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Brad Henry, Governor
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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	v
Agency Index (Title numbers assigned)	vi
Notices of Rulemaking Intent	
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35)	135, 136, 137, 138, 139
Benefits Council, Oklahoma State Employees (Title 87)	140, 141
Crime Victims Compensation Board (Title 185)	141, 142
Employment Security Commission, Oklahoma (Title 240)	143
Environmental Quality, Department of (Title 252)	143, 144
Health Care Authority, Oklahoma (Title 317)	145, 146, 148, 149, 150, 151, 152, 153
Horse Racing Commission, Oklahoma (Title 325)	154
Human Services, Department of (Title 340)	154, 155, 156, 157, 158, 159, 160, 161, 162, 163
Medical Licensure and Supervision, State Board of (Title 435)	164, 165
Motor Vehicle Commission, Oklahoma (Title 465)	165, 166
Nursing, Oklahoma Board of (Title 485)	167, 168
Speech-Language Pathology and Audiology, Board of Examiners for (Title 690)	169, 170, 171, 172
Teacher Preparation, Oklahoma Commission for (Title 712)	173
Veterinary Medical Examiners, Board of (Title 775)	173
Wildlife Conservation, Department of (Title 800)	174
Submissions for Review	
Commerce, Oklahoma Department of (Title 150)	175
Environmental Quality, Department of (Title 252)	175
Health, Oklahoma State Department of (Title 310)	176, 177
Land Office, Department of the Commissioners of the (Title 385)	177
Gubernatorial Approvals	
Medical Licensure and Supervision, State Board of (Title 435)	179
Emergency Adoptions	
Commerce, Oklahoma Department of (Title 150)	181
Education, State Department of (Title 210)	183, 184, 192, 198, 199, 234, 236
Health, Oklahoma State Department of (Title 310)	238, 239
Human Services, Department of (Title 340)	241, 242, 244, 246
Social Workers, State Board of Licensed (Title 675)	250, 251, 253, 265, 267
Tourism and Recreation Department, Oklahoma (Title 725)	270

Agency/Action/Subject Index

AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1)	135
<u>Fine Matrices</u> (Chapter 3)	135
Agricultural Products (Chapter 10)	136
Animal Industry (Chapter 15)	136, 137
Plant Industry (Chapter 30)	137
Milk and Milk Products [Revoked] (Chapter 35)	138
<u>Food Safety</u> (Chapter 37)	138
Market Development (Chapter 40)	139

BENEFITS Council, Oklahoma State Employees (Title 87)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1)	140
Flexible Benefits Plan (Chapter 10)	140
Competitive Bidding Criteria and Procedures for Contracts Awarded for Flexible Benefit Plans (Chapter 15)	141

COMMERCE, Oklahoma Department of (Title 150)

Submissions for Review

Emergency Shelter Grant Program (Chapter 85)	175
Community Services Block Grant Program (Chapter 90)	175

Emergency Adoptions

<u>Qualified Space Transportation Vehicle Provider</u> (Chapter 95)	181
---	-----

CRIME Victims Compensation Board (Title 185)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1)	141
Crime Victims Compensation Program (Chapter 10)	142
Sexual Assault Examination Fund (Chapter 15)	142

EDUCATION, State Department of (Title 210)

Emergency Adoptions

State Board of Education (Chapter 1)	183
School Administration and Instructional Services (Chapter 10)	184
Curriculum and Instruction (Chapter 15)	192, 198
Staff (Chapter 20)	199
Finance (Chapter 25)	234
Standards for Accreditation of Elementary, Middle Level, Secondary, and Career and Technology Schools (Chapter 35)	236

EMPLOYMENT Security Commission, Oklahoma (Title 240)

Notices of Rulemaking Intent

General Provisions (Chapter 1)	143
--------------------------------------	-----

ENVIRONMENTAL Quality, Department of (Title 252)

Notices of Rulemaking Intent

Air Pollution Control (Chapter 100)	143
Waterworks and Wastewater Works Operator Certification (Chapter 710)	144

Submissions for Review

Air Pollution Control (Chapter 100)	175
---	-----

HEALTH, Oklahoma State Department of (Title 310)

Submissions for Review

Medical Micropigmentation (Chapter 234)	176
Ionizing Radiation Regulations <u>Diagnostic X-Ray Systems</u> (Chapter 281)	176
Licensed Marital and Family Therapists (Chapter 400) ...	176
Licensed Professional Counselors (Chapter 405)	176
Notification of Communicable Disease Risk Exposure <u>Regulations</u> (Chapter 555)	177

HEALTH, Oklahoma State Department of – continued

Emergency Adoptions

Medical Micropigmentation (Chapter 234)	238
Notification of Communicable Disease Risk Exposure <u>Regulations</u> (Chapter 555)	239

HEALTH Care Authority, Oklahoma (Title 317)

Notices of Rulemaking Intent

Employees Benefits Council (Chapter 20)	145
Medical Providers-Fee for Service (Chapter 30)	145, 146, 148, 149, 150
Medical Assistance for Adults and Children-Eligibility (Chapter 35)	151, 152
Developmental Disabilities Services (Chapter 40)	153

HORSE Racing Commission, Oklahoma (Title 325)

Notices of Rulemaking Intent

Entries and Declarations (Chapter 25)	154
---	-----

HUMAN Services, Department of (Title 340)

Notices of Rulemaking Intent

Administrative Components (Chapter 2)	154, 155
Temporary Assistance for Needy Families (TANF) (Chapter 10)	155
Child Support Enforcement Division (Chapter 25)	156
Food Stamp Program (Chapter 50)	157
Social Services (Chapter 70)	158
Child Welfare (Chapter 75)	159, 160
Developmental Disabilities Services Division (Chapter 100)	161
Aging Services Division (Chapter 105)	162
Licensing Services (Chapter 110)	163

Emergency Adoptions

Temporary Assistance for Needy Families (TANF) (Chapter 10)	241
Child Support Enforcement Division (Chapter 25)	242
Food Stamp Program (Chapter 50)	244
Child Welfare (Chapter 75)	246

LAND Office, Department of the Commissioners of the (Title 385)

Submissions for Review

Sale and Operation of Oil and Gas Leases (Chapter 15) ...	177
---	-----

MEDICAL Licensure and Supervision, State Board of (Title 435)

Notices of Rulemaking Intent

Individual Proceedings (Chapter 3)	164
Physicians and Surgeons (Chapter 10)	165

Gubernatorial Approvals

Physician Assistants (Chapter 15)	179
---	-----

MOTOR Vehicle Commission, Oklahoma (Title 465)

Notices of Rulemaking Intent

Administrative Operations (Chapter 1)	165
License (Chapter 10)	166
Advertising (Chapter 15)	166

NURSING, Oklahoma Board of (Title 485)

Notices of Rulemaking Intent

Licensure of Practical and Registered Nurses (Chapter 10)	167, 168
---	----------

SOCIAL Workers, State Board of Licensed (Title 675)

Emergency Adoptions

Administrative Operations (Chapter 1)	250
<u>Individual Proceedings</u> (Chapter 3)	251
Licensure Requirements (Chapter 10)	253
Guidelines for Supervision (Chapter 12)	265
Guidelines for Continuing Education (Chapter 15)	267

Agency/Action/Subject Index – continued

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

Notices of Rulemaking Intent

Administrative Operations (Chapter 1)	169
Rules of Practice (Chapter 5)	169
Licensure and Fees (Chapter 10)	170, 171, 172
Professional Code of Ethics (Chapter 15)	172

TEACHER Preparation, Oklahoma Commission for (Title 712)

Notices of Rulemaking Intent

Teacher Preparation Program Accreditation (Chapter 10)	173
---	-----

TOURISM and Recreation Department, Oklahoma (Title 725)

Emergency Adoptions

Marketing Services Operation (Chapter 20)	270
---	-----

VETERINARY Medical Examiners, Board of (Title 775)

Notices of Rulemaking Intent

Licensure of Veterinarians, Veterinary Technicians and Animal Euthanasia Technicians (Chapter 10)	173
--	-----

WILDLIFE Conservation, Department of (Title 800)

Notices of Rulemaking Intent

Operations and Procedures (Chapter 1)	174
---	-----

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
40:35-1-2	[NEW] (E) 37	605:10, App. A	[REVOKED] (E) 41
150:65-9-1	[NEW] (E) 15	605:10, App. A	[NEW] (E) 41
150:65-9-2	[NEW] (E) 15	675:1-1-1.1	[NEW] (E) 250
150:65-9-3	[NEW] (E) 16	675:1-1-3	[AMENDED] (E) 250
150:65-9-4	[NEW] (E) 17	675:1-1-4	[AMENDED] (E) 250
150:65-9-5	[NEW] (E) 17	675:1-1-5	[REVOKED] (E) 250
150:95-1-1	[NEW] (E) 181	675:1-1-8	[AMENDED] (E) 251
150:95-1-2	[NEW] (E) 181	675:3-1-1	[NEW] (E) 251
150:95-1-3	[NEW] (E) 182	675:3-1-2	[NEW] (E) 251
150:95-1-4	[NEW] (E) 183	675:3-1-3	[NEW] (E) 251
150:95-1-5	[NEW] (E) 183	675:3-1-4	[NEW] (E) 253
210:1-5-8	[AMENDED] (E) 184	675:10-1-1	[AMENDED] (E) 253
210:10-13-2	[AMENDED] (E) 185	675:10-1-1.1	[NEW] (E) 253
210:10-13-4	[AMENDED] (E) 186	675:10-1-1.2	[NEW] (E) 254
210:10-13-11	[AMENDED] (E) 189	675:10-1-1.3	[NEW] (E) 254
210:10-13-13	[REVOKED] (E) 189	675:10-1-2	[AMENDED] (E) 254
210:10-13-14	[REVOKED] (E) 190	675:10-1-2.1	[NEW] (E) 254
210:10-13-18	[NEW] (E) 190	675:10-1-3	[AMENDED] (E) 254
210:15-3-45	[AMENDED] (E) 192	675:10-1-3.1	[NEW] (E) 255
210:15-3-47	[AMENDED] (E) 193	675:10-1-4	[AMENDED] (E) 255
210:15-3-48	[AMENDED] (E) 194	675:10-1-5	[AMENDED] (E) 255
210:15-3-49	[AMENDED] (E) 195	675:10-1-6	[AMENDED] (E) 257
210:15-3-51	[AMENDED] (E) 196	675:10-1-7	[REVOKED] (E) 257
210:15-3-95	[AMENDED] (E) 196	675:10-1-8	[AMENDED] (E) 258
210:15-29-1	[NEW] (E) 198	675:10-1-9	[AMENDED] (E) 258
210:15-29-2	[NEW] (E) 198	675:10-1-10	[AMENDED] (E) 258
210:20-9-172	[AMENDED] (E) 199	675:10-1-11	[AMENDED] (E) 258
210:25-5-4	[AMENDED] (E) 235	675:10-1-12	[AMENDED] (E) 258
210:35-9-31	[AMENDED] (E) 236	675:10-1-12.1	[NEW] (E) 258
310:234-3-3.1	[NEW] (E) 238	675:10-1-13	[AMENDED] (E) 259
310:234-3-4	[AMENDED] (E) 238	675:10-1-13.1	[REVOKED] (E) 259
310:234-9-1.1	[NEW] (E) 239	675:10-1-14	[REVOKED] (E) 259
310:555-1-2	[AMENDED] (E) 240	675:10-1-15	[AMENDED] (E) 260
310:555-1-4	[AMENDED] (E) 240	675:10-1-16	[AMENDED] (E) 260
340:10-20-1	[AMENDED] (E) 242	675:10-1-16.1	[REVOKED] (E) 260
340:25-5-168	[RESERVED] (E) 243	675:10-1-17	[REVOKED] (E) 261
340:25-5-169	[RESERVED] (E) 243	675:12-1-3.1	[NEW] (E) 265
340:25-5-170	[RESERVED] (E) 243	675:12-1-3.2	[NEW] (E) 265
340:25-5-171	[NEW] (E) 243	675:12-1-3.3	[NEW] (E) 265
340:50-9-5	[AMENDED] (E) 244	675:12-1-4	[AMENDED] (E) 265
340:75-16-27	[REVOKED] (E) 246	675:12-1-5	[REVOKED] (E) 265
340:75-16-28	[AMENDED] (E) 247	675:12-1-6	[AMENDED] (E) 266
340:75-16-29	[AMENDED] (E) 247	675:12-1-7	[AMENDED] (E) 266
340:75-16-30	[AMENDED] (E) 248	675:15-1-2	[AMENDED] (E) 267
340:75-16-31	[AMENDED] (E) 249	675:15-1-2.1	[NEW] (E) 267
340:75-16-32	[AMENDED] (E) 249	675:15-1-3	[AMENDED] (E) 267
340:75-16-33	[AMENDED] (E) 249	675:15-1-4	[AMENDED] (E) 268
340:75-16-36	[AMENDED] (E) 249	675:15-1-5	[AMENDED] (E) 269
340:75-16-37	[AMENDED] (E) 250	675:15-1-6	[REVOKED] (E) 270
380:30-3-6	[AMENDED] (E) 38	710:65-9-8	[NEW] (E) 44
590:15-1-15	[REVOKED] (E) 39	725:20-7-10	[NEW] (E) 271
605:10-15-4	[AMENDED] (E) 40		

Agency/Title Index

[Assigned as of 12-15-03]

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

Agency	Title	Agency	Title
Oklahoma State Bureau of INVESTIGATION	375	Department of PUBLIC Safety	595
Council on JUDICIAL Complaints	376	REAL Estate Appraiser Board	600
Office of JUVENILE Affairs	377	Oklahoma REAL Estate Commission	605
Department of LABOR	380	Board of Regents of REDLANDS Community College	607
Department of the Commissioners of the LAND Office	385	State REGENTS for Higher Education	610
Council on LAW Enforcement Education and Training	390	State Department of REHABILITATION Services	612
Oklahoma LAW Enforcement Retirement System	395	Board of Regents of ROGERS State College	615
Board on LEGISLATIVE Compensation	400	Board of Regents of ROSE State College	620
Oklahoma Department of LIBRARIES	405	Oklahoma SAVINGS and Loan Board (<i>abolished</i>	
LIEUTENANT Governor	410	7-1-93)	625
Oklahoma LINKED Deposit Review Board	415	SCENIC Rivers Commission	630
Oklahoma LIQUEFIED Petroleum Gas Board	420	Oklahoma Commission on SCHOOL and County Funds	
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing		Management	635
and Safety Commission	422	Advisory Task Force on the Sale of SCHOOL Lands	
LITERACY Initiatives Commission	425	(<i>functions concluded 2-92</i>)	640
LONG-RANGE Capital Planning Commission	428	The Oklahoma School of SCIENCE and Mathematics	645
Board of Trustees for the MCCURTAIN County Higher		Oklahoma Center for the Advancement of SCIENCE and	
Education Program	430	Technology	650
Commission on MARGINALLY Producing Oil and Gas		SECRETARY of State	655
Wells	432	Department of SECURITIES	660
State Board of MEDICAL Licensure and Supervision	435	Board of Regents of SEMINOLE State College	665
MEDICAL Technology and Research Authority of		SHEEP and Wool Commission	670
Oklahoma	440	State Board of Licensed SOCIAL Workers	675
Board of MEDICOLEGAL Investigations	445	SOUTHERN Growth Policies Board	680
Department of MENTAL Health and Substance Abuse		Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Services	450	Board of Examiners for SPEECH-LANGUAGE Pathology	
MERIT Protection Commission	455	and Audiology	690
MILITARY Planning Commission, Oklahoma		STATE Agency Review Committee	695
Strategic	457	STATE Use Committee (<i>Formerly</i> : Committee on	
Department of MINES	460	Purchases of Products and Services of the Severely	
Oklahoma MOTOR Vehicle Commission	465	HANDICAPPED) – <i>See</i> Title 304	
Board of Regents of MURRAY State College	470	Oklahoma STUDENT Loan Authority	700
Oklahoma State Bureau of NARCOTICS and Dangerous		TASK Force 2000	705
Drugs Control	475	Oklahoma TAX Commission	710
Board of Regents of NORTHERN Oklahoma College	480	Oklahoma Commission for TEACHER Preparation	712
Oklahoma Board of NURSING	485	TEACHERS' Retirement System	715
Oklahoma State Board of Examiners for NURSING Home		State TEXTBOOK Committee	720
Administrators	490	Oklahoma TOURISM and Recreation Department	725
Board of Regents of OKLAHOMA City Community		Department of TRANSPORTATION	730
College	495	Oklahoma TRANSPORTATION Authority	731
Board of Regents of OKLAHOMA Colleges	500	State TREASURER	735
Board of Examiners in OPTOMETRY	505	Board of Regents of TULSA Community College	740
State Board of OSTEOPATHIC Examiners	510	Oklahoma TURNPIKE Authority (<i>name changed - see Title</i>	
PARDON and Parole Board	515	731)	745
Oklahoma PEANUT Commission	520	Board of Trustees for the UNIVERSITY Center	
Oklahoma State PENSION Commission	525	at Tulsa	750
State Board of Examiners of PERFUSIONISTS	527	UNIVERSITY Hospitals Authority	752
Office of PERSONNEL Management	530	Board of Regents of the UNIVERSITY of Oklahoma	755
Oklahoma State Board of PHARMACY	535	Board of Regents of the UNIVERSITY of Science and Arts of	
PHYSICIAN Manpower Training Commission	540	Oklahoma	760
Board of PODIATRIC Medical Examiners	545	Oklahoma USED Motor Vehicle and Parts Commission	765
Oklahoma POLICE Pension and Retirement System	550	Oklahoma Department of VETERANS Affairs	770
State Department of POLLUTION Control (<i>abolished</i>		Board of VETERINARY Medical Examiners	775
1-1-93)	555	Oklahoma Department of CAREER and Technology	
POLYGRAPH Examiners Board	560	Education (<i>Formerly</i> : Oklahoma Department of	
Oklahoma Board of PRIVATE Vocational Schools	565	VOCATIONAL and Technical Education)	780
State Board for PROPERTY and Casualty Rates	570	Oklahoma WATER Resources Board	785
State Board of Examiners of PSYCHOLOGISTS	575	Board of Regents of WESTERN Oklahoma State	
Department of CENTRAL Services (<i>Formerly</i> : Office of		College	790
PUBLIC Affairs)	580	Oklahoma WHEAT Commission	795
PUBLIC Employees Relations Board	585	Department of WILDLIFE Conservation	800
Oklahoma PUBLIC Employees Retirement System	590	WILL Rogers and J.M. Davis Memorials Commission	805

Notices of Rulemaking Intent

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

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

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

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #03-3219]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Appendix A. Fine Matrix [REVOKED]

SUMMARY:

The primary purpose of the proposed rule is to revoke the fine matrix in Appendix A. This revocation is necessary because the Department plans to create a new chapter to incorporate those fines into the rules.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 § 2-4(2), 2 O.S. 2001 § 2-18, and 2000 Okla. Sess. Laws § 116 of S.B. 1402

COMMENT PERIOD:

Persons may submit written and oral comments to Janet Stewart at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., January 15, 2004 in the Plant Industry Conference Room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Janet Stewart, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 or at www.oda.state.ok.us under Hearings.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Janet Stewart, (405) 522-5803, janets@oda.state.ok.us

[OAR Docket #03-3219; filed 11-18-03]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 3. FINE MATRICES

[OAR Docket #03-3218]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 3. Fine Matrices [NEW]

SUMMARY:

The primary purpose of the proposed rules is to create a new chapter to address the imposition of administrative penalties in relation to violations of the Oklahoma Agricultural Code and corresponding rules. The implementation of the fine matrices in the rules will provide guidance to the Department of Agriculture, Food, and Forestry and to the public on potential fines for specific violations. Penalties for referenced violations will be more consistently applied, while still allowing the Department to make determinations on a case-by-case basis.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 § 2-4(2), 2 O.S. 2001 § 2-18, and 2000 Okla. Sess. Laws § 116 of S.B. 1402

COMMENT PERIOD:

Persons may submit written and oral comments to Janet Stewart at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., January 15, 2004 in the Plant Industry Conference Room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Janet Stewart, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 or at www.oda.state.ok.us under Hearings.

RULE IMPACT STATEMENT:

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

Notices of Rulemaking Intent

CONTACT PERSON:

Janet Stewart, (405) 522-5803, janets@oda.state.ok.us

[OAR Docket #03-3218; filed 11-18-03]

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

[OAR Docket #03-3220]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Eggs [REVOKED]

35:10-3-1. through 35:10-3-10. [REVOKED]

SUMMARY:

The Department of Agriculture, Food, and Forestry has established a new division that will supervise and regulate Food Safety. The proposed rules will be moved to a new chapter that will govern food safety regulation. The new chapter will allow the rule regarding eggs to be reorganized and located with other food safety rules greatly increasing readability.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. (2001) §§ 2-4(2), (5), (22), (23), (27), (28) and (29)

COMMENT PERIOD:

Persons may submit written and oral comments to Billy Klein at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 15, 2004, in the Plant Industry conference room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Billy Klein, (405) 522-5898, billy@oda.state.ok.us

[OAR Docket #03-3220; filed 11-18-03]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 15. ANIMAL INDUSTRY

[OAR Docket #03-3217]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 15. Equine Infectious Anemia (EIA)

Part 1. General Provisions [AMENDED]

Part 11. Requirements for Equidae Entering Oklahoma [AMENDED]

SUMMARY:

The proposed rule changes will allow the State of Oklahoma to become a participating member of the Equine Interstate Event Permit Agreement by and between the State Animal Health Regulatory Agencies of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. The equine event permit enhances the coordination and cooperation of these states regarding the interstate transportation of equine. Thus, providing more flexibility to horse owners in Oklahoma and in the above participating states traveling into and through the participating states for horse shows, rodeos, and other horse events.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (7) and 2 O.S. 2001 § 6-286

COMMENT PERIOD:

Persons may submit written and oral comments to Dr. Burke Healey at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., January 15, 2004, in the Plant Industry Conference Room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Dr. Burke Healey, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 or at www.oda.state.ok.us under Hearings.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dr. Burke Healey, (405) 522-6134; e-mail address: bhealey@oda.state.ok.us

[OAR Docket #03-3217; filed 11-17-03]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 15. ANIMAL INDUSTRY**

[OAR Docket #03-3221]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 25. Meat Inspection [REVOKED]
35:15-25-1. through 35:15-25-380. [REVOKED]
- Subchapter 27. Poultry Products Inspection [REVOKED]
35:15-27-1. through 35:15-27-401. [REVOKED]
- Subchapter 29. Construction Standards for Meat Packing Plants [REVOKED]
35:15-29-1. through 35:15-29-144. [REVOKED]
- Subchapter 31. Oklahoma Rabbit and Rabbit Products Inspection Regulations [REVOKED]
35:15-31-1. through 35:15-31-80. [REVOKED]
- Subchapter 41. Exotic Livestock and Exotic Livestock Products [REVOKED]
35:15-41-1. through 35:15-41-256. [REVOKED]

SUMMARY:

The Department of Agriculture, Food, and Forestry has established a new division that will supervise and regulate Food Safety. The proposed rules will be moved to a new chapter that will govern food safety regulation. The new chapter will allow these rules to be reorganized and located with other food safety rules greatly increasing readability.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. (2001) §§ 2-4(2), (5), (7), (23), (27), (28) and (29)

COMMENT PERIOD:

Persons may submit written and oral comments to Stan Stromberg at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 1:15 p.m., January 15, 2004, in the Plant Industry conference room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Stan Stromberg, Oklahoma Department of Agriculture, Food,

and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Stan Stromberg, (405) 522-6113, stans@oda.state.ok.us

[OAR Docket #03-3221; filed 11-18-03]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 30. PLANT INDUSTRY**

[OAR Docket #03-3281]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 14. Oklahoma Boll Weevil Quarantine [AMENDED]

SUMMARY:

The Oklahoma Boll Weevil Eradication Organization has submitted these rules to the Department for promulgation. These rule changes shall clearly define terms used in the statutes and rules. In addition the changes shall enable the state's eradication and quarantine process to work with the eradication process in Texas and surrounding states to provide similar levels of eradication that shall help eliminate paperwork for producers and transporters of cotton and cotton products moving across state lines.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. (2001) §§ 2-4(2), 2-4(29), and 3-50.1 et seq. [specifically 3-50.17]

COMMENT PERIOD:

Persons may submit written and oral comments to Janet Stewart at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m., January 15, 2004 in the Plant Industry conference room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Cathy Clinton, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

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

Notices of Rulemaking Intent

CONTACT PERSON:

Janet Stewart, (405) 522-5997, janets@oda.state.ok.us

[OAR Docket #03-3281; filed 11-25-03]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 35. MILK AND MILK PRODUCTS
[REVOKED]**

[OAR Docket #03-3222]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

35:35-1-1. through 35:35-1-5. [REVOKED]

Subchapter 3. Chemical, Bacteriological and Temperature Standards for Milk and Milk Products

35:35-3-1. [REVOKED]

Appendix A. Chemical, Bacteriological and Temperature Standards for Milk and Milk Products [REVOKED]

SUMMARY:

The Department of Agriculture, Food, and Forestry has established a new division that will supervise and regulate Food Safety. The proposed rules will be moved to a new chapter that will govern food safety regulation. The new chapter will allow the Milk and Milk Products rules to be reorganized and located with other food safety rules greatly increasing readability.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. (2001) §§ 2-4(2), (5), (22), (23), (27), (28) and (29)

COMMENT PERIOD:

Persons may submit written and oral comments to Frank Harris, 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., January 15, 2004, in the Plant Industry conference room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Frank Harris, (405) 522-6347

[OAR Docket #03-3222; filed 11-18-03]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 37. FOOD SAFETY**

[OAR Docket #03-3282]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 37. Food Safety [NEW]

SUMMARY:

The Oklahoma Department of Agriculture, Food, and Forestry has established a new division that will supervise and regulate Food Safety. The proposed new rules will stem from food safety rules found in various different chapters before being revoked. The new chapter will include the large majority of all food safety rules that will govern food safety regulation. The new chapter will allow all food safety rules to be reorganized and located in one area greatly increasing readability.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. (2001) §§ 2-4(2), (5), (7), (23), (27), (28) and (29)

COMMENT PERIOD:

Persons may submit written and oral comments to Stan Stromberg at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., January 15, 2004, in the Plant Industry conference room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Stan Stromberg, (405) 522-6113, stans@oda.state.ok.us

[OAR Docket #03-3282; filed 11-25-03]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 40. MARKET DEVELOPMENT**

[OAR Docket #03-3223]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 7. Oklahoma County Fair Enhancement Program [NEW]

SUMMARY:

House Bill 2255, passed and signed into law during the 2002 legislative session, created the Oklahoma County Fair Enhancement Program. The legislation also created within the State Treasury the Oklahoma County Fair Enhancement Fund to be administered by the State Board of Agriculture for the purpose of implementing and maintaining the Oklahoma County Fair Enhancement Program. The intent of these rules is to establish the procedures and criteria by which County Fair Boards may receive funds through this program.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), 2-4(6), 2-4(11), 2-4(18), 2-4(29), and 15-60.3 et seq.

COMMENT PERIOD:

Persons may submit written and oral comments to Rick Maloney at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., January 15, 2004 in the Plant Industry Conference Room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Rick Maloney or Janet Stewart, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Rick Maloney, (405) 522-4676, rick@oda.state.ok.us

[OAR Docket #03-3223; filed 11-18-03]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 40. MARKET DEVELOPMENT**

[OAR Docket #03-3280]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 9. Oklahoma Junior Livestock Auction Scholarship Fund [NEW]

SUMMARY:

House Bill 1534, passed and signed into law during the 2002 legislative session, created in the State Treasury a revolving fund designated the State of Oklahoma Junior Livestock Auction Scholarship Revolving Fund to be administered by the Oklahoma Department of Agriculture, Food, and Forestry. The intent of these rules is to establish the procedures and criteria by which the two annually held statewide Junior Livestock Auctions in Oklahoma City and Tulsa may receive funds from this Fund for educational opportunities for students exhibiting at the Auctions.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), 2-4(6), 2-4(11), 2-4(18), and 2-4(29); House Bill 1534

COMMENT PERIOD:

Persons may submit written and oral comments to Rick Maloney at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from December 15, 2003 through January 15, 2004.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m., January 15, 2004 in the Plant Industry conference room, located on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Rick Maloney or Janet Stewart, Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Rick Maloney, (405) 522-4676, rick@oda.state.ok.us

[OAR Docket #03-3280; filed 11-25-03]

Notices of Rulemaking Intent

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

[OAR Docket #03-3304]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The proposed changes to Chapter 1 institute changes in the rules to conform them to legislative changes. Senate Bill 636 enacted July 1, 2003, alters the procedure by which a participant in the Flexible Benefits Plan can petition the Council to consider a claim. Senate Bill 636 allows a participant to make such a claim only for the flexible spending account benefits plans. Currently, the Employees Benefits Council administers two types of flexible spending account benefits plans: the Health Care Reimbursement Account and the Dependent Care Reimbursement Account. The proposed revisions to Chapter 1 change the text to allow the rules to conform to the statutory changes. These changes will limit the types of claims submitted to the Council for review to only those dealing with claims for benefits under the flexible spending account benefits plans.

AUTHORITY:

Employees Benefits Council, Employees Benefits Act; 74 O.S. § 1361 et seq.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on January 22, 2004 at the following address: Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., Central Standard Time on January 23, 2004 at the offices of the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 1:00 p.m., Central Standard Time, January 23, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003. Copies of the proposed rules will be provided pursuant to OAC: 87:1-3-13.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared. Copies may be obtained from the Employees Benefits Council at the above address. The rule impact

statement will be issued prior to or within fifteen (15) days after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Russell Nash, Employees Benefits Council, (405) 232-1190 ext. 103.

[OAR Docket #03-3304; filed 12-1-03]

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

[OAR Docket #03-3305]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Flexible Benefits Plan [AMENDED]

SUMMARY:

The proposed changes to Chapter 10 memorialize statutory changes instituted by the enactment of Senate Bill 194 signed into law on June 6, 2003. Senate Bill 194 allows certain persons who have retired from a branch of the United States military to decline participation in the Flexible Benefits Plan administered by EBC. The proposed changes to Chapter 10 also insert language requiring proof of legal representation for any individual who is signing a document on behalf of an employee. These changes will allow certain retired military retirees to opt out of the flexible benefits plans and require certain individuals to show certain types of proof when desiring to sign forms on behalf of an employee.

AUTHORITY:

Employees Benefits Council, Employees Benefits Act; 74 O.S. § 1361 et seq.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on January 22, 2004 at the following address: Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., Central Standard Time on January 23, 2004 at the offices of the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 1:00 p.m., Central Standard Time, January 23, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Employees Benefits Council, 200 N. Harvey, Suite 1200,

Oklahoma City, OK 73102-4003. Copies of the proposed rules will be provided pursuant to OAC: 87:1-3-13.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared. Copies may be obtained from the Employees Benefits Council at the above address. The rule impact statement will be issued prior to or within fifteen (15) days after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Russell Nash, Employees Benefits Council, (405) 232-1190 ext. 103.

[OAR Docket #03-3305; filed 12-1-03]

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

[OAR Docket #03-3306]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Competitive Bidding Criteria And Procedures For Contracts Awarded For Flexible Benefit Plans [AMENDED]

SUMMARY:

The proposed changes to Chapter 15 institute procedures that provide guidance to any Vision Plan vendor who wishes to participate in the Flexible Benefits Plan administered by the Employees Benefits Council. The proposed changes also clarify the point at which a vendor is qualified to be added to the Bidder's List for Flexible Benefits Plans. Theses changes memorialize a practice of Vision plan participation notification and Bidder Registration.

AUTHORITY:

Employees Benefits Council, Employees Benefits Act; 74 O.S. § 1361 et seq.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments, orally or in writing, may do so before 4:45 p.m., Central Standard Time on January 22, 2004 at the following address: Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., Central Standard Time on January 23, 2004 at the offices of the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, Oklahoma. Interested persons can present their views at the public hearing, orally or in writing, but must sign in at the door no later than 1:00 p.m., Central Standard Time, January 23, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Employees Benefits Council, 200 N. Harvey, Suite 1200, Oklahoma City, OK 73102-4003. Copies of the proposed rules will be provided pursuant to OAC: 87:1-3-13.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared. Copies may be obtained from the Employees Benefits Council at the above address. The rule impact statement will be issued prior to or within fifteen (15) days after the date of publication of this Notice of Rulemaking Intent.

CONTACT PERSON:

Russell Nash, Employees Benefits Council, (405) 232-1190 ext. 103.

[OAR Docket #03-3306; filed 12-1-03]

**TITLE 185. CRIME VICTIMS
COMPENSATION BOARD
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #03-3271]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The proposed revisions to the APR are mostly nonsubstantive and should have little, if any, impact on the regulatory agencies. The rules affected by the changes relate to Oklahoma Crime Victims Compensation Act 21 O.S. 142.1. The rules will prohibit the discussion of certain information during Board meetings. The rules will give the Board the authority to enter into executive session for confidentiality purposes.

AUTHORITY:

Oklahoma District Attorneys Council, Oklahoma Crime Victims Compensation Act, 21 O.S. 142.1.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 2, 2004 by 5:00 P.M. to Tina Harman at the District Attorneys Council, 421 N.W 13th, Ste. 290, Oklahoma City, OK 73103.

PUBLIC HEARING:

A hearing is not scheduled. Interested parties may demand a hearing by submitting written comments to the Oklahoma Crime Victims Compensation Board by February 2, 2004 by 5:00 p.m.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be requested or obtained for review at the District Attorneys Council, Victim Services Division, 421 N.W. 13th St., Ste. 290, OKC, OK, 73103, 405-264-5006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., section 303(D), a rule impact statement is being prepared and will be available for review after December 30, 2003, and may be obtained from the District Attorneys Council, Victim Services Division at the above address.

CONTACT PERSON:

Tina Harman, Public Information Officer, 405-264-5006.

[OAR Docket #03-3271; filed 11-24-03]

TITLE 185. CRIME VICTIMS COMPENSATION BOARD CHAPTER 10. CRIME VICTIMS COMPENSATION PROGRAM

[OAR Docket #03-3272]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 10. Crime Victims Compensation Program
[AMENDED]

SUMMARY:

The proposed revisions to the APR are mostly nonsubstantive and should have little, if any, impact on the regulatory agencies. The rules affected by the changes relate to Oklahoma Crime Victims Compensation Act 21 O.S. 142.1. The rules will provide a new category of coverage for pedestrians involved in hit and run crimes. It will also affect the appeal procedure for the victims' compensation program. For victims requiring long term counseling, the mental health panel will now consist of three members.

AUTHORITY:

Oklahoma District Attorneys Council, Oklahoma Crime Victims Compensation Act, 21 O.S. 142.1.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 2, 2004 by 5:00 P.M. to Tina Harman at the District Attorneys Council, 421 N.W. 13th St., Ste. 290, Oklahoma City, OK 73103.

PUBLIC HEARING:

A hearing is not scheduled. Interested parties may demand a hearing by submitting written comments to the Oklahoma Crime Victims Compensation Board by February 2, 2004 by 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be requested or obtained for review at the District Attorneys Council, Victim Services Division, 421 N.W. 13th St., Ste. 290, OKC, OK, 73103, 405-264-5006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., section 303(D), a rule impact statement is being prepared and will be available for review after December 30, 2003, and may be obtained from the District Attorneys Council, Victim Services Division at the above address.

CONTACT PERSON:

Tina Harman, Public Information Officer, 405-264-5006.

[OAR Docket #03-3272; filed 11-24-03]

TITLE 185. CRIME VICTIMS COMPENSATION BOARD CHAPTER 15. SEXUAL ASSAULT EXAMINATION FUND

[OAR Docket #03-3273]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 15. Sexual Assault Examination Fund
[AMENDED]

SUMMARY:

The proposed revisions to the APR are mostly nonsubstantive and should have little, if any, impact on the regulatory agencies. The rules affected by the changes relate to Oklahoma Crime Victims Compensation Act 21 O.S. 142.1. The rules affect the language of the district attorney's section of the sexual assault claim form. The rules will add collateral source information for children of sexual assault.

AUTHORITY:

Oklahoma District Attorneys Council, Oklahoma Crime Victims Compensation Act, 21 O.S. 142.1.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by February 2, 2004 by 5:00 P.M. to Tina Harman at the District Attorneys Council, 421 N.W. 13, Ste. 290, Oklahoma City, OK 73103.

PUBLIC HEARING:

A hearing is not scheduled. Interested parties may demand a hearing by submitting written comments to the Oklahoma Crime Victims Compensation Board by February 2, 2004 by 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be requested or obtained for review at the District Attorneys Council, Victim Services Division, 421 N.W. 13, Ste. 290, OKC, OK, 73103, 405-264-5006.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., section 303(D), a rule impact statement is being prepared and will be available for review after December 30, 2003, and may be obtained from the District Attorneys Council, Victim Services Division at the above address.

CONTACT PERSON:

Tina Harman, Public Information Officer, 405-264-5006.

[OAR Docket #03-3273; filed 11-24-03]

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

[OAR Docket #03-3270]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Records and Inspections
- 240:1-3-3. Confidential records [AMENDED]
- 240:1-3-4. Copies [AMENDED]
- 240:1-3-7. Receipt of requests [AMENDED]

SUMMARY:

In the 2003 legislative session, the confidentiality statute at 40 O.S. §4-508 was amended to state that subpoenas would be invalid to obtain unemployment claim information and employer wage information. The statute now provides that this information can be obtained by court order. Administrative subpoenas from federal, state or local government agencies with subpoena power will also be allowed. The amendments to these rules will implement the statutory amendment.

AUTHORITY:

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

REQUEST FOR COMMENTS:

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

COMMENT PERIOD:

Written and oral comments will be accepted through January 15, 2004, during regular business hours by the contact person listed below.

PUBLIC HEARING:

No public hearing is scheduled at this time, but will be scheduled if a written request is submitted to the contact person listed below by: (1) at least twenty-five individuals, (2) a political subdivision, (3) an agency, or (4) an association having not less than twenty-five members.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3270; filed 11-24-03]

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

[OAR Docket #03-3284]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Registration, Emission Inventory and Annual Operating Fees [AMENDED]
- Subchapter 7. Permits for Minor Facilities [AMENDED]
- Subchapter 13. Open Burning [AMENDED]
- Subchapter 29. Control of Fugitive Dust [AMENDED]

SUMMARY:

The Department proposes to establish a new permit exempt facility category for facilities with actual emissions of each regulated pollutant of 40 tons per year or less and with potential emissions less than the Part 70 and PSD threshold levels. To do this, the Department is proposing revisions to sections in Subchapters 5 and 7. This will include the elimination of annual operating fees for permit exempt facilities and a change in the requirement to submit emission inventories. A Technical Support Document is also available for review.

The Department is proposing amendments to Subchapter 13, Open Burning, for compatibility with a recently enacted legislative requirement: Oklahoma Clean Air Act, 27A O.S. § 2-5-106.1, in regard to fire training. Amendments are also proposed to address open burning of yard brush. Revisions to address general conditions and requirements for allowed open burning are proposed, and a correction is made in Section 9 that will add an exemption for hydrocarbon flares from the prohibition against burning between sunset and sunrise.

Notices of Rulemaking Intent

A public petition for rulemaking has been filed with the Department of Environmental Quality. The petition was referred to the Air Quality Council. The petitioners seek to amend Subchapter 29 by removing the words "visible" and "adjacent" from OAC 252:100-29-2(c)(1) and adding the concept of "credible evidence" as sufficient to determine violation of the rule.

AUTHORITY:

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

COMMENT PERIOD:

Written comments on the proposed rulemakings and permit exempt technical support document will be accepted prior to and at the hearing on January 14, 2004. To be thoroughly considered by staff prior to the hearing, written comments should be submitted to the contact person by December 31, 2003. Oral comments may be made at the January 14, 2004 hearing and the February 27, 2004 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Air Quality Council at 9:00 a.m. on Wednesday, January 14, 2004, at the Department of Environmental Quality, Room 101, 707 North Robinson, Oklahoma City, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on February 27, 2004, Room 101, 707 North Robinson, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

The proposed rules and permit exempt technical support document are available for review at the Air Quality Division of DEQ and on the DEQ website (www.deq.state.ok.us), Air Quality Division, What's New, or copies may be obtained from the contact person by calling (405) 702-4100.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person.

CONTACT PERSON:

Please send written comments to Lisa Donovan (Subchapter 13), Joyce Sheedy (Subchapters 5 and 7), and Pat Sullivan (Subchapter 29). Department of Environmental Quality, Air Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-4100, fax (405) 702-4101.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Air Quality Division three (3) days in advance at (405) 702-4100.

[OAR Docket #03-3284; filed 11-25-03]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 710. WATERWORKS AND WASTEWATER WORKS OPERATOR CERTIFICATION

[OAR Docket #03-3283]

RULEMAKING ACTION:

Notice of PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Certification

252:710-3-32. [AMENDED]

252:710-3-34. [AMENDED]

252:710-3-38. [REVOKED]

Subchapter 5. Duties and Responsibilities

252:710-5-53. [AMENDED]

252:710-5-58. [NEW]

252:710-5-59. [NEW]

Appendix B. Certificate Requirements [REVOKED]

Appendix B. Certificate Requirements [NEW]

SUMMARY:

This rulemaking is to revise and clarify the current operator certification rules. These rules amend existing procedures and requirements for the certification of operators of waterworks and wastewater works and operators of laboratories which do analyses for waterworks and wastewater works. New provisions include providing additional credit for experience under certain classifications, certification exception for certain laboratory operators, and duties and responsibilities for distribution and collection operator and distribution and collection technicians. The provision on reciprocity is being revoked because said provision is contained in state statutes at 59 O.S. § 1107.

AUTHORITY:

Environmental Quality Board and Waterworks and Wastewater Works Advisory Council; 27A O.S. §§ 2-2-101 and 2-2-201; 59 O.S. §§ 1103, 1104 and 1105

REQUEST FOR COMMENTS:

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

COMMENT PERIOD:

Written comments may be delivered or mailed to the contact person from December 15, 2003 through January 22, 2004.

Oral comments may be made at the meeting of the Waterworks and Wastewater Works Advisory Council, January 23, 2004 and at the Environmental Quality Board meeting on February 27, 2004.

PUBLIC HEARINGS:

Before the Waterworks and Wastewater Works Advisory Council Meeting on January 23, 2004, at 10:00 A.M. at the Oklahoma City Office of the Department of Environmental Quality, Multi-Purpose Room, 707 N. Robinson, Oklahoma City, Oklahoma 73101.

Before the Environmental Quality Board on February 27, 2004, at 9:30 a.m. at the Oklahoma City Office of the Department of Environmental Quality, Multi-Purpose Room, 707 N. Robinson, Oklahoma City, Oklahoma 73101.

COPY OF PROPOSED RULE:

The proposed rule may be obtained from the contact person, the DEQ website which is deq.state.ok.us, or reviewed at the Department of Environmental Quality.

RULE IMPACT STATEMENT:

The rule impact statement for the proposed rule will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

Contact Chris Wisniewski at chris.wisniewski@deq.state.ok.us or (405) 702-8100 (phone) or 702-8101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three days in advance of the hearing. For hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

[OAR Docket #03-3283; filed 11-25-03]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 20. EMPLOYEES BENEFITS COUNCIL**

[OAR Docket #03-3291]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

317:20-1-1. Through 317:20-1-3. [REVOKED]
(Reference APA WF # 03-31)

SUMMARY:

Employees Benefits Council rules are revoked as this agency no longer has oversight of the Employees Benefits

Council. Revocations are needed to remove unnecessary rules from the agency's Administrative Code.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 5001 of Title 63 of Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than January 15, 2004 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3291; filed 11-25-03]

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

[OAR Docket #03-3289]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 85. ADvantage Program Waiver Services
317:30-5-763. through 317:30-5-764. [AMENDED]
(Reference APA WF # 03-22A)

Notices of Rulemaking Intent

SUMMARY:

Medical Providers-Fee for Service, ADvantage Program Waiver Services specific, rules are revised to: (1) update service codes consistent with HIPAA national code requirements; and (2) eliminate special code reimbursement for Adult Day Health Facility based respite care.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for January 27, 2004, 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3289; filed 11-25-03]

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

[OAR Docket #03-3292]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information

317:30-3-46. [AMENDED]

317:30-3-57. [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-2. [AMENDED]

Part 5. Pharmacists

317:30-5-72. [AMENDED]

317:30-5-72.1. [AMENDED]

317:30-5-77.2. [AMENDED]

Part 21. Outpatient Behavioral Health Services

317:30-5-241. [AMENDED]

Part 105. Residential Behavioral Management Services in Group Settings and Non-Secure Diagnostic and Evaluation Centers

317:30-5-1043. [AMENDED]

317:30-5-1046. [AMENDED]

(Reference APA WF # 03-27, 03-33, 03-34, and 03-36)

SUMMARY:

Medical Providers-Fee for Service, Residential Behavioral Management Services in Group Settings and Non-Secure Diagnostic and Evaluation Centers specific, rules are being revised to establish a system of care provided by the Organized Health Care Delivery System (OHCDs) for children in the care and custody of the Oklahoma Department of Human Services and the Oklahoma Office of Juvenile Affairs. Residential Behavioral Management Services are provided by OHCDs for children in the care and custody of the State of Oklahoma who have special psychological, behavioral, emotional and social needs that require more intensive care than can be provided in a family or foster home setting. Existing rules state that as of January 1, 2004, only certain degreed staff members may be compensated for RBMS redirection services. Under the revisions, redirection services provided by the houseparent staff, who supervise the children 24 hours per day, will be compensable if they receive initial and ongoing training in behavior management techniques. Other revisions will incorporate the Oklahoma Board of Nursing's definition of an Advanced Practice Nurse into rules and update existing language regarding the Child in Need of Mental Health Treatment Act and Health Care Financing Agency to reflect current terminology.

Medical Providers-Fee for Service, Outpatient Behavioral Health Services specific, rules are revised to meet a January 1, 2004 Health Insurance Portability and Accountability Act (HIPAA) established deadline by which state Medicaid agencies must comply with national coding provisions. Rule revisions are necessitated in order to have Medicaid compensable service titles, descriptions, and units of service match available Health Care Procedure Coding System (HCPCS) codes. Revisions establish the Mental Health Assessment by a Non-Physician service which is compensable for clients who are seeking services for the first time from a contracted agency if the client is not receiving or previously received services from that agency. The service is divided into two types, low or moderate complexity, based on the amount of face-to-face time spent on the assessment.

Previously, the provider was compensated for the services by billing for individual or family counseling. The Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) has requested that Program for Assertive Community Treatment (PACT) services be added as a Medicaid compensable behavioral health service. PACT services provide treatment, rehabilitation, and essential behavioral health supports on a continuous basis to individuals 18 years of age or older with serious mental illness in need of intensive ongoing services. The ODMHSAS will pay the state match for all PACT providers. The ODMHSAS has also requested Medicaid compensation of Community Based Structured Emergency Care services (new title Crisis Intervention Services-Facility Based) for children. These services are emergency psychiatric and substance abuse services to resolve crisis situations which are currently Medicaid compensable for adults only. The service is designed to evaluate individuals on a short term 24 hour basis, up to 72 hours, and then return them home, if possible, or recommend inpatient residential care. Currently, the ODMHSAS pays the state match for these services for adults and will also pay for children's services. Medical Providers-Fee for Service, Outpatient Behavioral Health Services specific, rules are in need of revision to comply with HIPAA coding regulations and add new compensable services.

Medical Providers-Fee for Service, Pharmacists specific, rules are revised to remove the prior authorization requirement for smoking cessation products in order to assist Medicaid recipients with their smoking cessation efforts. Currently, Medicaid clients may receive a 90-day smoking cessation benefit consisting of Zyban, prescription nicotine patches, or Zyban/patch combination once in a twelve month period when prior authorized. Revisions would remove the need for a prior authorization for the first 90 days of therapy; however, coverage beyond that period would require a prior authorization and proof of enrollment in a behavior modification program. The smoking cessation benefits would also be enhanced to include coverage of prescription or non-prescription nicotine replacement products. Allowing recipients easier access to smoking cessation products should have a positive effect on public health and safety by encouraging these individuals who desire to stop using tobacco products. Medical Providers-Fee for Service, Pharmacists specific, rules are in need of revision in order to remove the prior authorization requirement for smoking cessation products.

Medical Providers-Fee for Service rules are revised to increase the number of compensable prescription drugs for adults under the fee for service program. For many years, pharmacy benefit rules have restricted fee for service adults to three monthly prescriptions which does not allow physicians to treat clients with chronic conditions according to best practices as described in current medical literature. Due to a shortfall in agency funding, at the June 12, 2003 Board

meeting, rule revisions were approved and subsequently signed by the Governor to reduce compensable prescription medications to a total of five monthly for adults receiving services under the §1915(c) Home and Community Based Services Waivers effective July 1, 2003. These revisions would increase the three prescription limitation to a total of six monthly, with a limit of three brand name drugs per month. In addition, adults receiving services under the §1915(c) Home and Community Based Services Waivers could receive up to seven additional medically necessary generic prescriptions per month. Coverage of medically necessary prescriptions beyond the three brand name or thirteen total prescriptions for this group of adult waiver recipients would be compensable when prior authorized. Proposed revisions will have a positive effect on public health and safety by providing access to medications that potentially will decrease the complications of chronic diseases, treat acute conditions in a cost-effective manner, and decrease utilization of inpatient and emergency hospital visits. Rule revisions are needed in order to enhance the current pharmacy benefit by providing coverage for additional prescriptions for adult clients.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; the Health Insurance Portability and Accountability Act

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for January 27, 2004, 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #03-3292; filed 11-25-03]

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

[OAR Docket #03-3294]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-8. [AMENDED]

Part 69. Certified Registered Nurse Anesthetists

317:30-5-607. [AMENDED]

(Reference APA WF # 03-24)

SUMMARY:

Medical Providers-Fee for Service, Physicians specific, rules are revised to clearly state that cosmetic surgical procedures are not compensable for adults. Certified Registered Nurse Anesthetists specific rules are revised to clarify billing procedures for local anesthesia.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than January 15, 2004 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3294; filed 11-25-03]

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

[OAR Docket #03-3297]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 3. General Medical Program Information

317:30-3-53. [AMENDED]

Part 5. Eligibility

317:30-3-76. through 317:30-3-77. [AMENDED]

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-18. [AMENDED]

(Reference APA WF # 03-37)

SUMMARY:

Medical Providers-Fee for Service, Physicians specific, rules are revised to comply with federal regulations found in 42 CFR 441.253 and 441.254 regarding payment for the sterilization of mentally competent individuals aged 21 or older. Current agency rules state that in order for the sterilization of a competent individuals over 21 to be compensable under Medicaid, the individual cannot have previously resided in an institution. Federal regulations have been amended to allow for payment for sterilizations of mentally competent individuals aged 21 or older as long as they are not institutionalized. Additional revisions will clarify rules regarding retroactive eligibility and correct an erroneous policy reference.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 441.253; 42 CFR 441.254.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care

Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than January 15, 2004 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3297; filed 11-25-03]

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

[OAR Docket #03-3299]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 5. Pharmacists
317:30-5-72. through 317:30-5-72.1. [AMENDED]
(Reference APA WF # 03-39)

SUMMARY:

Medical Providers-Fee for Service, Pharmacy specific, rules are revised to extend coverage of phenylketonuria (PKU) formula and amino acid bars to Medicaid eligible adults with a diagnosis of PKU. Phenylketonuria is a genetic metabolic disorder which involves a defect in a person's ability to metabolize protein. Current agency rules include coverage for PKU formula and amino acid bars for children; rule revisions would extend the same benefit to adults with a diagnosis of PKU.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than January 15, 2004 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3299; filed 11-25-03]

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

[OAR Docket #03-3300]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED:

Subchapter 5. Individual Providers and Specialties
Part 5. Pharmacists
317:30-5-77.2. [AMENDED]
(Reference APA WF # 03-43)

SUMMARY:

Medical Providers-Fee for Service, Pharmacy specific, rules are revised to reflect changes in the pharmacy program

Notices of Rulemaking Intent

that have been approved by the agency's Drug Utilization Review Board and provide consistency in language regarding prior authorization of prescription medications.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 USCS § 1396r-8; 63 O.S. § 5080.5.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than January 15, 2004 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3300; filed 11-25-03]

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

[OAR Docket #03-3301]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-22. [AMENDED]

317:30-5-24. [AMENDED]

Part 3. Hospitals

317:30-5-41. [AMENDED]

(Reference APA WF # 03-44)

SUMMARY:

Medical Providers-Fee for Service, Physicians specific, rules are revised to correspond with other existing rule language regarding payment for ultrasounds for pregnant women.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than January 15, 2004 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3301; filed 11-25-03]

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

[OAR Docket #03-3290]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

Subchapter 19. Nursing Facility Services
317:35-19-2. through 317:35-19-31. [AMENDED]

(Reference APA WF # 03-22B)

SUMMARY:

Medical Assistance for Adults and Children-Eligibility, ADvantage Waiver and Nursing Facility Services specific, rules are revised to: (1) remove the Pre-admission Screening and Resident Review (PASRR) requirement for individuals applying for ADvantage Waiver services; (2) clarify the date used to determine the value of resources for married applicants of ADvantage services; (3) clarify ADvantage waiting list procedures; (4) add consistency concerning case management services in areas where no case management is available; (5) remove physician order requirements for the medical eligibility determination; and (7) clarify UCAT criteria for level of care determinations.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for January 27, 2004, 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3290; filed 11-25-03]

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

[OAR Docket #03-3295]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
317:35-1-2. [AMENDED]

Subchapter 7. Medical Services

Part 5. Determination of Eligibility for Medical Services
317:35-7-46. [AMENDED]

Part 7. Certification, Redetermination and Notification
317:35-7-60. [AMENDED]

Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age 65 or Older in Mental Health Hospitals

Part 9. Certification, Redetermination and Notification
317:35-9-76. [AMENDED]

(Reference APA WF # 03-26)

SUMMARY:

Medical Assistance for Adults and Children-Eligibility rules are revised to remove language regarding the Qualifying Individuals-2 (QI-2) program from agency rules. The program was established by Congress effective January 1, 1998 for a five year period to reimburse eligible Medicare beneficiaries for part of their Part B Medicare premium. Congress chose not to extend the QI-2 program beyond December 31, 2002. An additional revision removes reference to two Oklahoma Department of Human Services forms that no longer exist. Also, various definitions of terms used in the financial eligibility determination process for Medicaid are revised, added, or deleted.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 4732 of the Balanced Budget Act of 1997

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care

Notices of Rulemaking Intent

Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than January 15, 2004 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3295; filed 11-25-03]

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

[OAR Docket #03-3296]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
317:35-5-1. through 317:35-5-47. [AMENDED]

Subchapter 6. SoonerCare Health Benefits for
Categorically Needy Pregnant Women and Families
with Children

317:35-6-1. through 317:35-6-65. [AMENDED]

Subchapter 7. Medical Services

317:35-7-1. through 317:35-7-66. [AMENDED]

Subchapter 10. Medical Aid to Families with Dependent
Children

317:35-10-10. Through 317:35-10-95. [AMENDED]

(Reference APA WF # 03-28)

SUMMARY:

Medical Assistance for Adults and Children-Eligibility rules are revised to clarify rules used by the workers at the Oklahoma Department of Human Services when determining an individual's Medicaid eligibility. The proposed revisions will: (1) organize rules in a more logical order; (2) remove obsolete language; (3) update incorrect policy citations and form references; (4) move certain policy text to the "Instructions to Staff"; and (5) comply with federal requirements.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(1), "persons may demand a hearing" by contacting the above listed person no later than January 15, 2004 at 4:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3296; filed 11-25-03]

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

[OAR Docket #03-3293]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Client Services
- Part 9. Service Provisions
- 317:40-5-111. [NEW]
- Part 11. Other Community Residential Supports
- 317:40-5-153. [NEW]
- 317:40-5-154. [NEW]

(Reference APA WF # 03-30)

SUMMARY:

Developmental Disabilities Services rules are revised to establish guidelines for residential support services provided under the new Home and Community Based Homeward Bound Waiver for persons with developmental disabilities. As a result of the need to comply with the Homeward Bound vs. The Hissom Memorial Center consent decree, new rules have been developed by the Developmental Disabilities Services Division of the Oklahoma Department of Human Services and the Oklahoma Health Care Authority. The proposed policy has been previously approved by the Oklahoma Department of Human Services Advisory Committee on Services to Persons with Developmental Disabilities. The Centers for Medicare and Medicaid Services have approved the request for the new Homeward and Community Based Homeward Bound Waiver; therefore, rules are needed to implement residential support services provided under that specific waiver.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 63 O.S. § 5006; and 63 O.S. § 1415.1

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for January 27, 2004, 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue

loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3293; filed 11-25-03]

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

[OAR Docket #03-3298]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Client Services
 - Part 5. Specialized Foster Care
 - 317:40-5-53. [AMENDED]
 - Subchapter 7. Waiver Vocational Services
 - 317:40-7-1. through 317:40-7-21. [AMENDED]
- (Reference APA WF # 03-38)**

SUMMARY:

Developmental Disabilities Services, Waiver Vocational Services specific, rules are revised to correspond with other existing rule language, remove redundancies, and clarify ambiguities regarding service expectations. An additional revision will remove an incorrect policy reference.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.180 et seq; 42 CFR 441.300.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 15, 2004 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for January 27, 2004, 1:00 p.m., at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on January 15, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #03-3298; filed 11-25-03]

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

[OAR Docket #03-3288]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULE:

325:25-1-17. Coupling of entries [AMENDED]

SUMMARY:

Mr. Clinton Stuart, a Thoroughbred owner/trainer, has requested that the Commission consider a proposed rule amendment for "perceived same-owned entries to remain uncoupled and race as separate betting interests, as they are permitted to in California, New York, Kentucky and Iowa." Mr. Stuart states that "in an era where field size and number of betting interests are more important than ever, this change should make both it a little easier to achieve. This rule change still allows the Stewards and the Racing Secretary to use their discretion (in that the entries may be coupled) but permits horses in races in which a trainer's spouse owns all or part of one of the entrants, not to be coupled. Such is not the case at this time."

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 4:30 p.m., Tuesday, January 20, 2004, at the following

address: Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, Oklahoma City, OK 73107

PUBLIC HEARING:

A public hearing will be held between the hours of 9:00 a.m. and 12:00 p.m. and 1:00 p.m. and 4:30 p.m. on Tuesday, January 20, 2004, at the following address: Oklahoma Horse Racing Commission, Shepherd Mall, N.W. 23rd Street and Villa Avenue, 2614 Villa Prom, Oklahoma City, OK 73107. Anyone who wishes to present oral comment at the public hearing must sign a speaker's register.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Horse Racing Commission requests that business entities affected by this proposed rule provide the Commission, within the comment period, in dollar amounts, if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing to the Commission, at the above address, before the close of the comment period on January 20, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. §303(D), a rule impact statement will be prepared by December 31, 2003 may be obtained from the Oklahoma Horse Racing Commission at the above address.

CONTACT PERSON:

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

[OAR Docket #03-3288; filed 11-25-03]

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

[OAR Docket #03-3267]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Appendix E. Statement of Grievance and Resolution [REVOKED]

Appendix F. Student Grievance [REVOKED]

Appendix J. Claim Form [REVOKED]

Appendix R. Release of Information Regarding Juveniles [REVOKED]

(Reference APA WF # 03-27)

SUMMARY:

Chapter 2. Administrative Components appendices are revoked as they are obsolete or replaced by an Oklahoma Department of Human Services form.

AUTHORITY:

Oklahoma Constitution; Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and 75 O.S. § 250 et. seq.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Dena Thayer, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4326.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 14, 2004 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #03-3267; filed 11-24-03]

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

[OAR Docket #03-3268]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 17. Staff Development Unit
340:2-17-4. [REVOKED]
- Appendix A. Application for Employment [REVOKED]
- Appendix C. Employment Eligibility Handout
[REVOKED]
- Appendix D. Applicant Availability Letter [REVOKED]
- Appendix N. Application for Occupational
Therapy/Physical Therapy Scholarship [REVOKED]

(Reference APA WF # 03-25)

SUMMARY:

Human Resources Management Division rule revisions revoke a rule that is no longer applicable as the program is

no longer offered by the Oklahoma Department of Human Services (OKDHS) and revoke appendices that are obsolete or have been replaced by OKDHS forms.

AUTHORITY:

Oklahoma Constitution; Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and 75 O.S. § 250 et. seq.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Tina Tate, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-0591.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 14, 2004 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #03-3268; filed 11-24-03]

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

[OAR Docket #03-3265]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
340:10-1-3. [AMENDED]
- Subchapter 2. Temporary Assistance for Needy Families (TANF) Work Program
340:10-2-3. through 340:10-2-4. [AMENDED]
340:10-2-7. through 340:10-2-8. [AMENDED]
340:10-2-9. [REVOKED]
- Subchapter 3. Conditions of Eligibility - Need
Part 1. Resources
340:10-3-2. through 340:10-3-3. [AMENDED]
340:10-3-5. [AMENDED]
340:10-3-10. [AMENDED]
- Part 3. Income

Notices of Rulemaking Intent

340:10-3-32. [AMENDED]
340:10-3-39. [AMENDED]
340:10-3-40. [AMENDED]
Part 5. Assistance Payments
340:10-3-56. [AMENDED]
Subchapter 12. Conditions of Eligibility - Social Security Numbers
340:10-12-1. [AMENDED]
Subchapter 15. Conditions of Eligibility - Citizenship and Alienage
340:10-15-1. [AMENDED]
340:10-15-3. [AMENDED]
340:10-15-5. [REVOKED]
340:10-15-9. [REVOKED]
Subchapter 20. Diversion Assistance
340:10-20-1. [AMENDED]
Subchapter 22. Temporary Assistance For Needy Families (TANF) Supported Permanency Program
340:10-22-1. [AMENDED]
(Reference APA WF # 03-11, 03-23, and 03-32)

SUMMARY:

Temporary Assistance For Needy Families (TANF) rules are revised to: (1) eliminate the substance abuse and literacy screening from the Diversion Assistance (DA) Program; (2) bring rules regarding citizenship and alien status into compliance with current federal regulations; (3) eliminate the age limitation for the Supported Permanency Program; (4) eliminate out of date rules; (5) clarify existing rules; (6) amend the word guardianship to legal responsibility; (7) expand the civil rights provisions to agree with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; (8) amend language regarding the Welfare to Work Program; (9) revise language to reflect current usage and clarify existing rules for on-the-job training; (10) relocate statements for clarity and continuity; (11) eliminate Individual Development Accounts as a TANF support service; (12) amend language regarding resources to reflect current usage; (13) amend policy regarding Individual Development Accounts and payments made to certain children of Vietnam veterans; (14) clarify rules for earned income; (15) amend policy regarding disregard of payments made to certain children of Vietnam veterans; and (16) clarify rules to agree with existing policy.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Section 7003.5.6 of Title 10 of the Oklahoma Statutes; Sections 1631 and 1641 of Chapter 14 of Title 8 of the United States Code; Title IV of the Personal Responsibility and Work Opportunity Act of 1996, amended; Trafficking Victims Protection Act of 2000; and Section 408(f) of Title IV of the Social Security Act; and Sections 230.50, 230.52, 230.55, 230.56, 230.60, and 230.62 through 230.66 of Title 56 of the Oklahoma Statutes; Titles IV-B and IV-E of the Social Security Act; the Social Security Act Amendments of 1994 (Public Law 103-432); Section 1823(c) of Title 38 of the United States Code (USC); Public Law 104-204; Public Law 106-419;

Section 403(a)(5)(C)(viii) of the Social Security Act (42 USC 603(a)(5)(viii)) as amended; and the Job Creation and Worker Assistance Act of 2002 (Public Law 107-47).

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 14, 2004 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #03-3265; filed 11-24-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 25. CHILD SUPPORT ENFORCEMENT DIVISION

[OAR Docket #03-3240]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Operational Policies
Part 20. Medical Support [NEW]
340:25-5-168 through 340:25-5-170 [RESERVED]
340:25-5-171 [NEW]
Part 23. Enforcement
340:25-5-211.1 [NEW]

(Reference APA WF # 03-24 and 03-26)

SUMMARY:

The revisions to Subchapter 5 of Chapter 25 create a new Part 20. Medical Support, and Sections 168 through 171 to establish policy and procedures to implement the provisions of Senate Bill No. 431. Senate Bill No. 431 was enacted during the 2003 legislative session, and became effective November 1, 2003, to implement sanctions for failure to comply with the National Medical Support Notice (NMSN). The bill amended Section 6058A of Title 36 of the Oklahoma Statutes

and Section 118.2(B) of Title 43 of the Oklahoma Statutes to provide sanctions against employers and insurers who fail to comply with the requirements of the NMSN.

Section 211.1 is created to establish policy and procedures to implement the provisions of Senate Bill 704 (2003), which amended Section 6-201.1 of Title 47 of the Oklahoma Statutes.

Sections 168 through 170 are reserved to allow for future amendment and renumbering of existing rules through regular permanent rulemaking.

340:25-5-171 is issued to outline procedures for: (1) providing notice to employers and insurers of their noncompliance with the requirements of the NMSN within federally mandated time frames for response to the NMSN; (2) maintaining legal proceedings to request the court to fine employers and insurers when there is no response indicating full compliance with the requirements of the NMSN within ten business days after the date of a noncompliance letter; and (3) remitting fines, if imposed by the court, to Child Support Enforcement Division (CSED).

340:25-5-211.1 is issued to describe complying with a child support payment schedule and establish Child Support Enforcement Division (CSED) policy and procedures to provide services consistent with the provisions regarding driver license revocation and reinstatement.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Section 6058A of Title 36, Section 118.2, 139, and 139.1 of Title 43, Sections 1-153, 6-201, 6-201.1, 6-211, and 6-212 of Title 47, and Sections 237, 237.1, and 240.15 through 240.21A of Title 56 of the Oklahoma Statutes; House Rule 3130 which became Public Law 105-200; Part 303.32 of Title 45 of the Code of Federal Regulations; and National Medical Support Notice Part A & B.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Elizabeth Wilson, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-2550.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 14, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #03-3240; filed 11-20-03]

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

[OAR Docket #03-3263]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Non-Financial Eligibility Criteria

Part 1. Household Definition

340:50-5-8.1. [AMENDED]

Part 5. Students, Strikers, Resident Farm Laborers, Migrant

Households, Sponsored Aliens, and School Employees

340:50-5-49. [AMENDED]

Subchapter 7. Financial Eligibility Criteria

Part 1. Resources

340:50-7-2. [AMENDED]

340:50-7-4. [AMENDED]

Part 3. Income

340:50-7-20. through 340:50-7-21. [REVOKED]

340:50-7-22. [AMENDED]

340:50-7-23. through 340:50-7-24. [REVOKED]

340:50-7-26. through 340:50-7-28. [REVOKED]

340:50-7-29. [AMENDED]

340:50-7-31. [AMENDED]

Part 5. Determination of Income and Deductions

340:50-7-45. through 340:50-7-46. [AMENDED]

340:50-7-47. through 340:50-7-48. [REVOKED]

Subchapter 9. Eligibility and Benefit Determination Procedures

340:50-9-1. [AMENDED]

340:50-9-5. [AMENDED]

Subchapter 10. Electronic Benefit Transfer (EBT)

340:50-10-11. [AMENDED]

Subchapter 13. Fair Hearings

340:50-13-2. [AMENDED]

Subchapter 15. Overpayments and Fraud

Part 1. Overpayments

340:50-15-1. [AMENDED]

340:50-15-6. [AMENDED]

(Reference APA WF #03-16, 03-22, and 03-31)

SUMMARY:

Food Stamp Program rules are revised to: (1) change the name of Immigration and Naturalization Service to the current name of Bureau of Citizenship and Immigration Service; (2) update rules according to the implementation of the 2002 Farm Bill regarding sponsored aliens and deeming of income; (3) disregard as a resource income received by certain individuals

Notices of Rulemaking Intent

who are children of Vietnam War veterans in accordance with federal law; (4) exclude Family Support Assistance Payment Program payments from Developmental Disabilities Services Division (DDSD), income received by certain individuals who are children of Vietnam War veterans in accordance with federal law, and list additional sources of excluded income; (5) remove training allowances as included income; (6) clarify the meaning of the cost of doing business; (7) simplify utility deductions per the Farm Bill of 2002; (8) remove reference to the client claiming a higher utility cost than the standard; (9) clarify when an overpayment referral is made; (10) remove the sponsor of an alien from responsibility for an overpayment to an alien they have sponsored; (11) clarify when an overpayment claim is considered delinquent and when the claim is referred to the Treasury Offset Program; (12) revoke sections and incorporate language to other sections; (13) remove and replace outdated language; (14) add clarifying language regarding computation of income; (15) replace language concerning converting food stamp benefits to coupons for households moving to or from another state with procedures for using electronic benefit transfer cards; (16) require participating households to report changes in unearned income of \$50 or more per month; and (17) clarify existing language.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; 2002 Farm Bill; Section 1823(c) of Title 38 of the Code of Federal Regulations (CFR); and Section 273.9 of Title 7 CFR.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 14, 2004 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #03-3263; filed 11-24-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 70. SOCIAL SERVICES

[OAR Docket #03-3264]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 8. Supplemental Security Income-Disabled Children's Program (SSI-DCP)

340:70-8-1. [AMENDED]

(Reference APA WF # 03-30)

SUMMARY:

The purpose of the proposed rule is to reduce overall expenditures in the Family Support Services Division to help alleviate a budget shortfall by increasing the age of eligibility for receipt of diapers through the Supplemental Security Income-Disabled Children's Program (SSI-DCP) from three to four years. This rule is consistent with recommendations from medical advisors. Currently eligible children will not be terminated, but future approvals will be for children who are four years of age or older as medical advisors indicate many healthy children are not toilet trained by three years of age. Increasing the age of eligibility to four is consistent with program rules to serve the special needs of disabled children. It may also help to improve the quality of life for these children by encouraging parents and caretakers to continue with toilet-training activities for children who need only a little more time.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Titles IV-A, IV-B, IV-C, V, XVI, XIX, and XX of the Federal Social Security Act.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Sandy Stewart, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 14, 2004 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #03-3264; filed 11-24-03]

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

[OAR Docket #03-3241]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 1. Scope and Applicability

340:75-1-28 [AMENDED]

Subchapter 6. Permanency Planning

Part 5. Permanency Planning Services

340:75-6-31.3 [AMENDED]

Part 8. Role of the Child Welfare Worker

340:75-6-48 [AMENDED]

Subchapter 16. Mental Health Treatment Services

Part 1. Inpatient Mental Health Treatment

340:75-16-27 [REVOKED]

340:75-16-28 through 340:75-16-33 [AMENDED]

340:75-16-36 through 340:75-16-37 [AMENDED]

(Reference APA WF # 03-12, 03-14, and 03-21)

SUMMARY:

The revisions to Subchapter 1 of Chapter 75 provide Child Welfare (CW) staff with the necessary guidance to implement modifications regarding the utilization of the CW contingency fund, to permit the utilization of the fund for an open CPS case. The modification to the Supported Permanency program in Subchapter 6 eliminates the eligibility requirement of a child in the custody of OKDHS, age 12 or older, in kinship placement. Other revisions to Subchapter 6 allow CW staff to request of the court that the Oklahoma Department of Human Services (OKDHS) be relieved of legal custody, supervision, or both for cases when children have been reunified for at least six months and the reunification process appears successful. The revised rules provide clarification of CW worker contact responsibilities for children supervised by or in the custody of OKDHS, which reduces the frequency of visitation or contact in some instances, while promoting the participation of and reliance on other professionals involved in the planning and implementation of permanency for children. The revisions to Subchapter 16 correct and clarify roles and responsibilities of CW staff when providing services to children in the custody of OKDHS who receive mental health and substance abuse treatment in accordance with Senate Bill (SB) No. 674 and House Bill (HB) No. 1063. These bills, effective November 1, 2003, amend the Inpatient Mental Health and Substance Abuse Treatment of Minors Act of Title 43A of the Oklahoma Statutes to ensure adequate treatment of and enhance the commitment

process for minors in need of mental health and substance abuse treatment.

340:75-1-28 is revised to allow the utilization of the CW contingency fund for an open CPS case.

340:75-6-31.3 is revised to instruct that OKDHS supervises reunification cases for six months, and, if conditions appear stable, the CW worker recommends that the court relieve OKDHS of legal custody, supervision, or both.

340:75-6-48 is revised to clarify the CW worker's responsibilities for contacts with children in OKDHS custody, supervision, or both, especially children placed in foster care, shelter, community-based residential care, acute inpatient, residential inpatient, own home, and Developmental Disabilities Services Division placement.

340:75-16-27 is revoked and incorporated in 75-16-28 to emphasize the import of the legislative basis for mental health and substance abuse treatment provisions.

340:75-16-29, 75-16-31, 75-16-33, 75-16-36, and 75-16-37 are revised to reflect terms expressed in SB 674 and HB 1063, as well as those specific to inpatient services.

340:75-16-30 is revised to include current admission procedures for inpatient mental health and substance abuse treatment: The inpatient psychiatric care review coordinator (IPCRC) authorizes all inpatient mental health services for children in OKDHS custody. An inpatient psychiatric care review is required for Title XIX Medicaid reimbursement. The licensed mental health professional of the inpatient facility must submit an evaluation within 48 hours of the child's admission. The district attorney obtains a pre-hearing detention order authorizing the child to remain inpatient pending the hearing. The hearing is set within one to three judicial days from the filing of the petition. The facility submits a proposed individualized treatment plan within 24 hours of the scheduled hearing. The court determines whether the minor is in need of mental health and substance abuse treatment.

340:75-16-32 is revised to reflect the time frames for initial length of stays for inpatient and residential mental health care. The IPCRC determines the number of days required to resolve the identified problems. Procedures for a reconsideration request for the length of stay may be made to Oklahoma Foundation for Medical Quality (OFMQ) when additional information was not considered by the IPCRC.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 5-501 through 5-513 of Title 43A and Sections 7001-1, 7003-5.5a, 7003-5.6, 7003.5.6b, 7004-1.1, 7204, 7206, and 7221 of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Millie Carpenter, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-6325.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 14, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #03-3241; filed 11-20-03]

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

[OAR Docket #03-3242]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

Part 1. Scope and Applicability

340:75-1-12.1 [REVOKED]

340:75-1-12.2 [AMENDED]

Subchapter 4. Family-Centered and Community Services

Part 1. Voluntary Family-Centered Services

340:75-4-13 [AMENDED]

Subchapter 16. Mental Health Treatment Services

Part 1. Inpatient Mental Health Treatment

340:75-16-39 [AMENDED]

(Reference APA WF # 03-33)

SUMMARY:

The revisions to Subchapters 1, 4, and 16 of Chapter 75: (1) clarify the role and responsibilities of Child Welfare (CW) staff when providing services to children and families involved in CW cases; (2) eliminate language referencing the client resolution process, which was formerly required by the Council on Accreditation (COA), (3) incorporate the recent inception of peer and supervisory case reviews conducted on a scheduled basis that replace and exceed the case review component formerly required through COA; (4) reference use of Form CWS-KIDS-24, Individualized Service Plan, to replace Form CWS-KIDS-10, Treatment Plan, when opening ongoing Family-Centered Services (FCS) cases; (5) conform with KIDS regarding the appeal process and notification to

tribes; (6) clarify the contact source in securing a Victim's Protection Order (VPO); and (7) improve readability and coordination with the KIDS system.

340:75-1-12.1 is revoked as the client resolution process in adherence to COA is no longer required.

340:75-1-12.2 is revised to clarify appeal procedures in coordination with KIDS and specify written notification of the final determination of an abuse/neglect finding(s) to the tribe, when applicable.

340:75-4-13 is revised to reflect the utilization of Form CWS-KIDS-24 and delete a reference to a notification form formerly required in the client resolution process.

340:75-16-39 is revised to clarify procedures when securing a VPO involving a child age 13 years or older.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Section 7001-1.2 of Title 10 and Section 60.1 et seq. of Title 22 of the Oklahoma Statutes; and Section 5101 et seq. of Title 42 of the United States Code.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Millie Carpenter, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-6325.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 14, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #03-3242; filed 11-20-03]

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

[OAR Docket #03-3243]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - Part 1. Scope and Applicability
 - 340:75-1-18.1 [AMENDED]
 - 340:75-1-22 [AMENDED]
- Subchapter 6. Permanency Planning
 - Part 5. Permanency Planning Services
 - 340:75-6-30 through 340:75-6-31 [AMENDED]
 - 340:75-6-31.4 [AMENDED]
 - Part 7. Case Plans
 - 340:75-6-40 through 340:75-6-40.1 [AMENDED]
 - 340:75-6-40.4 through 340:75-6-40.5 [AMENDED]

(Reference APA WF # 03-34)

SUMMARY:

The revisions to Subchapters 1 and 6 of Chapter 75 modify procedures for arranging the permanency meeting; clarify existing permanency goals and the provisions of the Supported Permanency program; provide for the utilization of KIDS generated Form CWS-KIDS-24, Individualized Service Plan, and Form CWS-KIDS-25, Individualized Service Plan Progress Report; update statutory citations; and improve readability and coordination with the KIDS system.

340:75-1-18.1 is revised to clarify procedures regarding the CW worker's role in the permanency meeting held three weeks prior to the permanency hearing.

340:75-1-22 is revised to improve readability and introduce Form CWS-KIDS-24 and Form CWS-KIDS-25 in the administrative case review process.

340:75-6-30 is revised to include Form CWS-KIDS-24 when determining the child's visitation schedule.

340:75-6-31 is revised to introduce the planned alternative permanent placement goal, formerly known as long-term out-of-home placement, and the adoption preparation goal, and the utilization of Form CWS-KIDS-24 as a source for determining the child's permanent plan.

340:75-6-31.4 is revised to clarify that the Supported Permanency program is contingent upon the availability of funding.

340:75-6-40 is revised to improve readability and delete a reference to accreditation standards.

340:75-6-40.1 is revised to include the filing of Form CWS-KIDS-24 in conjunction with Form CWS-KIDS-8, Placement Plan Report, when applicable.

340:75-6-40.4 is revised to reflect updated statutory cites and provide information on the contents of Form CWS-KIDS-24.

340:75-6-40.5 is revised to reflect the issuance, utilization, and information on the contents of Form CWS-KIDS-25.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Sections 7003-5.3 and 7003-5.6(e) of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Millie Carpenter, Department of Human

Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-6325.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 14, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #03-3243; filed 11-20-03]

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

[OAR Docket #03-3266]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Administration
 - Part 1. General Administration
 - 340:100-3-5.2. [AMENDED]
 - Part 3. Operations
 - 340:100-3-27. [AMENDED]
 - 340:100-3-29. [AMENDED]
 - 340:100-3-38.12. [NEW]
- Subchapter 5. Client Services
 - Part 3. Service Provisions
 - 340:100-5-22.5. [AMENDED]
 - 340:100-5-26. [AMENDED]
 - 340:100-5-26.2. [NEW]

(Reference APA WF # 03-09 and 03-28)

SUMMARY:

Developmental Disabilities Services Division (DDSD) rules are established to: (1) guide DDSD staff, service recipients, and providers regarding service delivery when a service recipient is diagnosed as having a terminal illness; and (2) provide training guidelines for contract provider staff.

Rules are revised to: (1) clarify that guardianship vouchers expire after one year if unused; (2) add a procedure for correction of situations recognized by DDSD quality assurance

Notices of Rulemaking Intent

staff that are the responsibility of a DDS staff member; (3) update and make the rules correspond with federal regulations and statutes; (4) correct a citation error; and (4) clarify the responsibilities of DDS staff and contract providers regarding advance directives and Do Not Resuscitate orders.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Section 1415.1 of Title 10 of the Oklahoma Statutes; and Sections 1020 228 of Title 56 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Leslie Parks, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-4974.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than January 14, 2004 at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Dena Thayer, Programs Manager, 405-521-4326.

[OAR Docket #03-3266; filed 11-24-03]

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

[OAR Docket #03-3244]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 10. Policies and Procedures Manual for Title III of the Older Americans Act of 1965, as Amended

Part 5. Area Agencies on Aging

340:105-10-41 [AMENDED]

Part 7. Program Standards for Services Funded Under Title III

340:105-10-51 [AMENDED]

340:105-10-72 [AMENDED]

340:105-10-75 [AMENDED]

340:105-10-79 [AMENDED]

340:105-10-86 [AMENDED]

340:105-10-89 [AMENDED]

340:105-10-90.1 [AMENDED]

Part 9. Fiscal and Administrative Policies for Area Agencies on Aging and Title III Projects

340:105-10-101 [AMENDED]

340:105-10-102 [AMENDED]

340:105-10-104 [AMENDED]

340:105-10-117 through 340:105-10-119 [AMENDED]

340:105-10-121 through 340:105-10-122 [AMENDED]

(Reference APA WF # 03-35)

SUMMARY:

The revisions to Subchapter 10 of Chapter 105 provide clearer oversight and guidance to Oklahoma Department of Human Services (OKDHS) Aging Services Division (ASD) staff and contract providers; update authority references; and incorporate the Nutrition Services Incentive Program of the Older Americans Act (OAA).

340:105-10-41 is amended to clarify direct service waivers.

340:105-10-51 is amended to correct authority citations.

340:105-10-72 is amended to clarify the minimum hours a registered dietitian provides consultation at nutrition sites.

340:105-10-75 is amended to clarify special diets.

340:105-10-79 is amended to include the Nutrition Services Incentive Program.

340:105-10-86 is amended to clarify the change of status of a meal site.

340:105-10-89 is amended to clarify appropriate disease prevention and health promotion services.

340:105-10-90.1 is amended to clarify the National Family Caregiver Support Program grants.

340:105-10-101 is amended to clarify the request for proposal procedures.

340:105-10-102 is amended to clarify the appeal procedures for Title III service providers.

340:105-10-104 is amended to include the Nutrition Services Incentive Program and clarify unexpended grant funds.

340:105-10-117 is amended to include appropriate employment procedures.

340:105-10-118 is amended to clarify personnel recruitment procedures.

340:105-10-119 is amended to clarify personnel selection procedures.

340:105-10-121 is amended to clarify hiring current employees to a different position.

340:105-10-122 is amended to clarify compensatory time procedures.

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Older Americans Act of 1965, as amended; and Title 5, Part 900.603, Title 29, Part 553.21, and Title 45, Parts 1321.11 and 1321.51 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Nadine Beat-Walter, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-522-3077.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 14, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #03-3244; filed 11-20-03]

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

[OAR Docket #03-3245]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Licensing Standards for Child Care Facilities
- Part 1. Requirements for Child Care Centers
- 340:110-3-1. through 340:110-3-3. [AMENDED]
- 340:110-3-4. [REVOKED]
- 340:110-3-5. through 340:110-3-6. [AMENDED]
- 340:110-3-7.1. [AMENDED]
- 340:110-3-9.1. through 340:110-3-11. [AMENDED]
- 340:110-3-14. [AMENDED]
- 340:110-3-22. [AMENDED]
- 340:110-3-25. through 340:110-3-29. [AMENDED]
- 340:110-3-31. [AMENDED]
- 340:110-3-33. through 340:110-3-33.1. [AMENDED]
- Part 14. Requirements for School-Age Programs [NEW]
- 340:110-3-220. through 340:110-3-242. [NEW]

(Reference APA WF # 03-10)

SUMMARY:

The revisions to Subchapter 3 of Chapter 110 update and clarify rules concerning: staff qualifications for director and master teacher; pre-service training requirements; staff-child

ratio for infants; child restraint systems requirements; and fire safety requirements recommended by the State Fire Marshal. These revisions were recommended by a revision subcommittee consisting of experienced child care professionals, state agency experts in these fields, and Division of Child Care (DCC) licensing staff who based their recommendations on national research in health and safety standards. The revision process began in March 2001 and included statewide forums, day-long subcommittee meetings, six public hearings, and careful consideration of all comments. Revisions address new information on practices that protect the health and well-being of children in care.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Oklahoma Child Care Facilities Licensing Act, Sections 401 through 410 of Title 10 and the Oklahoma Adoption Code.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Mitzi Lee or Susan Case, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3561.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 14, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #03-3245; filed 11-20-03]

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

[OAR Docket #03-3246]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- Part 1. Licensing Services - Child Care

Notices of Rulemaking Intent

340:110-1-4.1. through 340:110-1-6. [AMENDED]
340:110-1-8. [AMENDED]
340:110-1-8.3. [AMENDED]
340:110-1-9. through 340:110-1-9.3. [AMENDED]
340:110-1-9.5. [AMENDED]
340:110-1-10. through 340:110-1-11. [AMENDED]
340:110-1-14. [AMENDED]
340:110-1-20. [AMENDED]
Appendix P. Juvenile Detention Center Compliance Review [REVOKED]
Appendix Q. Juvenile Detention Center Visit Sheet [REVOKED]
Appendix R. Juvenile Detention Center Resident Record Check [REVOKED]
Appendix BB. Child Care Center Staff-Child Ratio [REVOKED]
Appendix CC. Child Care Center Minimum Equipment Requirements [REVOKED]
Appendix DD. Child Care Center Exclusion Criteria for Children Who Are ILL [REVOKED]

(Reference APA WF # 03-29)

SUMMARY:

Division of Child Care (DCC) Licensing Services rules are revised in Subchapter 1 to provide direction to licensing staff who regulate and consult with licensed child care facilities in meeting requirements for licensure. Revisions reflect the elimination of the renewal process involved for the one star plus level of the Stars program. Appendices are revoked as they are no longer used or have been replaced with an updated format.

AUTHORITY:

Commission for Human Services; Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Oklahoma Child Care Facilities Licensing Act, Sections 401 through 410 of Title 10 of the Oklahoma Statutes.

COMMENT PERIOD:

Written and oral comments will be accepted December 15, 2003 through January 14, 2004 during regular business hours by contacting Mitzi Lee or Susan Case, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3561.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S. § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than 5:00 p.m. on January 14, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

For information regarding processing of proposed rulemaking contact Dena Thayer at 405-521-4326.

[OAR Docket #03-3246; filed 11-20-03]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 3. INDIVIDUAL PROCEEDINGS

[OAR Docket #03-3274]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Investigations and Hearings

435:3-3-12. ~~Board advisor~~ ~~Rulings upon evidence and objections~~ [AMENDED]

SUMMARY:

Amendments to this rule allow the Board to utilize a Board Advisor during hearings/individual proceedings.

AUTHORITY:

TITLE 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from December 15, 2003 to January 16, 2004. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on January 29, 2004, 9:00 a.m. at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than January 16, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after December 15, 2003 at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Deputy Director (405) 848-6841, ext. 104

[OAR Docket #03-3274; filed 11-25-03]

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

[OAR Docket #03-3275]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Approval of Hospitals and Programs for Post-Graduate Training

435:10-5-1. Determination of hospitals and programs approved for post-graduate training [AMENDED]

SUMMARY:

The reporting requirements for post-graduate training programs will be amended.

AUTHORITY:

TITLE 59 O.S., Section 489, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from December 15, 2003 to January 16, 2004. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on January 29, 2004, 9:00 a.m. at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than January 16, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after December 15, 2003 at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Deputy Director (405) 848-6841, ext. 104

[OAR Docket #03-3275; filed 11-25-03]

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

[OAR Docket #03-3276]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Special Volunteer Medical License [NEW]

435:10-19-1. Purpose [NEW]

435:10-19-2. Definitions [NEW]

435:10-19-3. Procedure for volunteer license [NEW]

435:10-19-4. Annual renewal [NEW]

SUMMARY:

A new law effective 11-1-03 (HB1140) creates the special volunteer medical license. These rules are being adopted to establish the procedure for applying for, obtaining, and renewing the volunteer license.

AUTHORITY:

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

COMMENT PERIOD:

The comment period will run from December 15, 2003 to January 16, 2004. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on January 29, 2004, 9:00 a.m. at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than January 16, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after December 15, 2003 at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Deputy Director (405) 848-6841, ext. 104

[OAR Docket #03-3276; filed 11-25-03]

**TITLE 465. OKLAHOMA MOTOR VEHICLE COMMISSION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #03-3237]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 7. Procedures Pertaining to Individual Proceedings

465:1-7-2. [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

This amendment establishes an informal complaint process and provides clarity to the formal complaint process.

AUTHORITY:

Oklahoma Motor Vehicle Commission, 47 O.S. Section 563 (F).

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 4:30 p.m. on Friday January 16, 2004 at the Oklahoma Motor Vehicle Commission, 4334 N.W. Expressway, Suite 183, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing has not been scheduled, however, "persons may demand a hearing" pursuant to and in accordance with 75 O.S., Section 303 (B)(8). Please make your request in writing by January 16, 2004 to the Oklahoma Motor Vehicle Commission at the location listed above.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by Friday January 16, 2004 to the Oklahoma Motor Vehicle Commission at the location listed above.

COPIES OF PROPOSED RULE:

Copy of the proposed rule may be obtained in person or by written request from the Oklahoma Motor Vehicle Commission located at the above named address at the cost of .25 cents per page.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared no later than December 24, 2003 and may be obtained from the Oklahoma Motor Vehicle Commission at the above address.

CONTACT PERSON:

Marilyn Maxwell, Deputy Director (405) 521-2375

[OAR Docket #03-3237; filed 11-19-03]

TITLE 465. OKLAHOMA MOTOR VEHICLE COMMISSION CHAPTER 10. LICENSE

[OAR Docket #03-3238]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

Subchapter 3. License Identification and Changes
465:10-3-4. [AMENDED]

SUMMARY:

This amendment is needed to clarify the type of dealership changes that must be reported to this Commission.

AUTHORITY:

Oklahoma Motor Vehicle Commission, 47 O.S. Sections 563 (F), 564, and 564.1.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 4:30 p.m. on Friday January 16, 2004 at the Oklahoma Motor Vehicle Commission, 4334 N.W. Expressway, Suite 183, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing has not been scheduled, however, "persons may demand a hearing" pursuant to and in accordance with 75 O.S., Section 303 (B)(8). Please make your request in writing by January 16, 2004 to the Oklahoma Motor Vehicle Commission at the location listed above.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by Friday January 16, 2004 to the Oklahoma Motor Vehicle Commission at the location listed above.

COPIES OF PROPOSED RULE:

Copy of the proposed rule may be obtained in person or by written request from the Oklahoma Motor Vehicle Commission located at the above named address at the cost of .25 cents per page. Each new motor vehicle dealer has been provided a copy in our quarterly newsletter via U.S. postal services.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared no later than December 24, 2003 and may be obtained from the Oklahoma Motor Vehicle Commission at the above address.

CONTACT PERSON:

Marilyn Maxwell, Deputy Director (405) 521-2375

[OAR Docket #03-3238; filed 11-19-03]

TITLE 465. OKLAHOMA MOTOR VEHICLE COMMISSION CHAPTER 15. ADVERTISING

[OAR Docket #03-3239]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
465:15-1-2. [AMENDED]
Subchapter 3. Specific Advertising Regulations

465:15-3-2. [AMENDED]
465:15-3-14. [AMENDED]

SUMMARY:

The proposed rule amendments would modify the current advertising regulations under the headings of Prohibited Statements, Definitions, and Availability of Vehicles. These amendments would update and provide clarity to the rules in response to the ever changing styles and trends of advertising by new motor vehicle dealers. The intended effect of the proposed amendments will assist the Commission with proper enforcement to protect the citizens of Oklahoma from false and misleading advertising and ensure fair treatment for all dealers.

AUTHORITY:

Oklahoma Motor Vehicle Commission, 47 O.S. Section 563 (F) and Section 565 5(b).

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 4:30 p.m. on Friday January 16, 2004 at the Oklahoma Motor Vehicle Commission, 4334 N.W. Expressway, Suite 183, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing has not been scheduled, however, "persons may demand a hearing" pursuant to and in accordance with 75 O.S., Section 303 (B)(8). Please make your request in writing by January 16, 2004 to the Oklahoma Motor Vehicle Commission at the location listed above.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by Friday January 16, 2004 to the Oklahoma Motor Vehicle Commission at the location listed above.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained in person or by written request from the Oklahoma Motor Vehicle Commission located at the above named address at the cost of .25 cents per page. Each new motor vehicle dealer has been provided a copy in our quarterly newsletter via U.S. postal services.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared no later than December 24, 2003 and may be obtained from the Oklahoma Motor Vehicle Commission at the above address.

CONTACT PERSON:

Marilyn Maxwell, Deputy Director (405) 521-2375

[OAR Docket #03-3239; filed 11-19-03]

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

[OAR Docket #03-3208]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Disciplinary Action
485:10-11-2 [AMENDED]

SUMMARY:

The proposed amendment states the Board may require the defendant, if disciplinary action is imposed, to reimburse the Board for its actual costs in the investigation and prosecution of the disciplinary action.

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §567.2A.3 and §567.4.F

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 23, 2004 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Norma Wallace

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 27, 2004 at 5:30 p.m. at the Holiday Inn Conference Center, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 27, 2004

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by January 23, 2004 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Norma Wallace

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Wallace at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after publication of this Notice of Rulemaking Intent on December 15, 2003. The rule impact statement may be obtained by contacting Norma Wallace at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

Notices of Rulemaking Intent

CONTACT PERSON:

Norma Wallace (405) 962-1800

[OAR Docket #03-3208; filed 11-12-03]

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

[OAR Docket #03-3209]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse

485:10-7-2. [AMENDED]

485:10-7-4. [AMENDED]

485:10-7-5. [AMENDED]

Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse

485:10-9-1. [AMENDED]

485:10-9-2. [AMENDED]

485:10-9-4. [AMENDED]

485:10-9-5. [AMENDED]

Subchapter 13. Requirements for Employment

485:10-13-2. [AMENDED]

Subchapter 15. Requirements for Practice as an Advanced Practice Nurse

485:10-15-5. [AMENDED]

SUMMARY:

The proposed revisions to Subchapter 7 Section 485:10-7-2, 485:10-7-4, 485:10-7-5, and Subchapter 9 Section 485:10-9-2, 485:10-9-4, and 485:10-9-5 are designed to ensure that applicants for endorsement, reinstatement, or return to active status have worked a minimum number of hours in nursing within the past two years prior to being granted an active Oklahoma nursing license. If they have not worked in nursing, such applicants will be required to complete a refresher course, or retake the licensure examination, or present evidence of completion of nursing coursework. These requirements promote the safety of the public by requiring the presentation of evidence of continuing qualifications to practice nursing. The proposed revisions to Subchapter 9 Section 10-9-1 delete outdated language from the rules.

The proposed revisions to 485:10-7-2(d), the Rules for applications for RN licensure by endorsement educated in a foreign country, are to: (1) eliminate barriers to licensure in Oklahoma by identifying additional mechanisms for educational credentials evaluation and for evaluation of competence in oral and written English; (2) clarify language for RN applicants educated in foreign countries.

The proposed revisions to 485:10-9-2(d) regarding applications for LPN licensure by endorsement educated in a foreign country are to eliminate barriers to licensure

in Oklahoma by identifying additional mechanisms for evaluation of educational credentials and competence in oral and written English.

The proposed changes to 485:10-13-2 delete the requirement for the employer to submit the biennial number and include the licensure expiration date of an RN/LPN if an annual report is requested by the Board to be submitted by an employer. The proposed required information is available from the Board's on-line licensure verification system, which is considered primary source verification.

Inclusion of the proposed language to 485:10-15-5(d) will allow the Board to place the Certificate of Recognition as an Advanced Practice Nurse on inactive status upon notification the licensee's national certification by a national certifying body approved by the Board is no longer current. The proposed language is consistent with the Oklahoma Nursing Practice Act's requirement for national certification and the Rules requirement for national certification to be maintained during the period of licensure renewal

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §567.2A.3, §567.4.F, §567.5, §567.6, and §567.7

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 23, 2004 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Gayle McNish, MS, RN.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 27, 2004 at 5:30 p.m. at the Holiday Inn Conference Center, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 27, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by January 23, 2004 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Gayle McNish, MS, RN

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gayle McNish, MS, RN, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after publication of this Notice of Rulemaking Intent on December 15, 2003. The rule impact statement may be obtained by contacting Gayle McNish, MS, RN, at the Oklahoma Board of Nursing, 2915 N.

Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1800.

CONTACT PERSON:

Gayle McNish, MS, RN (405) 962-1800

[*OR Docket #03-3209; filed 11-12-03*]

**TITLE 690. BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[*OR Docket #03-3247*]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Board Organization and Proceedings
[AMENDED]

690:1-3-1. Board meetings [AMENDED]

690:1-3-9. Distribution of regulations and procedures
[AMENDED]

690:1-3-10. ~~Secretary~~ Officers of the Board [AMENDED]

SUMMARY:

690:1-3-1. The rule change allows the Board to use teleconferencing equipment to conduct Board meetings and will remove the use of *Robert's Rules of Order* for conducting Board meetings.

690:1-3-9. The rule change would allow the Board to discontinue the bi-annual mail-out of the licensing act, rules and directory. The licensing act and rules will be available upon written request to the Board. A printable version will be maintained on the Board's website. The directory will be maintained on the website and available upon request.

690:1-3-10. The rule change explains the election of the officers of the Board.

AUTHORITY:

59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 14, 2004 at the following address: Jeanie Wall, OBESPA, P.O. Box 53592, Oklahoma City, OK 73152

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. January 17, 2004 at Keys Speech and Hearing, 825 N.E. 14th, Oklahoma City, Oklahoma, conference room. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on January 17, 2004 at the following address: Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by written request from the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 1140 N.W. 63rd, Suite 305, Oklahoma City, Oklahoma and on the Board website: www.obespa.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available on December 30, 2003.

CONTACT PERSON:

Karen Copeland, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 918-744-2291.

[*OR Docket #03-3247; filed 11-21-03*]

**TITLE 690. BOARD OF EXAMINERS FOR
SPEECH-LANGUAGE PATHOLOGY AND
AUDIOLOGY
CHAPTER 5. RULES OF PRACTICE**

[*OR Docket #03-3248*]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. ~~Individual Proceedings~~ Proceedings for Suspension, Revocation, or Reprimand [AMENDED]

690:5-5-1. Notice of proposed ~~hearing~~ hearings [AMENDED]

SUMMARY:

690:5-5-1. The rule change updates the Notice of a Hearing to include information regarding the licensee's right to legal counsel and the names of the members of the hearing panel.

AUTHORITY:

59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 14, 2004 at the following address: Jeanie Wall, OBESPA, P.O. Box 53592, Oklahoma City, OK 73152

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. January 17, 2004 at Keys Speech and Hearing, 825 N.E. 14th, Oklahoma City, Oklahoma, conference room. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on January 17, 2004 at the following address: Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by written request from the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 1140 N.W. 63rd, Suite 305, Oklahoma City, Oklahoma and on the Board website: www.obespa.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available on December 30, 2003.

CONTACT PERSON:

Karen Copeland, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 918-744-2291.

[OAR Docket #03-3248; filed 11-21-03]

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

[OAR Docket #03-3249]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure Speech-Language Pathologists and Audiologists [AMENDED]

690:10-3-3. Criteria considered for licensure [AMENDED]

690:10-3-4. Academic requirement [AMENDED]

690:10-3-5. Supervised clinical practicum requirement [AMENDED]

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

690:10-3-8. Continuing education for speech-language pathologists and audiologists [AMENDED]

SUMMARY:

690:10-3-3. Changed wording to include all equivalent accrediting agencies determined by the Board.

690:10-3-4.

a. Degree requirement 1&2 Clarification of the word "applicant" for speech-language pathologist and audiologist.

b. Clarification of academic transcripts for speech-language pathologist which includes: Inclusion of terminology of "professional" for description of course work; Changes from specific credit hours to specific knowledge that must be demonstrated; Transcript requirements for audiologist until December 31, 2006 and Wavier of transcript information.

690:10-3-5. Changes to supervised clinical practicum requirements

690:10-3-6. Changes to clinical experience requirements.

690:10-3-8. Continuing education for speech-language pathologists and audiologists changes to dates of acceptance of continuing education and audits of continuing education.

AUTHORITY:

59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 14, 2004 at the following address: Jeanie Wall, OBESPA, P.O. Box 53592, Oklahoma City, OK 73152

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. January 17, 2004 at Keys Speech and Hearing, 825 N.E. 14th, Oklahoma City, Oklahoma, conference room. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on January 17, 2004 at the following address: Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by written request from the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 1140 N.W. 63rd, Suite 305, Oklahoma City, Oklahoma and on the Board website: www.obespa.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available on December 30, 2003.

CONTACT PERSON:

Karen Copeland, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 918-744-2291.

[OAR Docket #03-3249; filed 11-21-03]

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

[OAR Docket #03-3250]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Licensure Of Clinical Experience Interns
[AMENDED]

690:10-5-1. License to practice as a clinical experience
intern [AMENDED]

690:10-5-5. Authorization period and extensions for
clinical experience interns [AMENDED]

690:10-5-8. Direct on-site supervision required
[AMENDED]

SUMMARY:

690:10-5-1. Explanation of full licensure fee.

690:10-5-5. Explanation of requirements for change of
supervisor.

690:10-5-8. Explanation of monitoring activities that may
be executed by correspondence.

AUTHORITY:

59 O.S., 2001 § 1613; Board of Examiners for
Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so
before 5:00 p.m. on January 14, 2004 at the following address:
Jeanie Wall, OBESPA, P.O. Box 53592, Oklahoma City, OK
73152

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. January 17,
2004 at Keys Speech and Hearing, 825 N.E. 14th, Oklahoma
City, Oklahoma, conference room. Anyone who wishes to
speak must sign in at the door by 9:45 a.m.

**REQUEST FOR COMMENTS FROM BUSINESS
ENTITIES:**

Business entities affected by these proposed rules are
requested to provide the agency with information, in dollar
amounts if possible, about the increase in the level of direct
costs, indirect costs, or other costs expected to be incurred
by the business entity due to compliance with the proposed
rules. Business entities may submit this information in writing
by the conclusion of the comment period and public hearing
on January 17, 2004 at the following address: Board of
Examiners for Speech-Language Pathology and Audiology,
P.O. Box 53592, Oklahoma City, OK 73152

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by
written request from the Oklahoma Board of Examiners
for Speech-Language Pathology and Audiology, 1140 N.W.
63rd, Suite 305, Oklahoma City, Oklahoma and on the Board
website: www.obespa.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will
be issued and made available on December 30, 2003.

CONTACT PERSON:

Karen Copeland, Board Chair of the Oklahoma Board of
Examiners for Speech-Language Pathology and Audiology,
918-744-2291.

[OAR Docket #03-3250; filed 11-21-03]

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

[OAR Docket #03-3251]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Authorization of Assistants [AMENDED]

690:10-7-1. Authorization to practice as an assistant
[AMENDED]

SUMMARY:

690:10-7-1. Clarification that nothing in this section is to
be used to prevent an independent practitioner from employing
any individual in non-clinical capacities.

AUTHORITY:

59 O.S., 2001 § 1613; Board of Examiners for
Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so
before 5:00 p.m. on January 14, 2004 at the following address:
Jeanie Wall, OBESPA, P.O. Box 53592, Oklahoma City, OK
73152

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. January 17,
2004 at Keys Speech and Hearing, 825 N.E. 14th, Oklahoma
City, Oklahoma, conference room. Anyone who wishes to
speak must sign in at the door by 9:45 a.m.

**REQUEST FOR COMMENTS FROM BUSINESS
ENTITIES:**

Business entities affected by these proposed rules are
requested to provide the agency with information, in dollar
amounts if possible, about the increase in the level of direct
costs, indirect costs, or other costs expected to be incurred
by the business entity due to compliance with the proposed
rules. Business entities may submit this information in writing
by the conclusion of the comment period and public hearing
on January 17, 2004 at the following address: Board of
Examiners for Speech-Language Pathology and Audiology,
P.O. Box 53592, Oklahoma City, OK 73152

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by
written request from the Oklahoma Board of Examiners
for Speech-Language Pathology and Audiology, 1140 N.W.

Notices of Rulemaking Intent

63rd, Suite 305, Oklahoma City, Oklahoma and on the Board website: www.obespa.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available on December 30, 2003.

CONTACT PERSON:

Karen Copeland, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 918-744-2291.

[OAR Docket #03-3251; filed 11-21-03]

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

[OAR Docket #03-3252]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Fees [AMENDED]

690:10-9-2. License renewal fee [AMENDED]

690:10-9-7. Inactive status fee [AMENDED]

SUMMARY:

690:10-9-2. Increase in license renewal fee and changes to late fees.

690:10-9-7. Clarification that a licensee must be in compliance with continuing education requirements to be placed on inactive status.

AUTHORITY:

59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 14, 2004 at the following address: Jeanie Wall, OBESPA, P.O. Box 53592, Oklahoma City, OK 73152

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. January 17, 2004 at Keys Speech and Hearing, 825 N.E. 14th, Oklahoma City, Oklahoma, conference room. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on January 17, 2004 at the following address: Board of Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by written request from the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 1140 N.W. 63rd, Suite 305, Oklahoma City, Oklahoma and on the Board website: www.obespa.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available on December 30, 2003.

CONTACT PERSON:

Karen Copeland, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 918-744-2291.

[OAR Docket #03-3252; filed 11-21-03]

TITLE 690. BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY CHAPTER 15. PROFESSIONAL CODE OF ETHICS

[OAR Docket #03-3253]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

690:15-1-3. Principles of ethics [AMENDED]

690:15-1-4. Ethical proscriptions [AMENDED]

SUMMARY:

690:15-1-3. Deletion of duplicate information.

690:15-1-4. Change in wording of formal statement of prohibitions that are derived from the Principles of Ethics.

AUTHORITY:

59 O.S., 2001 § 1613; Board of Examiners for Speech-Language Pathology and Audiology.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00 p.m. on January 14, 2004 at the following address: Jeanie Wall, OBESPA, P.O. Box 53592, Oklahoma City, OK 73152

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. January 17, 2004 at Keys Speech and Hearing, 825 N.E. 14th, Oklahoma City, Oklahoma, conference room. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on January 17, 2004 at the following address: Board of

Examiners for Speech-Language Pathology and Audiology, P.O. Box 53592, Oklahoma City, OK 73152

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by written request from the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 1140 N.W. 63rd, Suite 305, Oklahoma City, Oklahoma and on the Board website: www.obespa.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available on December 30, 2003.

CONTACT PERSON:

Karen Copeland, Board Chair of the Oklahoma Board of Examiners for Speech-Language Pathology and Audiology, 918-744-2291.

[OAR Docket #03-3253; filed 11-21-03]

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

[OAR Docket #03-3224]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Teacher Preparation Teacher Assessment 712:10-7-1. [AMENDED]

SUMMARY:

The proposed revision to Subchapter 7 would allow out-of-state educators who are seeking Oklahoma teacher certification to be exempt from parts of Oklahoma's certification examination for which they have completed comparable testing.

AUTHORITY:

Oklahoma Commission for Teacher Preparation; 70 O.S. Supp. 1998, §6-180 et seq. Oklahoma Teacher Preparation Act

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 13, 2004 at the following address: Ted Gillispie, Oklahoma Commission for Teacher Preparation, 4545 N. Lincoln Boulevard, Suite 275, Oklahoma City, OK 73105-3418.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, January 14, 2004 in the Lincoln Plaza Office Park, Room 269 (Green Room), 4545 North Lincoln Boulevard, Oklahoma City, OK, 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency within the comment period, with information, in dollar amounts if possible, about he

increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Ted Gillispie, at the above address, before the close of the comment period.

COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained from the Commission for Teacher Preparation, 4545 North Lincoln Boulevard, Suite 275, Oklahoma City, OK 73105-3418.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303 (D), a rule impact statement will be prepared and may be obtained from the Commission for Teacher Preparation at the above address beginning on December 31, 2003.

CONTACT PERSON:

Ted Gillispie, Executive Director, (405) 525-2612

[OAR Docket #03-3224; filed 11-18-03]

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

[OAR Docket #03-3269]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Veterinarians [AMENDED]

SUMMARY:

The proposed revisions to chapter 10, includes a fee increase for renewal of a veterinary license and an increase for renewal of a registration for veterinary technicians.

AUTHORITY:

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

COMMENT PERIOD:

Written comments will be accepted January 5, 2004 through February 5, 2004 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

PUBLIC HEARING:

Public Hearing is scheduled on March 5, 2004, 7:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules.

Notices of Rulemaking Intent

Business entities may submit this information in writing to Cathy Kirkpatrick at the above address during the period from January 5, 2004 to February 5, 2004.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #03-3269; filed 11-24-03]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 1. OPERATIONS AND
PROCEDURES**

[OAR Docket #03-3254]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Operations and Procedures [AMENDED]

SUMMARY:

The proposed rule amendments are to increase publication charges in accordance with House Bill 1663 and add new publications now available.

AUTHORITY:

Title 29 O.S., Sections 3-103, 5-401; Article XXVI, Sections 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 16, 2004, at the following address: Oklahoma Department of Wildlife Conservation, Room 219, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105.

PUBLIC HEARINGS:

A public hearing has not been scheduled, however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Nels Rodefled, Assistant Chief of Information and Education Division, at the above address or by calling 405/521-4635 no later than 4:30 p.m. January 16, 2004.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, Room 219.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 19, 2003 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Nels Rodefled, Assistant Chief of Information and Education Division, 405/521-4635 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #03-3254; filed 11-21-03]

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 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 85. EMERGENCY SHELTER GRANT PROGRAM

[OAR Docket #03-3279]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

150:85-1-6. [AMENDED]

150:85-1-7. [AMENDED]

150:85-1-8. [AMENDED]

150:85-1-9. [AMENDED]

150:85-1-10. [AMENDED]

150:85-1-12. [AMENDED]

SUBMITTED TO GOVERNOR:

November 25, 2003

SUBMITTED TO HOUSE:

November 25, 2003

SUBMITTED TO SENATE:

November 25, 2003

[OAR Docket #03-3279; filed 11-25-03]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 90. COMMUNITY SERVICES BLOCK GRANT PROGRAM

[OAR Docket #03-3278]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

150:90-1-7. [AMENDED]

150:90-1-9. [AMENDED]

SUBMITTED TO GOVERNOR:

November 25, 2003

SUBMITTED TO HOUSE:

November 25, 2003

SUBMITTED TO SENATE:

November 25, 2003

[OAR Docket #03-3278; filed 11-25-03]

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

[OAR Docket #03-3285]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 41. Control of Emission of Hazardous Air
Pollutants and Toxic Air Contaminants

Part 3. Hazardous Air Pollutants

252:100-41-15. [AMENDED]

SUBMITTED TO GOVERNOR:

November 24, 2003

SUBMITTED TO HOUSE:

November 24, 2003

SUBMITTED TO SENATE:

November 24, 2003

[OAR Docket #03-3285; filed 11-25-03]

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

[OAR Docket #03-3286]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Appendix E. Primary Ambient Air Quality Standards
[REVOKED]

Appendix E. Primary Ambient Air Quality Standards
[NEW]

Appendix F. Secondary Ambient Air Quality Standards
[REVOKED]

Appendix F. Secondary Ambient Air Quality Standards
[NEW]

SUBMITTED TO GOVERNOR:

November 24, 2003

SUBMITTED TO HOUSE:

November 24, 2003

SUBMITTED TO SENATE:

November 24, 2003

[OAR Docket #03-3286; filed 11-25-03]

Submissions for Review

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

[OAR Docket #03-3255]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. Medical Micropigmentation Certification

310:234-3-1. [AMENDED]

310:234-3-3.1. [NEW]

310:234-3-4. [AMENDED]

Subchapter 9. Standards For Medical Micropigmentation

310:234-9-1.1. [NEW]

SUBMITTED TO GOVERNOR:

November 21, 2003

SUBMITTED TO HOUSE:

November 21, 2003

SUBMITTED TO SENATE:

November 21, 2003

[OAR Docket #03-3255; filed 11-21-03]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 281. ~~IONIZING RADIATION~~ ~~REGULATIONS~~DIAGNOSTIC X-RAY SYSTEMS

[OAR Docket #03-3256]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Chapter 281. ~~Ionizing Radiation Regulations~~Diagnostic
X-Ray Systems [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2003

SUBMITTED TO HOUSE:

November 21, 2003

SUBMITTED TO SENATE:

November 21, 2003

[OAR Docket #03-3256; filed 11-21-03]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 400. LICENSED MARITAL AND FAMILY THERAPISTS

[OAR Docket #03-3257]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 7. Application for Licensure

310:400-7-2.1. [NEW]

Subchapter 9. Licensure Examinations

310:400-9-7. [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2003

SUBMITTED TO HOUSE:

November 21, 2003

SUBMITTED TO SENATE:

November 21, 2003

[OAR Docket #03-3257; filed 11-21-03]

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

[OAR Docket #03-3258]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 7. Application Procedures

310:405-7-4. [NEW]

310:405-7-5. [NEW]

310:405-7-6. [NEW]

310:405-7-7. [NEW]

SUBMITTED TO GOVERNOR:

November 21, 2003

SUBMITTED TO HOUSE:

November 21, 2003

SUBMITTED TO SENATE:

November 21, 2003

[OAR Docket #03-3258; filed 11-21-03]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 555. NOTIFICATION OF
COMMUNICABLE DISEASE RISK
EXPOSURE REGULATIONS**

[OAR Docket #03-3259]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

310:555-1-1. [AMENDED]

310:555-1-2. [AMENDED]

310:555-1-3. [AMENDED]

310:555-1-4. [AMENDED]

SUBMITTED TO GOVERNOR:

November 21, 2003

SUBMITTED TO HOUSE:

November 21, 2003

SUBMITTED TO SENATE:

November 21, 2003

[OAR Docket #03-3259; filed 11-21-03]

**TITLE 385. DEPARTMENT OF THE
COMMISSIONERS OF THE LAND OFFICE
CHAPTER 15. SALE AND OPERATION OF
OIL AND GAS LEASES**

[OAR Docket #03-3287]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

385:15-1-4. Lands available for leasing [AMENDED]

385:15-1-5. Newspaper advertising requirement [AMENDED]

385:15-1-6. Public bid process [AMENDED]

385:15-1-7. Advertising deposit [AMENDED]

385:15-1-9. Performance fee, bond and bonus deadline [AMENDED]

385:15-1-14. Seismograph permits [AMENDED]

385:15-1-18. Forms available on request [AMENDED]

385:15-1-20. Bond requirements [AMENDED]

385:15-1-22. Well installation and maintenance requirements [AMENDED]

385:15-1-32. Deposit and fee schedule [AMENDED]

SUBMITTED TO GOVERNOR:

November 25, 2003

SUBMITTED TO HOUSE:

November 25, 2003

SUBMITTED TO SENATE:

November 25, 2003

[OAR Docket #03-3287; filed 11-25-03]

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

[OAR Docket #03-3214]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

Subchapter 1. General Provisions

435:15-1-1.1. Definitions [AMENDED]

Subchapter 9. Guidelines for the Utilization of Physician Assistants

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

GUBERNATORIAL APPROVAL:

October 29, 2003

[OAR Docket #03-3214; filed 11-14-03]

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 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 95. QUALIFIED SPACE TRANSPORTATION VEHICLE PROVIDER

[OAR Docket #03-3277]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

150:95-1-1. [NEW]
150:95-1-2. [NEW]
150:95-1-3. [NEW]
150:95-1-4. [NEW]
150:95-1-5. [NEW]

AUTHORITY:

Authority 68 O.S. § 2357.42, 68 O.S. §§ 3601 et seq., and the legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq.

DATES:

Adoption:

October 24, 2003

Approved by Governor:

November 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:

Superseded rules:

150:65-9-1. [NEW] (superseded by 150:95-1-1)
150:65-9-2. [NEW] (superseded by 150:95-1-2)
150:65-9-3. [NEW] (superseded by 150:95-1-3)
150:65-9-4. [NEW] (superseded by 150:95-1-4)
150:65-9-5. [NEW] (superseded by 150:95-1-5)

Gubernatorial approval:

September 5, 2003

Register publication:

21 Ok Reg 15

Docket Number:

03-3116

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

68 O.S. § 2357.42 requires the Oklahoma Department of Commerce to provide a process for preapproval of applications for the Oklahoma Quality Jobs Program Act or the Former Military Facility Development Act. In order for the objectives of 68 O.S. § 2357.42 to be carried out, it is necessary that an application preapproval process be established. Therefore, the orderly process for review and preapproval of applications is a compelling public interest.

ANALYSIS:

The Emergency Rules provide a systematic, equitable method for making application for preapproval for the Oklahoma Quality Jobs Program Act or the Former Military Facility Development Act which is a prerequisite before the application for tax credits by interested Qualified Space Transportation

Providers. The Emergency Rules establish a framework for making application and a framework for the Oklahoma Department of Commerce to notify applicants.

CONTACT PERSON:

Donald R. Hackler, Jr. (405) 815-5359

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):

150:95-1-1. Purpose and scope

The purpose of these rules is to implement those provisions of 68 O.S. § 2357.42 which provide procedures for preapproval of applicants for the Oklahoma Quality Jobs Program Act or the Former Military Facility Development Act.

150:95-1-2. Definitions

In addition to those terms defined elsewhere in this chapter, the following words and terms when used in this subchapter shall have the following meaning unless the context clearly indicates otherwise.

"Department" means the Oklahoma Department of Commerce established pursuant to 74 O.S. §§ 5001 et seq. and any successor agencies thereto.

"Director" means the duly appointed and acting Director of the Department or during any period of time that the position of Director is vacant; such term shall refer to the person serving as the acting director.

"Eligible investment" means an investment made during a period not earlier than January 1, 2001, and not later than December 31, 2003, in a Qualified Space Transportation Vehicle Provider that:

(A) is headquartered in this state or is ultimately controlled by an entity headquartered in this state,

(B) has been certified by the Oklahoma Tax Commission as meeting the following minimum qualifications:

(i) is included within the definition of "basic industry" as set forth in division (1) of subparagraph a of paragraph 1 of subsection A of Section 3603 of this title and has been preapproved by the

Emergency Adoptions

Oklahoma Department of Commerce to receive incentive payments pursuant to the Oklahoma Quality Jobs Program Act or the Former Military Facility Development Act. The Department shall establish a process for preapproval of applicants for the Oklahoma Quality Jobs Program Act or the Former Military Facility Development Act for purposes of this division. The Qualified Space Transportation Vehicle Provider shall agree to submit such information as may be required under this section and the Oklahoma Quality Jobs Program Act or the Former Military Facility Development Act to allow the Tax Commission to determine the amount of the tax credit allowed pursuant to the provisions of this section and the amount of incentive payments allowed pursuant to the Oklahoma Quality Jobs Program Act or the Former Military Facility Development Act for purposes of subsection K of this section.

(ii) has equity capitalization of not less than Ten Million Dollars (\$10,000,000.00), and
(iii) has received a commitment by a local governmental entity, whether by contract, letter agreement, terms sheet, resolution, ordinance or indenture, to provide funds, personal property or real property in the aggregate amount of Fifteen Million Dollars (\$15,000,000.00) or more which will be utilized by one or more Qualified Space Transportation Vehicle Providers. For purposes of this division, such property may include personal or real property owned by a local governmental entity which has been leased to a state authority pursuant to a long-term lease or personal or real property which a local governmental entity has transferred to a state authority. If such property has been so transferred, the commitment required by this division may be satisfied if the state authority agrees in writing to make the property so transferred available for use by one or more Qualified Space Transportation Vehicle Providers. [68 O.S. § 2357.42(C)(1)]

"Headquartered in this state" means the principal place of business of the Qualified Space Transportation Vehicle Provider is within the State of Oklahoma, and that at least 67% of its employment and business activity is conducted within the State of Oklahoma.

"NAICS Manual" means any manual, book or other publication containing the North American Industry Classification System, United States, 1997, promulgated by the Office of Management and Budget of the United States of America, or the latest revised edition;

"Principal" means anyone owning at least 20% of the voting stock of Qualified Space Transportation Vehicle Provider.

"Qualified Space Transportation Vehicle Provider" means any commercial provider organized under the laws of

this state as a corporation or a limited liability company and engaged in designing, developing, producing, or operating commercial space transportation vehicles in this state. [68 O.S. § 2357.42(C)(2)];

"Space transportation vehicle" includes all types of vehicles or orbital or suborbital spacecraft, whether now in existence, developed in the future, or currently under design, development, construction, reconstruction, or reconditioning, constructed in this state and owned by a Qualified Space Transportation Vehicle Provider, for the purpose of operating in, or transporting a payload to, from, or within, outer space, or in suborbital trajectory, and includes any component of such vehicle or spacecraft not specifically designed or adapted for a payload. [68 O.S. § 2357.42(C)(3)]

150:95-1-3. Applications for Preapproval

(a) The Department will require Qualified Space Transportation Providers to provide all of the following information in order to preapprove their Oklahoma Quality Jobs Program Act or the Former Military Facility Development Act applications under the provisions of 68 O.S. § 2357.42. Only businesses that are or will be Headquartered in Oklahoma and with sufficient resources to make the Eligible Investment can make an Application for Preapproval. The following information, at a minimum, will be required from all applicants for preapproval in a format to be designated by the Director.

- (1) NAICS code numbers;
- (2) Business plans covering at a minimum of the next three (3) full years from date of application, and all assumptions used in creation of the business plans;
- (3) The location of all of the Qualified Space Transportation Vehicle Provider's operations, and an explanation of meeting the requirement of Headquartered in this state;
- (4) Projected new job creation in Oklahoma, including projected wages and benefits to be paid to the Oklahoma workers, for the same period as the business plans including titles or types of workers, number(s) of positions in each category and average pay for each position for the anticipated for the 3rd year after application approval date;
- (5) Detail explanation of the business operations of the Qualified Space Transportation Vehicle Provider to be conducted in the State of Oklahoma;
- (6) Detailed explanation of the Qualified Space Transportation Vehicle Provider's plans for selling the tax credits including potential buyers and anticipated discount;
- (7) Feasibility studies;
- (8) Financing proposals;
- (9) Last four OESC-3 reports or all that are available;
- (10) Oklahoma Tax Commission Registration;
- (11) Financial statements of Principals;
- (12) Sale contracts;
- (13) Marketing plans;
- (14) Industry trends;
- (15) Historical data on management in place;

(16) Organization structure of the Qualified Space Transportation Vehicle Provider and any related business or governmental entities and the nature of the relationships; particularly, the Department may inquire whether any Qualified Space Transportation Vehicle Provider files a consolidated tax return with any of its related entities along with copies of the Articles of Incorporation, Bylaws, and stock ledger of Qualified Space Transportation Vehicle Provider and any related business;

(17) A full and complete description of the eligible investment to be made by the Qualified Space Transportation Vehicle Provider including the nature of the eligible investment; its location; and any contractual conditions, liens, or pledges that impact the liquidity of the eligible investment; and

(18) To determine a Qualified Space Transportation Vehicle Provider's qualification, the Department may request and consider other information in addition to that listed in the application, concerning the applicant, the applicant's industry, or other information needed by the Department, in the Department's sole discretion.

(b) All materials received from the Qualified Space Transportation Vehicle Provider may be kept confidential by the Department, if permitted by the Oklahoma Open Records Act, Open Records Act 51 O.S. §§24A.1 - 24A.26, and the Department's exemption to said Act as set forth in 51 O.S. §24A.10(C).

(c) The Director, in the Director's sole discretion, may share the information in the application for preapproval from the Qualified Space Transportation Vehicle Provider, with analysts outside the Department for the purpose of making a full and complete review of the application for preapproval.

150:95-1-4. Approval of Applications for Preapproval

(a) The Director shall determine which projects qualify for preapproval for the Oklahoma Quality Jobs Programs Act or the Former Military Facility Development Act based upon the following factors:

- (1) Financial analysis along with analysis of the marketing, management, and operations of the applicant.
- (2) The applicant supports or complements existing economic or manufacturing activity in the State.
- (3) New Oklahoma job creation projected by the applicant.
- (4) The new Oklahoma projected payroll from the new job creation.
- (5) Employee benefits provided by the applicant.
- (6) Employee training provided by the applicant.
- (7) Environmental issues that would result from recommendation of the applicant's project.
- (8) The timeline from the beginning of operations to finished project and creation of all projected jobs
- (9) The other funds committed for the project
- (10) The impact on the local area.

(b) If the Director determines that, based upon the criteria set forth above, the applicant and the applicant's project qualifies for preapproval, the Director will issue the preapproval.

150:95-1-5. Transmittal of Notice of Preapproval: Notice to Applicant and the Oklahoma Tax Commission

(a) Within ten (10) days following the Director's decision to preapprove an application, the Director shall notify the Qualified Space Transportation Provider and the Oklahoma Tax Commission of such decision.

(b) If the Director determines that the project for which preapproval is being sought does not qualify, then the Director shall notify the applicant in writing within ten (10) days following such determination.

[OAR Docket #03-3277; filed 11-25-03]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 1. STATE BOARD OF EDUCATION**

[OAR Docket #03-3232]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 5. Due Process
210:1-5-8 [AMENDED]

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

DATES:

Adoption:
July 24, 2003

Approved by Governor:
August 21, 2003

Effective:
Immediately upon Governor's approval or August 29, 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:
The proposed change is to delete language currently in the rules for hearings for career and probationary teachers and is necessitated by a change in the law. The changes delete all references to career teachers in hearing procedures. These changes are necessary to comply with House Bill 1767.

ANALYSIS:
The rule amendments delete references to career teachers in the State Board of Education rules for due process hearings. In the past legislative session the law was changed to specify a different type of hearing for career teachers. It is, therefore, necessary to delete these rules as they are no longer applicable to career teachers.

CONTACT PERSON:
Valerie Payne, 405-521-3308

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR AUGUST 29, 2003, WHICHEVER IS LATER, AS SET FORTH IN 75 O.S., SECTION 253 (D):

Emergency Adoptions

SUBCHAPTER 5. DUE PROCESS

210:1-5-8. Teacher due process hearings; hearing procedures; ~~career and probationary teachers~~

(a) The parties to the hearing are the ~~career or probationary~~ teacher and the district superintendent or designee and they shall be afforded the following rights at any hearing held pursuant to these regulations.

- (1) The right to be represented.
- (2) The right to present witnesses in person or to present their testimony by interrogatories, affidavits, or depositions. A list of all witnesses shall be furnished to the other party at least five (5) days before the hearing.
- (3) The right to cross-examine witness.
- (4) The right to testify in his/her own behalf and present evidence and argument on all issues involved.
- (5) The right to have an orderly hearing.
- (6) The right to have an impartial decision based upon the evidence presented.

(b) The President of the school board, or in case of absence a designee, shall be the presiding officer at the hearing.

(c) All hearings shall conform to the following:

- (1) Hearings held within the scope of these guidelines shall be convened by the President of the board who shall state the purpose of the hearing, introduce the parties and administer the oath to all persons who will testify.
- (2) Upon the request of either party, the Presiding Officer may exclude from the hearing room the witnesses not at the time under examination, except that a party to the proceeding and his/her representative shall not be excluded.
- (3) At the hearing, the burden of proof shall be on the superintendent and the standard of proof shall be by a preponderance of the evidence.
- (4) While a record of the hearing is not required by law, the State Board of Education strongly suggests that the local board of education maintain such a record (including a tape recording of the hearing and any documents or evidence presented to the board) for two (2) years from the date of the hearing. ~~Procedures for conducting hearings shall apply for career and probationary teachers.~~
- (5) Informal disposition of any recommendation for dismissal or nonrenewal may be made by written stipulation, agreed settlement, consent order or default.

(d) The order of procedures shall be:

- (1) Opening statement by superintendent.
- (2) Opening statement by the teacher.
- (3) Presentation of superintendent's evidence, followed by cross-examination of witnesses by teacher.
- (4) Questions by local board members.
- (5) Presentation of teacher's evidence followed by cross-examination of witnesses by superintendent.
- (6) Questions by local board members.
- (7) Presentation of Rebuttal and Surrebuttal Evidence as necessary.
- (8) Closing argument by superintendent.
- (9) Closing argument by teacher.

(10) Deliberation by local board.

(11) Vote by local board to accept or reject the superintendent's recommendation and recitation of findings of fact upon which the decision is based.

(e) Presentation and consideration of evidence shall abide by the following:

- (1) Only evidence which reasonably relates to the issues before the board, as reflected in the notice to the teacher, should be deemed relevant.
- (2) Strict rules of evidence as required by a court of law shall not apply in these hearings.
- (3) Rulings on admissibility of evidence will be made by the Presiding Officer.
- (4) Documentary evidence may be received in the form of copies or excerpts.
- (5) Documentary evidence presented to the board shall be marked with a distinguishing number or letter such as Teacher's Exhibit #1 or Superintendent's Exhibit #1.
- (6) While hearings are open to the public, no questions or statements will be allowed by members of the public attending the hearing except through the parties or their council.

(f) Decision on hearing will be rendered.

- (1) After due consideration of the evidence and the testimony presented at the hearing, the local board shall decide whether to dismiss or nonreemploy the teacher.
- (2) The board's decision shall be voted in open meeting.
- (3) The decision of the board shall include a recitation of the basic or underlying facts relied upon by the board in reaching its decision.
- (4) The board shall notify the ~~career or probationary~~ teacher in writing of its decision as set out above by certified mail, restricted delivery, return receipt requested or substitute process as authorized by law.

(g) ~~The right to appeal is limited to career teachers.~~

~~(1) If the decision of the local school board is to dismiss or nonreemploy a career teacher, the board shall include notification of the teacher's right to petition for a trial de novo in the district court within ten (10) days of the teacher's receipt of the decision.~~

(25) The school board's decision regarding the dismissal or nonreemployment of a probationary teacher is final.

[OAR Docket #03-3232; filed 11-19-03]

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

[OAR Docket #03-3234]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 13. Student Assessment
210:10-13-2 [AMENDED]
210:10-13-4 [AMENDED]
210:10-13-11 [AMENDED]

210:10-13-13 [REVOKED]
210:10-13-14 [REVOKED]
210:10-13-18 [NEW]

AUTHORITY:

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

DATES:

Adoption:

September 18, 2003

Approved by Governor:

November 6, 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:

The proposed change is mandated by amendments to 70 O.S. § 1210.58 and 70 O.S. § 1210.541 (State House Bill 1414 of 2003) and the federal No Child Left Behind Act of 2001, Public Law 107-110), which requires the Oklahoma State Board of Education to promulgate rules for establishing for all public elementary and secondary schools a single accountability system that is based on Adequate Yearly Progress (AYP).

ANALYSIS:

The rule amendment is of compelling public interest in that it is needed to comply with federal and state mandates. Elementary and secondary schools must have a single accountability system based on AYP which includes: criteria for AYP; procedures for inclusion of students previously excluded in AYP calculations; procedures for excluding highly mobile students from AYP calculations; procedures for assuring validity of AYP decisions, such as consequences of testing irregularities/misconduct on test scores and AYP determinations and procedures for schools to review AYP data and appeal accountability decisions; sanctions and rewards for all public elementary and secondary schools in the state based on their AYP status; and flexibility in the use of seals on test booklets when sealing may prolong the scanning and scoring of test booklets and hence delay return of score reports that would prohibit meeting the timeline of AYP reports according to federal law. The rule change would also add alternate assessment as an option for students with disabilities who cannot participate in the general statewide assessment, as required by the federal Individuals with Disabilities Education Act Amendments of 1997, and would include results of alternate assessments in the AYP calculations.

CONTACT PERSON:

Valerie Payne, 405-521-3308

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 13. STUDENT ASSESSMENT

210:10-13-2. Oklahoma school testing program School Testing Program (OSTP) scope and general administration

(a) All public school districts shall administer the state mandated academic achievement tests of the OSTP to all students enrolled in the designated grades. The series of tests shall be field-tested/implemented by the amended schedule in Title 70 O.S., Section 1210.508, or federal law.

(1) Students with Individualized Education Programs (IEPs) shall have an appropriate statement on the IEP

requiring administration of the Oklahoma School Testing Program (OSTP) general assessment with or without accommodations or an alternate assessment as part of the Oklahoma School Testing Program (OSTP). Any accommodations normally employed and needed must exist on the IEP. All documentation for each student shall be on file in the local school before tests are administered. (2) ~~Students who have been determined to be limited English proficient (LEP), also known as English language learners (ELL), as identified in Public Law H.R.1 will be included in the state mandated tests. ELL students are those who have been appropriately identified, through English proficiency screening by the local school districts, as requiring specialized instructional services designed to increase their English proficiency and academic performance. For every student identified as ELL, the local district shall have on file verification that the student is receiving special instruction designed for the specific purpose of improving the ELL student's English proficiency. Students identified as ELL will be included in the state mandated testing in the following ways: All students who have been determined to be limited English proficient (LEP), also known as English language learners (ELL), as identified in Public Law 107-110 shall be included in all of the state-mandated academic achievement tests of the OSTP. ELL students are those who have been appropriately identified, through English proficiency screening by the local school districts, as requiring specialized instructional services designed to increase their English proficiency and academic performance. For every student identified as ELL, the local district shall have on file verification that the student is receiving special instruction designed for the specific purpose of improving the ELL student's English proficiency.~~

(A) ~~ELL students will be administered an annual assessment of English proficiency (measuring students' oral language, reading and writing skills in English) by the local school district, beginning with their first year of enrollment, according to federal legislation.~~

(B) ~~ELL students shall be administered the state mandated academic achievement tests in reading and language (written in English) after they have attended school in the United States (not including Puerto Rico) for three (3) or more consecutive school years, except that if the local school district determines on a case by case individual basis, that a student has not yet reached a level of English language proficiency that will allow valid and reliable information to be obtained, even with testing accommodations, in which case individual waivers will be allowed for up to two additional consecutive years.~~

(C) ~~The achievement of ELL students in content areas other than reading and language arts shall be assessed in a valid and reliable manner, with acceptable accommodations as necessary to be determined by the local school district. These assessments will include the state achievement tests administered with~~

Emergency Adoptions

~~accommodations as necessary and, to the extent practicable, assessments provided by the local school district in the language and form most likely to yield accurate data on what such students know and can do in these content areas and will continue until such students have achieved English language proficiency as determined under paragraph (A).~~

(A) Students identified as ELL shall be assessed in a valid and reliable manner with the state academic assessments with acceptable accommodations as necessary and, to the extent practicable, with alternate assessments aligned to the state assessment provided by the local school district in the language and form most likely to yield accurate data on what such students know and can do in these content areas; these alternate assessments will continue until such students have achieved English language proficiency with the exception noted in paragraph (B).

(B) If ELL students are administered the state-mandated reading and language arts achievement tests in a language other than English, this will be allowed only during their first three consecutive years of school attendance in the United States (not including Puerto Rico). After these first three years these tests must be administered in English, except that if the local school district determines on a case-by-case basis, that a student has not yet reached a level of English language proficiency that will allow valid and reliable information to be obtained, even with testing accommodations, in which case individual waivers will be allowed by the local district for up to two additional consecutive years, according to federal law.

(b) On an annual basis, school superintendents or their designees shall provide a copy of the State Board of Education Rules, OAC 210:10-13, for all school personnel responsible for receipt, inventory, distribution, or return of tests documents, and/or for administration of tests within the Oklahoma School Testing Program.

(c) Districts may request special reports beyond those provided by state contract with the testing company at their own cost (i.e., individual student records on CD or disk, District Title I Report, District Alpha Order Report, etc.).

(d) Test results of all students not enrolled in schools in the district for a full academic year will shall be disaggregated and will shall not be used to determine the progress of the district according to federal law. Test results of all students not enrolled in a school site for a full academic year shall be disaggregated and shall not be used to determine the progress of the school site except in the case of "transition" years when a student moves sequentially from one site to another site at the next higher grade within the same district, according to federal law.

(e) Test results of all students who have been placed in a facility within a district by state- or court-order, shall not be used to determine the progress of the site or the district. Instead their scores will be used in accountability calculations in one statewide "virtual" district.

210:10-13-4. Test security and validity

(a) School administrators or their designees shall maintain security on tests administered under the auspices of the Oklahoma School Testing Program through following the procedures listed below:

(1) School superintendents shall designate both district and building test coordinators before October 1 of each school year. Names and telephone numbers of district test coordinators shall be recorded on the OSTP Questionnaire conducted in the fall semester of each school year. This questionnaire is the order form ~~for the provided by the testing vendors for all tests in the OSTP including large print and Braille test forms.~~

(2) The State Department of Education shall provide student/parent pretest information materials to schools for designated grade levels before testing.

(3) The State Department of Education shall require the contracting test publisher to place an embargo on the sale, sampling, and/or distribution of test materials utilized in the OSTP to any person or organization in Oklahoma (other than the official distribution of such materials purchased for the OSTP by the State Department of Education). This embargo is to be enforced from the first day of contract with the State Department of Education throughout use of this test for the OSTP and until the Department has given notice that the test series is no longer going to be used in the OSTP. The State Department of Education may enter into a Memorandum of Understanding with publicly funded schools to meet the requirements of federal programs. Violation of this agreement by a contracting test publisher can result in automatic and immediate forfeiture of the contract and reimbursement to the State Department of Education (by the contracting company) of any funds expended in the conduct of the OSTP.

(4) No person nor organization--either private or public--shall obtain copies of any test materials utilized in the OSTP other than through the official distribution of test materials to public schools immediately prior to administration of the annual OSTP. Any person or organization attempting to order such materials from the contracting test publisher (or from other scoring companies handling OSTP or "off-grade" scoring and reporting) shall be reported by the contractor to the State Superintendent of Public Instruction.

~~(5) All student test materials (i.e., test booklets, prompts for writing assessment, and answer documents) shall be bound by the test publisher in packages of designated lot sizes. Test booklets shall be individually sealed prohibiting them from being opened. Seals shall remain intact until tests are distributed to students at the beginning of the test administration session. Each test booklet seal shall be broken only by the student who is administered the test except where special education or Section 504 accommodations allow the opening of the test by someone other than the student. Unused tests are to remain sealed.~~All student test materials (i.e., test booklets, prompts for writing assessment, and answer

documents) shall be bound by the test publisher in packages of designated lot sizes. Test booklets shall be individually sealed, as practicable, to prohibit them from being opened. When seals are used, the following procedures shall be followed: they shall remain intact until tests are distributed to students at the beginning of the test administration session; each test booklet seal shall be broken only by the student who is administered the test, except where special education or Section 504 accommodations allow the opening of the test; and unused tests shall remain sealed. When seals are not used, the following procedures shall be followed: tests booklets shall remain closed until distributed to students at the beginning of these test administration session; each test booklet shall be opened only by the student who is administered the test, except where special education or Section 404 accommodations allow the opening of the book and turning of pages by someone other than the students. No test booklets shall be viewed by any person other than the student taking the test at the time of testing, except in the case of special education, Section 504, or ELL accommodations which allow a test administrator to assist a student being tested.

(6) All test materials shall be inventoried upon receipt from the test publisher/contractor. Any discrepancies representing shortages in the quantity of materials supplied and the quantity needed for tests administered shall be reported immediately to the contracting company by the district test coordinator. Immediately upon receipt and inventory of materials, all tests, and other materials shall be locked in a secure place by the district test coordinator or school administrator. The site level distribution of test documents and materials may occur beginning one school day prior to testing. Exceptions to the test materials distribution time limit needed by the largest districts in the state shall be registered with and approved by the Student Assessment Section of the State Department of Education at least ~~six~~four weeks prior to the first designated testing window of each year. During the days in which tests are being administered in each school district, all test administrators are responsible for locking all test materials in a secure place when the tests are not being utilized in the official test administration with students. This includes the time period between completion of the test administration and delivery of the answer documents and other test materials to the district test coordinator. Further, the building test coordinator is responsible for ensuring that materials are properly locked in a secure place at the times specified above. Test booklets are not to leave school buildings at any time (i.e., students' test booklets are not to be taken home by an employee or the community member/test monitor before, during, or after test administration has been completed). Exceptions to test booklets leaving a school site shall be made at the discretion of the State Department of Education Student Assessment Section for the purpose of secure transport to a site of instruction for the purpose of test administration, upon a written request from a District Test Coordinator. These requests must be

registered with and approved by the Student Assessment Section at least four weeks prior to the first designated testing window of each year.

(7) An accounting is to be conducted on all test booklets. Unused test booklets are to remain in "shrink-wrap" (or otherwise packaged) when possible. All unused tests are to be returned to the test publisher. Failure to return test booklets to the appropriate companies (1) will result in a school or district being reported to the State Superintendent and (2) may result in invalidation of the school's and/or district's scores.

(8) The contracting test publisher shall print electronically read identification codes on all documents containing secured test items prior to distribution of these materials to the public schools. Within all test program components of the OSTP, the contracting test publisher shall record the specific series of numbers (represented by the "bar codes") assigned to each school district and building site within a district. Inventory lists of test document bar codes by school site shall be provided for each district test coordinator.

(9) On the first available school day following the test administration in each school district, the district test coordinator shall ship all answer documents and specified identification forms to the designated scoring/reporting company and all other test materials to the contracting test publisher in accordance with the schedule for return of materials provided in the Test Preparation Manual. If a district fails to return materials and answer documents in a timely fashion, the district may be penalized with additional costs. If a district fails to complete or incorrectly complete answer documents and/or demographic pages or other required testing-related materials, the district may be penalized with additional costs.

(10) The contracting test publisher shall submit an inventory of test materials to the State Department of Education each year. This inventory shall document the quantity of materials distributed to each school district and received from each school district-- recorded by school site as indicated by the numbers represented by the "bar codes" printed on test materials. Quantities of writing assessment materials distributed to and retrieved from schools will be reported to the State Department of Education by the contracting test publisher.

(11) School superintendents from whom incomplete quantities of materials have been received shall be notified of this discrepancy and shall be provided a date by which the remaining materials must be returned to the test publisher. The test publisher shall notify the Department of Education of all school districts from which test materials have not been received after this date. Names of these school districts shall be reported to the State Superintendent.

(12) Reproduction in any form of any copyrighted test materials--including test documents, teachers' test administration manuals, and student pretest materials--is strictly prohibited. Photocopying of these materials constitutes a violation of federal copyright laws. To ensure that all

Emergency Adoptions

school employees and community members are aware of this regulation and the laws in support of same, the district or building test coordinator shall post a sign to this effect over each copy machine. The Federal Copyright Law--as it applies to the Writing Assessment Component of the OSTP--prohibits the photocopying of any part of the student Test Booklet. This includes the lined writing pages, the writing prompt, and the student's written response. This portion of the set of test documents is considered protected under the copyright guidelines [as is the writing prompt].

(13) Every test administered within the OSTP shall be administered by an education-certified professional person employed by the school district.

(14) No person shall teach test items to students; (except in the case of an alternate special education assessment in which authentic performance tasks may be utilized), change students' answers, or in any manner provide answers to test questions for students before, during, or after test administration has been completed. Violation of this regulation may result in revocation of the person's teaching, counseling, administrative, and/or other certificate(s).

(15) All of the following actions are prohibited in that such actions represent violations of test security:

(A) Using secured test items as instructional tools or for student "practice"--either verbatim as written or in reworded form. Note: Secured test items are those provided to measure student knowledge and/or skills on OSTP tests. Said items are to be differentiated from sample test items that are provided at the beginning of each subtest and used, according to official test administration procedures, solely for the purpose of understanding directions and marking answers.

(B) Reading secured test items orally to students at any time before, after, or during test administration unless it is an IEP, Section 504, or ELL accommodation, in which case an affidavit shall be signed, prior to reading items, by the test administrator/reader stating they shall not reveal any test items, writing prompts, or other secured information to any person.

(C) Deviating from any instruction provided in the official test administration manual.

(D) Allowing students to view and/or read the writing assessment prompts before test administration or discussing or exposing the theme or topic of the prompt.

(E) Providing answers to secured test items. This includes provision of cues, clues, hints, and/or actual answers in any form--written, printed, verbal (oral), or nonverbal. In regard to the writing assessment component of the OSTP, prohibited actions include the provision of "hints" or any form of clues in regard to the manner in which students respond to the prompt (e.g., "brainstorming" about the topic of the prompt; offering suggestions regarding how to respond; assisting the student or class in organizing the response; and all other such deviations from the printed instructions for administering the test).

(F) Changing students' responses to secured test items and/or influencing or encouraging students to change their answers to test items at any time.

(16) Test Security Forms provided by the State Department of Education's test contractor(s) shall be distributed by the district test coordinator with test materials to the persons designated on each form.

(A) OSTP Test Security Forms shall be provided for the following:

(i) Form 1: Superintendent and District Test Coordinator

(ii) Form 2: Building Principal and Building Test Coordinator

(iii) Form 3: Test Administrators and Test Monitors.

(B) After completing the test administration, these forms shall be signed by the designated persons and returned to the district test coordinator. The district test coordinator shall return all signed forms to the respective scoring company. Failure to sign and return the appropriate forms may result in:

(i) a school or district being reported to the State Superintendent; and

(ii) invalidation of a school's and/or district's test scores.

(17) The contracting test companies shall provide the State Department of Education the signed OSTP Test Security Forms or a report of names of educators who signed SDE/OSTP Test Security Forms and an accounting of the number of tests and manuals:

(A) distributed to, and

(B) returned from each school district.

(18) All test administration sessions shall be conducted according to the standardized procedures described in the test administrators' manuals. This includes reading the directions to students verbatim; timing each subtest according to the time delineated in the official administration manual; refraining from allowing students to read test items before test timing begins and/or beyond the completion of time specified for each test; and assuring that only the materials designated for student test use are on the student's desk during test sessions. Any violation of security provisions in Section 210:10-13-4 constitutes invalidation of the test and test results. Such violations shall be reported to the State Superintendent and may result in a school's and/or school district's test scores being declared as invalid.

(19) All test administration sessions shall be monitored by an adult other than the test administrator. All test monitors shall be approved by the superintendent or school principal. Superintendents and principals may designate school employees or noncertified members of the community to serve as test monitors. All test administration procedures including time specifications, State Board of Education Rules 210:10-13, and the Instructions for Test Monitors shall be distributed to test monitor(s) before test administration.

(b) School administrators or their designee(s) shall assure that all test administration procedures replicate standardized testing conditions to preserve test validity. Such procedures are stated in the manuals for administering the test.

210:10-13-11. Testing students with disabilities

(a) Acceptable accommodations of the ~~tests~~general assessments of the OSTP for students with disabilities ~~will~~shall be:

- (1) specified in the student's IEP under the Individuals with Disabilities Education Act (IDEA); or
- (2) specified for student served under Americans With Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

(b) The use of test accommodations which deviate from established standardized test procedures for the ~~OSTP~~general assessments of the OSTP shall be reported to the State Department of Education's Student Assessment Section.

(c) Large print and Braille versions of the tests may be utilized with students whose visual disabilities necessitate such accommodations. The student must be utilizing large print or Braille in daily classwork as indicated on the student's IEP on file at the school district. To order large print or Braille tests, the district test coordinator shall indicate the quantities required at each grade level tested on the annual questionnaire.

(d) Students with disabilities who cannot be assessed in a valid and reliable manner with the general state assessment even with accommodations, as specified in the student's IEP, shall be assessed with an appropriate alternate assessment provided by the State Department of Education. Eligibility for an alternate assessment shall be determined annually by the student's IEP team. Alternate assessments may include, but not be limited to, portfolio assessments. The scores from alternate assessments shall be included in accountability calculations for the school, district, and state according to the standard AYP calculation procedures, as specified in federal law.

(e) Students with the most significant disabilities shall participate in an alternate assessment named the Oklahoma Alternate Assessment Program (OAPP) and should not exceed a small percentage of the special education population. The OAAP shall be designed for students who are participating in a functional life skills curriculum and the general education curriculum at a functional level. The OAAP shall be based on standards for Personal and Home Management, Community Living, Job and Work Opportunities, and Recreation and Leisure, and on an adapted Priority Academic Student Skills (PASS) curriculum.

(f) The OAAP shall consist of a portfolio assessment, which may include authentic performance tasks. A portfolio assessment is a collection of student-generated or student-focused products that exhibit the student's interests, range of skills, and development over time. Teams of teachers shall score the OAAP portfolio. If authentic performance tasks are used, teachers completing the portfolio shall be provided with information regarding these tasks during a specified time prior to the completion of the portfolio.

210:10-13-13. Policy for working with schools identified as "low-performing" [REVOKED]

~~(a) Identification and notification of "low-performing" schools. The State Department of Education shall identify targeted schools and notify school superintendents of this status by August 15 of each year. Results of this process will be presented to the State Board of Education~~

~~(b) Facilitating school improvement. In communicating with administrators of "low-performing" schools, the Department will encourage the accomplishment of the following tasks and provide on-site assistance as requested by school administrators. The Department will recommend that these tasks be accomplished through the efforts of a committee comprised of administrators, teachers, school board members, and selected members of the community utilizing a collaborative group process approach:~~

- ~~(1) Review the Comprehensive Local Education Plan.~~
- ~~(2) Update or develop a site specific Comprehensive Local Education Plan.~~
- ~~(3) Analyze and interpret all past scores that can be appropriately compared to determine actual achievement progress of students. Identify areas of strength in student performance and areas in which immediate and long range action needs to be taken to improve instructional programs.~~
- ~~(4) Establish in writing the Local School/Community Committee's mission, goals, objectives, and the specific strategies and tasks needed to accomplish school improvement in all areas.~~
- ~~(5) Identify the human, financial, and/or other resources currently available and needed for future accomplishment of the stated goals and objectives and to implement the necessary strategies.~~
- ~~(6) Submit the plan to the State Department of Education by November 1.~~

~~(e) Required attendance at a meeting for administrators of "high challenge" and "low performing" school sites. Administrators of schools identified as "low performing" will be required to attend a meeting in September. The purpose of this meeting is threefold:~~

- ~~(1) To provide information regarding the local development and implementation of school improvement plans;~~
- ~~(2) To assist local efforts to document school improvement to meet the mandates issued by the State Board of Education; and~~
- ~~(3) To inform local administrators of the evaluation process to be used.~~

~~(d) Monitoring of progress. The Department of Education shall monitor the progress of sites which have been identified as "low performing" for the second consecutive year. On site visits to all such schools will be conducted to determine the following in regard to each school's Plan for School Improvement:~~

- ~~(1) the degree to which such plans are being implemented~~
- ~~(2) the needs for additional resources~~
- ~~(3) the progress made by schools~~

Emergency Adoptions

(e) **Required written progress report.** Personnel in each site identified as "low performing" for the second consecutive year will be required to submit to the Department a written plan for improvement by November 1 and a written progress report by April 15. The progress report shall describe the action taken to achieve school improvement and shall document any results which indicate progress toward meeting improvement goals and objectives.

(f) **Reporting to the State Board of Education.** Following the on-site monitoring visit and receipt of the written progress report, State Department of Education personnel shall report to the State Board of Education on the progress made by sites identified as "low performing" for the second consecutive year. This report shall be submitted to the Board by the end of July.

210:10-13-14. Policy for working with schools identified as "high challenge" [REVOKED]

(a) **Identification and notification of "high challenge" schools.** The State Department of Education shall identify targeted schools and notify school superintendents of this status by August 15. Results of this process will be presented to the State Board of Education.

(b) **Required attendance at a meeting for administrators of "high challenge" and "low performing" school sites.** Administrators of schools identified as "high challenge" will be required to attend a meeting in September. The purpose of this meeting is threefold:

- (1) To provide information regarding the local development and implementation of school improvement plans;
- (2) To assist local efforts to document school improvement to meet the mandates issued by the State Board of Education; and
- (3) To inform local administrators of the evaluation process to be used.

(c) **Required written progress reports.** Personnel in each site identified as "high challenge" will be required to submit to the Department a plan for school improvement by November 1 and a written progress report by April 15. These reports shall describe the action taken to achieve school improvement and shall document any results which indicate progress toward meeting improvement goals and objectives.

(d) **Monitoring the progress accomplished by "high challenge" schools.** The Department of Education shall monitor the progress being accomplished by the targeted schools. On-site visits to all schools will be conducted during the fall or winter to determine the following in regard to each school's Plan for School Improvement:

- (1) the degree to which school improvement plans are being implemented
- (2) the needs for additional resources
- (3) the progress made by schools.

(e) **Conducting an on-site evaluation.** Upon receipt of Oklahoma School Testing Program results, an on-site evaluation visit will be conducted to determine the progress made by local school personnel. Each evaluation team shall be individualized and may include staff from the Student Assessment, Research and Planning, Accreditation, Curriculum, or other sections based upon need at each site. During this evaluation, such

items as academic achievement progress and success levels attained along locally determined indicators will be examined. Results of this visit will yield recommendations as to the disposition of each school for the coming year, based on the following guidelines:

(1) The first such on-site evaluation will accomplish the establishment of recommendations and timelines to allow for further specification of the school's Plan for School Improvement and additional progress to be achieved by the local faculty.

(2) During the second annual on-site evaluation, more stringent recommendations such as those listed in 70 O.S. § 1210.541 will be made if the Evaluation Team determines that insufficient progress has taken place.

210:10-13-18. Oklahoma School Accountability System

(a) **Adequate Yearly Progress (AYP).** The Oklahoma School Accountability System shall be based on AYP. All public elementary and secondary schools and local educational agencies (LEAs) shall be accountable for student achievement and for making Adequate Yearly Progress (AYP) according to federal law. AYP will be determined by meeting or exceeding statewide performance targets for required student groups in Reading/Language Arts and Mathematics on state tests; administering tests to 95 percent of students in each required student group; and meeting statewide targets for attendance rates and graduation rates where applicable. Alternatively, schools shall make AYP by showing growth in Reading/Language Arts and Mathematics on state tests as required by Safe Harbor regulations as defined in the No Child Left Behind Act of 2001, Public Law 107-110.

(b) Consequences of testing irregularities or misconduct on test scores and AYP.

(1) If the State Department of Education (SDE) Student Assessment Office receives documentation of a student cheating on a test, the student's score shall be "invalidated". The student's score report for that content area shall read "Invalidated". The "invalidated" score shall have the effect of a zero score when aggregated with scores of other students at the school, district, and state levels.

(2) If a student does not attempt the test (such as refusal to read items or mark answers, finishing in 5 minutes, or randomly marking answers), no special action shall be taken. The student's test shall be scored and the score aggregated with the rest of the scores at the school, district, and state levels according to standard procedure.

(3) If a student becomes ill during testing and is not able to complete the test, the test shall not be scored and not counted in the summary scores. The student shall be counted as absent. If an alternate form of the test is available through the OSTP, the student may be given an opportunity to take the alternate form within the same testing window. In this case, the first test shall not be scored and the alternate test shall be scored in its place. (Note: Alternate test forms of the OSTP shall only be made available through the SDE only if determined practicable by the State Department of Education.)

(4) If any violation of security provisions (Section 210:10-13-4) occurs, such violations shall be reported in writing to the Student Assessment Section of the State Department of Education and may result in a student's, a school site's, and/or a school district's test scores being declared as invalid (Section 210:10-13-4 (18). In the case of invalidation, each invalidated score shall have the effect of a zero score and each zero score shall be aggregated with the remaining student scores at the school, district, and state levels. If the violation is not the fault of the students involved, and if an alternate form of the test is available through the OSTP, students may be given the alternate form within the same testing window at the district's expense if this is the first year for a security violation within the school and/or district in question. In the case that an alternate form is administered, the individual student score report shall reflect the scores from the alternate test (in place of the previous invalidated scores) and shall be aggregated at the school, district, and state levels. (Note: Alternate test forms of the OSTP shall only be made available through the SDE only if determined practicable by the State Department of Education.)

(5) If extreme changes in test scores or in Academic Performance Index (API) scores occur for a school or district from year to year, an investigation shall be conducted, which may include, but not be limited to, a hand erasure analysis, and results of any apparent testing irregularity or misconduct reported to the State Board of Education for possible further action, which may include but not be limited to, score invalidation.

(6) Erasures shall be identified statewide by electronic scanning of all student answer documents, and the following action shall be taken: Scores for classes whose wrong-to-right erasures exceed the state average by more than four standard deviations shall be identified for further investigation. For each class with excessive erasures, the proportion of wrong-to-right erasures to the total number of erasures will be taken into account. A report shall be made to the State Board of Education of schools where classes have been identified with excessive erasures as defined by the criteria above for possible further action, which may result in score invalidation.

(7) Steps for dealing with reported testing irregularities or misconduct.

(A) **Step One.** When report of a testing irregularity or misconduct is made to the State Department of Education Student Assessment Section, the school site and/or school district involved shall be required to respond by conducting an investigation and providing in writing to the State Department of Education Student Assessment Section an explanation of how the testing misconduct/irregularity occurred and a description of the measures taken to prevent the misconduct from occurring again.

(B) **Step Two.** The testing irregularity or misconduct shall be categorized into one of three violation categories (minor, major, and critical) according to

the severity of the violation and its possible consequences. Possible consequences may include, but not be limited to, invalidation of scores, accreditation with deficiency, accreditation with warning, accreditation with probation.

(C) **Step Three.** At the end of each testing period, a testing violations report shall be prepared by the Student Assessment office for review by the State Superintendent and possible further action.

(c) **Procedures for schools to review AYP data and appeal accountability decisions.**

(1) As required by No Child Left Behind (NCLB) for assuring valid AYP determinations prior to release of the AYP data reports, public schools shall review, upon receipt, the component pieces of the AYP data provided by their district, the testing vendors, and/or the State Department of Education and report any inaccuracies to the entity supplying the data within the applicable timelines. If the district does not respond within the applicable timelines, the SDE shall rely on the data as presented.

(2) Upon receiving their AYP Data Reports from the SDE for use in creating their School and District Report Cards, districts shall review the data in the AYP Data Reports and report any discrepancies from the previously approved data pieces to the Student Assessment Section of the SDE within the specified timeline. Appeals of AYP determinations contained in the AYP Data Reports shall be made at this time, as follows: According to federal regulations, if a principal of a school, or a majority of the parents of the students enrolled in a school, believe that any accountability decision contained in the AYP Data Reports is in error for statistical or other substantive reasons, the principal shall provide supporting evidence to the district after review of the data. The district must consider the evidence and if warranted, present an appeal to the SDE in writing. Beginning with the 2003-04 school year the SDE must receive the appeal within ten working days of the release of the AYP Data Reports.

(3) If a school and/or district has had test scores invalidated because of a testing irregularity or misconduct with the effect of zero scores for aggregation purposes, and such action results in an API score that prevents the school and/or district from making AYP, the district may appeal this accountability decision on a first time occurrence and request placement on Probationary Status instead of receiving an API score. At the end of the next consecutive year, if the school and/or district do not make AYP, they shall not be allowed to invoke Safe Harbor and shall automatically be identified as being in School Improvement status.

(4) When the SDE receives an appeal of an accountability decision from a district on behalf of a school within the district, a committee comprised of members of the SDE School Improvement Leadership Team or others appointed by the State Superintendent shall review the evidence contained in the appeal and provide a final determination to the district in writing within twenty working days of receipt of the appeal.

Emergency Adoptions

(5) At the end of the SDE Appeals process, the SDE shall report to the State Board of Education the statewide list of School Improvement schools.

(d) Sanctions for public elementary and secondary schools that do not make Adequate Yearly Progress (AYP)

(1) Title I schools that do not make Adequate Yearly Progress (AYP) for two consecutive years shall be identified as being in School Improvement status. Title I schools in the state of Oklahoma shall be subject to the sanctions defined in the No Child Left Behind Act of 2001, Public Law 107-110.

(2) Non-Title I schools that do not make AYP for two consecutive years or more shall be subject to sanctions as determined by the State Board of Education. The State Board of Education may utilize sanction options identified in the No Child Left Behind Act of 2001, Public Law 107-110, as deemed appropriate based upon relevant circumstances of the school's performance. The sanctions shall include but not be limited to the following:

- (A) provide school improvement plan.
- (B) provide technical assistance.
- (C) offer school choice.
- (D) provide supplemental services.
- (E) take corrective action, or
- (F) implement a restructuring plan.

(e) Rewards for public elementary and secondary schools that make Adequate Yearly Progress (AYP)

(1) **Academic Achievement Awards - Title I, Part A.** Title I Schools that meet AYP shall be eligible for Academic Achievement Awards. Academic Achievement Awards, under section 1117 (b) of the No Child Left Behind Act of 2001, states that each state receiving a grant under federal funds shall establish a program for making academic achievement awards to recognize schools that significantly close the achievement gap between subgroups of students or exceed their adequate yearly progress. Schools that receive Title I, Part A funds are eligible for Academic Achievement Awards.

(2) **State Academic Performance Award Program.**

(A) All public elementary and secondary schools that make Adequate Yearly Progress, shall be recognized by the state as Distinguished Schools and eligible for state funds, if available, as established by the State Academic Performance Index (API) Program (O.S. § 70-30-152).

(B) Nonmonetary recognition may include, but not be limited to, citations of congratulations from the State Superintendent of Public Instruction as the designee of the State Board of Education, the Governor or designee, the Representative and Senator representing the school district, and a flag for each school achieving Distinguished status.

[OAR Docket #03-3234; filed 11-19-03]

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

[OAR Docket #03-3231]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Priority Academic Student Skills
Part 7. Mathematics
210:15-3-45. [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

July 24, 2003

Approved by Governor:

August 21, 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:

70 O.S. § 11-103.6(a) states: Each area of subject matter curriculum, except for technology curriculum, adopted by the State Board of Education for implementation by the beginning of the 2003-04 school year shall be thoroughly reviewed by the State Board every six (6) years according to and in coordination with the existing subject area textbook adoption cycle, and the State Board shall implement any revisions in such curriculum deemed necessary to achieve further improvements in the quality of education for the students of this state. These revisions need to be made effective during the 2003-2004 school year.

ANALYSIS:

The amendments are to provide additional clarity and detail to the Priority Academic Student Skills, Oklahoma's core curriculum. Also, the changes will align the core curriculum with current national curriculum standards. Providing clear academic curriculum standards aligned to state assessments will ensure all students to be better prepared for employment and/or postsecondary education.

CONTACT PERSON:

Valerie Payne, 405-521-3308

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 3. PRIORITY ACADEMIC STUDENT SKILLS

PART 7. MATHEMATICS

210:15-3-45. Mathematics content standards grade 5

(a) **Standard - patterns and algebraic reasoning.** The student will use algebraic methods to describe patterns and solve problems in a variety of contexts.

- (1) Describe rules that produce patterns found in tables, graphs, and models, and use variables (e.g., boxes, letters, pawns, number cubes, or other symbols) to solve problems or to describe general rules in algebraic expression or equation form.
- (2) Use algebraic problem-solving techniques (e.g., use a balance to model an equation and show how subtracting a number from one side requires subtracting the same amount from the other side) to solve problems.
- (b) **Standard - number sense.** The student will demonstrate an understanding of the basic concepts and properties of real numbers.
- (1) Fractions, Decimals and Percents
- (A) Solve problems using decimal numbers to the 1000ths place.
- (B) Compare, convert, and order common fractions and decimals to the 100ths place to solve problems.
- (C) Represent with models the connection between fractions, decimals, and percents and be able to convert from one representation to another (e.g., use 10 x 10 grids, base-10 blocks; limit fractions to halves, fourths, fifths, and tenths).
- (D) Explain verbally with manipulatives and diagrams 25%, 50%, 75%; use these percents to solve problems and relate them to their corresponding fractions and decimals.
- (2) Basic Number Theory Concepts
- (A) Apply the basic properties of arithmetic: commutative, associative, distributive, and identity (e.g., show $2(5 + 1) = (2 \cdot 5) + (2 \cdot 1)$, given $(5 + 1) + (5 + 1)$ regroup to show this equals $(5 + 5) + (1 + 1)$ concluding with $(2 \cdot 5) + (2 \cdot 1)$) to solve problems.
- (B) Identify and apply factors, multiples, prime, and composite numbers in a variety of problem-solving situations (e.g., build rectangular arrays for numbers 1-100 and classify as prime or composite).
- (c) **Standard - number operations and computation.** The student will estimate and compute with whole numbers, ~~and~~ decimals, and fractions.
- (1) Estimation
- (A) Use estimation skills to determine solutions to problems involving decimals.
- (B) Apply estimation skills to solve problems involving common percents and equivalent fractions.
- (2) Whole Numbers, and Decimals, and Fractions
- (A) Add and subtract decimal numbers with the same and different place values (e.g., $3.72 + 1.4$) to solve problems.
- (B) Multiply and divide whole numbers and decimal numbers with 1- or 2-digit multipliers or divisors to solve problems.
- (C) Add and subtract fractions and mixed numbers to solve problems using a variety of methods (e.g., use fraction strips, find the least common denominator [LCD]).
- (d) **Standard - geometry and measurement.** The student will apply geometric properties and relationships and use measurements within the metric and customary systems to solve problems in a variety of contexts.
- (1) Identify and describe the basic properties of figures (e.g., two or three-dimensionality, symmetry, number of faces, types of angles).
- (2) Find the perimeter of simple polygons and area of a rectangle (e.g., use 1-inch tiles to build rectangles of different perimeters and areas).
- (3) Use nonstandard units (beans, rice, candies) and standard units (centimeter cubes, 1-inch cubes) to find the volume of rectangular solids and estimate the volume of other solids.
- (4) Use the appropriate units and tools to estimate and measure temperature, distance, length, weight, and angles.
- (5) Convert basic measurements of volume, weight and distance within the same system for metric and customary units (e.g., inches to feet, hours to minutes, centimeters to meters).
- (e) **Standard - data analysis and probability.** The student will use data analysis, statistics and probability to interpret data in a variety of contexts.
- (1) Data Analysis
- (A) Analyze data to create and interpret tables and graphs.
- (B) Justify the selection of the type of table or graph (e.g., a line graph may be more appropriate than a bar graph when displaying the height of a person over time).
- (C) Compare and translate between displays of data (e.g., multiple sets of data on the same graph, Venn diagrams, a combination of diagrams, charts, tables, graphs).
- (D) Formulate questions, design investigations, consider samples, and collect, organize, and analyze data using observation, measurement, surveys, or experiments (e.g., how far can 5th graders throw a softball based on where it first hits the ground?).
- (E) Determine the range (spread) and the mean (average) of a set of data.
- (2) Probability
- (A) Determine the probability of events occurring in familiar contexts or experiments and express probabilities as fractions (e.g., find the fractional probability of an event given a biased spinner).
- (B) List permutations and combinations of up to five items.
- 210:15-3-47. Mathematics content standards grade 6**
- (a) **Standard - algebraic reasoning.** The student will use algebraic methods to describe patterns and simplify algebraic expressions in a variety of contexts.
- (1) Extend and create patterns from tables, graphs, rules and number properties and generalize patterns algebraically (e.g., recursive patterns like the Fibonacci numbers, number sequences, prime and composite numbers).

Emergency Adoptions

- (2) Use substitution and order of operations to simplify and evaluate algebraic expressions (e.g., if $x = 5$ evaluate $2x + 3$).
- (b) **Standard - number sense.** The student will use numbers and number relationships to solve problems.
- ~~(1) Add and subtract fractions and mixed numbers to solve problems using a variety of methods (e.g., use fraction strips, find the least common denominator [LCD]).~~
- ~~(2) Multiply and divide fractions and mixed numbers to solve problems using a variety of methods.~~
- ~~(3) Convert, compare and order decimals (terminating and nonterminating), fractions and percents using a variety of methods.~~
- ~~(4) Estimate solutions to single and multi-step problems using whole numbers, decimals, fractions, and percents and assess whether solutions are reasonable (e.g., $7/8\text{th} + 8/9\text{th}$ is about 2, $0.9 + 0.3$ is about 1).~~
- ~~(5) Build and explore multiples and their patterns to develop the concept of exponents.~~
- ~~(6) Simplify numerical expressions with exponents and parentheses using order of operations.~~
- (c) **Standard - geometry.** The student will use geometric properties and relationships to recognize, describe and analyze shapes and representations in a variety of contexts.
- (1) Angles
- (A) Compare, estimate and determine the measurement of angles.
- (B) Find the complement and supplement of an angle.
- (2) Differentiate between congruent and similar figures.
- (3) Describe the effect of performing basic transformations on objects and figures in a variety of contexts. (e.g., explore reflection [flip] with mirrors, explore rotation [turn] and translation [slide] by designing the layout of different shapes of floor tile).
- (d) **Standard - measurement.** The student will use measurements within the metric and U.S. customary system to solve problems in a variety of contexts.
- (1) Collect data and develop formulas to find the circumference and area of circles (e.g., use string the length of the diameter of various circular lids to approximate the circumference and develop the concept of pi).
- (2) Compare and convert units within the same measurement system; express conversions using appropriate unit labels (e.g., square inches to square feet, centimeters to millimeters, hours to minutes); and compute measurements of combined units (e.g., $9'8" + 3'6" = ?'$ and $?"$, $150 \text{ minutes} = ? \text{ hours and } ? \text{ minutes}$).
- (3) Find reasonable estimates for measurements using measurements in standard and metric units.
- (e) **Standard - data analysis and statistics.** The student will use data analysis and statistics to interpret data in a variety of contexts.
- (1) Collect, organize, and interpret data to solve problems (e.g., data from student experiments, tallies, Venn diagrams, tables, circle and bar graphs, spreadsheets).

- (2) Construct and interpret graphs of statistical data (e.g., explain how different representations lead to different interpretations and may distort information).
- (3) Find the median and mode for a set of data in a variety of contexts.

210:15-3-48. Mathematics content standards grade 7

- (a) **Standard - algebraic reasoning.** The student will use number properties to simplify and solve simple linear equations.
- (1) Identify and apply the commutative, associative, distributive, inverse and identity properties (e.g., $n + 0 = n$, $2(x + 3) = 2x + 6$).
- (2) Use a variety of methods to model and solve 1-step linear equations (e.g., use properties of equality, graph ordered pairs with paper and pencil, use graphing calculators).
- ~~(3) Identify situations that model linear graphs (e.g., distance traveled at a constant rate).~~
- (b) **Standard - number sense.** The student will use numbers and number relationships to acquire basic facts and determine the reasonableness of results.
- (1) Integers
- (A) Compare and order positive and negative integers and describe their use in real-life situations (e.g., temperature, sea level, stock market fluctuations, football yardage).
- (B) Use the basic operations on integers to solve problems.
- (2) Ratio, Proportion and Percents
- (A) Demonstrate the concept of ratio and proportion with models (e.g., similar geometric shapes, scale models).
- (B) Set up equivalent ratios, estimate and solve problems using ratio, proportions, and percents including percents greater than 100 and less than 1 (e.g., determine missing sides of similar figures, heart rate per minute, cost per pound, pay to hours worked overtime).
- (C) Solve percent application problems (e.g., discounts, tax, finding the missing value of percent/part/whole).
- (3) Exponents
- (A) Analyze and develop generalizations of exponential patterns, including zero as an exponent, using manipulatives and calculators (e.g., model getting paid a penny the first day, 2 cents the second day, 4 cents the third day . . .).
- (B) Build and recognize models of multiples to investigate squares and perfect square roots (e.g., build rectangular arrays for numbers 1 to 100 and note which can be represented as squares).
- (C) Estimate the square root of a number (e.g., between two consecutive integers).
- (c) **Standard - geometry.** The student will apply the properties and relationships of plane geometry in a variety of contexts.
- (1) Classifying Geometric Figures

- (A) Classify triangles according to their sides and angles.
- (B) Classify quadrilaterals according to their sides and angles (e.g., determine whether all squares are rectangles).
- (2) Identify and compare bisectors, interior, exterior, and vertical angles (e.g., using graph paper, software, protractors to measure angles between parallel lines with a transversal).
- (3) Rectangular Coordinate System
 - (A) Locate points on a plane in all four quadrants.
 - (B) Identify geometric transformation of figures (rotations, translations, and reflections).
- (d) **Standard - measurement.** The student will use measurement to solve problems in a variety of contexts.
 - (1) Area and Perimeter
 - (A) Develop area and perimeter concepts (e.g., use grids to estimate the area of irregular shapes).
 - (B) Apply formulas to solve problems involving perimeter (circumference) and area of polygons and circles.
 - (2) Customary and Metric Measurements
 - (A) Select and use appropriate tools for measurements in practical applications and make reasonable estimates of measurements in a particular situation using the appropriate unit.
 - (B) Use estimates to relate customary and metric measurements to each other.
- (e) **Standard - data analysis and probability.** The student will use probability to formulate and justify predictions from a set of data.
 - (1) Use data from a sample to predict possible outcomes and compute simple probabilities as fractions, decimals or percents (e.g., use data from lists, tree diagrams, frequency distribution tables, area models).
 - (2) Determine the probability of an event involving "or," "and," or "not" (e.g., on a spinner with 1 blue, 2 red and 2 yellow sections, what is the probability of getting a red or a yellow?).
 - (3) Find all possible combinations and permutations involving a limited number of variables.

210:15-3-49. Mathematics content standards grade 8

- (a) **Standard - algebraic reasoning.** The student will graph and solve linear equations and inequalities in problem-solving situations.
 - (1) Equations
 - (A) Model, write, and solve 2-step linear equations using a variety of methods.
 - (B) Graph and interpret the solution to linear equations on a number line with one variable and on a coordinate plane with two variables.
 - (C) Predict the effect on the graph of a linear equation when the slope changes (e.g., make predictions from graphs, identify the slope in the equation $y = mx + b$ and relate to a graph).
 - (2) Inequalities

- (A) Model, write, and solve 1-step and 2-step linear inequalities with one variable.
- (B) Graph the solution to linear inequalities with one variable on a number line.
- (b) **Standard - number sense.** The student will use numbers and number relationships to solve problems.
 - (1) Rational Numbers and Proportional Reasoning
 - (A) Compare and order rational numbers (positive and negative integers, fractions, decimals) in real-life situations.
 - (B) Use the basic operations on rational numbers to solve problems in real-life situations (e.g., describe the effect of multiplying whole numbers by a fraction or a decimal less than 1).
 - (C) Apply ratios and proportions to solve problems.
 - (2) Exponent
 - (A) Use the rules of exponents, including integer exponents, to solve problems (e.g., $7^2 \cdot 7^3 = 7^5$, $a^m \cdot a^n = a^{m+n}$).
 - (B) Represent and interpret large numbers and numbers less than one in exponential and scientific notation.
 - (C) Use estimation strategies (e.g., rounding) to describe the magnitude of large numbers and numbers less than one.
- (c) ~~Standard - geometry and measurement.~~ The student will use geometric properties ~~and measurement~~ to solve problems in a variety of contexts.
 - (1) Construct models, sketch (from different perspectives), and classify solid figures such as rectangular solids, prisms, cones, cylinders, pyramids, and combined forms (e.g., draw a figure that could result from making 1, 2, or 3 cuts in a given solid).
 - (2) Develop the Pythagorean Theorem and apply the formula to find the length of missing sides of a right triangle and the length of other line segments.
- (d) **Standard - measurement.** The student will use geometric properties to solve problems in a variety of contexts.
 - (~~2~~1) Estimate and find the surface area and volume in real world settings (e.g., unwrap a box to explore surface area; use rice, 1-inch cubes, centimeter cubes, cups . . . to estimate the volume of boxes, irregular shaped objects, containers).
 - (~~3~~2) Apply knowledge of ratio and proportion to solve relationships between similar geometric figures (e.g., build a model of a 3-dimensional object to scale).
 - (~~4~~3) Formulas
 - (A) Select and apply appropriate formulas for given situations:
 - (i) an equation (e.g., $d = rt$, $i = prt$)
 - (ii) measurement problems (e.g., $p = 2l + 2w$, $v = lwh$)
 - (B) Find the area of a "region of a region" for simple composite figures (e.g., area of a rectangular picture frame).
 - (~~5~~) ~~Develop the Pythagorean Theorem and apply the formula.~~

Emergency Adoptions

~~(d)~~ **Standard - data analysis and statistics.** The student will use data analysis and statistics to interpret data in a variety of contexts.

- (1) Select and apply appropriate formats (e.g., line plots, bar graphs, stem-and-leaf plots, scatter plots, histograms, circle graphs) to display collected data.
- (2) ~~Find the range and measures of central tendency (mean, median and mode) of a set of data.~~ Measures of Central Tendency
 - (A) Find the measures of central tendency (mean, median and mode) of a set of data and understand why a specific measure provides the most useful information in a given context.
 - (B) Compute the mean, median, and mode for data sets and understand how additional data in a set may affect the measures of central tendency.
- (3) Determine how samples are chosen (random, limited, biased) to draw and support conclusions about generalizing a sample to a population (e.g., is the average height of a men's college basketball team a good representative sample for height predictions?).

210:15-3-51. Mathematics content skills algebra I

(a) **Standard - number sense and algebraic operations.** The student will use expressions and equations to model number relationships.

- (1) Translate word phrases and sentences into expressions and equations and vice versa.
- (2) Expressions
 - (A) ~~Use the laws of exponents to perform operations on expressions with integer exponents.~~
 - (B) Simplify and evaluate linear, absolute value, rational and radical expressions.
 - (C) Simplify polynomials by adding, subtracting or multiplying.

(b) **Standard - relations and functions.** The student will use relations and functions to model number relationships.

- (1) Relations and Functions
 - (A) Distinguish between linear and nonlinear data.
 - (B) Distinguish between relations and functions.
 - (C) Identify dependent and independent variables, domain and range.
 - (D) Evaluate a function using tables, equations or graphs.
- (2) Recognize the parent graph of the functions $y = k$, $y = x$, $y = |x|$, and predict the effects of transformations on the parent graph (e.g., $y = |x| + 2$, change slope, change intercepts, change slope and intercept).
- (3) Calculate the slope of a line using a graph, an equation, two points or a set of data points.
- (4) Develop the equation of a line and graph linear relationships given the following:
 - (A) slope and y-intercept
 - (B) slope and one point on the line
 - (C) two points on the line
 - (D) x-intercept and y-intercept
 - (E) a set of data points
- (5) Slope Interpretation

(A) Use the slope to differentiate between lines that are parallel, perpendicular, horizontal, or vertical.

(B) Interpret the slope and intercepts within the context of everyday life (e.g., telephone charges based on base rate [y-intercept] plus rate per minute [slope]).

(6) Linear Equations and Inequalities

(A) Solve linear equations by graphing or using properties of equality.

(B) Solve linear inequalities by graphing or using properties of inequalities.

(C) Match appropriate equations or inequalities (with 1 or 2 variables) to a graph, table, or situation and vice versa.

(7) Solve a system of linear equations by graphing, substitution or elimination.

(8) Problem Solving

(A) Use the formulas from measurable attributes of geometric models (perimeter, circumference, area and volume), science, and statistics to solve problems within an algebraic context.

(B) Solve two-step and three-step problems using concepts such as rules of exponents, probability, rate, distance, ratio and proportion, measures of central tendency and percent.

(9) Nonlinear Functions

(A) Match exponential and quadratic functions to a table, graph or situation and vice versa.

(B) Solve quadratic equations by graphing, factoring, or using the quadratic formula.

(c) **Standard - data analysis and statistics.** The student will use data analysis and statistics to formulate and justify predictions from a set of data.

(1) Data Analysis

(A) Translate from one representation of data to another and understand that the data can be represented using a variety of tables, graphs, or symbols and that different modes of representation often convey different messages.

(B) Make valid inferences, predictions, and/or arguments based on data shown on graphs, tables, and charts.

(2) Collect data involving two variables and display on a scatter plot; interpret results using a linear model/equation and identify whether the model/equation is a line best fit for the data (e.g., given a scatter plot and several linear equations, which one is the best fit?).

PART 11. SOCIAL STUDIES

210:15-3-95. Social Studies for grade 5

The primary focus for fifth grade students relates to the history of the United States from early European explorations to approximately 1850. However, for Grade 5 criterion-referenced tests in "U.S. History, Constitution, and Government" and "Geography," test in Social Studies, the time frame is approximately 1492-1800, or from European contact through

the presidential election of 1800. Fifth graders will continue to learn fundamental concepts in civics, economics, and geography. Students will study United States history thematically and chronologically, and examine the everyday life of people at different times in our history. Fifth graders continue to review and strengthen map and globe skills, and interpret geographical information presented in a variety of formats. Note: Standard 1 process skills are integrated throughout the remaining content standards and will be used to assess the content of standards 2, 3, 4, 5, and 7.

(1) **Standard.** The student will develop and demonstrate the process skills of social studies.

(A) Locate, gather, analyze, and apply information from primary and secondary sources using examples of different perspectives and points of view.

(B) Construct timelines from significant events in United States history.

(2) **Standard.** The student will describe the early exploration of America.

(A) Examine the reasons for, the problems faced in, and the results of key expeditions of Portugal, Spain, France, the Netherlands, and England (e.g., Columbus, Ponce de León, Magellan, Coronado, Cortés, Hudson, Raleigh, and La Salle) and the competition for control of North America.

(B) Identify the impact of the encounter between Native Americans and Europeans.

(3) **Standard.** The student will examine the growth and development of colonial America.

(A) Describe early European settlements in colonial America (e.g., Jamestown, Plymouth Plantations, Massachusetts Bay, and New Amsterdam), and identify reasons people came to the Americas (e.g., economic opportunity, slavery, escape from religious persecution, military adventure, and release from prison).

(B) Describe the similarities and differences (e.g., social, agricultural, and economic) in the New England, the mid-Atlantic, and the southern colonies, and compare and contrast life in the colonies in the eighteenth century from various perspectives (e.g., large landowners, farmers, artisans, women, slaves, and indentured servants).

(C) Relate the contributions of important individuals and groups (e.g., John Smith, John Rolfe, Puritans, Pilgrims, Peter Stuyvesant, Roger Williams, Anne Hutchinson, Lord Baltimore, Quakers, William Penn, and James Oglethorpe).

(4) **Standard.** The student will examine the lasting impact of the American Revolution.

(A) Describe the causes and results of conflicts between England and Colonial America (e.g., the French and Indian War, Stamp Act, Boston Massacre, Intolerable Acts, Battles of Lexington and Concord, Battle of Saratoga, and Battle of Yorktown).

(B) Give examples that show how scarcity and choice govern economic decisions (e.g., Boston Tea Party and boycott).

(C) Identify and interpret the basic ideals expressed in the Declaration of Independence (e.g., "all men are created equal" and "life, liberty and the pursuit of happiness").

(D) Recognize the contributions of key individuals and groups involved in the American Revolution (e.g., Samuel Adams, the Sons of Liberty, Paul Revere, Mercy Otis Warren, George Washington, Thomas Paine, Thomas Jefferson, Marquis de Lafayette, King George III, Hessians, and Lord Cornwallis).

(5) **Standard.** The student will describe the changing nation during the early federal period.

(A) Explain the purposes of government.

(B) Identify and interpret the basic ideals expressed in and the reasons for writing the United States Constitution (e.g., weaknesses of the Articles of Confederation and Shays' Rebellion, and the goals listed in the Preamble), and outline the major provisions of the Constitution, including the federal system and the three branches of government.

(C) Describe the struggles involved in writing the United States Constitution (e.g., the interests of large states and small states, and the major compromises over representation in Congress), its ratification (e.g., Federalists vs. Antifederalists), and the addition of the Bill of Rights; and explain the rights and responsibilities of citizens.

(D) Describe the relationship between taxation and government services.

(6) **Standard.** The student will explore the growth and progress of the new nation.

(A) Describe and sequence the territorial exploration, expansion, and settlement of the United States, including the Louisiana Purchase, the Lewis and Clark expedition, and the acquisitions of Florida, Texas, Oregon, and California.

(B) Explain the impact of Andrew Jackson's presidency (e.g., the role of the "common man" in politics and the significance of Jackson's Indian policy).

(C) Relate some of the major influences on westward expansion (e.g., the Monroe Doctrine, canals and river systems, railroads, economic incentives, Manifest Destiny, and the frontier spirit) to the distribution and movement of people, goods, and services.

(D) Identify the ways manufacturing and inventions (e.g., cotton gin, McCormick reaper, and steam power) created an Industrial Revolution in the United States.

(E) Examine the abolitionist and women's suffrage movements and their leaders (e.g., Frederick Douglass, William Lloyd Garrison, John Brown, Sojourner Truth, Harriet Tubman, Harriet Beecher Stowe, Elizabeth Cady Stanton, and Susan B. Anthony).

(7) **Standard.** The student will review and strengthen geographic skills.

(A) Identify, evaluate and draw conclusions from different kinds of maps, graphs, charts, diagrams, and

Emergency Adoptions

other sources and representations, such as aerial and shuttle photographs, satellite-produced images, the geographic information system (GIS), encyclopedias, almanacs, dictionaries, atlases, and computer-based technologies; and

(~~B~~) ~~Construct~~ construct and use maps of locales, regions, continents, and the world that demonstrate an understanding of mental mapping, relative location, direction, latitude, longitude, key, legend, map symbols, scale, size, shape, and landforms.

(~~C~~) Evaluate how the physical environment affects humans and how humans modify their physical environment.

(~~D~~) Analyze the physical characteristics of historical places in various regions and the role they played (e.g., Jamestown for the English, St. Augustine for the Spanish, New Orleans for the French, and the Cherokee lands in the Carolinas and Georgia) by using a variety of visual materials and data sources at different scales (e.g., photographs, satellite and shuttle images, pictures, tables, charts, topographic and historical maps, and primary documents).

(~~E~~) Interpret geographic information to explain how society changed as the population of the United States moved west, including where Native Americans lived and how they made their living.

(~~F~~) Compare and contrast how different cultures adapt to, modify, and have an impact on their physical environment (e.g., the use of natural resources, farming techniques or other land use, recycling, housing, clothing, and physical environmental constraints and hazards).

[OAR Docket #03-3231; filed 11-19-03]

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

[OAR Docket #03-3235]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 29. Elementary and Secondary Education Act (ESEA) Federal Programs [NEW]

210:15-29-1. [NEW]

210:15-29-2. [NEW]

AUTHORITY:

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

DATES:

Adoption:

September 18, 2003

Approved by Governor:

November 6, 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:

The rule additions are of compelling public interest in that they are needed to comply with federal mandates as stated below. The additions are needed so the appeals process will be in place when needed and so that a district may contest any of the stated violations covered in rules.

ANALYSIS:

The proposed change is to prescribe procedures to be used for appealing a decision by the Oklahoma State Department of Education relating to federal programs administered by the Department and subject to the Education Division General Administrative Regulations (EDGAR) Title 3, Code of Federal Regulations §§ 74 and 76.

CONTACT PERSON:

Valerie Payne, 405-521-3308

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 29. ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) FEDERAL PROGRAMS

210:15-29-1. Purpose

This rule prescribes procedures to be used for appealing a decision by the Oklahoma Department of Education relating to federal programs administered by the Department and subject to the Education Division General Administrative Regulations (EDGAR) Title 34, Code of Federal Regulations §§ 75 and 76.

210:15-29-2. Education Division General Administrative Regulations (EDGAR)

(a) Hearing Issues. A school district or public agency may request a hearing if it alleges that the Department violated a federal statute or regulation by:

- (1) Terminating further assistance for an approved project;
- (2) Ordering the repayment of misspent or misapplied federal funds;
- (3) Disapproving or failing to approve the application or project in whole or in part;
- (4) Failing to provide funds in amounts in accordance with the requirements of statutes and regulations; or
- (5) Not approving the school district's or public agency's proposal for funding.

(b) Hearing Appeals Panel. When a school district or public agency requests a hearing, the Superintendent of Public Instruction shall select a three-member hearing panel from the members of the Department's Leadership Team other than those within the same division as the federal program area under which the appeal rose.

(c) Hearing Procedures.

- (1) An applicant must request a hearing by notifying the State Superintendent by certified mail of its decision

to appeal. If the applicant is or represents a school district, authorization to seek a hearing must come from the school board of that school district.

(2) The request for hearing must set forth the nature of the complaint and the facts on which the complaint is based.

(3) The applicant shall request a hearing within thirty (30) calendar days of the date the final action notice is sent by the Department.

(4) A hearing shall be scheduled before the hearing appeals panel within thirty (30) calendar days from the receipt of the appeal request.

(5) The hearing appeals panel chair shall give at least ten (10) days' notice of the hearing date to the complainant.

(6) The applicant and the Department may submit written materials to the hearing appeals panel no later than five (5) days prior to the hearing, such materials to consist of three (3) copies.

(7) All appeal hearings shall be recorded.

(8) At the hearing the parties may present evidence in writing and through witnesses and may be represented by counsel.

(9) The length and order of the presentation may be determined by the hearing appeals panel chair.

(10) If the applicant or authorized representative fails to appear at the designated time, place, and date of the hearing, the appeal shall be considered closed and the process terminated.

(d) **Decision.** No later than ten (10) calendar days after the hearing, the hearing appeals panel shall issue its written ruling to the applicant, including findings of fact and reasons for the ruling.

(e) **Appeal.** If the hearing appeals panel does not rescind the Department's action, the applicant may appeal to the U.S. Department of Education. The applicant shall file a notice of appeal with the U.S. Department of Education within twenty (20) calendar days after the applicant has been notified by certified mail of the hearing appeals panel's decision.

(f) A copy of the hearing tape will be provided to an applicant who is appealing.

[OAR Docket #03-3235; filed 11-19-03]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #03-3236]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Professional Standards: Teacher Education and Certification

Part 17. Full (Subject Matter) Competencies for Licensure and Certification

210:20-9-172. [AMENDED]

AUTHORITY:

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

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SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The rule amendments are of compelling public interest in that they are needed to update early childhood and special education competencies. The changes are in accordance with OAC 210:20-9-170, which requires teacher candidates for licensure and certification to demonstrate in-depth knowledge of subject matter as reflected in the learned societies recognized by the national Council for the Accreditation of Teacher Education (NCATE).

ANALYSIS:

The proposed changes are necessary so teachers will be prepared and assessed to provide students with instruction according to the updated competencies. The changes will allow time to implement the competencies into university teacher education programs and teacher assessment.

CONTACT PERSON:

Valerie Payne, 405-521-3308

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

SUBCHAPTER 9. PROFESSIONAL STANDARDS: TEACHER EDUCATION AND CERTIFICATION

PART 17. FULL (SUBJECT MATTER) COMPETENCIES FOR LICENSURE AND CERTIFICATION

210:20-9-172. Full (subject matter) competencies for licensure and certification

Full (subject matter) competencies are listed in (1) through (37) by subject/content area.

(1) **Art education.** The candidate for licensure and certification:

(A) Has a sound philosophical understanding of visual art education and is able to support, justify, and implement the visual art curriculum.

(B) Has an understanding of past, current, and future trends and issues in art education as well as art education research.

(C) Has a knowledge of developmentally appropriate visual art content including aesthetics, art criticism, and art history, around a core of art production.

(D) Has a working knowledge of and has had experience in integration of the arts with other fine arts areas as well as other academic disciplines.

Emergency Adoptions

- (E) Understands and has experience in the application of the elements and principles of art and design.
- (F) Understands art history including various styles, periods, ethnic groups, and cultures from around the world.
- (G) Has a knowledge of aesthetics (the field of study that relates to beauty in the arts) and art criticism (art review and commentary), along with teaching strategies appropriate for both areas that involve a variety of media and awareness of developmental levels.
- (H) Understands and has experience in various methods of art production and creative development including drawing, figure drawing, color and design, painting, printmaking, sculpture, clay, applied design, and technology. Additional experience should involve metal, stone, fiber, papermaking, wood, and mixed media.
- (I) Has proficiency in teaching strategies that are developmentally appropriate and inclusive of various student learning styles and is sensitive to the needs of diverse ethnic and cultural groups and those with disabilities.
- (J) Develops a portfolio of his/her own artwork.
- (K) Understands that contests and competitions have a valuable place in art education; however, they should not drive the development of the local curriculum.
- (L) Has a knowledge of a wide variety of arts resources including community resources, materials, equipment, and information about exhibitions and/or major collections.
- (M) Recognizes the important role of technology in education and that it may serve as a supportive tool in art education.
- (N) Understands the art-related competencies in the Oklahoma core curriculum and knows how to incorporate them into various art classes.
- (2) **Business education.** Competencies for business education are fulfilled by meeting competencies for vocational business.
- (3) **Driver/safety education.** The candidate for licensure and certification:
- (A) Applies, models, and teaches appropriate learning strategies for the safe operation of motor vehicles.
- (B) Understands the social and emotional forces that influence the psychological makeup of young drivers and how these forces affect their driving behavior.
- (C) Understands basic driving maneuvers including the universal concepts of defensive driving.
- (D) Understands the physical laws of nature and the statutory laws that govern the safe operation of motor vehicles.
- (E) Has an understanding of the basic mechanical systems that make up a motor vehicle and their influence on its operational limits.
- (4) **Early childhood education (pre-kindergarten-third grade).** The competencies related to Early Childhood Education relate more specifically to the processes of learning and/or information processing than presentation of specific subject matter. ~~Subject matter competencies may be taken from the PK-12 competencies developed by the subject matter committees.~~ The candidate for licensure and certification knows, understands, and uses:
- (A) ~~Understands actors~~ Factors that influence the development of young children, the sequence and interdependency of all areas, (i.e., physical, social, emotional, cognitive, and language) and uses that knowledge to meet the needs and characteristics of the group and individual children (birth to eight years of age) while respecting their unique rates of development.
- (B) ~~Uses positive~~ Positive child guidance strategies which help children learn to make responsible decisions regarding their own behavior and contributes to the development of self-control, self-motivation, and self-respect.
- (C) ~~Bases curriculum decisions on the understanding~~ The knowledge of how young children think, process information, and develop concepts in content areas including language, literacy, mathematics, science, health, safety, nutrition, social studies, art, music, drama, and movement.
- (D) ~~Integrates curriculum to enable children to see and experience the connection among all content areas and make better sense of all aspects of their world.~~ Integrative approaches (e.g., themes, topics, projects) to enable children to see and experience content areas and make meaningful connections to the child's life experience.
- (E) ~~Develops and evaluates units of study in terms of the children's interests and developmentally appropriate skills and concepts.~~ Curriculum in regards to the children's needs and interests, as well as, developmentally appropriate skills and concepts.
- (F) ~~Plans, implements, and articulates developmentally appropriate strategies including play, independent work, small group projects, group discussions, cooperative learning, open ended questions, inquiry, and problem solving experiences.~~ Developmentally appropriate strategies when planning, implementing, articulating, and evaluating (e.g., play, independent work, small group projects, group discussions, cooperative learning, open-ended questions, inquiry, and problem solving experiences.)
- (G) ~~Provides a~~ A bias-free learning environment (indoors and outdoors) which is physically and psychologically safe for young children through the use of a balanced schedule, learning centers, and appropriate transitions and routine.
- (H) ~~Adapts curriculum~~ Curriculum strategies, schedules, and the environment to meet the specific

needs, interests, and experiences of all children ~~including~~ with complex characteristics (i.e., adapting for those with disabilities, developmental delays, diverse cultures, or special abilities).

(I) ~~Collaborates~~ Collaboration strategies regularly with families and other agencies in the community to enhance and support children's learning and development.

(J) ~~Recognizes and respects~~ Behaviors that recognize and respect diversity, how it influences learning, and builds connections among children's families, communities, and ~~student activities,~~ schools.

(K) ~~Uses — performance~~ Performance assessment (i.e., observation and documentation) and formal assessment to evaluate young children's development and learning for the purpose of planning appropriate and challenging programs, environments, and interactions and adapting for individual differences.

(L) ~~Develops and uses formative~~ Formative and summative evaluation measures to ensure comprehensive quality of the total program for children; in reciprocal partnerships, with families, and the community.

(M) ~~Understands the~~ The historical, social, and ethical foundations of early childhood education which enables the teacher to articulate a philosophy and rationale for appropriate principles and practices.

(N) Self evaluation of teaching techniques and outcomes and modifies curriculum, strategies, schedules and environment to maximize the learning environment and enhance psychological safety for children.

(O) Knowledge to advocate for children by articulating to family, community and others the goals and methods used in the early childhood classroom.

(P) Instructional strategies/plans based on the Oklahoma core curriculum.

~~(N)Q~~ Understands and applies the following competencies in reading instruction as appropriate to the abilities of the student.

(i) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.

(ii) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.

(iii) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.

(iv) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.

(v) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.

(vi) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.

(vii) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development; (e.g., ~~prefixes, suffixes and root~~ singular and plural).

(viii) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.

(ix) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level; (e.g., guided reading, literature and research circles).

(x) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections; (i.e., semantics, syntax, and graphophonics).

(xi) Knows and applies the instructional strategies which contribute to the development of fluent reading.

(xii) Knows how to promote children's interest and engagement in reading and writing.

(R) Understands and applies the following competencies in mathematics instruction as appropriate to the abilities of the student.

(i) Builds on children's natural interest in mathematics and uses it to make sense of their physical and social worlds.

(ii) Establishes mathematics curriculum based on current knowledge of young children's cognitive, linguistic, physical and social-emotional development that builds on children's varying experiences.

(iii) Uses teaching practices that enhance children's problem-solving and reasoning processes which includes representing, communicating, and connecting mathematical ideas.

(iv) Understands that the curriculum should be coherent and compatible with known relationships and sequences of important mathematical ideas

Emergency Adoptions

- and that provides for children's deep and lasting interaction with key mathematical ideas.
- (v) Introduces mathematical concepts, methods, and language through a variety of appropriate experiences and teaching strategies, including integrating mathematics with other activities and allowing ample time, materials and teacher support for children to explore and manipulate mathematical ideas.
- (vi) Enhances children's mathematical knowledge, skills and strategies by providing an ongoing process of collecting information from multiple sources to determine a student's strengths and weaknesses in order to plan appropriate educational services.
- (S) Understands and applies the following competencies in science instruction as appropriate to the abilities of the student.
- (i) Plans an inquiry-based science program that develops a curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students in a framework of yearlong and short-term goals for students.
- (ii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
- (iii) Guides and facilitates learning through focused interaction with students, recognizes and responds to student diversity, and encourages and models the skills of inquiry in order for all students to participate in science learning.
- (iv) Uses ongoing multiple methods and systematically gathers data about students understanding and abilities.
- (v) Designs and manages learning environments that provide students with the time, space and resources needed for developing science skills.
- (vi) Uses a variety of instructional strategies to implement an integrated/interdisciplinary curriculum and understands the interaction between the sciences and the process skills.
- (T) Understands and applies the following competencies in social studies instruction as appropriate to the abilities of the student.
- (i) Designs and manages learning environments that provide opportunities for students to exhibit traits of good citizenship in a variety of settings and situations.
- (ii) Selects teaching and assessment strategies that support the development of student understanding of their community and culture.
- (U) Understands and applies the following competencies in the use of technology as appropriate to the abilities of the student.

- (i) Bases the use of technology on the knowledge of how young children think, process information and develop concepts in content areas.
- (ii) Enhances children's cognitive and social abilities through the appropriate use of technology.
- (iii) Integrates technology into the learning environment and uses it as one of many options to support children's learning.
- (iv) Promotes equitable access to technology for all children and their families.
- (v) Advocates in collaboration with parents for more appropriate technology applications for all children.
- (O) Is able to develop instructional strategies/plans based on the Oklahoma core curriculum.
- (5) **Elementary education.** The competencies developed in specific subject areas such as mathematics, art, science, etc., have been developed on a prekindergarten through 12th grade continuum. Because of this, it is unnecessary for the elementary education competencies to address anything more than the processes through which the subject matter competencies will be presented in the classroom. The candidate for licensure and certification:
- (A) Understands his/her role and the variety of approaches to the organization of elementary schools.
- (B) Understands the essential nature and importance of interaction and communication with students, parents, community members and colleagues.
- (C) Models the role of the lifelong learner.
- (D) Understands the role of the teaching profession in curriculum change and school improvement.
- (E) Understands the link between child development, curriculum, and instruction.
- (F) Understands and uses a variety of strategies to:
- (i) select methods of assessment appropriate to each of the subject matter areas and to the age, development, and characteristics of students,
- (ii) interpret and communicate assessment results accurately and ethically, and
- (iii) integrate information gained from assessments into instructional plans.
- (G) Has a knowledge of current research findings about teaching and learning.
- (H) Analyzes his/her teaching practices through a variety of techniques.
- (I) Understands appropriate classroom management systems and discipline practices.
- (J) Understands the selection and use of materials, resources, and technology appropriate to individual differences.
- (K) Creates an environment that facilitates learning experiences which make subject matter meaningful to students.
- (L) Understands the subject matter areas common to the elementary curriculum and the integration of those subject matter areas.

- (M) Facilitates learning groups as appropriate to the needs and/or interests of students and the goals of the lesson.
- (N) Understands and applies the following competencies in reading instruction.
- (i) Knows the stages of language development and the structure of the English language and alphabetic writing system including phonology, morphology, and orthography and their relationships to spelling and meaning.
 - (ii) Understands that primary language (oral) directly impacts the secondary languages (reading, writing, spelling). Knows and applies knowledge of implicit and explicit instruction in developing oral language. Knows the relationship of oral language to literacy.
 - (iii) Knows the developmental process of reading in order to assess, interpret, describe, develop appropriate instruction, monitor, reteach and reassess student's reading performance for concepts about print, phonological and phonemic awareness, phonics, spelling, word recognition, vocabulary, comprehension, fluency, and writing.
 - (iv) Identifies and applies all developmental levels of phonemic awareness to provide appropriate instruction in understanding words are made up of phonemes and that phonemes can be rearranged and manipulated to make different words that compose oral speech.
 - (v) Knows and provides appropriate systematic explicit and implicit phonological instruction for the application of spelling-sound correspondences for word analysis and for structural analysis for word recognition and word meaning development.
 - (vi) Knows and applies the relationships between spelling patterns and sounds of speech; knows how to support the student at each stage of spelling development; knows how to focus direct and indirect instruction to guide the student toward spelling proficiency.
 - (vii) Knows and applies knowledge of appropriate explicit and implicit instruction for vocabulary development, e.g., prefixes, suffixes and roots.
 - (viii) Knows and applies strategies that promote comprehension and strategies to support children's understanding for the various elements of the different genres of text.
 - (ix) Knows and applies strategies and instructional approaches to support response to text and promote comprehension for literal, inferential, and critical/evaluative level, e.g., guided reading, literature and research circles.
 - (x) Knows and applies knowledge of instructional techniques to assist students with self-monitoring and self-corrections, i.e., semantics, syntax, and graphophonics.
 - (xi) Knows and applies the instructional strategies which contribute to the development of fluent reading.
 - (xii) Knows how to promote children's interest and engagement in reading and writing.
- (O) Understands interdisciplinary teaching and collaboration.
- (P) Understands that all students can develop proficiencies in the Oklahoma core curriculum.
- (6) **English.** The candidate for licensure and certification:
- (A) Maintains current knowledge of content-area concepts of written and oral communication, literature, and language systems (phonetic, semantic, syntactic, pragmatic). For purposes herein, language systems and what they mean or include are:
 - (i) **"Phonetic"** means the letter/sound system of a particular language.
 - (ii) **"Pragmatic"** means the use of particular language and its conventions that convey meaning in a cultural context.
 - (iii) **"Semantic"** means the meaning system of a given language.
 - (iv) **"Syntactic"** means the structure, order, and organization of a given language.
 - (B) Applies comprehension, analysis, interpretation, synthesis and evaluation of auditory, written, and visual messages. For purposes herein, these terms have the following meaning and include:
 - (i) **"Auditory messages"** means spoken language, intonation.
 - (ii) **"Visual messages"** means visual graphics such as illustrations, pictures, photographs, symbols, and signs, body language, facial expressions.
 - (iii) **"Written messages"** means connected discourse, text.
 - (C) Applies appropriate learning strategies for reading, writing, studying, and researching.
 - (D) Communicates effectively in speaking and writing, using appropriate language conventions. For purposes herein, "language conventions" means grammar, figurative language, mechanics, specialized vocabulary, technical terms.
 - (E) Understands the influences of social and historical contexts and culture on language and literature and adapts instruction accordingly.
 - (F) Uses the understanding of language acquisition and language learning processes to develop student proficiencies and to modify instruction for second-language learners.
 - (G) Establishes a reflective and creative learning environment.
 - (H) Uses a variety of assessment strategies to evaluate student proficiencies in the language arts and to modify instruction appropriately.
 - (I) Uses technology to accomplish professional goals and to develop student's literacy proficiencies.

Emergency Adoptions

(J) Understands and teaches strategies appropriate to a variety of forms (genres), text organizations, and structures, including functional print and informational print. For purposes herein:

(i) **"Functional print"** means environmental print messages (i.e., signs, logos, labels, directions);

(ii) **"Genre"** means a particular type of literature (i.e., short story, novel, poem, essay, drama)

(iii) **"Informational print"** includes reference materials, telephone books, almanacs, dictionaries.

(K) Understands the literacy process (i.e., reading process and writing process), and provides effective instruction in literacy skills and strategies.

(L) Understands, teaches, and implements Oklahoma's core curriculum.

(7) **Family and consumer sciences.** Competencies for family and consumer sciences are fulfilled by meeting competencies for vocational family and consumer sciences.

(8) **Foreign languages.** The candidate for licensure and certification will possess competencies as specified in (A) through (G).

(A) **Listening (K-12).** The candidate for licensure and certification:

(i) Understands main ideas and supporting details of oral presentations and conversations (e.g., prepared speeches, news broadcasts, interviews, short lectures).

(ii) Understands spontaneous speech on a variety of basic topics.

(iii) Comprehends sustained conversation or narrative of general topics (secondary only).

(B) **Speaking (K-12).** The candidate for licensure and certification:

(i) Narrates and describes events, objects, and activities with supporting details.

(ii) Participates in spontaneous, face-to-face conversation involving more complicated skills and social situations, such as elaborating, apologizing, debating.

(iii) Initiates, sustains, and closes a general conversation.

(iv) Displays some ability to support opinions, explain in detail, and make assumptions (secondary only).

(v) Uses varied strategies, such as paraphrasing or restating, to facilitate communication in the language being studied (secondary only).

(C) **Reading (K-12).** The candidate for licensure and certification:

(i) Reads authentic (from the culture of the language studied) materials, such as selected short stories, poetry, and other literary works, articles, personal correspondence, and simple technical material written for the general reader.

(ii) Comprehends facts in authentic (from the culture of the language studied) texts and materials and makes appropriate inferences.

(iii) Comprehends authentic (from the culture of the language studied) communications via various media and technology.

(D) **Writing (K-12).** The candidate for licensure and certification:

(i) Communicates by writing simple facts and ideas.

(ii) Expresses narratives and descriptions of a factual nature.

(iii) Writes professional and social correspondence (secondary only).

(E) **Culture (K-12).** The candidate for licensure and certification:

(i) Is knowledgeable about the products of the culture of the language being taught.

(ii) Is knowledgeable about practices of the culture of the language being taught.

(iii) Is able to compare and contrast local culture and cultures of the language being taught.

(F) **Second language acquisition (K-12).** The candidate for licensure and certification:

(i) Is knowledgeable about first language development and its relation to second language learning.

(ii) Is knowledgeable about varied teaching approaches, methods, and strategies.

(iii) Is knowledgeable about varied second language assessment strategies and techniques that are developmentally appropriate.

(G) **The Oklahoma core curriculum (K-12).** The candidate for licensure and certification:

(i) Understands Oklahoma's core curriculum for languages, and

(ii) Implements the skills and knowledge appropriate to the level(s) taught.

(9) **Journalism.** The candidate for licensure and certification:

(A) Maintains current knowledge of concepts, theories, and practical application of such in the field of journalism, including those associated with print media, news gathering, writing, research, graphic design, photography, technology, law, and ethics.

(B) Applies comprehension, analysis, interpretation, and evaluation of auditory, written, and visual communication. Projects can be created based on this knowledge, i.e., newspapers, yearbooks, magazines, or broadcasts.

(C) Applies appropriate learning strategies for research, writing, organization, editing, and presentation of written and visual messages to different audiences.

(D) Communicates effectively in oral presentation, written communication, and visual design.

- (E) Understands the influence of social and historical context of culture on journalism and adapts instruction accordingly.
- (F) Understands the impact and importance of cultural diversity on the communication process.
- (G) Establishes a reflective and creative learning environment.
- (H) Uses a variety of assessment strategies and teaching methods to encourage creativity, to inspire critical thinking to develop problem-solving techniques, and to establish and maintain excellence in all journalism pursuits.
- (I) Uses technology to accomplish professional goals and to develop students' journalistic proficiencies in all aspects of the subject, including, but not limited to, desktop publishing, photojournalism, written communication, graphic design, and research.
- (J) Understands and can teach strategies appropriate to a variety of journalistic areas, including print media, graphic arts, printing technology, broadcast media, electronic media, advertising, business management practices, public relations, and professional writing.
- (K) Is prepared to teach students in the following areas:
- (i) desktop publishing;
 - (ii) writing for print and electronic media;
 - (iii) editing;*
 - (iv) photography and videography;
 - (v) graphic design and typography;
 - (vi) headline, preview, promotion, and caption writing.
- (L) Is prepared to teach
- (i) research skills;
 - (ii) interviewing;
 - (iii) ethics, law, and responsibilities of the press;
 - (iv) journalism history;
 - (v) television, video, radio and multimedia production;
 - (vi) staff management, organization and leadership techniques;
 - (vii) business management and accounting procedures.
- (M) Is knowledgeable of professional resources, including state, regional, and national scholastic press associations, workshops, conferences, contests, and publications.
- (N) Understands the importance of effective verbal and visual communication skills.
- (O) Understands the role of co-curricular and extracurricular activities in the development of student interests as an extension of classroom instruction.
- (P) Understands, teaches, and implements Oklahoma's core curriculum.
- (10) **Library-media specialist.** The candidate for licensure and certification:
- (A) Defines a program of information literacy and integrates it into the curriculum
 - (B) Defines a school library media program emphasizing information problem-solving skills and integrates it into the curriculum.
 - (C) Motivates and guides students and faculty in recognizing literature as an essential base of cultural and practical knowledge and in reading for pleasure as well as for information.
 - (D) Communicates effectively with students, faculty, staff, administrators, parents, other colleagues, and the general public by the ability to:
 - (i) exhibit communication skills necessary for collaborative planning with teachers.
 - (ii) develop and implement an effective public relations program to communicate library media program goals, needs, and accomplishments.
 - (E) Applies basic principles of evaluating and selecting resources and equipment to support the educational goals of the school by the ability to:
 - (i) develop selection policies which reflect curricular and instructional objectives, and informational and recreational needs of students and teachers.
 - (ii) develop criteria for evaluating and selecting specific print and non-print materials and equipment.
 - (iii) develop a collection of bibliographic aids, tools, and other sources to obtain current reviews and information about materials and equipment.
 - (iv) develop and implement procedures for preview, evaluation, selection, and acquisition of materials and equipment consistent with the district policy.
 - (v) reevaluate and maintain materials and equipment.
 - (F) Uses resources to support the personal, developmental, and curricular needs of students, and the instructional development needs of the faculty by the ability to:
 - (i) use a variety of ways to access information, including the use of new technologies.
 - (ii) provide specific information and resources in response to reference requests and recommend resources which support the curriculum.
 - (iii) conduct programs that include guidance in reading, listening, and viewing experiences.
 - (iv) assist students and staff in identifying, obtaining, using and/or producing media in appropriate formats for specific learning objectives.
 - (v) supervise students and staff in media production and equipment operation.
 - (vi) advocate resource-based learning through work with other faculty to identify appropriate instructional strategies and creative uses of resources.

Emergency Adoptions

(G) Recognizes the value of new technologies for information and instruction and assists faculty and students in their use by the ability to:

- (i) recognize the importance of technological advancement to the education process.
- (ii) demonstrate an understanding of the basic concepts, terminology, and applications of emerging technology.
- (iii) recognize curricular implications that result from emerging technology and educational trends.
- (iv) provide leadership in incorporating innovations into education.
- (v) identify sources of information related to technological advancements.
- (vi) provide technical advice and services for educational access to technology.

(H) Implements policies and procedures for effective and efficient acquisition, cataloging, processing, circulating, and maintaining equipment and resources to ensure access by the ability to:

- (i) classify and catalog all print and nonprint media according to professionally accepted systems.
- (ii) organize and maintain a current catalog and shelf list of all media.
- (iii) implement procedures for initial processing, circulation, maintenance, service, and inventory of equipment and materials.

(I) Develops, implements, and evaluates school library media programs, including management of personnel, resources, and facilities by the ability to:

- (i) assess the informational and instructional needs of students and faculty.
- (ii) establish short- and long-range goals based on identified needs, the goals and objectives of the school district, state and national guidelines, and research findings.
- (iii) prepare, justify, and administer a library media program budget.
- (iv) prepare plans for new or renovated library media facilities.
- (v) develop policies that assure optimum use of materials, equipment, facilities, and staff to support the curriculum.
- (vi) train, supervise, and evaluate support staff, volunteers, and student helpers.
- (vii) apply federal and state laws pertaining to media including those regarding copyright, privacy, and access to materials.
- (viii) prepare statistical records and written reports.
- (ix) assess and implement the use of new technologies for library media center management, educational applications, and information retrieval.
- (x) evaluate the library media program based on established goals and standards.

(xi) apply effective management principles.

(xii) advocate, initiate, and implement agreements for resource sharing.

(J) Serves as a learning facilitator within schools and as a leader of faculty, administration, and students in the development of effective strategies for teaching and learning with the ability to:

- (i) teach traditional and electronic skills in the retrieval, evaluation, and utilization of information to enable students to become independent learners.
- (ii) plan and implement professional development programs.

(K) Demonstrates a commitment to professionalism by the ability to:

- (i) exhibit comprehension of the roles, interrelationships, and interdependency of all types of libraries and information agencies.
- (ii) exhibit an understanding of the role of the school library media program as a central element in the intellectual life of the school.
- (iii) demonstrate a commitment to promoting intellectual freedom.
- (iv) demonstrate professional integrity through ethical behavior.
- (v) apply appropriate research findings and conduct action research to improve the library media program.
- (vi) develop selection criteria that reflect relevant theories of learning and instruction.
- (vii) apply basic principles of instructional design in producing resources for specified learning goals or objectives.

(11) **Elementary mathematics.**

(A) **Overview.** The goal of teacher preparation programs in mathematics, in partnership with common education, is to prepare future teachers for the twenty-first century. Teacher preparation programs must recognize the changes in society to prepare adaptive teachers who are capable of providing equitable schooling for all students of the twenty-first century. Teacher preparation programs must recognize that learning to teach effectively does not consist solely of acquiring content skills. Theory alone cannot create an effective teacher. Effective teaching also must include the processes or pedagogy of teaching that incorporate actual experiences with students and other teacher candidates within a body or bodies of knowledge. Teacher preparation programs are challenged with providing a rigorous body of content which is not isolated from the strategies of teaching and the application of that content.

(B) **Commitment.** The candidate for licensure and certification recognizes the individuality and worth of each student, believes that all students can learn and apply mathematics, and demonstrates these beliefs in practice.

(C) **Knowledge of students, mathematics and teaching.** The candidate for licensure and certification:

- (i) Uses knowledge of child development and knowledge about the effects of this development on the learning of mathematics to guide curricular and instructional decisions. This will include primary, intermediate, and middle level philosophy, structure, organization, and child development.
- (ii) Understands students' environment and cultural background, individual learning differences, student attitudes and aspirations, and community expectations and values on the learning of their students.
- (iii) Has a broad and deep knowledge of the concepts, principles, techniques, and reasoning methods of mathematics that is used to set curricular goals and shape teaching.
- (iv) Understands significant connections among mathematical ideas and the applications of these ideas to problem-solving in mathematics, in other disciplines, and in the world outside of school.
- (v) Has experiences with practical applications of mathematical ideas and is able to incorporate these in their curricular and instructional decisions.
- (vi) Is proficient in, at least, the mathematics content needed to teach the mathematics skills described in Oklahoma's core curriculum from multiple perspectives. This includes, but is not limited to, a concrete and abstract understanding of number systems and number sense, geometry, measurement, statistics and probability, functions, and algebra necessary to effectively teach the mathematics content skills addressed in the first through eighth grade as well as the mathematics process skills of problem-solving, reasoning, communication, and connections.
- (vii) Is proficient in the use of a variety of instructional strategies to include, but not limited to, cooperative learning, use of concrete materials, use of technology (i.e., calculators and computers), and writing strategies to stimulate and facilitate student learning.
- (viii) Is proficient in the design of instructional units which incorporate the mathematical processes of problem-solving, reasoning, communication, and connections into the instruction of content skills.
- (ix) Has knowledge of how to teach and use this knowledge to make curriculum decisions, design instructional strategies and assessment plans, and choose materials and resources for mathematics instruction.

- (x) Stimulates and facilitates student learning by using a wide range of formats, strategies, technologies, and procedures, and assuming a variety of roles to guide students' learning of mathematics.
- (xi) Helps students learn mathematics by creating a safe and positive environment in which they take responsibility for learning.
- (xii) Develops students' abilities to reason and think mathematically, to investigate and explore patterns, to discover structures and relationships, to formulate and solve problems, and to justify and communicate conclusions.
- (xiii) Employs a range of formal and informal assessment methods to evaluate student learning in light of well-defined goals. Results should be used to guide the teaching process and provide opportunities for students to reflect on the strengths and weaknesses of individual performance.

(D) **Reflection and growth.** The candidate for licensure and certification:

- (i) Regularly reflects on what one teaches and how one teaches.
 - (ii) Keeps informed of changes in mathematics and in the teaching of mathematics, continually seeking to improve his/her knowledge and practice.
 - (iii) Supports the involvement of families in their children's education, helps the community understand the role of mathematics and mathematics instruction in today's world, and, to the extent possible, involves the community in support of instruction.
 - (iv) Collaborates with peers and other education professionals to strengthen their school's programs, advance knowledge, and contribute to improving practice within the field.
- (12) **Intermediate mathematics.**

(A) **Overview.** The goal of teacher preparation programs in mathematics, in partnership with common education, is to prepare future teachers for the twenty-first century. Teacher preparation programs must recognize the changes in society to prepare adaptive teachers who are capable of providing equitable schooling for all students of the twenty-first century. Teacher preparation programs must recognize that learning to teach effectively does not consist solely of acquiring content skills. Theory alone cannot create an effective teacher. Effective teaching also must include the processes or pedagogy of teaching that incorporate actual experiences with students and other teacher candidates within a body or bodies of knowledge. Teacher preparation programs are challenged with providing a rigorous body of content which is not isolated from the strategies of teaching and the application of that content.

(B) **Commitment.** The candidate for licensure and certification recognizes the individuality and worth of each student, believes that all students can

Emergency Adoptions

learn and apply mathematics, and incorporates these beliefs into practice.

(C) **Knowledge of students, mathematics and teaching.** The candidate for licensure and certification:

- (i) Has an understanding of middle level philosophy, structure, organization, and child development as well as an understanding of secondary level structure and child development.
- (ii) Uses knowledge of child development and knowledge about the effects of this development on the learning of mathematics to guide curricular and instructional decisions.
- (iii) Understands students' environment and cultural background, individual learning styles, student attitudes and aspirations, and community expectations and values on the learning of students.
- (iv) Has a broad and deep knowledge of the concepts, principles, techniques, and reasoning methods of mathematics that is used to set curricular goals and shape teaching.
- (v) Understands significant connections among mathematical ideas and the applications of these ideas to problem-solving in mathematics, in other disciplines, and in the world outside of school.
- (vi) Has experiences with practical applications of mathematical ideas and is able to incorporate these in curricular and instructional decisions.
- (vii) Is proficient in, at least, the mathematics content needed to teach the mathematics skills described in Oklahoma's core curriculum from multiple perspectives. This includes, but is not limited to, a concrete and abstract understanding of number systems and number theory, geometry and measurement, statistics and probability, functions, algebra, discrete mathematics, and calculus necessary to effectively teach the mathematics skills addressed in the sixth through eighth grade as well as the core and extended core skills in the algebra, geometry, functions, statistics, and probability sections of grades 9-12 in Oklahoma's core curriculum. This would also include the process skills and core skills addressed in the trigonometry and calculus sections of grades 9-12 in the Oklahoma core curriculum.
- (viii) Is proficient in the use of a variety of instructional strategies to include, but is not limited to, cooperative learning, use of concrete materials, use of technology (i.e., calculators and computers), and writing strategies to stimulate and facilitate student learning.
- (ix) Is proficient in the design of instructional units which incorporate the mathematical processes of problem-solving, reasoning, communication, and connections into the instruction of content skills.

(x) Has knowledge of how to teach and uses this knowledge in making curriculum decisions, designing instructional strategies and assessment plans, and choosing materials and resources for mathematics instruction.

(xi) Helps students learn mathematics by creating a safe and positive environment in which they take responsibility for learning.

(xii) Uses content knowledge and pedagogy to develop students' abilities to reason and think mathematically, to investigate and explore patterns, to discover structures and relationships, to formulate and solve problems, and to justify and communicate conclusions.

(xiii) Employs a range of formal and informal assessment methods to evaluate student learning in light of well-defined goals. Results should be used to guide the teaching process and provide opportunities for students to reflect on the strengths and weaknesses of individual performance.

(D) **Reflection and growth.** The candidate for licensure and certification:

(i) Keeps informed of changes in mathematics and in the teaching of mathematics, continually seeking to improve knowledge and practice. He/she regularly reflects on what is taught and how it is taught.

(ii) Supports the involvement of families in their children's education, helps the community understand the role of mathematics and mathematics instruction in today's world, and, to the extent possible, involves the community in support of instruction.

(iii) Collaborates with peers and other education professionals to advance knowledge and contribute to improving practice within the field.

(13) **Advanced/secondary mathematics.**

(A) **Overview.** The goal of teacher preparation programs in mathematics, in partnership with common education, is to prepare future teachers for the twenty-first century. Teacher preparation programs must recognize the changes in society to prepare adaptive teachers who are capable of providing equitable schooling for all students of the twenty-first century. Teacher preparation programs must recognize that learning to teach effectively does not consist solely of acquiring content skills. Theory alone cannot create an effective teacher. Effective teaching also must include the processes or pedagogy of teaching that incorporate actual experiences with students and other teacher candidates within a body or bodies of knowledge. Teacher preparation programs are challenged with providing a rigorous body of content which is not isolated from the strategies of teaching and the application of that content.

(B) **Commitment.** The candidate for licensure and certification recognizes the individuality and worth of each student, believes that all students can

learn and apply mathematics, and incorporates these beliefs into practice.

(C) Knowledge of students, mathematics and teaching. The candidate for licensure and certification:

(i) Has an understanding of the middle level philosophy, structure, organization, and child development as well as an understanding of the secondary level structure and child development.

(ii) Uses knowledge of child development and knowledge about the effects of this development on the learning of mathematics to guide curricular and instructional decisions.

(iii) Understands students' environment and cultural background, individual learning styles, student attitudes and aspirations, and community expectations and values on the learning of students.

(iv) Has a broad and deep knowledge of the concepts, principles, techniques, and reasoning methods of mathematics that is used to set curricular goals and shape teaching.

(v) Understands significant connections among mathematical ideas and the applications of these ideas to problem solving in mathematics, in other disciplines, and in the world outside of school.

(vi) Has experiences with practical applications of mathematical ideas and is able to incorporate these in curricular and instructional decisions.

(vii) Is proficient in, at least, the mathematics content needed to teach the mathematics skills described in Oklahoma's core curriculum from multiple perspectives. This includes, but is not limited to, a concrete and abstract understanding of number systems and number theory, geometry and measurement, statistics and probability, functions, algebra, discrete mathematics, and calculus necessary to effectively teach the mathematics skills addressed in the sixth through twelfth grade in the Oklahoma core curriculum. (The depth and breadth of knowledge should be much greater than for the Intermediate Mathematics certification.)

(viii) Is proficient in the use of a variety of instructional strategies to include, but is not limited to, cooperative learning, use of concrete materials, use of technology (i.e., calculators and computers), and writing strategies to stimulate and facilitate student learning.

(ix) Is proficient in the design of instructional units which incorporate the mathematical processes of problem-solving, reasoning, communication, and connections into the instruction of content skills.

(x) Has knowledge of how to teach and uses this knowledge in making curriculum decisions, designing instructional strategies and assessment

plans, and choosing materials and resources for mathematics instruction.

(xi) Helps students learn mathematics by creating a safe and positive environment in which they take responsibility for learning.

(xii) Uses content knowledge and pedagogy to develop students' abilities to reason and think mathematically, to investigate and explore patterns, to discover structures and relationships, to formulate and solve problems, and to justify and communicate conclusions.

(xiii) Employs a range of formal and informal assessment methods to evaluate student learning in light of well-defined goals. Results should be used to guide the teaching process and provide opportunities for students to reflect on the strengths and weaknesses of individual performance.

(D) Reflection and growth. The candidate for licensure and certification:

(i) Keeps informed of changes in mathematics and in the teaching of mathematics, continually seeking to improve knowledge and practice. He/she regularly reflects on what is taught and how it is taught.

(ii) Supports the involvement of families in their children's education, helps the community understand the role of mathematics and mathematics instruction in today's world, and, to the extent possible, involves the community in support of instruction.

(iii) Collaborates with peers and other education professionals to advance knowledge and contribute to improving practice within the field.

(14) Middle level personnel. The competencies developed here focus on middle level philosophy, structure, organization, and student development. Subject matter competencies can be pulled from the K-12 competencies developed by the subject matter committees. The candidate for licensure and certification:

(A) Understands the history, philosophy, principles, structure, and organization of middle level education as it relates to early adolescence.

(B) Uses methods and materials for interdisciplinary instruction at the middle school level.

(C) Demonstrates an understanding of child-centered versus content-centered methodologies to meet the individual needs of middle level students.

(D) Has knowledge and skills pertaining to classroom management, organization, and student discipline at the middle school level.

(E) Understands the unique developmental characteristics and needs of the early adolescent, focusing on cognitive, physical, and social development.

(F) Establishes an environment using active participation to teach problem-solving and communication skills (reading, listening, writing, and speaking) as an integral part of all instruction.

Emergency Adoptions

- (G) Understands curriculum-based teacher advisory programs, which foster character, responsibility, respect for others, and active community involvement.
- (H) Understands the need to work collaboratively with other teachers, staff members, parents, resource persons, and community groups to enhance and support the education of young adolescents.
- (I) Uses a variety of instructional strategies that address different learning styles to meet the needs of early adolescents.
- (J) Models the role of the lifelong learner.
- (K) Insures that all students develop proficiencies in the Oklahoma core curriculum.
- (15) **Instrumental/general music.** The candidate for licensure and certification:
- (A) Understands the basic philosophy of music education and is able to justify music within the school curriculum.
- (B) Understands how music and fine arts experiences enhance student life experience and can promote music and the other arts in the community as well as within the school (including group motivational strategies and group management methods).
- (C) Participates in ongoing professional development which includes involvement with professional associations and current experiences in performing endeavors.
- (D) Has knowledge of effective methodologies and practices for encouraging self-analysis and musical independence.
- (E) Has mastery of a major instrument, including appropriate techniques of breathing, embouchure (mouth position), posture, and hand position.
- (F) Has a broad understanding of music history, including various styles and musical contributions of different cultural and ethnic groups.
- (G) Has the ability to play an instrument(s) and teach a beginning instrumental music class, using current methods and quality music literature (collection of written music) for band, small ensemble, and solo.
- (H) Is able to recognize and evaluate the sequential development of students, including those with disabilities.
- (I) Has knowledge of where to locate printed musical resources and professional consultants.
- (J) Has a working knowledge of how music integrates with all other academic disciplines, including other fine arts areas.
- (K) Has the skill to collaborate and coordinate experiences with teachers of other academic disciplines, including other fine arts areas.
- (L) Has competency in conducting techniques.
- (M) Is able to teach basic fundamentals of embouchure (mouth position), hand position, technique and other related skills, of all the standard band and orchestra instruments at a basic Grade 6-8 level, including making a characteristic sound.
- (N) Is able to sing a diatonic melody at sight, using a consistent sight-singing method, and the skill to teach that method appropriately at each grade level. "Diatonic" means relating to a musical scale having eight tones to the octave and using a fixed pattern of intervals without chromatic deviation.
- (O) Is able to count rhythms using a consistent rhythm reading system and demonstrates the skill to teach that method appropriately at each grade level.
- (P) Has knowledge of music education approaches such as Carl Orff, Zoltar Kodaly and Jaques-Dalcroze and is able to prepare and teach a lesson according to each of these approaches.
- (Q) Has basic proficiency in piano, including a knowledge of keyboard harmony and is able to play functional progressions and simple accompaniments.
- (R) Has the ability to use technology in the music classroom, such as basic knowledge of MIDI (musical instrument digital interface), sequencing and notational software programs, sound system set-up, and to make successful recordings of music ensembles.
- (S) Understands basic laws of copyright pertaining to the correct use of copyrighted printed music and related responsibilities.
- (T) Understands the competencies in General Music in Oklahoma's core curriculum and exhibits the skill to incorporate them into various instrumental music classes.
- (16) **Vocal/general music.** The candidate for licensure and certification:
- (A) Understands the basic philosophy of music education and is able to justify music within the school curriculum.
- (B) Understands how music and fine arts experiences enhance student life experience and can promote music and the other arts in the community as well as within the school (including group motivational strategies and group management methods).
- (C) Has knowledge of effective methodologies and practices for encouraging self-analysis and musical independence.
- (D) Understands proper breathing techniques and tone production techniques.
- (E) Has a knowledge of quality literature (collection of written music), both choral and solo, as well as folk songs appropriate for children.
- (F) Understands the changing voice, both male and female.
- (G) Has knowledge of where to locate professional consultants and printed music resources, such as music stores, music publisher catalogues, and textbook companies.
- (H) Has a working knowledge of how to coordinate vocal music with all academic disciplines including other fine arts areas.
- (I) Has proficiency in piano, including knowledge of scales, chords and the ability to warm up a choir and play simple accompaniments.

(J) Participates in ongoing professional development which includes involvement with professional associations.

(K) Has the ability to recognize and evaluate sequential musical development for all students, including those with disabilities.

(L) Has competency in conducting, including the ability to show musical nuance (subtle distinction or variation).

(M) Is able to prepare a series of lesson plans appropriate to each teaching level K-12.

(N) Has the ability to sing a diatonic melody at sight, using a consistent sight singing method and the skill to teach that method appropriately at each grade level. "Diatonic" means relating to a musical scale having eight tones to the octave and using a fixed pattern of intervals without chromatic deviation.

(O) Has the ability to count rhythms using a consistent rhythmic reading system and the skills to teach that method appropriately at each grade level.

(P) Has knowledge of the music education approaches such as Carl Orff, Zoltar Kodaly and Jaques-Dalcroze and is able to prepare and teach a lesson according to each of these approaches.

(Q) Has broad knowledge and understanding of music history including various styles, periods and cultures.

(R) Has broad knowledge and understanding of a variety of music and musical practices representative of different cultural and ethnic groups.

(S) Has the ability to use technology in the music classroom, such as basic knowledge of MIDI (musical instrument digital interface), sequencing and notational software programs, sound system set-up, and to make successful recordings of music ensembles.

(T) Understands basic laws of copyright pertaining to the correct use of copyrighted printed music and related responsibilities.

(U) Understands the competencies in General Music in Oklahoma's core curriculum and exhibits the skill to incorporate them into various vocal music classes.

(17) **Physical education/health/safety.** Competencies specified in both (A) Physical Education/Safety and (B) Health/Safety are required for licensure and certification:

(A) **Physical education/safety.** The candidate for licensure and certification:

(i) Understands the Oklahoma core curriculum and is able to develop instructional strategies/plans based on the Physical Education Section of the Oklahoma core curriculum.

(ii) Knows the developmental levels of growth and coordination of children (Grades K-12) and provides appropriate learning opportunities that support the physical and intellectual development of all students.

(iii) Understands and uses a variety of both psychomotor and cognitive assessment strategies to evaluate and modify the teaching/learning process.

(iv) Understands and utilizes physical education activities for curriculum integration.

(v) Applies movement concepts and principles to the learning and development of rhythm and motor skills for the following:

(I) locomotor movement

(II) nonlocomotor movement

(III) manipulative skills

(vi) Promotes participation and involvement in age-appropriate physical activities/sports suitable for lifelong participation in the following areas:

(I) lifetime activities/sports (i.e., skiing, camping, hiking, clogging)

(II) individual activities/sports (i.e., golf, tennis, self-defense, spelunking)

(III) nontraditional team activities/sports (i.e., korfbal, lacrosse, square dancing)

(IV) traditional team activities/sports (i.e., basketball, volleyball, softball)

(vii) Understands adaptive learning activities for students with special needs.

(viii) Knows and can demonstrate appropriate fitness, wellness, and personal management components including:

(I) Fitness. Fitness includes: flexibility; muscular strength; cardiovascular fitness endurance; contraindicated exercises (traditional exercises which have been proven, through research, to be damaging to the body); nutrition.

(II) Wellness. Wellness encompasses: body composition; stress management; safety and accident prevention; designing and assessing personal fitness program; weight control; consumer education.

(III) Personal management skills: cooperation; sportsmanship; self-discipline; goal setting; following rules.

(B) **Health/safety.** The candidate for licensure and certification:

(i) Communicates the concepts, purposes, and importance of health education; as evidenced by the following indicators:

(I) Describes the discipline of health education within the school setting.

(II) Describes the interdependence of health education and the other components of a coordinated school health program.

(III) Delivers accurate and up-to-date information about the most common comprehensive school health education components; including but not limited to: community and environmental health; consumer health; disease prevention and control; healthy communication; human growth and development; mental and emotional

Emergency Adoptions

- health; nutrition; personal health; safety and injury prevention; substance abuse.
- (IV) Provides a rationale for health education, grades 1-12.
- (V) Understands the variables that shape decisions about health behaviors.
- (VI) Defines the role of the health education teacher within a coordinated school health program.
- (VII) Explains the importance of health education.
- (VIII) Identifies the kinds of school and community support necessary to implement a coordinated school health education program.
- (IX) Understands the importance of ongoing professional development for health education teachers.
- (X) Describes the importance of modeling positive, healthful behaviors.
- (ii) Assesses the health education needs and interests of students.
- (I) Uses information about health needs and interests of students.
- (II) Recognizes behaviors that promote or compromise health.
- (iii) Plans school health instruction.
- (I) Selects realistic program goals and objectives.
- (II) Identifies a scope and sequence plan for school health instruction.
- (III) Plans health education lessons which reflect the abilities, needs, interests, developmental levels, and cultural backgrounds of students.
- (IV) Describes effective ways to promote cooperation with and feedback from administrators, parents, and other community members.
- (V) Determines procedures which are compatible with school policy for implementing curricula.
- (VI) Develops activities to meet program goals and objectives based on the Health/Safety, and for grades 7-12, HIV/AIDS Prevention Education Sections of Oklahoma's core curriculum and on the National Health Education Standards.
- (iv) Implements school health instruction.
- (I) Employs a variety of strategies to facilitate implementation of a school health education curriculum; strategies include: provides a core health education curriculum; integrates health and other content areas; uses technology as a strategy to deliver health education; involves parents, guardians, or custodians of students in the teaching/learning process.
- (II) Incorporates appropriate resources and materials including: selects valid and appropriate sources of information about health; uses school and community resources within a comprehensive program; refers students to valid and appropriate sources of health information.
- (III) Employs appropriate strategies for dealing with health issues.
- (IV) Adapts existing health education curricular models to community and student needs and interests.
- (v) Evaluates the effectiveness of school health instruction.
- (I) Uses appropriate criteria and methods unique to health education for evaluating student achievement.
- (II) Interprets and applies student evaluation results to improve health instruction.
- (18) **Psychometrist.** The candidate for licensure and certification:
- (A) Understands and integrates into practice the philosophical, historical, and legal foundations of special education as applicable to the role of the psychometrist/educational diagnostician, in the following areas, including laws, regulations, and policies/procedures related to special education assessment, placement, and due process.
- (B) Demonstrates knowledge, understanding, and application of ethical issues and standards of professional practice within the educational setting, in the following areas:
- (i) ethical conduct and legal issues of the profession
- (ii) role and function of the psychometrist/educational diagnostician
- (iii) confidentiality
- (iv) professional issues/standards
- (v) training standards for particular instruments and procedures
- (vi) continuing professional growth/development
- (C) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for children with disabilities who may require special education services or early childhood intervention services, as follows:
- (i) collection of assessment data for infants through school-age children, including the selection, administration, accurate scoring, and reporting of instruments and procedures appropriate to the areas of concern such as basic academic skills, cognitive/intellectual, developmental, perception, language, adaptive behavior, and classroom behavior
- (ii) the adequacy, appropriate use, and limitations of assessment and evaluation instruments and procedures to be used by the psychometrist/educational diagnostician for educational purposes and recommendations

- (iii) nondiscriminatory assessment strategies for culturally and linguistically diverse children
 - (D) Has knowledge and skills in effective communication and collaboration within the multidisciplinary team process, in the following areas:
 - (i) consultation for instructional interventions and problem-solving
 - (ii) educational recommendations and decision-making
 - (E) Understands and integrates into practice basic psychological foundations, including:
 - (i) cultural diversity
 - (ii) child and adolescent development
 - (iii) human exceptionalities
 - (iv) learning/educational psychology
 - (F) Understands and integrates into practice educational foundations, including:
 - (i) education of the exceptional learner
 - (ii) instructional and remedial techniques
 - (iii) the educational service delivery system
- (19) **Reading specialist.** The candidate for licensure and certification shall possess the competencies specified in (A) through (D) of this paragraph:
- (A) **Reading philosophy and professional roles.** Competencies are:
- (i) Provides reading instructions so as to facilitate the process of reading development in which teacher and learner work together as members of a community of readers.
 - (ii) Has knowledge of the linguistic, dialectal, and developmental differences in readers that may affect instructional strategies.
 - (iii) Knows the principles and issues of major theories of language development as they relate to reading instruction.
 - (iv) Applies flexible approaches to reading instruction that recognize the uniqueness of individual students.
 - (v) Develops strategies for working with school staff, other reading specialists, and professionals within and beyond the school to foster reading development for individuals and groups.
 - (vi) Understands reading as a constructive process in which the experience of the reader, the text, and the requirements of the reading event interact in the creation of meaning.
 - (vii) Identifies appropriate interaction with staff members (e.g., content, special, classroom teachers) to facilitate reading development for all students.
 - (viii) Recognizes factors and procedures related to the involvement of parents and/or school and community groups at all stages of reader development.
 - (ix) Identifies and understands procedures involved in determining curriculum needs for reading programs.
 - (x) Identifies criteria and/or procedures involved in planning reading curriculum.
 - (xi) Identifies appropriate methods and resources related to the reading process for promoting professional growth for self and school staff.
- (B) **Instructional practices.** Competencies are:
- (i) Understands emergent literacy development and the types of experiences and concepts that support learning to read.
 - (ii) Applies knowledge of and provides appropriate instruction of graphophonemic relationships.
 - (iii) Understands the relationship among word knowledge (i.e., word attack and word recognition), reading fluency, and comprehension.
 - (iv) Identifies various word attack strategies (i.e., semantic clues, syntactic clues, graphophonemic clues), and various word recognition strategies (i.e., those that promote meaningful vocabulary growth).
 - (v) Provides appropriate instruction of strategies that promote comprehension at the literal, inferential, and critical/evaluative levels for both narrative and expository texts.
 - (vi) Understands the importance of adjusting reading strategies for different reading purposes.
 - (vii) Provides appropriate instruction of various techniques and study strategies (i.e., locating, organizing, and interpreting information).
 - (viii) Identifies content area reading strategies that activate and/or develop background knowledge.
 - (ix) Assists students in applying reading-related strategies to new learning situations.
 - (x) Understands the issues and procedures involved in teacher modeling, teacher-guided application, and independent practice.
 - (xi) Develops proficiencies in providing instruction associated with a variety of reading instructional approaches, including phonics, language experience, basal (basic) readers, and literature-based.
 - (xii) Implements cooperative learning strategies during reading instruction.
 - (xiii) Analyzes the strengths and weaknesses of the use of readability formulas in assessing instructional materials.
 - (xiv) Identifies appropriate criteria for selecting instructional materials (e.g., textbooks, reference books, computer software).
 - (xv) Analyzes issues and procedures involved in modifying curriculum to meet the needs of individual students.
 - (xvi) Recognizes the factors involved in organizing reading instruction to encourage individual student success.
 - (xvii) Promotes meaningful parent/guardian-child interaction related to reading.

Emergency Adoptions

- (xviii) Creates a reading environment to increase student's motivation to read widely and independently and to promote reading as a lifelong habit.
- (C) Reading diagnosis. Competencies are:
- (i) Identifies factors that contribute to reading difficulties.
 - (ii) Understands the nature of reading difficulties (e.g., students' knowledge and strategies, factors embedded in the reading materials, instructional factors).
 - (iii) Implements, interprets, and uses informal and formal assessment and evaluation procedures for identifying and diagnosing reading difficulties (e.g., observation, criterion-referenced tests, norm-referenced tests, miscue analysis, informal reading inventories, anecdotal records).
 - (iv) Understands, analyzes, and creates case studies for diagnostic purposes.
 - (v) Identifies issues, procedures, and limitations involved in using oral diagnostic tests, silent diagnostic tests, visual and auditory screening, and observational diagnostic techniques.
 - (vi) Identifies activities and/or strategies appropriate for individual or group instruction for students with reading difficulty.
- (D) Evaluation and assessment. Competencies are:
- (i) Identifies characteristics, strengths, and weaknesses of formal and informal tests and instruments (i.e., criterion-referenced, norm-referenced, achievement tests, diagnostic tests, checklists, observations, and anecdotal records.)
 - (ii) Analyzes issues involved in the use of tests and other evaluation instruments for classification or placement, diagnosis, or other evaluative purposes.
 - (iii) Selects tests or other instruments appropriate for a given evaluation purpose.
 - (iv) Understands the principles and/or procedures involved in the interpretation of test results.
 - (v) Identifies procedures for cooperating with various professionals in assessment, evaluation, and instructional planning for students with special needs.
 - (vi) Identifies criteria for evaluating reading programs.
- (20) **Reserve Officers' Training Corps (ROTC).** Competency for ROTC certification will be verified by a recommendation from the appropriate ROTC Regional Headquarters.
- (21) **School counselor.**
- (A) The candidate for licensure and certification:
 - (i) Uses an understanding of human development to provide a comprehensive, developmental guidance and counseling program.
 - (ii) Understands the impact of environmental influences on students' development and achievement, and helps students develop strategies to resolve or cope with situations that may hinder learning.
- (iii) Demonstrates an appreciation of human diversity by providing equitable guidance and counseling services for all students and by promoting a climate of mutual respect that helps students value themselves and others.
- (iv) Uses effective leadership skills to plan, implement, and evaluate a comprehensive, developmental guidance and counseling program to address the needs of all students.
 - (v) Provides guidance and counseling services to address the needs and concerns of students and to help students develop skills to use in future situations.
 - (vi) Facilitates the educational and career development of individual students to help all students achieve success.
 - (vii) Uses formal and informal assessment to provide information about and to students, to monitor student progress, and to recommend changes to the student's educational environment.
 - (viii) Consults with parents and school personnel, provides professional expertise, and establishes collaborative relationships that foster a support system for students, parents, and the school community.
 - (ix) Establishes strong and positive ties with the home and the community to promote and support students' growth in school and beyond the school setting.
 - (x) Has knowledge of professional ethical codes, the importance of professional development, and the need to work with colleagues to advance the profession.
- (B) Competency for School Counselor certification may also be verified by the Nationally Certified School Counselor (NCSC) credential.
- (22) **School nurse.** Competency for School Nurse certification will be verified by a current registered nurse's license issued by the Oklahoma State Board of Nurse Registration and Nursing Education.
- (23) **School psychologist.**
- (A) The candidate for licensure and certification:
 - (i) Understands and integrates into practice the principles of professional school psychology, including:
 - (I) ethical conduct and legal issues
 - (II) confidentiality
 - (III) role and function of the school psychologist
 - (IV) service delivery models
 - (V) professional issues/standards
 - (VI) history and foundations
 - (VII) continuing professional growth/development
 - (ii) Demonstrates knowledge and skills in a comprehensive range of assessment, diagnosis,

evaluation, and eligibility or intervention determination within the multidisciplinary team process, including:

- (I) for children with disabilities who may require special education, early childhood intervention services, or other exceptional needs
- (II) assessment for interventions
- (III) collection of assessment data for infants through school-age children, including the selection, administration, accurate scoring, reporting, and interpretation of instruments and procedures appropriate to the areas of concern
- (IV) the adequacy, appropriate uses, and limitations of assessment and evaluation instruments and procedures to be used by the school psychologist
- (V) nondiscriminatory assessment strategies for culturally and linguistically diverse children
- (iii) Demonstrates knowledge and skills in prevention, intervention, consultation, and counseling, including:
 - (I) behavioral and social skills
 - (II) cognitive/intellectual
 - (III) child developmental
 - (IV) academic learning/instructional
 - (V) mental health needs
 - (VI) crisis prevention/intervention
- (iv) Demonstrates knowledge and skills in effective communication and collaboration, including:
 - (I) consultation for interventions and problem-solving
 - (II) recommendations and decision-making concerning educational and mental health needs of children
 - (III) working with families, children, professionals, and other service systems
- (v) Demonstrates knowledge and application of statistics, research methodologies/designs, measurement, and program evaluation.
- (vi) Understands and integrates into practice psychological foundations including:
 - (I) biological bases of behavior (developmental, neuropsychological, physiological, and other biological influences on behavior)
 - (II) social bases of behavior (social psychology and development)
 - (III) cultural diversity and cultural bases of behavior
 - (IV) child and adolescent development
 - (V) human exceptionalities and individual differences
 - (VI) human learning
- (vii) Understands and integrates into practice educational foundations, including:
 - (I) education of the exceptional learner

- (II) instructional and remediation techniques/intervention methods
- (III) organization and operation of the schools
- (IV) the educational and alternative service delivery systems

(B) Competency for School Psychologist certification may also be verified by the Nationally Certified School Psychologist (NCSP) credential.

(24) **Elementary science.** The candidate for licensure and certification:

- (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one
 - (i) Develops a framework of yearlong and short-term goals for students.
 - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
 - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
 - (iv) Works with colleagues within and across disciplines and grade levels.
- (B) Is able to guide and facilitate learning. In doing this, one
 - (i) Focuses and supports inquiries while interacting with students.
 - (ii) Facilitates discussion among students about scientific ideas.
 - (iii) Challenges students to accept and share responsibility for their own learning.
 - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
 - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
- (C) Is able to engage in ongoing assessment of one's own teaching and of student learning. In doing this, one
 - (i) Uses multiple methods and systematically gathers data about student understanding and ability.
 - (ii) Analyzes assessment data to guide teaching.
 - (iii) Guides students in the evaluation of their work.
 - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
 - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
- (D) Is able to design and manage learning environments that provide students with the time, space, and

Emergency Adoptions

resources needed for developing science skills. In doing this, one

- (i) Structures the time so that students are able to engage in extended investigations.
- (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
- (iii) Ensures a safe working environment.
- (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
- (v) Identifies and uses resources outside the school.
- (vi) Engages students in designing the learning environment.

(E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning.

In doing this, one

- (i) Respects the diverse needs, skills, and experiences of all students.
- (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
- (iii) Encourages collaboration among students.
- (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
- (v) Models and emphasizes the skills and value of scientific inquiry.

(F) Is able to use a variety of instructional strategies to implement an integrated/ interdisciplinary curriculum.

(G) Is able to teach with a broad understanding of all content areas and to understand the interaction between the sciences and the process skills. Content areas and concepts within each are listed in subparagraphs (A) through (C) herein:

- (i) Physical science content
 - (I) Properties of objects and materials
 - (II) Properties and changes of properties in matter
 - (III) Position and motion of objects
 - (IV) Motion and force
 - (V) Light, heat, electricity, and magnetism
 - (VI) Transfer of energy
- (ii) Earth/space content
 - (I) Properties of earth materials
 - (II) Objects in the sky
 - (III) Changes in earth and sky
 - (IV) Structure of the earth system
 - (V) Earth's history
 - (VI) Earth in the solar system
- (iii) Life science content
 - (I) The characteristics of organisms
 - (II) The life cycle of organisms
 - (III) Organisms and environment

(IV) Structure and function in living systems

(V) Reproduction and heredity

(VI) Regulation and behavior

(VII) Population and ecosystem

(VIII) Diversity and adaptation of organisms

(H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades K through 8. Identified science concepts and/or science content areas are:

(i) System, order and organization

(ii) Constancy, change, equilibrium and measurement

(iii) Form and function

(iv) Abilities of technological design

(v) Abilities to distinguish between natural objects and objects made by humans

(vi) Understanding about science and technology

(vii) Science as a human endeavor

(viii) Nature of science

(ix) History of science

(x) Personal health

(xi) Characteristics and changes in populations

(xii) Population, resources, and environment

(xiii) Types of resources

(xiv) Natural hazards

(xv) Changes in environments

(xvi) Science and technology in local challenges

(xvii) Risk and benefits

(xviii) Science and technology in society

(25) **Earth science 6-12.** The candidate for licensure and certification:

(A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one

(i) Develops a framework of yearlong and short-term goals for students.

(ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities and experiences of students.

(iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.

(iv) Works with colleagues within and across disciplines and grade levels.

(B) Is able to guide and facilitate learning. In doing this, one:

(i) Focuses and supports inquiries while interacting with students.

(ii) Facilitates discussion among students about scientific ideas.

(iii) Challenges students to accept and share responsibility for their own learning.

- (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
 - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
- (C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one
- (i) Uses multiple methods and systematically gathers data about student understanding and ability.
 - (ii) Analyzes assessment data to guide teaching.
 - (iii) Guides students in the evaluation of their work.
 - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
 - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
- (D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one
- (i) Structures the time so that students are able to engage in extended investigations.
 - (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
 - (iii) Ensures a safe working environment.
 - (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
 - (v) Identifies and uses resources outside the school.
 - (vi) Engages students in designing the learning environment.
- (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one
- (i) Respects the diverse needs, skills, and experiences of all students.
 - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
 - (iii) Encourages collaboration among students.
 - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
 - (v) Models and emphasizes the skills, attitudes, and value of scientific inquiry.
- (F) Is able to use a variety of instructional strategies to implement an integrated interdisciplinary curriculum.
- (G) Is able to teach with a broad understanding of all content areas and understand the interaction between the sciences and the process skills. Identified Earth/Space Science content areas are:
- (i) Structure of the earth system
 - (ii) Earth's history
 - (iii) Earth in the solar system
 - (iv) Energy in the Earth system
 - (v) Geochemical cycles
 - (vi) The universe and Earth's system
- (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified science concepts and/or science content areas are:
- (i) System, order and organization
 - (ii) Evidence, models and explanation
 - (iii) Constancy, change, equilibrium and measurement
 - (iv) Form and function
 - (v) Abilities of technological design
 - (vi) Understanding about science and technology
 - (vii) Science as a human endeavor
 - (viii) Nature of science
 - (ix) Nature of scientific knowledge
 - (x) History of science
 - (xi) Historical perspectives
 - (xii) Personal health
 - (xiii) Personal and community health
 - (xiv) Population, resources, and environments
 - (xv) Population growth
 - (xvi) Natural hazards
 - (xvii) Natural resources
 - (xviii) Risks and benefits
 - (xix) Environmental quality
 - (xx) Natural and human induced hazards
 - (xxi) Science and technology in society
 - (xxii) Science and technology in local, national, and global challenges
- (26) **Biological sciences 6-12.** The candidate for licensure and certification:
- (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one:
- (i) Develops a framework of yearlong and short-term goals for students.
 - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
 - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
 - (iv) Works with colleagues within and across disciplines and grade levels.
- (B) Is able to guide and facilitate learning. In doing this, one:

Emergency Adoptions

- (i) Focuses and supports inquiries while interacting with students.
 - (ii) Facilitates discussion among students about scientific ideas.
 - (iii) Challenges students to accept and share responsibility for their own learning.
 - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
 - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
- (C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one:
- (i) Uses multiple methods and systematically gathers data about student understanding and ability.
 - (ii) Analyzes assessment data to guide teaching.
 - (iii) Guides students in the evaluation of their work.
 - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
 - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
- (D) Is able to design and manage learning environments that provide students with the time, space and resources needed for developing science skills. In doing this, one:
- (i) Structures the time so that students are able to engage in extended investigations.
 - (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
 - (iii) Makes the available science tools, materials, media, and technological resources accessible to students.
 - (iv) Engages students in designing the learning environment.
- (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:
- (i) Respects diverse needs, skills, and experiences of all students.
 - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
 - (iii) Encourages collaboration among students.
 - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
 - (v) Models and emphasizes the skills and value of scientific inquiry.

(F) Is able to use a variety of instructional strategies to implement an integrated interdisciplinary curriculum.

(G) Is able to teach with a broad understanding of all content areas and understands the interaction between the sciences and the process skills. Identified Biological Sciences content areas are:

- (i) Structure and function in living systems
- (ii) Reproduction and heredity
- (iii) Regulation and behavior
- (iv) Population and ecosystem
- (v) Diversity and adaptation of organisms
- (vi) The cell
- (vii) The molecular basis of heredity
- (viii) Biological adaptation
- (ix) The interdependence of organisms
- (x) Matter, energy, organization in living systems
- (xi) Behavior of organisms

(H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified Science concepts and content areas are:

- (i) System, order, and organization
- (ii) Evidence, models, and explanation
- (iii) Constancy, change, equilibrium, and measurement
- (iv) Form and function
- (v) Abilities of technological design
- (vi) Understanding about science and technology
- (vii) Science as a human endeavor
- (viii) Nature of science
- (ix) Nature of scientific knowledge
- (x) History of science
- (xi) Historical perspectives
- (xii) Personal health
- (xiii) Personal and community health
- (xiv) Population, resources, and environments
- (xv) Population growth
- (xvi) Natural hazards
- (xvii) Natural resources
- (xviii) Risks and benefits
- (xix) Environmental quality
- (xx) Natural and human induced hazards
- (xxi) Science and technology in society
- (xxii) Science and technology in local, national, and global challenges

(27) **Physical sciences 6-12.** The candidate for licensure and certification:

(A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one:

- (i) Develops a framework of yearlong and short-term goals for students.
- (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.

- (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
 - (iv) Works with colleagues within and across disciplines and grade levels.
- (B) Is able to guide and facilitate learning. In doing this, one:
- (i) Focuses and supports inquiries while interacting with students.
 - (ii) Facilitates discussion among students about scientific ideas.
 - (iii) Challenges students to accept and share responsibility for their own learning.
 - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
 - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
- (C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one:
- (i) Uses multiple methods and systematically gathers data about student understanding and ability.
 - (ii) Analyzes assessment data to guide teaching.
 - (iii) Guides students in the evaluation of their work.
 - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
 - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
- (D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one:
- (i) Structures the time so that students are able to engage in extended investigations.
 - (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
 - (iii) Ensures a safe working environment.
 - (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
 - (v) Identifies and uses resources outside the school.
 - (vi) Engages students in designing the learning environment.
- (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:
- (i) Respects the diverse needs, skills, and experiences of all students.
 - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
 - (iii) Encourages collaboration among students.
 - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
 - (v) Models and emphasizes the skills and value of scientific inquiry.
- (F) Is able to use a variety of instructional strategies and use integrated and interdisciplinary curriculum.
- (G) Is able to teach with a broad understanding of all content areas and understands the interaction between the sciences and the process skills. Identified Physical Science concepts and content areas are:
- (i) Properties and changes of properties in matter
 - (ii) Motions and force
 - (iii) The structure of atoms
 - (iv) Structure and properties of matter
 - (v) Chemical reactions
 - (vi) Conservation of energy
 - (vii) Interactions of energy and matter
 - (viii) The earth system
 - (ix) The Universe
- (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified Science concepts and content areas are:
- (i) System, order, and organization
 - (ii) Evidence, models, and explanation
 - (iii) Constancy, change, equilibrium, and measurement
 - (iv) Form and function
 - (v) Abilities of technological design
 - (vi) Understanding about science and technology
 - (vii) Science as a human endeavor
 - (viii) Nature of science
 - (ix) Nature of scientific knowledge
 - (x) History of science
 - (xi) Historical perspectives
 - (xii) Personal health
 - (xiii) Personal and community health
 - (xiv) Population, resources, and environments
 - (xv) Population growth
 - (xvi) Natural hazards
 - (xvii) Natural resources
 - (xviii) Risks and benefits
 - (xix) Environmental quality
 - (xx) Natural and human induced hazards
 - (xxi) Science and technology in society
 - (xxii) Science and technology in local, national, and global challenges
- (28) **Chemistry 6-12.** The candidate for licensure and certification:

Emergency Adoptions

(A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one:

- (i) Develops a framework of yearlong and short-term goals for students.
- (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
- (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
- (iv) Works with colleagues within and across disciplines and grade levels.

(B) Is able to guide and facilitate learning. In doing this, one:

- (i) Focuses and supports inquiries while interacting with students.
- (ii) Facilitates discussion among students about scientific ideas.
- (iii) Challenges students to accept and share responsibility for their own learning.
- (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
- (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.

(C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one:

- (i) Uses multiple methods and systematically gathers data about student understanding and ability.
- (ii) Analyzes assessment data to guide teaching.
- (iii) Guides students in the evaluation of their work.
- (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
- (v) Uses student assessment information and classroom observation to report student achievement to students and parents.

(D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one:

- (i) Structures the time so that students are able to engage in extended investigations.
- (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
- (iii) Ensures a safe working environment.
- (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
- (v) Identifies and uses resources outside the school.

(vi) Engages students in designing the learning environment.

(E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:

- (i) Respects the diverse needs, skills, and experiences of all students.
- (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
- (iii) Encourages collaboration among students.
- (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
- (v) Models and emphasizes the skills and value of scientific inquiry.

(F) Is able to use a variety of instructional strategies and use integrated and interdisciplinary curriculum.

(G) Is able to teach with a broad understanding of all content areas and understands the interaction between the sciences and the process skills. Identified Chemistry concepts and content areas are:

- (i) Structures and properties of matter
- (ii) Chemical reactions
- (iii) Transfer of energy
- (iv) The structure of atoms
- (v) Properties and changes of properties in matter

(H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified Science concepts and content areas are:

- (i) System, order, and organization
- (ii) Evidence, models, and explanation
- (iii) Constancy, change, equilibrium, and measurement
- (iv) Form and function
- (v) Abilities of technological design
- (vi) Understanding about science and technology
- (vii) Science as a human endeavor
- (viii) Nature of science
- (ix) Nature of scientific knowledge
- (x) History of science
- (xi) Historical perspectives
- (xii) Personal health
- (xiii) Personal and community health
- (xiv) Population, resources, and environments
- (xv) Population growth
- (xvi) Natural hazards
- (xvii) Natural resources
- (xviii) Risks and benefits
- (xix) Environmental quality
- (xx) Natural and human induced hazards
- (xxi) Science and technology in society

- (xxii) Science and technology in local, national, and global challenges
- (29) **Physics 6-12.** The candidate for licensure and certification:
- (A) Is able to plan an inquiry-based science program for students using as a framework, Oklahoma's core curriculum. In doing this, one:
- (i) Develops a framework of yearlong and short-term goals for students.
 - (ii) Understands curriculum design to meet the interests, knowledge, understanding, abilities, and experiences of students.
 - (iii) Selects teaching and assessment strategies that support the development of student understanding and encourage a community of science learners.
 - (iv) Works with colleagues within and across disciplines and grade levels.
- (B) Is able to guide and facilitate learning. In doing this, one:
- (i) Focuses and supports inquiries while interacting with students.
 - (ii) Facilitates discussion among students about scientific ideas.
 - (iii) Challenges students to accept and share responsibility for their own learning.
 - (iv) Recognizes and responds to student diversity and encourages all students to participate fully in science learning.
 - (v) Encourages and models the skills of scientific inquiry, as well as the curiosity, openness to new ideas and data, and questioning that characterizes science.
- (C) Is able to engage in ongoing assessment of own teaching and of student learning. In doing this, one:
- (i) Uses multiple methods and systematically gathers data about student understanding and ability.
 - (ii) Analyzes assessment data to guide teaching.
 - (iii) Guides students in the evaluation of their work.
 - (iv) Uses student data, observations of teaching, and interaction with colleagues to reflect on and improve teaching practice.
 - (v) Uses student assessment information and classroom observation to report student achievement to students and parents.
- (D) Is able to design and manage learning environments that provide students with the time, space, and resources needed for developing science skills. In doing this, one:
- (i) Structures the time so that students are able to engage in extended investigations.
 - (ii) Creates a setting for student work that is flexible and supportive of science inquiry.
 - (iii) Ensures a safe working environment.
 - (iv) Makes the available science tools, materials, media, and technological resources accessible to students.
 - (v) Identifies and uses resources outside the school.
 - (vi) Engages students in designing the learning environment.
- (E) Is able to develop communities of science learners that reflect the intellectual rigor of scientific inquiry and the climate conducive to science learning. In doing this, one:
- (i) Respects the diverse needs, skills, and experiences of all students.
 - (ii) Enables students to have a significant voice in decisions about the content and context of their work and prepares students to take responsibility for learning.
 - (iii) Encourages collaboration among students.
 - (iv) Structures and facilitates ongoing formal and informal discussion based on a shared understanding of rules of scientific discourse.
 - (v) Models and emphasizes the skills and value of scientific inquiry.
- (F) Is able to use a variety of instructional strategies and use integrated and interdisciplinary curriculum.
- (G) Is able to teach with a broad understanding of all content areas and understands the interaction between the sciences and the process skills. Identified Physics concepts and content areas are:
- (i) Motions and forces
 - (ii) Conservation of energy
 - (iii) Transfer of energy
 - (iv) Interactions of energy and matter
- (H) Is able to develop conceptual understanding for science content using the process skills listed in Oklahoma's core curriculum, in Grades 6 through 12. Identified Science concepts and content areas are:
- (i) System, order, and organization
 - (ii) Evidence, models, and explanation
 - (iii) Constancy, change, equilibrium, and measurement
 - (iv) Form and function
 - (v) Abilities of technological design
 - (vi) Understanding about science and technology
 - (vii) Science as a human endeavor
 - (viii) Nature of science
 - (ix) Nature of scientific knowledge
 - (x) History of science
 - (xi) Historical perspectives
 - (xii) Personal health
 - (xiii) Personal and community health
 - (xiv) Population, resources, and environments
 - (xv) Population growth
 - (xvi) Natural hazards
 - (xvii) Natural resources
 - (xviii) Risks and benefits

Emergency Adoptions

- (xix) Environmental quality
 - (xx) Natural and human induced hazards
 - (xxi) Science and technology in society
 - (xxii) Science and technology in local, national, and global challenges
- (30) **Social Studies.**
- (A) **United States History/Oklahoma History/government/economics.** The candidate for licensure and certification:
- (i) Knows the major themes of United States history and their interrelatedness.
 - (ii) Understands how the political growth, major events, and individuals affected the development of the United States.
 - (iii) Examines and analyzes historical documents which contributed to the establishment and growth of the government of the United States.
 - (iv) Identifies and describes events, trends, individuals, and movements which shaped the social, economic, and cultural development of the United States.
 - (v) Analyzes events and identifies individuals who defined and continue to impact the role of the United States in world affairs.
 - (vi) Knows the roles and function of government and the foundations, structure, and function of American government.
 - (vii) Identifies and explains the rights and responsibilities of citizens of the United States.
 - (viii) Describes the characteristics of local and state governments and the national government, and the relationships among the different levels of government.
 - (ix) Analyzes how the American political process works and the relationship of the process to the individual as a citizen of the state and the nation.
 - (x) Identifies and analyzes the events which led to Oklahoma's historical, political, economic, and cultural development.
 - (xi) Identifies important individuals and groups which have had an influence on Oklahoma's heritage.
 - (xii) Identifies the diverse geographic features and resources found in Oklahoma and describes their influence on Oklahoma's historical development and economy.
 - (xiii) Understands basic application of economic theories.
 - (xiv) Interprets economic trends in historical, political, and geographic contexts.
 - (xv) Analyzes the influence of the past on the present and uses a knowledge of history and government to anticipate and plan for the future, evaluating alternative courses of action.
 - (xvi) Applies the skills of analysis, interpretation, research, and decision-making to develop an understanding of history, government, and economic concepts.
- (B) **World History/geography.** The candidate for licensure and certification:
- (i) Compares and contrasts differing sets of ideas, personalities, and institutions of world cultures and major historical periods.
 - (ii) Analyzes the cause and effect of relationships, multiple causation and perspectives, including the importance of the individual on historical events.
 - (iii) Analyzes the influence of the past on the present and uses a knowledge of history and geography to anticipate and plan for the future, evaluating alternative courses of action.
 - (iv) Interprets given historical data in order to evaluate information in its context.
 - (v) Knows the six elements of geographic organization: the world in spatial terms, places and regions, physical systems, human systems, environment and society, and application of geographic data, and applies them to developing an understanding of geography concepts.
 - (vi) Applies the skills of analysis, interpretation, research, and decision-making to develop an understanding of history and geographic concepts.
 - (vii) Knows the content of the Oklahoma core curriculum for World History and Geography.
- (C) **Psychology/sociology.** The candidate for licensure and certification:
- (i) Exhibits a basic intellectual grasp of psychological and sociological theories, vocabulary, history, and recent trends in the fields of psychology and sociology.
 - (ii) Understands basic concepts relative to social, developmental, abnormal and clinical psychology, learning theory (classical, operant, and cognitive), and other significant areas in the discipline of psychology, such as the scientific method.
 - (iii) Knows basic brain-based research and theory, and how biology and behavior interact.
 - (iv) Recognizes the differences among experimental, classical, and conditioning approaches to the study of psychology.
 - (v) Analyzes and interprets how today's psychologists view behavior in the following areas: the biological, the cognitive, the person-centered, and the psycho-dynamic perspectives.
 - (vi) Knows the theories and measurement of intelligence testing.
 - (vii) Knows basic concepts relative to group behavior, ethnicity, social mores, crime, demographics and current social issues.

(viii) Knows and analyzes culture, social structure, social stratification, social institutions, socialization, social movements, and social problems, as sociological concepts.

(ix) Knows and applies the basic sociological research processes, e.g., hypothesis formulations, sampling.

(31) Special Education (birth through twelfth grade).

For purposes of providing special education services and identifying competencies deemed necessary for licensure and certification, four areas of disabilities have been identified within the overall field of special education; these are Blind/Visual Impairment, Deaf/Hard of Hearing, Mild-Moderate Disabilities, and Severe-Profound/Multiple Disabilities. Competencies identified at the early childhood level and deemed common to all areas of disabilities are addressed in (A) and apply to all candidates for licensure and certification in any area of special education. Additional competencies in each of the four areas listed above in this paragraph are addressed in (B) through (E).

(A) Competencies common to all areas of disabilities. The candidate for licensure and certification:

(i) Understands the historical, social, and ethical foundations; legal and regulatory; and current trends and issues of early childhood, early childhood special education, and special education.

(ii) Identifies specific/common disabilities in children and the implications for development and learning.

(iii) Plans and implements programming and curricula using current best practices and principles of early childhood education.

(iv) Understands typical and atypical development and the interdependency of all developmental areas, and respects each child's unique characteristics and their implications for learning.

(v) Demonstrates knowledge and skills in selection and administration of developmental screening, assessment, and evaluation instruments and methods which are comprehensive, nondiscriminatory for linguistic and cultural differences, formal and informal, and appropriate for children with early childhood disabilities.

(vi) Participates and collaborates with all team members in conducting the evaluation/assessment within the multidisciplinary team process.

(vii) Understands and demonstrates knowledge of the individualized family service plan (IFSP)/individualized education program (IEP) process by:

(I) using assessment results, in partnership with the family and other team members, to develop the IFSP/IEP

(II) monitoring IFSP/IEP progress

(viii) Understands and implements early childhood curricula by adapting educational strategies, schedules and environments (individual, group,

home settings) to meet the specific needs, interests, and experiences of all children.

(ix) Understands and participates in the transition process across programs and service systems by:

(I) planning for and linking current developmental learning experiences and teaching strategies with those of the next educational setting

(II) communicating options for programs and services at the next level, while assisting the family in planning for transition.

(x) Develops and uses formative and summative program evaluation to ensure comprehensive quality of programs and services for children and their families.

(xi) Collaborates and consults regularly with families, other team members, and agencies to enhance and support children's learning and development by:

(I) assisting families in identifying resources, priorities, and concerns, and in accessing appropriate services

(II) respecting parents' choices and goals for their children

(III) implementing services for children and their families, consistent with laws, regulations, and procedural safeguards

(xii) Uses positive and supportive early childhood guidance, teaching, and behavioral strategies which help all children learn to make responsible decisions regarding their own behavior and contribute to the development of self-control, self-motivation, and self-worth.

(xiii) Demonstrates professionalism and ethical practice, including:

(I) advocacy on behalf of young children and their families to improve quality of programs and services for young children and for early childhood special education

(II) implementation of a professional development plan which incorporates best practices and principles.

(B) Blind/visual impairment. The candidate for licensure and certification:

(i) Understands the philosophical, historical, and legal foundations of special education for students with visual impairment including:

(I) trends and issues in special education

(II) special education policies and procedures

(III) laws and regulations regarding special education

(ii) Demonstrates knowledge of characteristics of students with visual impairments.

(iii) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team

Emergency Adoptions

process for students with visual impairments including:

- (I) procedures relevant to the impact of specific visual disorders on learning and experience, as well as procedures used for screening, prereferral, referral, and identification of students with visual impairments:
 - (II) vision screening methods
 - (III) functional vision assessment
 - (IV) learning media assessment
 - (V) orientation and mobility
 - (VI) independent living skills
 - (VII) vocational skills
 - (VIII) assistive technology
 - (IX) recreation and leisure skills
 - (X) classroom observation
- (iv) Understands and demonstrates knowledge of the individualized education programs (IEP) process by:
- (I) using assessment results, in partnership with team members, to develop the IEP
 - (II) monitoring IEP progress
- (v) Demonstrates knowledge and skills to plan and implement appropriate and effective individualized education programs for students with visual impairments, based upon knowledge of subject matter and adaptation of curriculum and materials to meet individual abilities and sensory, conceptual and communication needs, including:
- (I) social interaction skills
 - (II) recreation and leisure skills
 - (III) use of assistive technology
 - (IV) prerequisite skills and concepts for orientation and mobility instruction
 - (V) independent living skills
 - (VI) career education
 - (VII) visual efficiency skills
 - (VIII) literacy skills
 - (IX) organizational skills
- (vi) Plans and manages supportive educational environments relative to the student's specific visual condition, including:
- (I) acquisition and use of unique assistive technology (e.g., computers, printers, scanners, screen access, note-taking devices, software, speech output devices, CCTV, etc.)
 - (II) acquisition and use of specialized equipment and materials (Braille writer, abacus, slate and stylus, paper, Braille/large print/cassette textbooks, tactile maps, charts, graphs, optical, and nonoptical aids, etc.)
 - (III) modification of the physical environment
 - (IV) implementation of appropriate instructional strategies
 - (V) incorporation of basic orientation and mobility skills

(vii) Demonstrates knowledge and applies skills relative to the management of student behavior and social interaction skills unique to students with visual impairments, including:

- (I) influences of the disability (ies) and other factors impacting the child's behavior and social skills
 - (II) instruction in social interaction skills, adaptive behavior, and appropriate behaviors
 - (III) appropriate behavior management and ethical considerations using a variety of interventions and techniques
- (viii) Demonstrates knowledge and skills in communication and collaborative partnerships, including:
- (I) communication with families, professionals, ancillary personnel, student peers, and community members to improve the quality of education for students with visual impairments
 - (II) interrelationships of resource and related service providers
 - (III) educational activities regarding specific visual conditions through inservice, consultation, etc.
 - (IV) transition planning
- (ix) Demonstrates knowledge and skills to promote successful transitions at all levels of the education process and in various environments, including:
- (I) completion of secondary level program/postsecondary planning
 - (II) transitions across programs and service delivery systems
- (x) Demonstrates knowledge and skills in providing an appropriate education for students in the least restrictive environment, including the full continuum of placement alternatives
- (xi) Demonstrates management skills pertaining to the various service delivery models representing the full continuum of placement options for students with visual impairments, including:
- (I) time management and scheduling
 - (II) record keeping
 - (III) prioritizing caseload
 - (IV) roles and responsibilities
 - (V) travel issues relevant to service delivery
 - (VI) site specific climate and culture
- (xii) Demonstrates professional and ethical conduct and advocacy for the unique needs of all students with visual impairments regardless of the availability of services.
- (C) **Deaf/hard of hearing.** The candidate for licensure and certification:
- (i) Understands the philosophical, historical, and legal foundations of special education for students who are deaf or hard of hearing, including:
 - (I) trends and issues in special education

- (II) special education policies and procedures
- (III) laws and regulations regarding special education
- (ii) Demonstrates knowledge of characteristics and development of students who are deaf or hard of hearing, including:
 - (I) communication features (visual, spatial, tactile, auditory) necessary to enhance cognitive, emotional, and social development
 - (II) etiologies (causes) of hearing loss
 - (III) effects of onset, age of identification, and provision of services
- (iii) Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for students who are deaf or hard of hearing, including
 - (I) use of the natural/native/preferred language or mode of communication of the student
 - (II) interpretation of results for use in educational programming
- (iv) Understands and demonstrates knowledge of the individualized education program (IEP) process by:
 - (I) using assessment results, in partnership with team members, to develop the IEP
 - (II) monitoring IEP progress
- (v) Demonstrates knowledge and skills to plan and implement appropriate and effective instruction for students who are deaf or hard of hearing based upon knowledge of subject matter, curriculum goals, and students' individual abilities and needs by use of:
 - (I) multimedia skills
 - (II) techniques for modifying and adapting curriculum and materials to meet physical, sensory, cognitive, cultural, and communication needs in various learning environments
- (vi) Plans and manages supportive teaching and learning environments that maximize opportunities for visually oriented and/or auditory learning and facilitate participation of students who are deaf or hard of hearing using:
 - (I) knowledge of current devices and assistive technology, including their application and resources (e.g., captioning, computers, augmentative communication devices, etc.)
 - (II) classroom management techniques
- (vii) Demonstrates knowledge and skills in managing student behavior and social interaction skills, including:
 - (I) appropriate behavioral management and ethical considerations using a variety of interventions and techniques
 - (II) influences of the disability(ies) and other factors impacting the child's behavior and social interaction skills
- (viii) Understands how language develops naturally and that early comprehensible communication influences the development of the whole child.
- (ix) Demonstrates proficiency in the languages and modes of communication that are used in the instruction of students who are deaf or hard of hearing.
- (x) Understands the social and cultural aspects of the deaf perspective and deaf experience.
- (xi) Demonstrates knowledge and skills in communication and forming collaborative partnerships with families, professionals, and community members to improve the quality of education for students who are deaf or hard of hearing.
- (xii) Demonstrates knowledge and skills to promote successful transitions at all levels of the education process and in various environments, including:
 - (I) completion of secondary level program/postsecondary planning
 - (II) ~~transitions across programs and service delivery systems~~
 - (xiii) ~~Demonstrates knowledge and skills in providing an appropriate education for students in the least restrictive environment, including the full continuum of placement alternatives.~~
 - (xiv) ~~Demonstrates professional and ethical conduct in matters related to the education of students who are deaf or hard of hearing.~~
- (D) ~~Mild/moderate disabilities.~~ The candidate for licensure and certification:
 - (i) ~~Understands the philosophical, historical, and legal foundations of special education, including:~~
 - (I) ~~trends and issues in special education~~
 - (II) ~~special education policies and procedures~~
 - (III) ~~laws and regulations regarding special education~~
 - (ii) ~~Demonstrates knowledge of characteristics of learners with mild/moderate disabilities in the following areas:~~
 - (I) ~~cognitive~~
 - (II) ~~communication~~
 - (III) ~~physical~~
 - (IV) ~~medical~~
 - (V) ~~cultural~~
 - (VI) ~~social~~
 - (VII) ~~emotional~~
 - (iii) ~~Demonstrates knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for students with mild/moderate disabilities.~~
 - (iv) ~~Understands and demonstrates knowledge of the individualized education program (IEP) process by:~~

Emergency Adoptions

- (I) using assessment results, in partnership with team members, to develop the IEP
- (II) monitoring IEP progress
- (v) Demonstrates knowledge and skills in instructional content and practice, including:
 - (I) research-supported, effective instructional practices, techniques, strategies, and remedial methods and specialized materials
 - (II) techniques for modifying and adapting instructional methods, materials, curricula, and assistive technology in various learning environments
- (vi) Demonstrates knowledge and skills in planning and managing the teaching and learning environment.
- (vii) Demonstrates knowledge and skills in managing student behavior and social interaction skills in the following areas:
 - (I) influences of the disability(ies) on the child's behavior and social interaction skills
 - (II) continuum of behavior, appropriate intervention, and ethical considerations
 - (III) systematic behavior management using a variety of interventions and techniques
 - (IV) environmental, psychoeducational, developmental, communication, cognitive, and health factors that influence behavior
 - (V) social interaction skills and adaptive behaviors for age-appropriate, positive interactions
- (viii) Demonstrates knowledge and skills in communication and forming collaborative partnerships in the following areas, including:
 - (I) parent-child-professional partnerships
 - (II) inservice and professional development activities
 - (III) positive attitude development of educators, parents, support personnel, community, students, and peers
 - (IV) sources of unique services, networks, and organizations for students with mild/moderate disabilities
- (ix) Demonstrates knowledge and skills regarding professionalism and ethical practices.
- (x) Demonstrates knowledge and skills to promote successful transitions at all levels of the educational process and in various environments, including:
 - (I) completion of secondary level program/postsecondary planning
 - (II) transitions across programs and service systems
- (xi) Demonstrates knowledge of individualized curricula for mild/moderate disabilities, and of the general education curriculum.
- (xii) Demonstrates knowledge and skills in providing an appropriate education for students in the least restrictive environment, including the full

continuum of placement alternativesThe candidate for licensure and certification will demonstrate his/her mastery of these standards through the master of the Council for Exceptional Children's (CEC) Core Knowledge and Skills and through the mastery of the CEC Knowledge and Skill Base for Teachers of Students in Individualized General Curriculums. The candidate:

(i) Understands the philosophical, evidence-based principals and theories, historical and legal foundations of special education, and how these influence professional practices. These would include:

- (I) trends and issues in special education;
- (II) special education policies and procedures;
- (III) laws and regulations regarding special education;
- (IV) issues of human diversity and its relevance to special education;
- (V) human issues that influence the field of special education; and
- (VI) relationships of special education to the organization and functions of schools, school systems, and agencies.

(ii) Understands the similarities and differences in human development, the characteristics of all learners, and how exceptional conditions interact with the domains of human development to respond to varying abilities and behaviors of individuals with disabilities while demonstrating respect for their students.

(iii) Understands the effects that a disability (including aspects of cognition, communication, physical, medical, and social/emotional) can have on learning and how primary language, culture and familial background can interact with the student's disabilities to impact academic, and social abilities, attitudes, values, interests and career options. The understanding of these learning differences and their possible interactions provide the foundation upon which a special educator individualizes instruction to provide meaningful and challenging learning for students with disabilities.

(iv) Possesses a repertoire of evidenced-based instructional strategies to individualize instruction for students with disabilities and emphasizes the development, maintenance, and generalization of knowledge and skills across environments, settings, and the life span. These evidenced-based instructional strategies should:

- (I) promote positive learning results in the general curriculum in age-appropriate settings;
- (II) promote multiple methods for teaching reading;
- (III) modify learning environments;
- (IV) enhance critical thinking, problem solving and performance skills;

- (V) promote self-determination;
- (VI) enhance integration and coordination of related services for educational benefit; and
- (VII) promote transition.
- (v) Demonstrates knowledge and skills in creating positive and safe learning environments for students with disabilities, and that also foster active engagement of students with disabilities. In addition, special educators foster environments that:
 - (I) value diversity;
 - (II) promote independence and productivity;
 - (III) assist general education colleagues in integrating students with disabilities;
 - (IV) use direct motivational and instructional interventions;
 - (V) utilize positive behavior supports and crisis management techniques;
 - (VI) guide and direct paraprofessionals and others; and
 - (VII) provide specialized school health practices and techniques for health and safety.
- (vi) Understands typical and atypical language development and uses strategies to enhance language development and teach communication skills to students with disabilities. This is accomplished by using:
 - (I) effective language models;
 - (II) augmentative, alternative and assistive technologies;
 - (III) communication strategies and resources to facilitate understanding of subject matter for students with disabilities and those students with disabilities whose primary language is not English; and
 - (IV) matching communication methods to the student's language proficiency and cultural and linguistic differences.
- (vii) Develops long- and short-range instructional plans anchored in both general and special education curricula emphasizing:
 - (I) effective modeling;
 - (II) efficient guided practice;
 - (III) modifications based on ongoing analysis of the individuals learning progress;
 - (IV) collaboration;
 - (V) individualized transition plans;
 - (VI) use of appropriate technologies; and
 - (VII) positive behavior supports.
- (viii) Understands legal policies and ethical principals of multiple types of assessment information related to referral, eligibility, program planning, instruction and placement of students with disabilities including those from culturally and linguistically diverse backgrounds. Special educators use assessment information to identify supports and adaptations required for students with disabilities

to access general and special curricula and participate in school, system and statewide assessment programs. Special educators regularly monitor students' progress and use appropriate technologies to support assessments. Special educators must understand:

- (I) measurement theory and practices for addressing validity, reliability, norms, bias, and interpretation of assessment results and
- (II) appropriate use and limitations of various assessment.
- (ix) Demonstrates knowledge and skills regarding legal, professional, and ethical practices including:
 - (I) sensitivity to the many aspects of diversity;
 - (II) engaging in professional growth as lifelong learners;
 - (III) keeping current with evidence-based effective practices; and
 - (IV) participating in professional activities that benefit individuals with disabilities and their families.
- (x) Routinely and effectively collaborates with families, colleagues, related service providers, community agencies and other resources in positive and culturally responsive ways to assure that the needs of students with disabilities are addressed including facilitation of successful transitions of students with disabilities across settings and services.
- (E) **Severe-profound/multiple disabilities.** The candidate for licensure and certification:
 - (i) Understands the philosophical, historical, and legal foundations of special education, including:
 - (I) trends and issues in special education
 - (II) special education policies and procedures
 - (III) laws and regulations regarding special education
 - (ii) Demonstrates knowledge of characteristics of learners with severe profound/multiple disabilities in the following areas:
 - (I) cognitive
 - (II) communication
 - (III) physical
 - (IV) medical
 - (V) cultural
 - (VI) social
 - (VII) emotional
 - (iii) Has knowledge and skills in assessment, diagnosis, evaluation, and eligibility determination within the multidisciplinary team process for children with severe profound/multiple disabilities. Formal and informal multidisciplinary assessment may include the following:
 - (I) authentic and portfolio assessment

Emergency Adoptions

- (II) functional assessment
- (III) ecological/environmental assessment
- (IV) assistive technology needs
- (V) adaptive assessment
- (VI) transition assessment
- (VII) vocational assessment
- (VIII) data collection systems
- (iv) Understands and demonstrates knowledge of the individualized education program (IEP) process by:
 - (I) using assessment results, in partnership with team members, to develop the IEP
 - (II) monitoring IEP progress
- (v) Demonstrates knowledge and skills in instructional content and practice across a variety of age-appropriate settings, including:
 - (I) research supported, effective instructional practices, techniques, strategies, methods, and materials
 - (II) independent living and vocational skills, functional curricular approaches
 - (III) integration and coordination of related services for educational benefit
- (vi) Demonstrates knowledge and skills in planning and managing the teaching and learning environments, including:
 - (I) design/implement data collection systems
 - (II) specialized adaptations, accommodations, devices, and environmental needs
 - (III) specialized school health practices and techniques for health and safety
- (vii) Demonstrates knowledge and skills in managing student behavior and social interaction skills, including:
 - (I) influences of the disability(ies) on the child's behavior and social interaction skills
 - (II) positive behavior support and ethical considerations
 - (III) behavior management using a variety of interventions and techniques
 - (IV) environmental, psychoeducational, developmental, communication, cognitive, and health factors that influence behavior
 - (V) social interaction skills and adaptive behaviors for participation in the school, home, and community
- (viii) Develops and demonstrates skills in communication and collaborative partnerships with the following:
 - (I) families, professionals, and community members
 - (II) multidisciplinary teaming process
 - (III) integrated model of service delivery
 - (IV) coordination with service systems, resources, and organizations
- (ix) Demonstrates knowledge and skills regarding professionalism and ethical practices.

- (x) Demonstrates knowledge and skills to promote successful transitions at all levels of the educational process and in various environments, including:
 - (I) completion of secondary level program/postsecondary planning
 - (II) transitions across programs and service systems
- (xi) Demonstrates knowledge and skills in providing appropriate education and strategies to support students in the least restrictive environment, including the full continuum of placement alternatives. The candidate for licensure and certification will demonstrate his/her mastery of these standards through the mastery of the Council for Exceptional Children's (CEC) Core Knowledge and Skills and through the mastery of the CEC Knowledge and Skill Base for Teachers of Students in Independence Curriculums. The candidate:
 - (i) Understands the philosophical, evidence-based principals and theories, historical and legal foundations of special education, and how these influence professional practices. These would include:
 - (I) trends and issues in special education;
 - (II) special education policies and procedures;
 - (III) laws and regulations regarding special education;
 - (IV) issues of human diversity and its relevance to special education;
 - (V) human issues that influence the field of special education; and
 - (VI) relationships of special education to the organization and functions of schools, school systems, and agencies.
 - (ii) Understands the similarities and differences in human development, the characteristics of all learners, and how exceptional conditions interact with the domains of human development to respond to varying abilities and behaviors of individuals with disabilities while demonstrating respect for their students.
 - (iii) Understands the effects that a disability (including aspects of cognition, communication, physical, medical, and social/emotional) can have on learning and how primary language, culture and familial background can interact with the student's disabilities to impact academic, and social abilities, attitudes, values, interests and career options. The understanding of these learning differences and their possible interactions provide the foundation upon which a special educator individualizes instruction to provide meaningful and challenging learning for students with disabilities.
 - (iv) Possesses a repertoire of evidenced-based instructional strategies to individualize instruction for students with disabilities and emphasizes the

development, maintenance, and generalization of knowledge and skills across environments, settings, and the life span. These evidenced-based instructional strategies should:

- (I) promote positive learning results in general and special curricula in age-appropriate settings, especially functional curricula;
- (II) modify learning environments;
- (III) utilize community-based instruction and vocational instruction;
- (IV) enhance communication skills;
- (V) enhance critical thinking, problem solving and performance skills;
- (VI) promote self-determination;
- (VII) enhance integration and coordination of related services for educational benefit; and
- (VIII) promote transition.

(v) Demonstrates knowledge and skills in creating positive and safe learning environments for students with disabilities, and that also foster active engagement of students with disabilities. In addition, special educators foster environments that:

- (I) value diversity;
- (II) promote independence and productivity;
- (III) assist general education colleagues in integrating students with disabilities;
- (IV) use direct motivational and instructional interventions;
- (V) utilize positive behavior supports and crisis management techniques;
- (VI) guide and direct paraprofessionals and others; and
- (VII) provide specialized school health practices and techniques for health and safety.

(vi) Understands typical and atypical language development and uses strategies to enhance language development and teach communication skills to students with disabilities. This is accomplished by using:

- (I) effective language models;
- (II) augmentative, alternative and assistive technologies;
- (III) communication strategies and resources to facilitate understanding of subject matter for students with disabilities and those students with disabilities whose primary language is not English; and
- (IV) matching communication methods to the student's language proficiency and cultural and linguistic differences.

(vii) Develops long- and short-range instructional plans anchored in both general and special education curricula emphasizing:

- (I) effective modeling;

- (II) efficient guided practice;
- (III) modifications based on ongoing analysis of the individuals learning progress;
- (IV) collaboration;
- (V) individualized transition plans;
- (VI) use of appropriate technologies; and
- (VII) positive behavior supports.

(viii) Understands legal policies and ethical principals of multiple types of assessment information related to referral, eligibility, program planning, instruction and placement of students with disabilities including those from culturally and linguistically diverse backgrounds. Special educators use assessment information to identify supports and adaptations required for students with disabilities to access general and special curricula and participate in school, system and statewide assessment programs. Special educators regularly monitor students' progress and use appropriate technologies to support assessments. Special educators must understand:

- (I) measurement theory and practices for addressing validity, reliability, norms, bias, and interpretation of assessment results and
- (II) appropriate use and limitations of various assessments.

(ix) Demonstrates knowledge and skills regarding legal, professional, and ethical practices including:

- (I) sensitivity to the many aspects of diversity;
- (II) engaging in professional growth as lifelong learners;
- (III) keeping current with evidence-based effective practices; and
- (IV) participating in professional activities that benefit individuals with disabilities and their families.

(x) Routinely and effectively collaborates with families, colleagues, related service providers, community agencies and other resources in positive and culturally responsive ways to assure that the needs of students with disabilities are addressed including facilitation of successful transitions of students with disabilities across settings and services.

(32) **Speech/drama/debate (Secondary).** The candidate for licensure and certification:

(A) Maintains a current knowledge of concepts of the field of speech communication including: oral interpretation of literature, theater, the electronic media, public speaking, argumentation, and critical thinking skills.

(B) Applies comprehension, analysis, interpretation, synthesis, and evaluation of vocal, verbal and nonverbal messages.

Emergency Adoptions

- (C) Applies appropriate learning strategies for critical thinking, research, organization, and presentation of messages appropriate to participation in a democratic society.
 - (D) Communicates effectively in interpersonal, small group, and public communication situations using appropriate language and nonverbal signals.
 - (E) Understands the influence of social and historical contexts, and culture on public address and literature of the theater.
 - (F) Understands the impact of cultural diversity upon the communication process.
 - (G) Establishes a communication climate which encourages reflection, creativity, and critical thinking.
 - (H) Uses differing assessment strategies to evaluate student competencies in a variety of speaking/listening situations.
 - (I) Uses technology (i.e., videotaping of presentations, computers to generate visual aids and as a research tool) to enhance instruction.
 - (J) Understands and uses teaching strategies appropriate for the analysis and presentation of a variety of forms (genres) of public address and literature of the theater, available in electronic media and from printed sources.
 - (K) Understands the importance of effective communication skills in the personal and professional arenas.
 - (L) Understands the role of co-curricular and extracurricular activities in the development of student interest as an extension of the classroom instruction.
 - (M) Understands, teaches, and implements Oklahoma's Core Curriculum.
- (33) **Speech-language pathologist.**
- (A) The candidate for licensure and certification:
 - (i) Understands the models, theories and philosophies that provide the basis for the practice of speech/language pathology, in the following knowledge areas:
 - (I) content areas in speech/language pathology (language, articulation, voice, fluency, augmentative communication)
 - (II) etiologies which may contribute to communication impairments
 - (III) a working understanding of other assessments (medical, psychological, audiological, etc.)
 - (IV) modality (spoken, written, sign)
 - (ii) Accommodates the individual learning styles and communication/educational needs of the student.
 - (iii) Demonstrates the ability to screen, evaluate, and diagnose students with suspected communication impairments using a variety of formal and informal procedures.
 - (iv) Plans and implements intervention strategies and the appropriate service delivery models for students with communication impairments, including:
 - (I) determines least restrictive environment
 - (II) provides ongoing assessment and monitors IEP progress
 - (III) develops individualized education program (IEP)
 - (v) Facilitates the development of the student's functional and literate communication skills (i.e., how communication occurs including written language) across environments, including:
 - (I) developing modifications/adaptations
 - (II) determining transition service needs
 - (vi) Recognizes and understands the relationship among behavior, social interaction and communication impairments, and is able to determine realistic expectations for the student's personal and social behavior in various settings.
 - (vii) Uses collaborative strategies in working with parents, school, and community to address the needs of students with communication impairments.
 - (viii) Promotes and maintains competence and integrity in the practice of speech/language pathology as follows:
 - (I) develops a plan for professional development
 - (II) identifies community agencies and resources
 - (ix) Implements practices that recognize the multicultural issues and the effect of cultural and linguistic diversity on students' communication skills and learning styles.
 - (x) Demonstrates knowledge of laws and regulations pertaining to students with communication impairments.
 - (B) Competency for Speech-language Pathologist certification may also be verified by the Certificate of Clinical Competence (C.C.C.) from the American Speech-Language Hearing Association (ASHA).
- (34) **Agricultural education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (F).
- (A) **Agricultural business/marketing.** The candidate for licensure and certification understands the fundamental principles of agricultural business/marketing and management including principles of basic recordkeeping and methods for acquiring and managing agricultural finances.
 - (B) **Animal science.** The candidate for licensure and certification:
 - (i) Selects and handles livestock, recognizes factors related to the safe handling of animals and animal products which become food for human consumption, and understands the importance of alternative agricultural enterprises.

- (ii) Understands concepts and principles of animal reproduction and the importance of livestock health and nutrition.
- (C) **Plant and soil science.** The candidate for licensure and certification:
- (i) Understands concepts, principles, and laboratory skills related to plant and soil science including the importance of traditional crops and alternative enterprises.
 - (ii) Knows factors related to the safe handling of plants and plant products which become food for human consumption and identifies causes and characteristics of common plant pests and diseases.
- (D) **Agricultural mechanics.** The candidate for licensure and certification practices:
- (i) shop safety, including the operation and knowledge of hand/power tools,
 - (ii) basic principles/concepts of power and machinery, metals and metal processes, and
 - (iii) basic principles of building construction.
- (E) **Natural resources.** The candidate for licensure and certification:
- (i) Evaluates the relationship between agriculture and the management of water, land, and air quality, and
 - (ii) Understands concepts and principles of plant and animal environmental factors including the handling of chemicals.
- (F) **Communications/leadership.** The candidate for licensure and certification:
- (i) Acknowledges the foundations of agricultural education including its purpose, functions, and the background of Future Farmers of America (FFA).
 - (ii) Demonstrates an understanding of basic parliamentary procedure, effective oral and written communication skills, and promotes teamwork, motivation, and leadership principles.
- (35) **Marketing education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (N).
- (A) **Orientation.** The candidate for licensure and certification applies principles of job search and preparation skills relating to resume and portfolio development, proper completion of application forms, interview preparation, career ladder analysis, and computer technology skills relating to word-processing and computerized presentations.
- (B) **Marketing.** The candidate for licensure and certification:
- (i) Applies principles and concepts related to marketing.
 - (ii) Interprets the importance of the marketing concept and functions, how marketing affects society, factors to consider in selecting a channel of distribution, and the concept of target marketing.
- (C) **Mathematical skills.** The candidate for licensure and certification:
- (i) Applies basic mathematical operations used in the marketing profession as it pertains to balancing a cash drawer and the automatic and manual methods of making change.
 - (ii) Identifies the uses of basic algebra in marketing.
- (D) **Human relations.** The candidate for licensure and certification:
- (i) Applies principles of communications, decision-making, and crisis management.
 - (ii) Identifies characteristics of professionalism on the job and the importance of social skills.
- (E) **Sales.** The candidate for licensure and certification:
- (i) Applies principles relating to sales, product information, customer buying decisions, motives for buying, and sales approaches.
 - (ii) Demonstrates methods of handling customer/client complaints and objections.
 - (iii) Explains the concept and use of sales quotas.
- (F) **Security precautions.** The candidate for licensure and certification:
- (i) Identifies and explains prevention measures for the security problems of shoplifting, internal theft, burglary, robbery, and fraud.
 - (ii) Identifies common types of fraud.
 - (iii) Recognizes steps necessary to ensure security in shipping and receiving areas.
 - (iv) Identifies precautions for safety on the job.
- (G) **Economics.** The candidate for licensure and certification:
- (i) Applies principles related to the classification of goods and services and the types of economic resources.
 - (ii) Compares the types of economic systems and their relationship to the economy.
 - (iii) Identifies the factors which affect economics including economic utility (form, place, time, possession), competition, supply and demand, and the role of government in business.
 - (iv) Understands the characteristics and importance of a private enterprise system and international trade.
 - (v) Identifies the measure and importance of the gross domestic product (GDP) to marketing.
- (H) **Promotion.** The candidate for licensure and certification:
- (i) Applies principles related to the use of promotional activities, including the use of media, design and display arrangements, and the print ad.
 - (ii) Explains the role of the promotional plan.
- (I) **Merchandising.** The candidate for licensure and certification applies principles related to shipping and receiving, inventory control systems, calculation of inventory shrinkage, and industrial purchasing.

Emergency Adoptions

- (J) **Business ownership/entrepreneurship.** The candidate for licensure and certification:
- (i) Identifies the common types of business ownership in a free enterprise system and the advantages/disadvantages of each.
 - (ii) Discusses the importance of marketing strategies to businesses as they apply the principles of the product mix, product/service planning, marketing decisions for a proposed business, structuring a business, and using four "Ps" of marketing - product, pricing, place, and promotional strategies.
- (K) **Applied management.** The candidate for licensure and certification:
- (i) Applies principles of selecting store personnel, recruiting applicants for job openings, interviewing job candidates, and reducing labor turnover.
 - (ii) Recognizes the importance of new-employee orientation.
 - (iii) Understands knowledge of employee motivational theories.
- (L) **Credit.** The candidate for licensure and certification:
- (i) Applies principles of extending credit to business and customers and the three Cs of credit: character, capacity to pay, and capital.
 - (ii) Identifies the reasons for extending credit.
- (M) **Business and industry.** The candidate for licensure and certification:
- (i) Develops relationships with business and industry through advisory committees, surveys, work-site learning opportunities, curriculum, and program visits.
 - (ii) Communicates with business and industry regarding student competencies/credentials and job performance.
- (N) **Student organizations and activities.** The candidate for licensure and certification:
- (i) Understands the role of student organizations in developing student professionalism and assists student organizations by coaching, chaperoning, and supervising activities.
 - (ii) Encourages student participation through instruction and recognition of student achievements.
- (36) **Technology education.** The candidate for licensure and certification shall possess the competencies specified in (A) through (J):
- (A) **Fundamentals of technology.** The candidate for licensure and certification:
- (i) Understands the fundamentals of technology including important events, developments, components, and current and future trends of technology.
 - (ii) Defines the terms, systems, characteristics, interrelationships, and economics of technology, and their utilization in modern business and industry.
- (iii) Identifies general laboratory and personal safety practices.
- (B) **Problem-solving techniques.** The candidate for licensure and certification:
- (i) Identifies problem-solving techniques.
 - (ii) Understands and applies problem-solving techniques.
- (C) **Career opportunities.** The candidate for licensure and certification:
- (i) Explores career opportunities based on career clusters and identifies related terms and definitions.
 - (ii) Identifies activities that develop employability skills.
 - (iii) Recognizes educational requirements and paths for occupational attainment.
- (D) **Communication systems.** The candidate for licensure and certification:
- (i) Understands the principles, processes, and functions of communication.
 - (ii) Identifies types of communication technologies.
- (E) **Construction systems.** The candidate for licensure and certification:
- (i) Understands and applies the principles of construction technology.
 - (ii) Identifies construction technologies, their effects on society, basic principles of project planning, and steps in the construction process.
- (F) **Manufacturing systems.** The candidate for licensure and certification:
- (i) Understands principles of manufacturing and their application.
 - (ii) Identifies materials, equipment, processes, and strategies utilized in manufacturing technologies.
 - (iii) Analyzes the role, function, and responsibilities of manufacturing in a contemporary society.
- (G) **Energy, power and transportation systems.** The candidate for licensure and certification:
- (i) Understands the principles and applications of energy, power, and transportation.
 - (ii) Identifies forms of energy, their classification, and their characteristics.
 - (iii) Analyzes power systems and transportation technologies, as well as their characteristics.
 - (iv) Analyzes environmental and economic effects on society.
- (H) **Technology education delivery systems.** The candidate for licensure and certification:
- (i) Understands basic principles, terminology, system design, and issues related to technology education delivery systems and telecommunication.

- (ii) Identifies terms, features, relationships, and procedures associated with the selection, operation, and maintenance of computer systems and technology education software.
 - (iii) Analyzes factors affecting the selection of computer hardware and software.
 - (I) **Business and industry.** The candidate for licensure and certification develops relationships with business and industry through advisory committees, curriculum, and work-site learning opportunities.
 - (J) **Student organizations and activities.** The candidate for licensure and certification:
 - (i) Understands the role of student organizations in encouraging student participation and implementing activities that develop leadership traits.
 - (ii) Integrates student activities in instruction and recognizes student achievements.
- (37) **Vocational business.** The candidate for licensure and certification shall possess competencies specified in (A) through (D).
- (A) **Business foundations.** The candidate for licensure and certification:
 - (i) Understands important events, developments and trends in the history of business.
 - (ii) Understands business organizational structures, organizational design and their implications.
 - (iii) Understands the basic principles of business law and the types and characteristics of legal instruments.
 - (iv) Analyzes legal issues related to business.
 - (v) Understands business communication.
 - (B) **Business management.** The candidate for licensure and certification:
 - (i) Understands principles of business management and their applications in the decision-making process
 - (ii) Applies procedures for managing human resources.
 - (iii) Analyzes issues related to economic and social responsibilities in business.
 - (iv) Analyzes factors affecting business marketing decisions.
 - (C) **Technology systems.** The candidate for licensure and certification:
 - (i) Understands basic principles and terminology related to computer technology.
 - (ii) Understands principles of computer system design.
 - (iii) Applies principles of computer technology to solve problems involving information gathering and analysis.
 - (iv) Applies principles of computer technology to solve problems related to project and business management.
 - (v) Understands information processing systems.
 - (vi) Analyzes data storage, retrieval and transmission systems.
 - (vii) Understands principles of telecommunications and applications of telecommunications in business.
 - (viii) Analyzes ethical and security issues involving technology systems.
 - (D) **Business finance and economics.** The candidate for licensure and certification:
 - (i) Understands basic principles and applications of accounting.
 - (ii) Applies procedures for processing accounting data.
 - (iii) Understands advanced accounting concepts and procedures.
 - (iv) Understands basic principles and applications of macroeconomics.
 - (v) Analyzes business situations in terms of microeconomic theory.
 - (vi) Applies basic principles of consumer economics and finance.
- (38) **Vocational family and consumer sciences.** The candidate for licensure and certification shall possess the competencies specified in (A) through (I).
- (A) **Child development.** The candidate for licensure and certification:
 - (i) Applies child development concepts and guidance techniques in the care of infants, toddlers, preschool and school-age children, as well as children in crisis or with special needs.
 - (ii) Analyzes issues related to children's well-being, parenting, pregnancy, prenatal care, child birth, child care services, and community resources.
 - (B) **Foods and nutrition.** The candidate for licensure and certification:
 - (i) Analyzes the relationship between food, nutrients, and the body through the application of food science principles, and healthy food choices.
 - (ii) Understands proper food storage/handling techniques, recipe use, food product information, serving/dining etiquette, and consumer skills.
 - (C) **Consumer economics and management.** The candidate for licensure and certification:
 - (i) Applies principles related to money management, personal financial management, time management, and economics.
 - (ii) Analyzes advertising influences, factors related to housing selection and maintenance, factors related to motor vehicle selection and maintenance, wills, funerals, and consumer credit.
 - (iii) Applies consumer protection practices and skills.
 - (D) **Housing and interior design.** The candidate for licensure and certification:
 - (i) Plans living space for human needs through the evaluation of housing and financial alternatives.

Emergency Adoptions

(ii) Applies elements and principles of interior design including exterior styles, interior spaces, interior treatments, furniture, accessories, and appliances.

(E) **Interpersonal relationships.** The candidate for licensure and certification:

(i) Applies principles of communications, decision making, and crisis management.

(ii) Discusses factors and issues related to parenting, family life, and aging.

(iii) Identifies the importance of self-respect and of practicing socially accepted behavior.

(F) **Clothing and textiles.** The candidate for licensure and certification:

(i) Applies wardrobe planning and grooming skills.

(ii) Applies clothing selection skills, methods of stretching the clothing dollar, care and maintenance practices, construction techniques, and knowledge of types of textiles.

(G) **Careers.** The candidate for licensure and certification:

(i) Investigates careers as they relate to personal and career goals.

(ii) Understands the job application process, factors related to work etiquette, the use of technology in the workplace, and economic principles.

(H) **Business and industry.** The candidate for licensure and certification:

(i) Develops partnerships with business and industry through advisory committees, surveys, work-site learning opportunities, curriculum, and program visits.

(ii) Communicates with business and industry regarding student competencies/credentials and job performance.

(I) **Student organizations and activities.** The candidate for licensure and certification:

(i) Understands the role of student organizations in the recognition of student achievements through curricular activities.

(ii) Encourages student participation and the development of leadership traits.

(39) **Occupational agriculture, occupational family and consumer sciences, trade and industrial education, and vocational health occupations.** Competency for occupational agriculture, occupational family and consumer sciences, trade and industrial education, and vocational health occupations will be verified by passing a state or national licensure examination developed specifically to the occupation and/or occupational testing approved by the Oklahoma Department of Vocational and Technical Education. Non-degreeed vocational teachers certified under rules promulgated by the State Board of Education are exempt from the provisions of House Bill 1549, except

for those provisions concerning professional development programs.

[OAR Docket #03-3236; filed 11-19-03]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #03-3230]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Budgeting and Business Management

Part 1. Implementation

210:25-5-4 [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

July 24, 2003

Approved by Governor:

August 21, 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:

The proposed change is for the purpose of changing the financial data submission date from September 15 to July 31 as authorized by new legislation, and to change terminology to the current form of financial reporting. (70 O.S. § 5-134.1)

ANALYSIS:

The amendment changes the final submission date for financial data from September 15 to July 31, and changes financial reporting terminology. The amendment also changes wording to coincide with revisions in the National Center for Education Statistics (NCES) Handbook *Financial Accounting for Local and State School Systems*. The amendment is an emergency because the new law was effective July 1, 2003. The rule is in conflict with state laws. This could lead to confusion at the district level and could hinder a district submitting their data by the mandated deadline.

CONTACT PERSON:

Valerie Payne, 405-521-3308

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. BUDGETING AND BUSINESS MANAGEMENT

PART 1. IMPLEMENTATION

210:25-5-4. Accounting

(a) The financial structure of an Oklahoma public school district consists of various classifications as referenced in Oklahoma Administrative Code (OAC) 210:25-7-1, (Oklahoma Cost Accounting System [OCAS]). School District accounting systems shall be organized and operated on a basis that assures legal compliance by the recording and summarizing of financial transactions within funds, each of which is completely independent of any other. Each fund shall account for and continually maintain the identity of its revenues and expenditures. Financial transactions for purposes of this regulation and as referenced in 70 O.S. ~~Supp.—2001, § 5-135.2~~ shall be defined as a detailed reporting of revenue within the Source of Revenue dimension. Revenue shall be reported to the bold codes within each of the following broad categories: District Source of Revenue, Intermediate Source of Revenue, State Source of Revenue, and Federal Source of Revenue. Expenditures shall be reported by the bold codes within the Function dimension as follows: Instruction, Support Services-Students, Support Services-Instructional Staff, Support Services-General Administration, Support Services-School Administration, ~~Support Services-Business~~ Support Services-Central, Operation and Maintenance of Plant Services, Student Transportation Services, ~~Support Services-Central~~, ~~Other Support Services~~, Child Nutrition Programs Operations, Community Services Operations and Facilities Acquisition and Construction Services. Additional dimensions for Revenue and Expenditures are coded to provide classification by Fiscal Year, Fund, Project Reporting, Object, Program, Subject, Job Classification, and Operational Unit, where applicable.

(b) The finalized, signed, year-end financial report recording and summarizing all revenue and expenditure financial transactions prepared by the State Department of Education as provided via ~~magnetic media~~ Web-based reporting by each individual district, shall be returned to the State Department of Education, postmarked or delivered, no later than ~~September 15~~ July 31 of each year.

(c) The school district must inform the Financial Accounting Section of the State Department of Education of any changes made at the district level to any of the financial transactions already submitted to the State Department of Education. Further, none of the data submitted by the ~~September 15~~ July 31 deadline can be changed or altered by either the school district or the Financial Accounting Section after November 15 of each year.

(d) As referenced in 70 O.S. ~~Supp.—2001, § 5-135.2 (B)~~, the State Department of Education shall reduce the monthly payment of a district's State Aid funds if the district is not operating pursuant to said system. Not operating pursuant to said system shall be defined as a district not:

- (1) accurately recording and reporting all revenue and expenditures by applicable OCAS bold code dimensions;
- (2) submitting ~~processable, readable magnetic media~~ OCAS financial records via the Web-based system of all recorded and reported revenue and expenditures by applicable OCAS bold code dimensions to the State Department of Education;

(3) ascertaining that current and accurate applicable OCAS codes are being utilized as updated and maintained by the State Department of Education;

(4) complying with regulations as outlined in OAC 210:25-3-7 (Financial information processing), OAC 210:25-5-10 (The encumbrance clerk), OAC 210:25-5-11 (The school district treasurer), OAC 210:25-5-12 (Purchase order procedures for schools), or OAC 210:25-5-13 (School activity fund);

(5) reconciling all recorded and reported revenue and expenditures by applicable OCAS bold code dimensions by balancing data with bank receipts and statements, purchase orders, warrant registers, investment ledgers, and all balance sheet accounts; and

(6) submitting finalized, signed, year-end revenue and expenditures reports by ~~September 15~~ July 31 of each year.

(e) For appropriated funds, all indebtedness should be encumbered (have a purchase order issued and be recorded) on the day the obligation is incurred, rather than when it becomes due, and supporting documentation should be provided for all indebtedness.

(f) Upon the approval of the State Board of Education, school districts may make capital expenditures up to a maximum amount of \$50,000 (fifty thousand dollars) during the current fiscal year within the General Fund pursuant to 70 O.S. ~~Supp.—2001, § 1-117~~, if the school district meets the established criteria as outlined in the Statutes. School districts shall be voting the maximum five (5) building fund mills. General Fund monies authorized by the State Board of Education for expenditures must be expended within the current fiscal year. Any such funds encumbered as of June 30th of the current fiscal year, but not expended by November 15th of the subsequent fiscal year, shall lapse and return to the original purpose of such funds.

(g) A school district shall be authorized to utilize general fund monies for capital expenditures, in addition to the amount specified in subsection (c), pursuant to the provisions of 70 O.S. ~~Supp.—2001, § 1-117~~.

(h) Expenditures from all appropriated funds shall be made by properly issued warrants/checks. Expenditures from the School Activity Fund shall be made by countersigned checks.

(i) Inventory cards or data processing records shall be kept on all equipment and removable fixtures, showing purchase order number when known, date of purchase (when known, if not known an estimated date shall be used), amount of purchase (if known, if not known present value must be estimated) a description of the item, the serial number (when applicable) and the location of the item. New purchases shall be included in the records on the same day in which they are physically received by the district. Disposed equipment must be removed from the records on the disposal date and a detailed description of the circumstances which results in the disposal recorded. Disposed equipment should not be included in the records of future years.

[OAR Docket #03-3230; filed 11-19-03]

Emergency Adoptions

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

[OAR Docket #03-3233]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Additional Standards for Secondary Schools.

Part 7. Standard IV: Curriculum, Instruction, Assessment and Climate
210:35-9-31. [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

July 24, 2003

Approved by Governor:

August 21, 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:

The proposed changes are due to the necessity of having the rules in place prior to the start of the 2003-2004 school year. If these amendments are not promulgated as soon as possible, it will cause a hardship for schools as well as students moving to Oklahoma from another state after their junior year of high school.

ANALYSIS:

The rule changes allow district boards of education to except certain transfer students from out of state from certain high school graduation requirements. The changes also require district boards of education to report these exceptions to the State Department of Education

CONTACT PERSON:

Valerie Payne, 405-521-3308

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

SUBCHAPTER 9. ADDITIONAL STANDARDS FOR SECONDARY SCHOOLS

PART 7. STANDARD IV: CURRICULUM, INSTRUCTION, ASSESSMENT AND CLIMATE

210:35-9-31. Program of studies and graduation requirements

Every student at every high school shall have the opportunity to acquire all the competencies to matriculate at a comprehensive graduate institution of the Oklahoma State System of Higher Education without the necessity of enrolling

at the university in secondary-level courses. Each student will have the opportunity to attain proficiency in the Priority Academic Student Skills.

(1) Effective with the school year 2000-2001 through 2001-2002 a high school student must demonstrate competency in at least 21 units of credit or sets of competencies in Grades 9-12 which must include the state-mandated curriculum (Priority Academic Student Skills) and meet all other state and local mandates to be eligible for graduation.

- (A) Language Arts: 4 units or sets of competencies
- (B) Science: 2 units or sets of competencies
- (C) Mathematics: 3 units or sets of competencies
- (D) Social Studies: 2 units or sets of competencies (must include American History and Oklahoma History)
- (E) The Arts: 2 units or sets of competencies (Visual Art and General Music)
- (F) Total minimum Core Curriculum: 13 units or sets of competencies
- (G) Total minimum Elective courses: 8 units or sets of competencies
- (H) Total minimum graduation requirements: 21 units or sets of competencies

(2) Beginning with students graduating from high school in the school year 2002-2003, graduation requirements specified in subsection (1) of this section are superseded by requirements specified in this subsection. Units of credit required for high school graduation with a Standard Diploma (effective 2002-2003 and thereafter) are:

- (A) Language Arts: 4 units or sets of competencies, to consist of 1 unit or set of competencies of grammar and composition, and 3 units or sets of competencies which may include, but are not limited to, the following courses: American Literature, English Literature, World Literature, Advanced English Courses, or other English courses with content and/or rigor equal to or above grammar and composition;
- (B) Mathematics: 3 units or sets of competencies, to consist of 1 unit or set of competencies of Algebra I or Algebra I taught in a contextual methodology, and 2 units or sets of competencies which may include, but are not limited to, the following courses: Algebra II, Geometry or Geometry taught in a contextual methodology, Trigonometry, Math Analysis or Precalculus, Calculus, Statistics and/or Probability, Computer Science, or other mathematics courses with content and/or rigor equal to or above Algebra I. Provided credit may be granted for Applied Mathematics I and II and Computer Science whether taught at the comprehensive high school or at a career and technology center;
- (C) Science: 3 units or sets of competencies, to consist of 1 unit or set of competencies of Biology I or Biology I taught in a contextual methodology, and 2 units or sets of competencies in the areas of life, physical, or earth science or technology which

may include, but are not limited to, the following courses: Chemistry I, Physics, Biology II, Chemistry II, Physical Science, Earth Science, Botany, Zoology, Physiology, Astronomy, Applied Physics, Principles of Technology, qualified agricultural education courses, or other science courses with content and/or rigor equal to or above Biology I. Provided, credit may be granted for Applied Biology/Chemistry, Physics, and Principles of Technology whether taught at the comprehensive high school or at a career and technology center;

(D) Social Studies: 3 units or sets of competencies, to consist of 1 unit or set of competencies of United States History, 1/2 to 1 unit or set of competencies of United States Government, 1/2 unit or set of competencies of Oklahoma History, and 1/2 to 1 unit or set of competencies which may include, but are not limited to, the following courses: World History, Geography, Economics, Anthropology, or other social studies courses with content and/or rigor equal to or above United States History, United States Government, and Oklahoma History; and

(E) Arts: 2 units or sets of competencies which may include, but are not limited to, courses in Visual Arts and General Music.

(F) Total minimum Core Curriculum: 15 units or sets of competencies

(G) Total minimum Elective courses: 8 units or sets of competencies

(H) Total minimum graduation requirements: 23 units or sets of competencies

(3) No student shall receive credit for high school graduation more than once for completion of the same unit or set of competencies to satisfy the core curriculum requirements.

(4) "Qualified agricultural courses" means courses that have been determined by the State Board of Education to offer the sets of competencies in the Priority Academic Student Skills (PASS) for one or more science content areas and which correspond to academic science courses. Qualified agricultural education courses shall include, but are not limited to, Horticulture, Plant and Soil Science, Natural Resources and Environmental Science, and Animal Science.

(5) A "unit" means a Carnegie Unit which is given for the successful completion of a course that meets the equivalent of 120 clock hours within the school year.

(6) As a condition of receiving accreditation from the State Board of Education, students in grades nine through twelve shall enroll in a minimum of six periods, or the equivalent in block scheduling, of rigorous academic and/or rigorous vocational courses each day, which may include arts, vocal and instrumental music, speech classes, and physical education classes.

(7) Each high school's academic program shall be designed to prepare all students for employment and/or

postsecondary education. The secondary academic program shall be designed to provide the teaching and learning of the skills and knowledge in the Priority Academic Student Skills. Beginning with 1999-2000 school year all high schools accredited by the State Department of Education shall offer the core curriculum required for the Standard Diploma during a student's high school career. To meet graduation requirements, local options may include courses taken by advanced placement, concurrent enrollment, correspondence courses or courses bearing different titles.

(8) The secondary academic programs may also provide the traditional units of credit to be offered in Grades 9-12 with each secondary school offering and teaching at least 38 units or their equivalent each school year. Four (4) of these units may be offered on a two-year alternating plan with 34 units or their equivalent to be taught in the current school year. In schools with other than a four-year organization, these units shall be offered and taught in conjunction with the affiliated schools containing those grade levels. Career and technology center courses in which secondary students are enrolled may count toward the 38 required units of credit or their equivalent.

(9) District boards of education can make exceptions to state high school graduation requirements for students who move to this state from another state after their junior year of high school.

(A) After a student from another state enrolls in an accredited Oklahoma high school the school board can make an exception to the high school graduation requirements of Section 11-103.6 of Title 70 of the Oklahoma Statutes. Individual exceptions can only be made when there are differing graduation requirements between the two states and completing Oklahoma graduation requirements will extend the student's date of graduation beyond the graduation date for the student's class.

(B) The district must report all exceptions made to state graduation requirements for these senior students to the State Department of Education each school year. All exceptions made at each district high school will be forwarded to the State Department of Education on or before July 1 of each year. Districts may report the information on the Annual Statistical Report. This reporting provision does not include students who have individualized education programs pursuant to the Individuals with Disabilities Education Act (IDEA) and who satisfy graduation requirements through the individualized education program.

[OAR Docket #03-3233; filed 11-19-03]

Emergency Adoptions

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

[OAR Docket #03-3260]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Medical Micropigmentation Certification

310:234-3-3.1 [NEW]

310:234-3-4 [AMENDED]

Subchapter 9. Standards for Medical Micropigmentation

310:234-9-1.1 [NEW]

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104, 1-1453 and 1-1455.

DATES:

Public Hearing:

September 18, 2003

Adoption:

September 18, 2003

Approved by Governor:

November 6, 2003

Effective:

Immediately upon Governor's approval or on November 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"

INCORPORATION BY REFERENCE:

"n/a"

FINDING OF EMERGENCY:

The State Board of Health finds that a compelling public interest requires emergency adoption of the rules in Chapter 234. Changes to the Medical Micropigmentation Rules are needed to bring the rules into compliance with Senate Bill No. 340, signed by Governor Henry on June 4, 2003. Without the rule change, CareerTech has advised that it will likely not be able to offer medical micropigmentation training in the fall that complies with the current rules. Unless an emergency is declared, those persons desiring training as micropigmentologists could be significantly delayed in taking the necessary courses and steps to practice in the profession. Additionally, since the statutory change allows physicians in whose office medical micropigmentation is being performed to determine the level of supervision, it is necessary to identify contact information for each supervising physician.

ANALYSIS:

Rule revisions are sought to comply with Senate Bill No. 340 signed by Governor Henry on June 4, 2003. The proposal amends the Medical Micropigmentation Rules by reducing the minimum number of hours of instruction from 450 hours to 300 hours. Language has been amended to reflect that the physician in whose office medical micropigmentation is being performed is to determine the level of supervision. Since the statutory change allows physicians to determine the level of supervision and micropigmentologists may work for more than one physician, language is necessary to identify contact information for each supervising physician. This chapter will also provide an opportunity for other entities to offer medical micropigmentation training. The proposal contains new language, which allows the State Department of Health, upon recommendation of the Medical Micropigmentation Advisory Committee, to approve applicants for certification by reciprocity if they have qualifications and training comparable to those under this act. Applicants would also have to verify two (2) years experience and a minimum of two hundred (200) procedures and would have successfully completed the Oklahoma Medical Micropigmentation Certification Exam.

CONTACT PERSON:

Rocky McElvany, Consumer Health Services, Protective Health Services, Oklahoma State Department of Health, (405) 271-9444, ext. 57901.

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 NOVEMBER 1, 2003, WHICHEVER IS LATER:

SUBCHAPTER 3. MEDICAL MICROPIGMENTATION CERTIFICATION

310:234-3-3.1. Reciprocity

The State Department of Health upon recommendation of the Medical Micropigmentation Advisory Committee may approve applicants for certification by reciprocity. An applicant shall qualify for certification by reciprocity if the applicant:

- (1) Has qualifications and training comparable to those required under the Oklahoma Medical Micropigmentation Regulation Act;
- (2) Provides documentation verifying two (2) years of experience and a minimum of two hundred (200) procedures; and
- (3) Has successfully completed the Oklahoma certification examination.[63:1-1455(E)]

310:234-3-4. Certificate by completion of medical micropigmentation training program and certification testing process

(a) Training in medical micropigmentation obtained through the Oklahoma Department of Career and Technology Education or other training course shall consist of at least ~~450~~300 hours or equivalent of competency based instruction [63:1-1455] encompassing both theory and clinical training and is approved by the Department as meeting the training and curriculum requirements of this section.

(b) Medical Micropigmentation training shall be in the following skills area including theory and lab training:

- (1) Safety and Aseptic Technique;
- (2) Knowledge of Facial Anatomy, Physiology, and Disease;
- (3) Theory and Application of Micropigmentation;
- (4) Color Theory;
- (5) Client Consultation Services;
- (6) Professionalism; and
- (7) Micropigmentation procedures (eyeliner, lips, eyebrows, eye shadow, cheeks, scars, and/or reconstructive surgery, or trauma, or repigmentation of the areola).
 - (A) Basic procedures on clients (eyeliner, lips, and eyebrows),
 - (B) Advanced procedures (eye shadow, cheeks, scars, and/or reconstructive surgery, or trauma or repigmentation of the areola).

(c) The instructor for micropigmentation procedures and techniques shall be ~~certified in medical micropigmentation~~ Oklahoma Certified Micropigmentologist who has performed procedures for one (1) year and/or be a physician-approved by

CareerTech as defined by OAC 310:234-1-2. Subject matter experts may be utilized to teach technique and theory in other skill areas.

(d) **Skills area evaluations.**

(1) During the training program, a candidate must satisfactorily complete an evaluation for each skills area. The evaluation verifies that micropigmentation concepts and/or techniques presented in that skills area have been mastered.

(2) Mastery of medical micropigmentation technique in a skills area shall be demonstrated when the candidate performs all skills presented on all job sheets contained within that skills area to the instructor with 100% accuracy.

(3) Mastery of medical micropigmentation theory in a skills area shall be demonstrated when the candidate scores 85% on the written test over material covered in that skills area (if applicable).

(e) **Written certification examination.**

(1) Candidate shall be eligible to sit for the written certification examination upon satisfactory completion of training and skills area evaluations. The written certification examination for medical micropigmentation shall be offered at Health Certification Project testing sites located in Technology Centers. Documentation of satisfactory completion of the written certification exam shall be required before a candidate is permitted to take the clinical certification examination.

(2) A passing score of 70% shall be required to show competency. A candidate who does not meet this score can retest up to two (2) times. Candidates who do not pass the written certification examination must wait at least seven (7) days before retesting. Candidates who are unable to attain competency after three attempts shall be required to re-enroll in the medical micropigmentation training program.

(f) **Clinical certification examination.**

(1) Candidates shall be eligible to take the clinical certification examination upon satisfactory completion of the written certification examination. The clinical certification examination for medical micropigmentation shall be offered at selected Technology Center test sites and shall be offered two (2) times per year or as deemed necessary by the Medical Micropigmentation Advisory Committee. The clinical certification examination shall consist of three (3) components.

(2) Candidates shall provide all equipment and supplies for the clinical certification examination. Competency shall be verified by documentation of the clinical certification examination. A candidate must attain a score of 100% to pass the clinical certification examination. A candidate shall be permitted to retest one (1) clinical component up to two (2) times. Candidates who are unable to pass all three components within these guidelines shall be required to re-enroll in a medical micropigmentation program.

(g) **Application for certification.** Upon satisfactory completion of the medical micropigmentation training and

certification testing process, the applicant is eligible to apply for a Medical Micropigmentation Certificate. In order to apply for a Certification, the candidate must submit the following to OSDH:

- (1) Completed application;
- (2) Notarized copy of the candidate's certificate of birth;
- (3) Notarized copy of the candidate's driver's license or other similar form of photo ID;
- (4) Notarized copy of the candidate's professional credentials; and
- (5) Completed Training and Testing Verification Form.

(h) **Issuance of certificates.** The State Commissioner of Health shall award a certificate to eligible applicants as set forth in Section 5 of the Act within thirty days of receipt of the completed application and required documents.

SUBCHAPTER 9. STANDARDS FOR MEDICAL MICROPIGMENTATION

310:234-9-1.1. Medical Micropigmentation Records

An Oklahoma Certified Micropigmentologist shall provide the Oklahoma State Department of Health, Consumer Protection Division with the name, address, phone number, and license number of each of their supervising physicians; specifically identifying the Oklahoma State Board of Medical Licensure & Supervision, the Oklahoma State Board of Osteopathic Examiners and/or the Oklahoma State Board of Dentistry as the supervising physician's licensing authority. The Oklahoma Certified Micropigmentologist shall inform the Department of any and all changes thereto.

[OAR Docket #03-3260; filed 11-21-03]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 555. NOTIFICATION OF COMMUNICABLE DISEASE RISK EXPOSURE REGULATIONS

[OAR Docket #03-3261]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
310:555-1-2 [AMENDED]
310:555-1-4 [AMENDED]

AUTHORITY:
Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-104, 1-502, 1-502.1(B), 1-502.2, and 1-502.3

DATES:
Comment Period:
August 15, 2003 through September 18, 2003.

Public Hearing:
September 18, 2003

Adoption:
September 18, 2003

Approved by Governor:
November 6, 2003

Emergency Adoptions

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:

The State Board of Health finds that an imminent peril to the preservation of the public health, safety, or welfare exists for Oklahoma citizens and requires emergency adoption of the rules in Chapter 555. Changes to the Notification of Communicable Disease Risk Exposure rules are needed to ensure timely administration of prophylaxis following a risk exposure to a healthcare worker, emergency responder or funeral worker occurring outside of employment at a health care facility.

ANALYSIS:

The proposed changes will ensure direct communication of source patient test results from the testing facility to the exposed person or the physician or designee who is providing post exposure follow up to the exposed person. Antiviral medications are available which can prevent transmission of HIV to the exposed person, but these medications must be initiated within hours, rather than days of the exposure in order to be effective. Today, with the availability of Rapid HIV testing, which can provide HIV test results on the source patient within 20 minutes, providers can use these test results to quickly evaluate the need to treat the exposed person with antiviral medications. A process which promotes direct notification of source results to either the person exposed, or to the provider who is providing post exposure evaluation and/or counseling is necessary to facilitate timely administration of appropriate prophylaxis. This process will apply to risk exposures to a healthcare worker, emergency responder or funeral worker occurring outside of employment at a health care facility.

CONTACT PERSON:

Jan Fox, RN, Hepatitis Program Nurse Manager, HIV/STD Service, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone:(405) 271-4636; facsimile: (405) 271-5149; electronic mail: Janf@health.state.ok.us

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

310:555-1-2. Definitions

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

"Communicable disease" for the purpose of these rules, are those infectious diseases which are transmitted from person-to-person by close or intimate contact with blood or body secretions and which may pose an occupational risk to emergency responders, health care workers, and funeral workers. Such diseases include, but are not limited to, Hepatitis B (HBV), Hepatitis C (HCV), Human Immunodeficiency Virus (HIV), meningococcus, measles, pertussis and tuberculosis.

"Designee providing post-exposure follow-up" means any person designated by the employer to be responsible for counseling the exposed health care worker, emergency responder or funeral worker regarding the potential risks, need for further evaluation, testing and treatment, and communicating source patient test results. Examples would be case managers, occupational health practitioners, infection control practitioners, etc. This person should be current with the latest issues

regarding occupational exposures and are responsible to comply with 63 O.S. Supp. 2001, Section 1-502.1 et seq.

"Emergency responder" means fire fighters, certified or designated first responders, emergency medical technicians, paramedics and peace officers.

"Funeral worker" means any person who prepares a corpse for burial or other disposition.

"Health care facility" means any hospital, medical center, clinic, medical examiner or other inpatient or outpatient health care supplier to which a source patient is transported after a risk exposure.

"Health care facility designated person" means the person designated by the health care facility to be responsible for following up reported risk exposures.

"Health care worker" means any hospital or nursing home employee, physician, nurse or other health care provider whose job activities involve contact with patients or with any blood or body fluids from patients in an inpatient or outpatient health care facility, including the patient's home.

"Licensed health care professional" means a physician, a registered nurse, a physician assistant (PA) or an emergency medical technician.

"Potentially infectious body fluids" means blood or blood products; semen or vaginal secretions; pleural, synovial, cerebrospinal, pericardial, peritoneal and amniotic fluids; any fluid visibly contaminated with blood; and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

"Risk exposure" means an exposure which has been epidemiologically demonstrated to pose a risk for transmission of a communicable disease. Such an exposure would include a parenteral (e.g. needle stick or cut), permucosal (e.g. mouth-to-mouth resuscitation or splash to the eye or mouth) exposure to blood or other body fluids, or a cutaneous exposure to large amounts of blood or prolonged contact with blood to skin which is chapped, abraded or afflicted with dermatitis or exposure to respiratory secretions.

"Source patient" means the person to whom the health care worker, emergency responder, or funeral worker has had a risk exposure.

310:555-1-4. Notification system

(a) Any health care worker, emergency responder or funeral worker who sustains a risk exposure not occurring during employment at a health care facility, is responsible for immediately reporting that exposure. To initiate this notification system, the exposed worker shall complete Part I of the OSDH Communicable Disease Risk Exposure Report Form (ODH #207) and submit it to their employer or employer's designated person.

(b) The employer shall be responsible for having the circumstances of the exposure reviewed by a licensed health care professional to determine if a risk exposure occurred. The licensed health care professional should use guidelines of the Centers for Disease Control and Prevention to make this determination.

(c) If the licensed health care professional determines that a valid risk exposure has occurred, then the employer shall be responsible to submit within 24 hours of exposure, if possible, the Risk Exposure Report to:

- (1) The health care facility's designated person at the institution to which the source patient was transported, or
- (2) The source patient's attending physician, if the source patient was being cared for outside of a health care facility, or
- (3) The health care facility that last had responsibility for a deceased source patient, such as hospital of death, medical examiner or attending physician.

(d) The health care facility shall be responsible for designating an appropriate person (and at least one back-up person) to provide confidential follow-up of the Risk Exposure Report. Follow-up should include:

(1) Review of the source patient's medical record and consultation with the patient's attending physician to determine if the patient is known to have a communicable disease or if the source patient has risk factors for ~~hepatitis B virus (HBV), HCV, and/or human immunodeficiency virus (HIV) infection.~~

(2) Testing of the source patient for HBV, HCV and/or HIV should be pursued upon request of the exposed worker's employer under the following conditions:

- (A) the health care facility has been provided with a completed written report of occupational exposure utilizing ODH Form 207, and
- (B) ODH Form 207 has been signed by a licensed health care professional verifying that a risk exposure to the source patient's blood or other potentially infectious body fluid has occurred. In accordance with 63 O.S. ~~49912001~~, Section 1-502.3(A), testing of a source patient's blood may be performed
 - (i) with their written consent,
 - (ii) without consent when ODH Form 207 is presented to the health care facility as noted above, or
 - (iii) upon court order.

(3) The source patient's blood, whenever available, ~~should~~ will be submitted for testing within 24 hours after ODH Form 207 has been received. ~~Extraordinary efforts should be made to have results communicated to the health care facility's designated person within the next 5 days. In some instances, special arrangements (e.g., telephone call) may need to be made in order to have results within 5 days. When Rapid HIV Testing of the source patient is available and appropriate, efforts should be made to have these results communicated to the health care facility's designated person immediately. All other test results will be communicated to the health care facility's designated person within the next 5 days. In some instances, special arrangements (e.g., telephone call) may need to be made in order to have results within 5 days.~~

(4) ~~The results will be released to the Oklahoma State Department of Health and other such agency as it may designate.~~ Positive test results for HIV, and hepatitis BHBV, and HCV from source patients should be made

available by the health care facility designee ~~to the Oklahoma State Department of Health within 24 hours of receipt of the results immediately, and not more than 24 hours of receipt of the results to the physician or designee providing post-exposure follow-up to the exposed worker named on ODH Form 207.~~ In addition, the health care facility designated person may (without consent) release the results of the source patient's HIV, and hepatitis B HBV and HCV tests to either of the following:

- (A) the source patient (and his/her physician); ~~and/or~~
- (B) a physician providing post-exposure follow-up to the exposed worker named on ODH Form 207.
- (C) the exposed worker; and/or
- (D) Oklahoma State Department of Health.

(e) The health care facility designated person ~~should~~ will complete Part II of the Risk Exposure Report and mail it to the Oklahoma State Department of Health within six (6) working days. ~~If a communicable disease or a high risk setting for transmission of a communicable disease is identified, an immediate telephone report shall be made to the Oklahoma State Department of Health Epidemiology Service (405-271-4636).~~

(f) ~~The OSDH~~ The physician or designee providing post-exposure follow-up to the exposed worker will be responsible for ~~informing~~ ensuring the exposed ~~workers~~ worker has been informed whether or not they have been exposed to a communicable disease and make recommendations for appropriate follow-up.

(g) All reasonable costs associated with follow-up and testing of the source patient or exposed worker(s) as directed by these rules shall be paid by the exposed worker's employer, unless such costs to the source patient are borne by other payment sources.

(h) All information on the OSDH Risk Exposure Report shall be strictly confidential in accordance with applicable state laws.

[OAR Docket #03-3261; filed 11-21-03]

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

[OAR Docket #03-3215]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 20. Diversion Assistance
340:10-20-1. [AMENDED]
(Reference APA WF # 03-23)

AUTHORITY:
Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Section 230.52 of Title 56 of the Oklahoma Statutes.

DATES:
Adoption:
September 23, 2003

Approved by Governor:
November 7, 2003

Emergency Adoptions

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 Oklahoma Department of Human Services (OKDHS) finds compelling public interest exists in preserving the public health, safety, and welfare by facilitating the delivery of DA benefits to families who have an emergency need that may cause the loss of employment. DA is for emergency housing and transportation needs and the benefit is paid directly to a vendor. Not screening for DA will save OKDHS funds which are expected to be spent on substance abuse services for regular TANF recipients. Additionally, with many employers requiring drug testing, it has been determined there is a duplication of services.

ANALYSIS:

Proposed rule revisions eliminate the substance abuse and literacy screening from the Diversion Assistance (DA) Program. This will make the program more accessible in a much shorter time frame to that group of individuals who are eligible for DA funds to meet an emergency need.

340:10-20-1 revisions eliminate the requirement that substance abuse and literacy screening be completed prior to the receipt of DA.

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 20. DIVERSION ASSISTANCE

340:10-20-1. Diversion Assistance (DA)

(a) **Scope.** DA for families with a minor child(ren) provides for financial assistance in lieu of Temporary Assistance for Needy Families (TANF) when there is an immediate need to retain or obtain employment. ~~# DA is not used for to pay fines, including traffic fines, or any cost related to a criminal offense, such as legal fees or court costs. # DA is limited to once in the life-time lifetime~~ of the applicant(s); therefore, it is vital that financial planning be initiated to determine if the provision of DA will allow the family to be self-sufficient for the next 12 months. Families approved for this benefit are not included in the count of persons reported for federal participation rates and these payments do not count against the individual(s) 60-month lifetime limit of receipt of TANF. For this reason, an adult must be included in the DA benefit.

(b) **Need.** The criteria for the receipt of eligibility for DA ~~is~~ are described in (1) through (4).

(1) ~~the~~ The individual(s) is employed or has a bona fide offer of employment;

(2) ~~there~~ There is a financial need which, if not met, can cause the loss of employment or the offer of employment for the individual(s);

(3) ~~the~~ The family monthly gross income cannot exceed the gross income maximum as shown on the Oklahoma Department of Human Services (OKDHS)

Appendix C-1, Schedule of Maximum Income, Resource, and Payments Standards, Schedule XVI, for the appropriate family size; ~~and,~~

(4) ~~family~~ Family resources cannot exceed limits as shown on OKDHS Appendix C-1, Schedule XVI.

(c) **Requirements.** The applicant(s) completes the application ~~form~~ Form FSS-1, Comprehensive Application and Review, which states the applicant(s) agrees to not apply for TANF for one year from the date of application for DA. In two-parent families both parents must sign the application form.

~~(1) The applicant(s) must be screened for literacy and substance abuse prior to receipt of DA. If the applicant(s) refuses to complete the screenings, the application for DA is denied. When the screening for literacy or substance abuse indicates a need, a referral is made to an appropriate provider. If the applicant(s) fails to follow through with the referral, this does not affect the eligibility for DA.~~

~~(2)~~ 1 Refer to OAC 340:65-3-4 for Social Security number (SSN) requirement. The application is not delayed waiting for a SSN.

~~(3)~~ 2 Refer to OAC 340:10-15 for requirements for citizenship and alienage.

~~(4)~~ 3 The application is processed within seven working days.

(d) **Benefits.** Benefits can equal up to three months of the payment standard as shown on OKDHS Appendix C-1, Schedule XVI for the appropriate family size. Benefits can be approved in more than one authorization as long as the request for additional funds is made before the end of the 90 day period which begins with the initial date of application, and does not exceed three times the monthly payment standard for the family size. Payment is issued through an authorization to purchase. The provider is paid no later than five working days from the date of receipt of the properly completed invoice in the OKDHS Finance Division.

[OAR Docket #03-3215; filed 11-14-03]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 25. CHILD SUPPORT ENFORCEMENT DIVISION

[OAR Docket #03-3210]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Operational Policies

Part 20. Medical Support [NEW]

340:25-5-168. through 340:75-5-170. [RESERVED]

340:25-5-171. [NEW]

(Reference APA WF # 03-24)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Section 6058A of Title 36 of the Oklahoma Statutes; Section 118.2 of Title 43 of the Oklahoma Statutes; House Rule 3130 which became Public Law 105-200; Part 303.32 of Title 45 of the Code of Federal Regulations; Action Transmittal OCSE AT-01-05; Policy Interpretation

Question 02-03 Medical Support Enforcement Policy Clarifications; and National Medical Support Notice Part A & B.

DATES:

Adoption:

September 23, 2003.

Approved by Governor:

November 7, 2003

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

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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 OKDHS finds compelling public interest to preserve the public health, safety, and welfare of children and implement legislative mandates enabling OKDHS through CSED to initiate legal proceedings against employers and insurers who fail to comply with the requirements of Section 303.32 of Title 45 of the Code of Federal Regulations and the NMSN.

ANALYSIS:

The revisions to Subchapter 5 of Chapter 25 create a new Part 20. Medical Support, and Sections 168 through 171 to establish policy and procedures to implement the provisions of Senate Bill No. 431. Senate Bill No. 431 was enacted during the 2003 legislative session, and becomes effective November 1, 2003, to implement sanctions for failure to comply with the National Medical Support Notice (NMSN). The bill amended Section 6058A of Title 36 of the Oklahoma Statutes and Section 118.2(B) of Title 43 of the Oklahoma Statutes to provide sanctions against employers and insurers who fail to comply with the requirements of the NMSN.

Because of increased emphasis on medical support at both the state and national levels, a corresponding emphasis on reviewing and strengthening medical support policies is taking place. For this reason, administrative rules within Chapter 25 of Title 340 of the Oklahoma Administrative Code are being reorganized. Part 20. Medical Support, is created within Subchapter 5. Operational Policies. Three sections are reserved to allow for the amendment and renumbering of existing rules through regular permanent rulemaking.

340:25-5-171 is issued to outline procedures for: (1) providing notice to employers and insurers of their noncompliance with the requirements of the NMSN within federally mandated time frames for response to the NMSN; (2) maintaining legal proceedings to request the court to fine employers and insurers when there is no response indicating full compliance with the requirements of the NMSN within ten business days after the date of a noncompliance letter; and (3) remitting fines, if imposed by the court, to Child Support Enforcement Division (CSED).

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, OR NOVEMBER 1, 2003, WHICHEVER IS LATER, AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 5. OPERATIONAL POLICIES

PART 20. MEDICAL SUPPORT

340:25-5-168. [RESERVED]

340:25-5-169. [RESERVED]

340:25-5-170. [RESERVED]

340:25-5-171. National Medical Support Notice

(a) The Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) uses the National Medical Support Notice (NMSN) to aid enrollment of children in the group health plans for which their noncustodial parents (NCP) are eligible, when the NCPs have been ordered to provide health insurance and have failed to voluntarily enroll the children. CSED sends the NMSN to the NCP's employer as required by Section 466 of the Social Security Act, Section 609 of the Employee Retirement Income Security Act of 1974, Section 303.32 of Title 45 of the Code of Federal Regulations, Section 6058A of Title 36 of the Oklahoma Statutes, and Section 118.2 of Title 43 of the Oklahoma Statutes.

(b) CSED issues a noncompliance letter to the employer when the employer:

(1) has not returned the NMSN within 20 business days after the date of the NMSN notifying CSED that:

(A) the employer does not offer group dependent health coverage;

(B) the employee is among a class of employees that is not eligible for family coverage under the employer's plans;

(C) the employee is not employed by the employer; or

(D) state or federal withholding limitations or prioritization of withholding prevent the required employee contribution to obtain coverage;

(2) has not forwarded the NMSN to the insurer within 20 business days after the date of the NMSN; or

(3) is the insurer and has not returned the NMSN within 20 business days after the date of the NMSN indicating that either the child has been enrolled in the plan and the effective date of coverage or there is more than one option available and one must be selected.

(c) CSED issues a noncompliance letter to the insurer when the insurer has not returned the NMSN within 40 business days after the date of the NMSN indicating that either the child has been enrolled in the plan and the effective date of coverage or there is more than one option available and one must be selected.

(d) CSED may initiate legal proceedings to request the court to fine employers and insurers when there is no response indicating full compliance with the requirements of the NMSN within ten business days after the date of the noncompliance letter. Fines may be imposed by the courts for up to two hundred dollars (\$200) per month per child for each failure to comply with the requirements of the NMSN under Section 6058A of Title 36 of the Oklahoma Statutes and Section 118.2 of Title 43 of the Oklahoma Statutes.

(e) If the employer or insurer complies with the requirements of the NMSN, CSED may dismiss a case against an employer or insurer.

(f) Employers and insurers must send any fine(s) imposed by the court, under Section 225 of Title 56 of the Oklahoma

Emergency Adoptions

Statutes, by check or money order to CSED, Attn: Finance,
P.O. Box 53552, Oklahoma City, Oklahoma 73125-3552.

[OAR Docket #03-3210; filed 11-13-03]

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

[OAR Docket #03-3216]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Eligibility and Benefit Determination Procedures

340:50-9-5 [AMENDED]

(Reference APA WF # 03-22)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Section 273 of Title 7 of CFR.

DATES:

Adoption:

September 23, 2003

Approved by Governor:

November 7, 2003

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

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SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency approval is requested as OKDHS finds compelling public interest exists to comply with provisions of Section 273 of Title 7 of the Code of Federal Regulations (CFR) which requires the implementation of changes to reporting requirements for households with unearned income by November 1, 2003. Without approval, OKDHS rules will be out of compliance with federal regulations and fiscal sanctioning may be applied.

ANALYSIS:

The United States Department of Agriculture, Food and Nutrition Service, requires that Oklahoma Department of Human Services (OKDHS) implement by November 1, 2003 Food Stamp Program rules that require participating households to report changes in unearned income of \$50 or more per month.

340:50-9-5 is revised to require participating households to report changes in unearned income of \$50 or more per month, clarify existing language, and replace out-of-date terms.

CONTACT PERSON:

Dena Thayer at (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 NOVEMBER 1, 2003, WHICHEVER IS LATER:

SUBCHAPTER 9. ELIGIBILITY AND BENEFIT DETERMINATION PROCEDURES

340:50-9-5. Changes after application and during the certification period

(a) **Applicant households.** Applicant households must report all changes related to their eligibility and benefits. ~~Changes Households must report changes,~~ which occur after the interview but before date of the notice of eligibility, ~~must be reported by the household~~ within ten days of the date of the notice.

(b) **Certified households.** Those households assigned a certification period other than 12 months are required to report within ten days:

- (1) changes in sources of income;
- (2) changes in unearned income of ~~\$25~~ \$50 per month or more;
- (3) changes in earned income of more than \$100 per month;
- (4) all changes in household composition, such as an addition or loss of a household member;
- (5) changes in residence and resulting changes in shelter costs;
- (6) the acquisition of licensed vehicles not fully excluded;
- (7) cash on hand, stocks, bonds, and money in bank checking or savings accounts or savings institutions, when ~~they reach the balance reaches or exceed exceeds~~ a total of \$2000; and
- (8) changes in the legal obligation to pay child support.

(c) **Change affecting food stamp allotment benefit.** If a reported change affects the household's eligibility or food stamp ~~allotment benefit amount,~~ the household is notified of the adjustment to be made and the effective date. The ~~social services specialist worker~~ has ten days from the date the change is reported to take the necessary action.

(d) **Follow-up.** The household is notified of the receipt of the change report by a computer-generated notice.

(1) If the household fails to report a change within the ten-day period and, as a result, receives benefits to which it is not entitled, an overissuance is referred to the Family Support Services Division, Overpayment Section, ~~State Office.~~

(2) If the ~~social services specialist worker~~ fails to take action on a reported change within the prescribed time limits and benefits are lost, they are restored to the household.

(e) **Changes which increase benefits.** Changes resulting in a benefit increase must be verified. The household is allowed ten days to verify the information.

(1) The change is made effective no later than the first issuance to be delivered ten days after the date the change was reported or verified, whichever is later.

(2) The ~~social services specialist worker~~ issues a supplement when a change that increases benefits is reported too late to verify and make the change by regular roll deadlines.

(3) The household is allowed ten days to verify the information.

(4) If verification is provided timely, the supplement is issued by the tenth day following the date the change

was reported, or the date the regular roll benefit is to be received, whichever is later.

(5) If the required verification is not provided within ten days but is provided at a later date, the supplement is issued within ten days of the date verification was provided, rather than from the date the change was reported.

(f) **Changes which decrease or terminate benefits.** A case is closed, **never** suspended, if a change in household circumstances causes a household to be ineligible for food stamp benefits. When a household's benefit level decreases or is terminated, an advance notice is required unless exempt from such a notice for a reason listed in (1) and (2) of this subsection. When an advance notice is required, the decrease or termination of the benefit is effective no later than the month following the month in which the advance notice period expired. When the change is reported less than ten days before the advance notice deadline, the action must be taken before advance notice deadline the following month. Advance notice is not required when:

- (1) the ~~Agency~~ Oklahoma Department of Human Services (OKDHS) receives a clear written statement signed by a responsible household member stating he or she no longer wishes food stamps or giving information which requires termination or reduction of food stamp benefits and stating that he or she understands the food stamp benefit will be reduced or terminated. The household retains its right to a fair hearing and to continue benefits if a fair hearing is requested within ten days of the change notice; and
- (2) the reduction or termination of food stamp benefits is based on situations listed in (j) of this Section.

(g) **Annual reporting households.** Non-public assistance (non-PA) households with all adult members elderly or disabled with no earned income are known as annual reporters. A 24-month certification period is automatically assigned. These households are required to report within ten days those changes listed in (b) of this Section.

(h) **Benefit review form for annual reporters.** Annual reporting households are sent a computer-generated review form in the 11th month of certification. The intent of this form is to allow the household's circumstances to be reviewed without requiring face-to-face contact.

- (1) The ~~social services specialist worker~~ must act on any changes reported on the benefit review form.
- (2) If the reported changes result in a reduction or termination of benefits, an adequate advance notice must be sent.
- (3) If the household fails to provide sufficient information regarding a deductible expense, the benefits must not be terminated, but processed without regard to the deduction.
- (4) The annual review form must be completed and returned to the county office, along with all required verification, by the last day of the 12th month.

(i) **Semi-annual reporting households.** A 12-month certification period is assigned to non-PA households who have countable earned income at certification unless the household

contains a member who is an able-bodied adult without dependents and who is not meeting the work requirement or is not otherwise exempt. These households are only required to report changes which result in their gross monthly income exceeding 130 percent of the monthly poverty income guidelines for their household size. The ~~social services specialist worker~~ must act on any changes reported by these households which would increase their benefits. Changes reported by the household which would result in a decrease in benefits are also acted upon by the ~~social services specialist worker~~. The system determines if the change results in a decrease in benefits. A decrease in the benefits will not occur unless the:

- (1) household has requested the case be closed; or
- (2) ~~social services specialist worker~~ has information about the household's circumstances considered verified upon receipt.

(j) **Benefit review form for semi-annual reporters.** Semi-annual reporting households are sent a computer-generated review form in the fifth month of certification.

- (1) The ~~social services specialist worker~~ must act on any changes reported on the benefit review form.
- (2) If the reported changes result in a reduction or termination of benefits, an adequate advance notice must be sent.
- (3) If the household fails to provide sufficient information regarding a deductible expense, the benefits must not be terminated, but processed without regard to the deduction.
- (4) The semi-annual review form must be completed and returned to the county office, along with all required verification, by the last day of the sixth month.

(k) **Notice of adverse action not required.** The situations listed in (1) - (8) of this subsection do not require a notice of adverse action.

- (1) **Mass changes.** The individual notification requirement is waived when changes affecting the entire caseload or significant portions of the caseload are initiated because of changes or requirements in federal or state law. In these situations, the ~~State Office Family Support Services Division (FSSD)~~ mails notices to the households informing them of the changes which are about to be made.
- (2) **Notice of death.** If the ~~social services specialist worker~~ determines, based on reliable information, that all members of the household are deceased, notice of adverse action is not required.
- (3) **Moved out of county.** Notice of adverse action is not required when the ~~social services specialist worker~~ determines, based on reliable information, that the household has moved out of the county and that a transfer request has not been received.
- (4) **Completion of restoration of lost benefits.** Notice of adverse action is not required if the household is previously notified in writing when restoration of lost benefits is completed and the household's food stamp ~~allotment benefit~~ is reduced due to completion of restoration of lost benefits.
- (5) **Variable ~~allotment food stamp benefit~~.** The household ~~allotment will vary~~ benefit amount varies from

Emergency Adoptions

month to month within the certification period to take into account changes which were anticipated at the time of certification and the household was so notified at the time of certification.

(6) **Willful misrepresentation.** Notice of adverse action is not required if a person in the household is disqualified for willful misrepresentation. If there is more than one person in the household, the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member.

(7) **Food stamp recoupment.** A notice of adverse action is not required if the household fails to make agreed upon cash or food stamp repayment of an overpayment.

(8) **Drug or alcohol treatment center or group home loses approved status.** If a household's eligibility is being terminated because the drug or alcohol treatment center or group home facility is no longer approved, an individual notice of adverse action is not required.

(1) **Action on changes when fair hearings are requested.** When a household requests a fair hearing within ten days of the date shown on the adverse action notice, the household may continue to receive food stamps.

[OAR Docket #03-3216; filed 11-14-03]

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

[OAR Docket #03-3211]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 16. Mental Health Treatment Services

Part 1. Inpatient Mental Health Treatment

340:75-16-27. [REVOKED]

340:75-16-28. through 340:75-16-33. [AMENDED]

340:75-16-36. through 340:75-16-37. [AMENDED]

(Reference APA WF # 03-21)

AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; Sections 5-501 through 5-513 of Title 43A and Section 7004-1.1 of Title 10 of the Oklahoma Statutes.

DATES:

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SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Emergency approval is requested as OKDHS finds compelling public interest to comply with state law. Amendments to the Inpatient Mental Health and Substance Abuse Treatment of Minors Act are effective November 1, 2003. The revised rules allow for expeditious compliance and provide much needed guidance for CW staff in ensuring preservation of the health, safety,

and welfare of children. Without the revisions to these rules, the mental health and substance abuse treatment needs of deprived children will not be met according to the spirit of the law.

ANALYSIS:

The revisions to Subchapter 16 of Chapter 75 correct and clarify roles and responsibilities of Child Welfare (CW) staff when providing services to children in the custody of the Oklahoma Department of Human Services (OKDHS) who receive mental health and substance abuse treatment in accordance with Senate Bill (SB) No. 674 and House Bill (HB) No. 1063. These bills, effective November 1, 2003, amend the Inpatient Mental Health and Substance Abuse Treatment of Minors Act of Title 43A of the Oklahoma Statutes to ensure adequate treatment of and enhance the commitment process for minors in need of mental health and substance abuse treatment.

340:75-16-27 is revoked and incorporated in 75-16-28 to emphasize the import of the legislative basis for mental health and substance abuse treatment provisions.

340:75-16-29, 75-16-31, 75-16-33, 75-16-36, and 75-16-37 are revised to reflect terms expressed in SB 674 and HB 1063, as well as those specific to inpatient services.

340:75-16-30 is revised to include current admission procedures for inpatient mental health and substance abuse treatment: The inpatient psychiatric care review coordinator (IPCRC) authorizes all inpatient mental health services for children in OKDHS custody. An inpatient psychiatric care review is required for Title XIX Medicaid reimbursement. The licensed mental health professional of the inpatient facility must submit an evaluation within 48 hours of the child's admission. The district attorney obtains a pre-hearing detention order authorizing the child to remain inpatient pending the hearing. The hearing is set within one to three judicial days from the filing of the petition. The facility submits a proposed individualized treatment plan within 24 hours of the scheduled hearing. The court determines whether the minor is in need of mental health and substance abuse treatment.

340:75-16-32 is revised to reflect the time frames for initial length of stays for inpatient and residential mental health care. The IPCRC determines the number of days required to resolve the identified problems. Procedures for a reconsideration request for the length of stay may be made to Oklahoma Foundation for Medical Quality (OFMQ) when additional information was not considered by the IPCRC.

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, OR NOVEMBER 1, 2003, WHICHEVER IS LATER, AS SET FORTH IN 75 O.S., SECTION 253(D):

SUBCHAPTER 16. MENTAL HEALTH TREATMENT SERVICES

PART 1. INPATIENT MENTAL HEALTH TREATMENT

340:75-16-27. Purpose [REVOKED]

~~The purpose of the Children and Family Services Division's (CFSD) mental health services is to assure ensure that custody children receive inpatient mental health treatment as needed in accordance with of Title 43A of Oklahoma Statutes, Inpatient Mental Health Treatment of Children Act. The primary purpose of inpatient mental health treatment is for the short-term crisis stabilization of children. The number of custody children in inpatient mental health treatment is minimized by the utilization of outpatient behavioral health care services and community-based residential care services.~~

340:75-16-28. Legal Purpose and legal base

(a) **Purpose.** The purpose of the Children and Family Services Division's (CFSD) mental health services is to ensure that children in the custody of the Oklahoma Department of Human Services (OKDHS) receive inpatient mental health treatment as needed in accordance with Sections 5-501 through 5-513 of Title 43A of the Oklahoma Statutes, Inpatient Mental Health and Substance Abuse Treatment of Minors Act. The primary purpose of inpatient mental health treatment is for the short-term crisis stabilization of children. The number of children in OKDHS custody in inpatient mental health treatment is minimized by the utilization of outpatient behavioral health care services and community-based residential services.

(b) **Legal base.** The rules in this subchapter OAC 340:75-16 are issued in compliance with Sections 5-501 through 5-513 of Title 43A of the Oklahoma Statutes, Inpatient Mental Health and Substance Abuse Treatment of Children Minors Act, and Section 7004-1.1 of Title 10 of the Oklahoma Statutes, which mandates the Department OKDHS to review and assess each child in the Department's custody of OKDHS to determine the type of placement consistent with the treatment needs of the child in the nearest geographical proximity to the home of the child.

340:75-16-29. Definitions

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

"Acute psychiatric facilities" means facilities that provide inpatient mental health treatment to patients requiring acute intensive treatment. These facilities are secure and may be located in either a hospital setting or a non-hospital setting. The facilities provide a secure setting while the patient is undergoing treatment. Restraint (physical Physical, mechanical, or drug) restraint by the facility may be utilized along with treatment modalities by the facility. Seclusion may also be used. The facilities must abide by patients' rights while patients are placed in acute psychiatric facilities.

"Child in need of mental health treatment" means a child who is in need of mental health treatment, per Section 5-502 of Title 43A of Oklahoma Statutes, and who:

(A) has a demonstrable mental illness and as a result of that mental illness can be expected, within the near future, to inflict or attempt to inflict serious bodily harm on himself or herself or another person if mental health services are not provided; and has engaged in one or more recent overt acts or made significant recent threats which substantially support that expectation; or the illness is of sufficient severity to cause substantial impairment or disability in at least two of the major areas of functioning in the child's life given in (A) (D) of this subparagraph. The major areas of functioning are:

- (i) family relations;
- (ii) school performance;
- (iii) social interactions; and
- (iv) ability to perform independently the basic tasks of personal hygiene, hydration and nutrition,

or self-protection. A determination regarding the ability of the child to perform basic tasks independently is based upon the age of the child and a reasonable and appropriate expectation of the abilities of a child of such age to perform basic tasks; and

~~(B) is not afflicted with epilepsy, developmental disability, organic brain syndrome, physical handicaps, brief periods of intoxication caused by substances such as alcohol or drugs, or who is truant or sexually active unless the child also meets the criteria for a child in need of mental health treatment.~~

"Community Mental Health Center (CMHC)" means a county agency that provides the screening or gatekeeping, according to the medical necessity criteria, or the inpatient mental health treatment of custody children. The Department of Mental Health and Substance Abuse Services' local community mental health centers are designated by OFMQ to provide this service.

"Gatekeeping" means the process of conducting a formal evaluation to determine whether a child needs acute psychiatric inpatient mental health treatment or residential psychiatric inpatient mental health treatment (RTC) based on the medical necessity criteria established by OHCA. Gatekeeping is conducted by the county of jurisdiction CMHC assigned gatekeeper.

"Inpatient psychiatric care review (IPCR)" means the process of conducting a formal evaluation by phone or fax to determine whether a child requires acute psychiatric or residential treatment center (RTC) inpatient mental health treatment based on the medical necessity criteria established by the Oklahoma Health Care Authority (OHCA). The inpatient psychiatric care review is a function of the Oklahoma Foundation for Medical Quality (OFMQ) and is conducted by the inpatient psychiatric care review coordinator.

"Inpatient psychiatric care review coordinator (IPCRC)" means the person working for OFMQ who makes the determination whether a child in the custody of the Oklahoma Department of Human Services (OKDHS) meets the medical necessity criteria for acute psychiatric inpatient care or RTC treatment services.

"Medical necessity review" means an assessment of current and recent behaviors and symptoms to determine whether an admission for inpatient mental illness or drug or alcohol dependence treatment constitutes the least restrictive level of care necessary. The review is performed by a licensed mental health professional.

"Minor" means any person younger than 18 years of age.

"Minor in need of treatment" means a person younger than 18 years of age who is in need of treatment, per Section 5-502 of Title 43A of the Oklahoma Statutes, and who:

(A) has a demonstrable mental illness or who is drug or alcohol dependent and as a result of that mental illness or dependency is expected within the near future to inflict or attempt to inflict serious bodily harm to himself or herself or another person and has engaged in one or more recent overt acts or made significant recent threats which substantially support that expectation; or

Emergency Adoptions

(B) has a demonstrable mental illness or is drug or alcohol dependent of sufficient severity to cause substantial impairment or disability in at least two of the major areas of functioning in the minor's:

- (i) family relations;
- (ii) school performance;
- (iii) social interactions; or
- (iv) ability to perform independently the basic tasks of personal hygiene, hydration and nutrition, or self-protection. A determination regarding the ability of the minor to perform independently such tasks is based upon the age of the minor and the reasonable and appropriate expectation of the minor's ability to perform such tasks.

"Oklahoma Foundation for Medical Quality (OFMQ)" means ~~a state agency that is the agent entity designated by OHCA responsible for the prior authorization of outpatient behavioral health care services for Title XIX Medicaid reimbursement and to manage the screening and gatekeeping process for both~~ facilitate the inpatient psychiatric medical necessity care review for acute and residential inpatient mental health treatment for Title XIX Medicaid reimbursement.

"Oklahoma Health Care Authority (OHCA)" means a the state agency that administers medical programs reimbursed by the Title XIX Medicaid program and is responsible for the establishment of medical necessity criteria that determine if whether an inpatient mental health treatment facility is reimbursed by Title XIX Medicaid.

"Residential treatment centers (RTC)" means ~~facilities which can that provide residential mental health treatment (less secure than acute) to residents requiring residential treatment. These facilities can may be located in either a hospital setting or a non-hospital setting. The facilities must be able to provide adequate supervision for residents since residential treatment centers are not secure facilities. Restraint (physical Physical, mechanical, or drug) restraint may be utilized by the facility along with treatment modalities by the facility. Seclusion may also be used. The facilities must abide by residents' rights while residents are placed in residential treatment centers.~~

340:75-16-30. Admission of custody child to inpatient mental health care

(a) ~~The Community Mental Health Center (CMHC) gatekeeper inpatient psychiatric care review coordinator (IPCRC) authorizes all inpatient mental health services for custody children in the custody of the Oklahoma Department of Human Services (OKDHS) prior to admission. Gatekeeping evaluations are~~ An inpatient psychiatric care review (IPCR) is required for Title XIX Medicaid reimbursement of acute inpatient mental health treatment and residential mental health treatment for custody children in OKDHS custody.

(1) The CMHC providing services in the child's county of jurisdiction IPCRC is responsible for the gatekeeping evaluations determining whether the child meets medical necessity criteria for inpatient care.

(2) The gatekeeping initial assessment IPCR is a face to face evaluation phone review to determine the

level of inpatient mental health treatment needed by the child, based on the medical necessity criteria developed for each level of care.

(A) The two levels of care of inpatient mental health treatment are acute and residential.

(B) Authorization for the length of services is also approved at this time.

(3) A pre-screening evaluation The medical necessity review form is conducted-completed by the IPCRC a licensed mental health professional at the CMHC having the responsibility for the area where the child resides Oklahoma Foundation for Medical Quality (OFMQ) and submitted to the facility.

(b) If the gatekeeper IPCRC denies inpatient mental health treatment for the child, the Child Welfare (CW) worker may appeal the decision request reconsideration of the decision by OFMQ.

(c) If the gatekeeper When OFMQ authorizes inpatient mental health treatment, the child is admitted to an inpatient mental health treatment facility on an emergency basis. A child does not remain in an inpatient facility for more than two judicial for up to five days without a court order from the time of admission, excluding weekends and holidays.

(d) A custody child is civilly committed to either an inpatient acute or residential mental health treatment facility by the court. The district attorney, in the county where the custody child is currently placed or in the county of jurisdiction, files the petition alleging the need for civil commitment. A mental health evaluation must be completed by a licensed mental health professional at the inpatient facility and a report provided to the district attorney within 48 hours of admission, excluding weekends and holidays. This evaluation by a licensed mental health professional is required by Section 5-507 of Title 43A of the Oklahoma Statutes and is attached to the petition requesting inpatient treatment.

(e) After the filing of a petition, and upon order of the court, the district attorney obtains a pre-hearing detention order authorizing the child to remain inpatient pending the hearing. The hearing is set within one to three judicial days from the filing of the petition. The child is detained in the mental health facility for no longer than necessary for a hearing on the petition and further order of the court. [43A O.S. § 5-507 E.2] as provided by Section 5-510 of Title 43A of the Oklahoma Statutes. The inpatient facility submits a proposed individualized treatment plan to the court 24 hours in advance of the scheduled hearing.

(f) An evaluation by an independent a licensed mental health professional is required by state statute. The independent licensed mental health professional's report is due to the court no less than 24 hours prior to the time of the hearing and includes information as to whether or not the child needs inpatient mental health treatment.

(g) At the hearing, the court determines whether by clear and convincing evidence the child is a child minor in need of mental health and substance abuse treatment. When the court:

(1) If the court finds the child is not child a minor in need of mental health and substance abuse treatment, the court dismisses the civil commitment case;

(2) ~~If the court~~ finds the child is a child minor in need of mental health and substance abuse treatment, but does not require inpatient treatment, the court may order mental health and substance abuse treatment or services through a less restrictive alternative;

(3) ~~If the court~~ finds the child is a child minor in need of mental health and substance abuse treatment and requires inpatient treatment in an inpatient mental health facility, the court orders the commitment of the child to a mental health facility for not more than 30 days; or

(4) ~~When the court~~ commits a child to a mental health facility for inpatient treatment, the court sets the case for review every 30 days from the date of the commitment hearing as long as the child receives inpatient treatment.

(g) An individualized treatment plan is submitted by the facility within ten days after the order authorizing inpatient treatment.

(h) The inpatient facility submits a report on progress and recommendations three days prior to any review hearing.

(h) ~~The child's rights during the civil commitment process~~ are include:

- (1) notice of hearing;
- (2) representation by an attorney;
- (3) right to a private hearing unless the judge directs otherwise according to the statute;
- (4) right to a jury trial; and
- (5) right to cross examine.

340:75-16-31. Individualized treatment plan

Within ten days after ~~admission for the order authorizing continued~~ inpatient mental health treatment, ~~the person in charge of the facility in which the child is being treated~~ ensures that ~~the person responsible for the child's treatment~~ prepares an individualized treatment plan is submitted to the court. The child is involved in determining the treatment plan when possible. The child's ~~parent~~ parent(s) and the Child Welfare (CW) worker are involved to the maximum extent consistent with the treatment needs of the child.

340:75-16-32. Length of stay in inpatient mental health facilities and extension by gatekeeper IPCRC

(a) The initial length of stay for acute inpatient mental health care is up to five calendar days and residential inpatient mental health care is five up to ten calendar days, based on the ~~face-to-face assessment review~~ by the gatekeeper inpatient psychiatric care review coordinator (IPCRC) at the Oklahoma Foundation for Medical Quality (OFMQ) to determine the number of days required to resolve the identified presenting problems.

(b) An extension for acute inpatient mental health care is five to ten calendar days as determined by the gatekeeper IPCRC, based upon the documented need for the extension of care. A request for extension is submitted made by staff of the treating facilities three calendar days before the end of the current certificate of need (CON) facility via phone on or before the last business day of the current authorization for inpatient care. ~~Gatekeepers cannot authorize extension requests beyond~~

~~thirty days without first conducting a face-to-face evaluation for a child in acute inpatient mental health care.~~

(c) An extension for residential mental health care is ~~required every up to 15 to 30 calendar days after the initial five or ten day admission.~~ The number of days allowed is determined by the gatekeeper IPCRC, based on the level of impairment, severity, and chronicity of the symptoms present that meet the medical necessity criteria. The treating facility submits the request for an extension three calendar days before the end of the CON current authorization. ~~Gatekeepers cannot authorize extension requests beyond 90 days for a child who is in a residential mental health care facility without first conducting a face-to-face evaluation.~~

(d) ~~An appeal~~ A reconsideration request for the length of stay is made to ~~Oklahoma Foundation for Medical Quality (OFMQ)~~ by the Child Welfare (CW) worker ~~if or the inpatient psychiatric facility when the gatekeeper IPCRC denies an extension and the CW worker or the inpatient psychiatric facility has additional information which was not considered in the extension decision by the gatekeeper IPCRC.~~

340:75-16-33. Discharge plan

(a) The treating facility prepares a discharge plan with the Child Welfare (CW) worker's input prior to discharge and submits a copy to the CW worker. The discharge plan includes:

- (1) the services required by the child in the community to meet his or her needs for treatment, education, housing, ~~and~~ physical care, and safety; and
- (2) identification of the public and private agencies that are involved in providing treatment and support for the child.

(b) The child is discharged from the facility when he or she no longer meets medical necessity or ~~civil~~ commitment criteria as determined by appropriate inpatient mental health staff.

(c) ~~A civilly committed~~ The child is discharged upon the expiration of the court order or when a new court order directs the child's discharge.

340:75-16-36. Out-of-state inpatient mental health care for custody children

(a) ~~Custody children placed in Children in the custody of the Oklahoma Department of Human Services (OKDHS) admitted to inpatient mental health care facilities out-of-state must meet the same medical necessity criteria for inpatient mental health treatment required in the state of Oklahoma.~~ Custody children Children in OKDHS custody are only admitted to a facility which—that is an Oklahoma Health Care Authority (OHCA) approved Title XIX provider under formal contract with OHCA and Children and Family Services Division (CFSD). Admission of a custody child in OKDHS custody to an out-of-state inpatient mental health treatment facility requires prior approval through Interstate Compact on the Placement of Children (ICPC).

(b) ~~Custody children Children in OKDHS custody in non-psychiatric out-of-state placements who need require inpatient mental health treatment can may only be admitted to an out-of-state facility which—that is OHCA approved and has a~~

Emergency Adoptions

formal contract with CFSD. ~~The county of jurisdiction gatekeeper is contacted in order to have the admission approved for Medicaid reimbursement. The gatekeeper determines whether there is a face to face evaluation completed by the gatekeeper, a courtesy gatekeeper, or whether the child has to be returned to the state of Oklahoma for an independent evaluation.~~

(c) Children who are placed in an inpatient mental health facility in ~~the state of~~ Oklahoma by another state do not have to meet the Oklahoma Medicaid requirements.

340:75-16-37. Custody child Child who no longer meets medical necessity criteria for inpatient mental health treatment

(a) The ~~eustody~~ child in the custody of the Oklahoma Department of Human Services (OKDHS) who is denied continued inpatient mental health treatment by the ~~gatekeeper~~ inpatient psychiatric care review coordinator (IPCRC), no longer meets medical necessity criteria for inpatient treatment, and whom the therapist agrees to discharge, is discharged and placed in an above foster care, foster care, or other appropriate placement. The Child Welfare (CW) worker ~~takes—considers~~ the placement recommendation of—placement by the facility therapist ~~into consideration~~ when placement plans are made.

(b) ~~An appeal~~ A request for reconsideration of the decision of the ~~gatekeeper~~ IPCRC is made to the Oklahoma Foundation for Medical Quality (OFMQ) for the ~~eustody~~ child in OKDHS custody who is denied ~~by the gatekeeper~~ for continued inpatient mental health care; ~~or~~ no longer meets medical necessity criteria for inpatient care, but the therapist or doctor does not agree to the child's discharge.

[OAR Docket #03-3211; filed 11-13-03]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #03-3225]

RULEMAKING ACTION:

EMERGENCY adoption.

RULES:

- 675:1-1-1.1. Definitions [NEW]
- 675:1-1-3. Makeup of Board [AMENDED]
- 675:1-1-4. Officers of the Board [AMENDED]
- 675:1-1-5. Executive Secretary [REVOKED]
- 675:1-1-8. Meeting dates [AMENDED]

AUTHORITY:

TITLE 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

DATES:

Adoption:

September 29, 2003

Approved by Governor:

November 14, 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:

The Board found that a compelling public interest requires emergency amendments to the rules. SB484, effective November 1, 2003 made extensive changes to the law and the emergency amendments are being made to comply with the changes in law.

ANALYSIS:

Amendments to Chapter 1 are being made to comply with changes in the Social Workers Licensing Act that become effective November 1, 2003.

CONTACT PERSON:

Jan Ewing, Deputy Director, 405-848-6841, ext. 104

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):

675:1-1-1.1. Definitions

The following words and terms shall have the following meaning unless the context clearly indicates otherwise:

"Educational supervision" means face to face interaction between the supervisor and supervisee.

"LCSW" means licensed clinical social worker.

"LMSW" means licensed masters social worker.

"LSW" means licensed social worker (advanced generalist).

"LSW-Adm" means licensed social worker with a specialty of administration.

"LSWA" means licensed social worker associate.

675:1-1-3. Makeup of Board

There shall be seven (7) members of the Board. Three of the members of the Board shall be licensed social workers or licensed clinical social workers licensed under this law. Two other members shall be licensed social work associates and/or licensed masters social workers. One member shall be the president of the Oklahoma Chapter of the National Association of Social Workers. The remaining member of the Board shall be selected from and shall represent the general public.

675:1-1-4. Officers of the Board

The Oklahoma State Board of Licensed Social Workers shall elect a chairman, vice-chairman, and secretary ~~and treasurer~~. Election of officers will occur at the first meeting of the Board after October 1, 1980 ~~and will be~~ on an annual basis ~~after that date~~.

675:1-1-5. Executive Secretary [REVOKED]

~~(a) At the first meeting of the Board after October 1, 1980 the Executive Secretary will be selected and appointed and will be reappointed on an annual basis by the Board.~~

(b) The powers and duties of the Executive Secretary of the Oklahoma State Board of Licensed Social Workers are established as follows:

- (1) Record the minutes of all proceedings of the Board and keep such financial records as are necessary;
(2) Keep an updated register of all persons and their addresses who are licensed under these provisions;
(3) Upon recommendation of the Board, institute such civil or criminal proceedings as the Board determines necessary or appropriate;
(4) Provide licensure materials, receive and review for completeness all documentation provided by applicants and submit to the Board for approval, and fulfill other necessary steps to coordinate the process;
(5) Enforce rules and regulations for professional conduct of licensed social workers prescribed by the Board; and
(6) Perform such other duties as the Board may prescribe that are necessary to the daily operation of the affairs of the Board.

(c) The Board may, at its discretion, appoint additional staff to assist the Executive Secretary in carrying out the duties as set forth in the law.

675:1-1-8. Meeting dates

Meetings of the Oklahoma State Board of Licensed Social Workers will be as follows: The Board shall meet on the first Tuesday in January of each year and the first Tuesday in July of each year, The Board shall meet at least once every three months and shall be available for called meetings at the pleasure of the Chairman or by a quorum of four members. Meetings shall be in accordance with the provisions of the Open Meeting Law for the State of Oklahoma.

[OAR Docket #03-3225; filed 11-19-03]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 3. INDIVIDUAL PROCEEDINGS

[OAR Docket #03-3226]

RULEMAKING ACTION: EMERGENCY adoption.

RULES:

- 675:3-1-1. Purpose [NEW]
675:3-1-2. Definitions [NEW]
675:3-1-3. Complaint procedure [NEW]
675:3-1-4. procedures for denials, revocations, suspensions [NEW]

AUTHORITY:

TITLE 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

DATES:

Adoption:

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Approved by Governor:

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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:

The Board found that a compelling public interest requires emergency amendments to the rules. SB484, effective November 1, 2003 made extensive changes to the law and the emergency amendments are being made to comply with the changes in law.

ANALYSIS:

Amendments to the rules are being made to comply with changes in the Social Workers Licensing Act that become effective November 1, 2003.

CONTACT PERSON:

Jan Ewing, Deputy Director, 405-848-6841, ext. 104

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):

675:3-1-1. Purpose

The purpose of this Chapter is to set forth the procedures of the Board used in the investigations of and hearings held for complaints and for individual proceedings.

675:3-1-2. Definitions

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

"Act" means the Social Worker's Licensing Act, 59 O.S., §§ 1250, et seq., as amended

"APA" means Article I and/or Article II of the Administrative Procedures Act, 75 O.S.1991, §§ 250, et seq.

"Board" means the Oklahoma State Board of Licensed Social Workers.

"Formal complaint" means a written statement of alleged violation of the Act by a person licensed or certified by the Board and which is filed by the Board office in anticipation of a hearing and/or discipline. This definition is distinct from "citizen complaint", which refers to a written statement of violation of the Act prior to investigation by the staff.

"Hearing" means the mechanism employed by the Board to provide Due Process to a respondent in an individual proceeding.

"Individual proceeding" means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the Act and the APA.

"Respondent" means the person against whom an individual proceeding is initiated.

"Staff" means the personnel of the Board, through employment or contract.

675:3-1-3. Complaint procedure

(a) Receiving complaints. The Board shall receive complaints against licensees through the mail or in person at the

Emergency Adoptions

Board office. Only written complaints shall be accepted for consideration, unless extenuating circumstances exist. The written request may be anonymous. Upon receipt of the complaint, the Board staff shall:

- (1) stamp all pages with a Board stamp which indicates the date of receipt.
 - (2) review the complaint to determine if the person against whom the complaint is registered is a current licensee.
 - (3) log the complaint, assigning a number consisting of the year and sequence number in which it was received; further, recording the date received, name of complainant (if provided), and the name and license number of licensee.
 - (4) generate a letter to the complainant indicating receipt and review of the complaint by the Board officials (if applicable).
 - (5) place the complaint in a pending file.
 - (6) notify the Board chair or chair's designee, a former or current Board member appointed by the Chair, and the Attorney General Liaison (hereinafter referred to as the "Complaint Committee") of receipt of a complaint.
- (b) **Reviewing complaints.** Upon notification that a complaint has been received, the Complaint Committee shall review the contents to determine whether or not the allegation constitutes a possible violation of the Code of Professional Conduct. If the allegation does not indicate a possible violation of this code, the Complaint Committee shall instruct the Board staff to generate a letter to the complainant thanking them for their concern and advising them that the complaint does not fall within the purview of the Board. If the allegation does indicate a possible violation of this code, the Complaint Committee shall make the following determination:
- (1) The alleged violation appears to be one which would not, if found to be valid, result in a denial, revocation or suspension of a license, as specified in Section 675:3-1-3 of this Chapter, but one which does indicate the need for Board review and possible informal action.
 - (2) The alleged violation appears to be one which could, if found to be valid, result in a denial, revocation or suspension of a license, as specified in Section 675:3-1-3 of this Chapter.
- (c) **Allegations, if substantiated, not appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would not result in a denial, revocation or suspension of a license, the chair or chair's designee shall proceed with addressing the allegation by reviewing the complaint with the Attorney General liaison for the Board. Upon the consent of the chair or chair's designee and the advice of the Attorney General liaison, the chair or chair's designee shall proceed by:
- (1) Notification of the licensee by certified mail that a complaint has been received, outlining the nature of the complaint.
 - (2) Forwarding to the licensee a copy of the informal process for addressing complaints, which requires:
 - (A) a prompt letter to the Board from the licensee responding to the merits of the complaint;

- (B) an informal interview with the Board to fully explore the issues involved in the complaint;
 - (C) an agreement by the Board and the licensee on the merits of the complaint;
 - (D) a Consent Decree for disciplinary action for the licensee, approved by the Board and signed by the licensee and the chair or chair's designee, which may include one or more of the following:
 - (i) a letter of education instructing the licensee to correct the aspect of practice in question;
 - (ii) a tutorial assigned to the licensee to remedy the practice in question, under the supervision of a Board Approved Supervisor assigned by the Board, with the wishes and needs of the licensee taken into consideration;
 - (iii) a letter of censure disciplining the licensee for the practice in question;
 - (E) a review of the Consent Decree with the complainant, with consideration given to any disagreement the complainant may have to the course of remedial action;
 - (F) a review of the course of action in a specified time, not longer than six months, to determine whether or not remediation has taken place;
 - (G) a letter to the licensee indicating that the informal process has ended.
- (3) Referral to the formal investigation process when:
- (A) the licensee fails to respond to the certified letter from the Board;
 - (B) the informal process reveals new or expanded allegations that indicate the possibility of a denial, revocation or suspension of a license;
 - (C) the licensee fails to meet the requirements of the educational letter or the tutorial without good cause.
- (d) **Allegations, if substantiated, appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would result in a denial, revocation or suspension of a license, the Complaint Committee shall proceed with addressing the complaint by the process detailed below based upon agreement of at least two members:
- (1) Contacting an investigator designated by the Board as qualified to address the nature of the complaint.
 - (2) Providing the designated investigator with names and addresses of the complainant and the licensee.
 - (3) Issuing a letter of intent that specifies:
 - (A) the intended parameters of the investigation;
 - (B) the individuals to be interviewed;
 - (C) the contract fee and travel reimbursement, as allowed by statute;
 - (D) the time frame for completing the investigation.
 - (4) Indicating whether or not the licensee should be interviewed by the contract investigator, in reference to:
 - (A) advice by the Attorney General liaison not to do so in order to reserve the interview with the licensee in a setting under oath;

(B) the possibility of a criminal investigation being conducted concurrently or subsequently to the Board investigation.

(5) Submitting the investigative report to the Complaint Committee for review and recommendation to the Board concerning proposed action to be taken concerning the complaint.

(6) Placing the complaint on the agenda for the next Board meeting for report on the status of the complaint and possible action by the Board. Possible actions by the Board would include:

(A) a dismissal of the complaint due to lack of evidence of a code violation;

(B) a referral to the informal process due to a finding that the results of the investigation reveal code violations, but not ones that would result in the need for denial, revocation or suspension;

(C) a decision to hold a hearing as provided for in Section 675:3-1-3 of this Chapter.

675:3-1-4. Procedures for denials, revocations, suspensions

(a) When a hearing is required. The Board shall hold a hearing when it considers that there is cause to deny, revoke or suspend any license (or specialty certification) issued by the Board or applied for in accordance with the Social Worker's Licensing Act or otherwise to discipline a licensee. The hearing will determine whether or not the person:

(1) Has been convicted of a felony and, after investigation the Board finds that he or she has not been sufficiently rehabilitated to meet the public trust;

(2) Has been found guilty of fraud or deceit in connection with services rendered or in establishing needed qualifications under this act;

(3) Has knowingly aided or abetted a person, not licensed under these provisions, in representing himself or herself as licensed in this state;

(4) Has been found guilty of unprofessional conduct as defined by rules established by the Board;

(5) Has been found guilty of negligence or wrongful actions in the performance of his or her duties;

(6) Is unable to function because of addiction to alcohol, drugs or other chemicals;

(7) Is unable to function because of physical or mental illness;

(8) Has not properly performed because of illegal disclosure of confidential information without proper authority;

(9) Conduct which violates the security of any licensure examination materials;

(10) Being the subject of the revocation, suspension, surrender or other disciplinary sanction of a social worker or related license or of other adverse action related to a social worker or related license in another jurisdiction or country including the failure to report such adverse action to the Board; or

(11) Being adjudicated by a court of competent jurisdiction, within or without this state, as incapacitated, mentally

incompetent, chemically dependent, mentally ill and dangerous to the public or a psychopathic personality.

(b) Hearing procedures. Hearing procedures to be followed shall be in accordance with the Administrative Procedures Act, 75 O.S., §309-323.

[OAR Docket #03-3226; filed 11-19-03]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 10. LICENSURE REQUIREMENTS**

[OAR Docket #03-3227]

RULEMAKING ACTION:
EMERGENCY adoption.

RULES:
Chapter 10. Licensure Requirements [AMENDED]

AUTHORITY:
TITLE 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

DATES:
Adoption:
September 29, 2003

Approved by Governor:
November 14, 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:
The Board found that a compelling public interest requires emergency amendments to the rules. SB484, effective November 1, 2003 made extensive changes to the law and the emergency amendments are being made to comply with the changes in law.

ANALYSIS:
Amendments to chapter 10 are being made to comply with changes in the Social Workers Licensing Act that become effective November 1, 2003.

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

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):

675:10-1-1. Purpose
This chapter describes the requirements for licensure and procedure for the denial, revocation or suspension of a license.

675:10-1-1.1. Approved Social Work Programs
The Board approves social work programs that are accredited by the Council on Social Work Education (CSWE). For international programs, a decision will be made on a case by case basis in consultation with and in conjunction with the CSWE.

Emergency Adoptions

675:10-1-1.2. Requirements for Licensed Clinical Social Worker

The Board shall authorize the issuance of licenses to persons who qualify as follows:

- (1) as a LCSW who has a master's degree in social work from a Board approved social work program and has two (2) years of fulltime post degree experience or the equivalent thereto of part-time experience, a total of 4,000 hours, of experience in the practice of social work under professional supervision of a Board Approved Supervisor or agency supervisor approved by the Board and licensed as a LCSW. This experience shall include at least 100 hours of educational supervision by the supervisor. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluation,
- (2) passed the examination provided for under the provisions of Section 675:10-1-10, and
- (3) is of good moral character.

675:10-1-1.3. Requirements for Licensed Masters Social Worker

The Board shall authorize the issuance of licenses to persons who qualify as follows:

- (1) as a Licensed Social Work Associate who has a baccalaureate degree in social work from a Board approved social work program and has two (2) years of fulltime experience or the equivalent thereto of part-time experience, a total of 4,000 hours of experience, in the practice of social work under professional supervision of a Board Approved Supervisor or agency supervisor approved by the Board and licensed as a LSW, LCSW or LSW-Adm and passed the examination provided for under Section 675:10-1-10. This experience shall include at least 100 hours of educational supervision by the supervisor. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting requirements as defined on the forms approved by the Board, in all areas of evaluation, and
- (2) is of good moral character.

675:10-1-2. Requirements for Licensed Social Worker

~~Upon certification by the Executive Secretary to the Board, the~~ The Board shall authorize the issuance of licenses to persons who qualify as follows:

- (1) ~~as a Licensed Social Worker who has a doctoral or~~ as a Licensed Social Worker who has a master's degree in social work from a Board approved social work program an institution with a program accredited by the Council on Social Work Education and has two (2) years of fulltime post degree experience or the equivalent thereto of part-time experience, a total of 4,000 hours, of experience in the practice of social work under professional supervision of a Board Approved Supervisor or agency supervisor approved by the Board and licensed

~~as a LSW, LCSW or LSW-Adm person licensed under Section 675:10-1-2. This experience shall include at least 100 hours of educational supervision by a person licensed under 675:10-1-2 the supervisor. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluation, and~~

- (2) passed the examination provided for under the provisions of Section 675:10-1-10, and-
- (3) is of good moral character.

675:10-1-2.1. Requirements for Licensed Social Worker-Administration

The Board shall authorize the issuance of licenses to persons who qualify as follows:

- (1) as a LSW-Adm who has a master's degree in social work from a Board approved social work program and has two (2) years of fulltime post degree experience or the equivalent thereto of part-time experience, a total of 4,000 hours of experience in the practice of social work under professional supervision of a Board Approved Supervisor or agency supervisor approved by the Board and licensed as a LSW-Adm. This experience shall include at least 100 hours of educational supervision by the supervisor. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluation,
- (2) passed the examination provided for under the provisions of Section 675:10-1-10, and
- (3) is of good moral character.

675:10-1-3. Requirements for Licensed Social Work Associate

~~Upon certification by the Executive Secretary to the Board, the~~ The Board shall authorize the issuance of licenses to persons who qualify as follows:

- (1) ~~as a Licensed Social Work Associate who has a baccalaureate degree in social work from a Board approved social work program an institution with a program accredited by the Council on Social Work Education and has two (2) years of fulltime experience or the equivalent thereto of part-time experience, a total of 4,000 hours of experience, in the practice of social work under professional supervision of a Board Approved Supervisor or agency supervisor approved by the Board and licensed as a LSW, LCSW or LSW-Adm person licensed under Section 675:10-1-2 and passed the examination provided for under Section 675:10-1-10. This experience shall include at least 100 hours of educational supervision by a person licensed under 675:10-1-2 the supervisor. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting requirements or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluation or~~

- (2) who has a ~~doctoral or~~ master's degree in social work from a Board approved social work program an institution with a program accredited by the Council on Social Work Education and has passed the examination provided for under Section 675:10-1-10.
- (2) is of good moral character.

675:10-1-3.1. License required

No person shall engage in the practice of social work as defined by law without having the legal possession of a current license.

675:10-1-4. Requirements for Private Social Work Practice

No person may engage in the private, independent practice of social work unless:

- (1) licensed under this act as a LSW-Adm or LCSW Licensed Social Worker
- (2) has had 100 hours of educational supervision in no less than two (2) years of fulltime or the equivalent thereto of part-time experience, a total of 4,000 hours, supervised experience certified by the Board in the method to be offered in private practice and met the requirements set by the Board and
- (3) ~~after January 1, 1983~~ shall continue to meet continuing education requirements set by the Board.

675:10-1-5. SpecialtiesTitles of licenses

(a) ~~Applicants seeking specialty licensure may concurrently complete requirements for both the generic LSW and the specialty if supervision is contracted with a LSW with current licensure in the specialty sought.~~

(ba) Clinical Social Work PracticeLicensed Clinical Social Worker.

- (1) **Definition.** Clinical social work is defined as practice which focuses on rendering services to individuals, families, or groups of individuals that involve the evaluation, diagnosis, treatment, and prevention of emotional disorders and mental illness as related to the total health of the client system according to social work theory and methods, providing services of a psychosocial nature pertaining to personality adjustment, behavior problems, interpersonal dysfunctioning and deinstitutionalization. Such practice is based on knowledge of psychodynamics, human relations, human development, personality development, crisis intervention, psychopathology, and group dynamics to effect change in human behavior, emotional responses, and social conditions.
- (2) **Setting.** Clinical social work is practiced within a private office or under the auspices of public, voluntary, or proprietary agencies and institutions addressing familial, economic, health, recreational, religious, penal, judicial and educational concerns.
- (3) **Model of clinical social work practice.** Within the practice setting, the problem is identified, and a plan of intervention is designed and implemented with the client. The plan is supported by securing historical facts and clues

to the latent forces within the individual that shape personality. Individual strengths in conjunction with community resources are activated and utilized to implement the client plan.

(4) **Education and experience criteria.** A ~~masters or doctoral~~ degree in social work from a Board approved social work program school of social work accredited or recognized by the Council of Social Work Education; official transcripts must be received from all applicable schools attended; two (2) years of fulltime or the equivalent thereto of part-time experience, a total of 4,000 hours, of post graduate practice experience under the supervision of a licensed social worker with a clinical social work practice specialty which includes at least 3,000 hours of direct client contact; this experience shall include at least 100 hours of educational supervision in no less than two (2) years of fulltime related employment or the equivalent thereto of part-time employment. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluations. If social work supervision could be shown to have been unavailable, then supervision must be contracted from a Board Approved Social Work Supervisor. If this supervision can be documented to be unavailable within the employing agency, then supervision may be provided by other licensed mental health professionals as defined in Title 43A of the Oklahoma Statutes with the added condition of giving evidence of continued participation and identification with the social work profession, with at least 3,000 hours of direct clinical practice within the last ten years.

(5) ~~**Continuing education requirements.** Until December 31, 1999, all applicants who are applying for renewal of their specialty in Clinical Social Work Practice must document to the Oklahoma State Board of Licensed Social Workers that they have received a minimum of 12 clock hours of Board approved continuing education in their specialty during the past twelve months. After January 1, 2000, all applicants who are applying for renewal of their specialty in Clinical Social Work Practice must document to the Oklahoma State Board of Licensed Social Workers that they have received a minimum of 16 clock hours of Board approved continuing education in their specialty during the past twelve months.~~

(b) Licensed Masters Social Worker.

(1) The practice of a Licensed Masters Social Worker (LMSW) means the application of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Masters Social Work practice requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, counseling, consultation, education, research, advocacy, community organization and the development,

Emergency Adoptions

implementation, and administration of policies, programs and activities.

(2) The LMSW shall not engage in private practice or practice independently.

(c) **Licensed Social Worker.**

(1) The Licensed Social Worker (LSW) shall be able to perform the following functions:

(A) provide counseling to individuals, couples, families and groups directed toward specific goals;

(B) assist in helping individuals or groups with difficult day-to-day problems, such as finding employment, locating sources of assistance, or organizing community groups to work on a specific problem;

(C) consult with other agencies on problems and cases served in common and coordinate services among agencies helping multi-problem families;

(D) conduct basic data gathering on social problems;

(E) serve as an advocate for those clients or groups of clients whose needs are not being met by available programs or by a specific agency;

(F) assess, evaluate and formulate a plan of action based on client need;

(G) provide training to community groups, agencies and other professionals about health-care issues and community problems; and

(H) maintain familiarity with professional and self-help systems in the community and will assist the client in using those services when necessary.

(2) The LSW shall not engage in private practice or practice independently.

(ed) **~~Social Work Administration~~Licensed Social Worker-Adm.**

(1) **Definition.** Social work administration is defined as practice which focuses primarily on directing the development and/or management of social service delivery systems. Such practice is based on knowledge of organization theory, policy development, program management, personnel management, fiscal management, and public relations. Such practice is based on skills necessary for organizing, directing, supervising, staffing, program planning and program evaluating.

(2) **Setting.** Social work administration is practiced within a private setting or under the auspices of public, voluntary or proprietary agencies or institutions addressing familial, economic, health, recreational, religious, penal, judicial and educational concerns.

(3) **Model of social work administration practice.** Within the practice setting, supervises program directors and program staff to insure that personnel, program and/or licensing standards are met and maintained and that staff members grow in skill and efficiency; develops program goals and insures that all program activities and procedures comply with regulations; interprets the services and promotes the image of the programs through regular communication with appropriate groups and individuals in order to maintain a broad base of support; manages

budgets to insure a balanced and fiscally sound program is maintained.

(4) **Education and experience criteria.** A ~~master's masters or doctoral degree~~ in social work from a school of social work ~~approved by the Board accredited or recognized by the Council on Social Work Education;~~ official transcripts must be received from all applicable schools attended; two years of full-time post masters degree ~~related~~ experience or the equivalent thereto of part-time experience, a total of 4,000 hours, in the delivery of social work administration. This experience shall include at least 100 hours of educational supervision under a Licensed Social Worker with a Social Work Administration specialty in no less than two (2) years of fulltime ~~related~~ employment or the equivalent thereto of part-time employment. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluations. If social work supervision can be shown to have unavailable, then supervision must be contracted from a Board Approved Social Work Supervisor. If this supervision can be documented to be unavailable within the employing agency, then supervision may be provided by other licensed mental health professionals as defined in Title 43A of the Oklahoma Statutes with the added condition of giving evidence of continued participation and identification with the social work profession.

(5) ~~Continuing education requirements.~~ Until December 31, 1999, all applicants who are applying for renewal of their specialty in Social Work Administration must document to the Oklahoma State Board of Licensed Social Workers that they have received a minimum of 12 clock hours of Board approved continuing education in their specialty during the past twelve months. After January 1, 2000, all applicants who are applying for renewal of their specialty in Social Work Administration must document to the Oklahoma State Board of Licensed Social Workers that they have received a minimum of 16 clock hours of Board approved continuing education in their specialty during the past twelve months.

(4) **~~Social Planning and Community Organization.~~**

(1) **Definition.** ~~Social planning and community organization is defined as practice which deals with intervention at the community level, oriented at involving community institutions and solving community human, social, and welfare problems. Such practice is based on knowledge of community organization and development, social planning, policy analysis and social action. Such practice is based on skills necessary for social planning, program development, evaluation, advocacy, ombudsmanship, legislative activity, facilitation, and social mediation.~~

(2) **Setting.** ~~Social planning and community organization may be practiced within private or public settings in urban or rural areas, at local, state, regional, or federal levels. In such settings the whole realm of socio-cultural~~

problems may be addressed within the context of a professional problem solving model, which adheres to professional ethics and is based upon a humanitarian philosophy.

(3) **Model of social planning and community organization practice.** Within the practice setting, the social worker functions as a facilitator and/or advocate at the macro level, who involves relevant groups, individuals, and institutions, at all levels within the community in a problem solving process which incorporates specific actions based upon the following tasks: a needs assessment utilizing professional principles and knowledge is completed as a first step toward defining community problems and issues to be addressed. With the first step of the process efforts are made to involve the community in a collaborative work program directed toward mobilization of community resources to be committed toward problem solutions. Following the needs assessment, a planning process is implemented to develop a comprehensive coordinated plan for implementation, and for continuing evaluation and involvement of community leaders, other professionals, supporting agencies and individual citizens. It is recognized that this is an ongoing process which stimulates creative change and positive growth in the targeted community area.

(4) **Education and experience criteria.** A masters or doctoral degree in social work from a school of social work accredited or recognized by the Council on Social Work Education; official transcripts must be received from all applicable schools attended, two years of fulltime post masters degree experience or the equivalent thereto of part time experience, a total of 4,000 hours, in the delivery of social planning and community organization services. This experience shall include at least 100 hours of educational supervision under a Licensed Social Worker with a Social Planning and Community Organization specialty in no less than two (2) years of fulltime employment or the equivalent thereto of part time employment. Ratings on the final evaluations completed by supervisor(s) must document performance at a level meeting or exceeding expectations as defined on the forms approved by the Board, in all areas of evaluations. If social work supervision can be shown to have been unavailable, then supervision must be contracted from a Board Approved Social Work Supervisor. If this supervision can be documented to be unavailable, then supervision may be provided by other licensed mental health professionals as defined in Title 43A of the Oklahoma Statutes with the added condition of giving evidence of continued participation and identification with the social work profession.

(5) **Continuing education requirements.** Until December 31, 1999, all applicants who are applying for renewal of their specialty in Social Planning and Community Organization must document to the Oklahoma State Board of Licensed Social Workers that they have received a minimum of 12 clock hours of Board approved continuing education in their specialty during the past twelve months.

After January 1, 2000, all applicants who are applying for renewal of their specialty in Social Planning and Community Organization must document to the Oklahoma State Board of Licensed Social Workers that they have received a minimum of 16 clock hours of Board approved continuing education in their specialty during the past twelve months.

(e) **Licensed Social Worker Associate.**

(1) The practice of a Licensed Social Worker Associate (LSWA) means the application of social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. LSWA basic generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, counseling, consultation, education, advocacy, community organization, and the development, implementation, and administration of policies, programs and activities.

(2) The LSWA shall not engage in private practice or practice independently.

675:10-1-6. Continuing education

(a) After January 1, 1983 twelve (12) Sixteen (16) clock hours of continuing education units shall be required for each specialty licensee on an annual basis.

(b) Effective January 1, 2004 licensees who have passed the examination during the months of July through December may receive eight (8) hours of continuing education for that year. The remaining eight (8) hours must be in category I and include three (3) hours of ethics.

(bc) Approval of continuing education shall be at the discretion of the Oklahoma State Board of Licensed Social Workers and shall be in accordance with standards acceptable to the profession of social work.

675:10-1-7. Exceptions to experience and examination requirements [REVOKED]

(a) Any person meeting the education requirements to be licensed as a Licensed Social Worker or Licensed Social Work Associate as set forth under "675:10-1-2. REQUIREMENTS FOR LICENSED WORKER" and 675:10-1-3. REQUIREMENTS FOR LICENSED SOCIAL WORK ASSOCIATE" who applies to be licensed within ninety (90) days after October 1, 1980, shall be allowed to be licensed as a Licensed Social Worker or a Licensed Social Work Associate without being required to take the examination, provided the necessary fees are paid and appropriate documentation is presented as set forth by the Board. Applicants who apply within ninety (90) days after October 1, 1980, who meet the requirements as set forth in this section may also be excused from the requirement of two (2) years experience.

(b) Within ninety (90) days after October 1, 1980, any person who qualifies as a Licensed Social Worker or a Licensed

Emergency Adoptions

Social Work Associate and is engaged in the practice of a specialty approved by the Board on October 1, 1980 shall be exempt from the requirement of two (2) years of supervised experience, provided appropriate documentation is submitted to validate the existence of such practice in an agency or facility which meets standards acceptable to the social work profession. Such documentation shall include the following:

- (1) identifying information
- (2) educational history
- (3) work history
- (4) location of agency or facility
- (5) referral sources
- (6) availability of supervision or consultation

675:10-1-8. Issuance of license

The Board will issue an appropriate license to all applicants who meet the requirements for licensure in order to identify the social workers to the public as a Licensed Social Worker or a Licensed Social Work Associate LCSW, LMSW, LSW, LSW-Adm or LSWA.

675:10-1-9. Form of application

(a) Applicants for licensure as a LCSW, LMSW, LSW, LSW-Adm or LSWA ~~Licensed Social Worker or Licensed Social Work Associate~~ shall make such application on the most current form prescribed by the Board, shall submit the required fee and shall supply appropriate documentation as required by the Board to validate the facts which are claimed as a part of the licensing process. Such items to include but not be limited to:

- (1) official transcript
- (2) notarized photograph taken within the last 12 months
- (3) record of work experience
- (4) certification by employers as to the facts or an affidavit attesting to the facts by the applicant
- (5) notarized signature
- (6) ~~code of professional conduct~~ signed consent authorizing the Board to conduct an OSBI background check.

(b) The Board may conduct an OSBI background check on all applicants. Fee shall be paid by the applicant at the time application is made.

(c) The use of false or fraudulent information by an applicant may be grounds for denial of a license.

675:10-1-10. Examinations

~~(a) Examinations will be offered at least twice yearly on dates as specified by the Board. The fees for such examinations will be based upon the actual cost of the examination but shall not exceed \$125.~~

~~(b) Upon receipt of a properly executed application for licensure, the Executive Secretary of the Oklahoma State Board of Licensed Social Workers shall notify the applicant of the date and place for the next examination.~~

(a) The Board accepts the following licensure examinations administered by the ASWB:

- (1) Basic or Bachelors

- (2) Intermediate or Masters
- (3) Advanced or Advanced Generalist
- (4) Clinical

(b) Upon approval by the Board to take the examination and issuance of a provisional license, the applicant may apply through the ASWB to sit for the examination.

(c) In the event of failure to pass the examination, the applicant may retake the examination every ninety (90) days during the year the provisional license is valid.

675:10-1-11. Non-residence

Persons not residing in Oklahoma may apply for, ~~and~~ receive and renew a license provided they otherwise meet the requirements and submit appropriate documentation to the Board. However, their reasons for desiring licensure must be documented and the Board will assume no responsibility for their licensure practice of social work except when such practice occurs within the State of Oklahoma.

675:10-1-12. Fees

(a) The initial fee for licensure shall be \$75. The annual fee for licensure renewal shall be \$50 for Licensed Social Worker (LSW) with specialty certification; \$50 for Licensed Social Worker (LSW) with generic license; \$50 for Licensed Social Work Associate (LSWA). All licenses shall expire at the end of each calendar year and shall be subject to renewal on the first day of the next calendar year.

(b) All licensees shall be notified ninety (90) days prior to the end of the calendar year, on an appropriate form, of the licensure renewal. A complete renewal package, including fee, must be postmarked by December 31 of the calendar year.

(c) Licenses will lapse on the last day of the calendar year. Such lapsed licenses shall be renewed upon payment of an additional \$25, provided that the full fee, with penalty, is submitted within ninety (90) days from the first day of the new calendar year. Licensees that submit documentation for renewals postmarked after December 31 of the calendar year will be assessed the \$25 late renewal fee.

(d) The fee for duplicate or replaced licenses shall be \$10. A written request stating the reason for such duplicate or replaced license must be submitted to the Board.

(e) The fee for a replaced license with a new specialty added shall be the regular renewal fee (as stated in (a) of this section). In this event, the previous license shall be returned to the Board before issuance of the replacement license.

(f) The fee for a provisional license shall be \$75. A \$10 service fee will be assessed when the provisional license is surrendered for a regular license.

(g) All fees assessed by the Board as set out in this section shall be received prior to processing an application.

(h) All fees are non-refundable.

675:10-1-12.1. Renewal of licenses

(a) All licenses shall expire at the end of each calendar year and shall be subject to renewal on the first day of the next calendar year.

(b) All licensees shall be notified at least ninety (90) days prior to the end of the calendar year, on an appropriate form, of the licensure renewal. A complete renewal package, including fee, must be postmarked by December 31 of the calendar year. Only renewals submitted on the most current form provided by the Board will be accepted.

(c) Licenses will lapse on the last day of the calendar year. Such lapsed licenses shall be renewed upon payment of the renewal fee plus a late fee as set forth in 675:1-1-9 if submitted within ninety (90) days from the first day of the new calendar year. Licensees that submit documentation for renewals post-marked after December 31 of the calendar year will be assessed the late renewal fee.

675:10-1-13. Lapsed licenses

(a) Licenses lapsed beyond the ninety (90) day period from the first day of the new calendar year will be treated as a new application after March 31 of each calendar year. A new application must be submitted with appropriate documentation as required by the ~~board Board~~. All current requirements must be met by the applicant.

(b) ~~During the initial sixty (60) days after July 1, 1981 (House Bill 1387 of the 1982 Oklahoma Legislature) when reviewing applications from persons who have allowed their license to lapse, the Board will review their application as a new application which must meet the full requirements of the licensing law for licensure and for licensure in specialties. (This would include House Bill 1910 of the 1980 Oklahoma Legislature/"Social Worker's Licensing Act" and House Bill 1387 of the 1982 Oklahoma Legislature.)~~

(eb) Lapsed licenses must be surrendered to the Board.

(d) ~~If the applicant for a new license under this section involves a specialty that was attached to the lapsed license, the following rules apply:~~

~~(1) any Clinical Social Work Practice specialty that was held with the lapsed license will be reinstated upon Board approval of the new application with submission of documentation of continuing education received during the twelve months immediately preceding the approval date of new license, as long as the licensee acquired the clinical specialty through passage of either the Level C examination or the Clinical examination. Those individuals who have allowed their license and Clinical Social Work Practice specialty to lapse, and have not successfully passed one of these examinations, will be required to do so before clinical specialty is added to the new license.~~

~~(2) any Social Work Administration or any Social Planning and Community Organization specialties that were held with the lapsed license will be reinstated upon Board approval of the new application with submission of documentation of continuing education received during the twelve months immediately preceding the approval date of the new license.~~

675:10-1-13.1. Addition of specialty to license [REVOKED]

~~Any person who currently holds a license as social worker may add a specialty to their license as follows:~~

~~(1) As of July 1, 1992, any person seeking to add the Clinical Social Work Practice specialty to their license must:~~

~~(A) initiate a contract for supervision as specified in the Guidelines for Supervision, if the person has not already acquired the needed experience and supervision;~~

~~(B) make a request in writing to the Board, if the person has acquired the needed experience and supervision;~~

~~(C) provide documentation of clinical practice and clinical supervision as required in the Guidelines for Supervision; and~~

~~(D) successfully pass the Clinical Examination required by the Board at the end of the supervision period.~~

~~(2) An exception to the provision for adding the Clinical Social Work Practice specialty would be any licensed social worker who has allowed the specialty to drop, and who acquired that specialty through passage of the Level C or the Clinical Examination offered through the American Association of State Social Work Boards, Inc./Assessment Systems, Inc.~~

~~(3) Any licensee seeking to add the Social Work Administration specialty or the Social Planning and Community Organization specialty must:~~

~~(A) initiate a contract for supervision as specified in the Guidelines for Supervision, if the person has not already acquired the needed experience and supervision;~~

~~(B) make a request in writing to the Board, if the person has acquired the needed experience and supervision; and~~

~~(C) provide documentation of the social work administration experience and supervision, or social planning and community organization experience and supervision, as specified in the Guidelines for Supervision.~~

675:10-1-14. Previous registration allowing licensure [REVOKED]

~~Within sixty (60) days after July 1, 1982, any person not meeting the requirements for licensure as provided in subsection A of Section 1261.1 of Title 59 of the Oklahoma Statutes (Social Worker's Licensing Act) shall, upon payment of the necessary fee and submission of documentation as required by the Board, be licensed under the following provisions:~~

~~(1) Previously registered.~~

~~(A) Any person registered on or before September 30, 1980, as a registered social work associate with the Board of Registration of Social Workers may be licensed as a licensed social work associate, provided that person is engaged in the practice of social work in an agency or facility approved by the Board and is~~

Emergency Adoptions

under the supervision of a person licensed or eligible to be licensed as a licensed social worker at the time of his application for licensure.

(B) Any person registered on or before September 30, 1980, as a registered social worker with the Board of Registration of Social Workers may be licensed as a licensed social worker who is engaged in the practice of social work in an agency or facility approved by the Board at the time of his application for licensure.

(2) ~~Current ACSW certification. Any person who is a member of the Academy of Certified Social Workers may be licensed as a Licensed Social Worker.~~

675:10-1-15. Reciprocity - Endorsement

(a) Any person who becomes a resident of Oklahoma this state and who is or has been, immediately preceding his residency in this state, licensed in good standing to practice social work by another state which grants a like privilege or reciprocity and who meets the educational and work experience qualifications for licensure in Oklahoma this state may, upon payment of the necessary fee and submission of documentation as required by the Board, be licensed under these provisions.

(b) Reciprocity - endorsement shall be based upon ~~written agreements between Oklahoma and other states. Such agreements are to be determined after an evaluation of the licensing criteria of those the other states state to determine if criteria is equal to or more stringent than Oklahoma licensing requirements, and based upon granting of a like privilege between Oklahoma and other states.~~

675:10-1-16. Provisional license

~~Upon certification by the Executive Secretary, the The Board shall authorize the issuance of temporary provisional licenses to persons who qualify as follows:~~

(1) ~~Persons who have met all qualifications for licensure under the provisions of 675:10-1-2 and 675:10-1-3 of this Chapter, except passage of the required examination, and must wait for passage of the next examination shall, upon payment of the necessary fee and submission of documentation as required by the Board, be issued a provisional license as provided in 59 O.S., §1261.5. A provisional license may not be issued for longer than one year, under the following provisions:~~

~~(A) upon receipt and recording of the person's examination score by the Board, the person's provisional license will automatically be revoked,~~

~~(B) such persons shall take the next license examination, and~~

~~(C) no person may be granted a provisional license more than once; and~~

(2) The Board has established a fee of \$50 for a provisional license. A \$5 service fee will be assessed when the provisional license is surrendered for a regular license. ~~At the end of the period for which a provisional license is issued, the provisional license shall be surrendered to the Executive Secretary of the Board.~~

(3) ~~In accordance with O.S. 59, Section 1261B (1) and (2), any applicant granted a provisional license may not be in private practice until:~~

~~(A) successfully passed Licensed Social Worker examination.~~

~~(B) met all other requirements for certification in the specialty for which they have applied.~~

675:10-1-16.1. Complaint procedure [REVOKED]

~~(a) **Receiving complaints.** The Board shall receive complaints against licensees through the mail or in person at the Board office. Only written complaints shall be accepted for consideration, unless extenuating circumstances exist. Upon receipt of the complaint, the Board Executive Secretary shall:~~

~~(1) stamp all pages with a Board stamp which indicates the date of receipt,~~

~~(2) review the complaint to determine if the person against whom the complaint is registered is a current licensee,~~

~~(3) log the complaint, assigning a number consisting of the year and sequence number in which it was received; further, recording the date received, name of complainant, and the name and license number of licensee,~~

~~(4) generate a letter to the complainant indicating receipt and review of the complaint by the Board officials,~~

~~(5) place the complaint in a pending file,~~

~~(6) notify the Board chair or chair's designee, a former or current Board member appointed by the Chair, and the Attorney General Liaison (hereinafter referred to as the "Complaint Committee") of receipt of a complaint.~~

~~(b) **Reviewing complaints.** Upon notification that a complaint has been received, the Complaint Committee shall review the contents to determine whether or not the allegation constitutes a possible violation of the Code of Professional Conduct. If the allegation does not indicate a possible violation of this code, the Complaint Committee shall instruct the Executive Secretary to generate a letter to the complainant thanking them for their concern and advising them that the complaint does not fall within the purview of the Board. If the allegation does indicate a possible violation of this code, the Complaint Committee shall make the following determination:~~

~~(1) The alleged violation appears to be one which would not, if found to be valid, result in a denial, revocation or suspension of a license, as specified in Section 675:10-1-17 of this Chapter, but one which does indicate the need for Board review and possible informal action.~~

~~(2) The alleged violation appears to be one which could, if found to be valid, result in a denial, revocation or suspension of a license, as specified in Section 675:10-1-17 of this Chapter.~~

~~(c) **Allegations, if substantiated, not appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would not result in a denial, revocation or suspension of a license, the chair or chair's designee shall proceed with addressing the allegation by reviewing the complaint with the attorney general liaison for the Board. Upon the consent of the chair or chair's designee and~~

the advice of the attorney general liaison, the chair or chair's designee shall proceed by:

- (1) Notification of the licensee by certified mail that a complaint has been received, outlining the nature of the complaint.
- (2) Forwarding to the licensee a copy of the informal process for addressing complaints, which requires:
 - (A) a prompt letter to the Board from the licensee responding to the merits of the complaint;
 - (B) an informal interview with the Board to fully explore the issues involved in the complaint;
 - (C) an agreement by the Board and the licensee on the merits of the complaint;
 - (D) a Consent Decree for disciplinary action for the licensee, approved by the Board and signed by the licensee and the chair or chair's designee, which may include one or more of the following:
 - (i) a letter of education instructing the licensee to correct the aspect of practice in question;
 - (ii) a tutorial assigned to the licensee to remedy the practice in question, under the supervision of a Board Approved Supervisor assigned by the Board, with the wishes and needs of the licensee taken into consideration;
 - (iii) a letter of censure disciplining the licensee for the practice in question;
 - (E) a review of the Consent Decree with the complainant, with consideration given to any disagreement the complainant may have to the course of remedial action;
 - (F) a review of the course of action in a specified time, not longer than six months, to determine whether or not remediation has taken place;
 - (G) a letter to the licensee indicating that the informal process has ended.
- (3) Referral to the formal investigation process when:
 - (A) the licensee fails to respond to the certified letter from the Board;
 - (B) the informal process reveals new or expanded allegations that indicate the possibility of a denial, revocation or suspension of a license;
 - (C) the licensee fails to meet the requirements of the educational letter or the tutorial without good cause.
- (4) **Allegations, if substantiated, appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would result in a denial, revocation or suspension of a license, the Complaint Committee shall proceed with addressing the complaint by the process detailed below based upon agreement of at least two members:
 - (1) Contacting an investigator designated by the Board as qualified to address the nature of the complaint. Preference will be given, if possible, to a Board Approved Supervisor;
 - (2) Providing the designated investigator with names and addresses of the complainant and the licensee;
 - (3) Issuing a letter of intent that specifies:
 - (A) the intended parameters of the investigation;

- (B) the individuals to be interviewed;
- (C) the contract fee and travel reimbursement, as allowed by statute;
- (D) the time frame for completing the investigation.
- (4) Indicating whether or not the licensee should be interviewed by the contract investigator, in reference to:
 - (A) advice by the attorney general liaison not to do so in order to reserve the interview with the licensee in a setting under oath;
 - (B) the possibility of a criminal investigation being conducted concurrently or subsequently to the Board investigation;
- (5) Submitting the investigative report to the Complaint Committee for review and recommendation to the Board concerning proposed action to be taken concerning the complaint.
- (6) Placing the complaint on the agenda for the next Board meeting for report on the status of the complaint and possible action by the Board. Possible actions by the Board would include:
 - (A) a dismissal of the complaint due to lack of evidence of a code violation;
 - (B) a referral to the informal process due to a finding that the results of the investigation reveal code violations, but not ones that would result in the need for denial, revocation or suspension;
 - (C) a decision to hold a hearing as provided for in Section 675:10-1-17 of this Chapter.

675:10-1-17. Procedures for denials, revocations, suspensions [REVOKED]

- (a) **When a hearing is required.** The Board shall hold a hearing when it considers that there is cause to deny, revoke or suspend any license (or specialty certification) issued by the Board or applied for in accordance with the Social Worker's Licensing Act or otherwise to discipline a Licensed Social Worker or Licensed Social Work Associate. The hearing will determine whether or not the person:
- (1) Has been convicted of a felony and, after investigation the Board finds that he or she has not been sufficiently rehabilitated to meet the public trust;
 - (2) Has been found guilty of fraud or deceit in connection with services rendered or in establishing needed qualifications under this act;
 - (3) Has knowingly aided or abetted a person, not licensed under these provisions, in representing himself or herself as licensed in this state;
 - (4) Has been found guilty of unprofessional conduct as defined by rules established by the Board;
 - (5) Has been found guilty of negligence or wrongful actions in the performance of his or her duties;
 - (6) Is unable to function because of addiction to alcohol, drugs or other chemicals;
 - (7) Is unable to function because of physical or mental illness; or

Emergency Adoptions

(8) Has not properly performed because of illegal disclosure of confidential information without proper authority.

(b) **Hearing procedures to be followed.**

(1) **Notice.**

(A) All parties shall be afforded an opportunity for hearing after reasonable notice. Notice shall be by registered mail sent more than ten days prior to a hearing.

(B) The notice shall include:

- (i) a statement of the time, place, and nature of the hearing;
- (ii) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- (iii) a reference to the particular sections of the statutes and rules involved;
- (iv) a short and plain statement of the matters asserted. If the Board or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon application a more definite and detailed statement shall be furnished.

(C) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

(D) Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order or default.

(E) The record in an individual proceeding shall include:

- (i) all pleadings, motions and intermediate rulings;
- (ii) evidence received or considered;
- (iii) a statement of matters officially noticed;
- (iv) questions and offers of proof, objections, and rulings thereon;
- (v) proposed findings and exceptions;
- (vi) any decision, opinion, or report by the officer presiding at the hearing;
- (vii) all staff memoranda or data submitted to the members of the Board in connection with their consideration of the case.

(F) Oral proceedings or any part thereof shall be transcribed on request of any party.

(G) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(2) **Probative effect.**

(A) The Board may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs. It shall give effect to the rules of privilege recognized by law in respect to: self incrimination; confidential communications between husband and wife during the subsistence of the marriage relation; communication between attorney and client; made in that relation; confessions made to a clergyman or priest in his professional capacity

in the course of discipline enjoined by the church to which he belongs; communications made by a patient to a licensed practitioner of one of the healing arts with reference to any physical or supposed physical disease or of knowledge gained by such practitioner through a physical examination of a patient made in a professional capacity; records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States are made confidential and privileged. No greater exclusionary effect shall be given any such rule or privilege than would obtain in an action in court. The Board may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form;

(B) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original;

(C) A party may conduct cross examinations required for a full and true disclosure of the facts;

(D) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Board's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

(E) Any party shall at all times have the right to counsel, provided that such counsel must be duly licensed to practice law by the Supreme Court of Oklahoma, and provided further that such counsel shall have the right to appear and act for and on behalf of the party he represents.

(3) **Final order.**

(A) A final order adverse to a party in an individual proceeding shall be in writing or stated in the record. A final order shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. If, in accordance with Board rules, a party submitted proposed findings of fact, the order shall include a ruling upon each proposed finding. Parties shall be notified either personally or by mail of any order. Upon request, a copy of the order shall be delivered or mailed forthwith to each party and to his attorney of record.

(B) The Board shall preside at the hearing and a majority vote is necessary to approve a final order.

~~(4) **Board communication.** Unless required for the disposition of ex parte matters authorized by law, members of the Board assigned to render a decision or to make findings of fact and conclusions of law in an individual proceeding shall not communicate, directly or indirectly, in connection with any issue of fact, with any person or party, nor, in connection with any issue of law, with any party or his representative, except upon notice and opportunity for all parties to participate. A Board member (1) may communicate with other members of the Board, and (2) may have the aid and advice of one or more personal assistants.~~

~~(5) **Application for license.**~~

~~(A) When a licensee has made timely and sufficient application for renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally determined by the Board, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review of the agency order or a later date fixed by order of the reviewing court.~~

~~(B) No revocation, suspension, annulment, or withdrawal of any license is lawful unless, prior to the institution of Board proceedings, the Board gave notice by mail to the licensee of facts or conduct which warrant the intended action, and the licensee was given an opportunity to show compliance with all lawful requirements for the retention of the license. If the Board finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.~~

~~(6) **Proceeding materials.**~~

~~(A) The Board conducting any proceeding subject to this Act (Administrative Procedures Act) shall have power to require the furnishing of such information, the attendance of such information, the attendance of such witnesses, and the production of such books, records, papers or other objects as may be necessary and proper for the purposes of the proceeding. The Board, or any party to a proceeding before it, may take the depositions of witnesses, within or without the State, in the same manner as is provided by law for the taking of depositions in civil actions in courts of record. Depositions so taken shall be admissible. Provided, however, all or any part of the deposition may be objected to at time of hearing, and may be received in evidence or excluded from the evidence by the Board or individual conducting the hearing in accordance with the law with reference to evidence in courts of record under the law of the State of Oklahoma.~~

~~(B) In furtherance of the powers granted by subsection (1) hereof, any Board, or any duly authorized member thereof, upon its own motion may, and upon~~

the request of any party appearing in an individual proceeding shall, issue subpoenas for witnesses, or subpoenas duces tecum to compel the production of books, records, papers or other objects, which may be served by any person in any manner prescribed for the service of a subpoena in a civil action.

~~(C) In case of disobedience to any subpoena issued and served under this Section or to any lawful Board requirement for information, or of the refusal of any person to testify to any matter regarding which he may be interrogated lawfully in a proceeding before a Board, the Board may apply to the district court of the county of such person's residence or to any judge thereof for an order to compel compliance with the subpoena or the furnishing of information or the giving of testimony. Forthwith the court or the judge shall cite the respondent to appear and shall hear the matter as expeditiously as possible. If the disobedience or refusal is found to be unlawful, the court, or the jury, shall enter an order requiring compliance. Disobedience of such an order shall be punished as contempt of court in the same manner and by the same procedure as is provided for like conduct committed in the course of judicial proceedings.~~

~~(7) **Withdrawal from proceedings.** A member shall withdraw from any proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a Board member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the Board, by the remaining members thereof, if a quorum. Upon the disqualification of a member of the Board, the Governor immediately shall appoint a member pro tem to sit in place of the disqualified member in that proceeding.~~

~~(8) **Rehearing.** A decision in an individual proceeding shall be subject to rehearing, reopening or reconsideration by the Board within ten (10) days from the date of its entry. The grounds for such action shall be either:~~

~~(A) newly discovered or newly available evidence, relevant to the issues;~~

~~(B) need for additional evidence adequately to develop the facts essential to proper decision;~~

~~(C) probable error committed by the Board in the proceeding or in its decision such as would be ground for reversal on judicial review of the order;~~

~~(D) need for further consideration of the issues and the evidence in the public interest; or~~

~~(E) a showing that issues not previously considered ought to be examined in order to properly dispose of the matter. The order of the Board granting rehearing, reconsideration or review, or the petition of a party therefor, shall set forth the grounds which justify such action. Nothing in this Section shall prevent rehearing, reopening or reconsideration of a matter on~~

Emergency Adoptions

the grounds of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. The hearing shall be confined to those grounds upon which the reconsideration, reopening or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

(9) **Filing suit.** Any person aggrieved by the suspension, denial, or revocation of his license or specialty certification may file suit within thirty (30) days after receiving the Board's order of denial, revocation or suspension in a court of competent jurisdiction to have his license or specialty certification reinstated or approved. If the court finds that the proceedings before the Board were conducted in a manner to protect the rights of the accused, that the proceedings were held in a manner to insure correct determination of fact, and that the Board's order is consistent with the intent of this law, the court shall affirm the Board's order. If not, the court may order the person's license or specialty certification reinstated or approved or a rehearing before the Board.

(10) **Stay enforcement.**

(A) The filing of a proceeding for review shall not stay enforcement of the Board decision; but the Board may do so, or the reviewing court may order a stay upon such terms as it deems proper.

(B) In every proceeding in any court for the review of an order by a Board, upon the filing of an application, supported by verified statements of material fact establishing that the enforcement of the order pending final decision would result in present, continuous and irreparable impairment of the constitutional rights of the applicant, a stay of the enforcement of such order and of the accrual of penalties thereunder shall be entered upon the condition that:

(i) injury to adverse parties or to the public, as the case may be, can be obviated through the furnishing of security adequate to compensate for any loss which may be suffered as a result of the stay in the event the order is affirmed, in whole or in part;

(ii) a supersedeas bond, in the amount and with sureties prescribed and approved by the reviewing court, in its sound judicial discretion, as adequate to meet requirement (a) be filed with such court. If an application for supersedeas hereunder, accompanied by a proposal for a supersedeas bond, is not acted upon by the court within forty-five (45) days from the filing thereof, the court appealed from thereupon shall be automatically superseded and stayed, during the pendency of the appeal, upon the filing of the bond proposed in the application, provided, however, that the court thereafter may reasonably modify the terms of the supersedeas as to amount and surety whereupon the appellant shall

comply with such modification in order to maintain the supersedeas in effect.

(11) **Certified copy of record.** Within thirty (30) days after service of the petition for review or equivalent process upon it, or within such further time as the reviewing court, upon application for good cause shown, may allow, the Board shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review; but, by stipulation of all parties to the review proceeding the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs resulting therefrom. The court may require or permit subsequent corrections or additions to the record when deemed desirable.

(12) **Review.** The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the Board, not shown in the record, testimony thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

(13) **Order set aside, modified or reversed.**

(A) In any proceeding for the review of a Board order, the District Court, in the exercise of proper judicial discretion or authority, may set aside or modify the order, or reverse it and remand it to the Board for further proceedings, if it determines that the substantial rights of the appellant or petitioner for review have been prejudiced because the Board findings, inferences, conclusions or decisions, are:

- (i) in violation of constitutional provisions; or
- (ii) in excess of the statutory authority or jurisdiction of the agency; or
- (iii) made upon unlawful procedure; or
- (iv) affected by other error of law; or
- (v) clearly erroneous in view of the reliable, material, probative and substantial competent evidence, including matters properly noticed by the Board upon examination and consideration of the entire record as submitted; but without otherwise substituting its judgment as to the weight of the evidence for that of the Board on question of fact; or
- (vi) arbitrary or capricious; or
- (vii) because findings of fact, upon issues essential to the decision were not made although requested.

(B) The reviewing court, also in the exercise of proper judicial discretion or authority, may remand the case to the Board for the taking and consideration of further evidence, if it is deemed essential to a proper disposition of the issue.

(C) The reviewing court shall affirm the order and decision of the Board, if it is found to be valid and the proceedings are free from prejudicial error to the appellant.

(14) **Review of final judgment.** An aggrieved party, or the Board, without any motion for a new trial, may secure

a review of any final judgment of a district court by appeal to the Supreme Court. Such appeal shall be taken in the manner and time provided by law for appeal to the Supreme Court from the district court in civil actions. A Board taking an appeal shall not be required to give bond.

[OAR Docket #03-3227; filed 11-19-03]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 12. GUIDELINES FOR SUPERVISION**

[OAR Docket #03-3228]

RULEMAKING ACTION:
EMERGENCY adoption.

RULES:

- 675:12-1-3.1. Supervision and the Licensed Clinical Social Worker [NEW]
- 675:12-1-3.2. Supervision and the Licensed Social Worker-Adm [NEW]
- 675:12-1-3.3. Supervision and the Licensed Masters Social Worker [NEW]
- 675:12-1-4. Supervision and specialty certification [AMENDED]
- 675:12-1-5. Supervision and specific licensure [AMENDED]
- 675:12-1-5. Supervision and specific licensure [REVOKED]
- 675:12-1-6. Minimum supervision expectations [AMENDED]
- 675:12-1-7. Requirements for Board Approved Supervisor [AMENDED]

AUTHORITY:

TITLE 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

DATES:

Adoption:

September 29, 2003

Approved by Governor:

November 14, 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:

The Board found that a compelling public interest requires emergency amendments to the rules. SB484, effective November 1, 2003 made extensive changes to the law and the emergency amendments are being made to comply with the changes in law.

ANALYSIS:

Amendments to the rules are being made to comply with changes in the Social Workers Licensing Act that become effective November 1, 2003.

CONTACT PERSON:

Jan Ewing, Deputy Director, 405-848-6841, ext. 104

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):

675:12-1-3.1. Supervision and the Licensed Clinical Social Worker

The two year supervised experience requirement for licensure as a LCSW must be under the supervision of a social worker holding the LCSW license.

675:12-1-3.2. Supervision and the Licensed Social Worker-Adm

The two year supervised experience requirement for licensure as a LSW-Adm must be under the supervision of a social worker holding the LSW-Adm license.

675:12-1-3.3. Supervision and the Licensed Masters Social Worker

No supervision is required for the LMSW.

675:12-1-4. Supervision and specialty certification

(a) Specialty certification or engaging in the private independent practice of social work requires holding of the Licensed Social Worker license and at least two years of supervised experience certified by the Board ~~in the method to be offered in private practice.~~ The supervisor must hold the appropriate ~~specialty certification license title~~ and be a Board Approved Supervisor if supervision is contracted for external to the agency. If supervision is contracted for or provided by an approved arrangement within the agency the supervisor need hold only appropriate ~~specialty certification license title~~ and complete the supervisor training sponsored or approved by the Board.

(b) Experience requirements for the specialties recognized by the Board allow for supervision to be provided by other licensed mental health professionals as defined in Title 43A of the Oklahoma Statutes ~~upon pre-approval by the Board should social work supervision be unavailable within the community.~~

675:12-1-5. Supervision and specific licensure [REVOKED]

~~(a) Simultaneous supervision. The use of "other professionals" is not allowed when receiving simultaneous supervision for licensure.~~

~~(b) LSW generic licensure supervision. Supervision received to fulfill requirements for LSW generic licensure must be provided by a Licensed Social Worker.~~

~~(c) Specialty certification only supervision. When the supervisee possesses a LSW generic license, supervision must be under a Licensed Social Worker with a specialty certification in the area specialty certification is sought. If this supervision is shown to be unavailable, supervision may be provided by other licensed mental health professionals as defined in Title 43A of the Oklahoma Statutes.~~

~~(d) Simultaneous LSW generic license and specialty certification supervision. Supervision received for simultaneous LSW generic and specialty certification licensure must be under a Licensed Social Worker with a specialty certification in the area specialty certification is sought. Supervision from a~~

Emergency Adoptions

~~Board Approved Supervisor may be contracted from outside the agency should internal supervision be unavailable.~~

675:12-1-6. Minimum supervision expectations

- (a) All Board Approved Supervisors will be credentialed registered with the Oklahoma State Board of Licensed Social Workers by having their names on file.
- (b) A supervisee must receive an average of one hour per week of face-to-face supervision for two years (minimum of 100 hours). Group supervision is acceptable if such supervision does not exceed at least one-fourth of the total supervisory time per evaluation period. Group supervision is defined as educational supervision conducted with more than one supervisee by an LSW with appropriate certification in the specialty sought by supervisees, or a Board Approved Supervisor with appropriate certification in specialty sought by supervisees. The group should be limited in size to no more than 4 supervisees.
- (c) A contract will be negotiated by supervisor and supervisee and a copy furnished to the Oklahoma State Board of Licensed Social Workers within 30 days of the beginning of supervision. A copy of the academic certification and current job description must accompany the Contract. Such a contract shall not be valid if the supervisor and supervisee have a relationship that could affect the employment or benefits of the supervisor, and that relationship could, in any way, bias or compromise the supervisor's evaluation of the supervisee. Should the contract be terminated before completion of the minimum number of hours required, the supervisee is responsible for negotiating a new contract and obtaining all evaluation and termination forms required to document prior supervision. Any supervision completed prior to approval of the supervision contract will not be accepted.
- (d) There will be a periodic written evaluation:
- (1) 6 months (a total of 25 hours of supervision)
 - (2) 12 months (a total of 50 hours of supervision)
 - (3) 24 months (a total of 100 hours of supervision)
- (e) A copy of the written evaluation will be provided the supervisee and to the Board office.
- (f) If supervision is terminated by either party, the supervisor is responsible for notifying the Board and completing a termination form which the Board will provide. Such termination form must be received by the Oklahoma State Board of Licensed Social Workers within 14 days of the termination.
- (g) If there is any question regarding the supervisee's competency, the supervisor is free to ask for a sample of supervisee's work.
- (h) It is ~~recommended~~ required that all supervisors for licensure participate in an ~~Orientation on supervision training~~ sponsored or approved by the Board ~~within one year of availability~~. Board Approved Supervisors are required to participate in the Orientation. Documentation of such participation will be furnished the Oklahoma State Board of Licensed Social Workers and will be updated periodically as required by the Board.
- (i) When the proposed supervisor is not a staff member of the supervisee's agency, social work ethics demand that the

proposed supervisor insure that the agency administration (or its representative) is in accord with the arrangements for supervision by a qualified LSW supervisor. This is essential whether these arrangements are made by the agency or the supervisee and regardless of whether the agency contributes to financial compensation of the supervisor. The supervisor is responsible for securing agreement from the agency administration as to the purpose and content of the desired supervision and the supervisor's specific role responsibilities and limitations. The supervisor is also responsible for learning agency functions and policies so that any supervisory suggestions are constructive and realistic within agency purposes and resources.

(j) Supervision from a Board Approved Supervisor may be contracted from outside the agency should internal supervision be unavailable.

(k) All supervisors will adhere to the guidelines on supervision required by the Oklahoma State Board of Licensed Social Workers.

675:12-1-7. Requirements for Board Approved Supervisor

The two year experience requirement for specialty certification contracted external to the agency must be under the supervision of a Board Approved Supervisor. A Board approved social worker with one of the specialty certifications presently recognized by the Board does not automatically qualify as a Board Approved Supervisor. The knowledge, experience, and skill base of a Board Approved Supervisor exceeds the minimum requirements for specialty certification. A Board Approved Supervisor is expected to meet the following qualifications:

- (1) Be a Licensed Social Worker with ~~specialty certification~~ the title licensure in the same method as supervisor status is sought.
- (2) Have at least five (5) years of full time work experience (or equivalent) beyond the master's/doctoral degree in social work. Three of these five years must be full time work experience (or equivalent) in the specialty that supervisory status is sought.
- (3) Have at least two years of supervisory work experience following completion of the ~~master's/doctoral~~ master's degree in social work.
- (4) Have two (2) letters of reference submitted to the Oklahoma State Board of Licensed Social Workers. At least one letter shall be from a licensed social worker holding the same licensure title. Documentation of such participation will be furnished the Board and will be updated periodically as required by the Board.
- (5) Board approved supervisor status remains in effect contingent upon maintaining a current license in good standing and completing additional supervisor training, sponsored or approved by the Board, at least every three years.

[OAR Docket #03-3228; filed 11-19-03]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 15. GUIDELINES FOR CONTINUING EDUCATION**

[OAR Docket #03-3229]

RULEMAKING ACTION:

EMERGENCY adoption.

RULES:

- 675:15-1-2. Introduction [AMENDED]
- 675:15-1-2.1. Audit of continuing education [NEW]
- 675:15-1-3. Continuing education standards [AMENDED]
- 675:15-1-4. Content of continuing education learning activities [AMENDED]
- 675:15-1-5. Information to providers of continuing education [AMENDED]
- 675:15-1-6. Suggested criteria for accepting category I and II continuing education events [REVOKED]

AUTHORITY:

TITLE 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

DATES:

Adoption:

September 29, 2003

Approved by Governor:

November 14, 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:

The Board found that a compelling public interest requires emergency amendments to the rules. SB484, effective November 1, 2003 made extensive changes to the law and the emergency amendments are being made to comply with the changes in law.

ANALYSIS:

Amendments to Chapter 15 are being made to comply with changes in the Social Workers Licensing Act that become effective November 1, 2003.

CONTACT PERSON:

Jan Ewing, Deputy Director, 405-848-6841, ext. 104

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):

675:15-1-2. Introduction

(a) Historically, the practice of continuing education in social work has demonstrated rather sporadic activity. However, with the advent of recent licensing laws continuing education activities have been increasing. Within the profession of social work the National Association of Social Workers and the Council on Social Work Education have been chiefly responsible for proliferating the professions commitment to continuing education. Anchoring the commitment to continuing education the National Association of Social Workers Board of Directors approved a set of operating standards in June of 1982. Essentially, the Association noted, "Belief in the Client's right

to have knowledgeable and skillful assistance provides the basis for the social worker's participation in continuing education. A commitment to continuing education also is grounded in NASW's Code of Ethics: "The social worker should strive to become and remain proficient in professional practice and the performance of professional functions"; and "The social worker should take responsibility for identifying, developing and fully utilizing knowledge for professional practice." Continuing education further provides the social worker with the opportunity to acquire new and necessary information; demonstrate a conscious self directed and continuous effort toward personal and professional development; strengthen qualifications for professional licensure, certification or registration; meet changing career demands; and explore new careers in social work."

(b) ~~Given the profession's commitment to continuing education it is commendable that Oklahoma joins two other states (Colorado and Kansas) in mandating continuing education as a requirement for ongoing licensure in Social Work. In Oklahoma, the Oklahoma State Board of Licensed Social Workers is responsible for monitoring continuing education for the profession. The Oklahoma State Board of Licensed Social Workers will recognize all continuing education activities provided by ASWB-ACE, NASW-National, and those state and local providers who have been approved by the Oklahoma State Board of Licensed Social Workers.~~

675:15-1-2.1. Audit of continuing education

(a) Each applicant for renewal of license shall certify that he/she has completed the requisite hours of continuing education.

(b) The Board staff will, each year, randomly or for cause select licensees to be audited for verification that continuing education requirements have been met.

(c) Licensees selected for audit must submit verification of meeting the continuing education requirement with the renewal application.

(d) Failure to submit such records shall constitute an incomplete application and shall result in the application being returned to the licensee and the licensee being unable to practice.

(e) A license renewed through misrepresentation shall result in Board action.

675:15-1-3. Continuing education standards

(a) Continuing education hours. The number of hours specified for each social work license specialty (i.e. clinical social work practice, social work administration and social planning and community organization) is 12 clock hours of verified continuing education per specialty per licensing period. After January 1, 2000, the number of hours specified for each social work license title specialty (i.e. clinical social work practice, social work administration, social planning and community organization) is 16 clock hours of verified continuing education per specialty per licensing period. At least 3 hours per licensee must be categorized as ethics training as defined by the Board. As specified in the Oklahoma Social

Emergency Adoptions

Worker's Licensing Act, the license must be renewed every twelve months.

(b) Categorical learning activities. It shall be the responsibility of the individual social worker to choose his/her own continuing education program. The continuing education experience may be organized into three main categories. ~~Six hours of the continuing education requirement must fall within the parameters of Category I learning experiences. After January 1, 2000, eight~~ Eight hours of the continuing education requirement must fall within the parameters of Category I learning experiences.

(1) **Category I - Formally Organized Learning Events.** ~~As noted in the NASW standards for continuing professional education each one of the learning categories is explicated in the following manner. Category I includes formally organized learning events, involving face to face interaction with a teacher for the purpose of accomplishing specific learning objectives. Examples include courses, workshops, practice oriented seminars, and training offered by accredited programs of social work education, and live, interactive, video conferencing by an approved program. A LSW may submit an Application for Prior Approval Category I and II Continuing Education Events or an Application for Retroactive Approval Category I and II Continuing Education Events to the Oklahoma State Board of Licensed Social Workers for review either before or after attending an event. The request will be reviewed by the Board at their next meeting following receipt of the request. When approval of the request is granted, information will be given concerning documentation of the approval at renewal time. If an event has been previously approved by the Oklahoma State Board of Licensed Social Workers at the request of a sponsoring organization or another Licensed Social Worker, only a Verification of Attendance form must be submitted to document attendance at the event. In this case, the The Verification of Attendance form should be retained by the LSW and submitted to the Board on request at renewal time.~~

(2) **Category II - Professional Meetings.** Category II includes professional meetings on the national, state and local levels. Events in this category involve formally structured discussions among professionals about professional issues, whereby participants increase their awareness of new developments in social work and related fields. Documentation of Category II is the same as described for Category I in (1) of this subsection.

(3) **Category III - Individual Professional Activities.** Category III consists of a variety of self-directed professional study activities and growth experiences. Examples include writing papers and books for presentation or publication; making presentations on major professional issues or programs; teaching or training assignments, engaging in research, correspondence work, televised courses, audio/visual videotapes and other forms of self-study upon approval by the Board, shown to update or enhance competence in social work practice. Social workers/teachers whose primary job responsibilities include designing new

courses will be allowed to receive continuing education credit hours. Specifically, when a social worker/teacher engages in the initial preparation of a course he/she will be awarded continuing education hours commensurate to the number of semester hours of the course. If a quarter system is utilized, credit for quarter hours will be allowed utilizing the ratio of 3 quarter hours to 2 semester hours. Inherent in the nature of Category III experiences is the expectation that an individual will spend a greater number of clock hours in a self-directed activity than he/she will receive actual continuing education credit. Verification of Category III activities can be achieved by receiving prior or retroactive approval of the proposed self-directed activity and evidence of the completed project to the Board utilizing the Application for Prior Approval Category III Individual Professional Activities or the Application for Retroactive Approval Category III Individual Professional Activities.

~~(e) Individual social worker responsibilities. It shall be the responsibility of the individual social worker to receive prior approval for his/her continuing education activities from the Oklahoma State Board of Licensed Social Workers. There are three exceptions to the "prior approval" rule:~~

~~(1) When the Oklahoma State Board of Licensed Social Workers approves an activity for a continuing education provider and the provider designates on their brochure that prior approval has been received.~~

~~(2) In Category II learning events the social worker may receive retroactive approval by submitting an Application for Retroactive Approval Category I and II Continuing Education Events, Verification of Attendance form and a brochure describing the event indicating his/her participating at a professional social work meeting. The meeting must have been sponsored by a social work organization.~~

~~(3) A Licensed Social Worker may elect to apply "at his/her own risk" for retroactive approval of continuing education events. However, the Board only encourages this practice when there has been insufficient time for the social worker to obtain prior approval.~~

675:15-1-4. Content of continuing education learning activities

(a) In ascertaining appropriate areas of learning content in Category I, II and III events, the following methods are substantive topical organizers for continuing education activities.

(1) **Direct methods.**

- (A) Individual Counseling
- (B) Psychotherapy
- (C) Family Treatment
- (D) Group Work
- (E) Community Organization (Social Action, Social Planning and Social Development)
- (F) Specialized Services and Treatment

(2) **Indirect methods.**

- (A) Administration and Management
- (B) Supervision
- (C) Consultation
- (D) Social Planning

- (E) Policy Development
- (F) Teaching and Educational Methods
- (G) Research
- (H) Social Problems
- (I) Advocacy
- (J) Specialized Services

(b) Specific content areas as they relate to license specialties titles would include:

- (1) ~~Clinical social work practice specialty.~~ **Licensed Clinical Social Worker.** Development of specific value, knowledge and skills in the following areas: human development, psychodynamics, human relations, personality development, crisis intervention, psychopathology, group dynamics, family dynamics, interactive effect of biological functioning on the client system, interactive effect of psycho-social functioning on the client system, assessing client system dysfunctioning, assessing personality functioning/dysfunctioning, appropriate selection of intervention strategies and techniques, integration of theory and practice skills, appropriate timing and use of termination, use of evaluation, use of supervision, capacity to engage in self-regulated clinical practice and understanding and commitment to the Code of Professional Conduct.
- (2) ~~Social work administration.~~ **Licensed Social Worker-Adm.** Development of specific value, knowledge and skills in the following areas: organizational theory, policy development, program management, personnel management, fiscal management, public relations, program planning, program evaluation, delegation, communication (verbal and nonverbal), directing activities, decision making, appropriate use of consultation, ~~use of supervision to enhance professional growth and functioning and commitment to the Code of Professional Conduct.~~
- (3) ~~Social planning and community organization.~~ Development of specific value, knowledge and skills in the following areas: assisting the community group to articulate needs and problems, helping community residents develop the organizational capacity necessary for effective social action, establishing positive and productive relationships with leadership people at a variety of levels, understanding and support of social welfare programs, understanding of community dynamics and power structure, bringing together disparate citizen groups and social agencies in a working relationship, translating community concerns into remedial action, increasing motivation and participation of community residents in problem solving activities, negotiating with citizens groups and community agencies, effecting change in intergroup relationships, use of supervision to enhance professional growth in functioning and commitment to the Code of Professional Conduct.

675:15-1-5. Information to providers of continuing education

(a) ~~The Oklahoma State Board of Licensed Social Workers will offer to schools, institutions and organizations in Oklahoma the opportunity to submit for approval programs in continuing education for social workers. All programs should be~~

~~formally organized learning events, involving face to face interaction with a teacher for the express purpose of accomplishing specific learning objectives. When planning a continuing education activity (face-to-face or distance education) for social workers, the provider needs to consider six essential program elements. The guidelines that follow delineate those elements and establish respective professional expectations of providers. The licensed social worker, in turn, can use these guidelines as the basis for inquiry about a provider's qualifications, leading to better decisions about which offerings to pursue.~~

- (1) **Program development.** Adequate and responsive continuing education program development requires interaction among sponsoring administrators, the instructor or educational leader, and potential social work consumers. The provider needs to involve social workers in the identification of learning needs, in the selection and development of educational events to meet those needs, and in the establishment of appropriate evaluation mechanisms. Involvement of social workers with content expertise and an understanding of the educational objectives are recommended as well.
- (2) **Program content.** Continuing education events for social workers should clearly relate to social work practice, theory, and methodology; to the level of social work education; to social policy; or to administration, planning, and research related to human services. As a guide for participation, learning objectives and content designed to meet those objectives should be specified for each event. The way in which the content will meet the learning needs of social workers also should be made clear. Such information should be provided on promotional materials or upon request.
- (3) **Participants.** Selection of participants for continuing education events must not discriminate by reason of gender, age, race, ethnic background, sexual orientation, physical abilities, or other characteristics. Promotional materials should state clearly the educational level of the social worker for whom the event is geared but not limited to, as well as any prerequisites.
- (4) **Program format and instructional methodology.** The provider should be able to demonstrate that the format and methods selected for continuing education were influenced by contemporary adult learning theory; the identified learning needs of the participants; and the learning objectives, the educational content, and the size and composition of the participant group. Methodologies need to be diverse and encourage the active participation of the learner in the educational process. A variety of teaching techniques should be considered; any assignments, such as readings or structured exercises, should be related to the conceptual content, and any audio-visual resources should be used in a planned manner.
- (5) **Qualified instruction.** The sponsor of a continuing education event must make sure that the instructor, speaker, or educational leader is qualified. Individual providers have responsibility for offering only those

Emergency Adoptions

events for which they are qualified. Specific qualifications include:

- (A) competence in the subject matter
- (B) ability to transmit the educational content to the participants' understanding of continuing education objectives
- (C) knowledge and skill in instructional methodology, learning processes, and the use of emotionally laden material
- (D) capacity for self-evaluation and modification of future offerings in response to evaluations conducted by self, sponsor, and participants
- (E) maintenance of an appropriate certification, credential, or license for subject matter.

(6) **Program evaluation.** Formal evaluation of each continuing education event is essential for maintaining or improving the quality and effectiveness of future events. Measures of evaluation need to be established during the planning phase and linked directly with the event's learning objectives. Two distinct but related measures of evaluation may be appropriate. The first is the instructor's, sponsor's, and participants' assessment of the event with respect to content, format, methodology, instruction, and facilities. The second is assessment of the knowledge acquired by participants and is based on:

- (A) demonstration of a taught skill
- (B) an oral or written test
- (C) a project or report
- (D) a self-assessment checklist
- (E) another instrument designed to collect data on changes in participant knowledge or performance attributed to the educational experience. The instructor and sponsor together should review the evaluation outcome and revise subsequent events accordingly.

(b) The procedure for submitting a program is as follows: The form to verify continuing education activity must contain the following information:

- (1) Program name or title
- (2) Instructor(s) or Presenter(s)
- (3) Date
- (4) Number of clock hours of program
- (1) Request. Submit a request to the office of the Oklahoma State Board of Licensed Social Workers. On your request indicate the scope of the program for which you seek approval. Also provide the following information:
 - (A) Program name
 - (B) Educational objective of the program
 - (C) Program format/instructional methodology
 - (D) Instructor(s) (attach curriculum vitae)
 - (E) Method of program evaluation
 - (F) Number of clock hours of program.

(c2) **Fee schedule.** Along with your request, submit a check to cover the cost of processing as follows (a program may be defined as workshops, seminars, institutes, etc.):

- (A1) \$35 - 1 program
- (B2) \$50 - 2-4 programs
- (C3) \$75 - 5-8 programs
- (D4) \$100 - 9 or more programs

(de) The Oklahoma State Board of Licensed Social Workers recognizes ASWB-ACE, NASW-National and will offer other continuing education providers the opportunity to become approved providers in continuing education for social workers. All providers should adhere to the guidelines stated in (b) of this section and submit an application form accompanied by the fee. The Board may audit approved providers at any time.
(e) Upon notice of approval of your continuing education provider status activity you will be allowed to designate on your brochure that your program has received prior approval from the Oklahoma State Board of Licensed Social Workers. The designation shall indicate that professional social workers will be allowed to utilize your activity to meet their mandated continuing education requirements.

675:15-1-6. Suggested criteria for accepting category I and II continuing education events [REVOKED]

- (a) ~~Objectives of the learning activity and/or professional meeting must demonstrate a linkage to the broader context of social work practice in Oklahoma. Specifically, educational content should be linked to the Content of Continuing Education Learning Activities as adopted by the Oklahoma State Board of Licensed Social Workers.~~
- (b) ~~The program format and instructional methodology explored for the continuing education event must demonstrate a reasonable probability of translating program objectives into action. Specifically, the resources of time, money, facilities and personnel should have received consideration in program planning.~~
- (c) ~~The instructor(s) of the continuing education activity must demonstrate sufficient academic preparation and work related experience in the activity they will lead.~~
- (d) ~~There must be an adequate plan submitted that specifically states how the effectiveness of a continuing education activity will be gauged.~~

[OAR Docket #03-3229; filed 11-19-03]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 20. MARKETING SERVICES OPERATION

[OAR Docket #03-3302]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Reimbursement of Matching Funds to Multicounty Organizations [AMENDED]

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Sections 1830 and 1847.1 of Title 74 of the Oklahoma Statutes.

DATES:

Adoption:

September 18, 2003

Approved by Governor:

November 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:

NA

INCORPORATIONS BY REFERENCE:

NA

FINDING OF EMERGENCY:

The compelling extraordinary circumstance necessitating the approval of the rules submitted herewith relates to the passage of legislation during the 2003 Legislative Session authorizing the allocation of Tourism Promotion Tax funds (Enrolled HB 1219). The legislation stipulates that "not more than Four Hundred Thousand Dollars (\$400,000.00) of the total expenditures from tourism tax funds (Section 50010 et seq. of Title 68 of the Oklahoma Statutes) may be made available to the multicounty organizations for tourism promotion. In order to implement the provisions of the non-codified statute for the current fiscal year, and to execute an affective 2004 Spring and Summer marketing campaigns, an emergency rule is necessary.

The Oklahoma Tourism and Recreation Department is concurrently seeking the adoption of permanent rules for this program.

ANALYSIS:

These rules provide the basis for administering allocation of Tourism Promotion Tax funds to qualified multicounty organizations. Sections 1830 and 1830.1 of Title 74 of the Oklahoma Statutes authorize and direct the Oklahoma Tourism and Recreation Commission to develop rules to administer the allocation and expenditure of matching funds of multicounty organizations. The proposed rule serves to articulate the program requirements and qualifications, eligibility, procedures for submission and rebate claim review, as well as rebate approval and reimbursement. The rule provides the administrative mechanisms whereby reimbursement of matching funds to multicounty organizations must operate.

CONTACT PERSON:

Keith Farris, Travel and Tourism Division (405) 522-4555

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 235 (D):

SUBCHAPTER 7. TRAVEL AND TOURISM OPERATIONS

725:20-7-10. Special Allocation

(a) The purpose is to specify how multicounty organizations apply for and use tourism tax funds provided for by the Legislature for fiscal year 2004.

(b) For the purposes of allocating tourism tax funds, the following definitions shall apply:

(1) "Tourism tax funds" refers to "not more than Four Hundred Thousand Dollars (\$400,000) ... made available to the multicounty organizations ... for the purpose established by law" as provided for in Section 2 of Enrolled HB 1219 (2003 Legislative Session).

(2) "Multicounty organizations" refer to the regional non-profit associations defined by Section 1830 of Title 74 of the Oklahoma Statutes.

(c) Multicounty organizations may apply for tourism tax funds to grant expenditures for tourism promotion projects that were not included in an organization's initial marketing plan for fiscal year 2004. Applications will be accepted only for projects that are allowed by the Tourism Promotion Act

as provided for in Section 50011 of Title 68 of the Oklahoma Statutes.

(d) The maximum amount approved for an individual multicounty organization's project will be ten percent (10%) of the total tourism tax funds made available by the Oklahoma Tourism and Recreation Commission ("Commission"). Two or more organizations may cooperate to implement a project. The maximum amount of funds approved will be thirty percent (30%) of the total available. An organization may submit an application for, or be a participant in, only one project. Amounts approved for projects will be contingent upon the number of projects approved by the Commission.

(e) Applications are to be submitted to Oklahoma Tourism and Recreation Department ("Department") not later than thirty (30) days after notice that the Governor has approved these emergency rules. Notice shall be provided by certified letter to each multicounty organization.

(f) Promotion projects shall specify the target markets, geographic and demographic; media and method of promotion to be used; and costs for production and placement. A project's advertising and promotion theme, image and message shall not be inconsistent with the state's official tourism promotion theme, which is "All Terrain Vacations" or "Oklahoma, Native America"; and the state's tourism logo/slogan shall be prominently displayed. In addition to the multicounty organization being identified as a source for more information about their region's tourism attractions and facilities, the advertising and promotion shall identify the Department as a source for more information about tourism attractions and facilities throughout the state; provided, however, radio advertising shall not be required to meet the provisions of this sentence.

(g) Description of a project shall include measures to evaluate effectiveness. To determine cost effectiveness of advertising, cost per thousand (CPT) shall be used as a measure for print advertising and total rating points (TRP) shall be used to measure television and radio advertising. The number of inquiries from each target market attributable to each advertising medium shall be compiled. Evaluation of the effectiveness of festivals, sites and events concerning ethnic history and ethnic history particular to the state shall be determined by verification of the number of people in attendance and the home counties and states of a random sampling of attendees. Each multicounty organization's evaluation of its advertising and promotion shall be reported to Department within thirty (30) days of the conclusion of the advertising or the ethnic history festival or event. The Department will prepare a report of the evaluations for the Commission.

(h) Applications received by the Department will be presented to the Tourism Promotion Advisory Committee at its next regularly scheduled meeting after the deadline for applications. Applications, with a "yes" or "no" recommendation from the Tourism Promotion Advisory Committee, will be presented for Commission consideration and approval at its next regularly scheduled meeting after presentation to the Tourism Promotion Advisory Committee. The Commission may approve, deny or recommend changes to any application. The decision of the Commission is final.

Emergency Adoptions

(i) At least five percent (5%) of the cost of a multicounty organization's project must be funded by the organization. Not more than ninety-five percent (95%) of the total cost of a project will be funded with tourism tax funds. Claims for allowable expenditures shall be based upon actual expenditures by the organization less any discount, refund, or rebate to the organization. Claims shall use a State of Oklahoma Notarized

Claim Form (OSF Form 3) and Department FY2004 Promotion Expenditure Report. Documentation shall be provided as required by Oklahoma State Law.

[OAR Docket #03-3302; filed 11-25-03]
