary because of an amendment to Title 26, Section 2-118 included in SB1350.

Amendments are proposed in Subchapter 7 as a result of new law codified as Title 26, Section 4-115.2 and as Title 22,

Section 60.13 that makes voter registration address information for certain registered voters confidential. Other proposed amendments in Subchapter 7 are the result of an amendment to Title 26, Sections 5-112 and 5-113. As a result of the change in the law, candidate filing fees now are deposited in the County Election Board Special Depository Account immediately upon receipt. When a candidate becomes eligible to receive his or her filing fee back, the fee is refunded by a voucher from the Special Depository Account.

AUTHORITY:

Title 26 O.S. 2001, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on February 3, 2003. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, February 3, 2003, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 17, 2003.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #02-1529; filed 12-5-02]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #02-1530]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Voter Outreach [AMENDED]

Subchapter 5. Application for Voter Registration [AMENDED]

Subchapter 9. State Election Board and County Election Board Responsibilities for Processing Voter Registration Applications [AMENDED]

Subchapter 11. Voter Registration List Maintenance
[AMENDED]

SUMMARY:

Amendments are proposed in this Chapter as a result of new law and amendments included in SB1350 and new law included in HB2921. Specifically, new law allows certain registered voters to request that their residence and mailing address information be kept confidential. An amendment in Subchapter 5 and a new Section in Subchapter 9 proposes procedures for these voters to ask for confidential address status and for the County Election Board Secretary to implement such requests. Other proposed amendments in Subchapter 5 are the result of amendments in 26:4-112 that define the elements of valid residence and mailing addresses. Finally, an amendment proposed in Subchapter 9 is the result of a change in 26:4-120.3 that allows the next of kin of a deceased registered voter to fill out a form at his or her own polling place (as opposed to only at the deceased voter's polling place) to cancel the deceased voter's registration.

AUTHORITY:

Title 26 O.S. 2001, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on February 3, 2003. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, February 3, 2003, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 17, 2003.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #02-1530; filed 12-5-02]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 20. CANDIDATE FILING**

[OAR Docket #02-1531]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Filing for State And County Office
[AMENDED]

SUMMARY:

As a result of amendments in 26:5-112 and 26:5-113, which were included in SB1350, several amendments are proposed in Subchapter 3. Candidate filing fees now are deposited in the County Election Board Special Depository Account immediately upon receipt, instead of when forfeited as in the past. When a candidate qualifies to have his or her filing fee returned, instead of receiving the actual cashier's check filed with the Declaration of Candidacy, the candidate now will receive a voucher from the Special Depository Account in the amount of the fee. In addition, amendments also are proposed in several sections to incorporate new advice from the Attorney General's office concerning the notarization requirements on Declarations of Candidacy as well as to include reference to the new requirement (Title 49, Section 1, as amended by HB1971) that a Notary Public's commission number appear on a notarized document. The Declaration of Candidacy form will be revised prior to filing for the 2004 elections to include space for the commission number.

AUTHORITY:

Title 26 O.S. 2001, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on February 3, 2003. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, February 3, 2003, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 17, 2003.

Notices of Rulemaking Intent

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board.
(405)521-2391.

[OAR Docket #02-1531; filed 12-5-02]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 25. BALLOT PRINTING**

[OAR Docket #02-1532]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Competitive Bidding Process for Ballot Printing [AMENDED]

SUMMARY:

Senate Bill 1350 amended 26:6-120 to require that a contract for ballot printing be awarded to the bidder evaluated as the "best value" according to definitions included in the Oklahoma Central Purchasing Act and to require the successful bidder for a ballot printing contract to provide a "certificate of insurance," instead of the performance bond required in the past. Amendments are proposed in several sections in Subchapter 7 to reflect one or both of these changes.

AUTHORITY:

Title 26 O.S. 2001, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on February 3, 2003. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, February 3, 2003, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 17, 2003.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board.
(405)521-2391.

[OAR Docket #02-1532; filed 12-5-02]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 30. ABSENTEE VOTING**

[OAR Docket #02-1533]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Authorization for Absentee Voting [AMENDED]

Subchapter 5. Applications for Absentee Ballots [AMENDED]

Subchapter 7. Absentee Voting Boards [AMENDED]

Subchapter 9. Processing Applications [AMENDED]

Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]

Subchapter 17. Replacement of Lost or Undelivered Absentee Ballots [AMENDED]

Subchapter 23. Suspected Violations of Absentee Voting Laws [AMENDED]

SUMMARY:

Senate Bill 867 amended 26:14-115.4, changing the days and hours of in-person absentee voting. In-person absentee voting now occurs from 8 a.m. to 6 p.m. on Friday and Monday before an election and from 8 a.m. to 1 p.m. on Saturday before an election. Amendments are proposed in several Sections in Subchapters 5 and 7 to update references to days and times for in-person absentee voting.

Senate Bill 1350 amends several statutes that concern absentee voting - Title 26, Section 14-108; 14-113.2; 14-114; 14-115; 14-121; 14-121.1. As a result of these amendments, a new Definitions Section is proposed in Subchapter 1 and amendments are proposed in several Sections in Subchapters 3, 5, 7, 9, 11, and 17.

Proposed amendments in Subchapter 1 create a new Definitions Section.

Proposed amendments in Subchapter 3 concern the new days and hours of in-person absentee voting and a new Section identifies the types of facilities in which residents may receive the services of a nursing home Absentee Voting Board.

Proposed amendments in Subchapter 5 concern the new days and hours for in-person absentee voting.

Proposed amendments in Subchapter 7 concern the new days and hours for in-person absentee voting; a reference to a new item included on a form used by the nursing home Absentee Voting Board; instructions for handling absentee ballot materials from voters whose address information is confidential; and new provisions allowing the spouse or dependent of a military voter recently discharged or home on leave or of an overseas voter recently returned home to cast an in-person absentee ballot. References to the new title of a form used by such voters also are amended.

The proposed amendments in Subchapter 9 concerns applications for absentee ballots from voters who have asked

that their residence and mailing address information be kept confidential.

The proposed amendments in Subchapter 11 include the new provision that private mail delivery services, such as Federal Express, may be used by a voter to return voted absentee ballots to the County Election Board. A new Section concerns handling absentee ballots that are returned undelivered by the post office. When absentee ballots are returned undelivered, the County Election Board is instructed to consider the application for ballots cancelled. Guidelines are offered to the County Election Board Secretary who wishes to attempt to contact the voter for a new absentee ballot mailing address when there is sufficient time for the voter to submit a new application and to receive, vote and return absentee ballots. Other amendments concern a new provisions making it illegal for one person, except members of Absentee Voting Boards, to witness the signatures on the affidavits of more than five physically incapacitated absentee voters. The County Election Board is instructed to count the ballots but to report the witness's name to the District Attorney. Also, one amendment includes new advice from the Attorney General concerning notarization requirements on some absentee ballot affidavits.

Several amendments are proposed in Subchapter 17 to include a new requirement that applications for a replacement set of absentee ballots to be witnessed or acknowledged in the same manner as the affidavit envelope for the voter's ballot.

The proposed amendment in Subchapter 23 concerns the new provision making it illegal for one person, except members of Absentee Voting Boards, to witness the signatures on the affidavits of more than five physically incapacitated absentee voters.

AUTHORITY:

Title 26 O.S. 2001, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on February 3, 2003. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, February 3, 2003, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 17, 2003.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #02-1533; filed 12-5-02]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 35. ELECTION CONDUCT**

[OAR Docket #02-1534]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. County Election Board Responsibilities [AMENDED]

Subchapter 5. Instructions for Precinct Election Officials [AMENDED]

SUMMARY:

Some proposed amendments in Subchapter 3 are needed to change the name of a form used by Precinct Officials on election day. The form has a new title but is unchanged in content and purpose. Other proposed amendments concern distribution of election supplies to Precinct Inspectors prior to election day.

Most precinct boundary lines changed radically following redistricting. As part of the process of drawing new precinct lines, several County Election Board Secretaries chose to renumber every precinct, with the result that precinct numbers on old voter identification cards are no longer valid. Unfortunately, many voters may not have received their new voter identification cards showing their new precinct numbers and polling places.

A proposed amendment in Subchapter 5 clarifies a procedure for assisting voters whose names do not appear in the Precinct Registry. By law, a voter may vote if he or she presents the Precinct Judge with a voter identification card showing the voter to be a registered voter in the precinct. In the past, that was determined based on the precinct number. However, especially in counties that renumbered all precincts following redistricting, the precinct number alone may not help many voters who appear at the wrong polling place. The procedure is revised to provide that any voter whose voter identification card shows a residence address located within the current boundaries of the precinct may vote. Instructions also are included for directing a voter who does not reside in the current precinct to the correct precinct polling place. This amended procedure was developed in consultation with several County Election Board Secretaries during the 2002 statewide election season.

Other proposed amendments in Subchapter 5 concern the new provision allowing the spouse or dependent of a military voter who has been recently discharged or who is home on leave or an overseas voter who has recently returned home to cast in-person absentee ballots. References to the name of a

Notices of Rulemaking Intent

form used by such voters also is changed. A section also is amended to provide that the next of kin of a deceased voter may complete a form to cancel the deceased voter's registration at the next of kin's polling place on election day. In the past, this action could be taken only at the deceased voter's polling place. Other amendments concern distribution of election supplies to Precinct Inspectors prior to election day.

AUTHORITY:

Title 26 O.S. 2001, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on February 3, 2003. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, February 3, 2003, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 17, 2003.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #02-1534; filed 12-5-02]

TITLE 230. STATE ELECTION BOARD CHAPTER 40. TYPES OF ELECTIONS

[OAR Docket #02-1535]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Special Elections [AMENDED]

Subchapter 7. School Elections [AMENDED]

SUMMARY:

A new Definitions Section is proposed in Subchapter 1 to define the term "split precinct."

In Subchapter 3, one proposed amendment changes the specified county population level from 550,000 to 600,000 in

accordance with the amendment to 26:12-111. A new Section is proposed to describe the irrevocable resignation procedure created by SB826 in 26:12-119.

Senate Bill 1350 included an amendment to 26:13A-101 that removed language allowing school districts to combine precincts in some circumstances. New language was added in this section that allows school districts to close split precincts in which no one lives in the part of the precinct located within the district's boundary and that instructs the Secretary of the State Election Board to promulgate rules to allow school districts to close split precincts in which 100 or fewer voters are registered at addresses located in the part of the precinct that lies within the district.

In Subchapter 7, amendments are proposed in several sections to create a procedure for closing split precincts in school elections. Several Sections concerning closing precincts and combining precincts in school elections are revoked because they no longer comply with 26:13A-101 as amended by SB1350. Additionally, proposed amendments in several Sections replace the term "vocational-technical school district" or "vo-tech" with the new term "technology center school district" or "technology center."

AUTHORITY:

Title 26 O.S. 2001, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on February 3, 2003. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, February 3, 2003, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 17, 2003.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #02-1535; filed 12-5-02]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 45. CONTESTS OF ELECTION**

[OAR Docket #02-1536]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Recounts [AMENDED]

SUMMARY:

An amendment to 26:8-111 requires the County Election Board Secretary to verify the validity of the signatures on a petition requesting a recount in a question election. Proposed amendments in Subchapter 3 accommodate this requirement.

AUTHORITY:

Title 26 O.S. 2001, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on February 3, 2003. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Monday, February 3, 2003, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after January 17, 2003.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391.

[OAR Docket #02-1536; filed 12-5-02]

**TITLE 245. STATE BOARD OF
REGISTRATION FOR PROFESSIONAL
ENGINEERS AND LAND SURVEYORS
CHAPTER 2. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #02-1509]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 245:2-1-6 [AMENDED]
- 245:2-1-10 [AMENDED]
- 245:2-1-16 [AMENDED]
- 245:2-1-18 [AMENDED]

SUMMARY:

The proposed revisions to Chapter 2, Subchapter 1 are as follows:

- Section 2-1-6: Out of date provision
- Section 2-1-10: Updating language to match definitions
- Section 2-1-16: Not necessary language to be included in administrative rules

Section 2-1-18: Modify the schedule of fees and penalties; revise the fee schedule for reinstatements of expired registrations; revise the examination fee and scoring provision; modify re-examination fee to be in compliance with state statutes; remove proctoring fees

AUTHORITY:

59 O.S. 475.1 et seq; 65 O.S., 1991 Sections 3-116 et seq; 75 O.S. Sections 301 et seq, State Board of Registration for Professional Engineers and Land Surveyors.

COMMENT PERIOD:

Written and oral comments will be accepted until February 5, 2003 at: Oklahoma Engineering Center, 201 N.E. 27th St., Room 120, Oklahoma City, OK 73105, Attn: Kathy Hart.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The hearing will be held on February 7, 2003, at 10:00 a.m. at the Oklahoma Engineering Center, 201 N.E. 27th St., Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 201 N.E. 27th St., Room 120, Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be issued and made available at the offices of the Board (address above).

CONTACT PERSON:

Kathy Hart, Executive Director, (405) 521-2874 ext. 24

[OAR Docket #02-1509; filed 12-2-02]

Notices of Rulemaking Intent

TITLE 245. STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS CHAPTER 15. REGISTRATION AND PRACTICE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

[OAR Docket #02-1510]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Application and Eligibility for Registration
[AMENDED]

Subchapter 5. Examinations [AMENDED]

Subchapter 7. Registration [AMENDED]

Subchapter 11. Continuing Education [AMENDED]

Subchapter 19. Organizational Practice [AMENDED]

Subchapter 23. Violations [AMENDED]

SUMMARY:

The proposed revisions to the subchapters are as follows:

Subchapter 3: clarifying language; further defining temporary permit requirements
Subchapter 5: addressing examination security issues

Subchapter 7: updating language; redefining reinstatement procedures

Subchapter 9: clarifying language

Subchapter 11: deleting unnecessary definitions; further defining requirements; further defining disallowed credit for continuing education

Subchapter 19: clarifying language; redefining reinstatement procedures

Subchapter 23: clarifying language on the advice of the Attorney General's Office

AUTHORITY:

59 O.S. 475.1 et seq; 65 O.S., 1991 Sections 3-116 et seq; 75 O.S. Sections 301 et seq, State Board of Registration for Professional Engineers and Land Surveyors.

COMMENT PERIOD:

Written and oral comments will be accepted until February 5, 2003 at: Oklahoma Engineering Center, 201 N.E. 27th St., Room 120, Oklahoma City, OK 73105, Attn: Kathy Hart.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The hearing will be held on February 7, 2003, at 10:00 a.m. at the Oklahoma Engineering Center, 201 N.E. 27th St., Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the rules may be obtained by contacting Kathy Hart at the Board office, 201 N.E. 27th St., Room 120,

Oklahoma City, OK 73105. Persons requesting more than one copy of the proposed rules will be charged \$.25 per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a rule impact statement will be issued and made available at the offices of the Board (address above).

CONTACT PERSON:

Kathy Hart, Executive Director, (405) 521-2874 ext. 24

[OAR Docket #02-1510; filed 12-2-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 6. ELECTRICAL HEARING BOARD PROCEDURES

[OAR Docket #02-1549]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 6. Electrical Hearing Board Procedures
[REVOKED]

SUMMARY:

The purpose of the proposed revocation is to repeal rules governed by statutes that are no longer enforced or within the regulatory purview of the Oklahoma State Department of Health. The regulatory responsibilities associated with these rules and the supervision of the activities of the Electrical, Plumbing, Mechanical, and Building Inspection trades has been transferred to the Construction Industries Board. These rules have been recently duplicated in Title 158 of the Oklahoma Administrative Code via recent promulgation by the Construction Industries Board and have no application to activities currently performed by the Department under Title 310.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, § 1000.4

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff of the Office of General Counsel; or may before February 13, 2003, submit written comment to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Charles Broadway, Office of General Counsel, (405) 271-6017

[OAR Docket #02-1549; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 7. PLUMBING HEARING BOARD PROCEDURES

[OAR Docket #02-1550]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 7. Plumbing Hearing Board Procedures [REVOKED]

SUMMARY:

The purpose of the proposed revocation is to repeal rules governed by statutes that are no longer enforced or within the regulatory purview of the Oklahoma State Department of Health. The regulatory responsibilities associated with these rules and the supervision of the activities of the Electrical, Plumbing, Mechanical, and Building Inspection trades has been transferred to the Construction Industries Board. These rules have been recently duplicated in Title 158 of the Oklahoma Administrative Code via recent promulgation by the Construction Industries Board and have no application to activities currently performed by the Department under Title 310.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, § 1000.4

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff of the Office of General Counsel; or may before February 13, 2003, submit written comment to Charles Broadway, Office of

General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Charles Broadway, Office of General Counsel, (405) 271-6017

[OAR Docket #02-1550; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 105. VITAL STATISTICS

[OAR Docket #02-1551]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Purpose, Forms and Fees 310:105-1-3 [AMENDED]

SUMMARY:

The fee increase is established to maintain conformity in the Vital Records System and to maintain a fee system for the issuance of birth records that is consistent with the average nationwide fee schedule.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S.2001, §§ 1-302 & 1-325

Notices of Rulemaking Intent

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with John Burks, Sr., State Registrar; or may before February 13, 2003, submit written comment to John Burks, Sr., State Registrar, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to John Burks, Sr., State Registrar, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Vital Records, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

John Burks, Sr., State Registrar, (405) 271-2224

[OAR Docket #02-1551; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 110. FEE AND FINE SCHEDULE FOR OCCUPATIONAL LICENSING

[OAR Docket #02-1552]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:110-1-1 [AMENDED]

Subchapter 3. Fees

310:110-3-2 [REVOKED]

Subchapter 5. Administrative Fine Schedule

310:110-5-1 [REVOKED]

310:110-5-2 [REVOKED]

310:110-5-3 [AMENDED]

310:110-5-6 [NEW]

310:110-5-7 [NEW]

SUMMARY:

The purpose of the proposed revocation is to repeal rules governed by statutes that are no longer enforced or within the regulatory purview of the Oklahoma State Department of Health. The regulatory responsibilities associated with these rules and the supervision of the activities of the Electrical, Plumbing, Mechanical, and Building Inspection trades has been transferred to the Construction Industries Board. These rules have been recently duplicated in Title 158 of the Oklahoma Administrative Code via recent promulgation by the Construction Industries Board and have no application to activities currently performed by the Department under Title 310.

The proposal amends Subchapter 1 to allow violations of the Barber Licensing Act, Barber Regulations, the Home Inspection Licensing Act and the Home Inspection Industry Regulations to utilize the administrative fine schedule. The proposal amends Subchapter 5 by adding Section 5-6, Schedule of fines for the Home Inspection Industry and 5-7, Schedule of fines for the Barber Industry. Legislation passed during the 2001 and 2002 session provided the authority for the Board of Health to establish and levy administrative fines.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, § 1000.4

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff of Consumer Health Services; or may before February 13, 2003, submit written comment to Rocky McElvany, Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Rocky McElvany, Consumer Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Rocky McElvany, Consumer Health Services, (405) 271-9444, ext. 57901

[OAR Docket #02-1552; filed 12-5-02]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 234. MEDICAL
MICROPIGMENTATION**

[OAR Docket #02-1553]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Medical Micropigmentation Certification
- 310:234-3-4 [AMENDED]
- 310:234-3-5 [AMENDED]

SUMMARY:

The proposal amends the Medical Micropigmentation Rules allowing CareerTech to determine the actual number of hours of theory and lab training in the skill areas for the curriculum established by rule by the Board of Health. The proposed rules amend the requirements for the students completing all procedures on clients and provide CareerTech greater latitude to make program modifications and efficiently implement the training program approved by the Board of Health. This would move the training to a competency-based program. The instructor language was modified and the minimum numbers of procedures were eliminated to allow greater flexibility to find instructors for medical micropigmentation training. Language was inserted, which would allow an unsuccessful candidate to remediate in all areas where they had scored less than 85% through an approved micropigmentation program.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Supp. 2001, Section 1-1453(B)

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 13, 2003, may submit written comments to Rocky McElvany, Chief, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003, may send electronic mail to rockym@health.state.ok.us or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of

the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003, to Rocky McElvany, Chief, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003 may send electronic mail to rockym@health.state.ok.us

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or by electronic mail request to rockym@health.state.ok.us

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Rocky McElvany, Chief, Protective Health Services, (405) 271-5288

[OAR Docket #02-1553; filed 12-5-02]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 245. ELECTRICAL INDUSTRY
REGULATIONS**

[OAR Docket #02-1554]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 245. Electrical Industry Regulations [REVOKED]

SUMMARY:

The purpose of the proposed revocation is to repeal rules governed by statutes that are no longer enforced or within the regulatory purview of the Oklahoma State Department of Health. The regulatory responsibilities associated with these rules and the supervision of the activities of the Electrical, Plumbing, Mechanical, and Building Inspection trades has been transferred to the Construction Industries Board. These rules have been recently duplicated in Title 158 of the Oklahoma Administrative Code via recent promulgation by the Construction Industries Board and have no application to activities currently performed by the Department under Title 310.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, § 1000.4

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff of the Office of General Counsel; or may before February 13, 2003, submit written comment to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Charles Broadway, Office of General Counsel, (405) 271-6017

[OAR Docket #02-1554; filed 12-5-02]

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**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 256. FOOD
SERVICE ESTABLISHMENT
REGULATIONS ESTABLISHMENTS**

[OAR Docket #02-1555]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 256. Food Service ~~Establishment~~ Regulations
Establishments [AMENDED]

SUMMARY:

The proposal, which involves the addition of definitions and language to clarify existing regulations, amends or adds more than 30 sections of the rule. This proposal modifies the present Food Service Establishment Regulations in order to correlate the regulations with the 1999 Food and Drug Administration Model Food Code. The intent is to provide public protection from foodborne infection by establishing prescriptive rules for operators of food service establishments. In Subchapter 1 the proposed changes involve the addition of definitions and language to clarify existing definitions. Subchapter 3 incorporates changes regarding the responsibility of the person in charge to require reporting by the food employees and applicants concerning symptoms caused by illness, infection, or other sources, which is associated with an acute gastrointestinal illness. Subchapter 5 incorporates changes about the responsibility for shellfish caught recreationally, which may not be received for sale or service and proper labeling of packages for raw shucked shellfish. The proposal contains new language concerning a consumer advisory requiring notification to the public regarding food establishments, which serve raw or undercooked foods of animal origin. Language has been added regarding food being examined and sampled by the department for enforcement and embargo on food. This chapter also includes language regarding pasteurization of juices for the destruction of pathogens. Subchapter 7 proposes changes of ware-washing sink requirements for establishments that sell only prepackaged food. Subchapter 9 incorporates changes regarding the minimum water capacity of five (5) gallons for pushcarts. Subchapter 11 and 15 involves language to clarify existing regulations regarding mobile pushcarts, contents of plans and specifications, HACCP plans, pre-licensing inspections, ceasing operations and reporting, timely corrections, release of employee from restriction and exclusion and critical item additions and deletions.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-1101 et seq.

COMMENT PERIOD:

January 2, 2003, through, February 13, 2003. Interested persons may discuss informally the proposed rules with staff of Consumer Protection Services; or may before February 13, 2003, submit written comment to Ted Evans, Interim Director of Food Services Unit, Consumer Protection Division, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003, to Ted Evans, Interim Director of Food Services Unit, Consumer Protection Division, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Consumer Protection Services at the above address or by electronic mail request to tede@health.state.ok.us

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Ted Evans, Interim Director of Food Service Unit, Consumer Health Services, (405) 271-5243

[OAR Docket #02-1555; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 275. INSPECTOR REGULATIONS

[OAR Docket #02-1556]

RULEMAKING ACTION:

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

Chapter 275. Inspector Regulations [REVOKED] **SUMMARY:**

The purpose of the proposed revocation is to repeal rules governed by statutes that are no longer enforced or within the regulatory purview of the Oklahoma State Department of Health. The regulatory responsibilities associated with these rules and the supervision of the activities of the Electrical, Plumbing, Mechanical, and Building Inspection trades has been transferred to the Construction Industries Board. These rules have been recently duplicated in Title 158 of the Oklahoma Administrative Code via recent promulgation by the Construction Industries Board and have no application to activities currently performed by the Department under Title 310.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, § 1000.4

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff

of the Office of General Counsel; or may before February 13, 2003, submit written comment to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Charles Broadway, Office of General Counsel, (405) 271-6017

[OAR Docket #02-1556; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 276. HOME INSPECTION INDUSTRY [NEW]

[OAR Docket #02-1557]

RULEMAKING ACTION:

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

Chapter 276. Home Inspection Industry [NEW] **SUMMARY:**

The rules are to implement the mandate of the Home Inspection Licensing Act. The rules will outline the requirements for standards of workmanship, advisory committee procedures, examination procedures, licensure fees, continuing education requirements and prohibited acts.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, Section 858-621 et seq.

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 13, 2003, may submit written comments to Rocky McElvany, Chief, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003, may send electronic mail to rockym@health.state.ok.us or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003, to Rocky McElvany, Chief, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003 may send electronic mail to rockym@health.state.ok.us

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Occupational Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or by electronic mail request to rockym@health.state.ok.us

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Rocky McElvany, Chief, Protective Health Services, (405) 271-5288

[OAR Docket #02-1557; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 290. MECHANICAL INDUSTRY REGULATIONS

[OAR Docket #02-1558]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 290. Mechanical Industry Regulations
[REVOKED]

SUMMARY:

The purpose of the proposed revocation is to repeal rules governed by statutes that are no longer enforced or within the regulatory purview of the Oklahoma State Department of Health. The regulatory responsibilities associated with these rules and the supervision of the activities of the Electrical, Plumbing, Mechanical, and Building Inspection trades has been transferred to the Construction Industries Board. These rules have been recently duplicated in Title 158 of the Oklahoma Administrative Code via recent promulgation by the Construction Industries Board and have no application to activities currently performed by the Department under Title 310.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, § 1000.4

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff of the Office of General Counsel; or may before February 13, 2003, submit written comment to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Charles Broadway, Office of General Counsel, (405) 271-6017

[OAR Docket #02-1558; filed 12-5-02]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 310. PLUMBING INDUSTRY
REGULATIONS**

[OAR Docket #02-1559]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 310. Plumbing Industry Regulations [REVOKED]

SUMMARY:

The purpose of the proposed revocation is to repeal rules governed by statutes that are no longer enforced or within the regulatory purview of the Oklahoma State Department of Health. The regulatory responsibilities associated with these rules and the supervision of the activities of the Electrical, Plumbing, Mechanical, and Building Inspection trades has been transferred to the Construction Industries Board. These rules have been recently duplicated in Title 158 of the Oklahoma Administrative Code via recent promulgation by the Construction Industries Board and have no application to activities currently performed by the Department under Title 310.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, § 1000.4

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff of the Office of General Counsel; or may before February 13, 2003, submit written comment to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Charles Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Charles Broadway, Office of General Counsel, (405) 271-6017

[OAR Docket #02-1559; filed 12-5-02]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 345. REGISTRATION OF
SANITARIANS**

[OAR Docket #02-1560]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:345-1-1 [AMENDED]

310:345-1-1.1 [AMENDED]

310:345-1-2 [AMENDED]

Subchapter 3. Applications

310:345-3-1 [AMENDED]

310:345-3-3 [AMENDED]

310:345-3-4 [AMENDED]

310:345-3-6 [AMENDED]

Subchapter 5. Registration

310:345-5-1 [AMENDED]

310:345-5-2 [AMENDED]

310:345-5-3 [AMENDED]

Subchapter 7. Revocation and Reinstatement

310:345-7-1 [AMENDED]

310:345-7-2 [AMENDED]

SUMMARY:

The proposal amends Subchapters 1, 3, 5, and 7 of the present Registration of Sanitarians Regulations to include the term Environmental Specialist as changed by H.B. 1230 of the 1995 Legislative Session. The proposal also recommends creation of a "Life Registration" which would allow those individuals meeting the qualifications to pay a one-time fee and

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continue registration without annual renewal requirements. The amendment in Subchapter 3 establishes the fee of \$20 for the "Life Registration".

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 1995, Section 1150.1 et seq.

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 13, 2003, may submit written comments to Rocky McElvany, Chief, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003, may send electronic mail to rockym@health.state.ok.us or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003, to Rocky McElvany, Chief, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003 may send electronic mail to rockym@health.state.ok.us

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Occupational Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or by electronic mail request to rockym@health.state.ok.us

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Rocky McElvany, Chief, Protective Health Services, (405) 271-5288

[OAR Docket #02-1560; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 403. LICENSED BEHAVIORAL PRACTITIONERS

[OAR Docket #02-1561]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Rules of Professional Conduct
310:403-7-2 [AMENDED]

Subchapter 15. Supervised Experience Requirement
310:403-15-1 [AMENDED]

SUMMARY:

The amendments to Subchapter 7 provide for requirements regarding professional statements, opinions, assessments, reports, diagnoses, or evaluations made by LBP applicants, candidates and licensees. The amendments to Subchapter 15 provide for supervision requirements to be completed by LBP applicants who apply for licensure after December 31, 2001, after the grandfathering period. The supervision requirement is established in the LBP Act. These rules were adopted by emergency on November 14, 2002, due to the numerous complaints received regarding child custody evaluations and the current regulations indicate that supervision is not a requirement for applicants until after December 31, 2004.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, Section 1934(A)

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before February 13, 2003, submit written comment to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Nena West, Director, Office of Professional Counselor Licensing, (405) 271-6030

[OAR Docket #02-1561; filed 12-5-02]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 405. LICENSED
PROFESSIONAL COUNSELOR
REGULATIONS COUNSELORS**

[OAR Docket #02-1562]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Rules of Professional Conduct
310:405-3-2 [AMENDED]

SUMMARY:

The amendments to Subchapter 3 provide for requirements regarding professional statements, opinions, assessments, reports, diagnoses, or evaluations made by LPCs. These rules were adopted by emergency on November 14, 2002, due to the numerous complaints received regarding child custody evaluations.

AUTHORITY:

Oklahoma State Board of Health; 59 O.S. 2001, Section 1905(A)

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before February 13, 2003, submit written comment to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Nena West, Director, Office of Professional Counselor Licensing, (405) 271-6030

[OAR Docket #02-1562; filed 12-5-02]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 528. CHILDREN FIRST
ELIGIBILITY REQUIREMENTS [NEW]**

[OAR Docket #02-1563]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 528. Children First Eligibility Requirements
[NEW]

SUMMARY:

The purpose of this chapter is to identify the eligibility requirements for the Children First Service.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. §§ 1-104 and 1-110.1; HB2487 of the 2002 Legislative Session.

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may informally discuss the proposed rules with Annette Jacobi, J.D., Chief, Children First Service; or before February 13th, 2003 may submit written comments to Annette Jacobi, J.D., Chief, Children First Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003, may send electronic mail to annettej@health.state.ok.us; or may ask to present written or oral views at the hearing.

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PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003, to Annette Jacobi, J.D., Chief, Children First Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from Annette Jacobi, J.D., Chief, Children First Service, Room 703, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Annette Jacobi, J.D., Chief, Children First Service, (405) 271-7612

[OAR Docket #02-1563; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 529. MULTIDISCIPLINARY TEAMS FOR CHILD PROTECTION [NEW]

[OAR Docket #02-1564]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 529. Multidisciplinary Teams for Child Protection [NEW]

SUMMARY:

The purpose of this chapter is to identify the eligibility requirements for multidisciplinary teams. The first subchapter will identify the purpose and common definitions. Subchapter 3 will identify the minimal standards for eligibility as a functioning multidisciplinary team approved by the Child Abuse Training and Coordination Council. A functioning multidisciplinary team can apply for funding from the Child Abuse Multidisciplinary Account.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 1991, §§ 1-227.1, et seq., as amended

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may informally discuss the proposed rules with Sally Carter, M.S.W., L.C.S.W., Chief, Child Abuse Prevention Service; or before February 13th, 2003 may submit written comments to Sally Carter, M.S.W., L.C.S.W., Chief, Child Abuse Prevention Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003, may send electronic mail to sallyc@health.state.ok.us; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003, to Sally Carter, M.S.W., L.C.S.W., Chief, Child Abuse Prevention Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from Sally Carter, M.S.W., L.C.S.W., Chief, Child Abuse Prevention Service, Room 707, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Sally Carter, M.S.W., L.C.S.W., Chief, Child Abuse Prevention Service, (405) 271-7611

[OAR Docket #02-1564; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 535. IMMUNIZATIONS

[OAR Docket #02-1565]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

310:535-1-2 [AMENDED]

310:535-1-3 [AMENDED]

SUMMARY:

These actions provide modern tools for the protection of public health in their respective fields of regulation. These proposed amendments will prevent Oklahomans from being re-vaccinated unnecessarily. This rule change allows for: 1) vaccinations to be given <=4 days before the minimum interval or age to be counted as valid; 2) DTaP #4, if administered >=4 months after DTaP #3, to be counted as valid (instead of the current minimum interval of 6 months); 3) the minimum interval between hepatitis A first and second doses to be 6 calendar months, instead of the current six months (6 x 28 days); and, 4) specifying the minimum age for DTaP #5 to be four years of age. Changes #3 and #4 will only apply to immunizations given after January 1, 2003.

AUTHORITY:

Oklahoma State Board of Health; 70 O.S. §§ 1210.191 et seq.

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may discuss informally the proposed rules with Susan Mendus, Immunization Service; or may before February 13, 2003, submit written comment to Susan Mendus, Immunization Program Representative Supervisor, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Susan Mendus, Immunization Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Immunization Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Susan Mendus, Immunization Service, (405) 271-4073

[OAR Docket #02-1565; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 615. AMBULATORY SURGICAL CENTER REGULATIONS CENTERS

[OAR Docket #02-1566]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administration and organization

310:615-3-8 [AMENDED]

Subchapter 5. Minimum Standards

310:615-5-1 [AMENDED]

SUMMARY:

The proposed amendments remove the requirement for a formal transfer agreement between the licensed ambulatory surgical center and a general hospital located not more than a twenty (20) minute travel distance from the center if all physicians performing surgery in the ambulatory surgical center have admitting privileges at such a hospital. This proposed change is consistent with the federal Medicare Conditions for Coverage for ambulatory surgical centers.

The proposed amendments also correct a reference to Chapter 667 Hospital Standards.

AUTHORITY:

Oklahoma State Board of Health: Title 63 O.S. Section 2662

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 13, 2003, may submit written comments to Gary Glover, Chief, Medical Facilities, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003 may send electronic mail to gary@health.state.ok.us; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before

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February 13, 2003 to Gary Glover, Chief, Medical Facilities, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003 may send electronic mail to gary@health.state.ok.us.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Medical Facilities, Protective Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to medicalfacilities@health.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Gary Glover, Chief, Medical Facilities, Protective Health Services, 405-271-6576; electronic mail: gary@health.state.ok.us

[OAR Docket #02-1566; filed 12-5-02]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 667. HOSPITAL STANDARDS

[OAR Docket #02-1567]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 667. Hospital Standards [AMENDED]

SUMMARY:

These amendments affect more than 30 sections of the rule. The proposed revisions update definitions and add new definitions regarding various classes of practitioners, remove obsolete language, update and reorganize requirements and references for clarity, and correct syntax. Outdated requirements have been revoked and/or deleted.

Amendments include: changing references to Centers for Medicare & Medicaid Services from Health Care Financing Administration, referencing "licensed independent practitioner" when the term "physician" is used wherever appropriate, permitting hospitals to grant admission privileges to licensed independent practitioners, requiring hospitals to report data on quality indicators, requiring certain hospitals to provide surgical, diagnostic and treatment services on a twenty-four hour basis if they are routinely provided on a scheduled basis, updating requirements for employee health screening and immunizations and for newborn metabolic and hearing screening, requiring compliance with the Oklahoma Health Care Information System Act, updating infection control and central sterile supply practices, correcting references to Chapter 256 Food Service Establishment

Regulations, allowing one practitioner to authenticate another practitioner's orders if allowed by medical staff bylaws, removing the prohibition of the use of signature stamps in the medical record by practitioners, requiring hospitals to identify those workers who are subject to significant occupational exposure to radiation, allowing fluoroscopic procedures to be supervised by real time visualization through electronic means, applying the requirements of Subchapter five (5) to Critical Access Hospitals (CAH) and making conforming changes to Subchapter 39, adding program and construction requirements for emergency hospitals as Subchapter 40, updating construction requirements for general and specialized hospitals based on new American Institute of Architects guidelines, and updating the appendixes.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-705.

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may informally discuss the proposed rules with staff; or before February 13, 2003, may submit written comments to Gary Glover, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before February 13, 2003 may send electronic mail to Gary@health.state.ok.us; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to Gary Glover, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 14, 2001 may send electronic mail to Gary@health.state.ok.us

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Medical Facilities Division, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to medicalfacilities@health.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Gary Glover, Chief, Medical Facilities, (405) 271-6576

[OAR Docket #02-1567; filed 12-5-02]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 669. TRAUMA CARE
ASSISTANCE REVOLVING FUND**

[OAR Docket #02-1568]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Reports and Financial Statements
310:669-5-1 [AMENDED]

SUMMARY:

The amendments to Chapter 669 provide for changes to the rules that broaden the definition of major trauma effectively expanding the number of cases that are eligible for reporting to the Trauma Registry and reimbursement from the Trauma Care Assistance Revolving Fund. The amendments to the inclusion and exclusion criteria are necessary to clarify which cases are eligible for reporting and reimbursement to meet the needs of the Trauma System.

AUTHORITY:

Oklahoma State Board of Health: 63 O.S Sections 1-2512 and 1-2522

COMMENT PERIOD:

January 2, 2003 through February 13, 2003. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before February 13, 2003, may submit written comments to V. Pamela Broyles, Emergency Medical Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before February 13, 2003 may send electronic mail to PamB@health.state.ok.us; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, February 13, 2003, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th St., Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 before February 13, 2003 to V. Pamela Broyles, Emergency Medical Services, Oklahoma State Department of Health, 1000 NE 10th

Street, Oklahoma City, OK 73117-1299; or before February 13, 2003 may send electronic mail to PamB@health.state.ok.us

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Emergency Medical Services Division, Protective Health Services, at the above address or by email request to medicalfacilities@health.state.ok.us

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning January 2, 2003 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

V. Pamela Broyles, Emergency Medical Services, (405) 271-4027

[OAR Docket #02-1568; filed 12-5-02]

**TITLE 325. OKLAHOMA HORSE RACING
COMMISSION
CHAPTER 15. LICENSING**

[OAR Docket #02-1490]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Organization Licensing
325:15-3-2. Application for license and days to conduct a horse race meeting [AMENDED]

SUMMARY:

The Oklahoma Quarter Horse Racing Association, one of the duly elected horsemen's representative organizations, has suggested that the application deadline for organization license (racetrack) applications be changed from June 1 to March 1 to provide earlier decision-making of organization licenses and allocation of live race days that will then allow earlier annual planning for racing opportunities by horsemen, racetracks and the Commission.

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., Monday, February 3, 2003, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, 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 Monday, February 3, 2003, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, Oklahoma City, OK 73107.

Notices of Rulemaking Intent

Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule 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. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on February 3, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by January 2, 2003 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #02-1490; filed 11-21-02]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 35. GENERAL CONDUCT

[OAR Docket #02-1491]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

325:35-1-38. Prohibited provisions of horsemen's agreements [AMENDED]

SUMMARY:

This Rule itemizes issues that cannot be included in horsemen's agreements, one being the limitation or specification of the number of races to be programmed on any day or night of the race meeting. The Oklahoma Quarter Horse Racing Association, one of the duly elected horsemen's representative organizations, has suggested the elimination of this issue because the current restriction does not allow horsemen and racetracks the opportunity to have discussions about a relevant issue that affects the orderly conduct of the race meeting.

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., Monday, February 3, 2003, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, 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 Monday, February 3, 2003, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule 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. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on February 3, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by January 2, 2003 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #02-1491; filed 11-21-02]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 60. RUNNING THE RACE

[OAR Docket #02-1492]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

325:60-1-27. Time trial qualifiers. [AMENDED]

SUMMARY:

The American Quarter Horse Association drafted a model rule on Time Trials which was subsequently approved by the two professional regulatory organizations, North American Pari-Mutuel Regulators Association and the Association

of Racing Commissioners International. The Oklahoma Horse Racing Commission proposes to amend this Rule in conformance with the wording in the Time Trials model rule.

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., Monday, February 3, 2003, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, 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 Monday, February 3, 2003, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule 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. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on February 3, 2003.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, Oklahoma City, OK 73107.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by January 2, 2003 and may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

Bonnie Morris, Assistant to the Administrator, (405) 943-6472.

[OAR Docket #02-1492; filed 11-21-02]

**TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY
CHAPTER 30. FINANCING PROJECTS FOR RESIDENTIAL MULTI-FAMILY RENTAL PROPERTY AND COOPERATIVES WITH TAX-EXEMPT AND TAXABLE DEBT ISSUED IN ACCORDANCE WITH STATE AND FEDERAL LAWS**

[OAR Docket #02-1515]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 30. Financing Projects For Residential Multi-Family Rental Property And Cooperatives With Tax Exempt And Taxable Debt Issued In Accordance With State And Federal Laws [AMENDED]

SUMMARY:

The Board of Trustees of the Oklahoma Housing Finance Agency (OHFA), a public trust, have adopted OHFA's Chapter 30. Multi-Family Tax-Exempt and Taxable Bond Finance Program Rules (the "Rules") for use in considering applications for bond issuance in OHFA's Multi-Family Tax-Exempt and Taxable Bond Finance Program. The Rules provide guidelines which OHFA follows in Chapter 30. Multi-Family Tax-Exempt and Taxable Bond Finance Program, and are intended to describe the bond issuance process and to provide a description of the procedures to be followed by applicants for bond issuance and to be followed by OHFA in evaluating and prioritizing applications.

OHFA has received comments concerning procedures, guidelines, and criteria. Because of these comments permanent amendments to the Rules addressing these issues are being considered. In addition OHFA proposes amendments to the application process.

AUTHORITY:

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and the Bylaws of OHFA

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to John Marshall at Oklahoma Housing Finance Agency on or before February 14, 2003. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: John Marshall.

PUBLIC HEARING:

The following public hearing will be held: February 14, 2003 at 2:00 PM at the offices of OHFA, 100 N. W. 63rd, Oklahoma City, OK in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc, provide OHFA on or before February 14, 2003, in dollar amounts, if possible, the level of

Notices of Rulemaking Intent

costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendments.

COPIES OF PROPOSED RULES:

Copies of the Rules may be obtained by contacting John Marshall, at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, (405) 419-8263. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

RULE IMPACT STATEMENT:

A rule impact statement has been issued and is available at the offices of OHFA.

CONTACT PERSON:

John Marshall, 1-(405)-419-8263

[OAR Docket #02-1515; filed 12-4-02]

TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY CHAPTER 36. AFFORDABLE HOUSING TAX CREDIT PROGRAM

[OAR Docket #02-1514]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 36: Affordable Housing Tax Credit Program Rules
[AMENDED]

SUMMARY:

The Internal Revenue Code of 1986, as amended (the "Code") provides for the allocation of housing tax credits to eligible owners of residential rental property used for low-income housing (the "Credits"). OHFA administers the State of Oklahoma's Affordable Housing Tax Credit Program (the "Credit Program") and pursuant thereto reallocates Credits allocated to the State of Oklahoma by the U.S. Congress. OHFA, as the state housing credit agency, also must develop a qualified allocation plan ("QAP") to provide for the evaluation of applications for Credits, the monitoring for noncompliance with the provisions of the Code and reporting noncompliance to the Internal Revenue Service (the "IRS"). The Credit Program Rules (Chapter 36) adopted by OHFA are intended to be the QAP for Oklahoma.

The proposed amendments to OHFA's Credit Program Rules are being undertaken to further define administrative guidelines for the allocation of the credits, to comply with anticipated U.S. Congressional enactments to Code Section 42, and to conform the Credit Program Rules to the requirements of the Code and Treasury Regulations.

AUTHORITY:

Board of Trustees of OHFA; Amended Trust Indenture of OHFA and Bylaws of OHFA

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may submit written or oral comments to John Marshall at Oklahoma Housing Finance Agency on or before February 14, 2003. Written comments will be accepted until 4:00 p.m. on February 14, 2003. Written comments should be sent to Oklahoma Housing Finance Agency, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, Attn: John Marshall.

PUBLIC HEARING:

A public hearing will be held: February 14, 2003 at 10:00 A.M., at the offices of OHFA, 100 NW 63rd, Oklahoma City, OK 73126, in the Will Rogers Room. All interested persons are invited to attend and present their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

OHFA requests that all business entities, developers, contractors, applicants, etc., provide OHFA on or before, February 14, 2003, in dollar amounts, if possible, the level of costs (indirect or direct including reporting, record keeping, etc.) expected to be incurred due to compliance with the proposed amendment.

COPIES OF PROPOSED RULES:

Copies of the Rules may be obtained by contacting John Marshall, at the Oklahoma Housing Finance Agency, 100 Northwest 63rd, Post Office Box 26720, Oklahoma City, Oklahoma 73126-0720, (405) 419-8263. Persons requesting more than one (1) copy of these proposed rules will be charged \$5.00 per copy.

RULE IMPACT STATEMENT:

A rule impact statement will be issued and made available on or before January 17, 2003 at the offices of OHFA.

CONTACT PERSON:

John Marshall, 1-(405)-419-8263.

[OAR Docket #02-1514; filed 12-4-02]

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

[OAR Docket #02-1524]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Minimum Standards; Contract Guidelines
Part 13. Medicare Supplement Insurance Minimum Standards
365:10-5-127. Benefit standards for policies or certificates issued or delivered on or after July 1, 1992 [AMENDED]
365:10-5-128.1. Medicare Select Policies and Certificates [AMENDED]
365:10-5-129.1 Guaranteed issue for eligible persons [AMENDED]

- 365:10-5-132. Filing and approval of policies and certificates and premium rates [AMENDED]
- 365:10-Appendix Q. Medicare Supplement [REVOKED AND REENACTED]
- 365:10-Appendix S. Outline of Coverage Tables [REVOKED AND REENACTED]
- 365:10-Appendix V. Disclosure Statements [REVOKED AND REENACTED]

SUMMARY:

The proposed new rules implement the mandates of federal law relating to Medicare Supplement coverage by updating the Medicare Supplement Insurance Minimum Standards regulation based on the National Association of Insurance Commissioners Model Regulation To Implement the NAIC Medicare Supplement Insurance Minimum Standards.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 3611.1.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 3, 2003, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on February 4, 2003 in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide the State Insurance Department, within the comment period set out above, 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 by a particular entity due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to January 17, 2003, and may be obtained from the State Insurance Department at the above address.

CONTACT PERSON:

Karl F. Kramer, Assistant General Counsel, (405) 521-2746.

[OAR Docket #02-1524; filed 12-5-02]

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

[OAR Docket #02-1525]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 19. Health Insurance Purchasing Groups [NEW]
- Part 1. Employer Health Insurance Purchasing Group Regulation [NEW]
- 365:10-19-1. Definitions [NEW]
- 365:10-19-2. Applicability and scope [NEW]
- 365:10-19-3. Establishment of business [NEW]
- 365:10-19-4. Board of directors and plan of operations [NEW]
- 365:10-19-5. Requirement to insure all employees of the purchaser and new entrants [NEW]
- 365:10-19-6. Prohibited provisions and other requirements [NEW]
- 365:10-19-7. Filing requirements [NEW]
- 365:10-19-8. Annual reporting requirements [NEW]

SUMMARY:

The proposed new rules implement the provisions of the Employer Health Insurance Purchasing Group Act (Senate Bill 2350). Rule 365:10-19-1 sets out the definitions for purposes of the regulation. Rule 365:10-19-2 sets out the applicability and scope of the regulation. Rule 365:10-19-3 mandates that health insurers maintain certain information for inspection by the Commissioner and prohibits discrimination against health insurance purchasing groups in the offer of coverage to a group. Rule 365:10-19-4 sets out the term of board member, composition of the board and initial board member appointment terms. Rule 365:10-19-4 also mandates a plan of operation along with requirements for that plan of operation include a provision that an annual written report will be provided to all participating employers of the purchasing group. Rule 365:10-19-5 mandates that carriers offer coverage to each eligible employee and to each dependent of an eligible employee. Rule 365:10-19-5 also mandates that carriers offer eligible employees the option of one or more benefit plans, carriers obtain from each employer a complete list of eligible employees, and carriers obtain a written waiver for each employee or dependent who declines an offer of coverage. Rule 365:10-19-5 also prohibits issuance of coverage to an employer if there is reason to believe that the employer has induced or pressured the employee to decline coverage due to the individual's risk characteristics. Rule 365:10-19-6 sets out certain prohibited provisions and other requirements. Rule 365:10-19-7 sets out filing requirements. Rule 365:10-19-8 sets out annual filings with the Insurance Commissioner by the carrier.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 4529.

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COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., February 3, 2003, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, Assistant General Counsel, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on February 4, 2003, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide the State Insurance Department, within the comment period set out above, 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 by a particular entity due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to January 17, 2003, and may be obtained from the State Insurance Department at the above address.

CONTACT PERSON:

Karl F. Kramer, Assistant General Counsel, (405) 521-2746.

[OAR Docket #02-1525; filed 12-5-02]

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

[OAR Docket #02-1544]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
450:16-1-2 [AMENDED]
450:16-1-5 [REVOKED]
Subchapter 7. Critical Incidents
450:16-7-3 [AMENDED]

Subchapter 13. Quality of Life
450:16-13-2 [AMENDED]
450:16-13-4 [AMENDED]
450:16-13-13 [AMENDED]
450:16-13-15 [AMENDED]
450:16-13-17 [AMENDED]
450:16-13-24 [AMENDED]
450:16-13-45 [AMENDED]
450:16-13-46 [AMENDED]
450:16-13-48.1 [AMENDED]
Subchapter 15. Resident Rights
450:16-15-1 [AMENDED]
450:16-15-5 [AMENDED]
Subchapter 17. Security and Disclosure of Resident Information
450:16-17-1 [AMENDED]
450:16-17-3 [REVOKED]
450:16-17-3.1 [NEW]
450:16-17-4 [AMENDED]
Subchapter 21. Personnel, Staffing, and Training
450:16-21-1 [AMENDED]
450:16-21-2 [AMENDED]
450:16-21-5 [AMENDED]
Subchapter 27. Behavior
450:16-27-3 [AMENDED]
Subchapter 29. Enhanced Residential Care
450:16-29-1 [REVOKED]
450:16-29-3 [AMENDED]
450:16-29-6 [REVOKED]
450:16-29-7 [AMENDED]
450:16-29-8 [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 16 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, clarify quality of life issues in residential care facilities, delete redundant or superfluous language; and correct scrivener's errors.

AUTHORITY:

43A O.S. §§ 2-101 and 3-315; Department of Mental Health and Substance Abuse Services

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 4, 2003 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on February 5, 2003 9:00 a.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 4, 2003 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 2, 2003. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer. (405) 522-6765.

[OAR Docket #02-1544; filed 12-5-02]

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

[OAR Docket #02-1545]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

450:17-1-1 [AMENDED]

450:17-1-2 [AMENDED]

450:17-1-5 [REVOKED]

450:17-1-6 [AMENDED]

Subchapter 3. Required Services

Part 1. Required Services

450:17-3-3 [AMENDED]

450:17-3-21 [AMENDED]

450:17-3-22 [AMENDED]

Part 5. Emergency Services

450:17-3-41 [AMENDED]

450:17-3-42 [AMENDED]

450:17-3-43 [AMENDED]

Part 7. Outpatient Counseling Services

450:17-3-62 [AMENDED]

Part 9. Medication Clinic Services

450:17-3-81 [AMENDED]

450:17-3-82 [AMENDED]

450:17-3-83 [AMENDED]

Part 11. Case Management

450:17-3-101 [AMENDED]

450:17-3-101.1 [AMENDED]

450:17-3-103 [AMENDED]

450:17-3-106 [AMENDED]

450:17-3-122 [AMENDED]

Part 15. Adult Day Programs

450:17-3-141 [AMENDED]

450:17-3-142 [AMENDED]

450:17-3-144 [AMENDED]

450:17-3-144.1 [AMENDED]

Part 17. Services to Homeless Individuals

450:17-3-161 [AMENDED]

Subchapter 5. Optional Services

Part 5. Homebased Services to Children and Adolescents

450:17-5-22 [AMENDED]

Part 9. Vocational Employment Services

450:17-5-45 [AMENDED]

Part 11. Community Living Programs

450:17-5-56 [AMENDED]

450:17-5-67 [AMENDED]

450:17-5-67.1 [AMENDED]

450:17-5-67.2 [AMENDED]

450:17-5-67.3 [AMENDED]

Part 13. Crisis Stabilization

450:17-5-81 [AMENDED]

Part 15. Inpatient Services

450:17-5-100 [AMENDED]

Part 19. Program for Assertive Community Treatment

450:17-5-127 [NEW]

Subchapter 7. Facility Clinical Records

450:17-7-3 [AMENDED]

450:17-7-4 [AMENDED]

450:17-7-5 [AMENDED]

450:17-7-6 [AMENDED]

450:17-7-7 [AMENDED]

450:17-7-8 [AMENDED]

450:17-7-9 [AMENDED]

450:17-7-10 [AMENDED]

Subchapter 9. Consumer Records and Confidentiality

450:17-9-1.1 [NEW]

Subchapter 11. Consumer Rights

450:17-11-1 [AMENDED]

450:17-11-3 [AMENDED]

450:17-11-4 [AMENDED]

Subchapter 13. Organizational Management

450:17-13-1 [AMENDED]

450:17-13-2 [AMENDED]

Subchapter 15. Performance Improvement and Quality

Management

450:17-15-1.1 [AMENDED]

Subchapter 19. Human Resources

450:17-19-3 [AMENDED]

Subchapter 21. Staff Development and Training

Notices of Rulemaking Intent

450:17-21-1 [AMENDED]
450:17-21-2 [AMENDED]
450:17-21-3 [AMENDED]
450:17-21-4 [NEW]
450:17-21-5 [NEW]
Subchapter 23. Facility Environment
450:17-23-1 [AMENDED]
Subchapter 27. Special Populations
450:17-27-1 [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 17 are part of the Department's review of Title 450. These actions are intended to comply with statutory changes; amend or repeal rules; delete redundant or superfluous language; and correct scrivener's errors.

AUTHORITY:

43A O.S. §§ 2-101, 3-306 and 3-306.1; Board of Mental Health and Substance Abuse Services

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 4, 2003 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on February 5, 2003 at 11:00 a.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 4, 2003 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 2, 2003. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer.
(405) 522-6765.

[OAR Docket #02-1545; filed 12-5-02]

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

[OAR Docket #02-1546]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 3. Required Services
Part 11. Case Management
450:17-3-106 [AMENDED]
Subchapter 5. Optional Services
Part 19. Program for Assertive Community Treatment
450:17-5-111 [REVOKED]
450:17-5-112 [REVOKED]
450:17-5-113 [REVOKED]
450:17-5-114 [REVOKED]
450:17-5-115 [REVOKED]
450:17-5-116 [REVOKED]
450:17-5-117 [REVOKED]
450:17-5-118 [REVOKED]
450:17-5-119 [REVOKED]
450:17-5-120 [REVOKED]
450:17-5-121 [REVOKED]
450:17-5-122 [REVOKED]
450:17-5-123 [REVOKED]
450:17-5-124 [REVOKED]
450:17-5-125 [REVOKED]
450:17-5-126 [REVOKED]
450:17-5-127 [NEW]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rules implement 43A O.S. §§ 3-318 and 3-319, which authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify behavioral health case managers and programs for assertive community treatment. Sections 3-318 and 3-319 became effective on November 1, 2002. These sections require the Board to promulgate rules and standards for certification of programs for assertive community treatment and behavioral health case managers addressing criteria for certification and renewal, including minimum education requirements, examination and supervision requirement, continuing education requirements and rules of professional conduct.

AUTHORITY:

43A O.S. §§ 2-101, 3-306, 3-318 and 3-319; Board of Mental Health and Substance Abuse Services

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., January 7, 2003 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on January 8, 2003 at 1:00 p.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., January 7, 2003 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 2, 2003. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer. (405) 522-6765.

[OAR Docket #02-1546; filed 12-5-02]

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

[OAR Docket #02-1543]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

- 450:23-1-2 [AMENDED]
- Subchapter 3. CBSCC Services
- 450:23-3-2 [AMENDED]
- 450:23-3-3 [AMENDED]
- 450:23-3-5 [AMENDED]
- 450:23-3-6 [AMENDED]
- 450:23-3-7 [AMENDED]
- 450:23-3-8 [AMENDED]
- Subchapter 5. CBSCC Clinical Records
- 450:23-5-2 [AMENDED]
- 450:23-5-3 [AMENDED]
- 450:23-5-4 [AMENDED]
- 450:23-5-7 [AMENDED]
- 450:23-5-7.1 [NEW]
- 450:23-5-8 [AMENDED]
- Subchapter 7. Confidentiality
- 450:23-7-1 [REVOKED]
- 450:23-7-1.1 [NEW]
- 450:23-7-2 [REVOKED]
- Subchapter 9. Consumer Rights
- 450:23-9-1 [AMENDED]
- 450:23-9-2 [AMENDED]
- 450:23-9-3 [AMENDED]
- Subchapter 11. Organizational Management
- 450:23-11-1 [AMENDED]
- 450:23-11-2 [AMENDED]
- Subchapter 13. Performance Improvement and Quality Management
- 450:23-13-1 [AMENDED]
- 450:23-13-5 [AMENDED]
- Subchapter 19. Staff Development and Training
- 450:23-19-2 [AMENDED]
- 450:23-19-3 [AMENDED]
- Subchapter 21. Facility Environment
- 450:23-21-2 [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 23 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance service provision, delete redundant or superfluous language; and correct scrivener's errors.

AUTHORITY:

43A O.S. §§ 2-101, 2-202, 3-306 and 3-317; Board of Mental Health and Substance Abuse Services

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., February 4, 2003 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

Notices of Rulemaking Intent

PUBLIC HEARING:

The Department will conduct a public hearing on February 5, 2003 at 2:00 p.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., February 4, 2003 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) a rule impact statement will be prepared and available beginning on January 2, 2003. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer.
(405) 522-6765.

[OAR Docket #02-1543; filed 12-5-02]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

CHAPTER 50. CERTIFIED BEHAVIORAL HEALTH CASE MANAGERS [NEW]

[OAR Docket #02-1547]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

450:50-1-1 [NEW]

450:50-1-2 [NEW]

450:50-1-3 [NEW]

Subchapter 3. Behavioral Health Case Manager Certification Application [NEW]

450:50-3-1 [NEW]

450:50-3-2 [NEW]

450:50-3-3 [NEW]

450:50-3-4 [NEW]

450:50-3-5 [NEW]

450:50-3-6 [NEW]

Subchapter 5. Behavioral Health Case Manager Certification Training [NEW]

450:50-5-1 [NEW]

450:50-5-2 [NEW]

450:50-5-3 [NEW]

450:50-5-4 [NEW]

Subchapter 7. Rules of Professional Conduct

450:50-7-1 [NEW]

450:50-7-2 [NEW]

450:50-7-3 [NEW]

450:50-7-4 [NEW]

450:50-7-5 [NEW]

Subchapter 9. Enforcement [NEW]

450:50-9-1 [NEW]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rules implement 43A O.S. § 3-318, which authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify behavioral health case managers. Section 3-318 became effective on November 1, 2002 and requires the Board to promulgate rules and standards for certification of behavioral health case managers addressing criteria for certification and renewal, including minimum education requirements, examination and supervision requirement, continuing education requirements and rules of professional conduct.

AUTHORITY:

43A O.S. §§ 2-101, 3-306 and 3-318; Board of Mental Health and Substance Abuse Services

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., January 7, 2003 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on January 8, 2003 at 9:00 a.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., January 7, 2003 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 2, 2003. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer. (405) 522-6765.

[OAR Docket #02-1547; filed 12-5-02]

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

[OAR Docket #02-1548]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
 - 450:55-1-1 [NEW]
 - 450:55-1-2 [NEW]
 - 450:55-1-3 [NEW]
- Subchapter 3. Program Description and PACT Services [NEW]
 - 450:55-3-1 [NEW]
 - 450:55-3-2 [NEW]
 - 450:55-3-3 [NEW]
 - 450:55-3-4 [NEW]
 - 450:55-3-5 [NEW]
 - 450:55-3-6 [NEW]
 - 450:55-3-7 [NEW]
 - 450:55-3-8 [NEW]
 - 450:55-3-9 [NEW]
 - 450:55-3-10 [NEW]
- Subchapter 5. PACT Clinical Documentation [NEW]
 - 450:55-5-1 [NEW]
 - 450:55-5-2 [NEW]
 - 450:55-5-3 [NEW]
 - 450:55-5-4 [NEW]
 - 450:55-5-5 [NEW]
 - 450:55-5-6 [NEW]
 - 450:55-5-7 [NEW]
 - 450:55-5-8 [NEW]
 - 450:55-5-9 [NEW]
 - 450:55-5-10 [NEW]
 - 450:55-5-11 [NEW]
- Subchapter 7. Confidentiality [NEW]
 - 450:55-7-1 [NEW]
- Subchapter 9. Consumer Rights [NEW]
 - 450:55-9-1 [NEW]
 - 450:55-9-2 [NEW]

- 450:55-9-3 [NEW]
- Subchapter 11. Organizational Management [NEW]
 - 450:55-11-1 [NEW]
 - 450:55-11-2 [NEW]
 - 450:55-11-3 [NEW]
- Subchapter 13. Performance Improvement and Quality Management [NEW]
 - 450:55-13-1 [NEW]
 - 450:55-13-2 [NEW]
- Subchapter 15. Personnel [NEW]
 - 450:55-15-1 [NEW]
 - 450:55-15-2 [NEW]
- Subchapter 17. Staff Development and Training [NEW]
 - 450:55-17-1 [NEW]
 - 450:55-17-2 [NEW]
 - 450:55-17-3 [NEW]
- Subchapter 19. Facility Environment [NEW]
 - 450:55-19-1 [NEW]
 - 450:55-19-2 [NEW]
- Subchapter 21. Governing Authority [NEW]
 - 450:55-21-1 [NEW]
- Subchapter 23. Special Populations [NEW]
 - 450:55-23-1 [NEW]
 - 450:55-23-2 [NEW]

SUMMARY:

In accordance with the Administrative Procedures Act these proposed rules are part of the Department's review of Title 450 and implements 43A O.S. § 3-319, which authorizes the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify programs for assertive community treatment. Section 3-319 became effective on November 1, 2002 and requires the Board to promulgate rules and standards for certification of facilities or organizations that desire to be certified.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., January 7, 2003 to the attention of Linda Winton, Policy Analyst and Agency Liaison Officer. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand delivered to the Department at 1200 N.E. 13th Street, Oklahoma City, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:

The Department will conduct a public hearing on January 8, 2003 at 1:00 p.m. in the Main Conference Room of the Department at the address given above.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be

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incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information until 5:00 p.m., January 7, 2003 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the above address.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning January 2, 2003. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

CONTACT PERSON:

Linda Winton, Policy Analyst and Agency Liaison Officer.
(405) 522-6765.

[OAR Docket #02-1548; filed 12-5-02]

TITLE 545. BOARD OF PODIATRIC MEDICAL EXAMINERS CHAPTER 15. EXAMINATION/PRECEPTORSHIP/LICENSURE

[OAR Docket #02-1513]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- 545:15-1-1. Purpose [AMENDED]
- 545:15-1-2. Examination [AMENDED]
- 545:15-1-3.1. Direct supervision of an applicant [REVOKED]
- 545:15-1-6. Qualifications for a preceptee [REVOKED]
- 545:15-1-7. Qualifications for a preceptor [REVOKED]
- 545:15-1-8. Course of study for preceptee [REVOKED]
- 545:15-1-9. Progress review of preceptee [REVOKED]

SUMMARY:

The rules regarding the state examination and qualifications for licensure are being amended to comply with changes in the law pursuant to SB 928, effective November 1, 2002.

AUTHORITY:

Title 59 O.S., Section 141, Board of Podiatric Medical Examiners

COMMENT PERIOD:

The comment period will run from January 2, 2003 to February 14, 2003. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on February 22, 2003, 9:00 a.m. at the office of the Medical Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma. Written notice of intent

to make oral comment must be received by this office no later than February 14, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be available after January 2, 2003 at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma.

CONTACT PERSON:

Jan Ewing, Assistant to the Director (405) 848-6841, ext. 104

[OAR Docket #02-1513; filed 12-3-02]

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

[OAR Docket #02-1516]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Administrative Components of the Department
- 612:1-3-3. The Division Administrators [AMENDED]
- 612:1-3-10. Final signature authority [AMENDED]
- Subchapter 5. Program Divisions within the Department
- 612:1-5-2. Vocational Rehabilitation Services (DVR) [AMENDED]
- 612:1-5-3. Division of Visual Services (DVS) [AMENDED]
- 612:1-5-4.1. Management Services Division (MSD) [AMENDED]
- Subchapter 7. Relationships with Department Established by Law
- 612:1-7-3. Relationships with state boards: ex officio representation from the Department [AMENDED]
- Subchapter 11. Compliance with the Americans With Disabilities Act of 1990
- Part 3. Reasonable Accommodation
- 612:1-11-16. Providing reasonable accommodations [AMENDED]
- 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]
- 612:1-13-5. Awareness training [AMENDED]

612:1-13-6. Maintenance of racial and ethnic data [AMENDED]

SUMMARY:

The proposed changes to Chapter 1 involve clarification of the administrative components of the department, title changes from Affirmative Action Officer to Civil Rights Administrator and District Supervisors to Program Managers and the updating of language to remove reference to an expired Governor's commission.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2003 through February 5, 2003, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Public hearings will be held as follows:

Monday, February 3, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma

Tuesday, February 4, 2003,
3:00 P.M. - 5:00 P.M.,
Tulsa Speech and Hearing Association
8740 E. 11th, Suite A
Tulsa, Oklahoma

Wednesday, February 5, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Human Services
2609 S.W. Lee Blvd.,
Lawton, Oklahoma

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2003, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Larry Bishop, Rulemaking Liaison, (405) 951-3408

[OAR Docket #02-1516; filed 12-4-02]

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

[OAR Docket #02-1517]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 612:3-1-2. Definitions [AMENDED]
- 612:3-1-3. Functions of the division [AMENDED]
- Subchapter 3. Human Resources Unit
- Part 1. Overview of Human Resources Unit
- 612:3-3-2. Organization of the Human Resources Unit [REVOKED]
- Subchapter 5. Policy Development and Program Standards
- Part 3. Policy Development
- 612:3-5-16. State office memoranda [AMENDED]

SUMMARY:

The proposed changes to Chapter 3 involve clarification of OPM's policy for transfers, functions of the divisions and certain responsibilities of the Policy Development Unit and the Human Resources Unit.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2003 through February 5, 2003, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Public hearings will be held as follows:

Monday, February 3, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma

Tuesday, February 4, 2003,
3:00 P.M. - 5:00 P.M.,
Tulsa Speech and Hearing Association
8740 E. 11th, Suite A
Tulsa, Oklahoma

Wednesday, February 5, 2003,

Notices of Rulemaking Intent

3:00 P.M. - 5:00 P.M.,
Department of Human Services
2609 S.W. Lee Blvd.,
Lawton, Oklahoma

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2003, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Larry Bishop, Rulemaking Liaison, (405) 951-3408

[OAR Docket #02-1517; filed 12-4-02]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 10. VOCATIONAL REHABILITATIVE REHABILITATION AND VISUAL SERVICES

[OAR Docket #02-1518]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
612:10-1-2. Definitions [AMENDED]
612:10-1-3. Basic philosophy of rehabilitation programs [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
612:10-3-4. Services exempt from client participation in service costs [AMENDED]
612:10-3-5. Basic living requirements [AMENDED]
Subchapter 5. Guidelines for Evaluating the Limitations and Rehabilitation Needs of Certain Disability Groups
612:10-5-22. Size and obesity [AMENDED]
Subchapter 7. Vocational Rehabilitation and Visual Services
Part 1. Scope of Rehabilitative and Visual Services
612:10-7-1. Overview of Vocational Rehabilitation and Visual Services [AMENDED]
612:10-7-5. Factors affecting eligibility [AMENDED]
612:10-7-6. Assessment for determining eligibility [AMENDED]
Part 3. Case Processing Requirements

612:10-7-33. Supervisory caseload reviews [AMENDED]
Part 5. Case Status and Classification System
612:10-7-50. Status 10 - accepted for services and IPE under development [AMENDED]
612:10-7-51. Status 12 - IPE completed but services not initiated [AMENDED]
612:10-7-54. Status 18 - training [AMENDED]
612:10-7-55. Status 20 - ready for employment [AMENDED]
612:10-7-56. Status 22 - in employment [AMENDED]
612:10-7-58. Status 26 - closed rehabilitated [AMENDED]
612:10-7-59. Status 28 - closed not rehabilitated, after IPE initiation (from statuses 14-24) [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
612:10-7-102. Dental services [AMENDED]
Part 15. Training
612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]
612:10-7-157. Out-of-state training [AMENDED]
612:10-7-159. Privately owned business and trade schools [AMENDED]
612:10-7-160. Payment of tuition at privately owned business and trade schools [AMENDED]
612:10-7-162. Supplies and training tools for business, vocational and trade schools [AMENDED]
Part 17. Supported Employment Services
612:10-7-179. Overview of Supported Employment Services [AMENDED]
612:10-7-180. Eligibility for the Supported Employment Program [AMENDED]
612:10-7-182. Competitive work for supported employment clients [AMENDED]
612:10-7-183. Ongoing support services [AMENDED]
612:10-7-184. Extended services [AMENDED]
612:10-7-185. Provision of supported employment services [AMENDED]
612:10-7-186. Overview of Employment and Retention Services [NEW]
612:10-7-187. Eligibility for Employment and Retention Services [NEW]
612:10-7-188. Provision of employment and retention services [NEW]
Part 19. Special Services for Individuals who are Blind, Deaf, or have other Severe Disabilities
612:10-7-205. Services to persons who are deaf-blind [AMENDED]
612:10-7-206. Rehabilitation technology and prescribed adaptive aids and devices [AMENDED]
Part 21. Purchase of Equipment, Occupational Licenses and Certificates
612:10-7-220. Purchase of special equipment for motor vehicles [AMENDED]
Part 23. Self-Employment Programs and Other Services

- 612:10-7-232. Placement [AMENDED]
- 612:10-7-234. Computers and high tech electronic equipment [AMENDED]
- Part 25. Transition from School to Work Program
- 612:10-7-244. Overview of transition from school to work services [AMENDED]
- Subchapter 11. Independent Living Rehabilitation Services
- 612:10-11-19. Status 02 - application [AMENDED]
- Part 5. Provision of Services
- 612:10-11-38. Housing services [AMENDED]
- 612:10-11-50. Rehabilitation technology, sensory aids specialist, and adaptive aids [AMENDED]
- Subchapter 13. Special Services for the Deaf and Hard of Hearing
- 612:10-13-2. Interpreter services [AMENDED]
- 612:10-13-4. Special services and devices for individuals with hearing and speech impairments [AMENDED]
- Subchapter 15 Transitional Living Center for the Deaf (TLC) [REVOKED]
- 612:10-15-1. Overview of Transitional Living Center Program [REVOKED]
- 612:10-15-2. Eligibility for TLC Program [REVOKED]
- 612:10-15-3. Application and admission [REVOKED]
- 612:10-15-4. TLC services [REVOKED]
- 612:10-15-5. Client responsibilities and discipline [REVOKED]
- 612:10-15-6. Independent living skills curriculum [REVOKED]

SUMMARY:

Changes in Federal regulations, the Rehabilitation Services Administration audit and Rehabilitation Services Administration recommendations have necessitated changes to DRS policy resulting in clarification to policy, updating of language and a title change for Chapter 10 as well as a title change for District Supervisors. Comparison of the Official Code with DRS policy revealed the need for numerous corrections and clean-up language. Budget reductions forced policy reviews resulting in needed changes to limit the ever-increasing payout for tuition to privately owned business and trade schools.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2003 through February 5, 2003 during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARINGS:

Monday, February 3, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma

Tuesday, February 4, 2003,
3:00 P.M. - 5:00 P.M.,
Tulsa Speech and Hearing Association
8740 E. 11th, Suite A
Tulsa, Oklahoma

Wednesday, February 5, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Human Services
2609 S.W. Lee Blvd.,
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 Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2003, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Larry Bishop, Rulemaking Liaison, (405) 951-3408

[OAR Docket #02-1518; filed 12-4-02]

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

[OAR Docket #02-1519]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 612:15-1-4. Appendices [REVOKED]
- Subchapter 3. OLBPH Services
- 612:15-3-6. Descriptive video service [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The removal of forms from the APA process requires the revocation of the Appendices policy section and since the Oklahoma Library for the Blind and Physically Handicapped does not mandate a non-refundable subscription fee for the Descriptive video service, the language is being changed to reflect that.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2003 through February 5, 2003, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARINGS:

Monday, February 3, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma

Tuesday, February 4, 2003,
3:00 P.M. - 5:00 P.M.,
Tulsa Speech and Hearing Association
8740 E. 11th, Suite A
Tulsa, Oklahoma

Wednesday, February 5, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Human Services
2609 S.W. Lee Blvd.,
Lawton, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2002, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Larry Bishop, Rulemaking Liaison, (405) 951-3408

[OAR Docket #02-1519; filed 12-4-02]

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

[OAR Docket #02-1520]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 2. Contracted Instructional personnel
612:20-2-13. Grievance process [AMENDED]
612:20-2-17. Full-time administrators; Appeal of dismissal or nonreemployment [AMENDED]
Subchapter 3. General operating procedures for the schools
Part 1. General Educational Policies
612:20-3-8. Elementary and Secondary Education Act [AMENDED]
Subchapter 5. Oklahoma School for the Blind (OSB/Parkview School) Admission Rules
612:20-5-7. Admissions process [AMENDED]
Subchapter 7. Oklahoma School for the Deaf (OSD) Admission Rules
612:20-7-8. Admissions process [AMENDED]

SUMMARY:

Comparison of the Official Code with DRS policy revealed the need for numerous corrections and clean-up language. The resulting changes include grammatical error corrections, phone number changes, an address change and a tag line change.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2003 through February 5, 2003, during regular business hours by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARING:

Monday, February 3, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma

Tuesday, February 4, 2003,
3:00 P.M. - 5:00 P.M.,
Tulsa Speech and Hearing Association
8740 E. 11th, Suite A
Tulsa, Oklahoma

Wednesday, February 5, 2003,
3:00 P.M. 5:00 P.M.,
Department of Human Services
2609 S.W. Lee Blvd.,

Lawton, Oklahoma
REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2003, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Larry Bishop, Rulemaking Liaison, (405) 951-3408

[OAR Docket #02-1520; filed 12-4-02]

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

[OAR Docket #02-1521]

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
 - 612:25-4-2. SLA staff responsibilities [AMENDED]
 - Part 9. Assignment and Transfer of Licensed Managers
 - 612:25-4-53. Promotion and transfer policy [AMENDED]
 - 612:25-4-55. Qualifications [AMENDED]
 - 612:25-4-59. Scoring [AMENDED]
- Subchapter 6. Licensed Managers and Business Enterprise Operation
 - Part 3. Business Enterprises
 - 612:25-6-21. Business expenses [AMENDED]
 - Part 5. The Elected Committee of Licensed Managers
 - 612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]

SUMMARY:

The proposed changes to Subchapters 2, 4 and 6 are a result of recommendations made by committee to update and provide clarity to staff regarding the various processes needed to implement these policies and to correct grammatical errors and a change of title.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted January 02, 2003 through February 5, 2003, during regular business hours

by contacting Larry Bishop, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3408 VOICE/TDD.

PUBLIC HEARINGS:

Monday, February 3, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma

Tuesday, February 4, 2003,
3:00 P.M. - 5:00 P.M.,
Tulsa Speech and Hearing Association
8740 E. 11th, Suite A
Tulsa, Oklahoma

Wednesday, February 5, 2003,
3:00 P.M. - 5:00 P.M.,
Department of Human Services
2609 S.W. Lee Blvd.,
Lawton, Oklahoma

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 02, 2003, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Larry Bishop, Rulemaking Liaison, (405) 951-3408

[OAR Docket #02-1521; filed 12-4-02]

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

[OAR Docket #02-1569]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 10. Ad Valorem [AMENDED]

SUMMARY:

Proposed amendments to Subchapter 4. Annual Valuation Mandate, have been proposed to implement statutory changes set out by House Bill 1203 of the 48th Legislature, First

Notices of Rulemaking Intent

Regular Session, (2001), which clarified the Assessor's responsibilities for making an annual valuation of all real and personal property and all visual inspections required by law.

Proposed new Subchapter 6. Storm Shelter Exemption, has been added to implement State Question 696, which was adopted by popular vote on November 5, 2002 and provided for certain exemptions from ad valorem taxation for storm shelters.

Proposed amendments to Subchapter 9, Manufactured Homes, have been made to implement legislative changes enacted by SB 2813 of the 48th Legislature, 2002 Second Regular Session.

AUTHORITY:

68 O.S., §§ 203, 2875, Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 7, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m. Thursday, February 13, 2003**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2003, from

the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1569; filed 12-5-02]

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

[OAR Docket #02-1570]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]
Subchapter 3. Alcoholic Beverages [AMENDED]
Subchapter 5. Mixed Beverages [AMENDED]

SUMMARY:

The amendments to Subchapter 1 involve only adopting certain definitions that have been the subject of taxpayer confusion and repeated inquiry.

Amendments to Subchapter 3. have been made to clarify the application of the tax to non-resident sellers of alcoholic beverage permit-holders.

Amendments to Subchapter 5 to implement the provisions of HB 1203 of the 48th Legislature, 1st Regular Session, which modified Sections 578(C) and (D) of Title 37 to authorize the Tax Commission to require certain bonds from permit-holders.

AUTHORITY:

68 O.S. §203; 37 O.S. §§163.18F, 540, 541, 576, 579, 586; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 6, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m. Tuesday, February 11, 2003**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Time limitations may be imposed on oral presentations to ensure that all persons who have filed written requests for placement on the docket will have an opportunity to speak.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1570; filed 12-5-02]

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

[OAR Docket #02-1571]

RULEMAKING ACTION:

Notice of proposed EMERGENCY and PERMANENT rulemaking.

PROPOSED RULES:

Chapter 40. Franchise Tax [AMENDED]

SUMMARY:

Rule changes are proposed to clarify certain policy issues, to improve readability, and to insure that the rules conform to current statute and controlling case law.

AUTHORITY:

68 O.S. §§203, 1210; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., February 4, 2003, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should

request placement on the docket well in advance of the hearing date, at the numbers provided below.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity **due to** compliance with the proposed Rules.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m. Thursday, February 6, 2003**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be obtained without charge from the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after January 17, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Carolyn Swifthurst, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: cswifthurst@oktax.state.ok.us

[OAR Docket #02-1571; filed 12-5-02]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 1. ORGANIZATION AND METHOD OF OPERATIONS**

[OAR Docket #02-1537]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Organization and Method of Operations [AMENDED]

SUMMARY:

These permanent rules are being amended to reflect the statutory changes regarding the number and composition

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of members of the Commission, to state all of the types of meetings the Commission may hold, the procedure for the meetings and the effect of certain votes in the meetings.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 Section 582(E)(1); Title 75 O.S. Supp 1997 Section 302(A)(1); Title 75 O.S. Supp 1997 Section 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 11, 2003, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules 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 rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 11, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 16, 2003, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #02-1537; filed 12-5-02]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 2. INFORMAL AND FORMAL PROCEDURES

[OAR Docket #02-1538]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 2. Informal and Formal Procedures [AMENDED]

SUMMARY:

These permanent rules are being amended to allow the Commission's legal counsel to verify complaints, to coincide with statutory changes regarding the Commission's authority to assess fines, and to clarify that the evidentiary standard for hearings is the same as required in the Administrative Procedures Act.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 Section 582(E)(1); Title 75 O.S. Supp 1997 Section 302(A)(1); Title 75 O.S. Supp 1997 Section 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 11, 2003, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules 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 rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 11, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 16, 2003, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #02-1538; filed 12-5-02]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 10. USED MOTOR VEHICLE DEALERS**

[OAR Docket #02-1539]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Used Motor Vehicle Dealers [AMENDED]

SUMMARY:

These permanent rules are being amended to reflect the Commission's statutory authority to assess fines, to add a specific form requirement and to reflect the statutory authority of the Commission to approve all forms. Additionally, record keeping requirements are being amended to clarify that all entities which deal with the public, including auctions, are required to keep records of titles.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 Section 582(E)(1); Title 75 O.S. Supp 1997 Section 302(A)(1); Title 75 O.S. Supp 1997 Section 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 11, 2003, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules 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 rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 11, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 16, 2003, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #02-1539; filed 12-5-02]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 15. USED MOTOR VEHICLE SALESMEN**

[OAR Docket #02-1540]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Used Motor Vehicle Salesmen [AMENDED]

SUMMARY:

These permanent rules are being amended to specifically authorize a used motor vehicle dealer to utilize a specified licensed individual to act in the dealer's stead for a specified type of transaction.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 Section 582(E)(1); Title 75 O.S. Supp 1997 Section 302(A)(1); Title 75 O.S. Supp 1997 Section 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 11, 2003, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules 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 rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 11, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

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RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 16, 2003, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #02-1540; filed 12-5-02]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 30. BUYER'S IDENTIFICATION CARDS

[OAR Docket #02-1541]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Buyer's Identification Cards [AMENDED]

SUMMARY:

These permanent rules are being amended to reflect the purpose of the statutes that only specified individuals and none others may engage in purchases at salvage disposal sales.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 Section 582(E)(1); Title 75 O.S. Supp 1997 Section 302(A)(1); Title 75 O.S. Supp 1997 Section 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 11, 2003, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules 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 rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 11, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 16, 2003, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #02-1541; filed 12-5-02]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 37. MANUFACTURED HOME INSTALLERS

[OAR Docket #02-1542]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 37. Manufactured Home Installers [AMENDED]

SUMMARY:

These permanent rules are being amended to correct the required load capacity for anchors to the accepted industry standard.

AUTHORITY:

Used Motor Vehicle and Parts Commission; Title 47 O.S. Supp 1997 Section 582(E)(1); Title 75 O.S. Supp 1997 Section 302(A)(1); Title 75 O.S. Supp 1997 Section 307.

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, February 11, 2003, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules 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 rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on February 11, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after January 16, 2003, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

John W. Maile, Director, Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107 (405)949-2626.

[OAR Docket #02-1542; filed 12-5-02]

**TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS
CHAPTER 10. LICENSURE OF VETERINARIANS, VETERINARY TECHNICIANS AND ANIMAL EUTHANASIA TECHNICIANS**

[OAR Docket #02-1511]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Licensure of Veterinarians, Veterinary Technicians and Animal Euthanasia Technicians [AMENDED]

SUMMARY:

The proposed revisions to chapter 10, includes clarification of name change for veterinary technicians and a reduction in cost of National Examination fee for veterinarians.

AUTHORITY:

59 O.S. Supp.2000, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted January 10, 2003 through February 10, 2003 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

PUBLIC HEARING:

Public Hearing is scheduled on February 28, 2003, 7:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

CONTACT PERSON:

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #02-1511; filed 12-3-02]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 50. FINANCIAL ASSISTANCE**

[OAR Docket #02-1527]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 50. Financial Assistance [AMENDED]

SUMMARY:

The staff of the Oklahoma Water Resources Board ("OWRB") is proposing to amend OAC 785:50 as follows:

(1) Staff is proposing to amend OAC 785:50-9-23 in order to implement the statutory changes to the Clean Water State Revolving Fund Loan Program (the "CWSRF") made by Enrolled House Bill 1995 enacted during the 2002 legislative session. House Bill 1995 amended 82 O.S. § 1085.51 et seq. to authorize the CWSRF to fund non-point source pollution projects and to score all potential water quality projects on the basis of an integrated priority list. The OWRB has previously promulgated rules that set priority scoring criteria for projects funded through the CWSRF, however these criteria are appropriate only for point source projects, and do not serve to fairly and adequately evaluate all eligible water quality projects. Under the current rules, point source projects are evaluated on the basis of a point source discharge component and an urban storm water component. The proposed rulemaking would modify the criterion to evaluate all eligible water quality projects on the basis of a project type criteria, a water quality restoration criteria, a water quality protection criteria, and a readiness to proceed criteria. This rulemaking will allow the OWRB to apply this change in criteria to projects identified in its Intended Use Plan beginning in fiscal year 2004.

(2) Several provisions throughout OAC 785:50 are proposed to be amended to correct typographical, grammatical, formatting, and other errors; and to update citations. The circumstances which created the need for these amendments are that several rules contain typographical, grammatical, formatting, and other errors. Several rules contain statutory, rule or other citations which have recently been or are being changed. The intended effect of these amendments is to make the rules reflect the appropriate definitions, spelling, grammar, format, citations, and otherwise to state their text accurately.

In addition to the proposed amendments described herein, it is possible that interested persons may, during the comment period, comment or request that other provisions of Chapter 50 be amended. While the OWRB staff is not at this time proposing any other amendments, all interested persons should

Notices of Rulemaking Intent

be on notice that it is possible that staff may propose additional amendments or new rules for adoption by the OWRB if public comment indicates that such proposals are appropriate and justified.

Additional format changes may be made as necessary in response to requirements of the Secretary of State's Office of Administrative Rules.

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S. 2001, § 1085.2; 82 O.S. Supp. 2002, §§ 1085.51 through 1085.62, 1085.64 and 1085.65.

COMMENT PERIOD:

Persons wishing to present data, views or arguments orally or in writing may do so at 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118 before 5:00 p.m. on February 4, 2003. In addition, persons may submit oral or written comments during the public hearing described below. Proposed amendments are scheduled to be presented to the OWRB at its regular meeting on February 11, 2003. The OWRB may or may not choose to consider additional comments at its February 11, 2003 meeting.

PUBLIC HEARING:

A hearing on the proposed rules is scheduled for February 4, 2003, at 10:00 a.m. in the Board Room of the OWRB's offices located at 3800 North Classen Boulevard, Oklahoma City, Oklahoma. Persons may present their views on the proposed rules orally or in writing during the hearing.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the

Comment Period from January 2, 2003 through February 4, 2003, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Nathan Ellis at 3800 North Classen Boulevard, Oklahoma City, Oklahoma 73118 by February 4, 2003.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be reviewed at the OWRB's office location at 3800 North Classen Boulevard, Oklahoma City, Oklahoma, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen Boulevard, Oklahoma City, Oklahoma.

CONTACT PERSON:

Nathan Ellis, Assistant Chief, Financial Assistance Division, (405) 530-8800.

[OAR Docket #02-1527; filed 12-5-02]

Submissions for Review

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

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

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 25. ENTRIES AND DECLARATIONS

[OAR Docket #02-1493]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

325:25-1-19 [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2002

SUBMITTED TO HOUSE:

November 21, 2002

SUBMITTED TO SENATE:

November 21, 2002

[OAR Docket #02-1493; filed 11-21-02]

TITLE 325. OKLAHOMA HORSE RACING COMMISSION CHAPTER 35. GENERAL CONDUCT

[OAR Docket #02-1494]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

325:35-1-5 [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2002

SUBMITTED TO HOUSE:

November 21, 2002

SUBMITTED TO SENATE:

November 21, 2002

[OAR Docket #02-1494; filed 11-21-02]

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

[OAR Docket #02-1495]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

325:45-1-2 [AMENDED]

325:45-1-4 [AMENDED]

325:45-1-5 [AMENDED]

325:45-1-6 [AMENDED]

325:45-1-7 [AMENDED]

325:45-1-8 [AMENDED]

325:45-1-9 [AMENDED]

325:45-1-10 [AMENDED]

325:45-1-11 [AMENDED]

325:45-1-12 [AMENDED]

325:45-1-15 [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2002

SUBMITTED TO HOUSE:

November 21, 2002

SUBMITTED TO SENATE:

November 21, 2002

[OAR Docket #02-1495; filed 11-21-02]

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

[OAR Docket #02-1496]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

325:75-1-3 [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2002

SUBMITTED TO HOUSE:

November 21, 2002

SUBMITTED TO SENATE:

November 21, 2002

[OAR Docket #02-1496; filed 11-21-02]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 15. PHYSICIAN ASSISTANTS

[OAR Docket #02-1504]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

Submissions for Review

RULES:

Subchapter 9. Guidelines for the Utilization of Physician Assistants

435:15-9-4. Setting [AMENDED]

SUBMITTED TO GOVERNOR:

November 25, 2002

SUBMITTED TO HOUSE:

November 25, 2002

SUBMITTED TO SENATE:

November 25, 2002

[OAR Docket #02-1504; filed 11-27-02]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 20. PHYSICAL THERAPISTS AND ASSISTANTS

[OAR Docket #02-1505]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 3. Licensure of Physical Therapists and Assistants

435:20-3-5. Licensure by examination [AMENDED]

435:20-3-6. Re-entry requirements [AMENDED]

SUBMITTED TO GOVERNOR:

November 25, 2002

SUBMITTED TO HOUSE:

November 25, 2002

SUBMITTED TO SENATE:

November 25, 2002

[OAR Docket #02-1505; filed 11-27-02]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 20. PHYSICAL THERAPISTS AND ASSISTANTS

[OAR Docket #02-1506]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 9. Continuing Education

435:20-9-1. Definitions [AMENDED]

435:20-9-2. Continuing education requirements for renewal [AMENDED]

435:20-9-3. Continuing education categories [AMENDED]

435:20-9-4. Guidelines for the audit process [AMENDED]

SUBMITTED TO GOVERNOR:

November 25, 2002

SUBMITTED TO HOUSE:

November 25, 2002

SUBMITTED TO SENATE:

November 25, 2002

[OAR Docket #02-1506; filed 11-27-02]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 30. OCCUPATIONAL THERAPISTS AND ASSISTANTS

[OAR Docket #02-1507]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

435:30-1-15. Supervision of students, new graduates, techs and aides [AMENDED]

435:30-1-17. Role of Occupational Therapy Assistants in evaluations [NEW]

SUBMITTED TO GOVERNOR:

November 25, 2002

SUBMITTED TO HOUSE:

November 25, 2002

SUBMITTED TO SENATE:

November 25, 2002

[OAR Docket #02-1507; filed 11-27-02]

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

[OAR Docket #02-1508]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

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

435:40-1-8. Examination for electrology license [AMENDED]

SUBMITTED TO GOVERNOR:

November 25, 2002

SUBMITTED TO HOUSE:

November 25, 2002

SUBMITTED TO SENATE:

November 25, 2002

[OAR Docket #02-1508; filed 11-27-02]

Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the Office of Administrative Rules (OAR) publishes a notice of such gubernatorial approval in the *Register*.
For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.

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

[OAR Docket #02-1499]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 8. Permits for Part 70 Sources
Part 5. Permits for Part 70 Sources
252:100-8-2 [AMENDED]

GUBERNATORIAL APPROVAL:

October 29, 2002

[OAR Docket #02-1499; filed 11-25-02]

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

[OAR Docket #02-1500]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 11. Alternative Emissions Reduction Plans and Authorizations
252:100-11-1 [AMENDED]
252:100-11-2 [AMENDED]
252:100-11-3 [AMENDED]
252:100-11-4 [AMENDED]
252:100-11-5 [AMENDED]
252:100-11-6 [AMENDED]
252:100-11-7 [NEW]

GUBERNATORIAL APPROVAL:

October 29, 2002

[OAR Docket #02-1500; filed 11-25-02]

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

[OAR Docket #02-1501]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 17. Tax Credit and Waste Reduction Incentives
Part 3. Waste Reduction Incentives [REVOKED]
252-205-17-20 [REVOKED]
252-205-17-21 [REVOKED]
252-205-17-22 [REVOKED]
252-205-17-23 [REVOKED]
252-205-17-24 [REVOKED]
252-205-17-25 [REVOKED]
252-205-17-26 [REVOKED]
252-205-17-27 [REVOKED]

GUBERNATORIAL APPROVAL:

October 29, 2002

[OAR Docket #02-1501; filed 11-25-02]

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

[OAR Docket #02-1502]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Chapter 631. Public Water Supply Operation [AMENDED]

GUBERNATORIAL APPROVAL:

October 29, 2002

[OAR Docket #02-1502; filed 11-25-02]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency [action]. . . . [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

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

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

[OAR Docket #02-1487]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses [AMENDED]
158:30-9-2 [AMENDED]

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.4

DATES:

Comment Period:

September 11, 2002

Public Hearing:

September 11, 2002

Adoption:

September 11, 2002

Approved by Governor:

October 22, 2002

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

"n/a"

INCORPORATIONS BY REFERENCE:

"n/a"

FINDING OF EMERGENCY:

The Construction Industries Board finds that a compelling extraordinary circumstance necessitates the seeking of emergency certification of the rules and regulations adopted today. The proposed rules would fiscally enable the Construction Industries Board to procure the testing and examination resources needed by the plumbing industry. Based upon clearly expressed legislative concerns regarding the objectivity and defensibility of internally generated examinations, the Construction Industries Board suspended its test updating activities. Hence, the Construction Industries Board is presently using outdated testing materials. An Invitation to Bid (ITB) revealed that the true cost of testing exceeded the fees that were established over fourteen (14) years prior to this proposed change. These rule changes will insure that no more than the actual costs associated with testing will be collected from the examinees. Further, these changes will enable the Construction Industries Board to utilize the competitive bid process to insure the lowest possible cost of providing testing services and allow the cost savings derived thereby to be passed along to the prospective examinees.

ANALYSIS:

This rule change eliminates set fees for all testing and examination and establishes a fee based on the actual cost to the applicant and provides for the applicant to make payment of said fee directly to the vendor providing such service.

CONTACT PERSON:

Charles L. Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone:(405) 271-6017; facsimile: (405) 271-1268; electronic mail: CharlesB@health.state.ok.us

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

SUBCHAPTER 9. EXAMINATION PROCEDURES, LICENSE AND REGISTRATION FEES AND DURATION OF LICENSES

158:30-9-2. License and registration fees and renewals

(a) A person who was licensed without successful completion of the state license examination and whose license is not renewed within one (1) year of its expiration shall be required to take the examination before being re-licensed.

(b) Any previously certified examination may be used to meet an examination requirement.

(c) The pocket license issued by the Administrator shall be on the plumber's person while on the job.

(d) Expired licenses may be renewed within 30 days after expiration by paying a renewal fee.

(e) Examination Fees for Contractors and Journeyman. The Construction Industries Board, or its designated representative, may collect for the actual cost of any examination provided by these rules. The cost for each such examination referenced in section 158:30-9-1 shall be posted in plain view at the testing site that provides and administers the examination. Every person whose application for examination is approved shall be informed of the specific fee prior to setting for the examination. The unit testing fee shall be the amount negotiated by the administrator in accordance with the provisions of the Oklahoma Central Purchasing Act, but cannot exceed the maximum allowable fee provided in 59 O.S. § 1000.5 (A)(2). Documentation confirming the contractual fee shall be available upon request.

(ef) Fee Schedule for Contractors, Journeyman, Apprentices Licensing, Registration and Application Fee Schedule for

Emergency Adoptions

Contractors, Journeyman, and Apprentices. The licensure, ~~examination~~, application, and registration fees shall be annually as follows:

- (1) contractors application - \$25.00
- ~~(2) contractor examination - \$50.00~~
- ~~(3) initial contractor license - \$200.00~~
- ~~(4) contractor retest - \$50.00~~
- ~~(5) renewal contractor license - \$150.00~~
- ~~(6) renewal contractor late fee - \$300.00~~
- ~~(7) journeyman application - \$25.00~~
- ~~(8) journeyman examination - \$25.00~~
- ~~(9) initial journeyman license - \$50.00~~
- ~~(10) journeyman retest - \$25.00~~
- ~~(11) renewal journeyman license - \$50.00~~
- ~~(12) renewal journeyman late fee - \$100.00~~
- ~~(13) apprentice application - \$10.00~~
- ~~(14) apprentice registration - \$20.00~~

[OAR Docket #02-1487; filed 11-21-02]
(format accepted 11-27-02)

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

[OAR Docket #02-1488]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals [AMENDED]
158:40-9-3 [AMENDED]

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.4

DATES:

Comment Period:

September 11, 2002

Public Hearing:

September 11, 2002

Adoption:

September 11, 2002

Approved by Governor:

October 22, 2002

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

"n/a"

INCORPORATIONS BY REFERENCE:

"n/a"

FINDING OF EMERGENCY:

The Construction Industries Board finds that a compelling extraordinary circumstance necessitates the seeking of emergency certification of the rules and regulations adopted today. The proposed rules would fiscally enable the Construction Industries Board to procure the testing and examination resources needed by the electrical industry. Based upon clearly expressed legislative concerns regarding the objectivity and defensibility of internally generated examinations, the Construction Industries Board suspended its test updating activities. Hence, the Construction Industries Board is presently using outdated testing materials. An Invitation to Bid (ITB) revealed that the true cost of testing exceeded the fees that were established over fourteen (14) years prior to this proposed change. These rule changes will insure that no

more than the actual costs associated with testing will be collected from the examinees. Further, these changes will enable the Construction Industries Board to utilize the competitive bid process to insure the lowest possible cost of providing testing services and allow the cost savings derived thereby to be passed along to the prospective examinees.

ANALYSIS:

This rule change eliminates set fees for all testing and examination and establishes a fee based on the actual cost to the applicant and provides for the applicant to make payment of said fee directly to the vendor providing such service.

CONTACT PERSON:

Charles L. Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone:(405) 271-6017; facsimile: (405) 271-1268; electronic mail: CharlesB@health.state.ok.us

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

SUBCHAPTER 9. EXAMINATION APPLICATIONS, EXAMINATIONS AND LICENSE AND REGISTRATION FEES AND RENEWALS

158:40-9-3. License and registration fees and renewals

(a) Examination Fees for Contractors and Journeyman. The Construction Industries Board, or its designated representative, may collect for the actual cost of any examination provided by these rules. The cost for each such examination referenced in section 158:40-9-2 shall be posted in plain view at the testing site that provides and administers the examination. Every person whose application for examination is approved shall be informed of the specific fee prior to setting for the examination. The unit testing fee shall be the amount negotiated by the administrator in accordance with the provisions of the Oklahoma Central Purchasing Act, but cannot exceed the maximum allowable fee provided in 59 O.S. § 1000.5 (A)(2). Documentation confirming the contractual fee shall be available upon request.

(~~a~~b) Licensing, Registration and Application Fee Schedule for Contractors, Journeyman, and Apprentices. The fee schedule for Contractors, Journeyman, and Apprentices is set forth as follows- licensure, application, and registration fees shall be annually as follows:

- (1) contractors application - \$25.00
- ~~(2) contractor examination - \$50.00~~
- ~~(3) initial contractor license - \$200.00~~
- ~~(4) contractor retest - \$50.00~~
- ~~(5) renewal contractor license - \$150.00~~
- ~~(6) renewal contractor late fee - \$300.00~~
- ~~(7) journeyman application - \$25.00~~
- ~~(8) journeyman examination - \$50.00~~
- ~~(9) initial journeyman license - \$50.00~~
- ~~(10) journeyman retest - \$25.00~~
- ~~(11) renewal journeyman license - \$50.00~~

- (~~128~~) renewal journeyman late fee - \$100.00
- (~~139~~) apprentice application - \$10.00
- (~~1410~~) apprentice registration - \$20.00

(~~b~~c) **License renewal penalties.** Penalty for late license renewal for contractors and journeyman (30 days after expiration date), as provided in the Act is listed above.

(~~e~~d) **Renewal eligibility.** No license may be renewed after it has been expired for a period of more than one year, except for the military service exemption described in the Act.

*[OAR Docket #02-1488; filed 11-21-02]
(format accepted 11-26-02)*

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

[OAR Docket #02-1489]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration. [AMENDED]
158:50-9-2 [AMENDED]

AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.4

DATES:

Comment Period:

September 11, 2002

Public Hearing:

September 11, 2002

Adoption:

September 11, 2002

Approved by Governor:

October 22, 2002

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

"n/a"

INCORPORATIONS BY REFERENCE:

"n/a"

FINDING OF EMERGENCY:

The Construction Industries Board finds that a compelling extraordinary circumstance necessitates the seeking of emergency certification of the rules and regulations adopted today. The proposed rules would fiscally enable the Construction Industries Board to procure the testing and examination resources needed by the mechanical industry. Based upon clearly expressed legislative concerns regarding the objectivity and defensibility of internally generated examinations, the Construction Industries Board suspended its test updating activities. Hence, the Construction Industries Board is presently using outdated testing materials. An Invitation to Bid (ITB) revealed that the true cost of testing exceeded the fees that were established over fourteen (14) years prior to this proposed change. These rule changes will insure that no more than the actual costs associated with testing will be collected from the examinees. Further, these changes will enable the Construction Industries Board to utilize the competitive bid process to insure the lowest possible cost of providing testing services and allow the cost savings derived thereby to be passed along to the prospective examinees.

ANALYSIS:

This rule change eliminates set fees for all testing and examination and establishes a fee based on the actual cost to the applicant and provides for the

applicant to make payment of said fee directly to the vendor providing such service.

CONTACT PERSON:

Charles L. Broadway, Office of General Counsel, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone:(405) 271-6017; facsimile: (405) 271-1268; electronic mail: CharlesB@health.state.ok.us

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

**SUBCHAPTER 9. QUALIFICATIONS FOR
MECHANICAL LICENSURE, LICENSE AND
REGISTRATION FEES, DURATION OF LICENSE,
MECHANICAL LICENSE APPLICATION, AND
APPRENTICE REGISTRATION.**

158:50-9-2. License and registration fees and renewals

(a) **Examination Fees for Contractors and Journeyman.** The Construction Industries Board, or its designated representative, may collect for the actual cost of any examination provided by these rules. The cost for each such examination referenced in section 158:50-9-1 shall be posted in plain view at the testing site that provides and administers the examination. Every person whose application for examination is approved shall be informed of the specific fee prior to setting for the examination. The unit testing fee shall be the amount negotiated by the administrator in accordance with the provisions of the Oklahoma Central Purchasing Act, but cannot exceed the maximum allowable fee provided in 59 O.S. § 1000.5 (A)(2). Documentation confirming the contractual fee shall be available upon request.

(~~a~~b) **Licensing, Registration and Application Fee Schedule for Contractors, Journeyman, and Apprentices.** The licensure, ~~examination~~, application, and registration fees shall be annually as follows:

- (1) contractors application - \$25.00
- (~~2~~) ~~contractor examination~~ - \$50.00
- (~~3~~2) initial contractor license - \$200.00
- (~~4~~) ~~contractor retest~~ - \$50.00
- (~~5~~3) renewal contractor license - \$150.00
- (~~6~~4) renewal contractor late fee - \$300.00
- (~~7~~5) journeyman application - \$25.00
- (~~8~~) ~~journeyman examination~~ - \$50.00
- (~~9~~6) initial journeyman license - \$50.00
- (~~10~~) ~~journeyman retest~~ - \$25.00
- (~~11~~7) renewal journeyman license - \$50.00
- (~~12~~8) renewal journeyman late fee - \$100.00
- (~~13~~9) apprentice application - \$10.00
- (~~14~~10) apprentice registration - \$20.00

(~~b~~c) **Experience.** All persons applying for a license must provide proof of experience in the mechanical trade.

- (1) Applicants for a journeyman license must be at least eighteen (18) years of age and have either three (3)

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years of verifiable experience in the mechanical trade in the category for which he is applying or have an associates degree or Vo Tech diploma from a school, approved by the Committee, which exhibits knowledge of the trade in the category of license applied for and one (1) year of verifiable experience in the mechanical trade.

(2) Applicants for a contractor license must meet the same requirements as a journeyman with an additional one (1) year experience.

[OAR Docket #02-1489; filed 11-21-02]
(format accepted 11/25/02)

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

[OAR Docket #02-1526]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 19. Health Insurance Purchasing Groups [NEW]

365:10-19-1. Definitions [NEW]

365:10-19-2. Applicability and scope [NEW]

365:10-19-3. Establishment of business [NEW]

365:10-19-4. Board of directors and plan of operations [NEW]

365:10-19-5. Requirement to insure all employees of the purchaser and new entrants [NEW]

365:10-19-6. Prohibited provisions and other requirements [NEW]

365:10-19-7. Filing requirements [NEW]

365:10-19-8. Annual reporting requirements [NEW]

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 4529.

DATES:

Adoption:

October 24, 2002

Approved by Governor:

November 25, 2002

Effective:

Immediately upon approval by the Governor

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

An imminent peril exists to the preservation of the public health, safety, and welfare, and a compelling public interest requires emergency rules due to the necessity of compliance with mandates of House Bill 2350 which enacts the Employer Health Insurance Purchasing Group Act.

ANALYSIS:

The proposed new rules implement the provisions of the Employer Health Insurance Purchasing Group Act (Senate Bill 2350). Rule 365:10-19-1 sets out the definitions for purposes of the regulation. Rule 365:10-19-2 sets out the applicability and scope of the regulation. Rule 365:10-19-3 mandates that health insurers maintain certain information for inspection by the Commissioner and prohibits discrimination against health insurance purchasing groups in the offer of coverage to a group. Rule 365:10-19-4 sets out sets out the term of board member, composition of the board and initial board member appointment terms. Rule 365:10-19-4 also mandates a plan of operation along with requirements for that plan of operation include a provision that an annual written report will be provided to all participating employers of the purchasing group. Rule 365:10-19-5 mandates that carriers offer coverage to each eligible employee and to each dependent of an eligible employee. Rule 365:10-19-5 also mandates that carriers offer eligible employees the option of

one or more benefit plans, carriers obtain from each employer a complete list of eligible employees, and carriers obtain a written waiver for each employee or dependent who declines an offer of coverage. Rule 365:10-19-5 also prohibits issuance of coverage to an employer if there is reason to believe that the employer has induced or pressured the employee to decline coverage due to the individual's risk characteristics. Rule 365:10-19-6 sets out certain prohibited provisions and other requirements. Rule 365:10-19-7 sets out filing requirements. Rule 365:10-19-8 sets out annual filings with the Insurance Commissioner by the carrier.

CONTACT PERSON:

Karl Kramer, Oklahoma Insurance Department, (405) 521-2746

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

SUBCHAPTER 19. HEALTH INSURANCE PURCHASING GROUPS

365:10-19-1. Definitions

The following terms used in this Part, shall have the same meaning as set out in 36 O.S. § 4522 of the Act, unless the context clearly indicates otherwise:

"Act" means the Employer Health Insurance Purchasing Group Act, 36 O.S. § 4521, et seq.

"Dependent" means a spouse, newly born child, adopted child, child placed for adoption from the moment of placement, child of the insured under the age of majority who is a natural child of the insured, and/or a step-child under the age of majority who is dependent upon the insured for support or maintenance. Dependent shall also include any dependent child who is incapable of self sustaining employment due to mental retardation or physical handicap on the date that such child's coverage would otherwise terminate under the policy due to the attainment of a specified age limit for children, if the child is chiefly dependent on the insured for support and maintenance.

"New entrant" means an eligible employee or individual who becomes an eligible employee after the initial period for enrollment in a health benefit plan.

365:10-19-2. Applicability and scope

(a) This Part shall apply to any health benefit plan written for a Health Insurance Purchasing Group pursuant to the Act.

(b) This Part shall apply to any health benefit plan that issues or delivers a policy or certificate in this state pursuant to the Act.

(c) The provisions of the Act and this Part shall not apply to an individual health benefit plan delivered or issued for delivery in this state.

(d) The provisions of the Act and this Part shall apply to HIPGs formed for citizens in the State of Oklahoma.

(e) For the purpose of this act, a health insurer does not include a MEWA as defined in 36 O.S. § 634.

(f) If an eligible employer is issued a health benefit plan pursuant to the Act, the provisions of the Act and this Part shall continue to apply to the health benefit plan in the case that

the employer subsequently employs more than one hundred (100) eligible employees. A HIPG health carrier providing coverage to such an employer shall, within sixty (60) days of becoming aware that the employer has more than one hundred (100) eligible employees but no later than the anniversary date of the employer's health benefit plan, notify the employer that the provisions of the Act and this Part shall cease to apply to the employer if such employer fails to renew its current health benefit plan or elects to enroll in a different health benefit plan.

(g) A HIPG health carrier providing coverage to an employer pursuant to the Act shall, within sixty (60) days of becoming aware that the employer has fifty (50) or fewer eligible employees, notify the employer of the options and protections available to the employer under the Small Employer Health Insurance Reform Act as set out pursuant to 36 O.S. § 6511 et seq., including the employer's option to purchase a small employer health benefit plan from any small employer carrier.

(h) A carrier that is not operating as a Health Insurance Purchasing Group carrier in this state shall not become subject to the provisions of the Act and this Part solely because an employer that was issued a health insurance purchasing group plan in another state by that HIPG health carrier moves to this state and the coverage remains in force.

365:10-19-3. Establishment of business

(a) A health insurer that establishes a health benefit plan pursuant to 36 O.S. § 4522, shall maintain on file for inspection by the Commissioner the following information with respect to each health benefit plan so established:

(1) A description of each criterion employed by the HIPG health carrier (or any of its agents) for determining membership in the health benefit plan;

(2) A statement disclosing which, if any, health benefit plans are currently available for purchase by Health Insurance Purchasing Groups.

(b) A HIPG health carrier may not directly or indirectly discriminate against Health Insurance Purchasing Groups in the offer of coverage to a group.

365:10-19-4. Board of directors and plan of operations

(a) Individuals on the Board of Directors as required under 36 O.S. § 4523 shall be owners or employees of the participating employer groups.

(1) Be composed of Directors of the employers participating in the Health Insurance Purchasing Group;

(2) A vacancy on the board may be filled by a member of the employer group from which the vacancy occurred if that employer is still participating in the Health Insurance Purchasing Group plan or any other employer group which is participating in the Health Insurance Purchasing Group plan;

(3) A board member may be removed from the board for cause.

(b) Within one hundred eighty (180) days after the appointment of the initial board, the board shall adopt a plan of operations and, thereafter, any amendments thereto necessary or

suitable to ensure the fair, reasonable and equitable administration of the program, and to provide for the sharing of information to other members of the Health Insurance Purchasing Group.

(c) The plan of operations shall be in a written document available for review by all members of the Health Insurance Purchasing Group.

(d) The plan of operations shall establish a procedure for the implementation, administration of the HIPG and accounting of the program members, including but not limited to employees and dependents covered, and employees declining coverage.

(e) The plan of operations shall establish a procedure for an annual written report to be provided to all participating employers of the Health Insurance Purchasing Group.

365:10-19-5. Requirement to insure all employees of the purchaser and new entrants

(a) Offer of coverage.

(1) A HIPG health carrier that offers coverage to a HIPG shall offer to provide coverage to each eligible employee and their dependents and to each new entrant to the plan and to each dependent of the new entrant. New entrants shall be covered upon the first day of the calendar month following any established waiting periods of the HIPG.

(2) A HIPG health carrier shall offer the eligible employees of a HIPG the option of choosing among one or more health benefit plans, one of which shall contain the mandated benefits pursuant to the entire Oklahoma Insurance Code, provided that each employee may choose any of the offered plans. The choice among benefit plans may not be limited, restricted or conditioned based upon the risk characteristics of the employees or their dependents.

(b) List of eligible employees and waivers.

(1) A HIPG health carrier shall require each employer of the HIPG that applies for coverage, as part of the application process, to provide a complete list of eligible employees and dependents of eligible employees as defined in 36 O.S. § 4522(2) & (4). The HIPG health carrier shall require the Purchaser to provide appropriate supporting documentation (such as the W-2 Summary Wage and Tax Form, or other proof of employment as may be determined by the Oklahoma Insurance Department) to verify the information required under this section.

(2) A HIPG health carrier shall obtain a waiver with respect to each eligible employee and each dependent of such an eligible employee who declines an offer of coverage under a health benefit plan provided to a Purchaser. The waiver shall be signed by the eligible employee (on behalf of such employee or the dependent of such employee) and shall certify that the individual who declined coverage was informed of the availability of coverage under the health benefit plan. The waiver form shall require that the reason for declining coverage be stated on the form and shall include a written warning of the penalties imposed on late enrollees. Waivers shall be maintained by the HIPG health carrier for the period in which the coverage is in effect.

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(c) Inducement to decline coverage due to the individual's risk characteristics prohibited.

(1) A HIPG health carrier shall not issue coverage to a Purchaser if the HIPG health carrier, or a producer for such HIPG health carrier, has reason to believe that the Purchaser has induced or pressured an eligible employee or dependent of an eligible employee to decline coverage due to the individual's risk characteristics.

(2) A producer shall notify a HIPG health carrier, prior to submitting an application for coverage with the HIPG health carrier on behalf of a Purchaser, of any circumstances that would indicate that the Purchaser has induced or pressured an eligible employee or dependent of an eligible employee to decline coverage due to the individual's risk characteristics.

365:10-19-6. Prohibited provisions and other requirements

(a) No HIPG or HIPG health carrier shall make provisions establishing a probationary or waiting period during which no coverage is available to eligible employees for a period of more than three months from the date of hire.

(b) No HIPG or HIPG health carrier shall enter into exclusive agreements between the HIPG and the HIPG health carrier. A HIPG health carrier shall not enter into any contract that would bind a HIPG health carrier to a specific HIPG.

(c) No HIPG shall have or use a name that tends to mislead, deceive, or confuse. The Oklahoma Insurance Department shall determine whether the name of the HIPG has a tendency to mislead, deceive or confuse.

(d) No HIPG shall use any documents of a HIPG health carrier after termination of the HIPG and shall return all documents produced and/or provided by the HIPG health carrier immediately upon termination of the HIPG.

(e) Employer eligibility requirements shall not be more restrictive than those found in the Small Employer Health Insurance Reform Act.

365:10-19-7. Filing requirements

(a) Prior to the formation of a HIPG the HIPG shall provide the following documents to the Oklahoma Insurance Department for review and approval:

- (1) All HIPG documents.
- (2) Contracts between the HIPG and HIPG health carrier.
- (3) All administrative agreements.
- (4) Plan of Operations.
- (5) Marketing methods to be used.
- (6) Constitutions and/or bylaws.
- (7) Names of five representatives of eligible employers.
- (8) Employer eligibility requirements
- (9) Requirements for membership and disclosure requirements.

(b) HIPG contracts shall contain a termination provision that shall provide for the following:

(1) Basis for HIPG employer to terminate participation in the HIPG.

(2) Provisions for a refund of all deposits collected upon termination.

(3) Reasons for termination, including but not limited to failure of the HIPG to perform pursuant to the HIPG documents.

(c) Plan documents shall be written by the HIPG insurance carrier

(d) Contracts that provide for the automatic renewal after the initial twelve month period shall allow employers to exit the HIPG without penalty after the initial twelve months have expired.

(e) Contracts that include additional contract periods shall provide for the termination of the contracts at the discretion of the employer during said additional twelve month periods.

(f) The HIPG contract that extends for additional periods of time may be terminated by written notice of termination by the employer. Such notice shall be given no later than thirty days prior to the expiration of the current contract period.

(g) The documents submitted shall not be used by the HIPG until approved by the Oklahoma Insurance Department.

365:10-19-8. Annual reporting requirements

(a) A HIPG health carrier shall file annually the following information with the Commissioner related to health benefit plans issued by the HIPG health carrier to HIPGs in this state:

(1) The number of Purchasers that were issued the limited benefit health benefit plans in the previous calendar year (separated as to newly issued plans and renewals and the number of covered lives);

(2) The number of Purchasers that were issued providing the state-mandated health benefits in the previous calendar year (separated as to newly issued plans and renewals and as to class of business and the number of covered lives);

(3) The number of Purchaser health benefit plans that were voluntarily not renewed by Purchasers in the previous calendar year;

(4) The number of HIPG health benefit plans that were terminated or nonrenewed (for reasons other than nonpayment of premium) by the HIPG health carrier in the previous calendar year; and

(5) The number of HIPG health benefit plans that were issued to Purchaser that were uninsured for at least the three (3) months prior to issue.

(b) The information described in this Section shall be filed no later than March 15 of each year.

(c) A HIPG health carrier shall file the health benefit plans intended to be issued to HIPGs for approval prior to use pursuant to 36 O.S. § 3610.

*[OAR Docket #02-1526; filed 12-5-02]
(format accepted 12-11-02)*

**TITLE 712. OKLAHOMA COMMISSION
FOR TEACHER PREPARATION
CHAPTER 10. TEACHER PREPARATION
PROGRAM ACCREDITATION**

[OAR Docket #02-1497]

RULEMAKING ACITON:

EMERGENCY adoption

RULES:

Subchapter 5. Teacher Preparation Program Accreditation
712:10-5-1 through 712:10-5-2 [AMENDED]
Subchapter 7. Teacher Assessment
712:10-7-1 [AMENDED]
Appendix A [NEW]

AUTHORITY:

Oklahoma Commission for Teacher Preparation, 70 O.S. Supp. 1998, §6-180 et seq. Oklahoma Teacher Preparation Act

DATES:

Adoption:

September 12, 2002

Approved by Governor:

October 11, 2002

Effective:

Immediately upon approval by the Governor

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Pursuant to O.S. Supp. 1998, §6-180 et seq, known as the Oklahoma Teacher Preparation Act, the Oklahoma Commission for Teacher Preparation shall develop and administer a competency-based system of teacher assessment to serve as a threshold into the profession. Promulgation of emergency rules is necessary in program accreditation to clarify members serving on site visit teams and to define duties of observers. Emergency rules are necessary for assessment to meet the mandates of SB 1595 passed this last legislative session.

ANALYSIS:

Pursuant to 70 O.S. Supp. 1998, §6-180, the Oklahoma Teacher Preparation Act, the Oklahoma Commission for Teacher Preparation shall develop and administer a competency-based system of teacher assessment. Emergency rules are necessary in program accreditation to allow the number of team members on a site visit to be determined by the size of the institution and number of programs offered. Emergency rules in assessment will mandate that teacher education candidates (excluding alternative candidates) successfully pass all three parts of the competency exam before receiving a license. This is a result of SB 1595 passed during the 2002 legislation session.

CONTACT PERSON:

Ted Gillispie, Executive Director, 405-525-2612

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

**SUBCHAPTER 5. TEACHER PREPARATION
PROGRAM ACCREDITATION**

**712:10-5-1. Teacher Preparation Program
Accreditation and Review Process**

(a) Oklahoma teacher education institutions function under an 'accreditation program' system

which requires the evaluation of teacher education units and programs on a periodic basis.

(b) Beginning July 1, 1997 institutions which have no accredited teacher education program and which desire to initiate a certificate program shall follow the format outlined herein based on Standards for Oklahoma Accredited Teacher Education Programs and Institutional Plan (see 712:10-5-3). Institutional plans are defined as plans developed and prepared utilizing input from education stakeholders (teacher preparation faculty, arts and science faculty, teacher candidates, teachers, administrators, business and community leaders, and parents) which follow the general guidelines and standards for pre-service teacher preparation programs outlined in sections 712:10-5-3. On July 1, 1997 the Oklahoma Commission for Teacher Preparation, hereafter referred to as the Commission, shall assume responsibility for accrediting all teacher education programs in Oklahoma's public and private institutions of higher education.

(c) The program accreditation system shall be a multifaceted system based on:

- (1) A competency-based teacher preparation program built around the Standards for Oklahoma Accredited Teacher Education Programs and State Department of Education Competencies, herein after referred to as SDE;
- (2) Institution plans as outlined in the Standards for Oklahoma Accredited Teacher Education Programs and Institution Plan Format;
- (3) On-site accreditation review team visits to the campuses of the institutions of higher education;
- (4) Analysis of data related to student success rates on the general education, professional education, and subject matter assessments;
- (5) Analysis of student satisfaction data;
- (6) Analysis of student/teacher candidate portfolios.

(d) Beginning January 1, 1997 all institutions of higher education with teacher education programs must submit an initial institutional plan outlining how the institution will respond to those standards identified in the Oklahoma Standards for Accredited Teacher Education Programs and Initial Institution Plan (See 712:10-5-3, and OS 70 sections 6-199 through 6-202.)

- (1) All initial plans will be reviewed by the Program Accreditation Committee, hereafter referred to as the PAC and recommendations forwarded for initial accreditation, continuing accreditation, accreditation with stipulations, continuing accreditation with probation, or denial of accreditation will be forwarded to the Commission within sixty days of submission.
- (2) All PAC members and a minimum of ten prospective members will receive performance training on how to evaluate the initial plans. Only those members demonstrating proficiency in evaluation will be allowed to evaluate the plans.
- (3) The performance-based training will be conducted by the National Council for Accreditation of Teacher Education, hereinafter referred to as NCATE, Board of Examiners from outside the State of Oklahoma and other training deemed appropriate by the Commission.

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(4) Any Commission member or Commission appointee who is involved in any evaluation and/or accreditation decision related to any teacher education unit and/or program must complete the performance-based training related to the review and accreditation of teacher education units and/or programs prior to voting and/or participating on any accreditation decisions.

(5) Prior to being accredited each institution must meet the following preconditions for accreditation and provide the required documentation for each precondition. NCATE accredited institutions shall address changes which have been made in the following preconditions areas since the initial NCATE accreditation visit.

(A) There is a written description of the professional education unit that is primarily responsible for the preparation of teachers and other professional education personnel.

(i) Verification by an appropriate central administration officer of the unit with primary responsibility for professional education and the unit's authority.

(ii) Chart depicting all programs for the preparation of school personnel in the institution, indicating the unit in which each is administratively located (e.g. School of Education, School of Music, School of Arts and Science, etc.), and the administrative unit's relationship to the professional education unit.

(iii) Program summary that includes the number of graduates by program and level.

(iv) Unit statement of mission, purpose or goals.

(v) Summary of meetings and actions of the professional education unit for the preceding year (maximum of two pages.)

(B) A dean, director, or chair is officially designated to represent the unit and assigned the authority and responsibility for its overall administration and operation.

(i) Job description for dean, director, chair.

(ii) Chart depicting administrative and organizational structure of the unit.

(C) There are written policies and procedures upon which the operations of the unit rest.

(i) Codified policies and operating procedures of the unit, such as policy manual or constitution and by-laws.

(D) The unit regularly monitors and evaluates, both internally and externally, its operation, scope, quality of its offerings, and effectiveness of its graduates.

(i) Policies for conducting ongoing evaluation reviews.

(ii) Summary of the findings of evaluation reports completed within the past five years documenting internal programs review (maximum of two pages.)

(iii) Summary of findings of evaluation reports completed in the past three years documenting external program review, including follow-up study of graduates and employers (maximum of two pages).

(iv) Summary of recent program modifications based on evaluation results (maximum of two pages).

(E) The unit has criteria for admission to basic teacher education program(s) include an assessment of basic skills.

(i) List of basic skills that are assessed and the measures used to assess them.

(ii) Published criteria for admission to professional education programs.

(iii) Summary report of assessment results for students admitted for at least the past three years (maximum of two pages).

(F) The unit assesses the academic and professional competencies of education students at exit from all programs at all levels, through multiple evaluation methods.

(i) Listing of multiple assessment measures used to evaluate academic and professional competence of professional education graduates.

(ii) Summary of reports of competency assessment outcomes for at least the past three years.

(G) The unit submits program review for each certification program area. For areas in which there are NCATE approved guidelines, the NCATE approved guidelines shall be used. For areas in which there are no NCATE curriculum guidelines the program review shall be based upon the standards of the professional learned society which most closely aligns with the certification area and the Oklahoma State Department Full, Subject Matter Competencies.

(H) The institution is fully accredited by the appropriate institutional accrediting agency recognized by the Commission for Recognition of Postsecondary Accreditation and the U.S. Department of Education.

(i) A copy of the latest accreditation letter from the institutional accrediting agency showing that there is a reasonable assurance of the overall quality of the institution in the general areas of finance, administration, facilities, student personnel, faculty, and instruction.

(I) The institution is an equal opportunity employer and does not discriminate on the basis of race, sex, color, religion, age, or handicap (consistent with Section 702 of Title VII of the Civil Rights Act of 1964, which deals with exemptions for religious corporations, with respect to employment of individuals with specific religious convictions).

(J) A copy of the institution's official action pledging compliance with nondiscriminatory law and practice.

(e) Beginning July 1, 1997 the Commission will become a performance-based partner with the Oklahoma State Regents

for Higher Education (State Regents) and NCATE. All teacher education programs shall be expected to meet all NCATE unit and program standards, SDE competencies, as well as all additional standards established by the Oklahoma Commission for Teacher Preparation.

(1) **Application form.** The application form containing the required information will be completed by the director of teacher education at the institution seeking Commission accreditation for the teacher education certificate programs.

(2) **Institutional plan.** The institutional plan shall be utilized by the Commission for program accreditation, State Regents program review, and NCATE accreditation. An institutional plan addressing the standards as outlined in the Oklahoma Commission for Teacher Preparation Standards for Oklahoma Accredited Teacher Education Programs and Institution Plan and criteria established in these rules and as stipulated in OS 70 sections 6-180 through 202 will be sent to the Commission office along with the application form.

(3) **Records to be kept on file at the institution.** The following items and records shall be kept on file at the institution with the director/dean of teacher education. All records shall be available to the public under the Oklahoma Open Records Act:

- (A) Copy of the institution plan;
- (B) Comments from the annual public forum held by the institution, the responses to comments, and how the comments were utilized in the modifications of the program;
- (C) Copy of annual report to the Commission;
- (D) Syllabi for courses in the areas of specialization, general education, and professional education will be kept on file with the institution; and
- (E) Full faculty resumes will be on file for review. All levels of teaching personnel will be indicated.

(4) **Timelines for evaluation process.**

- (A) The Oklahoma Commission for Teacher Preparation personnel will establish an accreditation visit schedule in collaboration with the State Regents, NCATE and the institution director of teacher education.
- (B) Upon approval by the governing board of the institution, three copies of the institution report and supporting materials including the college catalog shall be sent to the Commission office 75 days prior to the accreditation visit. Upon receiving the names and addresses of the visiting accreditation review team, the institution shall send copies of all documentation to the members of the visiting accreditation review team.
- (C) The visiting committee selection process shall be completed a minimum sixty (60) days prior to the accreditation visit.
- (D) The on-site accreditation evaluation will be conducted over a three to four day period.
- (E) After finalizing the team draft report which results from the accreditation visit, and within fourteen

days of the accreditation visit, the team chair shall send the draft report to team members and Commission professional personnel for editing.

(F) Within twenty-one days of the visit the team members and the Commission office shall return their comments and recommendations on the report to the team chair. The chair makes corrections to the report, as appropriate, and sends a copy to the unit head at the institution for factual corrections.

(G) Within twenty-eight days of the visit but not less than five days of the receipt of the report the unit head sends factual corrections in writing to the team chair. The chair makes changes at his/her discretion, finalizes the report and sends one copy to the Commission office. The report shall be in the format determined by the Commission.

(H) The Commission staff will copy and bind the report with a cover that includes the name of the institution, its location, and the date of the visit.

(I) Utilizing the procedures outlined in 712:10-5-1(e)(8) the Commission will make a final decision regarding the accreditation of the institution's certificate program(s). That decision will be based on the findings and recommendations of the CRC and the Commission Program Accreditation Committee and any additional information which may be presented by the institution under review.

(J) Three years after the last visit, a comprehensive review of all annual reports and portfolio reviews will be conducted. A third year status report outlining any areas of concern that the unit should address by the time of the next accreditation review team on-site visit shall be forwarded to the institution to assist in preparing for this review. For NCATE accredited institutions, the PAC will base its findings on reports prepared by NCATE and all annual reports, portfolio assessments, and any continuing concerns or weaknesses from the previous accreditation reviews. The PAC will develop the third year status report and submit to the Commission for appropriate action (see 712:10-5-3(b)(1-5). For non-NCATE accredited institutions the Commission Program Accreditation Committee will review all annual reports, portfolio assessments, and any continuing concerns or weaknesses from the previous accreditation reviews. The PAC will develop the third year status report and submit to the Commission for appropriate action.

(K) All certification program reviews must be submitted to the Commission no later than eighteen months prior to the initial accreditation visit and twelve months prior to a continuing accreditation visit.

(5) **Selection of accreditation review team.** Selection of the accreditation review team will be coordinated by the Commission staff as soon as possible after the visitation dates are set. All accreditation review team members shall be determined within eight weeks prior to the accreditation

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review team visit. Selection of the accreditation review team shall be based on the following:

(A) All team members must have been trained by NCATE Board of Examiners in the assessment of NCATE standards and on the process for evaluating programs for the Commission.

(B) Experience and/or expertise in the certificate areas being evaluated.

(C) Accreditation team for initial accreditation. The membership of an ~~initial~~ a first accreditation review team shall be as follows:

(i) ~~Five~~ Representatives from the NCATE Board of Examiners.

(ii) ~~Four~~ State representatives appointed by the Commission including:

(I) One pre-K-12 classroom teacher;

(II) One representative from higher education who is a member of a teacher education unit. For accreditation of private institutions the representative shall be from a private institution; for public institutions this representative shall be from a public institution;

(III) One representative from the Commission;

(IV) One member from the community-at-large;

(~~V~~iii) For any institution requesting accreditation of a career technology program(s) an additional accreditation review team member shall be recommended by the State Director of Career and Technology Education.

(~~iii~~iv) Special Circumstances:

(I) For accreditation review teams requiring fewer members the Executive Director of the Commission shall collaborate with the Program Accreditation Committee, the director of teacher education at the institution being accredited, and NCATE and Commission staff to determine the team composition.

(II) NCATE approved Board of Examiners members from Oklahoma may be a state representative to an accreditation review team.

(~~iv~~v) Observers shall be determined by the Commission and from among representatives of the Oklahoma State Regents for Higher Education, State Department of Education, State Department for Career and Technology Education, professional organizations, and the community-at-large.

(I) Observers shall be actively involved in the data collection process, participate in the accreditation review team meetings, and assist the accreditation review team ~~with to understanding~~ understand state nuances. They may assist, but shall not be required to write any sections of the team report. They shall not be a voting member of the team.

(II) Observers are expected to participate in the entire visit and all assigned meetings and activities.

(III) The chair of the accreditation review team has the authority to dismiss any observer from the accreditation visit who does not participate in the entire site review and assigned activities.

(D) Accreditation team for continuing accreditation. The membership of a continuing accreditation review team shall be as follows:

(i) NCATE representatives as determined by NCATE;

(ii) State representatives which will number one less than the NCATE representatives;

(iii) The Executive Director for the Commission for Teacher Preparation shall collaborate with the director of teacher education at the institution being reviewed, ~~and NCATE,~~ and with the PAC and Commission staff to determine the state committee representation;

(iv) Observers shall be determined by the Commission and from among representatives of the Oklahoma State Regents for Higher Education, State Department of Education, and the community-at-large. If a Career and Technology program is offered at the institution ~~the~~ State Director of Career and Technology Education shall nominate a team member for any institution requesting accreditation of career and technology program(s);

(v) Observers shall be actively involved in the data collection process, participate in the accreditation review team meetings, and assist the accreditation review team with understanding state nuances. They may assist but shall not be required to write any sections of the team report. They shall not be a voting member of the team.

(vi) Observers are expected to participate in the entire visit and all assigned meetings and activities.

(vii) The chair of the accreditation review team has the authority to dismiss any observer from the accreditation visit who does not participate in the entire site review and assigned activities.

(E) Accreditation teams for non-NCATE accredited institutions shall be composed of state representatives.

(F) The Executive Director for the Commission for Teacher Preparation shall collaborate with the director of teacher education at the institution requesting state accreditation, NCATE, ~~and~~ the State Regents, PAC and Commission staff to determine the team representation.

(6) **Logistics of the accreditation visit.**

(A) Each institution shall arrange through the Commission for a pre-visit with the chair of the accreditation review team. The pre-visit should be conducted a minimum of sixty days prior to the team

visit. The team chair must have received the continuing accreditation report prior to the pre-visit.

(B) If it is to be a joint NCATE and Commission visit, the state chair, the NCATE chair and the Commission staff member responsible for program accreditation shall be included in the pre-visit. Logistical arrangements shall be finalized during the pre-visit.

(C) For state accreditation only, the state chair and the Commission staff member responsible for program accreditation shall be included in the pre-visit. Logistical arrangements shall be finalized during the pre-visit.

(D) A visitation schedule will be prepared and distributed approximately four weeks prior to the scheduled visit. The schedule will be developed cooperatively by the director of teacher education and the Commission staff in cooperation with the team chair.

(E) The following stakeholders shall be interviewed during the accreditation visit:

- (i) Key faculty from the teacher education and the arts and sciences units;
- (ii) Administrators from the university teacher education and the arts and sciences units;
- (iii) Other individuals identified by the institution;
- (iv) Students (both in organized group settings and in informal settings such as in hallways, student lounges, student union, etc.);
- (v) Field supervisors and cooperating teachers of student teaching and internships;
- (vi) Practitioners from area schools including, but not limited to, principals, school personnel directors, and teachers; and
- (vii) Recent graduates.

(F) The individuals to be interviewed should be representative of the student body being served, consideration shall be made relative to ethnicity, gender, age and individuals with disabilities. Individuals being interviewed, unless unit and/or institution faculty members and administrators, shall not be employed in the unit. This shall not apply to field supervisors receiving stipends for their services.

(G) The majority of those students being interviewed shall be students who are not receiving any form of graduate stipend. Students participating in the formal interview process and who are receiving graduate assistantships shall be identified in the list of students to be interviewed.

(H) The visitation schedule shall include:

- (i) Dates of the accreditation visit;
- (ii) Name, location, telephone number of lodging where reservations have been made for committee members;
- (iii) Location of visiting team headquarters on the campus of the institution being evaluated;

(iv) Meeting time and place for team organizational meeting;

(v) Meeting time and place for formal team interviews with constituencies listed in 712:10-5-1(e)(6)(E);

(vi) Meeting time and place for team to complete writing assignments;

(vii) Meeting time and place for team to present the exit report; and

(viii) Fax, telephone, and e-mail addresses of members of the unit.

(I) The completed accreditation review team report will be presented to the PAC, NCATE, and the Commission.

(J) Visiting team members will be reimbursed for expenses incurred according to state guidelines. Reimbursement forms must be completed by team members on the last day of the visit. All travel claims must be notarized prior to submission.

(7) **Preparation of the team report.** The accreditation review team work will culminate in preparation of a report outlining the findings of the team. Individual writing assignments will be completed prior to the conclusion of the visit. The report will reflect the team consensus on the review.

(A) The accreditation review team report is to be based on the following:

- (i) Validating and supporting documents, through interviews with students, faculty members, administrators, and school personnel;
- (ii) Validating the institution plan by visiting facilities and reviewing documents; and
- (iii) Specific guidelines and competencies for accredited teacher education programs.

(B) At the exit report, the accreditation review team will present a summary of its evaluation of the program. The summary will include:

- (i) Strengths, concerns, and recommendations for improving the program;
- (ii) An indication that a specific timeline shall be established for bringing into compliance all standards which were not met if appropriate. The report shall also contain a statement that all standards must be brought into compliance by meeting the conditions set by the team and that full accreditation will not be granted until all conditions are met;
- (iii) The completed reports will be due to the NCATE and Commission office 30 days after the accreditation review team on-site visit; and
- (iv) The recommendation of the accreditation review team regarding the program will be made to the PAC and the Oklahoma Commission for Teacher Preparation within 30 days after having received the rejoinder [see 712:10-5-1(e)(8)(B)(iv)]. For NCATE accredited institutions, final accreditation decisions will be made after the NCATE

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Unit Accreditation Board has forwarded its accreditation recommendation to the Commission.

(8) **Recommendation process.**

(A) Two copies of the final draft of the accreditation review team report will be forwarded to the Commission and one copy to each of the accreditation review team members who will be given the opportunity to suggest corrections in their respective assignment areas. Additionally, the director of teacher education will be given the opportunity to offer input regarding corrections in factual information.

(B) The head of the unit, in consultation with the chief executive officer of the institution, is required to acknowledge receipt of the report and is given the opportunity to prepare a rejoinder to the accreditation review team report. The unit can file the rejoinder and supplemental materials pertinent to the facts and conclusions found in the report of the accreditation review team.

(i) The institutional rejoinder to the accreditation review team report is a vital part of the evidence that the PAC considers as it makes its determination regarding initial and continuing accreditation. The PAC considers the initial/continuing accreditation report, accreditation review team report and the institutional rejoinder as it prepares its recommendations for the Program Accreditation Committee and subsequently to the full the Commission. The PAC may affirm the accreditation review team citations of weaknesses or modify them based on evidence provided in the institutional rejoinder or to bring consistency to its decisions across institutions.

(ii) The purpose of the rejoinder is to clarify information presented in the accreditation review team report and to correct any factual errors in the report. If the judgments of the accreditation review team are being appealed by the unit, the rejoinder must indicate the grounds for such a stance and the available documentation to support it. This information should be summarized, cited, and included in an appendix as appropriate. The rejoinder should be concise, to the point, and complete.

(iii) The following conditions must be adhered to as the institutional rejoinder is prepared by the unit:

(I) All evidence must describe what existed at the time of the accreditation visit. Changes made by the unit after the visit cannot be considered by the PAC in its deliberations. Changes after the visit should be reported to the Commission for Teacher Preparation as part of the unit's annual report;

(II) All evidence must relate directly to the Standards For Oklahoma Accredited Teacher Education Programs and all procedures that applied at the time of the accreditation visit;

(III) The rejoinder must be factual in nature. All inaccurate information in the accreditation report should be corrected and appropriate documentation submitted with the rejoinder; and

(IV) When the unit does not respond, in writing, to the unmet standards and weaknesses in the accreditation report, the PAC assumes that the unit concurs with the accreditation review team citation and decision.

(iv) The institutional rejoinder should contain the following:

(I) Letter from the unit head to the Commission Executive Director acknowledging the receipt of the accreditation report;

(II) Responses to the weakness statements. If there is evidence that a weakness does not exist, the appropriate documentation should be appended;

(III) Perceptions of procedural concerns, if any, regarding the accreditation review team review or process that might have prejudiced the accreditation review team judgments; and

(IV) Appendices that contain information to support any requests for reconsideration of the accreditation review team judgments. If the data were included in the institutional report and not given adequate consideration by the accreditation review team, the appropriate pages should be cited/reproduced; if the reference exceeds three pages in the institutional report, the page numbers should be cited and not duplicated.

(v) The institutional rejoinder must be submitted to the Oklahoma Commission for Teacher Preparation within 30 days of the receipt of the accreditation review team report. When accreditation review team reports are sent to an institution during semester breaks, additional time to prepare the rejoinder will be considered. Additional time beyond the date indicated in the transmittal letter must be approved by the Commission Executive Director.

(C) Final action on the reports and institutional accreditation will proceed according to Section 712:10-5-1(e).

(D) Final action by the Commission may include the following actions:

(i) Initial and Continuing Accreditation

(I) Initial accreditation or continuing accreditation is granted to the education unit and program(s) if the Commission finds that standards have been adequately addressed to merit accreditation. This status may be accompanied by statements of weakness, but nonetheless is unequivocal. In its annual report the institution will be expected to address progress on weaknesses cited in the Commission accreditation report. This progress will be reviewed,

- annually, by the PAC. Initial accreditation is retroactive to the semester in which the accreditation visit occurred.
- (ii) **Provisional Accreditation (Initial).**
- (I) Provisional accreditation is granted to the education unit and program(s) if the commission finds that unit has not met one or more of the standards for accreditation and is not eligible for full initial accreditation.
- (II) A second accreditation visit focused on the unmet standard(s) must be held within two years of the semester that the provisional accreditation decision was granted.
- (III) Following the provisional visit, a recommendation to accredit or deny accreditation will be brought to the Commission by the PAC. The five-year cycle for accreditation will be based on the semester in which provisional accreditation was granted.
- (iii) **Accreditation with Conditions (Continuing).**
- (I) Accreditation with Conditions (Continuing) is granted to the education unit and program(s) if the Commission finds that the unit has not met one or more of the standards for continuing accreditation.
- (II) The unit maintains its accreditation status but must satisfy conditions by meeting previously unmet standards.
- (III) A second accreditation visit focused on the unmet standard(s) must be held within two years of the semester that the provisional accreditation decision was granted. This visit will mirror the team composition process for initial accreditation.
- (IV) Following the conditional visit, a recommendation for continuing accreditation will be based on the semester in which conditional accreditation was granted.
- (iv) **Continuing accreditation with probation.**
- (I) Continuing Accreditation with Probation is issued if the unit has serious and significant weaknesses related to the Standards for Oklahoma Accredited Teacher Education Programs. As a result of the continuing accreditation review, the PAC has determined that weaknesses with respect to standards will place an institution's accreditation in jeopardy if left uncorrected.
- (II) All students who have been admitted to the program must be notified by mail, within 30 days of receipt of the PAC/Commission decision, as to the probationary accreditation status of unit and/or programs.
- (III) For an institutions that is placed on probation an accreditation visit must be scheduled by the institution and take place within two years of the semester in which the probationary decision was rendered. The professional education unit will remain accredited at least until the result of the rescheduled accreditation visit is known This visit will mirror the team composition process for initial accreditation. All Oklahoma standards for accreditation of the teacher education unit and/or programs in effect at the time of the visit must be addressed by the unit, as part of this visit. Following the review, the PAC may decide to (1) continue accreditation, (2) continue accreditation with conditions, or (3) revoke accreditation.
- (v) **Denial of accreditation (Initial).**
- (I) Denial of accreditation is rendered when the PAC finds that the professional education unit and/or programs have severe and/or numerous deficiencies that limit its capacity to offer quality programs.
- (II) All students who have been admitted to the program must be notified by mail, within 30 days of receipt of the PEC/Commission decision, as to the denial of program accreditation of the unit and programs.
- (III) Institutions that are denied accreditation may recommend candidates for certification for one year from the end of the semester in which accreditation is denied.
- (vi) **Revocation of accreditation.**
- (I) Revocation of accreditation terminates current accreditation after a two-year probationary visit if the PAC/Commission finds that critical deficiencies are not corrected. Accreditation will be terminated at the end of the semester in which the PAC/Commission revokes accreditation.
- (II) All students who have been admitted to the program must be notified by mail, within 30 days of receipt of the PAC/Commission decision, as to the revocation of accreditation of the unit and programs.
- (III) Institutions that lose their accreditation may recommend candidates for certification for one year from the end of the semester in which accreditation is revoked.
- (IV) An on-site interim accreditation visit may be requested by the Appeals Board, hereinafter referred to as AB, acting on behalf of the Commission Administrative Committee. This visit would result from the committee's determination that compelling reasons exist to authorize reexamination of the accreditation of an institution's professional education unit and/or programs. If the AB determines that a complaint received by the committee needs to be investigated, the committee will authorize an interim accreditation review team visit to the campus. The interim accreditation review team

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will consist of one member from the initial or continuing accreditation review team and the remainder of the members will be appointed by the PAC following the guidelines outlined in 712-10-5(e)(5).

(V) The interim accreditation review team will prepare a report for the PAC. At the next PAC meeting following such a visit, the PAC will determine the institution's accreditation status.

(VI) The Commission may revoke accreditation if the unit and/or program(s) (a) no longer meets the Standards For Oklahoma Accredited Teacher Education Programs, (b) fails to submit annual reports and other documents required for accreditation; (c) misrepresents its accreditation status to the public; (d) fails to meet timelines of conditional or probationary accreditation or (e) fails over a three-year period to meet and maintain teacher candidate performance standards on the competency-based assessments as established by the Commission

(VII) All accreditation decisions shall be reported annually in the Commission annual report to the Education Oversight Board and all entities as outlined in OS 70 section 6-186.

(VIII) In the event that accreditation is denied or revoked, an institution may reapply for initial accreditation following a three-year waiting period. Before an initial visit may occur, a minimum of three years must have lapsed since accreditation was denied. Reapplication shall occur based on the Standards for Oklahoma Accredited Teacher Education Programs and Institutional Plan (See 712:10-5-3). All procedures for initial accreditation will be followed during the reapplication process.

(9) Appeals Board.

(A) For NCATE accredited units the AB shall consider the recommendations of the NCATE appeals board for unit accreditation,

(B) For appeals related to program(s) and non-NCATE accredited institutions the following procedures shall be followed.

(C) Membership of Commission appeals board shall be:

- (i) Commission chair. The Commission Chair shall be the Chair of the Appeals Board;
- (ii) Chair of Program Accreditation Committee;
- (iii) Program subject matter expert(s). If the appeal is related to a specific program, the program expert shall be in the area(s) being appealed;
- (iv) One PK-12 school classroom teacher;
- (v) One member from the NCATE Board of Examiners;
- (vi) One teacher educator; and

(vii) One representative from the arts and sciences faculty or from school administration.

(D) The appeals board shall serve an initial term of two years, with the exception of the Commission Chair, Chair of the Program Accreditation Committee, and the program expert(s). The program subject matter expert(s) shall be appointed by the Commission Chair and serve on the AB only when an appeal is related to a program(s) appeal.

(10) Conditions for appeals.

(A) Any institution that is the object of an adverse decision, as determined by one of the Commission teacher education program review committees and/or unit accrediting committees, may appeal that decision to the Commission Appeals Board.

(B) An adverse decision is defined as the denial or revocation of program(s) or unit accreditation

(C) An institution may also appeal, in writing, a provisional, conditional or probationary accreditation decision. Provisional, conditional or probationary accreditation does not terminate accreditation. An adverse decision may be appealed only on the following grounds:

- (i) Standards for Oklahoma Accredited Teacher Education Programs were disregarded by the review team;
- (ii) Stated procedures were not followed;
- (iii) Evidence favorable to the institution was provided to the accreditation review team but was not considered;
- (iv) Evidence was presented to the appropriate board in the form of a rejoinder or stipulation response but was not considered;
- (v) If a college or university believes that one or more of these four conditions was a factor in its accreditation, the only available means of redress is through the appeals process; or
- (vi) There was a lack of the full number of team members due to last minute emergencies; however, that factor alone is not sufficient to uphold an appeal.

(I) The institution must convincingly demonstrate that this fact made a difference in the accreditation decision.

(II) The institution shall prove actual prejudice to it and that the prejudice changed the accreditation decision.

(III) The fact that the institution did not recommend canceling the visit would be evidence that it, at least before the visit, believed that the assembled team would be sufficient to conduct a fair and complete visit.

(D) The findings and recommendations of the AB are received by the full Commission at its first meeting following the meeting of the AB.

(E) Subsequent actions shall be based on grounds upheld by the full Commission and may include, but are not limited to:

- (i) Assigning another accreditation review team to revisit an institution;
 - (ii) Reinstating accreditation or accreditation with provision, condition or probation; or
 - (iii) Upholding the initial recommendation for denial or revocation of accreditation.
- (F) The status of the appellant at the time of the visit remains unchanged until the appeals process has been exhausted.
- (11) **Process for appeal.** The following provisions govern the appellate process:
- (A) Within 15 days of receiving notice of the adverse decision, an institution electing to appeal an adverse decision of the Commission must present the Commission Executive Director and the board or committee which issued the adverse or probation decision written notification of its intention to appeal.
 - (B) No later than 30 days from the date that it submits its notification, the institution must submit a brief to the Executive Director which sets forth the specifics of its appeal and includes full documentation.
 - (C) The Commission Chair shall convene the AB within 30 days after an appeal brief has been filed. The AB will hear and act on the appeal within this time frame.
 - (D) The appellant shall have the right to present a 30-minute oral argument on its brief. The appellant shall also have the right to be represented by counsel during the appeal, but may not call witnesses or introduce new evidence on its own behalf.
 - (E) If the adverse decision appealed is provisional, conditional or probationary accreditation, the appellant's right to appeal is limited to the submission of written documentation.
 - (F) In the case of an accreditation decision review, the AB has the right to seek clarification of the accreditation review team report from the state team chair, and clarification of the PAC's deliberations from the chair of the PAC.
 - (G) In the case of an accreditation decision review, all evidence presented in the appellant's brief and considered by the AB must be confined to conditions existing at the time of the accreditation review team visit as cited in the final report, or in the case of a petition for stipulation removal, to conditions existing at the time the petition for stipulation removal was submitted.
- (12) **Cost of review.**
- (A) If the appeal leads to an affirmation of the Commission's original decision, the appellant will be liable for the expenses of the AB, the second accreditation review team visit, and all expenses related to the review. All expenses will be reimbursed according to state travel reimbursement guidelines.
 - (B) If the AB finds in favor of the institution, the Commission will be liable for expenses of the AB and second accreditation review team. All expenses will

be reimbursed according to state travel reimbursement guidelines.

(C) Access to Documents. In cases of accreditation decision review, team chairs, and the PAC chair serving as witnesses to hearings of the AB will be provided copies of pertinent action letters and reports. Appellant petitions of appeals are provided to all witnesses.

(13) **Continuing accreditation procedures.** Five-year continuing accreditation shall follow the same basic format as the NCATE Continuing Accreditation procedures. The accreditation review team will review such things as faculty qualifications and loads, financial support of the unit, follow-up procedures, clinical and field experiences, the residency program, faculty development procedures, and annual student assessment data.

(14) **Distribution of findings.**

(A) The accreditation review team chair shall mail one copy of the final draft of its report to the Commission office.

(B) The Commission will coordinate with NCATE (for NCATE accredited institutions) for distribution of reports to other team members.

(C) After the institution has received the reports, it has 30 days to submit a rejoinder to the Commission according to procedures outlined in 712:10-5-1(e)(8)(B).

(D) When the entire process has been completed the Commission will distribute the findings as outlined in 712:10-5-1(e)(8)(B).

712:10-5-2. Structure of Accreditation Committees

(a) A Program Accreditation Committee (PAC) of the Oklahoma Commission for Teacher Preparation carries out the responsibilities for overseeing the accreditation or continuing accreditation of institution teacher education programs. Committee members shall be selected by the Oklahoma Commission for Teacher Preparation and approved by Commission membership to serve on such a committee. Except for the Commission Executive Director and program(s) subject matter experts, the initial term of membership shall be two years.

(1) Members shall have completed a training seminar related to state and NCATE accreditation and any other training deemed appropriate by the Commission.

(2) Membership shall be comprised of:

(A) The Commission Executive Director;

(B) Three Commission members who are not members of either an Accreditation Team or the Appeals Board;

(i) The Commission chair shall appoint PAC Chair(s) from the three Commission members appointed to the PAC.

(C) Two pre-K-12 classroom teachers;

(D) The PAC chair(s) shall serve on the Commission Administrative Committee.

(E) Two teacher educators whose institutions will not be reviewed during the two-year term of appointment;

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- (F) One PK-12 public school administrator nominated by the State Superintendent of Public Instruction;
 - (G) One superintendent from an area-vocational school shall be nominated by the State Director of Career and Technology Education;
 - (H) Two arts and science faculty; one from a four year institution and one from a community college shall be nominated by the Chancellor for Higher Education; and
 - (I) The Commission Director of Program Accreditation shall serve in an advisory capacity.
- (3) A minimum of two PAC members may be reappointed to additional terms to allow for continuity.
 - (4) Discretion and ethical judgment shall be used in making recommendations.
 - (5) Meeting dates shall be established in compliance with the following criteria:
 - (A) The PAC shall schedule a minimum of four meeting dates per academic year: September, November, February, and April with subsequent recommendations to the Commission during October, December, March, and May.
 - (B) Other meetings shall be held as needed.
 - (C) Institutions with proposed programs for evaluation shall be notified of meeting dates four weeks in advance. Representatives from the institution(s) are encouraged to attend the meetings.
 - (6) Responsibilities and authority of the PAC shall be:
 - (A) Approving an institution's program reviews prior to submission to the Commission. ~~Submission of program reviews to NCATE is optional and NCATE;~~
 - (B) Reviewing the Accreditation Team Report, reviewing the NCATE Unit Accreditation Board recommendations and recommending program accreditation status to the Commission;
 - (C) Following all procedures outlined in 712:10-5-1(e);
 - (D) Recommending to the Commission changes in administrative rules, regulations, policies. and procedures;
 - (E) Ensuring training for all accreditation review team members and PAC members;
 - (F) Carrying-out a systematic review and development of the standards by which programs are approved;
 - (G) Monitoring the performance of accreditation review team members; and
 - (H) Recommending training needs for accreditation review team members, institution faculty members, and PAC members.
- (b) The curriculum review committees (CRC) shall review all program reviews and make recommendations to the PAC regarding the quality of the certification program(s) curriculum. These reviews will take place in conjunction with the college's/university's five year accreditation cycle, occurring

twelve months prior to a continuing accreditation visit and eighteen months prior to an initial accreditation visit.

- (1) Members of the CRC shall be approved by the Program Accreditation Committee.
 - (2) CRC members shall serve an initial term of two years.
 - (3) Two or more of the CRC members may be reappointed to additional terms to allow for continuity.
 - (4) Members shall have completed a training seminar on the program review process.
 - (5) Discretion and ethical judgment shall be used in making recommendations.
 - (6) A CRC member may be appointed to more than one committee.
 - (7) The CRC shall be comprised of ~~four~~ three members from ~~any two of~~ the following groups:
 - (A) Practicing PK-12 classroom teachers
 - (B) Practicing PK-12 administrators
 - (C) Higher education faculty members
 - (D) Parents and community members
- (c) The Commission Coordinator of Program Accreditation or designee shall chair each curriculum review committee.

SUBCHAPTER 7. TEACHER PREPARATION TEACHER ASSESSMENT

712:10-7-1. Teacher assessment regulations

- (a) **Examinees-initial licensure and certification.**
 - (1) Any individual who applies for a teaching license/certification must successfully complete the ~~general education and subject area components of the~~ competency examination as defined by the Oklahoma Commission for Teacher Preparation. (70 O.S. 1998 Supp., 6-182(14). ~~The components of~~ The competency examination required for licensure are: is made up of three components: ~~the Oklahoma General Education Test (OGET), and the Oklahoma Subject Area Test (OSAT) and the Oklahoma Professional Teaching Exam (OPTE). See Appendix A for competency exam requirements by certification area and test codes.~~
 - (2) ~~Any licensed teacher who applies for teacher certification must successfully complete the professional education portion of the competency exam. (SB0388) The final component of the competency examination is the Oklahoma Professional Teaching Exam (OPTE).~~
 - (3) ~~Competency exam requirements for the above are:~~
 - (A) ~~Art.~~
 - (i) ~~Art (PK-12) — Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Art)~~
 - (ii) ~~Art (PK-3) — Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Art).~~

- (iii) Art (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Art).
- (iv) Art (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Art).
- (v) Art (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Art).
- (B) Business Education (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Business Education).
- (C) Driver/Safety Education (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Driver/Safety Education).
- (D) Early Childhood Education (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Early Childhood).
- (E) Elementary Education (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Elementary Education).
- (F) English (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (English).
- (G) Family And Consumer Sciences (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Family and Consumer Science).
- (H) Foreign Language:
 - (i) French (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (French).
 - (ii) French (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (French).
 - (iii) French (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (French).
 - (iv) French (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle/Secondary); Oklahoma Subject Area Test (French).
 - (v) French (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (French).
 - (vi) German (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (German).
 - (vii) German (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (German).
 - (viii) German (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (German).
 - (ix) German (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (German).
 - (x) German (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (German).
 - (xi) Latin (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Latin).
 - (xii) Latin (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Latin).
 - (xiii) Latin (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Latin).
 - (xiv) Latin (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Latin).
 - (xv) Latin (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Latin).
 - (xvi) Russian (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Russian).
 - (xvii) Russian (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Russian).
 - (xviii) Russian (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Russian).

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- (xix) Russian (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Russian).
- (xx) Russian (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Russian).
- (xii) Spanish (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Spanish).
- (xxii) Spanish (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Spanish).
- (xxiii) Spanish (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Spanish).
- (xxiv) Spanish (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Spanish).
- (xxv) Spanish (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Spanish).
- (I) Journalism (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Journalism).
- (J) Mathematics.
- (i) Middle Level Mathematics (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Middle Level/Intermediate Mathematics).
- (ii) Intermediate Mathematics (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Middle Level/Intermediate Mathematics).
- (iii) Advanced Mathematics (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Advanced Mathematics).
- (K) Middle Level.
- (i) Art (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Art).
- (ii) English (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Middle Level English).
- (iii) French (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (French).
- (iv) German (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (German).
- (v) Latin (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Latin).
- (vi) Russian (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Russian).
- (vii) Spanish (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Spanish).
- (viii) Mathematics (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Middle Level/Intermediate Mathematics).
- (ix) Music (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Instrumental/General Music or Vocal/General Music).
- (x) Physical Education/Health/Safety (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Physical Education/Health/Safety).
- (xi) Science (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Middle Level Science).
- (xii) Social Studies (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Middle Level Social Studies).

- (xiii) Technology Education (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Technology Education).
- (L) Music.
 - (i) Instrumental/General Music (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Instrumental/General Music).
 - (ii) Instrumental/General Music (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Instrumental/General Music).
 - (iii) Instrumental/General Music (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Instrumental/General Music).
 - (iv) Instrumental/General Music (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Instrumental/General Music).
 - (v) Instrumental/General Music (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Instrumental/General Music).
 - (vi) Vocal/General Music (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Vocal/General Music).
 - (vii) Vocal/General Music (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Vocal/General Music).
 - (viii) Vocal/General Music (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Vocal/General Music).
 - (ix) Vocal/General Music (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Vocal/General Music).
 - (x) Vocal/General Music (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Vocal/General Music).
- (M) Physical Education/Health/Safety.
 - (i) Physical Education/Health/Safety (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Physical Education/Health/Safety).
 - (ii) Physical Education/Health/Safety (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Physical Education/Health/Safety).
 - (iii) Physical Education/Health/Safety (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Physical Education/Health/Safety).
 - (iv) Physical Education/Health/Safety (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Physical Education/Health/Safety).
 - (v) Physical Education/Health/Safety (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Physical Education/Health/Safety).
- (N) Science.
 - (i) Biological Sciences (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Biological Sciences).
 - (ii) Chemistry (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Chemistry).
 - (iii) Earth Science (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Earth Science).
 - (iv) Physical Science (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Physical Science).
 - (v) Physics (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Physics).
 - (vi) Middle Level Science (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Middle Level Science).
- (O) Social Studies.
 - (i) United States History/Oklahoma History/Government/Economics (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (United States History/Oklahoma History/Government/Economics).

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- (ii) World History/Geography (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (World History/Geography).
 - (iii) Psychology/Sociology (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Psychology/Sociology).
 - (iv) Middle Level Social Studies (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Middle Level Social Studies).
- (P) Special Education.
- (i) Mild/Moderate Disabilities (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Mild/Moderate Disabilities).
 - (ii) Mild/Moderate Disabilities (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Mild/Moderate Disabilities).
 - (iii) Mild/Moderate Disabilities (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Mild/Moderate Disabilities).
 - (iv) Mild/Moderate Disabilities (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Mild/Moderate Disabilities).
 - (v) Mild/Moderate Disabilities (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Mild/Moderate Disabilities).
 - (vi) Severe Profound/Multiple—Disabilities (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Severe Profound/Multiple Disabilities).
 - (vii) Severe Profound/Multiple—Disabilities (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Severe Profound/Multiple Disabilities).
 - (viii) Severe Profound/Multiple—Disabilities (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Severe Profound/Multiple Disabilities).
 - (ix) Severe Profound/Multiple—Disabilities (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Severe Profound/Multiple Disabilities).
 - (x) Severe Profound/Multiple—Disabilities (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Severe Profound/Multiple Disabilities).
 - (xi) Deaf/Hard of Hearing (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12) Oklahoma Subject Area Test (Deaf/Hard of Hearing).
 - (xii) Deaf/Hard of Hearing (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Deaf/Hard of Hearing).
 - (xiii) Deaf/Hard of Hearing (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination—(Elementary/Middle Level); Oklahoma Subject Area Test (Deaf/Hard of Hearing).
 - (xiv) Deaf/Hard of Hearing (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Deaf/Hard of Hearing).
 - (xv) Deaf/Hard of Hearing (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Deaf/Hard of Hearing).
 - (xvi) Blind/Visual Impairment (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12) Oklahoma Subject Area Test (Blind/Visual Impairment).
 - (xvii) Blind/Visual Impairment (PK-3)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Early Childhood); Oklahoma Subject Area Test (Blind/Visual Impairment).
 - (xviii) Blind/Visual Impairment (1-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level); Oklahoma Subject Area Test (Blind/Visual Impairment).
 - (xix) Blind/Visual Impairment (5-8) Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Blind/Visual Impairment).
 - (xx) Blind/Visual Impairment (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Blind/Visual Impairment).

- (Q) ~~Speech/Drama/Debate (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Speech/Drama/Debate).~~
- (R) ~~Vocational technical Education:~~
- (i) ~~Agricultural Education (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Agricultural Education).~~
 - (ii) ~~Marketing Education (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Marketing Education).~~
 - (iii) ~~Technology Education (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Technology Education).~~
 - (iv) ~~Middle Level Technology Education (5-8)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Elementary/Middle Level or Middle Level/Secondary); Oklahoma Subject Area Test (Technology Education).~~
 - (v) ~~Vocational Business Education (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Business Education).~~
 - (vi) ~~Vocational Family and Consumer Sciences (6-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (Middle Level/Secondary); Oklahoma Subject Area Test (Family and Consumer Sciences).~~
- (4) ~~Assessment requirements for initial administrator certification (individuals seeking their first certification in educational administration) are as follows:~~
- (A) ~~Elementary Principal—Oklahoma Subject Area Test (Principal Common Core and Elementary Principal Specialty Test).~~
 - (B) ~~Middle Level Principal—Oklahoma Subject Area Test (Principal Common Core and Middle Level Principal Specialty Test).~~
 - (C) ~~Secondary Principal—Oklahoma Subject Area Test (Principal Common Core and Secondary Principal Specialty Test).~~
 - (D) ~~Superintendent—Oklahoma Subject Area Test (Superintendent).~~
- (5) ~~Assessment requirements for a license in an advanced certification area for individuals who do not have current teacher certification, are the general education component, the Oklahoma General Education Test (OGET), and the subject area component, the Oklahoma Subject Area Test (OSAT), of the competency examination.~~
- (6) ~~Any licensed teacher who applies for certification in an advanced certification area must successfully complete the professional education component of the competency exam, the Oklahoma Professional Teaching Exam (OPTe).~~
- (7) ~~Competency exam requirements for the above are:~~
- (A) ~~Library Media Specialist (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Library Media Specialist)~~
 - (B) ~~Psychometrist (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Psychometrist).~~
 - (C) ~~Reading Specialist (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (Reading Specialist).~~
 - (D) ~~School Counselor (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (School Counselor). Competency for School Counselor may also be verified by the Nationally Certified School Counselor (NCSC) credential. Individuals with such credential shall be exempt from Oklahoma assessment requirements.~~
 - (E) ~~School Psychologist (PK-12)—Oklahoma General Education Test; Oklahoma Professional Teaching Examination (PK-12); Oklahoma Subject Area Test (School Psychologist). Individuals who currently hold National School Psychologists Certification (NSPC) shall be exempt from Oklahoma assessment requirements.~~
 - (F) ~~Speech Language Pathology (PK-12)—Oklahoma Subject Area Test (Speech Language Pathology). Individuals holding a Certificate of Clinical Competence (CCC) for Speech Language Pathology as verified by the American Speech and Hearing Association shall be exempt from Oklahoma assessment requirements.~~
- (8) ~~Assessment requirements for advanced certification for individuals who have current teacher certification:~~
- (A) ~~Library Media Specialist (PK-12)—Oklahoma Subject Area Test (Library Media Specialist).~~
 - (B) ~~Psychometrist (PK-12)—Oklahoma Subject Area Test (Psychometrist).~~
 - (C) ~~Reading Specialist (PK-12)—Oklahoma Subject Area Test (Reading Specialist).~~
 - (D) ~~School Counselor (PK-12)—Oklahoma Subject Area Test (School Counselor). Competency for School Counselor may also be verified by the Nationally Certified School Counselor Credential (NCSC). Individuals with such a credential shall be exempt from Oklahoma assessment requirements.~~
 - (E) ~~School Psychologist (PK-12)—Oklahoma Subject Area Test (School Psychologist). Individuals~~

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holding valid National School Psychologists Certification (NSPC) shall be exempt from Oklahoma assessment requirements.

(F) Speech Language Pathology (PK-12) Oklahoma Subject Area Test (Speech Language Pathology). Individuals holding a Certificate of Clinical Competence (CCC) for Speech Language Pathology as verified by the American Speech and Hearing Association shall be exempt from Oklahoma assessment requirements.

(b) Examinees - additional certification.

(1) Individuals wishing to add an additional certification to an existing teaching credential may do so by taking the Oklahoma Subject Area Test for the field of the desired certification. See Appendix A for competency exam requirements by certification area and test codes.

(A) Assessment requirements for the above are:

- (i) Art—Oklahoma Subject Area Test (Art).
- (ii) Business Education—Oklahoma Subject Area Test (Business Education).
- (iii) Driver Safety Education—Oklahoma Subject Area Test (Driver Safety Education).
- (iv) Early Childhood Education—Oklahoma Subject Area Test (Early Childhood Education).
- (v) Elementary Education—Oklahoma Subject Area Test (Elementary Education).
- (vi) English—Oklahoma Subject Area Test (English).
- (vii) Family & Consumer Science—Oklahoma Subject Area Test (Family & Consumer Science).
- (viii) Journalism—Oklahoma Subject Area Test (Journalism).
- (ix) Physical Education/Health/Safety—Oklahoma Subject Area Test (Physical Education/Health/Safety).
- (x) Speech/Drama/Debate—Oklahoma Subject Area Test (Speech/Drama/Debate).
- (xi) French—Oklahoma Subject Area Test (French).
- (xii) German—Oklahoma Subject Area Test (German).
- (xiii) Latin—Oklahoma Subject Area Test (Latin).
- (xiv) Russian—Oklahoma Subject Area Test (Russian).
- (xv) Spanish—Oklahoma Subject Area Test (Spanish).
- (xvi) Advanced Math—Oklahoma Subject Area Test (Advanced Math).
- (xvii) Intermediate Math—Oklahoma Subject Area Test (Intermediate Math).
- (xviii) Middle Level Math—Oklahoma Subject Area Test (Middle Level Math).
- (xix) Middle Level English—Oklahoma Subject Area Test (Middle Level English).
- (xx) Middle Level Science—Oklahoma Subject Area Test (Middle Level Science).

- (xxi) Middle Level Social Studies—Oklahoma Subject Area Test (Middle Level Social Studies).
- (xxii) Instrumental/General Music—Oklahoma Subject Area Test (Instrumental/General Music).
- (xxiii) Vocal/General Music—Oklahoma Subject Area Test (Vocal/General Music).
- (xxiv) Biological Sciences—Oklahoma Subject Area Test (Biological Sciences).
- (xxv) Chemistry—Oklahoma Subject Area Test (Chemistry).
- (xxvi) Earth Science—Oklahoma Subject Area Test (Earth Science).
- (xxvii) Physical Science—Oklahoma Subject Area Test (Physical Science).
- (xxviii) Physics—Oklahoma Subject Area Test (Physics).
- (xxix) U.S.—History/OK—History/Government/Economics—Oklahoma Subject Area Test (U.S. History/OK History/Government/Economics).
- (xxx) World History/Geography—Oklahoma Subject Area Test (World History/Geography).
- (xxxi) Psychology/Sociology—Oklahoma Subject Area Test (Psychology/Sociology).
- (xxxii) Blind/Visual Impairment—Oklahoma Subject Area Test (Blind/Visual Impairment).
- (xxxiii) Deaf/Hard of Hearing—Oklahoma Subject Area Test (Deaf/Hard of Hearing).
- (xxxiv) Mild Moderate Disabilities—Oklahoma Subject Area Test (Mild Moderate Disabilities).
- (xxxv) Severe Profound/Multiple Disabilities—Oklahoma Subject Area Test (Severe Profound/Multiple Disabilities).
- (xxxvi) Agricultural Education—Oklahoma Subject Area Test (Agricultural Education).
- (xxxvii) Marketing Educations—Oklahoma Subject Area Test (Marketing Educations).
- (xxxviii) Technology Education—Oklahoma Subject Area Test (Technology Education).
- (xxxix) Vocational Business Education—Oklahoma Subject Area Test (Vocational Business Education).
- (xxxx) Vocational Family & Consumer Sciences—Oklahoma Subject Area Test (Vocational Family & Consumer Sciences).

(c) Examinees - alternative preparation program.

(1) Individuals seeking a teaching license certification via the Alternative Preparation Program shall meet the same assessment requirements as all other individuals seeking initial licensure/certification must successfully complete the Oklahoma General Education Test and the Oklahoma Subject Area Test in their recommended certification area. A licensed teacher via the Alternative Preparation Program seeking a standard certificate must successfully complete the Oklahoma Professional Teaching Exam. See Appendix A for competency exam requirements by certification area and test codes.

APPENDIX A. COMPETENCY EXAM REQUIREMENTS BY CERTIFICATION AREAS [NEW]

Subject Area and Grade Level	Test Codes		
	OGET	OSAT	OPTE
Advanced Mathematics			
6-12	74	11	72 or 76
Agricultural Education			
6-12	74	42	72 or 76
Art			
PK-3	74	2	70
1-8	74	2	71
6-12	74	2	72
PK-12	74	2	73 or 75 or 76
Biological Sciences			
6-12	74	10	72 or 76
Blind/Visual Impairment			
PK-3	74	28	70
1-8	74	28	71
6-12	74	28	72
PK-12	74	28	73 or 75 or 76
Business Education			
6-12	74	40	72 or 76
Chemistry			
6-12	74	4	72 or 76
Deaf/Hard of Hearing			
PK-3	74	30	70
1-8	74	30	71
6-12	74	30	72
PK-12	74	30	73 or 75 or 76
Driver/Safety Education			
6-12	74	36	72 or 76
Early Childhood Education			
PK-3	74	05	70 or 75
Earth Science			
6-12	74	08	72 or 76
Elementary Education			
1-8	74	06 or 50 & 51	71 or 75
English			
6-12	74	07	72 or 76
Family/Consumer Science			
6-12	74	09	72 or 76
French			
PK-3	74	20	70
1-8	74	20	71
6-12	74	20	72
PK-12	74	20	73 or 75 or 76
German			
PK-3	74	21	70

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1-8	74	21	71
6-12	74	21	72
PK-12	74	21	73 or 75 or 76
Instrumental Music			
PK-3	74	01	70
1-8	74	01	71
6-12	74	01	72
PK-12	74	01	73 or 75 or 76
Intermediate Mathematics			
6-12	74	25	72 or 76
Journalism			
6-12	74	37	72 or 76
Latin			
PK-3	74	23	70
1-8	74	23	71
6-12	74	23	72
PK-12	74	23	73 or 75 or 76
Marketing Education			
6-12	74	41	72 or 76
Middle Level English			
5-8	74	24	71 or 72 or 75 or 76
Middle Level Math			
5-8	74	25	71 or 72 or 75 or 76
Middle Level Science			
5-8	74	26	71 or 72 or 75 or 76
Middle Level Social Studies			
5-8	74	27	71 or 72 or 75 or 76
Mild-Moderate Disabilities			
PK-3	74	29	70
1-8	74	29	71
6-12	74	29	72
PK-12	74	29	73 or 75 or 76
Physical Education/Health/Safety			
PK-3	74	12	70
1-8	74	12	71
6-12	74	12	72
PK-12	74	12	73 or 75 or 76
Physical Science			
6-12	74	13	72 or 76
Physics			
6-12	74	14	72 or 76
Psychology/Sociology			
6-12	74	32	72 or 76
Russian			
PK-3	74	22	70
1-8	74	22	71
6-12	74	22	72
PK-12	74	22	73 or 75 or 76
Severe-Profound/Multiple Disabilities			

PK-3	74	31	70
1-8	74	31	71
6-12	74	31	72
PK-12	74	31	73 or 75 or 76
Spanish			
PK-3	74	19	70
1-8	74	19	71
6-12	74	19	72
PK-12	74	19	73 or 75 or 76
Speech/Drama/Debate			
6-12	74	16	72 or 76
Technology Education			
6-12	74	43	72 or 76
US History/US Govt/OK Hist/Econ			
6-12	74	17	72 or 76
Vocal Music			
PK-3	74	03	70
1-8	74	03	71
6-12	74	03	72
PK-12	74	03	73 or 75 or 76
Vocational Business Education			
6-12	74	40	72 or 76
Vocational Family and Consumer Sciences			
6-12	74	09	72 or 76
World History/Geography			
6-12	74	17	72 or 76
Advanced Certification Areas (without a current teacher certificate)	OGET	OSAT	OPTE
Library-Media Specialist	74	38	73 or 75 or 76
Psychometrist	74	34	73 or 75 or 76
Reading Specialist	74	15	73 or 75 or 76
School Counselor***	74	39	73 or 75 or 76
School Psychologist**	74	33	73 or 75 or 76
Speech-Language Pathologist*		35	
Advanced Certification Areas (with a current teacher certificate)			
Library-Media Specialist		38	
Psychometrist		34	
Reading Specialist		15	
School Counselor***		39	
School Psychologist**		33	
Speech-Language Pathologist*		35	
Administrator Certification Areas			
Elementary Principal		44 and 45	
Middle Level Principal		44 and 46	
Secondary Principal		44 and 47	
Superintendent		48	

*Candidates with a Certificate of Clinical Competence (CCC) for Speech Language Pathology are exempt from Oklahoma assessment requirements.

**Candidates with National School Psychologists Certification (NSPC) are exempt from Oklahoma assessment requirements.

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***Candidates with the Nationally Certified School Counselor (NCSC) credential are exempt from Oklahoma assessment requirements.

TEST CODES

Test (OSAT)	Test Code
Advanced Mathematics	11
Agricultural Education	42
Art	02
Biological Sciences	10
Blind/Visual Impairment	28
Business Education	40
Chemistry	04
Deaf/Hard of Hearing	30
Driver/Safety Education	36
Early Childhood Education	05
Earth Science	08
Elementary Education	06 or
Subtest – Red/Lang Arts/Soc Studies (50)	50 & 51
Subtest – Math/Science/Health/Fine Arts (51)	
English	07
Family and Consumer Sciences	09
French	20
German	21
Instrumental/General Music	01
Journalism	37
Latin	23
Marketing Education	41
Middle Level English	24
Middle Level/Intermediate Mathematics	25
Middle Level Science	26
Middle Level Social Studies	27
Mild-Moderate Disabilities	29
Physical Education/Health/Safety	12
Physical Science	13
Physics	14
Psychology/Sociology	32
Russian	22
Severe-Profound/Multiple Disabilities	31
Spanish	19
Speech/Drama/Debate	16
Superintendent	48
Technology Education	43
US History/OK History/Government/Education	17
Vocal/General Music	03
Vocational Business Education	40
Vocational Family and Consumer Sciences	09
World History/Geography	18

Test (OSAT – Advanced Programs)	Test Code
Library-Media Specialist	38
Psychometrist	34
Reading Specialist	15
School Counselor	39
School Psychologist	33
Speech-Language Pathologist	35
Test (OSAT-Administrator)	Test Code
Principal Common Core	44
Elementary Principal Speciality Test	45
Middle Level Principal Speciality Test	46
Secondary Principal Speciality Test	47
Superintendent	48
Test (OGET)	Test Code
Oklahoma General Education Test	74
Test (OPTE)	Test Code
OPTE: Early Childhood (PK-3)	70
OPTE: Elementary/Middle Level (1-8 or 5-8)	71
OPTE: Middle Level/Secondary (6-12 or 5-8)	72
OPTE: PK-12	73
OPTE: PK-8	75
OPTE: 6-12	76

[OAR Docket #02-1497; filed 11-22-02]
 (format accepted 11-28-02)

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TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 40. RAILROADS

[OAR Docket #02-1503]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. Railroad Program [NEW]
Subchapter 3. Railroad Rehabilitation Act Loan Program [NEW]
730:40-3-1 [NEW]
730:40-3-2 [NEW]
730:40-3-3 [NEW]
730:40-3-4 [NEW]
730:40-3-5 [NEW]
730:40-3-6 [NEW]

AUTHORITY:

Transportation Commission; 66 O.S. 2002, Section 309.3

DATES:

Adoption:

October 7, 2002

Approved by Governor:

October 29, 2002

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2003, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Department of Transportation believes that a compelling public interest necessitates the promulgation of this emergency rule. The statutory requirement is found in 66 O.S. 2002, Section 306.1 directs the Department of Transportation to implement rules to provide loans to rehabilitate private railroads in an effort to improve the state rail network. The betterment of the rail infrastructure is needed to carry the industry standard (larger) cars thereby increasing the efficiency of freight movement through the state.

ANALYSIS:

The purpose of the proposed emergency rule is to fulfill requirements of Senate Bill 1534, effective July 1, 2002, which mandates the Department of Transportation to develop a new Railroad Loan Program from the Oklahoma Railroad Maintenance Revolving Fund by November 1, 2002 for the rehabilitation of railroad properties.

Potential loan recipients must be certified freight railroads, all of which will be offered information regarding the provisions the loan program. Loans will be determined using an application process which will be evaluated as outlined in this rule. The Railroad Rehabilitation Loan Program provides for loans up to \$500,000 with terms of up to ten years with an annual interest rate of five percent (5%). The program will be administrated by the Department with final loan approval made by the Transportation Commission.

The Oklahoma Railroad Association (ORA) was instrumental in the passage of the Senate bill that creates the Railroad Rehabilitation Loan Program. The Director of the ORA, Mr. John Kyle, was consulted throughout the development of these rules. The Oklahoma Railroad Maintenance Revolving Fund consists of monies actually collected from railroads operating in Oklahoma through taxes and other fees associated with the operations of a rail facility.

CONTACT PERSON:

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

SUBCHAPTER 1. RAILROAD PROGRAM

SUBCHAPTER 3. RAILROAD REHABILITATION ACT LOAN PROGRAM

730:40-3-1. Purpose

The Railroad Rehabilitation Act was enacted to provide loans from the Oklahoma Railroad Maintenance Revolving Fund to qualified railroad entities for the purpose of financing the rehabilitation of railroad properties.

730:40-3-2. Authority

Pursuant to the provisions contained in Title 66 of the Oklahoma Statutes, Section 309.1, known and cited as the Railroad Rehabilitation Act which grants authority for the Department of Transportation to provide direct loans to qualified private railroad entities for the purpose of financing the rehabilitation of railroad properties and mandates the adoption of rules to effectuate this program.

730:40-3-3. Definitions

The following words and terms used in this Chapter shall have the following meaning, unless the context clearly indicates otherwise:

- (1) "Qualified railroad entity" means any certified freight railroad regulated by the United States Surface Transportation Board; and
- (2) "Rehabilitation" means the replacement of antiquated rail; replacement or reconstruction of deteriorating road beds with adequate rail, ties and ballast; reconstruction of sidings and industrial leads; and bridge replacement or reconstruction.

730:40-3-4. Requirements and criteria

The Department shall develop an application form which shall be made available to all qualified railroad entities. The initial loan application period will be from November 1, 2002 to December 31, 2002. Thereafter, the loan application period will be from January 1 to March 1 for each following state fiscal year beginning July 1, 2003. The application period may be waived by the Department of Transportation (Department) if sufficient unobligated funds are not available for the program. If the Director declares that a transportation emergency has occurred, a loan application(s) outside the annual application period may be submitted to the Department for consideration by the Oklahoma Transportation Commission. Applications submitted during the designated period shall be evaluated based on the following criteria:

- (1) The ratio of benefits to costs for any project funded by such loan shall be greater than one. The benefit/cost methodology to used for this determination shall be the most recent standard benefit/cost methodology approved by the Federal Railroad Administration of the United States Department of Transportation;

- (2) The qualified entity shall demonstrate that it is financially sound and capable fo fulfilling all obligation created by the proposed loan guarantee agreement; and
- (3) The qualified railroad entity shall demonstrate that adequate funding for the proposed project is not otherwise available at terms that would make the proposed project financially feasible.
- (4) Projects that are determined to be the most critical shall take precedence.
- (5) The length of the loan repayment schedule shall be a major consideration in determining the viability of the loan application.
- (6) Privately owned rail facility rehabilitation projects shall take precedence.
- (7) Projects with the earliest start and completion dates shall be given major consideration in determining the viability of the loan application.

730:40-3-5. Procedures

- (a) Applications will be submitted to the Railroad Programs Division of the Department.
- (b) The Director shall establish an application review process in conformance with the criteria established by the Oklahoma Transportation Commission. Loan eligibility will be determined within sixty (60) days of the close of the application period.

730:40-3-6. Terms

- (a) The Department may choose one or more applications to present before the Transportation Commission for loan approval. The Commission shall have final authority on which, if any, applications will be approved.

- (b) The loan interest rate shall be five percent (5%) for loans approved by the Commission during the calendar years of 2002-2003. The Commission shall establish an annual interest rate for the year 2004 and subsequent years no later than November 15, prior to each calendar year in which loan applications will be considered. Loans will not exceed Five Hundred Thousand Dollars (\$500,000.00) for a duration not to exceed ten (10) years. The loan portion of the agreement will include a promissory note and lien. All loan applications are subject to the approval of the Transportation Commission.
- (c) No more than fifty percent (50%) of the unobligated cash balance of the Oklahoma Railroad Maintenance Revolving Fund (Fund) for any one (1) year may be encumbered for Railroad Rehabilitation loans and the aggregate amount of all loans from the Fund shall not exceed Five Million Dollars (\$5,000,000.00). When these limitations have been reached, the application process will be suspended.
- (d) Loan proceeds will be applied by the qualified railroad entity only to the improvements and rehabilitation described in the loan application. The Department may request an audit of records and inspection of the physical location of the rehabilitation project at the expense of the qualified railroad entity.
- (e) An agreement between the Department and the qualified railroad entity shall include, but not be limited to, specifying that loan payments will be submitted monthly with a construction report for the duration of the rehabilitation project. All monies submitted for repayment made through the Railroad Loan program will be deposited back into the Fund.

*[OAR Docket #02-1503; filed 11-26-02]
(format accepted 11-27-02)*

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

1:2002-11.

EXECUTIVE ORDER 2002-11

I, Frank Keating, Governor of the State of Oklahoma, hereby direct appropriate steps be taken to fly all American flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. Wednesday, September 11, 2002 to honor the victims of the September 11, 2001 terrorist attack on America.

Oklahomans understand as few others can the terrible costs associated with terrorism. As our fellow Americans rallied to us in the aftermath of the 1995 terror bombing in Oklahoma City, so do we now stand with our countrymen on the first anniversary of these devastating assaults on American symbols. Our prayers and thoughts are with those who mourn the loss of loved ones and who have suffered terrible injuries. Oklahoma joins our fellow Americans in commemorating those we lost, those who still suffer and those who continue to defend our nation at home and abroad.

This Executive Order shall be forwarded to the Director of Central Services who shall cause the provisions of this Order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 6th day of September, 2002.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Frank Keating

ATTEST:
Mike Hunter
Secretary of State

[OAR Docket #02-1595; filed 12-10-02]

1:2002-14.

EXECUTIVE ORDER 2002-14

I, Mary Fallin, Governor of the State of Oklahoma, by authority conferred upon me by the Constitution and the laws of the State of Oklahoma hereby declare the following:

1. A survey is being made, to the extent possible, in 42 counties, and surrounding areas, within the State that have received substantial damages and power outages as a result of severe ice, sleet and snow storms that occurred on December 3, 2002 and that are continuing. The surveys are also continuing. The 42 counties include: Alfalfa, Beaver, Beckham, Blaine, Caddo, Canadian, Cimmarron, Cleveland, Craig, Creek, Custer, Dewey, Ellis, Garfield, Grady, Grant, Greer, Harmon, Harper, Jackson, Kay, Kingfisher, Kiowa, Lincoln, Logan, Major, McClain, Noble, Nowata, Oklahoma, Osage, Ottawa, Pawnee, Payne, Roger Mills, Rogers, Texas, Tulsa, Washington, Washita, Woods and Woodward.

2. It is necessary to provide for the rendering of mutual aid among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Civil Defense and Emergency Resources Management Act.

3. There is hereby declared a disaster emergency caused by severe ice, sleet and snow storms which have resulted in severe damages and power outages, and continues to threaten the lives, and property of the people of this State and the public's peace, health and safety.

4. The resources of all State departments and agencies available to meet the emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize and repair injury and damage, the same to be coordinated by the Director of the Department of Civil Emergency Management with comparable functions of the federal government and political subdivisions of the State.

5. This declaration of emergency shall terminate as provided in 63 O.S. Supp. 2001, Section 683.3.3.

Executive Orders

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 4th day of December, 2002.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Kathy Jekel

Acting Assistant Secretary of State

[OAR Docket #02-1523; filed 12-4-02]

1:2002-15.

EXECUTIVE ORDER 2002-15

I, Frank Keating, Governor of the State of Oklahoma, in recognition of Pearl Harbor Remembrance Day, hereby direct that appropriate steps be taken to fly all American flags and Oklahoma flags on State property at half staff on December 7, 2002 until 5:00 p.m. to honor the many Oklahoma and United States citizens who perished on December 7, 1941 as a result of the infamous attack by the Japanese on Pearl Harbor, Hawaii.

On that day, 2,403 service people were killed, including 429 people aboard the USS Oklahoma. Eight of the 429 aboard the USS Oklahoma were Oklahoma citizens. The loss of those people was a heavy burden for all Americans to bear. The flying of the flags at half staff is a symbol from Oklahomans that demonstrates our remembrance of those killed and our sympathy for their families.

This Executive Order shall be forwarded to the Director of the Department of Central Services 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 6th day of December, 2002.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Frank Keating

ATTEST:

Kay Dudley

Secretary of State

[OAR Docket #02-1591; filed 12-9-02]

Local Projects

Executive Order 95-26 requires executive agencies to "announce the availability of contracts for local project funds by publication in the *Oklahoma Register* at least one month prior to the deadline for applications for such contracts" [EO 95-26 (5)].

A "local project funding contract" is defined as "an agreement between a state agency and either a local government or private entity, or both, in which the state agency agrees to provide funding to the local government or private entity who agrees to accomplish a public purpose. In addition, the direct benefits of such a contract accrue primarily to the local population rather than the state as a whole.... Local project funding contracts do not include contracts subject to state competitive bidding requirements." [EO 95-26 (1)].

For additional information on local projects, see Executive Order 95-26 and Attorney General Opinion 87-100.

OKLAHOMA HIGHWAY SAFETY OFFICE Local Project Funding Contract Announcement

[OAR Docket #02-1498]

DESCRIPTION OF PROJECT:

The Oklahoma Highway Safety Office will be accepting proposals for traffic safety projects to be conducted in the State of Oklahoma for Federal Fiscal Year 2004 (October 1, 2003 - September 30, 2004). Grant proposals should include activities directed at impaired driving, emergency medical services, motorcycle safety, occupant protection, pedestrian and bicycle safety, police traffic services, speed enforcement, traffic engineering and traffic records. Other areas may also be considered if adequate justification exists.

FUNDS AVAILABLE:

Undetermined.

ELIGIBILITY:

All state, county and municipal government agencies. (Non-governmental organizations or individuals should contact the Oklahoma Highway Safety Office for application procedures.)

APPLICATION DEADLINE:

February 28, 2003

CONTACT PERSON:

Kaye Statton, Oklahoma Highway Safety Office, 3223 N. Lincoln Boulevard, Oklahoma City, OK 73105-5403 or (405)523-1575. Application form is also available online at www.dps.state.ok.us/ohso.

[OAR Docket #02-1498; filed 11-25-02]

OKLAHOMA DEPARTMENT OF LIBRARIES Local Project Funding Contract Announcement

[OAR Docket #02-1522]

DESCRIPTION OF PROJECT:

HISPANIC RESOURCES GRANT

Grants to the public libraries to aid development of services to the Hispanic community.

Grants are for purchase of library materials after attendance of a training workshop.

FUNDS AVAILABLE:

Federal funds (Library Services & Technology Act from Institute of Museum and Library Services) totaling \$173,750. Public libraries in counties with 10% or higher Hispanic population may apply for a grant of \$2,000. Public libraries in counties with 5% - 9% Hispanic population may apply for a grant of \$1000. Public libraries in counties with less than 5% Hispanic population may apply for a grant of \$750.

ELIGIBILITY:

Eligible libraries qualified to receive State Aid to Public Libraries in FY2003 are eligible to apply for a grant. Public libraries agree to assess community needs for services for Hispanic residents including making contacts with individuals or agencies knowledgeable about those needs. Public libraries agree that one staff member will attend a workshop sponsored by the Oklahoma Department of Libraries in March 2003 on development of services to the Hispanic community. Public libraries agree to expend grant funds by June 30, 2003. Public libraries agree to report by July 31, 2003 on their grant projects. Public library systems submit one application for all libraries in their system.

AUTHORITY:

Public Law 98-480 as Amended and LSTA 5-year Plans as Approved by Institute of Museum and Library Services and associated Annual LSTA Program.

APPLICATION DEADLINE:

February 3, 2003

CONTACT PERSON:

Pat Williams, Consultant
Office of Library Development
Oklahoma Department of Libraries
405/522-3322 or 1-800-522-8116
pwilliams@oltn.odl.state.ok.us
200 NE 18th St.
Oklahoma City, Oklahoma 73105

[OAR Docket #02-1522; filed 12-4-02]

