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ISSN 0030-1728
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<td>WILL Rogers and J.M. Davis Memorials Commission</td>
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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 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 1. ORGANIZATION, OPERATIONS, PROCEDURES, AND POLICIES

[OAR Docket #03-23]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
40:1-1-6. Policies and procedures of the Board of Tests for Alcohol and Drug Influence [NEW]

SUMMARY:
Adding 40:1-1-6 to Chapter 1, formally establishing the Board can make and maintain Policies and Procedures.

AUTHORITY:
Board of Tests for Alcohol and Drug Influence; 47 O.S., Supp2001 Chapter 67, Section 759 and OAC 40:1-1-4

COMMENT PERIOD:
Persons wishing to present their views orally or in writing may do so before 5:00 P.M. on March 5, 2003 at the following address: Administrative Offices of the Board, 3600 N Martin Luther King Blvd., Building No. 9, Department of Public Safety Complex, Oklahoma City, Oklahoma 73111.

PUBLIC HEARING:
A Public Hearing will be held at 10:00 A.M. on Wednesday March 5, 2003 at the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma. Anyone wishing to speak must sign in at the door by 10:00 A.M.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
n/a

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303 (D), a rule impact statement will be available beginning February 3, 2003, and may be obtained from the Board of Tests at the above address.

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 10. BREATH-ALCOHOL ANALYSIS

[OAR Docket #03-24]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 3. Breath-Alcohol Analysts
40:10-3-1. Qualifications and requirements for breath-alcohol operators (initial permits) [AMENDED]
40:10-3-2. Qualifications and requirements for breath-alcohol specialist (initial permits) [AMENDED]
40:10-3-3. Qualifications and requirements for breath-alcohol operators (renewal permits) [AMENDED]
40:10-3-4. Qualifications and requirements for breath-alcohol specialist (renewal permits) [AMENDED]
40:10-3-5. Reinstatement of expired breath-alcohol analysis permits [AMENDED]
40:10-3-6. Initial training of breath-alcohol operators [REVOKED]
40:10-3-7. Instructors for breath-alcohol training courses [REVOKED]
40:10-3-8. Qualifications and requirements for independent breath-alcohol operators (initial permits) [NEW]
40:10-3-9. Qualifications and requirements for independent breath-alcohol specialist (initial permit) [NEW]
40:10-3-10. Qualifications and requirements for independent breath-alcohol operators (renewal permits) [NEW]
40:10-3-11. Qualifications and requirements for independent breath-alcohol specialist (renewal permit) [NEW]
40:10-3-12. Reinstatement of expired independent breath-alcohol analysis permits [NEW]
Subchapter 5. Breath Sample Collection Personnel
40:10-5-1. Qualifications for the collection of specimens of breath for determination of their alcohol concentration
[AMENDED]

SUMMARY:
In 40:10-3-1, adding wording to limit only law enforcement participation. In 40:10-3-2, changing wording from supervisor to specialist and adding wording to limit only law enforcement participation. In 40:10-3-3, adding wording to limit only law enforcement participation. Adding and changing word specialist to specialist. In 40:10-3-5, adding wording to limit only law enforcement participation. Adding and changing word specialist to specialist. In 40:10-3-6 amd 40:10-3-7. In 40:10-3-8 through 40:10-3-11, adding qualifications and requirements for independent breath-alcohol operators and specialists (initial permits and renewal permits). In 40:10-3-12, adding a means to reinstate independent breath-alcohol analysis permits. In verbiage changes to 40:10-5-1, changing word specialist to specialist.

AUTHORITY:
Board of Tests for Alcohol and Drug Influence; 47 O.S., Supp2001 Chapter 67, Section 759 and OAC 40:1-1-4

COMMENT PERIOD:
Persons wishing to present their views orally or in writing may do so before 5:00 P.M. on March 5, 2003 at the following address: Administrative Offices of the Board, 3600 N Martin Luther King Blvd., Building No. 9, Department of Public Safety Complex, Oklahoma City, Oklahoma 73111.

PUBLIC HEARING:
A Public Hearing will be held at 10:00 A.M. on Wednesday March 5, 2003 at the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma. Anyone wishing to speak must sign in at the door by 10:00 A.M.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
n/a

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303 (D), a rule impact statement will be available beginning February 3, 2003, and may be obtained from the Board of Tests at the above address.

CONTACT PERSON:
McBeth Sample, Jr., State Director of Tests for Alcohol and Drug Influence, 405-425-2460

[OAR Docket #03-24; filed 1-6-03]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 20. SPECIMENS [REVOKED]

[OAR Docket #03-25]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
40:20-1-1. Purpose [REVOKED]
40:20-1-2. Designation by law enforcement agencies of blood or breath to be tested for alcohol content [REVOKED]
40:20-1-3. Collection, transfers, and retention of specimens of blood [REVOKED]
40:20-1-4. Collection, retention, and transfer of specimens of breath-alcohol [REVOKED]

SUMMARY:

AUTHORITY:
Board of Tests for Alcohol and Drug Influence; 47 O.S., Supp2001, Chapter 67, Section 759 and OAC 40:1-1-4

COMMENT PERIOD:
Persons wishing to present their views orally or in writing may do so before 5:00 P.M. on March 5, 2003 at the following address: Administrative Offices of the Board, 3600 N Martin Luther King Blvd., Building No. 9, Department of Public Safety Complex, Oklahoma City, Oklahoma 73111.

PUBLIC HEARING:
A Public Hearing will be held at 10:00 A.M. on Wednesday March 5, 2003 at the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma. Anyone wishing to speak must sign in at the door by 10:00 A.M.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
n/a

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303 (D), a rule impact statement will be available beginning February 3, 2003, and may be obtained from the Board of Tests at the above address.

CONTACT PERSON:
McBeth Sample, Jr., State Director of Tests for Alcohol and Drug Influence, 405-425-2460.

[OAR Docket #03-25; filed 1-6-03]
TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 25. APPARATUS, DEVICES, EQUIPMENT, AND MATERIALS

[OAR Docket #03-26]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
40:25-1-1. Purpose [AMENDED]
40:25-1-2. Approved evidential breath-alcohol analyzers [REVOKED]
40:25-1-3. Alcoholic breath stimulators [REVOKED]
40:25-1-4. Disposable materials, supplies, and paraphernalia [REVOKED]
40:25-1-5. Approval of equipment for breath-alcohol analysis [AMENDED]

SUMMARY:

AUTHORITY:
Board of Tests for Alcohol and Drug Influence; 47 O.S., Supp 2001, Chapter 67, Section 759 and OAC 40:1-1-4

COMMENT PERIOD:
Persons wishing to present their views orally or in writing may do so before 5:00 P.M. on March 5, 2003 at the following address: Administrative Offices of the Board, 3600 N Martin Luther King Blvd., Building No. 9, Department of Public Safety Complex, Oklahoma City, Oklahoma 73111.

PUBLIC HEARING:
A Public Hearing will be held at 10:00 A.M. on Wednesday March 5, 2003 at the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma. Anyone wishing to speak must sign in at the door by 10:00 A.M.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
n/a

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be available beginning February 3, 2003, and may be obtained from the Board of Tests at the above address.

CONTACT PERSON:
McBeth Sample, Jr., State Director of Tests for Alcohol and Drug Influence, 405-425-2460.

[OAR Docket #03-26; filed 1-6-03]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 30. ANALYSIS OF ALCOHOL IN BREATH

[OAR Docket #03-27]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
40:30-1-2. Breath-alcohol analysis with the Breathalyzer Model 900 and Model 900A [REVOKED]
40:30-1-3. Breath-alcohol analysis with the enhanced Intoxilyzer Model 5000-D [AMENDED]
40:30-1-3.1. Independent breath-alcohol analysis with the Intoxilyzer Model 5000-D [NEW]
40:30-1-4. Analysis of retained breath-alcohol specimens [REVOKED]

SUMMARY:
Revoking 40:30-1-2, eliminating device from approval listing. In 40:30-1-3, making some minor verbiage changes. Adding 40:30-1-3.1, establishing the analysis procedures for independent testing. Revoking 40:30-1-4.

AUTHORITY:
Board of Tests for Alcohol and Drug Influence; 47 O.S., Supp 2001, Chapter 67, Section 759 and OAC 40:1-1-4

COMMENT PERIOD:
Persons wishing to present their views orally or in writing may do so before 5:00 P.M. on March 5, 2003 at the following address: Administrative Offices of the Board, 3600 N Martin Luther King Blvd., Building No. 9, Department of Public Safety Complex, Oklahoma City, Oklahoma 73111.

PUBLIC HEARING:
A Public Hearing will be held at 10:00 A.M. on Wednesday March 5, 2003 at the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma. Anyone wishing to speak must sign in at the door by 10:00 A.M.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
n/a

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma.
RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303 (D), a rule impact statement will be available beginning February 3, 2003, and may be obtained from the Board of Tests at the above address.

CONTACT PERSON:
McBeth Sample, Jr., State Director of Tests for Alcohol and Drug Influence, 405-425-2460

[OAR Docket #03-27; filed 1-6-03]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE
CHAPTER 35. ANALYSIS OF ALCOHOL IN BLOOD

[OAR Docket #03-28]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
40:35-1-2. Approved methods for blood-alcohol analysis [REVOKED]

SUMMARY:
Revoking 40:35-1-2, Approved methods for blood-alcohol analysis.

AUTHORITY:

COMMENT PERIOD:
Persons wishing to present their views orally or in writing may do so before 5:00 P.M. on at March 5, 2003 the following address: Administrative Offices of the Board, 3600 N Martin Luther King Blvd., Building No. 9, Department of Public Safety Complex, Oklahoma City, Oklahoma 73111.

PUBLIC HEARING:
A Public Hearing will be held at 10:00 A.M. on Wednesday March 5, 2003 at the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma. Anyone wishing to speck must sign in at the door by 10:00 A.M.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the Administrative Offices of the Board located in Building No. 9, 3600 N Martin Luther King Blvd., Department of Public Safety Complex, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303 (D), a rule impact statement will be available beginning February 3, 2003, and may be obtained from the Board of Tests at the above address.

CONTACT PERSON:
McBeth Sample, Jr., State Director of Tests for Alcohol and Drug Influence, 405-425-2460

[OAR Docket #03-28; filed 1-6-03]

TITLE 170. DEPARTMENT OF CORRECTIONS
CHAPTER 25. COMMUNITY SENTENCING

[OAR Docket #03-54]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
170:25-1-4. [AMENDED]
Subchapter 3. Application and Approval
170:25-3-1 [AMENDED]
170:25-3-3 [AMENDED]
Subchapter 5. Plan Administration
170:25-5-1 [AMENDED]
170:25-5-2 [AMENDED]
170:25-5-3 [AMENDED]
Subchapter 9. Fiscal Management
170:25-9-5 [AMENDED]

SUMMARY:
The proposed amendments establish procedures for implementation of the Oklahoma Community Sentencing Act. The proposed amendments of the rules are submitted due to changes in the funding formula that were necessitated by changes in historical data.

AUTHORITY:
Oklahoma Department of Corrections (22 O.S. § 988.1 et seq.)

COMMENT PERIOD:
Interested persons may present their views in writing to the Deputy Director of the Community Corrections, 3700 Classen Boulevard, Suite 110, Oklahoma City, Oklahoma, 73118, until March 5, 2003.

PUBLIC HEARING:
Public hearing will be conducted at the Oklahoma Department of Corrections Administration Building at 3400 Martin Luther King Avenue at 10:00 o'clock a.m. on the 6th of March, 2003.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:
N/A

COPIES OF PROPOSED RULES:
Copies of the proposed revised rules may be obtained at the Community Sentencing Division, 3700 Classes Boulevard, Suite 110, Oklahoma City, Oklahoma, 73118.
RULE IMPACT STATEMENT:
The agency has issued a rule impact statement. Copies may be obtained at the Community Sentencing Division at the above address.

CONTACT PERSON:
Justin Jones, Deputy Director of the Community Sentencing Division, (405) 523-3075.

[COPY Docket #03-54; filed 1-7-03]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 1. ADMINISTRATIVE OPERATIONS

[COPY Docket #03-14]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 1. Organization and Administration
317:1-1-10.1 [NEW]
(Reference APA WF # 02-28A)

SUMMARY:
Administrative Operations rules are in need of revision to comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 regulations by adding language concerning confidentiality and hearings.

AUTHORITY:
The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; the Health Insurance Portability and Accountability Act (HIPAA) of 1996

COMMENT PERIOD:
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:
A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than March 5, 2003 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

[COPY Docket #03-14; filed 1-2-03]

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

[COPY Docket #03-13]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
317:2-1-2. [AMENDED]
(Reference APA WF # 02-28B)

SUMMARY:
Grievance Procedures and Process rules are in need of revision to comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996 regulations by adding language concerning confidentiality and hearings. Rules are also revised to update a policy reference to the correct cite.

AUTHORITY:
The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; the Health Insurance Portability and Accountability Act (HIPAA) of 1996

COMMENT PERIOD:
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:
A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), 'persons may demand a hearing' by contacting the above listed person no later than March 5, 2003 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to
Notices of Rulemaking Intent

Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

**COPIES OF PROPOSED RULES:**
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

**PUBLIC HEARING:**
A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

**COPIES OF PROPOSED RULES:**
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**

**CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #03-10]

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**
Subchapter 3. General Provider Policies
Part 3. General Scope and Administration
317:30-3-5. [AMENDED]
(APA WF # 02-21A)

**SUMMARY:**
Medical Providers-Fee for Service, General Provider Policies specific, rules are being revised to institute co-payments for prescription drugs for Home and Community Based Waiver service recipients. Currently, rules specify that a co-payment is not required for any Home and Community Based Waiver services. Individuals that are found eligible for the Home and Community Based Waiver are determined to be categorically needy and do not have a spenddown for Medicaid services. Due to Agency and State budgetary constraints and the Oklahoma constitutional requirement to maintain a balanced budget, the Agency identified several program areas in which significant savings could be made. Other revisions are needed to make agency rules conform to Oklahoma's Medicaid State Plan and existing agency procedure by clarifying that all services to pregnant women do not require a co-payment.

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

**COMMENT PERIOD:**
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**

**CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #03-11]

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**
Subchapter 5. Individual Providers and Specialties
Part 9. Long Term Care Facilities
317:30-5-120. through 317:30-5-134. [AMENDED]
(APA WF # 02-35)

**SUMMARY:**
Medical Providers-Fee for Service, Long-Term Care Facilities specific, rules are in need of revision to simplify the Quality of Care reporting process by eliminating the requirement for the monthly reporting of the minimum wage section (Part B) of the Quality of Care report. This revisions reduce administrative burdens on approximately 420 long term care facilities.

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

**COMMENT PERIOD:**
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**
A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules.

**COPIES OF PROPOSED RULES:**
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**

**CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #03-15; filed 1-2-03]

**SUMMARY:**
Medical Providers-Fee for Service, Agency Personal Care Services specific, rules are being revised to remove the prior exception regarding where personal care services may be provided; and (2) changing from a weekly to a monthly method of calculating the number of units of personal care services that an eligible recipient may be approved to receive.
authorization requirement for home health visits in excess of fifteen visits per month. Current rules state that home health visits are limited to 36 visits per calendar year per eligible recipient and visits which exceed fifteen per month require prior authorization. Providers claiming for more than 15 visits in a month on one claim are only able to be paid for the first 15 visits with the system denying all remaining visits. The provider then must submit a second claim to request payment of the visits beyond the 15th visit, request a prior authorization for those visits, and wait for prior authorization approval before the second claim is paid. The administrative costs for time spent by the Medical Authorization and Customer Services Units on the additional claims and inquiries will be saved while streamlining the payment for providers. Therefore, rule revisions are needed to remove the prior authorization requirement for home health visits in excess of fifteen visits per month.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

**CONTACT PERSON:**

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

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**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY**

**CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

[OAR Docket #03-20]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Individual Providers and Specialties

Part 85. ADvantage Program Waiver Services

317:30-5-764. [AMENDED] (Reference APA WF # 02-23A)

**SUMMARY:**

Medical Providers-Fee for Service, ADvantage Program Waiver Services specific, rules are being revised to require MMIS prior authorization for all ADvantage service plan approved services. Existing rules allow the Administrative Agent (Long-Term Care Authority of Tulsa) to prior authorize only a subset of ADvantage services on the MMIS prior authorization file. Policy revisions allow the Administrative Agent to post, via electronic files generated from approved service plan or service plan updated records on the Waiver Management Information Systems, the prior authorizations to the MMIS. A benefit of the prior authorization process will be to identify problems related to consumer eligibility at the beginning of the service delivery authorization rather than to discover problems only after the ADvantage providers’ claims are denied. The revision are needed to reduce reimbursement delays through more timely resolution of eligibility related issues and a reduction in the number of denied provider claims. An additional revision will identify certain ADvantage services and associate them with other established Medicaid or State funded services as those services’ rate setting methodologies are currently used to determine the ADvantage service rates since the providers must have the equivalent qualifications to provide both services.

**AUTHORITY:**

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 1619b of the Social Security Act

**COMMENT PERIOD:**

Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**

A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.
REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

COPIES OF PROPOSED RULES:
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

PUBLIC HEARING:
A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than March 5, 2003 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

COPIES OF PROPOSED RULES:
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

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

[OAR Docket #03-52]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-59. [AMENDED]
(Reference APA WF # 02-32)

SUMMARY:
Medical Providers-Fee for Service rules are revised to: (1) replace the phrase “acute physical injuries” with “emergency medical condition” to agree with other language in policy; (2) correct erroneous rules references found in
Notices of Rulemaking Intent

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

Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than March 5, 2003 at 4:00 p.m.

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

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

PROPOSED RULES:

Subchapter 15. Personal Care Services

Subchapter 17. ADvantage Waiver Services
317:35-17-1. through 317:35-17-24. [AMENDED]

Subchapter 19. Nursing Facility Services

SUMMARY:

Medical Assistance for Adults and Children-Eligibility, Long Term Care specific, rules are revised to: (1) provide clarification of existing rule for Long Term Care applicants, recipients, and their responsible parties as well as DHS staff and Long Term Care providers; (2) incorporate current procedures and terminology; (3) update an incorrect policy cite; and (4) remove instructions from agency rules. Revisions are needed to provide consistancy and clarity within agency rules.

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.167; 42 CFR 440.181; 42 CFR 440.155

Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than March 5, 2003 at 4:00 p.m.

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

Copies of proposed rules may be obtained for review by contacting the above listed contact person.

Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #03-53; filed 1-7-03]

[OAR Docket #03-12; filed 1-2-03]
TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #03-17]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 15. Personal Care Services
317:35-15-4. [AMENDED]
317:35-15-8. [AMENDED]
317:35-15-8.1. [NEW]
317:35-15-13.2. [NEW]
(Reference APA WF # 02-20)

SUMMARY:
Medical Assistance for Adults and Children-Eligibility, Personal Care specific, rules are revised to comply with recent revisions to Sections 1025.1 through 1025.3 of Title 56 of the Oklahoma Statutes. Revisions add the definition of a Community Services Worker, the Community Services Worker Registry, and Medicaid personal care services provider to agency rules. In order to separate policy and procedures for the agency personal care providers from those for the individual personal care providers, three new policy sections have been written; the revisions are necessary to provide clarification and instruction for DHS and OHCA staff, the Long Term Care Authority, Personal Care providers, and Medicaid recipients. Other revisions: (1) update procedures to current practice; (2) add or update references to OHCA and DHS policy; and, (3) update form names and numbers used by the LTC nurse in the medical eligibility process. Revisions are needed to amend agency rules to comply with Sections 1025.1 through 1025.3 of Title 56 of Oklahoma Statutes.

AUTHORITY:
The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Senate Bill 732 of the 2nd Session of the 48th Legislature; Sections 1025.1 through 1025.3 of Title 56 of Oklahoma Statutes

COMMENT PERIOD:
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:
A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

COPIES OF PROPOSED RULES:
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #03-17; filed 1-2-03]

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

[OAR Docket #03-18]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 17. ADvantage Waiver Services
317:35-17-1. [AMENDED]
(APA WF # 02-21B)

SUMMARY:
Medical Assistance for Adults and Children-Eligibility rules are revised to institute co-payments for prescription drugs for Home and Community Based Waiver service recipients. Currently, rules specify that a co-payment is not required for any Home and Community Based Waiver services. Individuals that are found eligible for the Home and Community Based Waiver are determined to be categorically needy and do not have a spenddown for Medicaid services. Due to Agency and State budgetary constraints and the Oklahoma constitutional requirement to maintain a balanced budget, the Agency identified several program areas in which significant savings could be made. Other revisions are needed to make agency rules conform to Oklahoma’s Medicaid State Plan and existing agency procedure by clarifying that all services to pregnant women do not require a co-payment.
AUTHORITY:
The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 1915(c) of the Social Security Act

COMMENT PERIOD:
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:
A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

DOCUMENTATION:
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #03-18; filed 1-2-03]

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

[OAR Docket #03-21]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 17. ADvantage Waiver Services
317:35-17-22. [AMENDED]
(Reference APA WF # 02-23B)

SUMMARY:
Medical Assistance for Adults and Children-Eligibility, ADvantage Waiver Services specific, rules are revised to require MMIS prior authorization for all ADvantage service plan approved services. Existing rules allow the Administrative Agent (Long-Term Care Authority of Tulsa) to prior authorize only a subset of ADvantage services on the MMIS prior authorization file. Policy revisions allow the Administrative Agent to post, via electronic files generated from approved service plan or service plan updated records on the Waiver Management Information Systems, the prior authorizations to the MMIS. A benefit of the prior authorization process will be to identify problems related to consumer eligibility at the beginning of the service delivery authorization rather than to discover problems only after the ADvantage providers' claims are denied. The revision are needed to reduce reimbursement delays through more timely resolution of eligibility related issues and a reduction in the number of denied provider claims. An additional revision will identify certain ADvantage services and associate them with other established Medicaid or State funded services as those services’ rate setting methodologies are currently used to determine the ADvantage service rates since the providers must have the equivalent qualifications to provide both services.

AUTHORITY:
The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 1619b of the Social Security Act

COMMENT PERIOD:
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:
A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

DOCUMENTATION:
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.
NOTICES OF RULEMAKING INTENT

CONTACT PERSON:
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #03-21; filed 1-2-03]

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

[RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 3. Coverage and Exclusions
317:35-3-1. [AMENDED]
Subchapter 6. SoonerCare Health Benefits for Categorically Needy Pregnant Women and Families With Children
Part 7. Certification, Redetermination and Notification
317:35-6-60. [AMENDED]
Subchapter 7. Medical Services
Part 7. Certification, Redetermination and Notification
317:35-7-60. [AMENDED]
(Reference APA WF # 02-25)

SUMMARY:
Medical Assistance for Adults and Children-Eligibility rules are revised to limit retroactive eligibility for certain Medicaid eligibles. The groups of Medicaid eligibles that will be effected by these revisions include categorically needy pregnant women and individuals to Aid to Families with Dependent Children.

The initial SoonerCare 1115(a) Waiver application submitted by the Oklahoma Health Care Authority to the Center for Medicare and Medicaid (CMS) requested approval to waive Section 1902(A)(34) of the Social Security Act requiring the State to provide for up to three months of retroactive eligibility. OHCA was granted authority to waive this provision in the SoonerCare demonstration project award letter dated October 12, 1995. The purpose of waiving this provision was to allow the State to enroll, almost immediately, demonstration participants into prepaid health plans through a streamline eligibility process. However, at the time of the SoonerCare demonstration project approval, the State had not developed a streamline eligibility process and the supporting operational protocol was not developed.

The Agency has since developed and implemented an effective streamlined eligibility process for pregnant women, TANF/AFDC related and low income children. These categorical groups represent the majority of SoonerCare demonstration participants. The Agency, in collaboration with CMS, has begun the operational protocol for the elimination of retroactive eligibility for pregnant women, TANF/AFDC related and low income children. Other revisions: (1) move language from actual agency rules to the appropriate sections' "Instructions to Staff" and (2) clarify procedures to be followed by DHS staff when determining eligibility for Medicaid benefits.

AUTHORITY:
The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Sections 1115(a) and 1902(A)(34) of the Social Security Act

COMMENT PERIOD:
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:
A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

COPIES OF PROPOSED RULES:
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:
Joanne Terlizzi, Director, Policy Development, 405-522-7272.

[OAR Docket #03-22; filed 1-2-03]

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

[RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 5. Client Services
317:40-5-110. [AMENDED]
**Notices of Rulemaking Intent**

317:40-5-111. [NEW]
317:40-5-150. [AMENDED]
317:40-5-151. [AMENDED]
317:40-5-152. [NEW]
317:40-5-153. [NEW]
*(Reference APA WF # 02-12)*

**SUMMARY:**
Developmental Disabilities Services, residential supports specific, rules are revised to: (1) remove the "grandfather" clause regarding Daily Living Supports, requiring individuals to share their homes and support staff, except under specified conditions; and (2) ensure compliance with residential services requirements of the Homeward Bound vs. The Hisson Memorial Center consent decree. The Department of Human Services' budget restraints require that costly residential placements serving only one or two individuals be restructured to serve three persons. Revisions will conform agency rules to the right of the class members under the Homeward Bound vs. The Hisson Memorial Center consent decree.

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

**COMMENT PERIOD:**
Written and oral comments will be accepted February 3, 2003 through March 5, 2003 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

**PUBLIC HEARING:**
A public hearing is scheduled for March 5, 2003, 1:30 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**
Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2003.

**COPIES OF PROPOSED RULES:**
Copies of proposed rules may be obtained for review by contacting the above listed contact person.

**RULE IMPACT STATEMENT:**
Copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

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

**[OAR Docket #03-38]**

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**
Part 1. Scope and Applicability
340:75-1-18.1 [AMENDED]
340:75-1-22 [AMENDED]
Subchapter 6. Permanency Planning
Part 5. Permanency Planning Services
340:75-6-30 through 340:75-6-31 [AMENDED]
Part 7. Case Plans
340:75-6-40.5 [AMENDED]
*(Reference APA WF # 03-02)*

**SUMMARY:**
The proposed revisions to Subchapters 1 and 6 of Chapter 75 incorporate the statutory time frame for the first permanency hearing for children under the age of three who enter out-of-home care. This statute becomes effective January 1, 2003. The proposed rules improve readability, eliminate unnecessary language, conform with current formatting guidelines, coordinate with the KIDS system, and correct and update cites.

340:75-1-18.1; 340:75-1-22; 340:75-6-31; and 340:75-6-40.5 are revised to include the requirement that a permanency hearing is held at six months after placement in out-of-home care for any child under the age of three who enters out-of-home care.

340:75-6-30 is revised to improve readability and eliminate unnecessary language.

**AUTHORITY:**
Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 7003-5.6g of Title 10 of the Oklahoma Statutes.

**COMMENT PERIOD:**
Written and oral comments will be accepted February 4 through March 5, 2003 during regular business hours by contacting Millie Carpenter, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-6325.

**PUBLIC HEARING:**
A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by
Notices of Rulemaking Intent

contacting the above listed person no later than 5:00 p.m. on March 5, 2003.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #03-38; filed 1-7-03]

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

[OAR Docket #03-36]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Recognition Of The 2001 CSO Mortality Table For Use In Determining Minimum Reserve Liabilities And Nonforfeiture Benefits Regulation [NEW]

365:10-21-1. Authority [NEW]
365:10-21-2. Purpose [NEW]
365:10-21-3. Definitions [NEW]
365:10-21-4. 2001 CSO Mortality Table [NEW]
365:10-21-5. Conditions [NEW]
365:10-21-6. Applicability of the 2001 CSO Mortality Table to Oklahoma Valuation of Life Insurance Policies Regulation, O.A.C. 365:10-17-1, et seq. [NEW]
365:10-21-7. Gender-Blended Tables [NEW]
365:10-21-8. Separability [NEW]
365:10-21-9. Effective date [NEW]

SUMMARY:

This regulation will be used by insurance companies in determining minimum reserve liabilities and nonforfeiture benefits. It reflects improvement in mortality from the 1980 CSO Table.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1510 and 4029.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 5, 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 has not been scheduled. However, pursuant to 75 O.S. § 303(B)(9), a public hearing may be requested by making written request to Karl F. Kramer, Assistant General Counsel, no later than March 5, 2003, at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST 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 February 3, 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 #03-36; filed 1-7-03]

TITLE 365. INSURANCE DEPARTMENT
CHAPTER 15. PROPERTY AND CASUALTY

[OAR Docket #03-37]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:


365:15-1-3. Property and casualty form filings [AMENDED]

SUMMARY:

The proposed amendments to this rule change the reference to "initial page" to the words "Declaration page" at 365:15-1-3(b)(21)(A) for clarification.

AUTHORITY:

Insurance Commissioner, 36 O.S. § 307.1.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 5, 2003, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn:
Notices of Rulemaking Intent

Karl F. Kramer, Assistant General Counsel, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:
A public hearing has not been scheduled. However, pursuant to 75 O.S. § 303(B)(9), a public hearing may be requested by making written request to Karl F. Kramer, Assistant General Counsel, no later than March 5, 2003, at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST 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., Section 303(D), a rule impact statement will be prepared prior to February 3, 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.

[TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 10. PEACE OFFICER CERTIFICATION

[OAR Docket #03-37; filed 1-7-03]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
390:10-1-5 [AMENDED]
390:10-1-6 [AMENDED]

SUMMARY:
Amended sections would add a testing requirement for inactive peace officers who are returning to the profession after five years and clarify the procedure for granting certification by reciprocity for full-time peace officer status.

AUTHORITY:
Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

COMMENT PERIOD:
Written and oral comments will be accepted February 4 to March 10, 2003 at: CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

PUBLIC HEARING:
Public hearings 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 public hearing will be held at 10:00 a.m. on March 10, 2003, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 10, 2003.

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2003, at the CLEET offices listed above.

CONTACT PERSON:
Janet Ingram, Administrative Division Manager, (405) 425-2758

[TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING

[OAR Docket #03-61; filed 1-7-03]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 1. Basic Academy Programs
390:15-1-3 [AMENDED]
390:15-1-13 [AMENDED]

SUMMARY:
The proposed changes would allow CLEET to amend rules to reflect re-examination scores on an individual's profile report.
and establish provisions for departments to provide remedial firearms training conducted by a CLEET certified firearms instructor to students who do not successfully complete training in the basic academy.

AUTHORITY:
Council on Law Enforcement Education and Training; 70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

COMMENT PERIOD:
Written and oral comments will be accepted February 4 to March 10, 2003 at: CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

PUBLIC HEARING:
Public hearings 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 public hearing will be held at 10:00 a.m. on March 10, 2003, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 10, 2003.

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2003, at the CLEET offices listed above.

CONTACT PERSON:
Janet Ingram, Administrative Division Manager, (405) 425-2758

[OAR Docket #03-62; filed 1-7-03]
NOTICES OF RULEMAKING INTENT

CONTACT PERSON:
Janet Ingram, Administrative Division Manager, (405) 425-2758

OAR Docket #03-66; filed 1-7-03

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 40. OKLAHOMA SELF-DEFENSE ACT

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 5. Instructor Approval
390:40-5-4 [AMENDED]

SUMMARY:
Amendments to this section would change the effective period of an instructor's approval to reflect current statutory language.

AUTHORITY:
Council on Law Enforcement Education and Training;
70 O.S., Section 3311; 20 O.S., Section 1313.2; 59 O.S., Sections 1750.1-1750.11; 59 O.S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1289.8 and 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

COMMENT PERIOD:
Written and oral comments will be accepted February 4 to March 10, 2003 at: CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

PUBLIC HEARING:
Public hearings 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 public hearing will be held at 10:00 a.m. on March 10, 2003, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 10, 2003.

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2003, at the CLEET offices listed above.

CONTACT PERSON:
Janet Ingram, Administrative Division Manager, (405) 425-2758

OAR Docket #03-66; filed 1-7-03

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 35. REGULATION OF PRIVATE SECURITY INDUSTRY

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 5. License Requirements
390:35-5-3 [AMENDED]

SUMMARY:
This amendment would require current photographs of license applicants for new and renewed licenses. This change is needed to eliminated the problem of applicants submitting photographs that are several years old to be affixed on licenses.

AUTHORITY:
Council on Law Enforcement Education and Training;
70 O. S., Section 3311; 20 O. S., Section 1313.2; 59 O. S., Sections 1750.1-1750.11; 59 O. S., Sections 1451-1476; 75 O.S., Section 250 et seq.; 21 O.S., Section 1290.1 et seq.; 51 O.S. Sections 24-A.1 et seq.

COMMENT PERIOD:
Written and oral comments will be accepted February 4 to March 10, 2003 at: CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, Attn: Janet Ingram.

PUBLIC HEARING:
Public hearings 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 public hearing will be held at 10:00 a.m. on March 10, 2003, at the Robert R. Lester Training Center, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be
incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Janet Ingram, at the above address, before the close of the comment period on March 10, 2003.

**COPIES OF PROPOSED RULES:**
Copies of the proposed rules may be obtained by contacting Janet Ingram at CLEET, 3530 N. Martin Luther King Avenue, Oklahoma City, Oklahoma 73136, (405) 425-2758.

**RULE IMPACT STATEMENT:**
Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2003, at the CLEET offices listed above.

**CONTACT PERSON:**
Janet Ingram, Administrative Division Manager, (405) 425-2758

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**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION**

**CHAPTER 1. ADMINISTRATION AND ORGANIZATION**

**[OAR Docket #03-02]**

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**
- 435:1-1-7. Fees [AMENDED]

**SUMMARY:**
The fee schedule is being amended for clarification. There are no fee increases or decreases with this amendment.

**AUTHORITY:**
Title 59 O.S., Section 489, State Board of Medical Licensure and Supervision

**COMMENT PERIOD:**
The comment period will run from February 3, 2003 to March 20, 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 March 27, 2003, 9:00 a.m. at the office of the 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 March 20, 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 prepared and available after February 3, 2003 at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118.

**CONTACT PERSON:**
Jan Ewing, Deputy Director (405) 848-6841, ext. 104

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**TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION**

**CHAPTER 15. PHYSICIAN ASSISTANTS**

**[OAR Docket #03-03]**

**RULEMAKING ACTION:**
Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**
- Subchapter 11. Prescriptive Guidelines and Drug Formulary
  - 435:15-11-2. Drug Formulary [AMENDED]

**SUMMARY:**
Permanent amendments are being made to the Drug Formulary which reflect changes made to the PA law in SB32, effective November 1, 2001. This law allows physician assistants to write for Schedule II drugs pursuant to a drug formulary approved by the Board.

**AUTHORITY:**
Title 59 O.S., Section 489, State Board of Medical Licensure and Supervision

**COMMENT PERIOD:**
The comment period will run from February 3, 2003 to March 20, 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 March 27, 2003, 9:00 a.m. at the office of the 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 March 20, 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 prepared and available after February 3, 2003 at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118.
NOTICES OF RULEMAKING INTENT

CONTACT PERSON:
Jan Ewing, Deputy Director (405) 848-6841, ext. 104
[OAR Docket #03-03; filed 1-2-03]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 20. PHYSICIAN THERAPISTS AND ASSISTANTS
[OAR Docket #03-04]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 5. Regulation of Practice
435:20-5-8. Unprofessional Conduct [NEW]

SUMMARY:
This is a new rule to define unprofessional conduct.

AUTHORITY:
Title 59 O.S., Section 887.5, State Board of Medical Licensure and Supervision

COMMENT PERIOD:
The comment period will run from February 3, 2003 to March 20, 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 March 27, 2003, 9:00 a.m. at the office of the 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 March 20, 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 prepared and available after February 3, 2003 at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:
Jan Ewing, Deputy Director (405) 848-6841, ext. 104
[OAR Docket #03-04; filed 1-2-03]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION
CHAPTER 50. LICENSED PEDORTHISTS
[OAR Docket #03-05]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
435:50-1-4. Definitions [AMENDED]

SUMMARY:
A new definitions of "Subtalar-Control Foot Orthosis" (SCFO) is being added to the definitions section of the rules.

AUTHORITY:
Title 59 O.S., Section 2031, State Board of Medical Licensure and Supervision

COMMENT PERIOD:
The comment period will run from February 3, 2003 to March 20, 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 March 27, 2003, 9:00 a.m. at the office of the 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 March 20, 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 prepared and available after February 3, 2003 at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:
Jan Ewing, Deputy Director (405) 848-6841, ext. 104
[OAR Docket #03-05; filed 1-2-03]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 1. ADMINISTRATION
[OAR Docket #03-34]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Subchapter 1. General Information
450:1-1-1.1 [AMENDED]
450:1-1-2 [AMENDED]
450:1-1-5 [AMENDED]
450:1-1-10 [AMENDED]
Subchapter 3. Contracts for Mental Health, Substance Abuse, Domestic Violence and Sexual Assault and Residential Care Services
Part 1. Eligibility to Contract
450:1-3-3 [AMENDED]
Part 3. Contracts and Contracting Processes
450:1-3-22 [NEW]
Subchapter 5. Procedure in Individual Administrative Proceedings
450:1-5-5 [AMENDED]
450:1-5-1 [AMENDED]
Subchapter 7. Charges and Reimbursement Rates
Eligibility for ODMHSAS Services
450:1-7-4 [AMENDED]
450:1-7-5 [REVOKED]
450:1-7-6 [NEW]
Subchapter 9. Certification and Designation of Facilities/Services, Facilities and Services
450:1-9-1 [AMENDED]
450:1-9-4 [AMENDED]
450:1-9-5 [AMENDED]
450:1-9-6 [AMENDED]
450:1-9-7 [AMENDED]
450:1-9-8 [AMENDED]
450:1-9-8.1 [NEW]
450:1-9-11 [REVOKED]
450:1-9-12 [AMENDED]
450:1-9-13 [AMENDED]
450:1-9-14 [AMENDED]
Subchapter 11. Research
450:1-11-2 [AMENDED]

SUMMARY:
In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 1 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance service provision and supervision, delete redundant or superfluous language; and correct scrivener's errors.

AUTHORITY:
Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-314.1, 3-315, 3-415, 5-206(5), and 5-207(D).

COMMENT PERIOD:
Persons wishing to submit written comments may do so until 5:00 p.m., March 9, 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, OK or by facsimile, at (405) 522-3867.

PUBLIC HEARING:
The Department will conduct a public hearing on March 10, 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., March 9, 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 on or before February 3, 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.

[TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES]
CHAPTER 15. CONSUMERS RIGHTS

[OAR Docket #03-34; filed 1-6-03]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
450:15-1-1 [AMENDED]
450:15-1-2 [AMENDED]
Subchapter 3. Consumer Rights
Part 1. Inpatient Bill of Rights
450:15-3-1 [AMENDED]
450:15-3-2 [AMENDED]
450:15-3-3 [AMENDED]
450:15-3-4 [AMENDED]
450:15-3-5 [AMENDED]
450:15-3-6 [AMENDED]
450:15-3-8 [AMENDED]
450:15-3-9 [AMENDED]
450:15-3-10 [AMENDED]
450:15-3-11 [AMENDED]
450:15-3-13 [AMENDED]

February 3, 2003
349 Oklahoma Register (Volume 20, Number 7)
SUMMARY:
In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 15 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance advocacy services for individuals receiving services by organizations operated or certified by or under contract with ODMHSAS, delete redundant or superfluous language; and correct scrivener's errors.

AUTHORITY:
Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 2-102, 2-108, 2-109, 2-219, 2-220, 3-306, 5-201 and 5-204.

COMMENT PERIOD:
Persons wishing to submit written comments may do so until 5:00 p.m., March 9, 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 March 10, 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., March 9, 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 on or before February 3, 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 #03-33; filed 1-6-03]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

CHAPTER 18. STANDARDS AND CRITERIA FOR SUBSTANCE ABUSE SERVICES

[OAR Docket #03-32]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
450:18-1-1 [AMENDED]
Notices of Rulemaking Intent

Subchapter 3. Substance Abuse treatment Services
Part 1. Levels of Care
450:18-3-1 [REVOKED]
450:18-3-3 [NEW]
Part 3. Outpatient Services
450:18-3-21 [AMENDED]
Part 5. intensive Outpatient Services
450:18-3-41 [AMENDED]
Part 7. Medically Supervised Detoxification
450:18-3-61 [AMENDED]
Part 9. Non-Medical Detoxification
450:18-3-81 [AMENDED]
Part 11. Residential Treatment
450:18-3-101 [AMENDED]
Part 13. Residential Treatment for Persons with Dependent
Children
450:18-3-121 [AMENDED]
Part 15. Adult Residential Treatment for the Dually
Diagnosed
450:18-3-141 [AMENDED]
Part 17. Residential Treatment for Adolescents
450:18-3-161 [AMENDED]
Part 19. Halfway House Services
450:18-3-181 [AMENDED]
Part 20. Adolescent Halfway House Services
450:18-3-190 [AMENDED]
Part 21. Halfway House Services for Persons with
Dependent Children
450:18-3-201 [AMENDED]
Part 25. Opioid Treatment Programs and Opiate
Antagonists and Opiate Agonists
450:18-3-241 [AMENDED]
Subchapter 5. Ancillary Services and Activities
450:18-5-3 [REVOKED]
450:18-5-3.1 [NEW]
450:18-5-3.2 [NEW]
450:18-5-3.3 [NEW]
450:18-5-4 [AMENDED]
Subchapter 7. Facility Record System
Part 1. Facility Record System
450:18-7-3 [REVOKED]
450:18-7-3.1 [NEW]
Part 7. Case Management
450:18-7-61 [AMENDED]
450:18-7-63 [NEW]
Part 9. Treatment Planning
450:18-7-81 [AMENDED]
450:18-7-82 [REVOKED]
Part 11. Progress Notes
450:18-7-101 [AMENDED]
450:18-7-122 [AMENDED]
Part 15. Other Case Record Materials
450-18-3-143 [AMENDED]
Subchapter 9. Services Support and Enhancement
Part 1. Staff Support
450-18-9-2 [AMENDED]
Part 2. Organizational and Facility Management
450-18-9-20 [REVOKED]
Subchapter 11. Consumer Rights
450-18-11-1 [AMENDED]
450-18-11-2 [AMENDED]
450-18-11-3 [AMENDED]
450-18-11-4 [AMENDED]

SUMMARY:
In accordance with the Administrative Procedures
Act the proposed rule revisions to Chapter 18 are part
of the Department's review of Title 450. These proposed
amendments are intended to comply with statutory changes,
enhance services for consumers of substance abuse treatment
by organizations operated or certified by or under contract with
ODMHSAS, delete redundant or superfluous language; and
correct scrivener's errors.

AUTHORITY:
Oklahoma Department of Mental Health and Substance
Abuse Services Board; 43A O.S. §§ 2-101, 3-403(1), 3-404,
3-415 and 3-416

COMMENT PERIOD:
Persons wishing to submit written comments may do
so until 5:00 p.m., March 9, 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, OK or by facsimile, at
(405) 522-3867.

PUBLIC HEARING:
The Department will conduct a public hearing on March
10, 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., March 9, 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. Copies may be obtained from Linda

February 3, 2003

Oklahoma Register (Volume 20, Number 7)
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 #03-32; filed 1-6-03]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 19. STANDARDS AND CRITERIA FOR DOMESTIC VIOLENCE AND SEXUAL ASSAULT PROGRAMS

[OAR Docket #03-31]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
450:19-1-1 [AMENDED]
450:19-1-2 [AMENDED]
450:19-1-5 [REVOKED]
450:19-1-6 [AMENDED]
Subchapter 3. Services
Part. 1 Required Service Components
450:19-3-1 [AMENDED]
450:19-3-2 [AMENDED]
450:19-3-3 [AMENDED]
450:19-3-4 [AMENDED]
450:19-3-5 [REVOKED]
Part 2. Optional Other Service Components
450:19-3-7 [AMENDED]
450:19-3-8 [AMENDED]
450:19-3-9 [AMENDED]
450:19-3-10 [NEW]
Subchapter 5. Client Records and Confidentiality
450:19-5-1 [AMENDED]
450:19-5-2 [AMENDED]
450:19-5-3 [AMENDED]
450:19-5-3.1 [AMENDED]
450:19-5-4 [AMENDED]
450:19-5-7 [REVOKED]
450:19-5-8 [REVOKED]
450:19-5-9 [REVOKED]
450:19-5-10 [NEW]
Subchapter 7. Program Physical Environments
450:19-7-6 [AMENDED]
Subchapter 9. Program Management and Performance Improvement
450:19-9-10 [AMENDED]
Subchapter 11. Client Rights
450:19-11-1 [AMENDED]
450:19-11-2 [AMENDED]
450:19-11-3 [AMENDED]

SUMMARY:
In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 19 are part of the Department's review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance programs for individuals receiving domestic violence or sexual assault services by organizations certified by or under contract with ODMHSAS, delete redundant or superfluous language; and correct scrivener's errors.

AUTHORITY:
Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 2-202, 3-306 and 3-314.1

COMMENT PERIOD:
Persons wishing to submit written comments may do so until 5:00 p.m., March 5, 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 March 6, 2003 at 10:00 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., March 5, 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 address above.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement on or before February 3, 2003. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.
NOTICES OF RULEMAKING INTENT

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 30. CLINICAL CARE

[OAR Docket #03-30; filed 1-6-03]

SUMMARY:
In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 30 are part of the Department’s review of Title 450. These proposed amendments are intended to comply with statutory changes, enhance service provision and supervision, delete redundant or superfluous language; and correct scrivener’s errors.

AUTHORITY:
Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 2-202, 3-301, 3-306, 5-101, 5-204, 5-206 through 5-209, 5-301 through 5-311, 9-101 through 9-104.

COMMENT PERIOD:
Persons wishing to submit written comments may do so until 5:00 p.m., March 5, 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, or by facsimile, at (405) 522-3867.

PUBLIC HEARING:
The Department will conduct a public hearing on March 6, 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., March 5, 2003 to the Department of Mental Health and Substance Abuse Services, P. O. Box 53277, Oklahoma City, OK, 73152-3277, Attention: Linda Winton.

RULE IMPACT STATEMENT:
Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement on or before February 3, 2003. Copies may be obtained from Linda Winton, Policy Analyst and Agency Liaison Officer, at the address above.

TITLE 460. DEPARTMENT OF MINES
CHAPTER 2. RULES OF PRACTICE AND PROCEDURE FOR THE COAL RECLAMATION ACT OF 1979

[OAR Docket #03-58]

SUMMARY:
During previous litigation, it became clear that this section needed to be clarified. As a result the Department is adding language indicating that a Notice of Violation issued by the Department is a final agency action, decision or order, upon the recipient’s failure to invoke administrative review of such Notice pursuant to Subchapter 7 or Subchapter 9.

AUTHORITY:
45 O.S. Sections 1.5 and 789, Oklahoma Mining Commission.

COMMENT PERIOD:
From February 3, 2003 until March 5, 2003, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:
A public hearing will be held on March 10, 2003, at 6:00 p.m. at the Department of Mines, 209 E. Wyandotte, Suite 500, McAlester, OK, 74501, and another public hearing will be held on March 11, 2003, at the Oklahoma Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, Ok 73105, beginning at 1:30 p.m.
REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed change are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, implied costs, or other costs expected to be incurred by the business entity due to compliance with this proposed change. This information may be submitted, in writing, from February 3, 2003 through March 5, 2003, to the contact person listed below.

RULE IMPACT STATEMENT:

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

COPIES OF PROPOSED RULES:

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

CONTACT PERSON:

Cathy Frank, Legal Officer, Route 4, Box 550, Wagoner, OK 74467, (918) 485-3999.

[OAR Docket #03-58; filed 1-7-03]

TITLE 460. DEPARTMENT OF MINES
CHAPTER 10. NON-COAL RULES AND
REGULATIONS

[OAR Docket #03-59]

RULEMAKING ACTION:

Notice PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Non-Coal Rules and Regulations [AMENDED]

SUMMARY:

The proposed changes to this chapter are being proposed in essence to account for the specialized type of mining permit as provided for in 45 O.S. 2001, Section 940. Such chapter 9 is being amended to reflect permitting requirements to be included in the new subchapters being submitted for promulgation. Subchapter 12 is a new subchapter addressing non-coal mining application requirements for coal combustion by-products ("CCB") disposal. The proposed new Subchapter 18 includes the performance standards for non-coal mining permits involving CCB disposal.

AUTHORITY:

45 O.S. Sections 1.5, 732, and 940; Oklahoma Mining Commission.

COMMENT PERIOD:

From February 3, 2003 until March 5, 2003, the public may present their views orally or in writing to the contact person.
500, McAlester, OK and at the Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, OK on March 11, 2002, to begin at 2:30 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules, which should mainly be coal mining companies, are requested to provide information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with these proposed rules. Any such cost estimates may be submitted, in writing, to the contact person listed below from February 3, 2003 through March 5, 2003.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained from the contact person listed below.

COPIES OF THE PROPOSED RULES:
Copies of the proposed rules may be obtained from the contact person listed below.

CONTACT PERSON:
Cathy Frank, Legal Officer, Oklahoma Department of Mines Wagoner Field Office, Route 4, Box 550, Wagoner, OK 74467, (918) 485-3999.

[OAR Docket #03-56; filed 1-7-03]

TITLE 460. DEPARTMENT OF MINES
CHAPTER 25. OKLAHOMA EXPLOSIVES
AND BLASTING REGULATIONS

[OAR Docket #03-57]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking

PROPOSED RULES:
Chapter 25. Oklahoma Explosives And Blasting Regulations [AMENDED]

SUMMARY:
The changes to this Chapter are being proposed basically for clarification purposes along with some additional public health and safety concerns. Subchapter 10, is being amended to state specifically that a permit exemption fee will be twenty-five dollars. Subchapter 3 is being amended to clarify the effects on Applicants for permits or exemptions of certain criminal convictions. Subchapters 9 and 10 are being revised to delineate the application requirements for a permit or permit exemption upon the expiration of any existing permit or exemption. Subchapter 13 is being amended to more fully define the qualifications for a certified blaster.

AUTHORITY:
63 O.S. Section 123.1 et seq., 45 O.S. Section 1.5, Oklahoma Mining Commission

COMMENT PERIOD:
From February 3, 2003 through March 5, 2003, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:
Public hearings will be held on March 10, 2003, at 6:15 p.m. at the Department of Mines, 209 E. Wyandotte, Suite 500 McAlester, OK 74501, and on March 11, 2003, at the Department of Mines, 4040 N. Lincoln, Suite 107, Oklahoma City, OK 73105, beginning at 2:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing from February 3, 2003 through March 5, 2003, to the below listed contact person.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained from the contact person listed below.

COPIES OF THE PROPOSED RULES:
Copies of the proposed rules may be obtained from the contact person listed below.

CONTACT PERSON:
Cathy Frank, Legal Officer, Oklahoma Department of Mines Wagoner Field Office, Route 4, Box 550, Wagoner, OK 74467, (918) 485-3999.

[OAR Docket #03-57; filed 1-7-03]

TITLE 460. DEPARTMENT OF MINES
CHAPTER 30. COAL COMBUSTION
BY-PRODUCT PLACE_255MENT RULES AND
REGULATIONS

[OAR Docket #03-55]

RULEMAKING ACTION:
Notice PERMANENT rulemaking

PROPOSED RULES:
Chapter 30. Coal Combustion By-Product Placement Rules and Regulations [NEW]

SUMMARY:
Pursuant to authority and requirements contained in 45 O.S. Sections 732 and 940, the Department is proposing a new Chapter to regulate the placement of coal combustion by-production in active or inactive coal or non-coal mines. This Chapter establishes permitting, performance, bonding, reclamation, inspection and enforcement procedures to benefit and health, safety, and welfare of the citizens and environment of the State of Oklahoma.
AUTHORITY:
45 O.S. Sections 1.5, 732, and 940; Oklahoma Mining Commission.

COMMENT PERIOD:
From February 3, 2003 until March 5, 2003, the public may present their views orally or in writing to the below listed contact person.

PUBLIC HEARING:
A public hearing will be held on March 11, 2003, at 3:00 p.m. at the Department of Mines, 4040 North Lincoln, Suite 107, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts, if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with these proposed rules. Business may submit this information in writing, from February 3, 2003 through March 5, 2003, to the contact person listed below.

RULE IMPACT STATEMENT:
Copies of the Rule Impact Statement may be obtained from the below listed contact person.

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the below listed contact person at the Department’s Wagoner Field Office.

CONTACT PERSON:
Cathy Frank, Legal Officer, Route 4, Box 550, Wagoner, OK 74467, (918) 485-3999.
[OAR Docket #03-55; filed 1-7-03]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER I. ADMINISTRATIVE OPERATIONS

[OAR Docket #03-39]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Subchapter 11. Fees
535:1-11-1. Annual licenses, permits and renewals [AMENDED]
535:1-11-2. Pharmacist initial registration [AMENDED]
535:1-11-3. Practical training experience licenses and certificates [AMENDED]
535:1-11-5. Miscellaneous [AMENDED]

SUMMARY:
This rule revision in 535:1-11-1 enables the Board to adjust the fees to distribute annual licenses and permits though the year to allow better utilization of the staff and to even out peak periods to improve performance year round. It adds the immunization registration fee in 535:1-11-2. It cleans up language in training experience in 535:1-11-3, in 535:1-11-5 it adds the fee for Doctor of Pharmacy certificate, it adds intern and technician multiple duplicate fees, and updates the fine fee in the rules to agree with the legislated fee in 2002.

Formerly the Board would get all their income at the beginning of the Fiscal Year and use temporary unclassified staff to handle the heavy workloads. Now the state encourages even distribution of income and the work is becoming more complex making it difficult to use temporaries. Immunization fee, Doctor of Pharmacy certificate, and the Fine fee correction are necessitated by legislation.

Pharmacies want an alternative to requiring technicians and interns to carry their permit/certificate respectively for posting. Posting is required to give the public notice that individuals are registered and entitled to be in the pharmacy. This new multiple location duplicate lets the registrant purchase duplicate copies for posting at each work site rather than keeping the registration with them when they move from one site to another.

Increase the consistency of turn around time by spreading annual renewal throughout the year to improve licensing performance. Fees for Doctor of Pharmacy certificate and immunization registration are to cover the costs of preparing and maintaining information. The Board receives no appropriations. By allowing technicians and interns multiple locations duplicates, it protects the public right to know but allows convenience for registrants and the pharmacy.

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

Principally authorized under Title 59 O.S. 353.7

COMMENT PERIOD:
Written and oral comments will be accepted until March 18, 2003 at 4:00 p.m. at the Board office at 4545 N Lincoln, Ste 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:
March 19, 2003, at 1:30 pm, in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of hearing, so that we may allot time fairly and conduct an orderly meeting.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules are requested to provide the Board, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees and indirect costs such as record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with the proposed rule(s).
COPIES OF PROPOSED RULES:
Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:
A rule impact statement will be prepared and will be available on and after February 18, 2003 at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:
Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy located at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #03-39; filed 1-7-03]

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

[OAR Docket #03-40]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Subchapter 3. Pharmacists
535:10-3-1.2. [AMENDED]
535:10-3-4. [AMENDED]
Subchapter 5. Interns, Preceptors and Training Areas
535:10-5-2. [AMENDED]
535:10-5-2.1. [NEW]
Subchapter 11. Pharmacist Administration of Immunization [NEW]
535:10-11-1 through 535:10-11-6 [NEW]

SUMMARY:
The revision in 535:10-3-1.2 describes cheating or subverting a Board exam and allowing a non-pharmacist to perform pharmacist duties as a violation of professional conduct as recommended by our Board attorney. In 535:15-3-4 it removes the approval statement in j, adds ACPE programs as approved continuing education in l, and cleans up language where committee is listed twice in m.


Title 59 O.S. Section 353.30 requires immunization rules that describe the requirements and process for pharmacist to administer immunizations when prescribed. A Pharmacist has NO prescriptive authority and so cannot administer in the absence of a valid PATIENT SPECIFIC prescription or order issued by a licensed practitioner licensed by law to prescribe, please note 535:10-11-3(b).

Pharmacies wanted an alternative to the interns having to carry their certificate for posting. This posting is required for the public to know individuals are registered and entitled to be working in the pharmacy. This new rule allows the registrant to purchase multiple copies of their certificate for posting at each work site then having to keep it with them for posting.

Additions to the pharmacist code of professional practice close loopholes in the code; the cleanup and additions in the continuing education and the grammar corrections clarify these rules. Immunization registration ensures minimum competency for pharmacist who administer physician prescribed immunizations. By allowing interns multiple locations duplicates, it protects the public right to know but allows convenience for registrants and the pharmacy.

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

Principally authorized under 59 O.S. 353.7 (further authority occurs in other sections) and also 59 OS 364.

COMMENT PERIOD:
Written and oral comments will be accepted until March 18, 2003 at 4:00 p.m. at the Board office at 4545 N Lincoln, Ste 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:
March 19, 2003, at 1:30 pm, in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of hearing, so that we may allot time fairly and conduct an orderly meeting.

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

COPIES OF PROPOSED RULES:
Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:
A rule impact statement will be prepared and will be available on and after February 18, 2003 at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:
Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy, 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #03-40; filed 1-7-03]
TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 15. PHARMACIES

[OAR Docket #03-41]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Subchapter 3. Pharmacies
535:15-3-2. [AMENDED]
535:15-3-6. [AMENDED]
535:15-3-12. [AMENDED]
535:15-3-12.1. [AMENDED]
535:15-3-21. [AMENDED]

Subchapter 7. Drug Supplier Permits
535:15-7-2. [AMENDED]

Subchapter 13. Pharmacy Technicians and Supportive Personnel
535:15-13-4. [AMENDED]
535:15-13-5. [AMENDED]
535:15-13-8. [AMENDED]
535:15-13-10. [AMENDED]
535:15-13-12. [AMENDED]

SUMMARY:
The revision in 535:15-3-2 requires the pharmacist manager to work sufficient hours to exercise control and meet responsibilities, in 535:15-3-6 the pharmacy library is updated, in 535:15-3-12 the rule is updated to include DEA requirement so that pharmacies don't neglect the DEA requirement for transfer in error.

Rule 535:15-3-12.1 cleans up grammar and corrects cites. Rule 535:15-3-21 brings the rule closer to DEA requirements and allows the same flexibility to allow technological improvements.

We add the drug supplier fee and renewal requirement to 535:15-7-2. While it is listed in the fee schedule, it was not described here. The rule in 535:15-13-4 cleans up the cite.

Added to 535:15-13-5 is the technician requirement that duties be performed in a currently licensed pharmacy. Rule 535:15-13-8 described the requirement that the training pharmacist who approves Phase I training review the charges and convictions section of the technician application. It also removes the technician fee corrected in the fee schedule during the last rule period, but the correction was not made here.

Rule 535:15-13-10 adds the "in writing" to the notice requirement. Grammar is corrected in 535:15-13-12 and it includes the pharmacy responsibilities when a technician or support person performs duties not listed on the schedule.

The revisions in pharmacist manager, library and transfer rules update the rules and the grammar and cite revisions will make the rules more clear. The revisions in the drug supplier permit rules bring them into agreement with the fee schedule. The revisions in the technician rules clarify qualifications, supervision, annual permit, address change and training, and work schedule display requirements.

The grammar corrections and cite cleanup make the rules clear.

AUTHORITY:
Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354. Principal authority is in 59 O.S. 353.7 and 353.29 for these rule revisions.

COMMENT PERIOD:
Written and oral comments will be accepted until March 18, 2003 at 4:00 p.m. at the Board office at 4545 N Lincoln, Ste 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:
March 19, 2003, at 1:30 pm, in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of hearing, so that we may allot time fairly and conduct an orderly meeting.

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

COPIES OF PROPOSED RULES:
Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:
A rule impact statement will be prepared and will be available on and after February 18, 2003 at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:
Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy, 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #03-41; filed 1-7-03]

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

[OAR Docket #03-44]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Subchapter 5. Hospital Pharmacies
535:15-5-1. Purpose [AMENDED]
535:15-5-2. Definitions [AMENDED]
535:15-5-7.2. Supervision of pharmacy technicians [AMENDED]
535:15-5-10. Director of Pharmacy responsibilities [AMENDED]
535:15-5-18. Drug rooms [AMENDED]

Subchapter 6. Hospital Drug Room [NEW]
535:15-6-1. Purpose [NEW]
535:15-6-2. Definitions [NEW]
535:15-6-3. Registration [NEW]
535:15-6-4. Staffing requirements [NEW]
535:15-6-5. Drug room and PIC responsibilities and duties [NEW]
535:15-6-6. Physical and library requirements [NEW]
535:15-6-7. Drug distribution and control [NEW]
535:15-6-8. Emergency dispensing and pre-packaged medications [NEW]
535:15-6-9. Emergency Room Pre-Packaged Medications Formulary [NEW]
535:15-6-10. Access to drug room in absence of PIC or drug room supervisor [NEW]
535:15-6-11. Administration of drugs to patients [NEW]
535:15-6-12. Medications from other sources [NEW]
535:15-6-13. Investigational drugs [NEW]
535:15-6-14. Drug storage stock inspections [NEW]
535:15-6-15. Non-distributive roles of pharmacists [NEW]
535:15-6-16. Performance improvement [NEW]
535:15-6-17. Board of Pharmacy inspections [NEW]
535:15-6-18. Drug room training area [NEW]
535:15-6-19. Violations [NEW]

SUMMARY:
The revision in 535:15-5-1 and 535:15-5-2 remove the requirements for hospital drug rooms from Subchapter 5. The revisions in 535:15-5-10 clean up grammar, cites and includes storage as a director of pharmacy responsibility. The revision in 535:15-5-7.2 clarifies the fact that a pharmacy technician must be working in a licensed hospital pharmacy.

The new hospital drug room rules in 535:15-6-1 through 535:15-6-19 include purpose, definitions, registration, staffing requirements, drug room and PIC responsibilities and duties, physical and library requirements, drug distribution and control, emergency dispensing and prepackaged medications formulary, access to drug room in absence of PIC or drug room supervisor, administration of drugs to patients, medications from other sources, investigational drugs, drug storage stock inspections, non-distributive roles of pharmacists, performance improvement, Board of Pharmacy inspections, drug room training area, and violations.

The Board deferred regulations of hospital that were licensed by the health department for rural municipal and non-profit hospitals because of their charitable nature, while inspecting to assure adequate drug controls and safekeeping were maintained. These hospital pharmacies are now being operated by large for profit and commercial entities. These rules will better control prescription drugs in these hospital drug rooms.

AUTHORITY:
Oklahoma State Board of Pharmacy is the regulatory authority under Title 59 O.S., Sec. 353.7, 353.13, 353.13A, 353.16A, 353.17, 353.18, 353.20, 353.22, 353.24 - 353.26, 353.29 and 354. Principal authority is in 59 O.S. 353.7 and 353.29 for these rule revisions.

COMMENT PERIOD:
Written and oral comments will be accepted until March 18, 2003 at 4:00 p.m. at the Board office at 4545 N Lincoln, Ste 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:
March 19, 2003, at 1:30 pm, in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of hearing, so that we may allot time fairly and conduct an orderly meeting.

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

COPIES OF PROPOSED RULES:
Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:
A rule impact statement will be prepared and will be available on and after February 18, 2003 at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:
Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy, 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #03-44; filed 1-7-03]

TITLE 535. OKLAHOMA STATE BOARD OF PHARMACY
CHAPTER 20. MANUFACTURERS, PACKAGERS, AND WHOLESALERS

[OAR Docket #03-42]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Subchapter 3. Manufacturers
535:20-3-1. [AMENDED]
NOTICES OF RULEMAKING INTENT

SUMMARY:
The revision in 535:20-3-1 clarifies the manufacturer licensure requirement.

This revision puts in plain easy to understand language the manufacturer licensure requirement that exists in the Oklahoma Pharmacy Act in Title 59 O.S. Section 353.18 (B).

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

Principal authority is in 59 O.S. 353.7 and 353.29 for these rule revisions.

COMMENT PERIOD
Written and oral comments will be accepted until March 18, 2003 at 4:00 p.m. at the Board office at 4545 N Lincoln, Ste 112, Oklahoma City, OK 73105-3488.

PUBLIC HEARING:
March 19, 2003, at 1:30 pm, in our office at 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Please send written request to appear before the Board in advance of hearing, so that we may allot time fairly and conduct an orderly meeting.

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

COPIES OF PROPOSED RULES:
Proposed rules are available for review in our office at 4545 N Lincoln Blvd, Ste 112, Oklahoma City, OK 73105-3488. Copies may be provided at a cost of 25 cents per page.

RULE IMPACT STATEMENT:
A rule impact statement will be prepared and will be available on and after February 18, 2003 at the location listed above for copies of the proposed rules. It may be reviewed in our office or copies may be obtained for 25 cents per page.

CONTACT PERSON:
Mr. Bryan H. Potter, Executive Director, Oklahoma State Board of Pharmacy, 4545 Lincoln Boulevard, Suite 112, Oklahoma City, OK 73105-3488. Phone number (405) 521-3815 and FAX number (405) 521-3758.

[OAR Docket #03-42; filed 1-7-03]
The purposed rules provide additional financial stability requirements for licensed schools and would allow the Board to increase the amount of bond required for schools that do not meet these requirements. The rules expand the requirements for schools posting a Certificate of Deposit in lieu of bond to require the bank to be located in Oklahoma and require the Certificate of Deposit to be held in safe keeping at the bank and not be released without the written authorization of the Board. The purposed rules reflect statutory fee changes, provide rules for the annual School Workshop required by 70 O.S. 21-106, and provide for rules required by 75 O.S. 506 (C) for waiver of administrative fees imposed by the Board.

AUTHORITY:
Oklahoma Board of Private Vocational Schools; 70 O.S. §21-107.

COMMENT PERIOD:
Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on March 5, 2003 at the following address: Dennis Rea, Oklahoma Board of Private Vocational Schools, 2200 N. Classen Boulevard, Suite 1010, Oklahoma City, OK 73106-5810.

PUBLIC HEARING:
A public hearing will be held at 1:30 p.m. on Thursday, March 20, 2003 at the following address: 2200 N. Classen Boulevard, Suite 320, Oklahoma City, OK 73106-5810. Anyone wishing to orally express their views will be allowed a maximum of 5 minutes to speak and must sign in at the door by 1:35 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Dennis Rea at the above address before the close of the comment period on March 5, 2003.

COPIES OF PROPOSED RULES:
Copies of the proposed rules may be obtained from the Oklahoma Board of Private Vocational Schools, 2200 N. Classen Boulevard, Suite 1010, Oklahoma City, OK 73106-5810

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after February 3, 2003 from the Oklahoma Board of Private Vocational Schools at the above address.

CONTACT PERSON:
Dennis Rea, Director, (405) 521-2225

[OAR Docket #03-45; filed 1-7-03]
RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Chapter 1. Administrative Operations [AMENDED]

SUMMARY:
Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees, school entities and instructors, and the general public, and if promulgated will have an effective date of July 1, 2003. Proposed revisions are summarized as follows:

605:1-1-4. Operational procedures - Due to the addition of Subsection 14 to 858-208, which became effective on August 1, 2001, language must be added to create an Oklahoma Real Estate Contract Form Committee by rule which will be required to draft and revise residential real estate purchase contracts and any related addenda capable of standardization for use by real estate licensees.

AUTHORITY:
59 O.S., Section 858-208, Oklahoma Real Estate Commission

COMMENT PERIOD:
Persons wishing to present their views in writing may do so by 4:30 p.m., March 7, 2003 at the following address:
Oklahoma Real Estate Commission
Shepherd Mall
2401 N. W. 23rd St., Suite 18
Oklahoma City, Oklahoma 73107-2431

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 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:
March 12, 2003-10:30 a.m.
Shepherd Mall
2401 NW 23 St., Suite 18
Oklahoma City, Oklahoma 73107-2431

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
"n/a"

COPIES OF PROPOSED RULES:
Copies of proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following location:
Oklahoma Real Estate Commission
Shepherd Mall
2401 N. W. 23rd St., Suite 18
Oklahoma City, Oklahoma 73107-2431

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on February 18, 2003 at the Oklahoma Real Estate Commission (address and phone number listed above.)

CONTACT PERSON:
Anne M. Woody, Executive Director - (405) 521-3387

TITLE 605. OKLAHOMA REAL ESTATE COMMISSION
CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Chapter 10. Requirements, Standards and Procedures [AMENDED]

SUMMARY:
Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees, school entities and instructors, and the general public, and if promulgated will have an effective date of July 1, 2003. Proposed revisions are summarized as follows:

605:10-1-2. DEFINITIONS
Amending language to clarify that a managing broker manager of an association is included in the definition of a broker.

Amending language to clarify that "inactive status" means a period in which a licensee is prohibited from performing activities which require an active license.

605:10-1-4. RETURNED CHECKS– DISPOSITION
Deleting the reference to subsection 8, as it doesn't need to be there.

Adding language to give the Commission authority to charge a $35.00 fee for each returned check and amending language to change the 10 days time frame for replacing a returned check to "the specified time frame as determined by the Commission."

Adding language so other services may be delayed or denied due to a check that is dishonored upon presentation to the bank on which the check is drawn.

605:10-1-1. LICENSE ISSUANCE
Amending and adding language to clarify that no licensee shall begin operations in the real estate business without first having actually been issued his or her numbered license certificate, which includes all original licenses, activations, reinstatements and all license types being changed from an associate to a broker or branch office broker, as defined in the rules.
605:10-7-8.2. ASSOCIATION LICENSING PROCEDURES AND REQUIREMENTS OF GOOD STANDING

Amending language to clarify that not only a member, but a manager of an association who holds a separate license as a real estate broker can also qualify to be a managing broker of an association.

605:10-9-1. PLACE OF BUSINESS

Amending language to clarify that a broker shall supervise a brokerage practice which is available to the public during reasonable business hours.

Adding language to clarify that each broker shall be available to manage and supervise such brokerage practice.

605:10-9-4. ADVERTISING

Amending language to clarify that in associates advertising, if allowed by a broker, an associate may include in the advertisement a team name so long as all of the names of all of the team members are included near the team name reference, and which cannot be construed as that of a company name.

Adding language to exempt personal business cards of associates from the requirement of including all of the names of all of the team members near the team name reference.

605:10-11-2. ASSOCIATE LICENSES

Deleting the obsolete term of principal broker.

Amending language to eliminate gender.

605:10-15-4. RESIDENTIAL PROPERTY CONDITION DISCLOSURE ACT FORMS

Amending language to change the date to July 1, 2002, which is the last date the Residential Property Condition Disclosure Statement form was amended.

605:10-17-1. COMMISSIONS AND DISPUTES

Amending language to clarify that the Commission shall not entertain a complaint between licensees, unless the Commission determines the consumer has been harmed or possibly could be harmed with the exception of (c) of this paragraph.

605:10-17-4. PROHIBITED DEALINGS

Changing the word failing to failure to correct language.

Eliminating the term bona fide to clarify that failure to submit all offers to an owner when such offers are received prior to the seller accepting an offer in writing is included as a prohibited dealing.

Deleting the word written since the term bona fide offer is defined as an offer in writing.

Adding language to clarify that the definition of broker or branch office broker is the same as defined in the rules.

Adding language for 14 new prohibited acts, which further defines Title 59, Oklahoma Statute 858-312 (8) conduct which constitutes untrustworthy, improper, fraudulent or dishonest dealings. It also provides the licensee with guidelines from which to operate, educates both the licensee and consumer, provides sanction consistency for current and future board members, further limits being arbitrary and capricious and further benefits the public's interest and protection. The 14 new prohibited acts are as follows:

1. Failure to perform in a manner consistent to the brokerage service agreement as entered into between the parties.
2. Misleading the owner as to the market value of the property in an attempt to secure a listing.
3. Failure to clearly disclose the cost of the brokerage services to a party prior to obligating the party.
4. Suggesting that commissions or fees are fixed or represent that such are not negotiable throughout the industry.
5. Quoting a price different from that established by the seller or landlord.
6. Discouraging or suggesting that a party not obtain an inspection on a property and failure to encourage a party to perform all necessary inspections, or obtain expert advice in order to make an informed decision regarding the property.
7. Persuading a consumer to enter into a binding agreement for brokerage services with knowledge that the consumer is already under contract with another broker for the same services.
8. Allowing access to, or control of, a party's real property without the owner's consent.
9. Repetitive failures to keep promises.
10. Failure to exhibit professional behavior throughout the real estate transaction.
11. Delegating or in any way allowing an unlicensed assistant to perform a task which they lack proper training for and/or are incompetent to perform and such hindered the real estate transaction.
12. Delegating or in any way allowing an unlicensed assistant to perform tasks which require a license.
13. Failure to insure that the consumer has knowledge that the unlicensed assistant who is assisting the party is not licensed; and
14. Failure to cooperate with other licensees wherein the consumer has been harmed or possibly could be harmed by:
   (A) Failure to timely communicate with other licensees so as to not impede the real estate transaction process;
   (B) Failure to disclose the existence of an accepted offer to any licensee seeking cooperation;
   (C) Failure to disclose a licensee's license status when seeking information from another licensee concerning property under a management or listing agreement, and failure to disclose whether their interest is personal or on behalf of a party; and
   (D) Making false or misleading statements about competitors; or their business practices in order to discourage a consumer.

Appendix B. Residential Property Condition Disclaimer Statement Form - Amending language to reflect the Commission's current address location and web site address.

AUTHORITY:
59 O.S., Section 858-208, Oklahoma Real Estate Commission

COMMENT PERIOD:
Persons wishing to present their views in writing may do so by 4:30 p.m., March 7, 2003 at the following address:
NOTICES OF RULEMAKING INTENT

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 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:
March 12, 2003 - 10:30 a.m.
Shepherd Mall
2401 NW 23 St., Suite 18
Oklahoma City, Oklahoma 73107-2431

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
"n/a"

COPIES OF PROPOSED RULES:
Copies of proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following location:
Oklahoma Real Estate Commission
2401 N. W. 23rd St., Suite 18
Oklahoma City, Oklahoma 73107-2431

RULE IMPACT STATEMENT:
Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on February 18, 2003 at the Oklahoma Real Estate Commission (address and phone number listed above.)

CONTACT PERSON:
Anne M. Woody, Executive Director - (405) 521-3387

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

[OAR Docket #03-47; filed 1-7-03]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Chapter 65. Sales and Use Tax [AMENDED]

SUMMARY:
As part of the Commission's ongoing review of its rules, proposed amendments to the following Sections have been made to conform the rule to statute, to reflect recent case law, and to implement new legislation:

Section 710:65-3-33, dealing with out-of-state-audits, has been amended to reflect that costs are reimbursable to the Commission or its agent under the terms of the State Travel Reimbursement Act. Laws 1998, c. 301, §1. [68:206.1]

Section 710:65-13-100, dealing with the exemption for county, district, and state fair authorities and the like, has been amended to reflect the provisions of Laws 2002, c. 458, §7 (SB 1448), which clarified that tickets for admission and fair events sold at other locations would also be exempt if those monies are distributed to or retained by a fair authority. [68:1356(4)]

Section 710:65-13-210, dealing with the exemption for public and private schools and higher education, has been amended to reflect the provisions of Laws 2002, c. 458, §1 (SB 1415), which provides an exemption for sales made by of to non-profit PTA organizations or associations. [68:1356(4)]

New Sections 710:65-13-78, dealing with certain estate sales, have been added to implement the provisions of Laws 2002, Chapters 393, §1 (HB2088) and 385, §1 (SB 935), respectively. [68:1356(7) and 68:1357(28)]

New Section 710:65-13-122, implementing a new exemption procedure has been added to implement the provisions of Laws 2002, Chapters 382, §1 (SB871), which authorized a new sales tax exemption for sales of electricity and associated transmission and delivery charges made to an oil and gas operator for exclusive use at an approved reservoir dewatering project or unit commenced after July 1, 2003. [68:1357(28)]

Section 710:65-13-49 has been amended to clarify that cart storage fees charged by some golf and country clubs are considered taxable pursuant to the terms of the Sales Tax Code. [68:1354(11)-(14)]

Section 710:65-19-214 has been amended for clarity and to improve readability.

Other amendments, not intended to be substantive, have been made solely to cure scrivener's errors, remove obsolete language, update citation, and correct cross-references.

AUTHORITY:
68 O.S. §203; Oklahoma Tax Commission

COMMENT PERIOD:
Persons wishing to make written submissions may do so by 4:30 p.m., March 5, 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. Time, Date and Place of the hearing is as follows:

Tuesday, March 11, 2003, 2:00 p.m. in Room 1-24 of the Oklahoma Tax Commission, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.
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 it has been determined that 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 February 18, 2003 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:
Carolyn Swifthurst, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: cswifthurst@oktax.state.ok.us
[OAR Docket #03-49; filed 1-7-03]

TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 85. VARIOUS TAX INCENTIVES
[OAR Docket #03-50]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Chapter 85. Various Tax Incentives [AMENDED]

SUMMARY:
The Oklahoma Legislature has enacted recent statutory changes which require additions, revocations, and amendments to the existing rules in this area. In addition, rule changes are proposed to make clarification of policy, to improve readability, to correct scrivener' errors, to update statutory citation, and to insure accurate internal cross-references.

AUTHORITY:
68 O.S. §§203, 3608, 3710, 3907; Oklahoma Tax Commission

COMMENT PERIOD:
Persons wishing to make written submissions may do so by 4:30 p.m., March 5, 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 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 on Tuesday, March 18, 2003, 2:00 p.m., in Room 1-24 of the Oklahoma Tax Commission, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Although it has been determined that 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 February 18, 2003 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:
Carolyn Swifthurst, Tax Policy Analyst, Phone: 405-521-3133, FAX 405-522-0063, Email: cswifthurst@oktax.state.ok.us
[OAR Docket #03-50; filed 1-7-03]
TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY

[OAR Docket #03-51]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Subchapter 5. Waste Tire Recycling [AMENDED]
Subchapter 6. Oklahoma Safe Playground Surfaces Program [NEW]

SUMMARY:
As to Subchapter 5, concerning Waste Tire Recycling:
Section 710:95-5-8, describing transactions to which the waste tire fee is not applicable, has been amended to remove references to "Waste Tire Fee Exemption Certificates", which were deleted from statutes by the provisions of Laws 2002, c. 502, § 1 (SB 1406). [27A:2-11-403]

Section 710:95-5-20, has been amended in conformity with the provisions of Laws 2002, c. 502, § 2,3 (SB 1406), which increased reimbursement rates for waste tires used in erosion control, bank stabilization, and other conservation projects. [27A:2-11-407.1 & 2-11-408]

Section 710:95-5-21, has been amended to conform to the provisions of Laws 2002, c. 328, § 2 (HB 2151), which clarified reimbursement procedures and requirements applicable to local or county governments wishing use baled tires in approved engineering projects. [27A:2-11-407.2]

As to Subchapter 6, concerning the Safe Playground Surfaces Program:
Sections 710:95-6-4 and 710:95-6-5, have been amended to conform to the provisions of Laws 2002, c. 502, § 4 (SB 1406), which authorized payment of funds, as well as reimbursement, limited eligible waste tires to those discarded within the State, added certain requirements to the application procedures, provided for the obligation of funds, and added a notice of approval to applicants. [27A:2-11-415]

AUTHORITY:
Oklahoma Tax Commission; 27A O.S. §§ 2-11-409(A) and 2-11-415(G)

COMMENT PERIOD:
Persons wishing to make written submissions may do so by 4:30 p.m., March 10, 2003, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, 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. Time, Date and Place of the hearing is as follows:

Thursday, March 13, 2003, 2:00 p.m. in Room 1-24 of the Oklahoma Tax Commission, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:
Although it has been determined that 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 February 18, 2003, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:
Carolyn H. Swifthurst, Tax Policy Analyst,
Phone: 405-521-3133, FAX 405-522-0063, Email: cswifthurst@oktax.state.ok.us

[OAR Docket #03-51; filed 1-7-03]

TITLE 735. STATE TREASURER
CHAPTER 80. UNCLAIMED PROPERTY ADMINISTRATION

[OAR Docket #03-35]

RULEMAKING ACTION:
Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:
Chapter 80. Unclaimed Property Administration [AMENDED]

SUMMARY:
These Permanent Rules amend the text of Chapter 80. Unclaimed Property Administration. A sentence will be added clarifying the purpose and authority for requiring the disclosure of Social Security numbers or tax I.D. numbers. Death certificates will no longer be required for claiming property when a probate has been properly filed or completed. A provision will be amended which currently prevents a lawful owner of unclaimed mineral proceeds, to transfer the right
to receive those proceeds to a purchaser or other transferee. Notice to the grantor will be provided by the grantee instead.

**AUTHORITY:**
State Treasurer, "Uniform Unclaimed Property Act", 60 O.S. §§ 651 et seq.

**COMMENT PERIOD:**
Monday, February 3, 2003 to Thursday, March 6, 2003. Written and oral comments will be accepted by contacting the person below, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., Central Time. Persons wishing to submit written comments must do so no later than March 6, 2003, at 5:00 p.m.

**PUBLIC HEARING:**
A public hearing will be held on Thursday, March 6, 2003 at 2:00 p.m. The hearing will be held at the State Treasurer's Unclaimed Property office conference room located at 4545 North Lincoln Blvd., Suite 106, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**
The State Treasurer's Office requests that business entities affected by these proposed rules provide the State Treasurer's Office, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Susan Bateman, at the address below, before the close of the comment period on March 6, 2003.

**COPIES OF PROPOSED RULES:**
Copies of proposed rules may be obtained from the contact person below, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., Central Time.

**RULE IMPACT STATEMENT:**
A copy of the rule impact statement may be obtained from the contact person listed below, Monday through Friday between the hours of 8:30 a.m. and 5:00 p.m., Central Time, beginning Tuesday, February 18, 2003.

**CONTACT PERSON:**
Susan Bateman, Office of the State Treasurer, 2300 North Lincoln Boulevard, Room 217, Oklahoma City, Oklahoma 73105-4895, telephone number (405) 521-3191.

[OAR Docket #03-35; filed 1-6-03]

[367] Oklahoma Register (Volume 20, Number 7)
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 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 2. FEES

[OAR Docket #02-1657]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

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

SUBMITTED TO GOVERNOR:
December 20, 2002

SUBMITTED TO HOUSE:
December 20, 2002

SUBMITTED TO SENATE:
December 20, 2002

[OAR Docket #02-1657; filed 12-23-02]

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

[OAR Docket #02-1656]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

RULES:
Subchapter 3. Eggs
35:10-3-1 through 35:10-3-4 [AMENDED]
35:10-3-5 through 35:10-3-7 [REVOKED]
35:10-3-8 through 35:10-3-10 [AMENDED]

SUBMITTED TO GOVERNOR:
December 20, 2002

SUBMITTED TO HOUSE:
December 20, 2002

SUBMITTED TO SENATE:
December 20, 2002

[OAR Docket #02-1656; filed 12-23-02]

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

[OAR Docket #02-1658]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

RULES:
Subchapter 7. Environmental Permit Process
Part 1. The Process
252:4-7-13 [AMENDED]
Part 3. Air Quality Division Tiers and Time Lines
252:4-7-32 [AMENDED]
252:4-7-33 [AMENDED]

SUBMITTED TO GOVERNOR:
November 22, 2002

SUBMITTED TO HOUSE:
November 22, 2002

SUBMITTED TO SENATE:
November 22, 2002

[OAR Docket #02-1658; filed 12-27-02]

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

[OAR Docket #02-1659]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

RULES:
Subchapter 4. New Source Performance Standards
252:100-4-5. [AMENDED]

SUBMITTED TO GOVERNOR:
November 22, 2002

SUBMITTED TO HOUSE:
November 22, 2002

SUBMITTED TO SENATE:
November 22, 2002

[OAR Docket #02-1659; filed 12-27-02]
TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #02-1660]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

RULES:
Subchapter 8. Permits for Part 70 Sources
Part 5. Permits for Part 70 Sources
252:100-8-5. [AMENDED]
252:100-8-7.2. [AMENDED]

SUBMITTED TO GOVERNOR:
November 22, 2002

SUBMITTED TO HOUSE:
November 22, 2002

SUBMITTED TO SENATE:
November 22, 2002

[OAR Docket #02-1660; filed 12-27-02]

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

[OAR Docket #02-1661]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

RULES:
Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas
Part 7. Specific Operations
252:100-39-41. Storage, loading and transport/delivery of VOCs [AMENDED]

SUBMITTED TO GOVERNOR:
November 22, 2002

SUBMITTED TO HOUSE:
November 22, 2002

SUBMITTED TO SENATE:
November 22, 2002

[OAR Docket #02-1661; filed 12-27-02]

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

[OAR Docket #02-1662]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

RULES:
Subchapter 41. Control of Emission of Hazardous Air Pollutants and Toxic Air Contaminants
Part 3. Hazardous Air Pollutants
252:100-41-15. [AMENDED]

SUBMITTED TO GOVERNOR:
November 22, 2002

SUBMITTED TO HOUSE:
November 22, 2002

SUBMITTED TO SENATE:
November 22, 2002

[OAR Docket #02-1662; filed 12-27-02]

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

[OAR Docket #02-1663]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review

RULES:
Subchapter 47. Control of Emissions from Existing Municipal Solid Waste Landfills
252:100-47-3. [AMENDED]
252:100-47-6. [AMENDED]
252:100-47-7. [AMENDED]
252:100-47-8. [AMENDED]
252:100-47-9. [AMENDED]
252:100-47-10. [AMENDED]
252:100-47-11. [AMENDED]
252:100-47-12. [AMENDED]
252:100-47-13. [AMENDED]
252:100-47-14. [AMENDED]

SUBMITTED TO GOVERNOR:
November 22, 2002
SUBMITTED TO HOUSE:
November 22, 2002
SUBMITTED TO SENATE:
November 22, 2002

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 510. MUNICIPAL SOLID WASTE LANDFILLS

[OAR Docket #02-1664; filed 12-27-02]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Chapter 510. Municipal Solid Waste Landfills
[REVOKED]

SUBMITTED TO GOVERNOR:
November 22, 2002
SUBMITTED TO HOUSE:
November 22, 2002
SUBMITTED TO SENATE:
November 22, 2002

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 520. SOLID WASTE MANAGEMENT

[OAR Docket #02-1666; filed 12-27-02]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Chapter 520. Solid Waste Management [REVOKED]

SUBMITTED TO GOVERNOR:
November 22, 2002
SUBMITTED TO HOUSE:
November 22, 2002
SUBMITTED TO SENATE:
November 22, 2002

[OAR Docket #02-1667; filed 12-27-02]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
CHAPTER 10. RULES AND REGULATIONS FOR NURSING HOME ADMINISTRATORS

[OAR Docket #02-1668; filed 12-27-02]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Subchapter 1. Licensing of Nursing Home Administrators
Submissions for Review

490:10-1-2 [AMENDED]
490:10-1-4 [AMENDED]
Subchapter 5. Licensure Expiration, Renewal, Denial, Revocation and Suspension
490:10-5-2 [AMENDED]
Subchapter 8. Administrators-in-Training (AIT)
490:10-8-5 [AMENDED]
490:10-8-14 [AMENDED]
Subchapter 10. Fee Schedule
490:10-10 1[AMENDED]

SUBMITTED TO GOVERNOR:
December 27, 2002

SUBMITTED TO HOUSE:
December 27, 2002

SUBMITTED TO SENATE:
December 27, 2002

[OAR Docket #02-1668; filed 12-27-02]
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 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #03-46]

RULEMAKING ACTION: EMERGENCY adoption

RULES:
Subchapter 47. Chronic Wasting Disease (CWD) in Cervidae [Cervidae]
Part 7. Interstate Movement Requirements
35:15-47-19 [NEW]

AUTHORITY:
Oklahoma State Board of Agriculture and the Oklahoma Agriculture Code; 2 O.S. 2001 § 2-4(2,7 and 17), 6-3, 6-124, 6-151, 6-153, and 6-291

DATES:
Adoption:
November 21, 2002
Approved by Governor:
January 2, 2003
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:
This emergency rule will provide clear actions that must be taken when a person unlawfully imports cervidae into the state. Cervidae importation regulations have been enacted, in part, to combat the spread of chronic wasting disease (CWD). CWD is a new contagious disease that kills cervidae. Currently, little is known about how the disease is spread, and early studies show the disease carrier, a prion, can reside in soil for up to five years and infect cervidae that come into contact with it. Therefore, the agency finds a compelling public interest for this emergency rule by promoting compliance with the state's importation regulations and preventing the spread of CWD into Oklahoma.

ANALYSIS:
The proposed rule is necessary to update Oklahoma's Chronic Wasting Disease (CWD) rules regarding persons that unlawfully import cervidae into the state of Oklahoma. The rule provides specific and necessary options to persons that have unlawfully imported cervidae into the state, protects the industry, and details responsibilities if the unlawfully imported cervidae have or develop CWD. These rules are needed to address a current importation problem in the state and to promote the continued growth and economic development of the cervidae industry in Oklahoma.

CONTACT PERSON:
Dr. Burke Healey, Director, Animal Industry Services, (405) 522-6134

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 47. CHRONIC WASTING DISEASE (CWD) IN CERVIDA CERVIDAE

PART 7. INTERSTATE MOVEMENT REQUIREMENTS

35:15-47-19. Disposition of cervidae unlawfully imported into the state
(a) Any person importing cervidae into the state in violation of any importation requirements may be subject to a penalty and shall quarantine or remove the cervidae in one of the following manners:
(1) The person may return the cervidae to the state of origin. If the unlawfully imported cervidae came into contact with other captive cervidae, then the owner of the legal captive cervidae shall enroll the herd in the state CWD program for a minimum of five (5) years at their own expense.
(2) The person's premises and all cervidae on the premises may be placed under a state quarantine issued by the state veterinarian for five (5) years with mandatory participation in the state's CWD surveillance program at the person's expense. In the event CWD is detected, the person shall depopulate the herd through approved USDA standards and methods and shall not be eligible to receive indemnification from the state.
(3) The person may destroy the unlawfully imported cervidae on the premises by approved USDA standards and methods with CWD surveillance and testing of the imported cervidae and enroll any remaining cervidae that had contact with the destroyed cervidae in the state CWD program for a minimum of five (5) years at the person's own expense.
(b) In the event the unlawfully imported cervidae or any cervidae exposed to the unlawfully imported cervidae are destroyed or disposed by the state for any reason, the person responsible for the unlawful importation of the cervidae shall be responsible for full reimbursement to the state for all costs and
Emergency Adoptions

expenses and in no case shall the person be eligible to receive indemnification from the state.

[OAR Docket #03-46; filed 1-7-03]
(format accepted 1-10-03)

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

[OAR Docket #03-09]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-5. [AMENDED]
APA WF # 02-21A

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

DATES:
Adoption:
November 14, 2002
Approved by Governor:
December 23, 2002
Effective:
Immediately upon Governor's approval or January 1, 2003, whichever is later
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 Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions which will require a copayment for Medicaid compensable prescription drugs for Home and Community Based Waiver service recipients. The state constitution requires all agencies to maintain a balanced budget. An emergency rule is necessary in order for the Agency to maintain a balanced budget as failure to do so would lead to a breach of the state constitution.

ANALYSIS:
Medical Providers-Fee for Service, General Provider Policies specific, and Medical Assistance for Adults and Children-Eligibility, AdVantage Waiver Services specific, rules are being revised to institute co-payments for prescription drugs for Home and Community Based Waiver service recipients. The state constitution requires all agencies to maintain a balanced budget. An emergency rule is necessary in order for the Agency to maintain a balanced budget as failure to do so would lead to a breach of the state constitution.

The following words and terms, when used in subsection (c) of this Section, shall have the following meaning, unless the context clearly indicates otherwise:

"Fee-for-service contract" means the provider agreement specified in OAC 317:30-3-2. This contract is the contract between the Oklahoma Health Care Authority and medical providers which provides for a fee with a specified service involved.

"Managed care health plan" means those entities defined at OAC 317:25-5-2, 317:25-3-1 and 317:25-3-2.

"Within the scope of services" means the set of covered services defined at OAC 317:25-5-30 and the provisions of the Health Plan contracts in the SoonerCare Plus program or Primary Care Case Manager contracts in the SoonerCare Choice Program.

"Outside of the scope of the services" means all medical benefits outside the set of services defined at OAC 317:25-5-30 and the provisions of the Health Plan contracts in the SoonerCare Plus program or Primary Care Case Manager contracts in the SoonerCare Choice Program.

(b) Assignment in fee-for-service. The Authority's Medicaid State Plan provides that participation in the medical program is limited to providers who accept, as payment in full, the amounts paid by OHCA plus any deductible, coinsurance, or copayment required by the State Plan to be paid by the recipient and make no additional charges to the patient or others. Payments made by a SoonerCare Plus Health Plan are considered Medicaid payments and are subject to the payment in full requirements of the Medicaid program. Providers who render services to SoonerCare Plus members will be paid the Medicaid Fee for Service allowable amount unless there is a participation agreement between the provider and the Health Plan.

1. OHCA presumes acceptance of assignment upon receipt of an assigned claim. This assignment, once made, cannot be rescinded, in whole or in part by one party, without the consent of the other party.
2. Once an assigned claim has been filed, the patient must not be billed and the patient is not responsible for any balance except the amount indicated by OHCA. The only amount a patient may be responsible for is the personal participation as agreed to at the time of determination of

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY GOVERNOR OR JANUARY 1, 2003, WHICHEVER IS LATER:

SUBCHAPTER 3. GENERAL PROVIDER POLICIES

PART 1. GENERAL SCOPE AND ADMINISTRATION

317:30-3-5. Assignment and Cost Sharing

(1) Assignment in fee-for-service. The Authority's Medicaid State Plan provides that participation in the medical program is limited to providers who accept, as payment in full, the amounts paid by OHCA plus any deductible, coinsurance, or copayment required by the State Plan to be paid by the recipient and make no additional charges to the patient or others. Payments made by a SoonerCare Plus Health Plan are considered Medicaid payments and are subject to the payment in full requirements of the Medicaid program. Providers who render services to SoonerCare Plus members will be paid the Medicaid Fee for Service allowable amount unless there is a participation agreement between the provider and the Health Plan.

(2) OHCA presumes acceptance of assignment upon receipt of an assigned claim. This assignment, once made, cannot be rescinded, in whole or in part by one party, without the consent of the other party.

(3) Once an assigned claim has been filed, the patient must not be billed and the patient is not responsible for any balance except the amount indicated by OHCA. The only amount a patient may be responsible for is the personal participation as agreed to at the time of determination of
eligibility, or the patient may be responsible for services not covered under the medical programs. The amount of personal participation will be shown on the OHCA notification of eligibility. In any event, the patient should not be billed for charges on an assigned claim until the claim has been adjudicated or other notice of action received by the provider. Any questions regarding amounts paid should be directed to OHCA, Customer Services.

(3) When potential assignment violations are detected, the Authority will contact the provider to assure that all provisions of the assignment agreement are understood. When there are repeated or uncorrected violations of the assignment agreement, the Authority is required to suspend further payment to the provider.

(c) **Assignment in a managed care plan.** Any provider who holds a fee for service contract and also executes a contract with a Medicaid Managed Care Health Plan or with the Authority to serve as a provider in the Primary Care Case Management program shall adhere to the rules of this subsection regarding assignment. Payments made by a SoonerCare Plus Health Plan are considered Medicaid payments and are subject to the payment in full requirements of the Medicaid program. Providers who render services to SoonerCare Plus members will be paid the Medicaid Fee for Service allowable amount unless there is a participation agreement between the provider and the Health Plan.

(1) If the service provided to the recipient in the Managed Care Health Plan is within the scope of the services outlined in the SoonerCare Plus Contract or the SoonerCare Choice Contract, the recipient shall not be billed for the service. In this case, the provider shall pursue collection from the Managed Care Health Plan in the case of the SoonerCare Plus Program or the Primary Care Physician in the case of the SoonerCare Choice Program.

(2) If the service provided to the recipient in the Managed Care Health Plan is outside of the scope of the services outlined in the SoonerCare Plus Contract or the SoonerCare Choice Contract, then the provider may bill or seek collection from the recipient.

(3) In the event there is a disagreement whether the services are in or out of the scope of the contracts referenced in (1) and (2) of this subsection, the Oklahoma Health Care Authority shall be the final authority for this decision. The provider shall be required to appeal the denial of payment to the Managed Care Health Plan in the case of the SoonerCare Plus Program. After appeal to the Managed Care Health Plan, the provider may appeal to OHCA under the provisions of OAC 317:2-1-2.1. The provider seeking payment under the SoonerCare Choice Program may appeal to OHCA under the provisions of OAC 317:2-1-2.1.

(4) Violation of this provision shall be grounds for a contract termination in the fee-for-service program and all managed care programs.

(d) **Cost Sharing-Copayment.** Section 1902(a)(14) of the Social Security Act permits states to require certain recipients to share some of the costs of Medicaid by imposing upon them such payments as enrollment fees, premiums, deductibles, coinsurance, copayments, or similar cost sharing charges. OHCA requires a copayment of some Medicaid recipients for certain medical services provided through the fee for service program. A copayment is a charge which must be paid by the recipient to the service provider when the service is covered by Medicaid. Section 1916(e) of the Act requires that a provider participating in the Medicaid program may not deny care or services to an eligible individual based on such individual's inability to pay the copayment. A person's assertion of their inability to pay the copayment establishes this inability. This rule does not change the fact that a recipient is liable for these charges and it does not preclude the provider from attempting to collect the copayment.

(1) Copayment is not required of the following recipients:

(A) Individuals under age 21. Each recipient's date of birth is available on the REVS system or through a commercial swipe card system.

(B) Recipients in nursing facilities and intermediate care facilities for the mentally retarded.

(C) Pregnant women.

(D) Home and Community Based Waiver service recipients except for prescription drugs.

(2) Copayment is not required for the following services:

(A) Services furnished to pregnant women if the services are related to the pregnancy or to any other medical condition which may complicate the pregnancy.

(B) Family planning services. Includes all contraceptives and services rendered.

(C) Emergency services provided in a hospital, clinic, office, or other facility.

(D) Home and Community Based Waiver services available through the ICF/MR Waiver and ADP Waiver and ADvantage waiver.

(3) Copayments required include:

(A) $3.00 per day for inpatient hospital services.

(B) $3.00 per day for outpatient hospital services.

(C) $3.00 per day for ambulatory surgery services including free-standing ambulatory surgery centers.

(D) $1.00 for each service rendered by the following providers:

(i) Physicians,

(ii) Optometrists,

(iii) Home Health Agencies,

(iv) Rural Health Clinics,

(v) Certified Registered Nurse Anesthetists, and

(vi) Federally Qualified Health Centers.

(E) Prescription drugs.

(i) $1.00 for prescriptions having a Medicaid allowable of $29.99 or less.

(ii) $2.00 for prescriptions having a Medicaid allowable of $30.00 or more.

(F) Crossover claims. Dually eligible Medicare/Medicaid recipients must make a copayment of $.50 per service for all Part B covered services. This
Emergency Adoptions

Title 317. Oklahoma Health Care Authority
Chapter 30. Medical Providers-Fee for Service

[OAR Docket #03-07]

Rulemaking Action:
Emergency adoption

Rules:
Subchapter 5. Individual Providers and Specialties
Part 61. Home Health Agencies
317:30-5-547. [Amended]

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

Dates:
Adopted:
November 14, 2002
Approved by Governor:
December 23, 2002
Effective:
Immediately upon Governor's approval or January 1, 2003, whichever is later
Expiration:
Effective through July 14, 2003, unless superseded by another rule or disapproved by the legislature.

Superceded Emergency Actions:
N/A

Incorporations by Reference:
N/A

Finding of Emergency:
The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of revisions to Medical Providers-Fee for Service, Home Health Agencies specific, rules to reduce the administrative costs associated with the prior authorization process for home health visits. The agency's Medical Authorization Unit will have fewer claims, prior authorization requests, and telephone inquiries to address if the revisions are approved.

Analysis:
Medical Providers-Fee for Service, Home Health Agencies specific, rules are being revised to remove the prior authorization requirement for home health visits in excess of fifteen visits per month. Current rules state that home health visits are limited to 36 visits per calendar year per eligible recipient and visits which exceed fifteen per month require prior authorization. Providers claiming for more than 15 visits in a month on one claim are only able to be paid for the first 15 visits with the system denying all remaining visits. The provider then must submit a second claim to request payment of the visits beyond the 15th visit, request a prior authorization for those visits, and wait for prior authorization approval before the second claim is paid. The administrative cost for time spent by the Medical Authorization and Customer Services Units on the additional claims and inquiries will be saved while streamlining the payment for providers. Therefore, rule revisions are needed to remove the prior authorization requirement for home health visits in excess of fifteen visits per month.

Contact Person:
Joanne Teritzi at (405)522-7272

Pursuant to the actions described herein, the following emergency rules are considered promulgated upon approval by the Governor as set forth in 75 O.S., Section 253(D), and effective upon approval by Governor or January 1, 2003, whichever is later:

Subchapter 5. Individual Providers and Specialties

Chapter 35. Medical Assistance for Adults and Children-Eligibility

[OAR Docket #03-08]
Any time an aged, blind or disabled individual is in a nursing facility (refer to OAC 317:35-19); care in a public or private intermediate care facility for the mentally retarded (refer to OAC 317:35-9); care of persons age 65 years or older in mental health hospitals (refer to OAC 317:35-9); Home and Community Based Services Waivers for the Mentally Retarded (refer to OAC 317:35-9); Personal Care services (refer to OAC 317:35-15); and the Home and Community Based Services Waiver for frail elderly, a targeted group of adults with physical disabilities age 21 and over who do not have mental retardation or a cognitive impairment (ADvantage Waiver).

(b) Any time an individual is certified as eligible for Medicaid coverage of long-term care, the individual is also eligible for other Medicaid services. Another application or spend-down computation is not required. There is not a co-payment for ADvantage services. ADvantage Waiver recipients do not have a co-payment for ADvantage services except for prescription drugs. Any time an aged, blind or disabled individual is determined eligible for long-term care, a separate determination must be made to see if eligibility conditions as a Qualified Medicare Beneficiary Plus (QMBP) or Specified Low-Income Medicare Beneficiary (SLMB) are met. Another application for QMBP or SLMB benefits is not required.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY GOVERNOR OR JANUARY 1, 2003, WHICHEVER IS LATER:

Subchapter 17. ADVANTAGE WAIVER SERVICES

Overview of long-term medical care services; relationship to QMBP, SLMB, and other Medicaid services eligibility
(a) Long-term medical care for the categorically needy includes:
   (1) care in a nursing facility (refer to OAC 317:35-19);
new chart adheres to the provisions of Section 800 of the Plan, which require that such a chart be based upon actual mileage driven in the state.

CONTACT PERSON:

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):
APPENDIX A. ESTIMATED MILEAGE CHART FOR NEW IRP REGISTRANTS [REVOKED]

APPENDIX A. ESTIMATED MILEAGE CHART FOR NEW IRP REGISTRANTS [NEW]

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(OAR Docket #02-1651; filed 12-23-02)
(format accepted 12-30-02)
Emergency Adoptions

TITLE 715. TEACHERS’ RETIREMENT SYSTEM
CHAPTER 10. GENERAL OPERATIONS

[OAR Docket #02-1653]

RULEMAKING ACTION: EMERGENCY adoption

RULES:
715:10-1-7 [AMENDED]
Subchapter 13. Contributions for Membership Service
715:10-13-3.1 [AMENDED]
715:10-13-9 [AMENDED]
Subchapter 17. Post-Retirement Employment
715:10-17-1 [AMENDED]

AUTHORITY:
Board of Trustees; 70 O.S. Section 17-101, et seq., especially Section 17-106

DATES:
Adoption: August 28, 2002
Approved by Governor: October 16, 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:
None

FINDING OF EMERGENCY:
The rules will provide a more efficient administration of the System. A compelling public interest requires these emergency rules.

ANALYSIS:
The changes to OAC 715:10-1-7 are necessary to amend the rule to comply with Enrolled House Bill 2670, which allows a participating employee of an education association to be retired upon qualifying for retirement even if the employee continues to be employed by the education association.

The title of OAC 715:10-13-3.1 is being changed to better reflect the contents of the rule, which is being amended to comply with Enrolled House Bill 2344, which requires local employers to remit statutory employer contributions for retired members who are employed after retirement.

The changes to OAC 715:10-13-9 are necessary to amend the rule to comply with Enrolled House Bill 2344, which requires local employers to remit statutory employer contributions for retired members who are employed after retirement.

The changes to OAC 715:10-17-1 are necessary to amend the rule to comply with Enrolled House Bill 2344, which requires inclusion of post-retirement earnings, whether the retiree is employed as an individual, corporation or other business structure. “Annuitant” and its definition are being stricken. “Retired Member” and its definition are being added.

CONTACT PERSON:
Jacqueline Scott Shannon, Public Information Director/Rules Liaison, 2500 N. Lincoln Blvd., 5th Floor, Oklahoma City, Oklahoma, 73105, (405) 521-4743.

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 1. MEMBERSHIP PROVISIONS

715:10-1-7. Membership in education associations
Any member absent from employment in the public schools of Oklahoma because of election or appointment as a local, state or national education association officer shall be allowed to retain membership in TRS by making the contribution required of such member by Title 70 Okla. Stat. Section 17-116.2 and any other applicable statute. For purposes of this section the following shall apply:

1. An education association is defined as an organization of educators established for the sole purpose of promoting the advancement of educational goals in Oklahoma or at the national level. A local or state association must be duly organized under the laws of the State of Oklahoma with a charter or articles of incorporation filed with the appropriate state agency and must comply with all applicable laws of the State of Oklahoma. A national association must be duly registered or chartered for the purpose of furthering educational goals at the national level.

2. An "officer in an association" is a current member of TRS who is elected or appointed to an employment position within the association commensurate with a position in the public schools of Oklahoma defined as "classified" personnel by 70 O.S. 17-101. The officer must receive compensation for services rendered commensurate with the appropriate state agency and must comply with similar services in the public schools of Oklahoma.

3. A member must notify TRS in writing on the form provided by TRS, his intent to elect to continue membership in TRS while the member continues to be employed by the education association.

4. The maximum years of creditable service a member may receive for one such absence shall not exceed eight (8) continuous years. A member may again qualify for creditable service in an educational association provided that the member returns to employment in the public schools of Oklahoma for a minimum of the same number of years received as credit in the former education association.

5. Effective July 1, 1991, a member electing to continue membership in TRS and receive credit for employment by an educational association shall not be allowed to receive retirement benefits so long as the member is employed by an educational association.

6. A member who after July 1, 1991, elects to receive credit for employment in an educational association shall be subject to the same post-retirement employment provisions for employment by any education association that applies to retired members employed by the public schools of Oklahoma (See Subchapter 17 of this chapter).

2. On the recommendation of the executive secretary the Board of Trustees may deny eligibility to any local state or national association, when it is judged not to conform with the intent of 70 O.S. 17-116.2 or when it is
determined that the association was not established for the sole purpose of promoting the advancement of education. (§6) Effective July 1, 1994, a member may elect to continue membership as provided in Section (3) above only if the member has ten (10) years of contributory Oklahoma service prior to July 1, 1994.

SUBCHAPTER 13. CONTRIBUTIONS FOR MEMBERSHIP SERVICE

715:10-13-3.1. Employer contribution rates
(a) Beginning July 1, 1998, through June 30, 2000, the local employer shall pay four and eight-tenths percent (4.8%) of the regular annual compensation of the member, up to the member's applicable maximum compensation level.
(b) Beginning July 1, 2000, through June 30, 2001, the employer shall pay five and eight-tenths percent (5.8%) of the regular annual compensation of the member up to the member's applicable maximum compensation level.
(c) Beginning July 1, 2001, through June 30, 2002, the employer shall pay six and eight-tenths percent (6.8%) of the regular annual compensation of the member up to the member's applicable maximum compensation level.
(d) Beginning July 1, 2002, the employer shall pay seven and five-hundredths percent (7.05%) of the regular annual compensation of the member up to the member's applicable maximum compensation level.

A remittance report shall be prepared and filed with the Executive Secretary of the Teachers' Retirement System by the superintendent of schools or the financial secretary of a school, on the form supplied by the Teachers' Retirement System each month for each payroll period occurring during that month.
(1) School officials preparing the claims shall prepare an alphabetical list of all members comprising the report, the amount of contributions both taxed and non-taxed (paid by the employer on a before tax basis) for each employee and the total monthly compensation amount. The report must include a listing of the retired members who are employed by the school and the amount of employer contributions remitted for each retired member. Monthly compensation shall be the total compensation (including benefits) for the pay period and shall not in any case be less than 1/12th of the maximum compensation option elected by the member. (This list shall be known as TRS Form 50.)
(2) TRS Form 32 Summary of Payroll Remittance along with warrants covering the total amount to be remitted shall accompany TRS Form 50. All employee contributions, employer contributions, retired member contributions and federal matching funds for the pay period shall be remitted at the same time.
(3) TRS Form 1-A Personal Data shall be required for each new member of the Teachers' Retirement System. This form must be mailed to TRS prior to or with the first remittance report containing the name of a new employee/member.
(4) Payments for prior school years may not be included on current year reports. These payments must be handled as a back payment including any interest which may be due. Contact Teachers' Retirement System for proper billing of these amounts.
(5) Special permission may be obtained to make a computerized report on magnetic media when it is to the advantage of both the remitting agency and the Teachers' Retirement System. Details of computerized reporting requirements are available from Teachers' Retirement. Prior approval by TRS is required before a school may utilize this option. (Note: Approval by the State Department of Education for an alternate accounting system does not guarantee acceptance for use in TRS reporting.)
(6) The employer of each member shall deposit within ten (10) days of the last day of each calendar month all employer and employee contributions of each member due the Retirement System for payroll periods ending during the calendar month. Employer and employee contribution amounts not paid to the Retirement System after thirty (30) days from the end of the payroll month shall be subject to a monthly late charge of one and one-half percent (1 1/2%) of the unpaid balance to be paid by the employer to the Retirement System.
(7) Reports for the summer months of June, July and August must be made on three individual TRS Form 32 reports; however, they can all be sent to TRS at the same time. Reports for July and August of the preceding school year must be prepared and filed as separate reports from reports filed for the new year beginning July 1. Contributions due for one fiscal or school year shall not be commingled on the same remittance report with contributions for the next fiscal or school year.
(8) The executive secretary of TRS may, at any time, require additional items to be included on the monthly remittance report or require additional reports when in the executive secretary's judgment such information is necessary for the efficient operation of the System or to comply with state statutes.
(9) Receipts shall be issued by the Teachers' Retirement System to the remitting agency making the remittance.

SUBCHAPTER 17. POST-RETIREMENT EMPLOYMENT
Emergency Adoptions

715:10-17-1. Definitions

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Annuitant", as defined in TRS statutes at 70 O.S., §17-101 (12), shall be inclusive of any "member", "person", or "incorporated entity that may be created by a retired member for purposes of contracting with the public schools of Oklahoma following retirement.

"Public school" means all schools, colleges, universities, state agencies, boards, commissions or other state educational entities conducted within the state supported wholly or partly by public funds and operating for any function of public education. All employment by any state agency, which would cause or allow the member to be enrolled in TRS as an active employee will constitute employment by a public school for the purposes of this section. Members receiving service retirement benefits may be employed in private schools, public schools in other states, and in private business without affecting their benefits.

"Retired Member", shall be inclusive of any person, who is receiving monthly benefits from the Teachers' Retirement System of Oklahoma, whether that person is an individual, incorporated entity, corporation, proprietorship, partnership, limited liability company or partnership, or any other business structure that contracts with a public school to perform duties ordinarily performed by classified or non-classified personnel.

"Retirement" means withdrawal from active service, with a retirement benefit in lieu thereof.

[FINDING OF EMERGENCY:

These rules will provide a more efficient administration of the System. A compelling public interest requires these emergency rules.

These rules were promulgated as Permanent Rules during the 2002 Legislative Session and were submitted correctly to the Office of Administrative Rules for publication in The Oklahoma Register. However, the Office of Administrative Rules published them incorrectly in The Oklahoma Register, Volume 19, Number 17, pp. 2736 and 2745.

The Oklahoma Administrative Procedures Act (75 O.S., §250 et seq.) requires that the rules as published in The Oklahoma Register be the official rules of a state agency, even if the rules are published incorrectly in the Register through no fault of the agency. As these were prior to publication in the "Code" or any of its supplements, in cases where there is a conflict between the finally adopted rules filed with the Office pursuant to Section 251 of this title and rules published in "The Oklahoma Register", the rules published in "The Oklahoma Register" pursuant to Section 255 of this title shall govern and shall constitute the official rule of the agency. (75 O.S., §250.7 A)

Further, the Office of Administrative Rules' Administrative Rules on Rulemaking, requires any rules published incorrectly in the Register be re-promulgated by the agency.

In the event an agency discovers and error in regulatory text in a permanent rule document after publication in the Register, the agency may correct the error through emergency, preemptive, or permanent rulemaking procedures only. (emphasis added) (Administrative Rules on Rulemaking, 655:10-13-3) ANALYSIS:

The change to OAC 715:10-5-32 is necessary to correct reference to the Internal Revenue Code. This reference was corrected in the rule submitted for publication; however, it was published incorrectly in The Oklahoma Register.

The change to OAC 715:10-19-8 removes an extraneous word that had been stricken in the rule submitted for publication, but which was published incorrectly in The Oklahoma Register.

CONTACT PERSON:
Jacqueline Scott Shannon, Public Information Director/Rules Liaison, 2500 N. Lincoln Blvd., 5th Floor, Oklahoma City, Oklahoma, 73105, (405) 521-4743.

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. ESTABLISHING OTHER SERVICE CREDITS

715:10-5-32. Roll-overs from other qualified plans or conduit IRAs

Credit for past service, including redeposits of withdrawn Oklahoma service, defined in this subchapter may be purchased with roll-overs from another retirement plan if allowed by qualified under section 401(a) of the Internal Revenue Code. This includes "conduit IRAs" which have been established with funds received from a 401(a) plan distribution for the purpose of holding the funds separate until a rollover can be consummated, traditional IRAs, 403(b) tax-deferred annuity plans, 401(k) and 457 deferred compensation plans. For a rollover payment to be accepted by Teachers' Retirement the following conditions must be met:

1) The member should contact Teachers' Retirement to obtain a billing statement for the service to be purchased and convey the intent to make total or partial payment by a rollover.

Oklahoma Register (Volume 20, Number 7) 382 February 3, 2003
February 3, 2003

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Emergency Adoptions

SUBCHAPTER 19. TAX-SHELTERED ANNUITY PROGRAM

715:10-19-8. Distributions

(a) Distributions from members’ accounts must be made in accordance with the Internal Revenue Code. TRS will distinguish pre-’87 and post-’86 account balances. Both account balances will be distributed in accordance with the applicable Internal Revenue Code provisions as they pertain to individual retirement accounts or annuities. The post-’86 account balance will include earnings after 1986 on the pre-’87 account balance. TRS will adjust each balance as required under IRS rules and regulations.

(b) Distribution of deposits made, or income earned, after December 31, 1988, will not be made to members except under one of the following circumstances:

(1) Attainment of age fifty-nine and one-half (59 1/2).

(2) Death.

(3) Disability. For the purpose of this section, a member is considered disabled if the member is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration.

(4) Separation from service (termination of employment).

(5) Retirement.

(6) Financial hardship (this distribution does not include accumulated earnings).

(7) Transfer to another tax-sheltered annuity program.

(e) Distributions from this tax-sheltered annuity program are subject to federal and state income taxes. Certain distributions may also be subject to penalties and/or excise taxes under the Internal Revenue Code. Members should seek tax advice prior to requesting distributions.

(d) Upon filing a properly executed distribution request application, a portion or all of a member’s tax-sheltered annuity balance that qualifies under Internal Revenue Code regulations, may be distributed. Distributions, other than required minimum distributions and hardship withdrawals, are subject to a mandatory federal withholding of twenty percent (20%). (Distribution of these deposits shall not affect membership status.)

(e) Members who have attained age 59 1/2 are eligible to withdraw all or any portion of their deposits, subject to the provisions of subsection (i) of this section.

(f) Members who have not attained age 59 1/2 and who have not separated from service (retired or terminated employment) may withdraw only contributions made prior to January 1, 1989, unless a financial hardship exist. (See OAC 715:10-19-9.)

(g) Members eligible to take a distribution may take up to 80% of their account balance at any time. For those desiring to close their accounts, they may do so after earnings from the previous month have been posted. No earnings will be paid during the month in which an account is closed.

(h) Members who roll-over their tax-sheltered annuity accounts to another tax-sheltered annuity program may return these funds to the Teachers’ Retirement System’s program at a later time.

(i) At termination or retirement, a member may elect one of the following annuity distribution options subject to Internal Revenue Service requirements, including Code Section 403(b)(10), Code Section 401(a)(9), and the incidental death benefit requirements of Code Section 401(a):

(1) Minimum distribution option under Code Section 401(a)(9), with the post-1986 deferrals and all post-1986 earnings subject to the current Internal Revenue Service distribution rules and the pre-1987 account balance subject to the prior applicable Internal Revenue Service distribution rules.

(2) Lump sum surrender option, payable only to the member.

(3) Partial lump sum, where the member selects a specified lump sum payable to the member.

(j) Earnings on Teachers’ Retirement System tax-sheltered annuity accounts are calculated each month-end, based on accumulated deposits as of the first day of the month.

(k) The beneficiary(ies) designated on a member’s regular retirement account also shall serve as beneficiary(ies) for the tax-sheltered annuity account, unless otherwise designated by the member.

(l) In the event the member dies, and if the member’s sole beneficiary is his or her spouse, the surviving spouse has the same privileges to the account as the member. In order to satisfy minimum distribution rules, if the sole designated beneficiary is the member’s surviving spouse, distributions must commence on or before the later of:
(1) the end of the calendar year immediately following the calendar year in which the member died; or
(2) the end of the calendar year in which the member would have attained age 70 \(\frac{1}{2}\).

(m) Non-spousal beneficiaries (individuals or trusts) must begin taking a required minimum distribution no later than December 31 of the year following the year of the member's death. In the event there is no designated beneficiary, or if the member's estate or a charitable organization is the designated beneficiary, the entire account balance must be distributed by the fifth year following the member's death.

(n) In all cases, distribution of a termination or retirement benefit must begin no later than April 1 of the calendar year following the later of the calendar year in which the member attains age 70 \(\frac{1}{2}\) or retires.

[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 17. POST-RETIREMENT EMPLOYMENT**

715:10-17-5. Permissible employment

Post-retirement employment in the public schools, institutions, and agencies covered by TRS is allowed after the break in employment outlined in OAC 715:10-17-2 has been met. Employment subject to this section shall include any services performed by a retired member, as defined in this subchapter, except for payments received as an independent contractor or consultant, pursuant to a lawful contract that complies with the requirements of 70 O.S. § 6-101.2(B). The Teachers' Retirement System will follow guidelines in subsection B of Section 6-101.2 of Title 70 and federal guidelines from the Department of Labor and the Internal Revenue Service in determining when a retired person qualifies as an independent contractor or consultant.

715:10-17-6. Earnings limits

(a) Effective July 1, 1999, a retired member, whether such member represents himself or herself to TRS or to the public schools of Oklahoma to be an individual or an incorporated entity who has been retired for thirty-six (36) or more months and who is employed to teach as an active classroom teacher, counselor or librarian in a public school in Oklahoma shall be able to earn up to Twenty-five Thousand Dollars ($25,000.00) annually from that post-retirement employment. Eligible retirees who are employed part-time in a position other than a teaching position shall have their earnings under this rule prorated based upon the percentage of time the retiree is in the teaching position.

Effective July 1, 2002, the annual earnings limit from employment in the public schools of Oklahoma for a retired member under age 62 may not exceed one-half (1/2) of the member's final average salary used in computing retirement benefits or $15,000, whichever is less.

(b) For a retiree under age 65, who has been retired fewer than thirty-six (36) months or who is not working as an active classroom teacher, a counselor or a certified librarian in the public schools of Oklahoma, annual post-retirement earnings from the public schools may not exceed one-half (1/2) of the member's average salary used in computing retirement benefits, or $15,000, whichever is less. Effective July 1, 2002, the annual earnings limit from employment in the public schools of Oklahoma for a retired member age 62 or older may not exceed one-half (1/2) of the member's average salary used in computing retirement benefits or $30,000, whichever is less.

(c) For a retiree age 65 or older, who has been retired fewer than thirty-six (36) months or who is not working as an active classroom teacher, a counselor or a certified librarian in the public schools of Oklahoma, annual post-retirement earnings...
from the public schools may not exceed one half (1/2) of the member's average salary used in computing retirement benefits. Notwithstanding the provisions of subsections (a) and (b) of this section, effective July 1, 2002, any retired member who retired as a classified member and who has been retired for thirty-six (36) months or more may earn up to $30,000 annually from employment in the public schools of Oklahoma.

(d) For purposes of this rule the following shall apply:

(1) Earnings shall mean "regular annual compensation" as defined in OAC 715:10-13-1 and 70 O.S. § 17-116.2(D). Earnings shall include any payment by a public school for services rendered by a retired member who is employed for any purpose whatsoever. Supplemental retirement payments paid by a former public school employer in accordance with 70 O.S. 17-105(9) or other applicable state statutes or payments to an independent contractor or consultant, pursuant to a lawful contract which complies with the requirements of 70 O.S. § 6-101.2(B), will not be counted as earnings.

(2) Earnings in excess of the maximum limit will result in a loss of future retirement benefits of one dollar ($1) for each one dollar ($1) earned over the maximum.

(3) The earnings limits will, in all cases, be applied on a calendar year basis from January 1 through December 31.

(4) The earnings limit for the calendar year in which a member retires shall be one-twelfth (1/12th) of the annual limit multiplied by the number of months the member is eligible to work and receive payments from the public schools of Oklahoma.

(5) The earnings limit for the calendar year in which a member reaches age 65 shall be prorated in equal monthly increments with the month in which the member's birth date occurs counted at the higher earnings level.

(6) The earnings limit for the calendar year in which a member reaches his or her thirty-sixth (36th) month of retirement shall be prorated in equal monthly increments.

(7) For purposes of this subsection, for a retired member whose average salary exceeds $40,000, "average salary" means the weighted or aggregated average used to compute monthly benefits for all the member's years of credited service.

{OAR Docket #02-1655; filed 12-23-02}
(format accepted 12-30-02)
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

1:2002-17.

EXECUTIVE ORDER 2002-17

I, Frank Keating, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Subsection D of Section 840-2.14 of Title 74 of the Oklahoma Statutes, hereby order a state agency hiring freeze.

For purposes of this hiring freeze, each statewide elected official shall perform the duties of a Cabinet Secretary. These duties shall be accomplished in the same manner as other official actions by the elected officials.

This hiring freeze shall be implemented by all agencies in accordance with the following guidelines.

1. It is my direction that no audits of classified positions or relocation of unclassified positions shall be initiated or conducted at the request of any agency unless specifically approved by the appropriate Cabinet Secretary.

2. All audits resulting from a classification grievance shall be exempt from the provisions of this Executive Order.

3. Except as specifically provided and authorized by this order, all affected state agencies are prohibited from hiring, reinstating, or promoting employees and from accepting a transferred employee form another agency.

4. Exceptions to this hiring freeze may be granted pursuant to special conditions as declared by the Chief Administrative Officer of any agency and approved by the appropriate Cabinet Secretary for that Agency.

   a. A Chief Administrative Officer shall submit a written request to the appropriate Cabinet Secretary stating the special conditions requiring the submission of the request and describing the actions taken by the agency to combat the budget shortfall for 2003 and 2004.

   b. Such requests may be on forms provided by the Office of Personnel Management, the Office of State Finance, or the Department of Central Services. If an agency has an internal form regularly used by that agency which provides all the necessary information, that form may be used in lieu of the Office of Personnel Management, Office of State Finance or the Department of Central Services forms if approved by the appropriate Cabinet Secretary.

   c. The Cabinet Secretary shall indicate approval in writing of the submitted request for the granting of an exception to this hiring freeze.

   d. All approved requests and approved Cabinet Secretary findings shall be maintained as an official record by either the Office of Personnel Management, the Office of State Finance or the Department of Central Services in accordance with the Records Management Act. Any agency which does not submit personnel action requests for approval to the Office of Personnel Management, Office of State Finance or Department of Central Services shall be responsible for maintaining this documentation.

   e. In the event of a vacancy in a Cabinet Secretary position, the Secretary of State shall act as the approving authority for the hiring freeze exception requests.

5. The Administrator of the Office of Personnel Management, Director of the Office of State Finance and the Administrator of the Department of Central Services are hereby directed to develop and implement procedures necessary to carry out the provisions of this Executive Order.

6. The Director of the Office of State Finance is authorized to require Cabinet Secretaries to provide him with periodic accountings of their approvals and disapprovals of written requests for exemptions to this hiring freeze.

7. The Oklahoma Military Department shall not be required to comply with this order for hiring personnel and contracts for which the department receives total federal government reimbursement.

Copies of this Executive Order shall be distributed to the Secretary for Human Resources for immediate implementation.

The provisions of this Executive Order shall be effective January 1, 2002 and shall terminate December 31, 2003.

IN WITNESS WHEREOF, I, Frank Keating, Governor of the State of Oklahoma, set my hand and cause the Great Seal of
BY THE GOVERNOR OF THE
STATE OF OKLAHOMA
Frank Keating

ATTEST:
Kathy Jekel
Acting Assistant Secretary of State

[OAR Docket #03-01; filed 1-2-03]
the State of Oklahoma to be affixed this 30th day of December, 2002.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA
Frank Keating

ATTEST:
Kathy Jekel
Acting Assistant Secretary of State

[OAR Docket #03-29; filed 1-3-03]

EXECUTIVE ORDER 2003-1

I, Frank Keating, Governor of the State of Oklahoma, pursuant to Article 6 Section 10 of the Oklahoma Constitution, hereby grant a stay of thirty (30) days from the date of this order in the execution of Bobby Joe Fields. This stay is granted in order for this office to thoroughly evaluate the recommendation of the State Pardon and Parole Board.

In accordance with 22 O.S. Section 1001.1, I hereby direct that, in the event clemency is not granted, the sentence of death be carried out in this case on February 13, 2003.

This executive order shall be forwarded to the Director of the Oklahoma Department of Corrections and the Oklahoma Attorney General 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 this 7th day of January, 2003.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA
Frank Keating

ATTEST:
Kay Dudley
Secretary of State

[OAR Docket #03-60; filed 1-7-03]
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 DEPARTMENT OF LIBRARIES
Local Project Funding Contract Announcement

[OAR Docket #03-06]

DESCRIPTION OF PROJECT:
PUBLIC LIBRARY CONSTRUCTION

State funds are available for public library renovation and/or new construction. Funds may be used for planning, architect fees, wiring, furniture, renovation and new construction. Funds may not be used for computer hardware and software. The grant requires a 50/50 match. State funds (State aid to public libraries) may not be used for the match.

Funds Available:
$141,750. Two grants of $70,875 will be awarded. Matching funds need to be certified within 60 days of grant award. Matching funds are considered to be funds available for expenditures on the project made after the date of the application. The Oklahoma Dept. of Libraries reserves the right to suspend this grant opportunity if necessary due to rescission of FY03 state budget.

CRITERIA FOR AWARD:

Award based on review of applications for library's need for the building project, plan to complete the project, ability to complete the project, and quality of the application. The project must be begun during the one-year grant contract period. The grant and matching funds must be spent during the one-year grant contract period.

ELIGIBILITY:

1) The public library must be eligible to receive state aid in FY03.
2) Libraries must provide a 50/50 match. If a grant is awarded the library will have 60 days to certify availability of matching funds before contract is signed. If matching funds are not certified within that time period the grant will be withdrawn. No extension of this time period will be allowed.
3) Library systems may submit only one application for the construction grant.
4) Applications must be typed.
5) Libraries that received state public library construction grants in previous years are not eligible.
6) Only one application per library will be reviewed.

AUTHORITY:
Okla. Stat. 65:3-101, 3-105, 3-107

APPLICATION DEADLINE:
March 3, 2003

CONTACT PERSON:
Gary Phillips/Building Consultant/Oklahoma Dept. of Libraries/200 NE 18th St./Oklahoma City, OK 73105. 1-800-522-8116 or 405-522-3317, gphillips@oltn.odl.state.ok.us

[OAR Docket #03-06; filed 1-2-03]
STATE BOND ADVISOR'S OFFICE
NOTICE OF STATE CEILING AMOUNT FOR
THE CALENDAR YEAR 2003

In accordance with §695.25, Title 62 O.S., the maximum total volume (also referred to as "Volume Cap" or "State Ceiling Amount") of Private Activity Bonds that may be issued pursuant to federal law by the State of Oklahoma during calendar year 2003 is $262,028,550.00. From the first business day of 2003 through September 1, 2003, the Volume Cap is subdivided into the following categories ("Pools") and amounts: (1) Qualified Small Issue Pool, $31,875,000.00; (2) Exempt Facility Pool, $10,850,000.00; (3) Beginning Agricultural Producer Pool, $2,750,000.00; (4) Student Loan Pool, $40,625,000.00; (5) Economic Development Pool, $30,000,000.00; (6) Oklahoma Housing Finance Agency Pool, $25,075,000.00; (7) State Issuer Pool, $10,200,000.00; and (8) Local Issuer Single Family Pool, $110,653,550.00. From September 2, 2003, through November 30, 2003, any amounts remaining to be allocated from these pools are combined and managed from the Consolidated Pool. On or after 9:00 a.m. on December 19, 2003, certain Private Activity Bond issuing authorities may apply to the State Bond Advisor to carry forward a portion of any remaining State Ceiling Amount.

[OAR Docket #02-1669; filed 12-30-02]