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State Board of MEDICAL Licensure and Supervision	435	Oklahoma Center for the Advancement of SCIENCE and Technology	650
MEDICAL Technology and Research Authority of Oklahoma	440	SECRETARY of State	655
Board of MEDICOLEGAL Investigations	445	Department of SECURITIES	660
Department of MENTAL Health and Substance Abuse Services	450	Board of Regents of SEMINOLE State College	665
MERIT Protection Commission	455	SHEEP and Wool Commission	670
Department of MINES	460	State Board of Licensed SOCIAL Workers	675
Oklahoma MOTOR Vehicle Commission	465	SOUTHERN Growth Policies Board	680
Board of Regents of MURRAY State College	470	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology	690
Board of Regents of NORTHERN Oklahoma College	480	STATE Agency Review Committee	695
Oklahoma Board of NURSING	485	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>) – See Title 304	
Oklahoma State Board of Examiners for NURSING Home Administrators	490	Oklahoma STUDENT Loan Authority	700
Board of Regents of OKLAHOMA City Community College	495	TASK Force 2000	705
Board of Regents of OKLAHOMA Colleges	500	Oklahoma TAX Commission	710
Board of Examiners in OPTOMETRY	505	Oklahoma Commission for TEACHER Preparation	712
State Board of OSTEOPATHIC Examiners	510	TEACHERS' Retirement System	715
PARDON and Parole Board	515	State TEXTBOOK Committee	720
Oklahoma PEANUT Commission	520	Oklahoma TOURISM and Recreation Department	725
Oklahoma State PENSION Commission	525	Department of TRANSPORTATION	730
State Board of Examiners of PERFUSIONISTS	527	Oklahoma TRANSPORTATION Authority	731
Office of PERSONNEL Management	530	State TREASURER	735
Oklahoma State Board of PHARMACY	535	Board of Regents of TULSA Community College	740
PHYSICIAN Manpower Training Commission	540	Oklahoma TURNPIKE Authority (<i>name changed - see Title 731</i>)	745
Board of PODIATRIC Medical Examiners	545	Board of Trustees for the UNIVERSITY Center at Tulsa	750
Oklahoma POLICE Pension and Retirement System	550	UNIVERSITY Hospitals Authority	752
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Board of Regents of the UNIVERSITY of Oklahoma	755
POLYGRAPH Examiners Board	560	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma	760
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma USED Motor Vehicle and Parts Commission	765
State Board for PROPERTY and Casualty Rates	570	Oklahoma Department of VETERANS Affairs	770
State Board of Examiners of PSYCHOLOGISTS	575	Board of VETERINARY Medical Examiners	775
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>)	580	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>)	780
PUBLIC Employees Relations Board	585	Oklahoma WATER Resources Board	785
Oklahoma PUBLIC Employees Retirement System	590	Board of Regents of WESTERN Oklahoma State College	790
Department of PUBLIC Safety	595	Oklahoma WHEAT Commission	795
REAL Estate Appraiser Board	600	Department of WILDLIFE Conservation	800
Oklahoma REAL Estate Commission	605	WILL Rogers and J.M. Davis Memorials Commission	805
Board of Regents of REDLANDS Community College	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College	615		

Notices of Rulemaking Intent

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

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

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

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. DRIVER LICENSES AND IDENTIFICATION CARDS

[OAR Docket #03-379]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card

Part 13. Motor License Agents

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

SUMMARY:

Amendments to this rule would authorize the wearing of a head covering under certain conditions when having a photo made for a driver license or identification card.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 10 a.m., Friday, May 16, 2003, in Classroom A of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person on and after March 5, 2003.

CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 425-2258. E-mail: dbeatty@dps.state.ok.us

ADDITIONAL INFORMATION:

Pursuant to subsection B of Section 4, Chapter 495, O.S.L. 2002 (subsection B of Section 504 of Title 75 of the Oklahoma Statutes), a copy of the proposed rules and a rule impact statement, as completed prior to this date, have been submitted to the Small Business Regulatory Review Committee for review and comment.

[OAR Docket #03-379; filed 3-10-03]

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 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 1. ORGANIZATION, OPERATIONS, PROCEDURES, AND POLICIES

[OAR Docket #03-431]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULE:

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

SUBMITTED TO GOVERNOR:

March 13, 2003

SUBMITTED TO HOUSE:

March 13, 2003

SUBMITTED TO SENATE:

March 13, 2003

[OAR Docket #03-431; filed 3-20-03]

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

[OAR Docket #03-432]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULE:

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 ~~supervisor~~ 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 ~~supervisors~~ 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 analysis permits [REVOKED]

40:10-3-7. Instructors fro 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 permits) [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 permits) [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]

SUBMITTED TO GOVERNOR:

March 13, 2003

SUBMITTED TO HOUSE:

March 13, 2003

SUBMITTED TO SENATE:

March 13, 2003

[OAR Docket #03-432; filed 3-20-03]

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

[OAR Docket #03-433]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULE:

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]

SUBMITTED TO GOVERNOR:

March 13, 2003

SUBMITTED TO HOUSE:

March 13, 2003

Submissions for Review

SUBMITTED TO SENATE:

March 13, 2003

[OAR Docket #03-433; filed 3-20-03]

**TITLE 40. BOARD OF TESTS FOR
ALCOHOL AND DRUG INFLUENCE
CHAPTER 25. APPARATUS, DEVICES,
EQUIPMENT, AND MATERIALS**

[OAR Docket #03-434]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULE:

40:25-1-1. Purpose [AMENDED]

40:25-1-2. Approved evidential breath-alcohol analyzers [REVOKED]

40:25-1-3. Alcoholic breath simulators [REVOKED]

40:25-1-4. Disposable materials, supplies, and paraphernalia [REVOKED]

40:25-1-5. Approval of equipment for breath-alcohol analysis [AMENDED]

SUBMITTED TO GOVERNOR:

March 13, 2003

SUBMITTED TO HOUSE:

March 13, 2003

SUBMITTED TO SENATE:

March 13, 2003

[OAR Docket #03-434; filed 3-20-03]

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

[OAR Docket #03-435]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULE:

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 Model 5000-D [NEW]

40:30-1-4. Analysis of retained breath-alcohol specimens [REVOKED]

SUBMITTED TO GOVERNOR:

March 13, 2003

SUBMITTED TO HOUSE:

March 13, 2003

SUBMITTED TO SENATE:

March 13, 2003

[OAR Docket #03-435; filed 3-20-03]

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

[OAR Docket #03-436]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULE:

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

SUBMITTED TO GOVERNOR:

March 13, 2003

SUBMITTED TO HOUSE:

March 13, 2003

SUBMITTED TO SENATE:

March 13, 2003

[OAR Docket #03-436; filed 3-20-03]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 10. OIL AND GAS
CONSERVATION**

[OAR Docket #03-445]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Administration

Part 1. General Provisions

165:10-1-4. Citation effective date [AMENDED]

165:10-1-7. Prescribed forms [AMENDED]

Subchapter 7. Pollution Abatement

Part 3. Storage And Disposal Of Fluids

165:10-7-32. Application to reclaim and/or recycle produced water for surface activities related to drilling, completion, workover, and production operations from oil and gas well site [NEW]

Subchapter 21. Applications For Tax Exemptions

Part 6. Production Enhancement Projects

165:10-21-24. Refund procedure [AMENDED]

Part 7. Re-Establishment Of Production From An Inactive Well

165:10-21-38. Refund procedure [AMENDED]

Part 8. Deep Wells

165:10-21-45. General [AMENDED]

165:10-21-47.1. Refund procedure [AMENDED]

165:10-21-48. Audit requirements [REVOKED]

Part 9. New Discovery Wells
 165:10-21-58. Refund procedure [AMENDED]
 165:10-21-59. Audit requirements [REVOKED]
 Part 11. Horizontally Drilled Producing Wells
 165:10-21-65. General [AMENDED]
 165:10-21-68. Refund procedure [AMENDED]
 165:10-21-69. Time periods for exemption from gross production tax levied on horizontally drilled producing wells [NEW]
 Part 13. Incremental Production From Enhanced Recovery Projects
 165:10-21-76. Definitions [AMENDED]
 165:10-21-78. Recovery of costs allowed as payback factors [AMENDED]
 Part 14. Production Of Oil, Gas Or Oil And Gas From Any Well Located Within Boundaries Of A Three-Dimensional Seismic Shoot
 165:10-21-82.2. Qualification procedure [AMENDED]
 165:10-21-82.3. Refund procedure [AMENDED]
 165:10-21-82.4. Time periods for exemption from gross production tax levied on oil, gas or oil and gas production from a well located within boundaries of three-dimensional seismic shoot [AMENDED]
 Part 17. Sales Tax Exemption For Electricity And Associated Delivery And Transmission Services Sold For Operation Of Reservoir Dewatering Project And/Or Unit [NEW]
 165:10-21-90. General [NEW]
 165:10-21-91. Definitions [NEW]
 165:10-21-92. Qualification procedure [NEW]

SUBMITTED TO GOVERNOR:

March 10, 2003

SUBMITTED TO HOUSE:

March 10, 2003

SUBMITTED TO SENATE:

March 10, 2003

[OAR Docket #03-445; filed 3-24-03]

**TITLE 170. DEPARTMENT OF CORRECTIONS
 CHAPTER 25. COMMUNITY SENTENCING**

[OAR Docket #03-376]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 1. General Provisions
 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]

SUBMITTED TO GOVERNOR:

March 7, 2003

SUBMITTED TO HOUSE:

March 7, 2003

SUBMITTED TO SENATE:

March 7, 2003

[OAR Docket #03-376; filed 3-7-03]

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

[OAR Docket #03-391]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions [AMENDED]
 Subchapter 7. Permits for Minor Facilities [AMENDED]
 Subchapter 17. Incinerators [AMENDED]
 Subchapter 31. Control of Emission of Sulfur Compounds [AMENDED]
 Subchapter 35. Control of Emission of Carbon Monoxide [AMENDED]
 Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs) [AMENDED]
 Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas [AMENDED]

SUBMITTED TO GOVERNOR:

March 6, 2003

SUBMITTED TO HOUSE:

March 6, 2003

SUBMITTED TO SENATE:

March 6, 2003

[OAR Docket #03-391; filed 3-12-03]

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

[OAR Docket #03-392]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 17. Incinerators [AMENDED]

SUBMITTED TO GOVERNOR:

March 6, 2003

Submissions for Review

SUBMITTED TO HOUSE:

March 6, 2003

SUBMITTED TO SENATE:

March 6, 2003

[OAR Docket #03-392; filed 3-12-03]

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

[OAR Docket #03-393]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 31. Control of Emission of Sulfur Compounds
Part 2. Ambient Air Concentration Limits or Impacts for
New and Existing Equipment, Sources, or Facilities

252:100-31-7. [AMENDED]

Part 5. New Equipment Standards

252:100-31-26. [AMENDED]

SUBMITTED TO GOVERNOR:

March 6, 2003

SUBMITTED TO HOUSE:

March 6, 2003

SUBMITTED TO SENATE:

March 6, 2003

[OAR Docket #03-393; filed 3-12-03]

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

[OAR Docket #03-394]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Incorporation by Reference

252:205-3-1. [AMENDED]

252:205-3-2. [AMENDED]

252:205-3-3. [REVOKED]

SUBMITTED TO GOVERNOR:

March 6, 2003

SUBMITTED TO HOUSE:

March 6, 2003

SUBMITTED TO SENATE:

March 6, 2003

[OAR Docket #03-394; filed 3-12-03]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 410. RADIATION
MANAGEMENT**

[OAR Docket #03-395]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 10. State Agreement Program

Part 101. State Agreement Program Fees

252:410-10-121. [NEW]

SUBMITTED TO GOVERNOR:

March 6, 2003

SUBMITTED TO HOUSE:

March 6, 2003

SUBMITTED TO SENATE:

March 6, 2003

[OAR Docket #03-395; filed 3-12-03]

**TITLE 270. OKLAHOMA FIREFIGHTERS
PENSION AND RETIREMENT SYSTEM
CHAPTER 10. FIREFIGHTERS PENSION
AND RETIREMENT PLAN**

[OAR Docket #03-444]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

270:10-1-8. [AMENDED]

270:10-1-9. [AMENDED]

270:10-1-10. [NEW]

SUBMITTED TO GOVERNOR:

March 24, 2003

SUBMITTED TO HOUSE:

March 24, 2003

SUBMITTED TO SENATE:

March 24, 2003

[OAR Docket #03-444; filed 3-24-03]

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

[OAR Docket #03-455]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

317:2-1-2. [AMENDED]

(Reference APA WF # 02-28)
SUBMITTED TO GOVERNOR:
March 20, 2003
SUBMITTED TO HOUSE:
March 20, 2003
SUBMITTED TO SENATE:
March 20, 2003

[OAR Docket #03-455; filed 3-24-03]

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

[OAR Docket #03-456]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:

- Subchapter 3. General Provider Policies
- Part 1. General Scope and Administration
317:30-3-5. [AMENDED]
- Subchapter 5. Individual Providers and Specialties
- Part 61. Home Health Agencies
317:30-5-547. [AMENDED]
- Part 85. ADvantage Program Waiver Services
317:30-5-764. [AMENDED]

(Reference APA WF # 02-21A, 02-22, and 02-23A)
SUBMITTED TO GOVERNOR:
March 20, 3003
SUBMITTED TO HOUSE:
March 20, 3003
SUBMITTED TO SENATE:
March 20, 3003

[OAR Docket #03-456; filed 3-24-03]

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

[OAR Docket #03-457]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:

- Subchapter 3. General Provider Policies
- Part 3. General Medical Program Information
317:30-3-59. [AMENDED]
- Part 5. Eligibility
317:30-3-78. [AMENDED]
317:30-3-82. [AMENDED]
- Subchapter 5. Individual Providers and Specialties

- Part 1. Physicians
317:30-5-7. [AMENDED]
- Part 4. Long Term Care Hospitals
317:30-5-65. [AMENDED]
- Part 69. Certified Registered Nurse Anesthetists
317:30-5-607. [AMENDED]
- Part 79. Dentists
317:30-5-696. [AMENDED]

(Reference APA WF # 02-27 and 02-32)
SUBMITTED TO GOVERNOR:
March 20, 3003
SUBMITTED TO HOUSE:
March 20, 3003
SUBMITTED TO SENATE:
March 20, 3003

[OAR Docket #03-457; filed 3-24-03]

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

[OAR Docket #03-458]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 1. Physicians
317:30-5-14. [AMENDED]

(Reference APA WF # 02-26)
SUBMITTED TO GOVERNOR:
March 20, 3003
SUBMITTED TO HOUSE:
March 20, 3003
SUBMITTED TO SENATE:
March 20, 3003

[OAR Docket #03-458; filed 3-24-03]

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

[OAR Docket #03-459]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 3. Hospitals
317:30-5-47. [AMENDED]

Submissions for Review

SUBMITTED TO GOVERNOR:

March 20, 3003

SUBMITTED TO HOUSE:

March 20, 3003

SUBMITTED TO SENATE:

March 20, 3003

[OAR Docket #03-459; filed 3-24-03]

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

[OAR Docket #03-460]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Individual Providers and Specialties

Part 5. Pharmacists

317:30-5-78.1. [AMENDED]

(Reference APA WF # 02-29)

SUBMITTED TO GOVERNOR:

March 20, 3003

SUBMITTED TO HOUSE:

March 20, 3003

SUBMITTED TO SENATE:

March 20, 3003

[OAR Docket #03-460; filed 3-24-03]

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

[OAR Docket #03-461]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care Facilities

317:30-5-131.2. [AMENDED]

(APA WF # 02-35)

SUBMITTED TO GOVERNOR:

March 20, 3003

SUBMITTED TO HOUSE:

March 20, 3003

SUBMITTED TO SENATE:

March 20, 3003

[OAR Docket #03-461; filed 3-24-03]

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

[OAR Docket #03-462]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Individual Providers and Specialties

Part 95. Agency Personal Care Services

317:30-5-951. through 317:30-5-953. [AMENDED]

(Reference APA WF # 02-34B)

SUBMITTED TO GOVERNOR:

March 20, 3003

SUBMITTED TO HOUSE:

March 20, 3003

SUBMITTED TO SENATE:

March 20, 3003

[OAR Docket #03-462; filed 3-24-03]

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

[OAR Docket #03-463]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

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]

Subchapter 15. Personal Care Services

317:35-15-8. [AMENDED]

317:35-15-8.1. [NEW]

317:35-15-13. [REVOKED]

317:35-15-13.1. [NEW]

317:35-15-13.2. [NEW]

(Reference APA WF # 02-20 and 02-25)

SUBMITTED TO GOVERNOR:

March 20, 2003

SUBMITTED TO HOUSE:

March 20, 2003

SUBMITTED TO SENATE:

March 20, 2003

[OAR Docket #03-463; filed 3-24-03]

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

[OAR Docket #03-464]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 15. Personal Care Services

317:35-15-1. through 317:35-15-3. [AMENDED]

317:35-15-6. [AMENDED]

317:35-15-10. [AMENDED]

317:35-15-14. through 317:35-15-15. [AMENDED]

Subchapter 17. ADvantage Waiver Services

317:35-17-3. through 317:35-17-5. [AMENDED]

317:35-17-10. [AMENDED]

317:35-17-14. [AMENDED]

317:35-17-16. through 317:35-17-19. [AMENDED]

317:35-17-24. [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-2. [AMENDED]

317:35-19-18. through 317:35-19-22. [AMENDED]

(Reference APA WF # 02-34A)

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[OAR Docket #03-464; filed 3-24-03]

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

[OAR Docket #03-465]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 17. ADvantage Waiver Services

317:35-17-1. [AMENDED]

317:35-17-22. [AMENDED]

(Reference APA WF # 02-21B and 02-23B)

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[OAR Docket #03-465; filed 3-24-03]

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

[OAR Docket #03-440]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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

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[OAR Docket #03-440; filed 3-21-03]

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

[OAR Docket #03-441]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 36. Affordable Housing Tax Credit Program [AMENDED]

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[OAR Docket #03-441; filed 3-21-03]

Submissions for Review

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

[OAR Docket #03-374]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Minimum Standards; Contract Guidelines
Part 13. Medicare Supplement Insurance Minimum Standards
365:10-5-127. Benefit standards for policies or certificates issued or delivered on or after July 1, 1992 [AMENDED]
365:10-5-128.1. Medicare Select Policies and Certificates [AMENDED]
365:10-5-129.1. Guaranteed issue for eligible persons [AMENDED]
365:10-5-132. Filing and approval of policies and certificates and premium rates [AMENDED]
Subchapter 19. Health Insurance Purchasing Groups [NEW]
365:10-19-1. Definitions [NEW]
365:10-19-2. Applicability and scope [NEW]
365:10-19-3. Establishment of business [NEW]
365:10-19-4. Board of directors and plan of operations [NEW]
365:10-19-5. Requirement to insure all employees of the purchaser and new entrants [NEW]
365:10-19-6. Prohibited provisions and other requirements [NEW]
365:10-19-7. Filing requirements [NEW]
365:10-19-8. Annual reporting requirements [NEW]
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]
365:10-Appendix Q. Medicare Supplement [REVOKED]
365:10-Appendix Q. Medicare Supplement [NEW]
365:10-Appendix S. Outline of Coverage Tables [REVOKED]
365:10-Appendix S. Outline of Coverage Tables [NEW]
365:10-Appendix V. Disclosure Statements [REVOKED]
365:10-Appendix V. Disclosure Statements [NEW]

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[OAR Docket #03-374; filed 3-7-03]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 15. PROPERTY AND CASUALTY

[OAR Docket #03-375]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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

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[OAR Docket #03-375; filed 3-7-03]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 1. ADMINISTRATION

[OAR Docket #03-425]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

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]
450:1-5-11. [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]

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[OAR Docket #03-425; filed 3-20-03]

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

[OAR Docket #03-426]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. General Provisions

- 450:15-1-1. [AMENDED]
- 450:15-1-2. [AMENDED]

Subchapter 3. Consumer Rights

Part 1. Inpatient Mental Health 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]

- 450:15-3-14. [AMENDED]
- 450:15-3-16. [AMENDED]
- 450:15-3-17. [AMENDED]
- 450:15-3-18. [AMENDED]
- 450:15-3-20. [REVOKED]

- 450:15-3-20.1. [NEW]
- 450:15-3-21. [AMENDED]
- 450:15-3-23. [REVOKED]
- 450:15-3-24. [REVOKED]
- 450:15-3-25. [AMENDED]
- 450:15-3-26. [REVOKED]

Part 3. Inpatient Mental Health Grievance Procedure

- 450:15-3-35. [AMENDED]
- 450:15-3-36. [REVOKED]
- 450:15-3-43. [REVOKED]
- 450:15-3-44. [REVOKED]
- 450:15-3-45. [AMENDED]

Part 7. Consumer Access to Health Information [NEW]

- 450:15-3-60. [NEW]
- 450:15-3-61. [NEW]
- 450:15-3-62. [NEW]
- 450:15-3-63. [NEW]
- 450:15-3-64. [NEW]
- 450:15-3-65. [NEW]
- 450:15-3-66. [NEW]

Subchapter 7. Office of Consumer Advocacy ~~Division~~

Part 1. Duties

- 450:15-7-2. [AMENDED]
 - 450:15-7-3. [AMENDED]
 - 450:15-7-4. [AMENDED]
- Part 2. Investigations
- 450:15-7-5. [REVOKED]
 - 450:15-7-6. [AMENDED]
 - 450:15-7-7. [AMENDED]
 - 450:15-7-8. [AMENDED]
 - 450:15-7-9. [AMENDED]
 - 450:15-7-10. [AMENDED]
 - 450:15-7-11. [AMENDED]
 - 450:15-7-12. [AMENDED]
 - 450:15-7-14. [AMENDED]
 - 450:15-7-15. [AMENDED]

Subchapter 9. Consumer Rights, Non-Inpatient Services

- 450:15-9-1. [AMENDED]
- 450:15-9-6. [REVOKED]
- 450:15-9-7. [AMENDED]

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Submissions for Review

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

[OAR Docket #03-427]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. General Provisions

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]

Subchapter 13. Personnel and Volunteers

Part 1. General

450:19-13-9. [AMENDED]

Part 3. Training

450:19-13-20.1. [AMENDED]

450:19-13-20.2. [AMENDED]

450:19-13-25. [AMENDED]

450:19-13-29. [AMENDED]

450:19-13-30. [AMENDED]

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[OAR Docket #03-427; filed 3-20-03]

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

[OAR Docket #03-428]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. Role of State-Operated Inpatient Psychiatric
Hospitals Units

450:30-9-1. [AMENDED]

450:30-9-2. [AMENDED]

450:30-9-3. [AMENDED]

450:30-9-3.1. [NEW]

450:30-9-4. [AMENDED]

450:30-9-5. [AMENDED]

450:30-9-6. [AMENDED]

450:30-9-7. [AMENDED]

450:30-9-8. [AMENDED]

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TITLE 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #03-442]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

605:1-1-4. [AMENDED]

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[OAR Docket #03-442; filed 3-21-03]

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

[OAR Docket #03-443]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
- 605:10-1-2. [AMENDED]
- 605:10-1-4. [AMENDED]
- Subchapter 7. Licensing Procedures and Options
- 605:10-7-1. [AMENDED]
- 605:10-7-8.2. [AMENDED]
- Subchapter 9. Broker's Operational Procedures
- 605:10-9-1. [AMENDED]
- 605:10-9-4. [AMENDED]
- Subchapter 11. Associate's Licensing Procedures
- 605:10-11-2. [AMENDED]
- Subchapter 15. Disclosures
- 605:10-15-4. [AMENDED]
- Subchapter 17. Causes for Investigation; Hearing Process; Prohibited Acts; Discipline
- 605:10-17-1. [AMENDED]
- 605:10-17-4. [AMENDED]
- Appendix B. [AMENDED]

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

[OAR Docket #03-377]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 11. Purchasing [NEW]
- 610:1-11-1. Purpose [NEW]
- 610:1-11-2. Purchasing authority for OneNet statewide contracts [NEW]
- 610:1-11-3. Definitions [NEW]
- 610:1-11-4. General contracting and purchasing provisions [NEW]
- 610:1-11-5. Vendor registration [NEW]
- 610:1-11-6. Vendor retention and removal from bidders list [NEW]
- 610:1-11-7. Competitive bidding [NEW]
- 610:1-11-8. Request for Proposals process [NEW]
- 610:1-11-9. Group purchasing acquisitions [NEW]
- 610:1-11-10. Sole Source contracts [NEW]
- 610:1-11-11. Emergency acquisition process [NEW]
- 610:1-11-12. Purchases \$2,500 or less [NEW]
- 610:1-11-13. Purchases between \$2,501 and \$25,000 [NEW]
- 610:1-11-14. Purchases in excess of \$25,000 [NEW]
- 610:1-11-15. Purchases in excess of \$100,000 [NEW]
- 610:1-11-16. Professional services contracts [NEW]
- 610:1-11-17. Training [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #03-377; filed 3-7-03]

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

[OAR Docket #03-409]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Chapter 10. Ad Valorem [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #03-409; filed 3-19-03]

Submissions for Review

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 40. FRANCHISE TAX

[OAR Docket #03-410]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- 710:40-1-2. Definitions [AMENDED]
- 710:40-1-2.1. Examples of current liabilities for Franchise Tax purposes [NEW]
- 710:40-1-6. Accounting and reporting; suspension and reinstatement [AMENDED]
- 710:40-1-10. Inter-company balances [AMENDED]

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[OAR Docket #03-410; filed 3-19-03]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 45. GROSS PRODUCTION, PETROLEUM EXCISE, AND CONSERVATION EXCISE

[OAR Docket #03-378]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Chapter 45. Gross Production, Petroleum Excise, and Conservation Excise [AMENDED]

SUBMITTED TO GOVERNOR:

March 10, 2003

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[OAR Docket #03-378; filed 3-10-03]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 50. INCOME

[OAR Docket #03-449]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Chapter 50. Income [AMENDED]

SUBMITTED TO GOVERNOR:

March 24, 2003

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[OAR Docket #03-449; filed 3-24-03]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #03-411]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 1. General Provisions
- 710:60-1-3. Confidentiality of motor vehicle information [AMENDED]
- Subchapter 3. Registration and Licensing
- Part 1. General Provisions
- 710:60-3-23. October 9, 2001, tornado registration fee credit [NEW]
- Part 13. Manufactured Homes
- 710:60-3-133. Cancellation of manufactured home title [NEW]
- Subchapter 5. Motor Vehicle Titles
- Part 5. Certificates of Title
- 710:60-5-53. Salvage titles [AMENDED]
- Subchapter 7. Motor Vehicle Excise Tax
- 710:60-7-8. October 9, 2001, tornado excise tax credit [NEW]

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[OAR Docket #03-411; filed 3-19-03]

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

[OAR Docket #03-450]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Chapter 65. Sales and Use Tax [AMENDED]

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

[OAR Docket #03-451]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

Subchapter 5. Waste Tire Recycling [AMENDED]

Subchapter 6. Oklahoma Safe Playground Surfaces
Program [AMENDED]

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**TITLE 712. OKLAHOMA COMMISSION
FOR TEACHER PREPARATION
CHAPTER 10. TEACHER PREPARATION
PROGRAM ACCREDITATION**

[OAR Docket #03-397]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Teacher Preparation Program Accreditation

712:10-5-1. [AMENDED]

712:10-5-2. [AMENDED]

712:10-5-3. [AMENDED]

Subchapter 7. Teacher Preparation Teacher Assessment

712:10-7-1. [AMENDED]

SUBMITTED TO GOVERNOR:

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March 18, 2003

[OAR Docket #03-397; filed 3-18-03]

**TITLE 735. STATE TREASURER
CHAPTER 80. UNCLAIMED PROPERTY
ADMINISTRATION**

[OAR Docket #03-390]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Claims Process

735:80-7-2. [AMENDED]

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[OAR Docket #03-390; filed 3-12-03]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 5. FEES**

[OAR Docket #03-404]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

785:5-1-16. Fees required in other matters [AMENDED]

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[OAR Docket #03-404; filed 3-19-03]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 20. APPROPRIATION AND USE
OF STREAM WATER**

[OAR Docket #03-405]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

Submissions for Review

RULES:

- Subchapter 3. Application Requirements and Processing
785:20-3-2. General application requirements [AMENDED]
- 785:20-3-8. Revisions and corrections to applications [AMENDED]
- Subchapter 5. Notice, Hearings and Board Actions
785:20-5-5. Factors relating to statutory elements for application approval [AMENDED]
- Subchapter 7. Permits
785:20-7-3.1. Contents of permits to divert water from Barren Fork Creek [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #03-405; filed 3-19-03]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 30. TAKING AND USE OF GROUNDWATER

[OAR Docket #03-406]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
785:30-1-4. Requirement for water right [AMENDED]
- Subchapter 3. Permit Application Requirements
785:30-3-1. General application requirements [AMENDED]

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[OAR Docket #03-406; filed 3-19-03]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 35. WELL DRILLER AND PUMP INSTALLER LICENSING

[OAR Docket #03-407]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
785:35-1-2. Definitions [AMENDED]
- 785:35-1-4. Violations and penalties [AMENDED]
- 785:35-1-6. Well Drillers and Pump Installers Advisory Council [AMENDED]
- Subchapter 3. Licensing and Certifications
785:35-3-2. Expiration and renewal of licenses and certifications [AMENDED]
- Subchapter 5. General Requirements to Maintain Licenses and Operator Certifications
785:35-5-1. General requirements for licenses [AMENDED]
- 785:35-5-2. General requirements for certified operators [AMENDED]
- Subchapter 7. Minimum Standards for Constructions of Wells
785:35-7-1. Minimum standards for construction of groundwater wells, fresh water observations wells, ~~heat exchange wells~~, and water well test holes [AMENDED]
- 785:35-7-1.1. Minimum standards for construction of heat exchange wells [NEW]
- Subchapter 11. Plugging and Capping Requirements for Wells and Test Holes
785:35-11-2. Plugging requirements for site assessment observation wells, monitoring wells and geotechnical borings [AMENDED]

SUBMITTED TO GOVERNOR:

March 19, 2003

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March 19, 2003

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[OAR Docket #03-407; filed 3-19-03]

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

[OAR Docket #03-408A]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 9. Clean Water State Revolving Fund Regulations
Part 1. General Provisions
785:50-9-5. Purpose [AMENDED]
- 785:50-9-7. Applicability to projects [AMENDED]
- 785:50-9-9. Definitions [AMENDED]
- Part 3. General Program Requirements
785:50-9-21. Eligible project [AMENDED]
- 785:50-9-23. Clean Water SRF Project Priority System [AMENDED]

785:50-9-35. Loan closing [AMENDED]
Part 7. SRF Environmental Review Process
785:50-9-60. Requirement of environmental review
[AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #03-408A; filed 3-19-03]

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

[OAR Docket #03-408]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 8. Rural Economic Action Plan (REAP) Grant
Program Requirements and Procedures

785:50-8-5. REAP grant priority system [AMENDED]

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[OAR Docket #03-408; filed 3-19-03]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #03-403]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Area Restrictions

800:10-5-2. [AMENDED]

SUBMITTED TO GOVERNOR:

March 7, 2003

SUBMITTED TO HOUSE:

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[OAR Docket #03-403; filed 3-17-03]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 25. WILDLIFE RULES**

[OAR Docket #03-399]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. General Hunting Seasons

Part 19. Seasons on Areas Owned or Managed by the
Oklahoma Department of Wildlife Conservation and the
U.S. Fish and Wildlife Service

800:25-7-86.1. [NEW]

800:25-7-103. [REVOKED]

800:25-7-104. [REVOKED]

800:25-7-105. [REVOKED]

800:25-7-105.1. [REVOKED]

800:25-7-105.2. [REVOKED]

Subchapter 24. Import of Cervids [NEW]

800:25-24-1. [NEW]

800:25-24-2. [NEW]

800:25-24-3. [NEW]

Subchapter 35. Private Lands Fish and Wildlife Habitat
Conservation and Improvement Program Programs

800:25-35-1. [AMENDED]

800:25-35-2. [AMENDED]

800:25-35-3. [AMENDED]

800:25-35-4. [AMENDED]

800:25-35-5. [AMENDED]

800:25-35-6. [AMENDED]

800:25-35-7. [REVOKED]

800:25-35-8. [REVOKED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #03-399; filed 3-17-03]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 25. WILDLIFE RULES**

[OAR Docket #03-400]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Hunting on Corps of Engineers Lands

800:25-3-1. [AMENDED]

800:25-3-2. [AMENDED]

800:25-3-3. [AMENDED]

800:25-3-5. [AMENDED]

Submissions for Review

800:25-3-6. [REVOKED]
Subchapter 7. General Hunting Seasons
Part 1. General Provisions
800:25-7-3. [AMENDED]
Part 13. Deer
800:25-7-52. [AMENDED]
800:25-7-55. [NEW]
Part 14. Elk
800:25-7-57. [AMENDED]
Part 18. Management of Private Lands
800:25-7-75. [AMENDED]
Part 19. Seasons on Areas Owned or Managed by the
Oklahoma Department of Wildlife Conservation and the
U.S. Fish and Wildlife Service
800:25-7-142. [AMENDED]
Subchapter 9. Controlled Hunts
Part 1. Guidelines
800:25-9-3. [AMENDED]
800:25-9-5. [AMENDED]
Subchapter 26. Scientific Collectors Permits [NEW]
800:25-26-1. [NEW]
800:25-26-2. [NEW]
800:25-26-3. [NEW]
800:25-26-4. [NEW]
Subchapter 29. Oklahoma Deer Management Assistance
Program
800:25-29-2. [AMENDED]
800:25-29-3. [AMENDED]
Subchapter 30. Wildlife Depredation on Agricultural Crops
800:25-30-5. [AMENDED]

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[OAR Docket #03-400; filed 3-17-03]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 25. WILDLIFE RULES**

[OAR Docket #03-401]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. General Hunting Seasons
Part 13. Deer
800:25-7-51. [AMENDED]
800:25-7-53. [AMENDED]

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[OAR Docket #03-401; filed 3-17-03]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 30. DEPARTMENT OF
WILDLIFE LANDS MANAGEMENT**

[OAR Docket #03-398]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Use of Department Managed Lands
800:30-1-2. [AMENDED]
800:30-1-4. [AMENDED]
800:30-1-5. [AMENDED]
800:30-1-20. [AMENDED]

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March 7, 2003

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March 7, 2003

[OAR Docket #03-398; filed 3-17-03]

Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.

For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.

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

[OAR Docket #03-389]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 15. National Type Evaluation Program

35:10-15-2. [AMENDED]

35:10-15-3. [AMENDED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-389; filed 3-11-03]

TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #03-384]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 3. Organization and Administration

87:1-3-1. [AMENDED]

87:1-3-6. [REVOKED]

87:1-3-7. [REVOKED]

87:1-3-14. [NEW]

Subchapter 5. Formal and Informal Procedures

87:1-5-9. [AMENDED]

87:1-5-15. [AMENDED]

87:1-5-19. [AMENDED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-384; filed 3-11-03]

TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL CHAPTER 10. FLEXIBLE BENEFITS PLAN

[OAR Docket #03-385]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions

87:10-1-2. [AMENDED]

Subchapter 17. Benefit Plan Election

87:10-17-3. [AMENDED]

87:10-17-4. [AMENDED]

Subchapter 25. Dependent Care Reimbursement Account Option

87:10-25-7. [AMENDED]

87:10-25-13. [AMENDED]

Subchapter 27. Health Care Reimbursement Account Option

87:10-27-12. [AMENDED]

Subchapter 33. COBRA Coverage

87:10-33-3. [AMENDED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-385; filed 3-11-03]

TITLE 87. OKLAHOMA STATE EMPLOYEES BENEFITS COUNCIL CHAPTER 15. COMPETITIVE BIDDING CRITERIA AND PROCEDURES FOR CONTRACTS AWARDED FOR FLEXIBLE BENEFITS PLANS

[OAR Docket #03-386]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

87:15-1-1. [AMENDED]

87:15-1-2. [AMENDED]

87:15-1-3. [AMENDED]

87:15-1-4. [AMENDED]

87:15-1-5. [AMENDED]

87:15-1-8. [AMENDED]

87:15-1-10. [AMENDED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-386; filed 3-11-03]

Gubernatorial Approvals

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

[OAR Docket #03-387]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 13. Student Assessment
210:10-13-2. [AMENDED]
210:10-13-4. [AMENDED]
210:10-13-6. [AMENDED]
210:10-13-7. [AMENDED]
210:10-13-14. [AMENDED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-387; filed 3-11-03]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 15. CURRICULUM AND INSTRUCTION

[OAR Docket #03-388]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 3. ~~Curriculum Standards~~ Priority Academic
Student Skills [AMENDED]
Subchapter 5. Priority Academic Student Skills
[REVOKED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-388; filed 3-11-03]

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

[OAR Docket #03-382]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

325:75-1-3. [AMENDED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-382; filed 3-11-03]

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

[OAR Docket #03-383]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

325:75-1-12. [AMENDED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-383; filed 3-11-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 1. FUNCTION AND STRUCTURE OF THE DEPARTMENT

[OAR Docket #03-417]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions
340:1-1-17. through 340:1-1-18. [AMENDED]
(Reference APA WF # 02-42)

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-417; filed 3-19-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 5. ADULT PROTECTIVE SERVICES

[OAR Docket #03-412]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions [NEW]
340:5-1-1. through 340:5-1-8. [NEW]
Subchapter 3. Reports of Maltreatment of Vulnerable
Adults [NEW]
340:5-3-1. through 340:5-3-6. [NEW]
Subchapter 5. Investigation of Adult Protective Services
Referrals [NEW]
340:5-5-1. through 340:5-5-7. [NEW]
Subchapter 7. Long Term Care Investigations Section
[NEW]
340:5-7-1. [NEW]

(Reference APA WF # 02-39)
GUBERNATORIAL APPROVAL:
March 17, 2003

[OAR Docket #03-412; filed 3-19-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 10. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF)

[OAR Docket #03-419]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program

340:10-2-1. [AMENDED]

340:10-2-3. [AMENDED]

340:10-2-6. through 340:10-2-8. [AMENDED]

Subchapter 3. Conditions Of Eligibility - Need

Part 1. Resources

340:10-3-5. [AMENDED]

340:10-3-10. [AMENDED]

Part 3. Income

340:10-3-26. [AMENDED]

340:10-3-32. [AMENDED]

340:10-3-40. [AMENDED]

Part 5. Assistance Payments

340:10-3-56. [AMENDED]

340:10-3-59. [AMENDED]

Part 7. Transitional Benefits

340:10-3-81. [AMENDED]

Subchapter 10. Conditions of Eligibility - Deprivation

340:10-10-4. through 340:10-10-7. [AMENDED]

Subchapter 14. Conditions of Eligibility - Immunizations

340:10-14-1. [AMENDED]

Subchapter 20. Diversion Assistance

340:10-20-1. [AMENDED]

(Reference APA WF # 02-22, 02-36)

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-419; filed 3-19-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 20. LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

[OAR Docket #03-420]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. Low Income Home Energy Assistance Program

340:20-1-12. [AMENDED]

340:20-1-14. [AMENDED]

340:20-1-17. [AMENDED]

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-420; filed 3-19-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 40. CHILD CARE SERVICES

[OAR Docket #03-424]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 3. Initial Application

340:40-3-1. [AMENDED]

Subchapter 5. Plan of Service

340:40-5-1. [AMENDED]

Subchapter 7. Eligibility

340:40-7-3. [AMENDED]

340:40-7-8. [AMENDED]

Subchapter 13. Child Care Rates and Provider Issues

340:40-13-3. [AMENDED]

(Reference APA WF # 02-16 and 02-27)

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-424; filed 3-19-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 50. FOOD STAMP PROGRAM

[OAR Docket #03-423]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions

340:50-1-3. [AMENDED]
340:50-1-5. [AMENDED]
340:50-1-9. [AMENDED]
Subchapter 3. The Application Process
340:50-3-1. [AMENDED]
340:50-3-3. [AMENDED]
Subchapter 5. Non-Financial Eligibility Criteria
Part 1. Household Definition
340:50-5-5. [AMENDED]
340:50-5-7. [AMENDED]
Part 3. Special Households
340:50-5-28. [REVOKED]
Part 5. Students, Strikers, Resident Farm Laborers, Migrant Households, Sponsored Aliens, and School Employees
340:50-5-45. through 340:50-5-46. [AMENDED]
Part 7. Related Provisions
340:50-5-68. [AMENDED]
Part 9. Work Registration
340:50-5-88. [AMENDED]
Subchapter 7. Financial Eligibility Criteria
Part 1. Resources
340:50-7-2. [AMENDED]
Part 3. Income
340:50-7-22. through 340:50-7-24. [AMENDED]
340:50-7-25. [REVOKED]
340:50-7-26. [AMENDED]
340:50-7-28. through 340:50-7-29. [AMENDED]
340:50-7-31. [AMENDED]
Subchapter 9. Eligibility and Benefit Determination Procedures
340:50-9-4. [AMENDED]
Subchapter 13. Fair Hearings
340:50-13-3. [AMENDED]
Subchapter 15. Overpayments and Fraud
Part 1. Overpayments
340:50-15-5. [AMENDED]
Part 3. Fraud
340:50-15-27. [AMENDED]
Appendix B. List of Needed Verifications [REVOKED]
Appendix C. Application for Food Stamps [REVOKED]
Appendix N. Head of Household Designation [REVOKED]
(Reference APA WF # 02-41)

GOVERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-423; filed 3-19-03]

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

[OAR Docket #03-421]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 3. Eligibility for Benefits
340:65-3-1. [AMENDED]
340:65-3-5. [AMENDED]
Subchapter 5. Procedures Relating to Case Changes
Part 1. General Provisions
340:65-5-6. [AMENDED]
(Reference APA WF # 02-26 and 02-38)

GOVERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-421; filed 3-19-03]

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

[OAR Docket #03-413]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions
Part 1. Scope and Applicability
340:75-1-9. [AMENDED]
340:75-1-16. [AMENDED]
340:75-1-20. through 340:75-1-21. [AMENDED]
Subchapter 3. Child Protective Services
340:75-3-5. [AMENDED]
340:75-3-10.1. [AMENDED]
Subchapter 6. Permanency Planning
Part 7. Case Plans
340:75-6-85. through 340:75-6-86. [AMENDED]
Subchapter 15. Adoptions
Part 14. Post Adoption Services
340:75-15-128. [AMENDED]
340:75-15-128.2. through 340:75-15-128.3 [AMENDED]
340:75-15-128.6. [AMENDED]
340:75-15-128.7. [REVOKED]
(Reference APA WF # 02-23, 02-28, and 02-30)

GOVERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-413; filed 3-19-03]

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

[OAR Docket #03-414]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions
Part 15. Training for Child Welfare Workers
340:75-1-241. [NEW]
(Reference APA WF # 02-34)

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-414; filed 3-19-03]

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

[OAR Docket #03-415]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 6. Permanency Planning
Part 7. Case Plans
340:75-6-40.1. [AMENDED]
340:75-6-40.6. [AMENDED]
Subchapter 13. Other Child Welfare Services and Medical Services for Children in Substitute Care
Part 7. Medical Services
340:75-13-83. [NEW]
(Reference APA WF # 02-35)

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-415; filed 3-19-03]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 100. DEVELOPMENTAL DISABILITIES SERVICES DIVISION**

[OAR Docket #03-422]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions
340:100-1-2. [AMENDED]
340:100-1-4. [REVOKED]
Subchapter 3. Administration

Part 1. General Administration
340:100-3-6. [AMENDED]
340:100-3-14. [NEW]
Part 3. Operations
340:100-3-27. [AMENDED]
340:100-3-27.1. through 340:100-3-27.5 [NEW]
340:100-3-28. [AMENDED]
340:100-3-33.1. [NEW]
340:100-3-38. [AMENDED]
340:100-3-38.1. through 340:100-3-38.11. [NEW]
Subchapter 5. Client Services
Part 3. Service Provisions
340:100-5-22.1. [AMENDED]
340:100-5-22.4. through 100-5-22.5. [NEW]
340:100-5-26. [AMENDED]
340:100-5-26.1. [NEW]
340:100-5-31. [RESERVED]
340:100-5-32. through 340:100-5-33. [NEW]
Part 5. Individualized Individual Planning
340:100-5-50. through 340:100-5-53. [AMENDED]
340:100-5-55. [REVOKED]
340:100-5-56. through 340:100-5-57. [AMENDED]
340:100-5-57.1. [NEW]
340:100-5-58. [AMENDED]
Subchapter 6. Group Home Regulations
Part 15. Medication Storage and Administration
340:100-6-70. [AMENDED]
(Reference APA WF # 02-20, 02-21, 02-25, 02-31, 02-40)

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-422; filed 3-19-03]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 105. AGING SERVICES DIVISION**

[OAR Docket #03-418]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. Aging Services Division
340:105-1-8. [AMENDED]
Subchapter 3. Adult Protective Services [REVOKED]
Part 1. Philosophy and Purpose [REVOKED]
340:105-3-1. through 340:105-3-3. [REVOKED]
Part 3. Reports of Alleged Abuse, Neglect, or Exploitation [REVOKED]
340:105-3-20. through 340:105-3-25.1. [REVOKED]
340:105-3-25.4. through 340:105-3-37. [REVOKED]
Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended
Part 5. Area Agencies on Aging

340:105-10-32. [AMENDED]
Part 7. Program Standards for Services Funded Under Title III
340:105-10-51. through 340:105-10-52. [AMENDED]
340:105-10-72. through 340:105-10-74. [AMENDED]
340:105-10-86. [AMENDED]
Part 9. Fiscal and Administrative Policies for Area Agencies on Aging and Title III Projects
340:105-10-95. [AMENDED]
Subchapter 11. Statewide Long-Term Care Ombudsman Program
Part 37. Statewide Long-Term Care Ombudsman Program
340:105-11-255. [AMENDED]

(Reference APA WF# 02-29)

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-418; filed 3-19-03]

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

[OAR Docket #03-416]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 5. Requirements for Child-Placing Agencies
Part 1. Requirements for Child-Placing Agencies
340:110-5-3. [AMENDED]
Part 3. Requirements for Adoption Agencies
340:110-5-24. [NEW]
340:110-5-25. [AMENDED]
340:110-5-26. [REVOKED]
340:110-5-27. [AMENDED]
340:110-5-28. [REVOKED]
340:110-5-29. through 340:110-5-37. [AMENDED]
340:110-5-37.1. [NEW]
340:110-5-38. [AMENDED]

(Reference APA WF # 02-19)

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-416; filed 3-19-03]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 21. CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE ABUSE COURSES (ADSAC), ORGANIZATIONS AND INSTRUCTORS**

[OAR Docket #03-430]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. Certification of Alcohol and Drug Substance Abuse Courses (ADSAC), Organizations and Instructors
450:21-1-2. [AMENDED]
450:21-1-3. [AMENDED]
450:21-1-5. [AMENDED]
450:21-1-6. [AMENDED]
450:21-1-7. [AMENDED]
450:21-1-7.2. [AMENDED]
450:21-1-8. [AMENDED]
450:21-1-9. [AMENDED]
450:21-1-10. [AMENDED]
450:21-1-11. [AMENDED]
Subchapter 3. Certification Denial or Sanctions
450:21-3-1. [AMENDED]
450:21-3-2. [AMENDED]
450:21-3-3. [AMENDED]
Subchapter 5. Course Attendance and Completion
450:21-5-1. [AMENDED]
450:21-5-2. [AMENDED]

GUBERNATORIAL APPROVAL:

March 5, 2003

[OAR Docket #03-430; filed 3-20-03]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 22. CERTIFICATION OF ALCOHOL AND DRUG ASSESSMENT AND EVALUATION PROGRAMS RELATED TO DRIVER'S LICENSE REVOCATION**

[OAR Docket #03-429]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

450:22-1-1. [AMENDED]
450:22-1-1.1. [AMENDED]
450:22-1-2. [AMENDED]
450:22-1-3. [AMENDED]
450:22-1-4. [AMENDED]
450:22-1-5. [AMENDED]

- 450:22-1-6. [AMENDED]
- 450:22-1-7. [AMENDED]
- 450:22-1-8. [AMENDED]
- 450:22-1-9. [AMENDED]
- 450:22-1-10. [AMENDED]
- 450:22-1-11. [AMENDED]
- 450:22-1-12. [AMENDED]
- 450:22-1-13. [AMENDED]
- 450:22-1-14. [AMENDED]
- 450:22-1-15. [AMENDED]
- 450:22-1-16. [AMENDED]

GUBERNATORIAL APPROVAL:
February 27, 2003

[OAR Docket #03-429; filed 3-20-03]

**TITLE 485. OKLAHOMA BOARD OF NURSING
CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**

[OAR Docket #03-437]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- Subchapter 5. Minimum Standards for Approved Nursing Education Programs
- 485:10-5-6. [AMENDED]
- Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse
- 485:10-7-1. [AMENDED]
- 485:10-7-4. [AMENDED]
- Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse
- 485:10-9-1. [AMENDED]
- 485:10-9-4. [AMENDED]
- Subchapter 10. Advanced Unlicensed Assistive Personnel
- 485:10-10-3. [AMENDED]
- 485:10-10-8. [AMENDED]
- Subchapter 15. Requirements for Practice as an Advanced Practice Nurse
- 485:10-15-9. [AMENDED]

GUBERNATORIAL APPROVAL:
March 17, 2003

[OAR Docket #03-437; filed 3-20-03]

**TITLE 485. OKLAHOMA BOARD OF NURSING
CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**

[OAR Docket #03-438]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- Subchapter 11. Disciplinary Action
- 485:10-11-3. [AMENDED]
- Subchapter 19. Peer Assistance Program
- 485:10-19-4. [AMENDED]

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-438; filed 3-20-03]

**TITLE 485. OKLAHOMA BOARD OF NURSING
CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**

[OAR Docket #03-439]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- Subchapter 15. Requirements for Practice as an Advanced Practice Nurse
- 485:10-15-6. [AMENDED]

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-439; filed 3-20-03]

**TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #03-446]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

- Subchapter 1. General Provisions
- 490:1-1-2. [AMENDED]
- 490:1-3-6. [AMENDED]

GUBERNATORIAL APPROVAL:

February 7, 2003

[OAR Docket #03-446; filed 3-24-03]

Gubernatorial Approvals

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

[OAR Docket #03-446A]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. Licensing of Nursing Home Administrators
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. Administrator-in-Training (AIT)
490:10-8-5. [AMENDED]
490:10-8-14. [AMENDED]

GUBERNATORIAL APPROVAL:

February 7, 2003

[OAR Docket #03-446A; filed 3-24-03]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 10. SPORT FISHING RULES

[OAR Docket #03-467]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. Harvest and Possession Limits

800:10-1-5. [AMENDED]
800:10-1-7. [AMENDED]
Subchapter 3. Methods of Taking
800:10-3-3. [AMENDED]
800:10-3-4. [AMENDED]
800:10-3-5. [AMENDED]
Subchapter 5. Area Restrictions
800:10-5-2. [AMENDED]

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-467; filed 3-24-03]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 15. COMMERCIAL HARVEST RULES; AQUATIC SPECIES

[OAR Docket #03-468]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 11. Commercial Aquatic Production [NEW]
800:15-11-1. [NEW]
800:15-11-2. [NEW]
800:15-11-3. [NEW]
800:15-11-4. [NEW]

GUBERNATORIAL APPROVAL:

March 17, 2003

[OAR Docket #03-468; filed 3-24-03]

Gubernatorial Disapprovals

Upon notification of disapproval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial disapproval for publication in the *Register*.

For additional information on gubernatorial disapprovals, see 75 O.S., Section 303.2

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

[OAR Docket #03-447]

RULEMAKING ACTION:

Gubernatorial disapproval

RULES:

Subchapter 10. Fee Schedule

490:10-10-1. [AMENDED]

GUBERNATORIAL DISAPPROVAL:

Written disapproval received February 7, 2003

[OAR Docket #03-447; filed 3-24-03]

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to final adoption (approval by Governor/Legislature) by notifying the Governor and the Legislature and by publishing a notice in the *Register* of such a withdrawal.

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

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

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #03-402]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

WITHDRAWN RULES:

Subchapter 5. Area Restriction

800:10-5-2. Department fishing areas [AMENDED]

DATES:

Adoption:

February 3, 2003

Submitted to Governor:

February 5, 2003

Submitted to House:

February 5, 2003

Submitted to Senate:

February 5, 2003

Withdrawn:

March 7, 2003

[OAR Docket #03-402; filed 3-17-03]

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 rule[s] [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 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 100. AIR POLLUTION CONTROL

[OAR Docket #03-466]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 33. Control of Emission of Nitrogen Oxides
252:100-33-1.2. [AMENDED]

AUTHORITY:

Environmental Quality Board; 27A O.S. §§ 2-2-101, 2-2-201 and Oklahoma Clean Air Act, 27A O.S. § 2-5-101, *et seq.*

DATES:

Comment period:

January 15, 2003 and February 28, 2003

Public hearings:

January 15, 2003 and February 28, 2003

Adoption:

February 28, 2003

Approved by Governor:

March 17, 2003

Effective:

Effective immediately upon the Governor's approval

Expiration:

Effective through July 14, 2004 unless superseded by another rule or disapproved by the legislature

SUPERSEDED EMERGENCY ACTIONS:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

The Environmental Quality Board finds that a compelling public interest necessitates the seeking of emergency certification of the rule being adopted today. The revision eliminates an unintended barrier to the construction of a new glass plant in the state due to an inability to meet NOx (nitrogen oxides) emission limits for fuel-burning equipment contained in OAC 252:100-33-2. It is important to the economic well-being of the citizens of the state that this unintended barrier to industrial growth be removed as quickly as possible to prevent the loss of a new industry to the State. At the same time, other existing State and federal rules and regulations for NOx emissions provide adequate protection to the environment.

ANALYSIS:

The DEQ proposes an emergency rule to exempt glass-melting furnaces from the requirements of Subchapter 33. The NOx emission limits for fuel-burning equipment have remained unchanged since they became effective in 1972. The term "fuel-burning equipment" is used throughout the Air Quality rules, and is defined in Subchapter 1 of the Air Quality rules. In 1972 the definition for fuel-burning equipment did not include direct-fired processes such as glass-melting furnaces. In 1977 the definition of fuel-burning equipment was changed to include direct-fired processes, and equipment such as glass-melting furnaces, became subject to all of the Division's rules for fuel-burning equipment, including the NOx emissions limits contained in Subchapter 33. The Department's rulemaking records contain no evidence that consideration was given to the effect of such a change

on the ability of direct-fired processes, in particular glass-melting furnaces, to meet the previously adopted NOx emissions limits. A review of the Division's records of stack tests performed on existing glass-melting furnaces in the State and a search of EPA's BACT, RACT, LEAR Clearinghouse for recently issued permits for glass-melting furnaces in the United States indicates that glass-melting furnaces are not required to and are unable to meet such emissions limits. The proposed rule eliminates what is an unintended barrier to installation of any new glass plants in the State. To be eligible for the exemption new glass plants must demonstrate that BACT (Best Available Control Technology) will be used in the design and operation of the equipment. The use of BACT should be sufficient to protect the environment.

CONTACT PERSON:

Joyce D. Sheedy, Department of Environmental Quality, Air Quality Division, 707 North Robinson, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, (405) 794-6800

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 33. CONTROL OF EMISSION OF NITROGEN OXIDES

252:100-33-1.2. Applicability

(a) This Subchapter applies to new fuel-burning equipment that meets both of the following criteria.

- (1) The fuel-burning equipment has a rated heat input of 50 million (MM) Btu/hr or greater.
- (2) The equipment burns solid fossil, gas, or liquid fuel.

(b) Glass-melting furnaces that are subject to BACT requirements are exempt from the requirements of this Subchapter.

[OAR Docket #03-466; filed 3-24-03]
(format accepted 3-25-03)

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 2. ADMINISTRATIVE COMPONENTS

[OAR Docket #03-396]

RULEMAKING ACTION:

EMERGENCY adoption

Emergency Adoptions

RULES:

Subchapter 1. Human Resources Management Division (HRMD)
Part 5. Administrative Procedures
340:2-1-57. [AMENDED]
(Reference APA WF# 02-43)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Section 1247 of Title 21 of the Oklahoma Statutes; and Senate Bill 1553.

DATES:

Adoption:

January 28, 2003

Approved by Governor:

March 5, 2003

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2004, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency approval is requested as the Agency finds a compelling public interest exists as Oklahoma Department of Human Services (OKDHS) rules are revised to comply with Senate Bill 1553 effective July 1, 2002 regarding smoking in and around state owned or operated buildings.

ANALYSIS:

Proposed revisions to OAC 340:2-1-57 include: (1) the addition of references to no smoking within 25 feet of the entrance or exit of any building or office owned or operated by OKDHS; (2) additional wording to clarify that, if adequate space exists, at least one smoking area in each office may be designated, and the smoking area shall not be used for public business; (3) and the addition of references to all state vehicles used by OKDHS as nonsmoking.

CONTACT PERSON:

Dena Thayer at (405)521-4326

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. HUMAN RESOURCES MANAGEMENT DIVISION (HRMD)

PART 5. ADMINISTRATIVE PROCEDURES

340:2-1-57. Smoking policy

~~All~~ In all buildings, offices, and facilities owned, leased, or otherwise occupied by the Oklahoma Department of Human Services (OKDHS) ~~are considered as "non-smoking" smoking~~ is not permitted except in designated areas if available.

(1) Outside smoking. Possession of lighted tobacco in any form within 25 feet of the entrance or exit of any building, office, or facility owned, leased or otherwise occupied by OKDHS is prohibited.

(2) Designation of smoking areas. Administrators If adequate space exists, the Office Support Services Division (OSSD) director may designate at least one smoking area in each office building or facility. Smoking areas must be adequately vented to the outside to eliminate

smoke in both smoking and ~~non-smoking~~ nonsmoking areas. ~~Office Support Services Division (OSSD) determines if adequate space exists and whether ventilation is sufficient to allow an area to be designated for smoking.~~ Smoking areas shall not be used for public business.

(3) State vehicles. All state vehicles owned, leased, or otherwise utilized by OKDHS are considered nonsmoking.

(24) Responsibilities. Administrators and supervisors are responsible for the enforcement of this policy. Appropriate signs such as "~~Non-Smoking Area~~ No Smoking Within 25 feet of Building" and "Smoking Area" are obtained by contacting the Departmental Services Unit, OSSD, State Office.

[OAR Docket #03-396; filed 3-13-03]
(format accepted 3-14-03)

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

[OAR Docket #03-380]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Foster Home Care
Part 5. Eligibility and Payments
340:75-7-54. [AMENDED]
Subchapter 15. Adoptions
Part 14. Post Adoption Services
340:75-15-128.1. [AMENDED]
340:75-15-128.4. through 340:75-15-128.5. [AMENDED]
(Reference APA WF # 02-49)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 7201 et seq. and 7510-1.1 et seq. of Title 10 of the Oklahoma Statutes; and Administration for Children and Families (ACF) Child Welfare Manual.

DATES:

Adoption:

January 28, 2003

Approved by Governor:

March 5, 2003

Effective:

April 1, 2003, or upon Governor's approval, whichever is later.

Expiration:

Effective through July 14, 2004, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

Subchapter 15. Adoptions
Part 14. Post Adoption Services
340:75-15-128.1 [AMENDED]
340:75-15-128.4 through 340:75-15-128.5 [AMENDED]
(Reference APA WF # 02-28)

Gubernatorial approval:

October 22, 2002

Register publication:

20 Ok Reg 302

Docket number:

02-1580

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Emergency approval is requested as the Agency finds compelling public interest to preserve the health, safety, and welfare of abused and neglected children. The fixed rate for Difficulty of Care (DOC) Rate V has been approved and early implementation of the new rate structure will benefit qualifying children with special needs. The reduction in the maximum amount of the standard adoption assistance rates is requested due to the present and projected budget reductions. Changes to the age and sibling placement criteria are necessary to reduce barriers to adoptive placements.

ANALYSIS:

The proposed revisions to Subchapters 7 and 15 of Chapter 75 reflect a new DOC Rate V which has been approved by the Oklahoma Department of Human Services (OKDHS) Committee on Rates and Standards for both Foster Care and Adoption Assistance programs. The rules in Adoption Assistance found in Subchapter 15 are revised to modify the previous DOC Rate V payment amount and criteria and revoke DOC Rate VI and the accompanying criteria. The maximum dollar amount in the range of adoption assistance payments is reduced by 10%. The special factors or conditions criteria relating to age and sibling relationship are modified.

340:75-7-54 is revised to include the standard rate amounts for foster care reimbursement followed by the DOC rate amounts and criteria for each. A new fixed rate, DOC Rate V, is added which provides \$400 per month or \$13.33 per day more than the standard rate. A child must have one or more of the needs, conditions, or behaviors described in each of DOC Rates I, II, III, and IV and have a significant number of high severity needs. A current medical or psychological report must accompany the request. Criteria for the new rate are included in this Section. The revisions eliminate unnecessary language and provide consistency with language in Adoption Assistance rules describing the same benefits.

340:75-15-128.1 is revised to reflect that adoption assistance payments are made to eligible families as long as OKDHS has sufficient funds available as allowable within the OKDHS budget. The maximum amount in each of the standard rates for monthly adoption assistance payments is reduced by 10%. DOC Rate V payment amount and criteria for approval is revised. The new DOC Rate V is \$400 per month more than the standard rate. Unlike the previous DOC Rate V in Adoption Assistance, which was limited to children ages 6 to 18, the revised DOC Rate V will be available to children of any age meeting the criteria. As in Foster Care, a child must have one or more of the needs, conditions, or behaviors listed in each of the other DOC rates.

340:75-15-128.4 is revised to reflect changes in the age and sibling relationship criteria utilized in the determination of special needs.

340:75-15-128.5 is revised to delete references to DOC Rates V and VI recommendations made in consultation with Developmental Disabilities Services Division (DDSD).

CONTACT PERSON:

Dena Thayer, Rules & Policy Management Unit, 405-521-4326.

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 THE GOVERNOR OR APRIL 1, 2003, WHICHEVER IS LATER:

SUBCHAPTER 7. FOSTER HOME CARE

PART 5. ELIGIBILITY AND PAYMENTS

340:75-7-54. Difficulty of care Care rate descriptions

There are ~~four~~ five different rates of ~~difficulty~~ Difficulty of care ~~Care~~ (DOC) payment based on the care and supervision needs of a specific child.

~~(1) Rate I. This paragraph describes the conditions or needs of a child required for approval for Rate I and the reimbursement rates.~~

(1) Rates. The standard rates for foster care reimbursements are described in (A) through (C) of this subparagraph.

(A) Ages 0 - 5: \$300 plus DOC Rate I, II, III, IV, or V, if eligible.

(B) Ages 6 - 12: \$360 plus DOC Rate I, II, III, IV, or V, if eligible.

(C) Ages 6 - 18+: \$420 plus DOC Rate I, II, III, IV, or V, if eligible.

(2) DOC rate descriptions. The descriptions in this subparagraph are guidelines from which the most appropriate DOC rate can be determined for the eligible child. Not every situation clearly fits into one DOC rate category. Consideration of the child's age is part of determining the appropriate rate category.

(A) Conditions or needs. DOC Rate I. The rate is \$50 per month or \$1.67 per day more than the standard rate. A child approved for DOC Rate I has ~~any one or more of the following needs, or conditions, or a combination thereof;~~ or behaviors described in (i) through (iv) of this subparagraph. The child:

- (i) requires ongoing scheduled medical or psychological appointments that routinely occur more than twice weekly;
- (ii) displays emotional difficulties that result in destruction of property;
- (iii) requires ~~noncompensable~~ medical or educational supplies on a routine basis that are not compensable through Medicaid; or
- (iv) requires daily physical therapy performed by the foster ~~parents~~ parent(s).

(B) Rate of pay. The Rate I payment is \$50 per month or \$1.67 per day more than the regular foster care reimbursement or for:

- (i) age 0 - 5, \$350;
- (ii) age 6 - 12, \$410; and
- (iii) age 13 - 18+, \$470.

(2) Rate II. This paragraph describes the conditions or needs of a child required for approval for Rate II and the reimbursement rates.

(A) Conditions or needs. (B) DOC Rate II. The rate is \$100 per month or \$3.33 per day more than the standard rate. A child approved for DOC Rate II has ~~any one or more of the needs, conditions, or behaviors listed in DOC Rate I, and, in addition to the following conditions, deficiencies, or needs:~~

- (i) requires 24 hour intensive supervision due to severe medical or emotional needs;
- (ii) requires special food preparation and feeding due to a condition that restricts normal eating;
- (iii) requires special equipment for transportation that results in restricted mobility for child and foster ~~parents~~ parent(s);
- (iv) displays incontinence of the bladder and bowel that is not age appropriate;
- (v) displays multiple disabilities, birth defects, or brain damage that prevents normal ~~functioning~~ functioning

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~~intellectually~~ intellectual or ~~physically~~ physical functioning;

- (vi) requires strict monitoring of medication;
- (vii) requires assistance in movement which is very difficult due to the child's size;
- (viii) requires post-hospitalization care such as frequent changing of bandages, tubes, and special hygiene techniques; or
- (ix) displays emotional disturbances, developmental delay, or mental retardation that results in behavior such as constant difficulties in school, aggressive and delinquent activities, destructiveness, resistance to authority, and sexual disturbances.

(B) **Rate of pay.** The Rate II payment is \$100 per month or \$3.33 per day more than the regular foster care reimbursement or for:

- (i) age 0–5, \$400;
- (ii) age 6–12, \$460; and
- (iii) age 13–18+, \$520.

(3) **Rate III.** This paragraph describes the conditions or needs of a child required for approval for Rate III and the reimbursement rates.

(A) **Conditions or needs.** (C) **DOC Rate III.** The rate is \$150 per month or \$5.00 per day more than the standard rate. A child approved for DOC Rate III has any one or more of the needs, conditions, or behaviors needs described in each DOC Rates I & II, and, in addition:

- (i) requires ~~noncompensable~~ medical supplies, special equipment, or educational supplies on a routine basis which are not compensable through Medicaid; or
- (ii) requires specialized substitute care.

(B) **Rate of pay.** The Rate III payment is \$150 per month or \$5.00 per day more than the regular foster care reimbursement or for:

- (i) age 0–5, \$450;
- (ii) age 6–12, \$510; and
- (iii) age 13–18+, \$570.

(4) **Rate IV.** This paragraph describes the conditions or needs of a child required for approval for Rate IV and the reimbursement rates.

(A) **Conditions and needs.** (D) **DOC Rate IV.** The rate is \$225 per month or \$7.50 per day more than the standard rate. ~~The A~~ child approved for DOC Rate IV has any one or more of the needs, or conditions, or behaviors described in each of DOC Rates I, II, and III and in addition requires such specialized care that normally ~~such a the child could~~ would be in institutional or inpatient psychiatric care. The child ~~could have needs, behaviors, or conditions such as:~~

- (i) requires special equipment, such as apnea monitor, suction machine, gastrostomy tube, oxygen, tracheotomy tube, and shunt;
- (ii) requires special feeding or nursing care around the clock, ~~does not include normal frequent feeding for newborn or infant;~~

(iii) requires frequent nighttime supervision and care that is not age appropriate;

(iv) displays such frequent seizures or other abnormal physical reactions that 24-hour monitoring is required;

(v) displays bizarre, socially unacceptable behavior, violent tendencies, potentially harmful behavior to ~~himself self~~ or others, or sexually predatory behavior to others or animals;

(vi) required previous inpatient mental health treatment ~~and recent discharge~~ or has recently been discharged from an inpatient facility ~~with requirement for ongoing intense supervision;~~

(vii) requires such intensive care that the foster parents are parent(s) is severely restricted in normal daily activities and ~~are~~ is frequently homebound;

(viii) requires frequent 24-hour awake supervision; or

(ix) requires post-hospitalization care for severe burns.

(B) **Rate of pay.** The Rate IV payment is \$225 per month or \$7.50 per day more than the regular foster care reimbursement or for:

- (i) age 0–5, \$525;
- (ii) age 6–12, \$585; and
- (iii) age 13–18+, \$645.

(5) **Guidelines for increase recommendation.** The descriptions in this Section are ~~to be viewed as guidelines from which staff can make the most appropriate increase recommendation. Not every situation clearly fits in one rate category. Consideration of the child's age is part of determining the appropriate rate category.~~

(E) **DOC Rate V.** The rate is \$400 per month or \$13.33 per day more than the standard rate. A child approved for DOC Rate V has one or more of the needs, conditions, or behaviors described in each of DOC Rates I, II, III, and IV and has a significant number of high severity needs. The child's level of need is not moderate, is likely to become more severe over time, and is likely at some time to require personal attendant care or specialized care outside of the home, when prescribed by a professional. A current medical or psychological report within the last six months is required from a qualified physician. This report must include a diagnosis, prognosis, and recommended treatment. Medical or psychological conditions considered in the determination of DOC Rate V include a child who has:

(i) been diagnosed by a qualified physician as having severe mental illness, such as child schizophrenia, severe developmental disabilities, brain damage or autism;

(ii) severe physical disabilities or medical conditions that are not expected to improve over time and adversely impact life expectancy when compared with others who have similar physical disabilities or medical conditions;

- (iii) severely inhibiting diagnosed mental health conditions, defined by the Diagnostic and Statistical Manual of Mental Disorders (DSM), diagnosed within the past year, that severely limit normal social and emotional development and require ongoing outpatient behavioral health services;
- (iv) severe mental retardation as determined by the Social Security Administration and defined by the DSM;
- (v) been waiting for organ transplant or is up to one year post transplant; or
- (vi) a physical condition uncontrolled by medication or treatment such as Tourette's syndrome or epilepsy.

SUBCHAPTER 15. ADOPTIONS

PART 14. POST ADOPTION SERVICES

340:75-15-128.1. General Adoption assistance benefits

~~Benefits of general adoption~~ (a) Adoption assistance may include Medicaid coverage, a monthly assistance payment, special services, reimbursement of non-recurring adoption expenses, or any combination of such these. Children eligible for Title IV-E assistance are also eligible for available Title XX services.

(1) **Medicaid.** The child is eligible for the Oklahoma Medicaid program or the Medicaid program in the state of residence, if Title IV-E eligible. All necessary medical and dental care under the scope of that program is ~~compensable~~ compensable at usual and customary charges. [OAC 340:75-15-129]

(2) **Monthly assistance payments.** ~~Payments are negotiated between the adoption specialist and the family.~~ [OAC 340:75-15-128.2, Instructions to Staff 2] A child may be eligible for monthly assistance payments to provide financial support to families who adopt children considered difficult to place. Payments are made to eligible families as long as the Oklahoma Department of Human Services (OKDHS) has sufficient funds available and is authorized to make payments under Form DCFS-68, Adoption Assistance Agreement, as allowable within the OKDHS budget.

~~(A) Agreements must be signed by the adoptive parents and the Agency prior to the finalization of the adoption.~~ [OAC 340:75-15-128.2(b)]

~~(B) Payments can be made prior to finalization of the adoption if the application is for pre-finalization assistance. Payment begins with the effective date shown on the agreement.~~

~~(C) If the family does not request pre-finalization assistance, the payment starts the day following the adoption finalization.~~

(A) **Rates.** The standard rates for monthly adoption assistance payments are described in (i) through (iii) of this subparagraph.

(i) Ages 0 - 5: Ranges from \$0 to a maximum of \$270 plus Difficulty of Care (DOC) Rate I, II, III, IV, or V if eligible.

(ii) Ages 6 - 12: Ranges from \$0 to a maximum of \$324 plus DOC Rate I, II, III, IV, or V if eligible.

(iii) Ages 13 - 18: Ranges from \$0 to a maximum of \$378 plus DOC Rate I, II, III, IV, or V if eligible.

(B) **DOC rate descriptions.** The descriptions in this subparagraph are guidelines from which the most appropriate DOC rate can be determined for the eligible child. Not every situation will clearly fit into one DOC rate category. Consideration of the child's age is part of determining the appropriate rate category. Documentation that the child's needs, conditions, or behaviors fit the rate category is required from professional sources outside the adoptive family as well as from the adoptive family itself. Updated documentation may be required by OKDHS from time to time to establish a child's ongoing eligibility for a particular DOC rate.

(i) **DOC Rate I.** The rate is \$50 per month more than the standard rate. A child approved for DOC Rate I has one or more of the needs, conditions, or behaviors described in (I) through (IV) of this subparagraph. The child:

(I) requires ongoing scheduled medical or psychological appointments that routinely occur more than twice weekly;

(II) displays emotional difficulties that result in destruction of property;

(III) requires medical or educational supplies on a routine basis that are not compensable through Medicaid; or

(IV) requires daily physical therapy performed by the adoptive parent(s).

(ii) **DOC Rate II.** The rate is \$100 per month more than the standard rate. A child approved for DOC Rate II has one or more of the needs, conditions, or behaviors listed in DOC Rate I, and, in addition:

(I) requires 24-hour intensive supervision due to severe medical or emotional needs;

(II) requires special food preparation and feeding due to a condition that restricts normal eating;

(III) requires special equipment for transportation that results in restricted mobility for the child and the adoptive parent(s);

(IV) displays incontinence of the bladder and bowel that is not age appropriate;

(V) displays multiple disabilities, birth defects, or brain damage that prevents normal intellectual or physical functioning;

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- (VI) requires strict monitoring of medication;
 - (VII) requires assistance in movement which is very difficult due to the child's size;
 - (VIII) requires post-hospitalization care such as frequent changing of bandages, tubes, and special hygiene techniques; or
 - (IX) displays emotional disturbances, developmental delay, or mental retardation that results in behavior such as constant difficulties in school, aggressive and delinquent activities, destructiveness, resistance to authority, and sexual disturbances.
- (iii) **DOC Rate III.** The rate is \$150 per month more than the standard rate. A child approved for DOC Rate III has one or more of the needs, conditions, or behaviors in each of DOC Rates I and II, and, in addition:
- (I) requires medical supplies, special equipment, or educational supplies on a routine basis which are not compensable through Medicaid; or
 - (II) requires specialized substitute care.
- (iv) **DOC Rate IV.** The rate is \$225 per month more than the standard rate. A child approved for DOC Rate IV has one or more of the needs, conditions, or behaviors described in each of DOC Rates I, II, and III and requires such specialized care that normally the child would be in institutional or inpatient psychiatric care. The child:
- (I) requires special equipment, such as apnea monitor, suction machine, gastrostomy tube, oxygen, tracheotomy tube, and shunt;
 - (II) requires special feeding or nursing care around the clock;
 - (III) requires frequent nighttime supervision and care that is not age appropriate;
 - (IV) displays such frequent seizures or other abnormal physical reactions that 24-hour monitoring is required;
 - (V) displays bizarre, socially unacceptable behavior, violent tendencies, potentially harmful behavior to self or others, or sexually predatory behavior to others or animals;
 - (VI) required previous inpatient mental health treatment or has recently been discharged from an inpatient facility;
 - (VII) requires such intensive care that the adoptive parent(s) is severely restricted in normal daily activities and is frequently home-bound;
 - (VIII) requires frequent 24-hour awake supervision; or
 - (IX) requires post-hospitalization care for severe burns.
- (v) **DOC Rate V.** The rate is \$400 per month more than the standard rate. A child approved for

DOC Rate V has one or more of the needs, conditions, or behaviors described in each of DOC Rates I, II, III, and IV and has a significant number of high severity needs. The child's level of need is not moderate, is likely to become more severe over time, and is likely at some time to require personal attendant care or specialized care outside of the home, when prescribed by a professional. A current medical or psychological report within the last six months is required from a qualified physician. This report must include a diagnosis, prognosis, and recommended treatment. Medical or psychological conditions considered in determination of DOC Rate V include a child who has:

- (I) been diagnosed by a qualified physician as having severe mental illness, such as child schizophrenia, severe developmental disabilities, brain damage, or autism;
 - (II) severe physical disabilities or medical conditions that are not expected to improve over time and adversely impact life expectancy when compared with others who have similar physical disabilities or medical conditions;
 - (III) severely inhibiting diagnosed mental health conditions, defined by the Diagnostic and Statistical Manual of Mental Disorders (DSM), diagnosed within the past year, that severely limit normal social and emotional development and require ongoing outpatient behavioral health services;
 - (IV) severe mental retardation as determined by the Social Security Administration and defined by the DSM;
 - (V) been waiting for organ transplant or is up to one year post transplant; or
 - (VI) a physical condition uncontrolled by medication or treatment such as Tourette's syndrome or epilepsy.
- (3) **Special services.** Special services payments are used to meet the child's needs which cannot be met by the adoptive parents parent(s) and which are not covered under any other program.
- (A) These services include corrective appliances, which may include costs of leg braces, prostheses, walkers, and similar appliances as long as such appliances cannot be secured through any other program for which the child would qualify.
 - (B) Tutoring and private school tuition are not covered as special services, as the public school systems are mandated to provide all children with special needs with an appropriate public education.
 - (C) The special services are reviewed at least annually and may be approved for a limited time.
 - (D) The amount paid ~~is~~ does not ~~to~~ exceed the reasonable fee for the service rendered.
 - (E) The special service is negotiated with the ~~family~~ adoptive parent(s), approved by the State Office, ~~Division~~ of Children and Family Services Division

(DCFS—CFSD), Adoption Assistance Section, and included in Form DCFS-68, Adoption Assistance Agreement, or through a modification of the family's agreement.

(4) **Reimbursement of non-recurring adoption expenses.** Certain non-recurring expenses incurred by or on behalf of the adoptive parent(s) in connection with the adoption of a child with special needs may be reimbursed.

(A) **Reimbursable expenses.** The term "non-recurring adoption expenses" means the reasonable and necessary adoption fees, court costs, attorney fees, and other expenses that are directly related to the legal adoption of a child with special needs, are not incurred in violation of state or federal law, and have not been reimbursed from other sources or funds. Financial reimbursement is available to the adoptive parent(s) of an eligible child for:

- (i) adoption fees;
- (ii) court costs;
- (iii) attorney fees;
- (iv) adoptive home study fee;
- (v) costs incurred to obtain health and psychological reports on family members;
- (vi) supervision of the adoptive placement by another agency;
- (vii) transportation, food, and lodging for the adoptive parent(s) and child during the placement process; and
- (viii) cost of fingerprinting paid by the adoptive parent(s).

(B) **Eligibility.** The child must meet all of the eligibility criteria for a child with special needs as set forth in OAC 340:75-15-128.4 and have been placed for adoption in accordance with applicable state and local laws. The child does not have to be in the custody of OKDHS or a federally recognized tribe at the time of finalization of the adoption. The child does not have to meet the Title IV-E categorical eligibility requirements for adoption assistance as set forth in OAC 340:75-15-128.2.

(C) **Amount of reimbursement.** Reimbursement of non-recurring adoption expenses, as defined in OAC 340:75-15-128.1(a)(4)(A), may be approved on behalf of the eligible child as described in (i) and (ii) of this subparagraph.

(i) **Finalized adoption.** Assistance is limited to documented actual expenses incurred up to a maximum of \$1,200 per child if the adoption is finalized. In the event an Order Terminating Parental Rights or an Order Determining the Child Eligible for Adoption Without the Consent of a Biological Parent had to be obtained in the adoption case, a request for reimbursement up to a maximum of \$2,000 per child will be considered by OKDHS on a case by case basis. In cases where siblings are adopted as a unit, each child is treated as an individual with separate reimbursement for non-recurring expenses.

(ii) **Non-finalized adoption.** A potential adoptive parent(s) whose trial adoption disrupts prior to finalization on or after January 1, 1999 may be eligible for up to a maximum reimbursement of \$500 per child.

(D) **Approval and payment.** The request for reimbursement of non-recurring adoption expenses must be approved and Form DCFS-68, Adoption Assistance Agreement, signed by the adoptive parent(s) and OKDHS designee prior to finalization of the adoption. Payment is made directly to the adoptive parent(s) for approved amounts shown on the itemized statement as paid in full. Payment is made directly to a vendor(s), such as attorney(s) and private adoption agency, for the fee(s) which the itemized statement indicates has not yet been paid in full by the adoptive parent(s).

(E) **Interstate placement.** The provisions of OAC 340:75-15-128.5(b) apply to reimbursement of non-recurring adoption expenses in interstate adoptions.

(4b) **Overpayments.** State Office, Children and Family Services Division, Adoption Assistance Section staff immediately notify notifies the adoptive parents parent(s) when it is discovered that an overpayment has occurred. The adoptive parent parent(s) is responsible for repayment, even if he or she is not responsible for causing the overpayment. In the event the adoptive parent parent(s) was previously the adopted child's foster parent parent(s) and foster care payments continued after adoption assistance payments began, a repayment plan is required. The adoptive parent(s) is notified in writing of the overpayment and given 30 days in which to repay. Failure to repay results in an automatic reduction of no less than 10% of each future month's payment until the overpayment is satisfied. Any other types of overpayments are handled in the same manner.

(c) **Modification.** Form DCFS-68, Adoption Assistance Agreement, may be modified and the adoption assistance payment amount may be readjusted periodically when warranted by a change in circumstances and with the concurrence of the adoptive parent(s). A change in the child's eligibility for the DOC rate paid constitutes a change in circumstance. The adoption assistance payment amount may not be automatically adjusted without agreement of the adoptive parent(s) except for an across-the-board reduction or increase in OKDHS foster care maintenance rates or DOC rates. Modification of Form DCFS-68, Adoption Assistance Agreement, is prospective only and may not be retroactive. If the parties cannot come to an agreement, OKDHS establishes the payment amount. The adoptive parent(s) has a duty to keep OKDHS informed of circumstances that would make the child ineligible for adoption assistance payments or eligible for payments of a different amount. OKDHS may require the adoptive parent(s) to provide updated documentation of a child's ongoing eligibility for the payment amount received. OKDHS may require evaluation of a child by a suitably licensed or certified examiner selected by OKDHS if the child's eligibility is in question.

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~~(5d) **Termination or modification.** The adoptive parents may request a modification of the agreement for adoption assistance at any time. The parents have a duty to keep the Department informed of circumstances that would make them ineligible for assistance payments or eligible for payments of a different amount. Once an agreement is signed and in effect, it is only terminated under three circumstances if one of the conditions described in (1) through (3) of this subsection is met. The three conditions for termination are:~~

~~(A1) **The** child has attained the age of 18, or the age of 21 if it has been determined that the child has a mental or physical disability which would warrant continuation of adoption assistance. To continue adoption assistance after the age of 18, the adoptive parents parent(s) must submit documentation of a continuing mental or physical disability prior to the child's 18th birthday and yearly thereafter;~~

~~(B2) **A** determination is made by the state agency OKDHS that the adoptive parents parent(s) is no longer legally responsible for support of the child; or~~

~~(C3) **the state agency OKDHS** determines that the adoptive parents are parent(s) is no longer providing financial support to the child. If a child is placed in out-of-home care including psychiatric care, residential, therapeutic, or foster family foster care and the adoptive parent parent(s) continues to provide financial support to the child, adoption assistance may continue. The rate of payment may be renegotiated, as appropriate.~~

~~(6e) **Death of adoptive parents or dissolution of the adoption.** Any child who was receiving Title IV-E adoption assistance at the time of the death of all of the child's adoptive parents or at the time the adoption dissolves may be eligible for adoption assistance if he or she is adopted again after October 17, 1997. State option children are A child receiving state funded adoption assistance is eligible if adopted after May 29, 1998. To be eligible, the child must continue to meet the special needs criteria and all of the requirements in (A) - (D)(1) through (4) of this paragraph must be met.~~

~~(A1) The prospective adoptive family parent(s) must make application on Form DCFS-54, Adoption Assistance Application.~~

~~(B2) The prospective adoptive family parent(s) must provide from a district or tribal court a copy of a filed file-stamped Petition for Adoption from a district or tribal court if requesting pre-final prefinalization adoption assistance or a copy of a Final Decree of Adoption dated after October 17, 1997, if requesting adoption assistance is to start following begin after adoption.~~

~~(C3) The state OKDHS must be able to document the child was receiving Title IV-E or state option funded assistance at the time of the death of the adoptive parents parent(s) or at the time the adoption dissolved.~~

~~(D4) The state OKDHS must document be provided documentation that the new adoptive parents are parent(s) is not the biological parents parent(s).~~

~~(f) **Relocation by adoptive family to another state.** An Adoption Assistance Agreement signed on or after October 1, 1983 remains in effect regardless of the state in which the adoptive parent(s) is a resident at any given time.~~

340:75-15-128.4. Determination of special needs

A child must be determined to have special needs to be eligible for federally funded adoption assistance. [OAC 340:75-15-128.2] state funded adoption assistance. [OAC 340:75-15-128.3] or reimbursement of non-recurring adoption expenses. [OAC 340:75-15-128.1(a)(4)] A child is determined to have special needs by meeting all the criteria in paragraphs (1) - through (3) of this subsection.

(1) **Child cannot return home.** The state Oklahoma Department of Human Services (OKDHS) has determined that the child cannot or should not be returned to the home of his or her parents parent(s). The documentation required to show that a child cannot or should not be returned home is:

(A) a Petition for Termination of Parental Rights;

(B) an Order of Termination of Parental Rights from a court of competent jurisdiction;

(C) for a child under the jurisdiction of the court, a signed Relinquishment of Parental Rights;

(D) satisfied by other official documentation when it is determined a child can be adopted in accordance with state or tribal law without a Termination of Parental Rights or Relinquishment; or

(E) verification of the death of parent(s), if the child is orphaned.

(2) **Special factors or conditions.** The child meets at least OKDHS has determined that because of one or more of the factors or conditions listed in (A) - through (G) of this paragraph, the child cannot be placed with adoptive parent(s) without providing adoption assistance.

(A) **Physical disability.** Physical disability is defined as a condition which requires regular treatment with a specific diagnosis given by the child's physician.

(B) **Mental disability.** The child meets the eligibility criteria for educable multi-handicapped (EMH) or trainable multi-handicapped (TMH) classes and has been evaluated by a licensed psychologist, psychometrist, school, or recognized diagnostic center. A child with a demonstrable need for intensive adult supervision beyond ordinary age needs also qualifies.

(C) **Age.** If no other special needs criteria are met, the child is eight years of age or older. Eligibility based on the child's age is determined according to (i) and (ii).

(i) **Kinship placement.** There is no age requirement for a child placed with a relative(s) who provides paid or non-paid kinship care and who meets the specified degree of relationship as defined in OAC 340:10-9-1.

(ii) **Non-related and other relative placements.** The child must be eight years of age or older. This includes a child adopted by a relative(s) who was not the child's caregiver at the time of adoptive placement.

(D) **Sibling relationship.** The child is ~~one of two siblings part of a sibling group of any age placed together if at least one child meets an additional special needs condition. Three or more siblings placed together qualify without any additional condition.~~

(E) **Emotional disturbance.** It is recognized that all children placed for adoption experience emotional disturbance. To meet this criteria emotional disturbance must be:

- (i) established by a physician, a psychologist, behavioral therapist, or social worker;
- (ii) corroborated by a Child Welfare worker's observations of the child's behavior;
- (iii) corroborated by one or more caregivers such as foster parent, Head Start or school personnel, church nursery, or ~~day child~~ care provider; and
- (iv) documented with a specific diagnosis and prognosis, if applicable.

(F) **Racial or ethnic factor.** Indian, Hispanic, Oriental, and African-American children age three years or older ~~are considered to meet special needs criteria if efforts to place without assistance are unsuccessful.~~

(G) **High risk of physical or mental disease.** The child who exhibits high risk of physical or mental disease for conditions which are not presently being treated may qualify. If no other special ~~needs criteria factors or conditions~~ are met, no monthly payment is made until there are documented symptoms of physical or mental disease. Indicators of high risk physical or mental disease are:

- (i) social and medical history such as mental illness of biological parents and family;
- (ii) events or life experiences such as severe sexual abuse; and
- (iii) prenatal exposure to drugs or alcohol.

(3) **Unsuccessful efforts to place the child without assistance.** A reasonable but unsuccessful effort has been made to place the child without assistance, except where it would be against the best interests of the child because of such factors as a strong emotional tie to a foster ~~parents~~ parent(s) who ~~are~~ is planning to adopt the child or placement with a relative.

(A) Documentation of efforts to place a child without assistance is required and includes specific recruitment of a potential parent(s) who could meet the child's special needs. Examples include:

- (i) area staffings;
- (ii) adoption parties;
- (iii) adoption resource exchanges; and
- (iv) media and internet efforts.

(B) Form DCFS-54, Adoption Assistance Application, [OAC 340:75-15-128.5] must include a statement of the reasons the child could not be placed in an adoptive home without adoption assistance, including:

- (i) the specific factors that make it difficult to place the child;

(ii) a description of the efforts to place the child without assistance; and

(iii) the reasons it is not in the best interests of the child to attempt to place for adoption without assistance.

340:75-15-128.5. Adoption assistance application procedures

(a) **Application process.** ~~Application To apply for general and non-recurring adoption assistance, Form DCFS-54, Adoption Assistance Application, is completed by the prospective adoptive parent(s), custodial agency, or tribe on behalf of the child and family and is submitted to the State Office, Children and Family Services Division (CFSD), Adoption Assistance Section for approval. If a monthly payment is requested, the worker makes a good faith effort to negotiate an adoption assistance payment with the adoptive family.~~

(b) Interstate adoptive placements. The provisions of the Adoption Assistance Program of the state in which the application is made govern the terms of an adoption assistance agreement, including, but not limited to, the rates of the adoption assistance payments.

(1) For federally funded adoption assistance in interstate adoptions, application is made to:

(A) Oklahoma, if the child is in the custody of the Oklahoma Department of Human Services (OKDHS) or a tribe and receiving Title IV-E foster care and placed for adoption in another state;

(B) the other state, when an Oklahoma child is placed by any other entity;

(C) the other state, when a child is placed in Oklahoma by the public child welfare agency of another state or a tribal child in Title IV-E foster care of another state; or

(D) Oklahoma, when a child is placed in Oklahoma from another state by any other entity and there is compliance with the provisions of the Interstate Compact on the Placement of Children.

(2) For state funded adoption assistance in interstate adoptions, application is made to Oklahoma only when the child is in the legal custody of OKDHS or an Oklahoma tribe, as defined in OAC 340:75-15-128.3(a)(2), at the time of adoption, regardless of the residence of the adoptive parent(s) by whom the child is adopted. A child placed in Oklahoma from another state is not eligible for state funded adoption assistance in Oklahoma.

(c) Determination of adoption assistance benefits.

(1) Each Adoption Assistance Agreement is tailored to the individual situation, not according to a set of predetermined guidelines.

(2) The adoptive parent(s) is advised by the adoption specialist of the different components of adoption assistance, including special services, coverage under Title XIX Medicaid, reimbursement of non-recurring adoption expenses, and a monthly assistance payment.

(A) If the child is eligible for Title IV-E adoption assistance, the amount of assistance payment, if any,

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is determined through agreement between the adoptive parent(s) and OKDHS on an amount within the range of adoption assistance rates in OAC 340:75-15-128.1(a)(2), up to a maximum amount which must not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the adoption assistance payment is made had been in a foster family home. Therapeutic foster care does not constitute a foster family home for which foster care maintenance payment is made.

(i) The adoption specialist works with the adoptive parent(s) to reach agreement on the assistance amount, taking into consideration the circumstances of the adopting parent(s) and the needs of the child.

(ii) If the parties cannot come to an agreement, the Department of Human Services (DHS) OKDHS establishes the payment amount. The payment is based on the amount that is needed to meet the child's special needs, not to exceed the amount the child would have received in traditional foster family care. Therapeutic foster care is not included in this definition per Section 7510-1.5 of Title 10 of the Oklahoma Statutes.

(B) If the child is eligible for state funded adoption assistance, OKDHS determines the adoption assistance payment amount within the range of rates in OAC 340:75-15-128.1(a)(2) based on the needs of the child and circumstances of the adoptive family. The maximum amount of adoption assistance may not exceed the foster care maintenance payment which would have been paid during the period if the child with respect to whom the payment is made had been in a foster family home. Therapeutic foster care does not constitute a foster family home for which foster care maintenance payment is made.

(C) For federally funded or state funded adoption assistance, a zero payment agreement may be reached at the time Form DCFS-68, Adoption Assistance Agreement, is signed.

(i) The zero payment agreement applies in cases where a risk of physical or mental disease exists but is not manifested, no other special factor or condition exists, and the other two criteria set forth in OAC 340:75-15-128.4(1) and (3) are met.

(ii) If documented symptoms of a physical or mental disease are later manifested, Form DCFS-68 may be modified by agreement of the adoptive parent(s) and CFSD.

(D) For federally funded or state funded adoption assistance, if the child is eligible for a Difficulty of Care (DOC) payment Rate, this rate becomes the maximum for monthly assistance payment.

(E) For federally funded or state funded adoption assistance, updated supporting documentation for DOC continuing eligibility may be required of the adoptive parent(s) by OKDHS at any time.

~~(bd)~~ **Adoption Assistance Agreement**, Form DCFS-68, The agreement Adoption Assistance Agreement, must be signed by all parties the adoptive parent(s) and OKDHS prior to finalization of the adoption for the general Title IV-E federally funded adoption assistance, state funded adoption assistance, and non-recurring assistance.

(1) Adoption assistance must be approved and the initial agreement signed prior to the child attaining 18 years of age.

~~(2) Assistance may be paid to the adoptive family at the time the child enters the adoptive placement and prior to the~~ When a child has been determined eligible by OKDHS, adoption assistance may commence at the time of adoptive placement or at the time of finalization of the adoption. ~~Requests for pre-finalization adoption assistance are included in the application packet.~~

~~(ec)~~ **Annual reviews.** The adoption assistance Form DCFS-68, Adoption Assistance Agreement, is reviewed annually by the State Office, CFSD, Adoption Assistance Section. Form DCFS-44, Adoption Assistance Annual Review, is mailed to the adoptive family parent(s).

~~(df)~~ **Application made after finalization of adoption.** This Subsection applies only to Title IV-E federally funded adoption assistance. The provision for state funded application made after finalization of adoption is found at OAC 340:75-15-128.3(e). Federal regulations require that the ~~Adoption Assistance Agreement, Form DCFS-68, Adoption Assistance Agreement, be is~~ signed and in effect at the time of, or prior to, the final decree of adoption. However, if the adoptive parents feel they have parent(s) feels he or she has wrongly been denied benefits on behalf of an adoptive child, ~~they have he or she has~~ the right to a fair hearing, even if he or she applied for adoption assistance after finalization of the adoption. If the family adoptive parent(s) prevails in a fair hearing, ~~the state~~ OKDHS may determine whether the child would have met all eligibility requirements at the time of the placement in the adoptive home and at finalization of the adoption and reverse its earlier decision to deny benefits.

(1) **Eligibility.** A child may be eligible for Title IV-E post adoption assistance only if:

(A) the adoptive ~~parent~~ parent(s) prevails in a fair hearing and it is determined that the family adoptive parent(s) proved an extenuating circumstance exists, such as:

(i) relevant facts regarding the child, the biological family, or the child's background ~~are were~~ known and were not presented to the adoptive ~~parents~~ parent(s) prior to the ~~legalization~~ finalization of the adoption;

(ii) denial of assistance was based upon a means test of the adoptive family parent(s);

(iii) erroneous determination by ~~the state~~ OKDHS that a child was ineligible for adoption assistance; or

(iv) ~~the state agency~~ OKDHS was required and failed to advise the adoptive ~~parents~~ parent(s) of the availability of the Title IV-E adoption assistance program; and

(B) at the time of the placement in the adoptive home and at finalization of the adoption, the child met all eligibility requirements. [OAC 340:75-15-128.2 and 340:75-15-128.4]

(2) **Benefits.** The benefits are the same as for ~~general adoption assistance~~ those listed in OAC 340:75-15-128.1. [OAC 340:75-15-128.3]

(3) **Payment.** ~~Upon approval, the adoptive parents and the state may negotiate the beginning date of the assistance, but under no circumstance may the beginning date be prior to the adoptive family's initial application for assistance that was denied. If adoption assistance payments are approved by OKDHS, they begin effective the date of approval. OKDHS considers retroactive payments on a case by case basis, but in no event for a period that exceeds five years or the date the initial application for assistance was denied, whichever is less.~~

~~(A) For children adopted on or before October 1, 1986 the payment cannot precede the date of the final decree of adoption.~~

~~(B) For those children adopted after October 1, 1986 the payments may begin at the time of the initial denial of the application if the child was in adoptive placement; or back to the date of the adoptive placement, if later than the initial denial date.~~

(4) **Procedures.** The procedures for securing Title IV-E post adoption assistance are identified in (A) - ~~and~~ (B) of this paragraph.

(A) **Application packet.** The application includes:

- (i) a court order showing the child was removed from the home by a judicial determination to the effect that remaining in the home was contrary to the welfare of the child;
- (ii) Form DCFS-54, Adoption Assistance Application;
- (iii) Form SC-1, SoonerCare Health Benefits Application;
- (iv) description of child's special needs which meet the eligibility criteria;
- (v) documentation of special needs from ~~physician~~ physician(s), therapist, social worker worker(s), adoptive parent parent(s), or other professionals, as required; and
- (vi) criminal background check.

(B) **Application process.** Application for Title IV-E post adoption assistance is made by the adoptive parent(s) to the State Office, ~~DCFS~~ CFSD, Adoption Assistance Section and ~~is~~ reviewed by the Adoption Assistance Review Committee.

[OAR Docket #03-380; filed 3-11-03]
(format accepted 3-12-03)

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

[OAR Docket #03-381]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Foster Home Care
Part 6. Foster Home Care Support Services
340:75-7-65. [AMENDED]
(Reference APA WF # 02-48)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and by authority granted under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193.

DATES:

Adoption:

January 28, 2003.

Approved by Governor:

March 5, 2003

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2004, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Emergency approval is requested as the Agency finds imminent peril exists to the health, safety, and welfare children in the custody of the Oklahoma Department of Human Services (OKDHS) who receive subsidized child care. The proposed rule improves the quality of child care services and empowers foster parents to make decisions based on the best interests of the children. Improved quality of care is expected to result in a healthier, safer environment for children in the custody of OKDHS.

ANALYSIS:

The proposed revisions to Subchapter 7 of Chapter 75 comply with OAC 340:40 which requires that the cost of child care in a one star center be the responsibility of the foster parents unless the community does not offer one star plus, two, or three star centers or one of the special exception criteria is met. The proposed rules address child care overpayments and child care responsibility once the foster parents adopt.

CONTACT PERSON:

Dena Thayer, Rules & Policy Management Unit, 405-521-4326.

**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 7. FOSTER HOME CARE

**PART 6. FOSTER HOME CARE SUPPORT
SERVICES**

Emergency Adoptions

340:75-7-65. Payment for foster care child care services in licensed child care center, licensed child care home, or the foster parent's own home by a licensed child care professional

(a) ~~Child care services are paid by the Department of Human Services (DHS) OKDHS. The Oklahoma Department of Human Services (OKDHS) pays for foster care child care services in certain situations as defined in (1) and (2).~~

(1) Child care services are paid by ~~DHS OKDHS~~ to the licensed child care center, child care home, or to a licensed child care professional in the foster ~~parent's~~ parent(s)' own home when:

(1A) the foster ~~parent~~ parent(s) is gainfully employed outside the home for 20 hours a week or more;

(2B) the child has no special needs which preclude care in a child care setting;

(3C) written verification of employment is obtained prior to utilization of the services and includes the number of hours and days the foster ~~parent~~ parent(s) works; and

(4D) ~~child care services are~~ provided in a licensed child care home, a licensed child care center, or in the foster ~~parent's~~ parent(s)' home by a licensed child care professional; and

(5) ~~therapeutic~~ Therapeutic child care is authorized services are paid when recommended by a mental health professional, prior authorized by Children and Family Services Division (CFSD), and funded.

(b) **Overpayment of child care.** OKDHS seeks repayment for any child care that has been paid in error to the licensed child care center, child care home, or to a licensed child care professional in the foster parent(s)' own home.

(bc) ~~Child care services that are not paid by the Department OKDHS.~~ The cost of the foster care child care is the responsibility of the foster ~~parent~~ parent(s) when:

(1) ~~when~~ the foster ~~parent~~ parent(s) attends school or participates in training, - unless the ~~parent~~ foster parent(s) is a non-paid relative ~~foster parent~~ receiving regular child care through Temporary Assistance for Needy Families (TANF);

(2) ~~when~~ child care has not been arranged and approved by the Child Welfare (CW) worker or supervisor prior to utilization of the service;

(3) ~~if a the~~ foster ~~parent~~ parent(s) owns, ~~has employment with,~~ or operates the child care center which the child attends;

(4) ~~for~~ informal arrangements are made for child care;

(5) ~~for~~ the rates charged are higher than that allowed by the state OKDHS;

(6) ~~for children~~ the child is placed in contracted emergency foster care;

(7) ~~for children~~ the child is placed in therapeutic foster care;

(8) ~~if the~~ foster ~~parent~~ parent(s) is employed in a child care home which that the child attends;

(9) ~~if the~~ foster ~~parent~~ parent(s) operates a child care home, and the child attends another child care home or child care center; and

(10) ~~when a the~~ foster ~~parent's~~ parent(s)' hours of employment interfere with the provision of a suitable family life;:

(11) the child is adopted by the foster parent(s); and

(12) the child care center is licensed as a one star facility unless there are no one star plus, two, or three star centers in the community, or one of the special exception criteria in (A) through (C) is met.

(A) The child was already approved for care at this one star center prior to January 1, 2003. The child can remain at this facility unless the child stops attending there for more than 30 days. The child can also be approved at this same facility again if the only reason the child did not attend for more than 30 days was because of a school break or due to circumstances beyond the control of the foster family, such as illness of the child.

(B) Care is requested for a child living in the same home as a child already approved for care as described in (12)(A) of this subsection for the same one star child care provider.

(C) The foster parent(s) demonstrates that he or she does not have another child care option that meets the foster family's needs.

[OAR Docket #03-381; filed 3-11-03]
(format accepted 3-12-03)

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #03-452]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Practice and Procedure
Part 8. Settlement of tax liability [NEW]
710:1-5-80. through 710:1-5-93. [NEW]

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203, 219.1(H)

DATES:

Adoption:

February 4, 2003 (Commission Order No. 2003-02-04-004)

Approved by Governor:

March 17, 2003

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2004, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Senate Bill 1253, § 1 (2002) provided specific statutory authority for the Tax Commission to consider settlement offers under certain statutory

conditions, provided that the underlying constitutional authority needed was approved by the people, which occurred November 5, 2002. Compelling public interest was found to warrant emergency promulgation of these rules to insure that the public has timely information to request relief under these new provisions.

ANALYSIS:

A new "Part 8" subdivision of the Tax Commission rules of Practice and Procedure, dealing with Settlements of Tax Liability, has been adopted to implement the procedural rules for application for settlement of certain final tax liabilities. These Sections generally set out the manner in which the new law will be implemented. Topics include eligibility requirements, how to make application, what a taxpayer may expect with respect to the procedural aspects of review and determination, and the relationship and effect upon existing remedies and liabilities.

CONTACT PERSON:

Carolyn Swifthurst, OBA # 011547, Tax Policy Analyst; (405) 521-3133

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. PRACTICE AND PROCEDURE

PART 8. SETTLEMENT OF TAX LIABILITY

710:1-5-80. Purpose

The provisions of this Part are provided to taxpayers who wish to request settlement of all or any portion of an Oklahoma tax liability and interest and penalties which have already become final for less than the outstanding amount. [See: 68 O.S. §219.1]

710:1-5-81. Definitions

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

"Commission" means the Oklahoma Tax Commission.

"Final liability" means:

- (A) The tax, penalty and interest due after the expiration of the statutory prescribed time within which to file a protest to a proposed assessment;
(B) The amount due after the exhaustion of administrative remedies without appeal to the Supreme Court;
(C) A tax amount admitted to be due by a taxpayer's report;
(D) The amount found due after a final court decision concerning the existence or amount of the liability; or
(E) Other cases of liabilities where further administrative or judicial review is not available and the only consideration is collectibility.

"Insolvency" means:

- (A) The inability to pay debts as they fall due in the usual course of business; or
(B) Having liabilities in excess of the reasonable market value of assets held.

"Person" means any individual, partnership, corporation, limited liability company, association, or public or private organization of any character.

"Settlement Agreement" means a written agreement between a taxpayer and the Commission whereby the Commission agrees to abate all or a portion of an outstanding tax liability, including the interest or penalties accruing thereto, and the taxpayer agrees to pay the remainder of such liability, if any, as provided herein.

"Tax Liability" means and includes the total amount of Oklahoma tax, penalty, or interest due.

"Taxpayer" means:

- (A) Any person subject to or liable for any Oklahoma tax; or
(B) Any person required to file a return, or to pay or withhold and remit any tax required by the provisions of any Oklahoma tax law that is administered by the Commission.

"Trust fund tax" means Oklahoma Sales Tax levied pursuant to 68 O.S. §§ 1350 et seq., Oklahoma Use Tax levied pursuant to 68 O.S. §§ 1406-1407, Oklahoma Income Tax withholding levied pursuant to 68 O.S. §§ 2385.2-2385.28, or Oklahoma Motor Fuel taxes levied pursuant to 68 O.S. §§ 500.1 et seq.

710:1-5-82. Grounds for settlement

(a) General provisions. Except for a trust fund tax, the Commission may settle an Oklahoma tax liability for any of the following reasons:

- (1) Collection of the tax with interest and penalties would reasonably result in the taxpayer declaring bankruptcy.
(2) The tax liability is uncollectible due to the insolvency of the taxpayer resulting from factors beyond the control of the taxpayer or other similar factors.
(3) The tax liability is the result of actions of a person other than the taxpayer and to hold taxpayer liable for the tax liability would be inequitable.

(b) Uncollected trust fund taxes. If the tax liability for which settlement is sought is a "trust fund tax", the applicant must show:

- (1) That the tax was not collected; and
(2) That applicant had a good faith belief that collection of the tax was not required.

(c) Unremitted trust fund taxes. Trust fund taxes collected, but not remitted to the Commission, may not be abated.

710:1-5-83. Eligibility requirements for settlement

(a) General requirements. Before a taxpayer becomes eligible for settlement pursuant to this program, the following general requirements must be met:

- (1) Tax liability must be final.
(2) All administrative remedies and appeals must have been exhausted.
(3) Taxpayer must be current with all returns filed or required to be filed with the Commission.

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(4) Taxpayer must not be currently the subject of an open bankruptcy proceeding.

(5) Taxpayer must not be currently the subject of a State tax-related criminal investigation or criminal prosecution.

(b) **Bankruptcy or insolvency.** If settlement is sought on the grounds of bankruptcy or insolvency:

(1) Taxpayer must demonstrate that the ability to make payment in full any time in the foreseeable future is unlikely.

(2) Taxpayer must be without sufficient resources or unable to apply present or future resources to paying the outstanding tax liability.

(3) Taxpayer must be reasonably unable to dispose of assets or borrow against assets to pay the tax liability.

(4) Taxpayer must demonstrate that monthly income is insufficient to fully pay the tax liability through reasonable installment payments.

710:1-5-84. Application for a Settlement Agreement

(a) **Application.** The forms necessary to make application for a Settlement Agreement may be obtained from the Account Maintenance Division, 2501 Lincoln Boulevard, Oklahoma City, OK, 73194. Completed Settlement Agreement applications and any documents in support thereof must be submitted to the same address.

(b) **When a Power of Attorney is Required.** Applications being tendered on behalf of a taxpayer by an attorney, CPA, or other person, must be accompanied by a properly acknowledged Power of Attorney Form, signed by the taxpayer, authorizing the person to act on behalf of the taxpayer.

(c) **Additional information.** The Account Maintenance Division may request additional financial or other information deemed necessary to supplement the Settlement Agreement application.

(d) **Presentation of the application.** The Account Maintenance Division shall present a completed application to the Commission during a regularly scheduled meeting of the Commission.

(e) **Notice of the determination of the application.** The Account Maintenance Division shall notify the applicant in writing of the decision of the Commission and make any required adjustments to the applicant's account.

(f) **Withdrawal of application.** An application for a Settlement Agreement may be withdrawn by the taxpayer at any time prior to its acceptance.

710:1-5-85. Effect of Offer in Compromise by the Internal Revenue Service

(a) Acceptance of an Offer in Compromise by the Internal Revenue Service does not automatically guarantee acceptance by the State. An application for a Settlement Agreement tendered to the Commission will be reviewed and evaluated on its own merits.

(b) The federal "Offer in Compromise" form cannot be substituted for the Oklahoma Settlement Agreement application.

However, other documents such as the current financial statements included in a compromise offer submitted to the Internal Revenue Service may also be submitted to the State in support of an application for a Settlement Agreement.

710:1-5-86. Review by Commission

(a) **Unanimous vote required.** A unanimous vote of the members of the Commission is required for approval of a Settlement Agreement.

(b) **Discretionary act.** The determination of settlement is within the sole discretion of the Commission.

(c) **Facts and other considerations.** In making its decision, the Commission will consider, but not be limited to, the following matters:

(1) The likelihood of collection of the debt;

(2) The amount of the debt;

(3) Efforts made by the applicant to pay a part of the debt prior to filing an application for settlement;

(4) The taxpaying record of the applicant;

(5) Applicant's current and possible future earning capacity;

(6) The portion of the tax itself which would be paid under the terms of the proposed Settlement Agreement;

(7) The composition of the balance of tax, penalty, and interest due;

(8) The percentage of the tax debt proposed to be settled;

(9) The Applicant's age and health;

(10) The Applicant's net worth;

(11) The acceptance by the Internal Revenue Service of an Offer in Compromise and the amount;

(12) The age of the debt;

(13) The existence of liens;

(14) Current operating status of any business;

(15) Bankruptcy status;

(16) The amount determined to be collectible. This amount is generally based upon the Commission's evaluation of the reasonable collection potential of the taxpayer's assets and revenue. The collectible amount is one factor used to determine if an offer is reasonable.

(17) Other liable parties;

(18) Whether tax debt due is a trust tax collected by Applicant but not remitted to the Commission;

(19) What other persons are liable.

(20) Whether the Applicant is located within Oklahoma or not;

(21) The accuracy and veracity of the Applicant's representations to the Commission;

(22) The recommendations of the Account Maintenance Division; and

(23) The expense and time expended in future collection efforts by the Commission on the Applicant's debt.

(d) **Other circumstances which may be considered.** In addition to the factors set out in (c) of this Section, the Commission may consider any other aggravating or mitigating circumstances contributing to the request for settlement, including, but not limited to:

- (1) Good faith efforts made by taxpayer to comply with the tax laws of this state.
- (2) Benefit received by taxpayer from nonpayment of the tax.
- (3) Involvement of taxpayer in economic activity which gave rise to tax liability.
- (e) **No appeal of denial.** The decision by the Commission to decline a proposed Settlement Agreement is final and is not appealable.
- (f) **Court approval required.** If the amount of the tax liability to be abated exceeds Five Thousand Dollars (\$5,000.00), the Settlement Agreement requires the approval of a judge of the district court of Oklahoma County.
- (g) **Resubmission of application.** If a taxpayer has previously submitted an application for a Settlement Agreement and that application was not accepted, the taxpayer may apply at a later date if financial conditions have changed, or to submit additional information not previously provided for review by the Commission.

710:1-5-87. Disclosure

No return or document filed with the Commission pursuant to the Settlement of Tax Liability program will be subject to disclosure except as provided by 68 O.S. § 205.

710:1-5-88. Effect of a Settlement Agreement

- (a) **Effect of pending Settlement Agreement.**
 - (1) Filing an application for settlement does not constitute the filing of a protest of a proposed assessment, or extend the time to protest a proposed assessment. Filing an application for settlement does not constitute the taking of an appeal to the Oklahoma Supreme Court, nor extend the time to take an appeal to the Supreme Court.
 - (2) If taxpayer is on an existing repayment plan, the taxpayer must continue to make payments until the application for a Settlement Agreement is either accepted or denied. Payments made pursuant to an existing repayment plan will not be considered a part of the amount offered in the agreement.
 - (3) Collection activities may continue during the review process, however, the Commission may suspend its collection efforts if the interests of the State will not be compromised. If there is any indication that the taxpayer filed the settlement offer simply to delay collection of the tax or that the delay would interfere with collecting the tax, the Commission will immediately resume collection efforts.
 - (4) Interest and penalty will continue to accrue on any unpaid tax debt while the settlement is being considered.
- (b) **Effect of accepted Settlement Agreement.**
 - (1) A Settlement Agreement relates to the entire liability of the taxpayer with respect to the period and type of tax for which the application is submitted, and all questions of such liability are conclusively settled thereby.
 - (2) Neither the Commission nor the taxpayer shall, upon acceptance of the proposed Settlement Agreement,

be permitted to revise the agreement except by reason of the following:

- (A) Falsification or concealment of facts or assets by the taxpayer; or
 - (B) Mutual mistake of a material fact concerning the basis for a Settlement Agreement; or
 - (C) Assets were fraudulently transferred prior to the agreement or were liquidated during the review process; or
 - (D) Taxpayer failed to comply with the terms of the agreement.
- (3) Settlement of a civil liability does not constitute a settlement of a criminal liability concerning the tax period in question.
 - (4) Tax liens will be released only after an application for a Settlement Agreement is accepted and the amount offered is paid in full.

710:1-5-89. Payment

- (a) No payment is required to be paid when the Application for Settlement Agreement is submitted to the Commission.
- (b) Full payment of the amount offered in settlement of the tax liability must be made within thirty (30) days from date of notification that the proposed Settlement Agreement has been accepted. Payment of the accepted settlement amount by cash, cashier's check, money order, or charged to an approved credit card must be made by the payment due date indicated on the acceptance notice. [See: www://oktax.state.ok.us/oktax/gn-payopt.html or Call: 1-800-2PAY-TAX]
- (c) Any payment made with the application will, if directed by the Applicant, be returned if the Settlement Agreement is declined or withdrawn. Interest will not be paid on any returned payment.
- (d) In appropriate circumstances, the Commission may consider proposed Settlement Agreements that provide for payments to be made over a period of time based on future income.
- (e) The Settlement Agreement becomes void if taxpayer defaults on payment under the agreement.
- (f) The Settlement Agreement becomes void if the agreement was obtained by fraud or misrepresentation of a material fact.

710:1-5-90. If the proposed Settlement Agreement is declined

- (a) If the application for a Settlement Agreement is declined, the taxpayer will be notified by the Account Maintenance Division in writing.
- (b) Taxpayer should immediately contact the Commission to arrange payment of the entire liability. If immediate payment of the entire liability is not possible, the taxpayer may request payment through the regular collection procedures.

710:1-5-91. Return of Settlement Agreement Application

The Commission may reject the Settlement Agreement application as not processible for any of the following reasons:

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- (1) The applicant is not adequately identified (name, address, ID#, etc.) or required signatures are not provided.
- (2) The settlement offer includes an amount already collected or subject to refund.
- (3) The tax liability is not adequately identified.
- (4) The Settlement Agreement application does not show a reason or a statement supporting the reason for the settlement offer has not been provided.
- (5) Financial statements or other documentation have not been included or are incomplete.
- (6) The Commission's records indicate noncompliance with filing of required returns.
- (7) The applicant is currently under bankruptcy court jurisdiction.
- (8) Power of Attorney Form (if indicated) has not been included.

710:1-5-92. Exclusivity of request for settlement of tax liability

Procedures governing settlement of final tax liabilities, pursuant to this Part, are exclusive and must be clearly distinguished from procedures required for the filing of a timely protest of a proposed tax assessment or a protest of a denial of a claim for refund of taxes as set out in 710:1-5-21 through 710:1-5-48. The procedures for the filing, consideration, and disposition of petitions for abatement or adjustment of a tax assessment pursuant to the provisions of 68 O.S. § 221(e) are set out in 710:1-5-70 through 710:1-5-78. Procedures for settlement of disputed, unliquidated tax claims or assessments are set out in 710:1-5-13.

710:1-5-93. Officials ineligible for Settlement Agreement

No appointed or elected officials may apply for settlement pursuant to this Section.

*[OAR Docket #03-452; filed 3-24-03]
(format accepted 3-25-03)*

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 60. MOTOR VEHICLES

[OAR Docket #03-453]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 4. Registration Pursuant to the International Registration Plan
710:60-4-3. Registration [AMENDED]

AUTHORITY:

Oklahoma Tax Commission; 47 O.S. §§ 1120(G), 1149

DATES:

Adoption:

January 28, 2003 (Commission Order No. 2003-01-28-004)

Approved by Governor:

March 7, 2003

Effective:

Immediately upon Governor's approval, or February 1, 2003, whichever is later.

Expiration:

Effective through July 14, 2004, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency amendments to existing Commission rules were needed to comply with Section 906 of the International Registration Plan and to address recent findings by the Peer Review Committee and the Board of the IRP that Oklahoma was **currently out of compliance** with those provisions. IRP Sanctions, involving non-remittance of Oklahoma's share of pro-rated registration fees by sister states, are pending these actions and will be implemented February 7, 2003 if compliance is not attained through this rulemaking.

ANALYSIS:

The emergency amendments strive to bring Commission rules implementing and administering the International Registration Plan (IRP) into conformity with Section 906 of the International Registration Plan, which requires signatory states to maintain credible requirements for base-state registration by trucks wishing to register proportionally under the IRP and operating in two or more jurisdictions.

CONTACT PERSON:

Carolyn Swifthurst, Tax Policy Analyst, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, 405-521-3133.

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 4. REGISTRATION PURSUANT TO THE INTERNATIONAL REGISTRATION PLAN

710:60-4-3. Registration

(a) **General requirements for registration.** Before a vehicle can be proportionally registered in the state of Oklahoma the registrant must:

(1) Have an established place of business located in Oklahoma or satisfy the requirements for registration as a owner-operator;

(2) Complete the application ~~and~~ all required schedules, and provide backup documentation required by the Commission to verify the information submitted by the applicant;

(A) The application must include the mailing address and telephone number of the applicant, for verification purposes.

(B) If the application is signed by someone other than the registrant, pursuant to a power of attorney, the name or names of the individuals to whom such authority is granted must be included in the power of attorney executed by the applicant.

(3) Provide proof of payment (or suspension from the levy) of Federal Heavy Vehicle Use Tax;

(4) Provide proof of financial responsibility pursuant to 47 O.S. §7-602 (liability insurance);

- (5) Except in the case of private carriers, provide proof of operating authority;
 - (6) Provide proof of ownership;
 - (7) Provide proof of payment of prior registration fees, if the vehicle was registered pursuant to the IRP in another jurisdiction; and
 - (8) Pay all applicable fees to complete registration.
- (b) **Registration periods.** Application for registration may be made at any time during a registration year.
- (c) **Where to make application.** Application for registration may be submitted through the mail to the Prorate Section, Motor Vehicle Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73194, or by applying in person at the Oklahoma City, Oklahoma office of the Tax Commission, Motor Vehicle Division, Prorate Section, located at 409 N.E. 28th Street. A list of other locations where application may be submitted is available from the Prorate Section.
- (d) **Incomplete applications.** No application for proportional registration shall be processed unless the applicant has submitted the documentation required in (a) of this Section. Failure to submit the required documentation shall result in denial of the application.

[OAR Docket #03-453; filed 3-24-03]
(format accepted 3-25-03)

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

[OAR Docket #03-454]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 4. Registration Pursuant to the International Registration Plan
710:60-4-6. ~~Owner-operator vehicles-Registration as an owner-operator~~
[AMENDED]

AUTHORITY:
Oklahoma Tax Commission; 47 O.S. §§ 1120, 1149

DATES:
Adoption:
February 11, 2003 (Commission Order No. 2003-02-11-005)

Approved by Governor:
March 7, 2003

Effective:
Immediately upon Governor's approval.

Expiration:
Effective through July 14, 2004, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:
Emergency amendments to existing Commission rules were needed to comply with Section 906 of the International Registration Plan and to address recent findings by the Peer Review Committee and the Board of the IRP that Oklahoma was **currently out of compliance** with those provisions. IRP Sanctions, involving non-remittance of Oklahoma's share of pro-rated registration fees by sister states, are pending these actions and will be implemented if compliance is not attained through this rulemaking.

ANALYSIS:

The emergency amendments strive to bring Commission rules implementing and administering the International Registration Plan (IRP) into conformity with Section 906 of the International Registration Plan, which requires signatory states to maintain credible requirements for base-state registration by trucks wishing to register proportionally under the IRP and operating in two or more jurisdictions.

CONTACT PERSON:

Carolyn Swifthurst, Tax Policy Analyst, Tax Policy and Research Division, Oklahoma Tax Commission, 2501 North Lincoln Boulevard, Oklahoma City, OK 73194, 405-521-3133.

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 4. REGISTRATION PURSUANT TO THE INTERNATIONAL REGISTRATION PLAN

710:60-4-6. ~~Owner-operator vehicles-Registration as an owner-operator~~

~~Proportional registration for owner operators may be accomplished by one of the following procedures:~~

~~(1) **When applicant is the owner-operator.** The owner-operator (lessor) may be the registrant and the vehicle may be registered in the name of the owner-operator. The application must be completed in accordance with the operational records of the owner-operator. A current telephone listing, Oklahoma street address, and an Affidavit for Mandatory IRP Records must also be submitted. If using a carrier to satisfy the requirement of operating authority or proof of insurance, the owner operator must also submit an executed copy of the lease between the owner operator and the carrier; or~~

~~(2) **When applicant is a lessee.** The lessee may be the registrant at the option of the lessor and the vehicle may be registered by the carrier. The application must be completed according to the operational records of the carrier. The plates and cab cards shall be the property of the lessee. The carrier must meet the requirements of an established place of business in Oklahoma as set out in 710:60-4-5.~~

(a) General requirements. Owner-operators who cannot fully comply with Section 218 of the International Registration Plan and 710:60-4-5, may register in Oklahoma, provided that the owner-operator furnishes a street address, a telephone number, and satisfactorily demonstrates that the owner-operator can be located in Oklahoma for purposes of audit.

(b) Street address. The street address in Oklahoma must be the street address where the owner-operator's records are maintained or where the records will be delivered for purposes of audit. An owner-operator may not utilize the address of a registration agent to satisfy the requirement of an address in Oklahoma unless the owner-operator's records are maintained at the registration agent's address, or there is a continuing relationship between the owner-operator and registration agent

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under which the records are to be provided for audit at the registration agent's address.

(c) **Telephone number.** The telephone number shall be the telephone number of the owner-operator or of a person who has knowledge of the owner-operator's whereabouts and is able to contact the owner-operator within a reasonable time upon request.

(d) **Owner-operator can be located.** The owner-operator must submit documentation that indicates the owner-operator can be located in Oklahoma for purposes of audit. Documentation acceptable for meeting the requirements of this subsection include, but are not limited to:

- (1) Proof of Oklahoma residency;
- (2) Employment of owner-operator or owner-operator's spouse in Oklahoma;

(3) Enrollment of one or more of owner-operator's children in an Oklahoma school or schools;

(4) Ownership of real property in Oklahoma; or,

(5) Lease to an Oklahoma-based motor carrier.

(e) **Requirement of lease.** An owner-operator using a carrier to satisfy the requirement of operating authority or proof of insurance must submit an executed copy of the lease between the owner-operator and a motor carrier.

*[OAR Docket #03-454; filed 3-24-03]
(format accepted 3-25-03)*

Local Projects

Executive Order 95-26 requires executive agencies to "announce the availability of contracts for local project funds by publication in the *Oklahoma Register* at least one month prior to the deadline for applications for such contracts" [EO 95-26 (5)].

A "local project funding contract" is defined as "an agreement between a state agency and either a local government or private entity, or both, in which the state agency agrees to provide funding to the local government or private entity who agrees to accomplish a public purpose. In addition, the direct benefits of such a contract accrue primarily to the local population rather than the state as a whole. . . . Local project funding contracts do not include contracts subject to state competitive bidding statutory requirements." [EO 95-26 (1)].

For additional information on local projects, see Executive Order 95-26 [OAC 1:1995-26] and Attorney General Opinion 87-100.

OKLAHOMA HOUSING FINANCE AGENCY Local Project Funding Contract Announcement

[OAR Docket #03-448]

DESCRIPTION OF PROJECT:

Project proposals submitted for funding through the HOME Investment Partnerships Program must be designed to strengthen public private partnerships and to expand the supply of decent, safe, sanitary, and affordable housing.

A singular funding pool is available to any HOME Program eligible entity. The Funding will not be available in the metropolitan Participating Jurisdictions of Oklahoma City, Tulsa, Norman and Lawton. These communities receive a direct annual allocation of HOME funds.

Applications shall be selected for funding subject to fully satisfying all key threshold criteria and receiving a minimum eighty (80) percent on the evaluation criteria. Applications will also be competing in their set-aside project activities against other applications. Funding of applications will be based upon the best application submission in each project activity. Applications failing to meet threshold evaluation will be returned and not be scored. The deficiencies will be communicated. Applicants who score less than eighty (80) percent will also be notified of their score.

FUNDS AVAILABLE:

\$ 12,796,000

ELIGIBILITY:

Eligible applicants are units of local governments including cities, towns, counties and Indian tribes, public agencies, non-profit organizations, and community housing development organizations.

APPLICATION DEADLINE:

Application guidelines, materials and training shall be made available on or about April 1, 2003. Applications for HOME project activities other than Homeowner Rehabilitation shall be accepted on an on-going basis. Homeowner Rehabilitation project activities deadline for application submission is May 19th, 2003.

CONTACT PERSON:

To receive application guidelines and materials, call the Housing Development Team at 405-419-8133 or toll-free 1-800-256-1489 ext. 133. Application materials and guidelines may also be obtained by writing to: Oklahoma Housing Development Team, Oklahoma Housing Finance Agency, P.O. Box 26720, Oklahoma City, Oklahoma 73126-0720 or on the website ohfa.org under HOME program application.

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