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# The Oklahoma Register

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Oklahoma  
Secretary of State  
Office of Administrative Rules



**Brad Henry, Governor**  
**M. Susan Savage,**  
**Secretary of State**  
**Peggy Coe, Managing Editor**

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# Notices of Rulemaking Intent

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

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

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

## **TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 15. OAC GRANT PROGRAM**

*[OAR Docket #04-133]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

25:15-1-1. through 25:15-1-4. [AMENDED]

### **SUMMARY:**

The proposed rules describe the policies to participate in the OAC grant program administered by the Oklahoma Aeronautics Commission. This is the second Notice of Rulemaking Intent submitted for these proposed rules. After the previous comment period, September 2, 2003 through October 2, 2003 further changes to the proposed rules were made.

### **AUTHORITY:**

Oklahoma Aeronautics Commission powers and duties, 3 O.S., § 81 through 93.

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Erin Wright at the Oklahoma Aeronautics Commission at 3700 North Classen Boulevard, Suite 240, Oklahoma City, OK 73118 during the period from February 16, 2004 through March 17, 2004.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303 (B) (9), "persons may demand a hearing" by March 17, 2004, 5:00 p.m. to Erin Wright.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by contacting Erin Wright or may be reviewed at the Oklahoma Aeronautics Commission, 3700 North Classen Boulevard, Suite 240, Oklahoma City, OK 73118.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be issued and made available at the offices of the Oklahoma Aeronautics Commission (address above) on and after March 2, 2004.

### **CONTACT PERSON:**

Contact Erin Wright at the Oklahoma Aeronautics Commission by calling (405) 604-6901, by facsimile at (405) 604-6919, or by e-mail at erin.wright@oac.state.ok.us.

*[OAR Docket #04-133; filed 1-23-04]*

## **TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 20. AIRCRAFT EXCISE TAX CREDIT PROGRAM**

*[OAR Docket #04-134]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

25:20-1-1. Purpose [NEW]

25:20-1-2. Definitions [NEW]

25:20-1-3. Project Identification [NEW]

25:20-1-4. Project Certification [NEW]

25:20-1-5. Project Implementation [NEW]

### **SUMMARY:**

The proposed rules describe the procedures and requirements to participate in the aircraft excise tax credit program administered by the Oklahoma Aeronautics Commission. This is the second Notice of Rulemaking Intent submitted for these proposed rules. After the previous comment period, September 2, 2003 through October 2, 2003 further changes to the proposed rules were made.

### **AUTHORITY:**

Oklahoma Aeronautics Commission powers and duties, 3 O.S., § 81 through 93.

### **COMMENT PERIOD:**

Persons may submit written and oral comments to Erin Wright at the Oklahoma Aeronautics Commission at 3700 North Classen Boulevard, Suite 240, Oklahoma City, OK 73118 during the period from February 16, 2004 through March 17, 2004.

### **PUBLIC HEARING:**

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303 (B) (9), "persons may demand a hearing" by March 17, 2004, 5:00 p.m. to Erin Wright.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

## Notices of Rulemaking Intent

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### COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Erin Wright or may be reviewed at the Oklahoma Aeronautics Commission, 3700 North Classen Boulevard, Suite 240, Oklahoma City, OK 73118

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement will be issued and made available at the offices of the Oklahoma Aeronautics Commission (address above) on and after March 2, 2004.

### CONTACT PERSON:

Contact Erin Wright at the Oklahoma Aeronautics Commission by calling (405) 604-6901, by facsimile at (405) 604-6919, or by e-mail at erin.wright@oac.state.ok.us.

*[OAR Docket #04-134; filed 1-23-04]*

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### TITLE 115. STATE CAPITOL PRESERVATION COMMISSION CHAPTER 1. COMMISSION ADMINISTRATION

*[OAR Docket #04-143]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

115:1-1-1. through 115:1-1-5. [AMENDED]  
115:1-1-6. [NEW]

### SUMMARY:

Revisions to 115:1-1-1.(c) update the address of the Department of Central Services, which provides staffing for the Commission. Revisions to 115:1-1-2. clarify the process for an open records request to the Commission. Statutory citations are added to 115:1-1-3 and 115:1-1-5. Section 115:1-1-6. is a new rule which provides for exemptions from the Commission rules and the process required to apply to the Commission to request such exemption.

### AUTHORITY:

State Capitol Preservation Commission, 74 O.S., Section 4104

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 18, 2004, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

### PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, March 19, 2004 at 9:00 a.m. Anyone who wishes to speak must sign in by 8:55 a.m. on that day.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

### COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 3, 2004 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

### CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison, (405) 521-2758

*[OAR Docket #04-143; filed 1-24-04]*

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### TITLE 115. STATE CAPITOL PRESERVATION COMMISSION CHAPTER 10. PRESERVATION, RESTORATION, ARCHITECTURAL AND DECOR STANDARDS

*[OAR Docket #04-144]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

115:10-1-1. through 115:10-1-2. [AMENDED]  
115:10-1-2.1. [NEW]

### SUMMARY:

Revisions to 115:10-1-1 and 115:10-1-2 clarify the purpose and display of art work, art standards and submission of a written request to the commission for approval of placement of art works in the Capitol and Governor's Mansion. Revisions to 115:10-1-1(d) establishes guidelines for the criteria the Commission reviews for memorializing individuals with personalized works of art in the State Capitol. Revisions to 115:10-1-1(e) establish requirements for the maintenance of complete files, which include the location and documentation for all state-owned art at all times; provides for storage requirements; and a check out procedure whenever the art leaves a state building. Revisions to 115:10-1-1(f) requires approval of two-thirds of the Commission to amend the art standards. Section 115:10-1-2.1 are new rules adopted to provide procedures for foundations, groups or individuals to request approval of the Commission for the display of art.

### AUTHORITY:

State Capitol Preservation Commission, 74 O.S., Section 4104

### COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 18, 2004, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

**PUBLIC HEARING:**

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 214, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Friday, March 19, 2004 at 9:00 a.m. Anyone who wishes to speak must sign in by 8:55 a.m. on that day.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of proposed rules may be obtained from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after March 3, 2004 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK.

**CONTACT PERSON:**

Gerry Smedley, Administrative Rules Liaison, (405) 521-2758

*[OAR Docket #04-144; filed 1-24-04]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 1. ORGANIZATION**

*[OAR Docket #04-104]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

160:1-1-1.2. [AMENDED]

**SUMMARY:**

The rule is being amended to supersede the emergency rule that added the administering and enforcing of the new profession to the duties of the Administrator of Consumer Credit pursuant to Senate Bill 583 from the 2003 First Regular Session of the 49th Legislature.

**AUTHORITY:**

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and 75 O.S., §302(A)(1)

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-104; filed 1-23-04]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 3. PROCEDURE**

*[OAR Docket #04-105]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

160:3-1-1.1. [AMENDED]

**SUMMARY:**

The rule is being amended, because the Department of Consumer Credit no longer has an office in Tulsa.

**AUTHORITY:**

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and 75 O.S., §302(A)(1)

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

n/a

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite

## Notices of Rulemaking Intent

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104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at [www.okdocc.state.ok.us](http://www.okdocc.state.ok.us).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-105; filed 1-23-04]*

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### **TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 5. FEES**

*[OAR Docket #04-106]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

160:5-1-2. [AMENDED]

### **SUMMARY:**

The rule is being amended to supersede the emergency rules that added new fees for mortgage brokers and mortgage loan originators pursuant to House Bill 2009 from the 2002 Second Regular Session of the 48th Legislature and added fees for the new profession pursuant to Senate Bill 583 from the 2003 First Regular Session of the 49th Legislature.

### **AUTHORITY:**

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e)

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer

Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

### **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at [www.okdocc.state.ok.us](http://www.okdocc.state.ok.us).

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### **CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-106; filed 1-23-04]*

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### **TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 10. CONSUMER LEASING**

*[OAR Docket #04-107]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 5. Disclosures

160:10-5-1.1. [AMENDED]

160:10-5-1.4. [NEW]

### **SUMMARY:**

The proposed rules incorporate federal changes to maintain Oklahoma's exemption from federal regulation.

### **AUTHORITY:**

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and (2)

### **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

### **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-107; filed 1-23-04]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 15. PAWN TRANSACTIONS**

*[OAR Docket #04-108]*

**RULEMAKING ACTION:**

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

- Subchapter 3. Records  
160:15-3-1. [AMENDED]
- Subchapter 5. Licensing  
160:15-5-6. [AMENDED]

**SUMMARY:**

The proposed rules rewrite the subsections on keeping information on file with the Department current and on changing a location and add a subsection on closing a location.

**AUTHORITY:**

Administrator of Consumer Credit; 59 O.S., §1508(H) and 75 O.S., §302(A)(2)

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004,

Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-108; filed 1-23-04]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 30. CREDIT SERVICES ORGANIZATION**

*[OAR Docket #04-109]*

**RULEMAKING ACTION:**

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

- Subchapter 3. Licensing  
160:30-3-3.4. [AMENDED]
- Subchapter 9. Records  
160:30-9-1. [AMENDED]

**SUMMARY:**

The proposed rules rewrite the subsections on keeping information on file with the Department current and on changing a location and add a subsection on closing a location.

**AUTHORITY:**

Administrator of Consumer Credit; 24 O.S., §140 and 75 O.S., §302(A)(2)

## Notices of Rulemaking Intent

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### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

### PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at [www.okdccc.state.ok.us](http://www.okdccc.state.ok.us).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-109; filed 1-23-04]*

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## TITLE 160. DEPARTMENT OF CONSUMER CREDIT

### CHAPTER 35. OKLAHOMA RENTAL-PURCHASE ACT

*[OAR Docket #04-110]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 3. Licensing

160:35-3-1.4. [AMENDED]

Subchapter 5. Records

160:35-5-1. [AMENDED]

### SUMMARY:

The proposed rules rewrite the subsections on keeping information on file with the Department current and on changing a location and add a subsection on closing a location.

### AUTHORITY:

Administrator of Consumer Credit; 59 O.S., §1955(C) and 75 O.S., §302(A)(2)

### COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

### PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

### COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at [www.okdccc.state.ok.us](http://www.okdccc.state.ok.us).

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-110; filed 1-23-04]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 45. TRUTH IN LENDING RULES**

*[OAR Docket #04-111]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 160:45-1-1. [AMENDED]
- Subchapter 3. Open-End Credit
  - 160:45-3-1. [AMENDED]
  - 160:45-3-2. [AMENDED]
  - 160:45-3-3. [AMENDED]
  - 160:45-3-13. [AMENDED]
  - 160:45-3-14. [AMENDED]
- Subchapter 5. Closed-End Credit
  - 160:45-5-1. [AMENDED]
  - 160:45-5-7. [AMENDED]
  - 160:45-5-8. [AMENDED]
- Subchapter 7. Miscellaneous
  - 160:45-7-3. [AMENDED]
- Subchapter 9. Special Rules for Certain Home Mortgage Transactions
  - 160:45-9-1. [AMENDED]
  - 160:45-9-2. [AMENDED]
  - 160:45-9-4. [NEW]
- Subchapter 11. Electronic Communication [NEW]
  - 160:45-11-1. [NEW]
- Appendix F. Annual Percentage Rate Computations for Certain Open-End Credit Plans [REVOKED]
- Appendix F. Annual Percentage Rate Computations for Certain Open-End Credit Plans [NEW]
- Appendix H. Closed-End Model Forms and Clauses [REVOKED]
- Appendix H. Closed-End Model Forms and Clauses [NEW]

**SUMMARY:**

The proposed rules incorporate federal changes to maintain Oklahoma's exemption from federal regulation.

**AUTHORITY:**

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and (2)

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at [www.okdocc.state.ok.us](http://www.okdocc.state.ok.us).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-111; filed 1-23-04]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 50. HEALTH SPAS**

*[OAR Docket #04-112]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Registration
  - 160:50-3-11. [AMENDED]
- Subchapter 11. Records
  - 160:50-11-1. [AMENDED]

**SUMMARY:**

The proposed rules rewrite the subsections on keeping information on file with the Department current and on changing a location and add a subsection on closing a location.

**AUTHORITY:**

Administrator of Consumer Credit; 59 O.S., §2010 and 75 O.S., §302(A)(2)

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

# Notices of Rulemaking Intent

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## **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

## **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

## **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at [www.okdccc.state.ok.us](http://www.okdccc.state.ok.us).

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

## **CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-112; filed 1-23-04]*

## **TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 55. MORTGAGE BROKERS**

*[OAR Docket #04-113]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 1. General Provisions

160:55-1-1. [AMENDED]

160:55-1-2. [AMENDED]

Subchapter 3. Licensing

160:55-3-1.1. [AMENDED]

160:55-3-1.2. [AMENDED]

160:55-3-1.3. [NEW]

160:55-3-1.4. [NEW]

160:55-3-3. [AMENDED]

160:55-3-3.1. [AMENDED]

160:55-3-4. [AMENDED]

160:55-3-8. [AMENDED]

160:55-3-9. [AMENDED]

160:55-3-9.1. [AMENDED]

160:55-3-10.1. [NEW]

Subchapter 5. Advisory Committee

160:55-5-2. [AMENDED]

Subchapter 7. Records

160:55-7-1. [AMENDED]

Subchapter 9. Enforcement

160:55-9-2. [AMENDED]

160:55-9-3. [AMENDED]

160:55-9-4. [AMENDED]

160:55-9-6. [AMENDED]

## **SUMMARY:**

The new rules and amended rules are to supersede the emergency rules that provided regulations for the new mortgage loan originator license and branch office license and new licensing requirements for mortgage broker licenses pursuant to House Bill 2009 from the 2002 Second Regular Session of the 48th Legislature and House Bill 1574 from the 2003 First Regular Session of the 49th Legislature and add a continuing education rule pursuant to House Bill 2009 from the 2002 Second Regular Session of the 48th Legislature.

## **AUTHORITY:**

Administrator of Consumer Credit; 59 O.S., §§2084 and 2085(A)(1) and 75 O.S., §302(A)(2)

## **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

## **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

## **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

## **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite

104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-113; filed 1-23-04]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 60. PRECIOUS METAL AND GEM DEALERS**

*[OAR Docket #04-114]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Licensing  
160:60-3-6. [AMENDED]
- Subchapter 7. Records  
160:60-7-1. [AMENDED]

**SUMMARY:**

The proposed rules rewrite the subsections on keeping information on file with the Department current and on changing a location and add a subsection on closing a location.

**AUTHORITY:**

Administrator of Consumer Credit; 59 O.S., §§1524(C), 1527 and 1528(A)(3) and 75 O.S., §302(A)(2)

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by

4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at www.okdocc.state.ok.us.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

**CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-114; filed 1-23-04]*

**TITLE 160. DEPARTMENT OF CONSUMER CREDIT  
CHAPTER 65. SUPERVISED LENDERS**

*[OAR Docket #04-115]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Licensing  
160:65-3-6. [AMENDED]
- Subchapter 7. Records  
160:65-7-1. [AMENDED]

**SUMMARY:**

The proposed rules rewrite the subsections on keeping information on file with the Department current and on changing a location and add a subsection on closing a location.

**AUTHORITY:**

Administrator of Consumer Credit; 14A O.S., §6-104(1)(e) and 75 O.S., §302(A)(2)

**COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

**PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

# Notices of Rulemaking Intent

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## **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 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

## **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at [www.okdocc.state.ok.us](http://www.okdocc.state.ok.us).

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

## **CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-115; filed 1-23-04]*

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## **TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 70. DEFERRED DEPOSIT LENDERS**

*[OAR Docket #04-116]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 1. General Provisions [NEW]

160:70-1-1. through 160:70-1-3. [NEW]

Subchapter 3. Licensing [NEW]

160:70-3-1. through 160:70-3-6. [NEW]

Subchapter 5. Disclosures [NEW]

160:70-5-1. through 160:70-5-2. [NEW]

Subchapter 7. Records [NEW]

160:70-7-1. through 160:70-7-2. [NEW]

Subchapter 9. Enforcement [NEW]

160:70-9-1. through 160:70-9-6. [NEW]

## **SUMMARY:**

The new chapter supersedes the emergency rules that provided regulations relating to the licensing of the new profession created by Senate Bill 583 from the 2003 First Regular Session of the 49th Legislature.

## **AUTHORITY:**

Administrator of Consumer Credit; 59 O.S., §3116(A)(5) and 75 O.S., §302(A)(2)

## **COMMENT PERIOD:**

Persons wishing to make written or oral comments may do so by 4:00 p.m., March 18, 2004 at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

## **PUBLIC HEARING:**

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 11:00 a.m., Friday, March 19, 2004, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

## **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:00 p.m., March 18, 2004, at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Cindy Barrett.

## **COPIES OF PROPOSED RULES:**

Interested persons may inspect proposed rules at the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105. Copies of proposed rules may be obtained at a cost of \$0.25 per page copying charge from the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, or they may be printed from the Department's web page at [www.okdocc.state.ok.us](http://www.okdocc.state.ok.us).

## **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this notice on February 17, 2004 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

## **CONTACT PERSON:**

Cindy Barrett, Deputy Administrator, Department of Consumer Credit, (405) 522-4660.

*[OAR Docket #04-116; filed 1-23-04]*

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## **TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 30. SCHOOL FACILITIES AND TRANSPORTATION**

*[OAR Docket #04-72]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 5. Transportation

210:30-5-1. [AMENDED]

**SUMMARY:**

The purpose of the rule amendment is to allow school districts to utilize a biannual physical examination for school bus drivers, provided the physical meets the requirements of the Federal Motor Carrier Safety (FMCSA) Subpart E, 391.41-391.49.

**AUTHORITY:**

70 O.S. § 3-104, State Board of Education

**COMMENT PERIOD:**

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m. on March 24, 2004, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

A public hearing will be held at 9 a.m. on Thursday, March 25, 2004, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 11:05 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and is available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Valerie Payne, 405-521-3308

[OAR Docket #04-72; filed 1-21-04]

**TITLE 300. GRAND RIVER DAM  
AUTHORITY  
CHAPTER 10. PUBLIC PURPOSE, SUPPORT  
AND ASSISTANCE**

[OAR Docket #04-102]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Public Purpose, Support and Assistance  
[NEW]

**SUMMARY:**

This proposed rule will establish a standard procedure that GRDA will use to approve or deny requests for public purpose, support and assistance programs. The need for this

proposed rule is to establish a standard procedure to make such determinations. The intended effect of this proposed rule is to promote economic/industrial development, tourism and recreational activities, conservation and development in the communities and industrial areas served by the GRDA.

**AUTHORITY:**

Grand River Dam Authority, 82 O.S. § 862(r) and (s)

**COMMENT PERIOD:**

Any interested party may submit data, views or arguments, orally or in writing, on these proposed rules at the following address: GRDA, P.O. Box 409, Vinita, OK 74301 or via facsimile, to the GRDA at 918-256-5289. The comment period will expire on March 18, 2004.

**PUBLIC HEARING:**

A public hearing will be held on these proposed rules at 9:00 A.M. on March 19, 2004, at the administrative office of the GRDA, The administrative office of the GRDA is located at 226 West Dwayne Willis Avenue, in Vinita, OK. Anyone who wishes to speak must sign in at the door by 1:45 P.M.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be had by writing to the GRDA, P.O. Box 409, Vinita, OK 74301 or submitting a request for copies, via facsimile, to the GRDA at 918-256-5289.

**RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be had by writing to the GRDA, P.O. Box 409, Vinita, OK 74301 or submitting a request for copies, via facsimile, to the GRDA at 918-256-5289.

**CONTACT PERSON:**

Holly Moore, GRDA P.O. Box 409, Vinita, OK 74301, 918-256-5545 or, by facsimile, 918-256-5289.

[OAR Docket #04-102; filed 1-23-04]

**TITLE 300. GRAND RIVER DAM  
AUTHORITY  
CHAPTER 20. PURCHASING POLICY**

[OAR Docket #04-103]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 20. Purchasing Policy [NEW]

**SUMMARY:**

This proposed rule will codify the policies and procedures used by all individuals who have been delegated the authority to commit GRDA funds through the purchasing function. The need for this proposed rule is to establish a permanent foundation upon which the GRDA operates its purchasing functions. The intended effect of this rule is to set forth

## Notices of Rulemaking Intent

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procedures to implement Board's policy and state law in the purchasing functions.

### **AUTHORITY:**

Grand River Dam Authority, 82 O.S. § 862(r) and (s)

### **COMMENT PERIOD:**

Any interested party may submit data, views or arguments, orally or in writing, on these proposed rules at the following address: GRDA, P.O. Box 409, Vinita, OK 74301 or via facsimile, to the GRDA at 918-256-5289. The comment period will expire on March 18, 2004.

### **PUBLIC HEARING:**

A public hearing will be held on these proposed rules at 9:00 A.M. on March 19, 2004, at the administrative office of the GRDA, The administrative office of the GRDA is located at 226 West Dwayne Willis Avenue, in Vinita, OK. Anyone who wishes to speak must sign in at the door by 1:45 P.M.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The GRDA requests that business entities affected by these proposed rules provide the GRDA, within the comment period, the effect that these new purchasing procedures will have on their business including any indirect costs these business entities may incur.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be had by writing to the GRDA, P.O. Box 409, Vinita, OK 74301 or submitting a request for copies, via facsimile, to the GRDA at 918-256-5289.

### **RULE IMPACT STATEMENT:**

Copies of the Rule Impact Statement may be had by writing to the GRDA, P.O. Box 409, Vinita, OK 74301 or submitting a request for copies, via facsimile, to the GRDA at 918-256-5289.

### **CONTACT PERSON:**

Rick Koontz, GRDA P.O. Box 409, Vinita, OK 74301, 918-256-5545 or, by facsimile, 918-256-5289.

*[OAR Docket #04-103; filed 1-23-04]*

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## **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 205. ALARM INDUSTRY**

*[OAR Docket #04-117]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 1. General Provisions

310:205-1-2. [AMENDED]

310:205-1-3. [AMENDED]

Subchapter 3. License Requirements

310:205-3-2. [AMENDED]

310:205-3-3. [AMENDED]

310:205-3-4. [AMENDED]

Subchapter 5. Special Provisions [NEW]

310:205-5-1. [NEW]

310:205-5-2. [NEW]

Subchapter 7. Enforcement [NEW]

310:205-7-1. [NEW]

310:205-7-2. [NEW]

### **SUMMARY:**

The proposed amendments alter the nomenclature of the defined term, "burglar alarm technician trainee" and "fire alarm technician trainee," alter the definition of the term "certification of an alarm system," adopt a uniform tagging system and requires that licensed fire alarm and sprinkler companies use the tagging system to publish the operational status of the fire protection equipment, define the relationship of the licensed burglar and fire company manager to his/her respective licensed burglar and fire alarm company, adopt a minimum experience requirement for licensing fire alarm and burglar alarm technicians, define the responsibility of the alarm technician and the alarm trainee regarding the limited license, adopt separate fees for renewal of licenses, adopt licensing fees for the new classifications of "Inspector", adopt a fee for duplicate and revised licenses; increase all licensing fees, clarify the grant to municipalities and other legal political subdivisions the authority to adopt more stringent alarm and other related standards, and adopt a safe harbor provision when compliance with the National Fire Protection Association or other recognized fire safety standard is demonstrated, and adopt provisions governing enforcement, setting forth minimum requirements for cooperation by licensees and applicants for licensure, when investigations are being conducted by the Department involving alleged misconduct, and provides for summary suspension of licensure when the Department establishes probable cause that a licensee or applicant has 1) been convicted of a felony or a misdemeanor that is related to qualification for licensure, or 2) refused to cooperate with an investigation involving misconduct by a licensee or applicant.

### **AUTHORITY:**

Oklahoma State Board of Health; Alarm Industry Act, 59 O.S., Sections 1800.1 et seq.

### **COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 18, 2004, may submit written comments to Matt Schue, Investigator, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to matts@health.state.ok.us or may ask to present written or oral views at the hearing.

### **PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004, to Matt Schue, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to matts@health.state.ok.us

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Matt Schue, Oklahoma State Department of Health, (405) 271-9444. Ext 57905

*[OAR Docket #04-117; filed 1-23-04]*

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

*[OAR Docket #04-118]*

**RULEMAKING ACTION:**

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

- Subchapter 1. General Provisions [AMENDED]
- 310:256-1-2. [AMENDED]
- 310:256-1-4. [AMENDED]
- Subchapter 5. Food
- 310:256-5-45. [AMENDED]
- Subchapter 15. Compliance and Enforcement
- 310:256-15-35. [AMENDED]
- 310:256-15-37. [AMENDED]

**SUMMARY:**

The proposal's intent is to provide public protection from foodborne infection by establishing prescriptive rules for operators of food service establishments and farmers' markets. This proposal modifies the present Food Service Establishment Regulations in order to correlate the regulations with the 1999 Food and Drug Administration Model Food Code. This proposal contains minor modification regarding spelling, punctuation and sentence structure assuring that the various components of the proposed draft are clear and

concise. In Subchapter 1 the proposal involves the addition of a Farmers' Market definition with language clarifying the responsibilities of vendors to the Oklahoma Department of Agriculture, Food and Forestry in regard to compliance and enforcement issues as they relate to the responsibilities of the vendors to the Oklahoma State Department of Health. Manufactured or value-added products must be licensed through the manufacturing section of the Consumer Protection Division and may be sold at the Farmers' Markets. Subchapter 5 incorporates necessary changes, which contains modification to language concerning raw foods such as eggs, fish, meat, poultry and foods containing these raw animal foods, being cooked to heat all parts of the food to a temperature and for a time that effectively eliminates pathogens. Subchapter 15 involves language to clarify existing regulations regarding timely corrections pertaining to enforcement action.

**AUTHORITY:**

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

**COMMENT PERIOD:**

February 17, 2004, through March 18, 2004. Interested persons may discuss informally the proposed rules with staff of Consumer Protection Services; or before March 18, 2004, may submit written comment to Ted Evans, Director, Consumer Protection Division, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004, to Ted Evans, Director, Consumer Protection Division, Consumer Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to tede@health.state.ok.us

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

## Notices of Rulemaking Intent

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### CONTACT PERSON:

Ted Evans, Director, Consumer Protection Division,  
Consumer Health Services, (405) 271-5243

*[OAR Docket #04-118; filed 1-23-04]*

### TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 276. HOME INSPECTION INDUSTRY

*[OAR Docket #04-119]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 1. General Provisions

310:276-1-2. [AMENDED]

Subchapter 9. Examination Applications, Examinations,  
Course Approval Requirements, Instructor  
Requirements, Continuing Education, Denied  
Application Appeal, Submission of Records, and  
Continuing Education Reciprocity

310:276-9-2. [AMENDED]

Subchapter 11. License Revocation and Suspension and  
Prohibited Acts

310:276-11-1. [AMENDED]

310:276-11-2. [AMENDED]

### SUMMARY:

The amendment to Subchapter 1 proposes added language to define client. The amendment to Subchapter 9 proposes removing the requirement that subsequent examination failures, after the first failure, will result in a waiting period of at least 90 days. The proposed language will require an applicant who fails an examination for home inspection license to only wait 30 days between each examination. The language added to Subchapter 11 provides minimum requirements for cooperation by licensees and applicants for licensure, when investigations are being conducted by the Department involving alleged misconduct, and provides for summary suspension of licensure when the Department establishes probable cause that a licensee or candidate has, 1) been convicted of a felony or a misdemeanor that is related to qualification, or 2) refused to cooperate with an investigation involving misconduct by a licensee or applicant.

### AUTHORITY:

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

### COMMENT PERIOD:

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with Consumer Health Services staff; or before March 18, 2004, may submit written comments to Rocky McElvany, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to

rockym@health.state.ok.us or may ask to present written or oral views at the hearing.

### PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004, to Rocky McElvany, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004 may send electronic mail to rockym@health.state.ok.us

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 18, 2004, at the same location listed above for reviewing and obtaining copies of the proposed rules.

### CONTACT PERSON:

Rocky McElvany, Chief, Consumer Health Services, (405) 271-5243

*[OAR Docket #04-119; filed 1-23-04]*

### TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 400. LICENSED MARITAL AND FAMILY THERAPISTS

*[OAR Docket #04-120]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

Subchapter 5. Rules of Professional Conduct

310:400-5-3. [AMENDED]

Subchapter 7. Application for Licensure

310:400-7-2.1. [NEW]

Subchapter 17. Enforcement

310:400-17-4. [AMENDED]

### SUMMARY:

The language added to Subchapter 5 and amending 310:400-5-3 provides minimum requirements for cooperation by licensees, candidates for licensure, and applicants for

licensure with investigations conducted by the Department involving alleged misconduct. The new language added to Subchapter 7 provides for clarification regarding the re-application process for licensure after an application has been denied by the Department. The language added to Subchapter 17 and amending 310:400-17-4 provides for summary suspension of licensure when the Department establishes probable cause that a licensee or candidate has committed: 1) misconduct involving an improper dual relationship with a client, 2) been convicted of a felony or a misdemeanor that is related to qualification or function, or 3) refused to cooperate with an investigation involving misconduct by a licensee or candidate.

**AUTHORITY:**

Oklahoma State Board of Health; 59 O.S. 2001, Section 1925.5(A); 63 O.S. 2001, Section 1-106.1.

**COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before March 18, 2004 submit written comment to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

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

*[OAR Docket #04-120; filed 1-23-04]*

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

*[OAR Docket #04-121]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 7. Rules of Professional Conduct  
310:403-7-6. [AMENDED]
- Subchapter 11. Application Procedures  
310:403-11-7. [NEW]  
310:403-11-8. [NEW]  
310:403-11-9. [NEW]  
310:403-11-10. [NEW]
- Subchapter 13. Academic Requirements  
310:403-13-2. [AMENDED]
- Subchapter 31. Enforcement  
310:403-31-4. [AMENDED]

**SUMMARY:**

The language added to Subchapter 7 and amending 310:403-7-6 provides minimum requirements for cooperation by licensees, candidates for licensure, and applicants for licensure with investigations conducted by the Department involving alleged misconduct. The new language added to Subchapter 11 provides for clarification regarding the re-application process for licensure after an application has been denied by the Department. The language added to Subchapter 13 and amending 310:403-13-2 provides clarification regarding the academic requirements for the categories of "Biological Bases of Behavior" and "Professional Orientation/Ethics." The language added to Subchapter 31 and amending 310:400-31-4 provides for summary suspension of licensure when the Department establishes probable cause that a licensee or candidate has committed: 1) misconduct involving an improper dual relationship with a client, 2) been convicted of a felony or a misdemeanor that is related to qualification or function, or 3) refused to cooperate with an investigation involving misconduct by a licensee or candidate.

**AUTHORITY:**

Oklahoma State Board of Health; 59 O.S. 2001, Section 1934(A)(1)(2)

**COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before March 18, 2004, submit written comment to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of

## Notices of Rulemaking Intent

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the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #04-121; filed 1-23-04]*

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

*[OAR Docket #04-122]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 3. Rules of Professional Conduct

310:405-3-4. [AMENDED]

Subchapter 7. Application Procedures

310:405-7-8. [NEW]

Subchapter 31. Enforcement

310:405-31-4. [AMENDED]

### **SUMMARY:**

The language added to Subchapter 3 and amending 310:405-3-4 provides minimum requirements for cooperation by licensees, candidates for licensure, and applicants for licensure, with investigations conducted by the Department involving alleged misconduct. The new language added to Subchapter 7 provides for clarification regarding the re-application process for licensure after an application has

been denied by the Department. The language added to Subchapter 31 and amending 310:405-31-4 provides for summary suspension of licensure when the Department establishes probable cause that a licensee or candidate has committed: 1) misconduct involving an improper dual relationship with a client, 2) been convicted of a felony or a misdemeanor that is related to qualification or function, or 3) refused to cooperate with an investigation involving misconduct by a licensee or candidate

### **AUTHORITY:**

Oklahoma State Board of Health; 59 O.S. 2001, Section 1905(A); 63 O.S. 2001, Section 1-106.1.

### **COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before March 18, 2004 submit written comment to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

### **PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #04-122; filed 1-23-04]*

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**TITLE 310. OKLAHOMA STATE  
DEPARTMENT OF HEALTH  
CHAPTER 530. FAMILY PLANNING  
CENTERS**

*[OAR Docket #04-123]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- 310:530-1-2. [AMENDED]
- 310:530-1-4. [AMENDED]
- Appendix A. Family Planning Costs Fee Schedule [NEW]
- Appendix B. Family Planning Sliding Fee Scale [NEW]

**SUMMARY:**

The purpose of this proposed change in the rule is to clarify the definition of Family Planning, to add a definition for Family Planning Centers and to establish fees for providing these services.

**AUTHORITY:**

Oklahoma State Board of Health; 63 O.S. 2001, §§ 1-106, 1-106.1, 1-206.1(a), 2074.

**COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed changes to rules with Suzanna Dooley M.S., A.R.N.P, Chief Maternal and Child Health Service; or before March 18, 2004 may submit written comments to Suzanna Dooley, M.S., A.R.N.P, Chief Maternal and Child Health Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to [suzannad@health.state.ok.us](mailto:suzannad@health.state.ok.us); or may ask to present written or oral views at the hearing.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004, to Suzanna Dooley, M.S., A.R.N.P, Chief Maternal and Child Health Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299

**COPIES OF PROPOSED RULES:**

The proposed rules may be obtained for review from Suzanna Dooley, M.S., A.R.N.P, Chief Maternal and Child Health Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Suzanna Dooley, M.S., A.R.N.P, Chief Maternal and Child Health Service, (405) 271-4480

*[OAR Docket #04-123; filed 1-23-04]*

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

*[OAR Docket #04-124]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 3. Adult Immunizations
- 310:535-3-1. [AMENDED]
- 310:535-3-2. [AMENDED]

**SUMMARY:**

Due to increased purchase costs for Influenza and Pneumococcal vaccines, and anticipated reduction in the state's general revenue available for the purchase of these vaccines, these fee rules are necessary for the Department to continue to provide these vaccinations for adult citizens of Oklahoma. This rule change allows for the collection of fees from adults who receive influenza and/or pneumococcal and other vaccinations in county health department facilities and who are not otherwise eligible for reimbursement through Medicare or Medicaid resources. It also provides for the addition of other currently licensed vaccines such as Japanese encephalitis vaccine and rabies vaccine and vaccines licensed in the future. Finally, this rule change abolishes the minimum fee a county health department must charge for any vaccine since the minimum was set too high for vaccines that cost less than \$15.00 per dose.

**AUTHORITY:**

Oklahoma State Board of Health; 70 O.S. §§ 1210.191 et seq., 63 O.S. § 1-106.1

**COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may discuss informally the proposed rules with Susan Mendus, Immunization Service; or may before March 18, 2004, submit written comment to Susan Mendus, Immunization Representative Supervisor Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of

## Notices of Rulemaking Intent

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the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Susan Mendus, Immunization Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to Susanm@health.state.ok.us.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

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

*[OAR Docket #04-124; filed 1-23-04]*

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### **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 605. ADULT DAY CARE CENTERS**

*[OAR Docket #04-125]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 15. Physical facility

310:605-15-2. Buildings and grounds (~~refer to ADA standards~~) [AMENDED]

### **SUMMARY:**

The proposed amendments are intended to clarify certain design and construction requirements in order to ensure that adult day care centers are accessible to physically disabled persons. The amendments require centers to comply with accessibility requirements specified in Chapter 11 of the International Building Code, 2003 Edition, published by the International Code Council.

### **AUTHORITY:**

Oklahoma State Board of Health: Title 63 O.S. Section 1-104 and Title 63 O.S. Section 1-873.

### **COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 18, 2004,

may submit written comments to Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to hank@health.state.ok.us; or may ask to present written or oral views at the hearing.

### **PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004 may send electronic mail to hank@health.state.ok.us.

### **COPIES OF PROPOSED RULES:**

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

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57269; facsimile: 405-271-7360.

*[OAR Docket #04-125; filed 1-23-04]*

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### **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 641. EMERGENCY MEDICAL SERVICES**

*[OAR Docket #04-126]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 641. Emergency Medical Services [AMENDED]

### **SUMMARY:**

These rules, which amend or add more than 30 sections of the rule, add definitions for "base station", "substations" and

"enroute time" and modify the definition for "response times". Fees for new ambulance license application are doubled, references to the State Protocols are removed, reinstatement fees are doubled and new driver training requirements are added. Ambulance marking restrictions are removed, air ambulances are required to conform to certain standards for collaboration and quality improvements, and air ambulance standards are updated. Fees are added for air ambulance initial and biannual inspections, with an exemption for CAMTS certified providers. Sanitation standards are updated, ambulance permit removal standards are detailed, transfer protocol standards are updated, and transfer protocols are required to be submitted for approval. The Health Department is allowed to certify transfer centers in counties with populations of over 300,000 and their contiguous communities. First response agency re-certification requirements are expanded and the renewal fee doubled. Reporting and inspection requirements are expanded. Enforcement actions are expanded. Individual license application requirements are expanded. Application reimbursement options are removed and standards are revised to be consistent with the National Registry of EMT's. The Standard of Care is updated to allow generic albuterol substitutes and eliminate "Advanced Cardiac" licensure. Reciprocity fees are made non-refundable and reciprocity limited to persons who successfully pass the National Registry exam. Training program records requirements are expanded. In-service instructor requirements are expanded.

**AUTHORITY:**

Oklahoma State Board of Health; 63 O.S. Section 1-104; 63 O.S., Section 1-2501 et seq.

**COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may discuss informally the proposed rules with Protective Health Services - Emergency Medical Services Staff; or may before March 18, 2004, submit written comment to R. Shawn Rogers, Director of Emergency Medical Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to R. Shawn Rogers, Director of Emergency Medical Services, Oklahoma State Department of Health,

1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to shawnr@health.state.ok.us

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

R. Shawn Rogers, Director, Emergency Medical Service, (405) 271-4027

*[OAR Docket #04-126; filed 1-23-04]*

**TITLE 310. OKLAHOMA STATE  
DEPARTMENT OF HEALTH  
CHAPTER 659. HEALTH MAINTENANCE  
ORGANIZATIONS**

*[OAR Docket #04-127]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 659. Health Maintenance Organizations [NEW]

**SUMMARY:**

This proposed new rule is intended to ensure that health maintenance organizations comply with provisions that the State Commissioner of Health is charged to enforce under the Health Maintenance Organizations Act of 2003, Title 36 O.S. Section 6901 et seq.

The rule will provide health maintenance organizations with the standards necessary for the State Commissioner of Health to certify compliance with Section 6907 of the Act to the Oklahoma Insurance Commissioner. The rule details quality assurance requirements pursuant to the Act and provides health maintenance organizations with a detailed outline of information needed to demonstrate appropriate quality of health care, ongoing quality assurance programs, clinical records, provider credentialing, peer review, emergency services, and grievance procedures.

The rule fixes the amounts of fees required for certification of compliance and for processing of related submissions. The rule specifies administrative penalty amounts for violations of provider credentialing requirements by malpractice carriers or HMOs. The rule establishes procedures to ensure that qualified persons with whom the State Commissioner of Health contracts to make recommendations are not subject to conflicts of interest that would impair the ability to make impartial recommendations.

## Notices of Rulemaking Intent

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### **AUTHORITY:**

Oklahoma State Board of Health: Title 63 O.S. Section 1-104, 1-105e, and 1-106.1; and Title 36 O.S. Section 6901 et seq.;

### **COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 18, 2004, may submit written comments to Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to randyw@health.state.ok.us; or may ask to present written or oral views at the hearing.

### **PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004 may send electronic mail to randyw@health.state.ok.us.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Managed Care Division, Health Resources Development Service, Protective Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to randyw@health.state.ok.us.

### **RULE IMPACT STATEMENT:**

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

### **CONTACT PERSON:**

Randy Wray, Director, Managed Care Division, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-6868, x57265; facsimile: 405-271-7360.

*[OAR Docket #04-127; filed 1-23-04]*

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## **TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 663. CONTINUUM OF CARE AND ASSISTED LIVING**

*[OAR Docket #04-128]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Subchapter 7. Physical plant design  
310:663-7-1. [AMENDED]

### **SUMMARY:**

The proposed amendments are intended to clarify certain design and construction requirements in order to ensure that assisted living centers are accessible to physically disabled persons. The amendments require assisted living centers to comply with accessibility requirements specified in Chapter 11 of the International Building Code, 2003 Edition, published by the International Code Council.

### **AUTHORITY:**

Oklahoma State Board of Health: Title 63 O.S. Section 1-104 and Title 63 O.S. Section 1-890.3.

### **COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 18, 2004, may submit written comments to Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to hank@health.state.ok.us; or may ask to present written or oral views at the hearing.

### **PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004 may send electronic mail to hank@health.state.ok.us.

### **COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained from the Health Resources Development Service, Protective Health Services, Oklahoma State Department of Health, 1000

Northeast 10th Street, Oklahoma City, OK 73117-1299 or by electronic mail request to hank@health.state.ok.us.

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57269; facsimile: 405-271-7360.

*[OAR Docket #04-128; filed 1-23-04]*

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

*[OAR Docket #04-129]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions  
310:667-1-3. [AMENDED]
- Subchapter 19. Medical Records Department  
310:667-19-10. [AMENDED]
- Subchapter 23. Diagnostic and Treatment Services  
310:667-23-2. [AMENDED]
- Subchapter 39. Critical Access Hospital  
310:667-39-11. [AMENDED]
- Subchapter 40. Emergency Hospital  
310:667-40-11. [AMENDED]
- Subchapter 51. Rehabilitation Hospital and Rehabilitation Unit Construction Requirements  
310:667-51-15. [AMENDED]
- Subchapter 59. Classification of Hospital Emergency Services  
310:667-59-3. [AMENDED]  
310:667-59-9. [AMENDED]
- Appendix D. Filter Efficiencies For Central Ventilation And Air Conditioning Systems In General Hospitals  
[REVOKED AND REENACTED]

**SUMMARY:**

The amendments to Subchapter 1 require all licensed hospitals to participate in a regional system to provide twenty four hour emergency services as a means to help ensure that minor-to-moderate trauma patients are transported to a hospital where they can receive appropriate care and that the resources of facilities classified at Level I and II for Trauma and Emergency Operative Services are preserved for the most seriously injured patients. The proposed rule requires all such regional systems to be approved by the Commissioner in consultation with the Oklahoma Emergency Response Systems Development Advisory Council. The amendments

permit a facility's participation in a regional system to be met by providing emergency services directly or through their medical staffs at another facility, or by paying into a fund to be distributed to the hospitals that do provide these services. The amendments further require the Commissioner to develop such a system of providing emergency care for any region that is unable to develop a functioning system on its own and requires all hospitals in the area to then participate. Additionally, functioning regional systems must monitor patient transfers and compliance with these rules through continuous quality improvement activities.

The proposed amendments add a requirement for hospitals to report data on quality indicators, correct an error in a reference to practitioner authentication of medical record entries, allow one practitioner to authenticate another practitioner's reports of history and physical examinations and discharge summaries if certain conditions are met, allows mammography films to be maintained in a digital or electronic format, make the requirements for a hand washing station or a dispenser containing a hand degerming agent consistent for patient rooms in both general hospitals and rehabilitation hospitals/units.

The changes to Subchapter 59 allows facilities classified at Level II for Trauma and Emergency Operative Services to receive their classification based on an American College of Surgeons Committee on Trauma (ASC COT) verification site visit or a site survey by representatives deemed qualified by the Commissioner of Health. The amendments also require reciprocal transfer agreements between facilities classified at Level III or IV for Trauma and Emergency Operative Services and a hospital capable of providing definitive care for the severely injured patients and prohibits these agreements from incorporating any financial provisions for such transfers. Finally, the changes revoke and reenact an Appendix in order to insert a footnote which was omitted in error in a previous revision.

**AUTHORITY:**

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

**COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with staff; or before March 18, 2004, may submit written comments to Gary Glover, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before February 12, 2004 may send electronic mail to Gary@health.state.ok.us; or may ask to present written or oral views at the hearing.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Gary Glover, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 14, 2001 may send electronic mail to Gary@health.state.ok.us

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

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

*[OAR Docket #04-129; filed 1-23-04]*

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### TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 675. NURSING AND SPECIALIZED FACILITIES

*[OAR Docket #04-130]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

### PROPOSED RULES:

- Subchapter 3. Licenses
- 310:675-3-1.1. [AMENDED]
- 310:675-3-4. [NEW]
- 310:675-3-4.1. [AMENDED]
- 310:675-3-5. [AMENDED]
- 310:675-3-5.1. [AMENDED]
- 310:675-3-8. [AMENDED]

### SUMMARY:

The proposed amendments are intended to ensure that facilities comply with the tax-related financial reporting requirements in Title 63 O.S. Section 1-1930.1. The amendments will provide verifiable advance warning of possible financial insufficiency and will reduce the potential for harm or jeopardy to residents of nursing facilities.

The proposed amendments require an applicant for a license to operate a nursing or specialized nursing facility, or a licensee applying for a renewal license, to disclose identifying information for the person or entity that is legally responsible

for filing employment tax returns and paying employment taxes. The applicant and any person or entity so disclosed must certify that they are current in filing returns and in paying state and federal income, employment and unemployment taxes. Such persons or entities must declare any tax warrants, liens or levies, and submit a waiver allowing the Internal Revenue Service to provide information to the State Health Department to verify compliance.

The amendments authorize denial, suspension or revocation of a license if an applicant or disclosed person or entity is not current with tax filing or payment requirements or has state warrants or federal tax liens filed against them. The amendments describe the forms to be used. If the State Health Department receives information that an applicant or disclosed person is not compliant with tax filing, payment or disclosure requirements, the amendments authorize the Department to require additional waivers or proof of compliance with state and federal taxes.

### AUTHORITY:

Oklahoma State Board of Health: Title 63 O.S. Section 1-104 and Title 63 O.S. Section 1-1901 et seq.

### COMMENT PERIOD:

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 18, 2004, may submit written comments to Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to hank@health.state.ok.us; or may ask to present written or oral views at the hearing.

### PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004 may send electronic mail to hank@health.state.ok.us.

### COPIES OF PROPOSED RULES:

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57269; facsimile: 405-271-7360.

*[OAR Docket #04-130; filed 1-23-04]*

**TITLE 310. OKLAHOMA STATE  
DEPARTMENT OF HEALTH  
CHAPTER 677. NURSE AIDE TRAINING  
AND CERTIFICATION**

*[OAR Docket #04-131]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 1. General Provisions

310:677-1-3. [AMENDED]

Subchapter 3. Nurse aide training and competency examination program

310:677-3-2. [AMENDED]

**SUMMARY:**

The proposed amendments establish fees to recover the costs of processing applications for deeming, waivers, exceptions, re-testing, and interstate reciprocities. The rules pertaining to fees also identifies criteria for re-testing eligibility. Annual application fees of \$25 are being required for certified medication aide continuing-education update programs.

**AUTHORITY:**

Oklahoma State Board of Health: Title 63 O.S. Section 1-104 and Title 63 O.S. Section 1-1951.

**COMMENT PERIOD:**

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 18, 2004, may submit written comments to Lisa McAlister, Director, Nurse Aide Registry, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to lisaam@health.state.ok.us; or may ask to present written or oral views at the hearing.

**PUBLIC HEARING:**

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Lisa McAlister, Director, Nurse Aide Registry, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004 may send electronic mail to lisaam@health.state.ok.us.

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

Lisa McAlister, Director, Nurse Aide Registry, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-5124 or 1(800) 695-2157; facsimile: 405-271-1130.

*[OAR Docket #04-131; filed 1-23-04]*

**TITLE 310. OKLAHOMA STATE  
DEPARTMENT OF HEALTH  
CHAPTER 680. RESIDENTIAL CARE  
HOMES**

*[OAR Docket #04-132]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 5. Construction Requirements and Physical Plant

310:680-5-1. [AMENDED]

**SUMMARY:**

The proposed amendments are intended to clarify certain design and construction requirements in order to ensure that residential care homes are accessible to physically disabled persons. The amendments require centers to comply with accessibility requirements specified in Chapter 11 of the International Building Code, 2003 Edition, published by the International Code Council.

**AUTHORITY:**

Oklahoma State Board of Health: Title 63 O.S. Section 1-104 and Title 63 O.S. Section 1-821

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## COMMENT PERIOD:

February 17, 2004 through March 18, 2004. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 18, 2004, may submit written comments to Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004, may send electronic mail to hank@health.state.ok.us; or may ask to present written or oral views at the hearing.

## PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 18, 2004, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 18, 2004 to Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 18, 2004 may send electronic mail to hank@health.state.ok.us.

## COPIES OF PROPOSED RULES:

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

## RULE IMPACT STATEMENT:

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

## CONTACT PERSON:

Henry Hartsell Jr., Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-9444, x57269; facsimile: 405-271-7360.

*[OAR Docket #04-132; filed 1-23-04]*

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

*[OAR Docket #04-90]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Subchapter 3. Office Of Client Advocacy

Part 1. Administration

340:2-3-1. through 340:2-3-2. [AMENDED]

340:2-3-12. [AMENDED]

Part 3. Investigations

340:2-3-32. through 340:2-3-34. [AMENDED]

340:2-3-36. through 340:2-3-38. [AMENDED]

Part 5. Grievances

340:2-3-45. through 340:2-3-47. [AMENDED]

340:2-3-49. through 340:2-3-55. [AMENDED]

Part 7. Grievance and Abuse Review Committee

340:2-3-61. through 340:2-3-65. [AMENDED]

Part 9. Ombudsman Programs

340:2-3-72. through 340:2-3-73. [AMENDED]

(Reference APA WF # 04-05)

## SUMMARY:

Office of Client Advocacy (OCA) rules are revised to: (1) add new definitions and amend existing definitions to conform to recent amendments to the Vulnerable Adults Act, Section 10-101 of Title 10 of the Oklahoma Statutes; (2) eliminate unnecessary language; (3) correct and update contact information; (4) correct spelling and grammar errors; (5) designate time frames in terms of business days rather than working days; (6) indicate when a designee can be used; (7) add references to forms; (8) clarify to whom OCA investigation reports can be distributed; (9) specify time frames for certain activities; (10) repeal references to the Client Resolution Process that is no longer used; (11) clarify that the local grievance coordinator (LGC) can communicate with grievants by means other than in-person meetings; (12) provide for State Office administrators to request review by the Oklahoma Department of Human Services (OKDHS) Director when a grievant has accepted the proposed resolution of the Grievance and Abuse Review Committee; (13) clarify that Ombudsman services to former residents of the Southern Oklahoma Resource Center (SORC), Northern Oklahoma Resource Center of Enid (NORCE), and the Greer Center Facility (Greer) are provided only when staffing resources are available; and (14) make non-substantive changes to improve the clarity of these rules.

## AUTHORITY:

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; Sections 175.20, 1406, 1414.1, 1415.1, 1430.01 et seq., 1430.11, 1430.20, 7004-3.4, 7204.1, 7213, and 7306-2.11 of Title 10 of the Oklahoma Statutes; Sections 10-101 et seq. of Title 43A of the Oklahoma Statutes; Section 1025.1 et seq. of Title 56 of the Oklahoma Statutes; and Homeward Bound, et al., vs. The Hissom Memorial Center, United States District Court for the Northern District of Oklahoma, Case No. 85-C-437-E.

## COMMENT PERIOD:

Written and oral comments will be accepted February 17, 2004 through March 18, 2004 during regular business hours by contacting Judith Storandt, Department of Human Services,

P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-525-4850.

**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 March 18, 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 #04-90; filed 1-23-04]*

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

*[OAR Docket #04-91]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Subchapter 11. Finance  
Part 8. General Provisions  
340:2-11-98. through 340:2-11-99. [AMENDED]  
(Reference APA WF # 04-04)

**SUMMARY:**

Chapter 2, Subchapter 11, Finance Division rules regarding the Finance Information Systems Unit are revised to reflect current terminology and remove language that is obsolete or applies only to Oklahoma Department of Human Services (OKDHS) staff.

**AUTHORITY:**

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

**COMMENT PERIOD:**

Written and oral comments will be accepted February 17, 2004 through March 18, 2004 during regular business hours by contacting Karen Cochran, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, Telephone 405-521-3894.

**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 March 18, 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 #04-91; filed 1-23-04]*

**TITLE 340. DEPARTMENT OF HUMAN SERVICES  
CHAPTER 15. PUBLIC ASSISTANCE STATE SUPPLEMENTAL PAYMENT**

*[OAR Docket #04-92]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

340:15-1-1. through 340:15-1-7. [AMENDED]  
(Reference APA WF # 04-03)

**SUMMARY:**

The purpose of the proposed rule is to remove and/or replace language that is no longer appropriate in the State Supplemental Payment Program (SSP).

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3 and 4 of the Oklahoma Constitution; and Title 56, Oklahoma Statutes, Section 161 et. seq.

**COMMENT PERIOD:**

Written and oral comments will be accepted February 17, 2004 through March 18, 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 March 18, 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.

# Notices of Rulemaking Intent

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## **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 #04-92; filed 1-23-04]*

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

*[OAR Docket #04-70]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 1. General Provisions

Part 1. Scope and Applicability

340:75-1-6 [AMENDED]

340:75-1-8 [REVOKED]

340:75-1-21 [AMENDED]

Part 15. Training for Child Welfare Workers

340:75-1-233 [AMENDED]

Subchapter 3. Child Protective Services

340:75-3-2 [AMENDED]

340:75-3-6.1 [AMENDED]

340:75-3-8.1 [AMENDED]

340:75-3-12 [AMENDED]

340:75-3-13.1 through 340:75-3-13.2 [REVOKED]

Subchapter 12. ~~Child Welfare~~ OKDHS Operated Group Homes

340:75-12-1 [AMENDED]

Subchapter 18. Continuous Quality Improvement

340:75-18-2 through 340:75-18-3 [AMENDED]

(Reference APA WF # 04-01)

## **SUMMARY:**

The amendments to Subchapters 1, 3, 12, and 18 of Chapter 75 reflect: the elimination of references to procedures that are no longer applicable; inclusion of references to investigative procedures relating to the Address Confidentiality program (ACP), the Indian Child Welfare Act (ICWA), and inquiries by a parent regarding child abuse and neglect information; revocation of levels of services and service planning; clarification of the State Post Adjudication Review Advisory Board's (PARB) role; and correction of rule and statutory citations.

340:75-1-6, 75-12-1, 75-18-2, and 75-18-3 are amended and 75-1-8 is revoked to eliminate references to procedures that are no longer applicable and delete unnecessary language.

340:75-1-21 is amended to eliminate the once required notification to the State PARB of exceptions to termination of parental rights for children in out-of-home care.

340:75-1-233 is amended to correct scrivener's errors.

340:75-3-2 is amended to update and add definitions relating to Child Protective Services (CPS).

340:75-3-6.1 is amended to include references to investigative procedures relating to ACP and ICWA.

340:75-3-8.1 is amended to include DDS foster placements in the list of placements that fall within the scope of CPS investigative protocol.

340:75-3-12 is amended to include procedures for responding to inquiries by a parent regarding child abuse and neglect information.

340:75-3-13.1 and 75-3-13.2 are revoked as this information is incorporated in other sections of policy.

## **AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 7001-1.1 et seq., Oklahoma Children's Code, 7004-1.3, and 7006-1.6 of Title 10 of the Oklahoma Statutes.

## **COMMENT PERIOD:**

Written and oral comments will be accepted February 17, 2004 through March 18, 2004 during regular business hours by contacting Millie Carpenter, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, 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 February 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 #04-70; filed 1-21-04]*

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

*[OAR Docket #04-71]*

## **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

## **PROPOSED RULES:**

Subchapter 7. Foster Home Care

Part 1. General Provisions

340:75-7-1. [REVOKED]

- 340:75-7-2. [AMENDED]
  - 340:75-7-8. [REVOKED]
  - Part 2. Development of Resources
  - 340:75-7-10. [AMENDED]
  - 340:75-7-12. [AMENDED]
  - 340:75-7-12.1. [REVOKED]
  - 340:75-7-14. through 340:75-7-15. [AMENDED]
  - 340:75-7-15.1 through 340:75-7-17. [REVOKED]
  - 340:75-7-18. through 340:75-7-19. [AMENDED]
  - 340:75-7-20. [REVOKED]
  - 340:75-7-22. through 340:75-7-23. [REVOKED]
  - 340:75-7-24. [NEW]
  - Part 4. Foster Parents' Roles and Responsibilities
  - 340:75-7-36. [REVOKED]
  - 340:75-7-37. through 340:75-7-38. [AMENDED]
  - 340:75-7-41. [AMENDED]
  - 340:75-7-41.1. through 340:75-7-42. [REVOKED]
  - 340:75-7-48. [REVOKED]
  - Part 5. Eligibility and Payments
  - 340:75-7-51. through 340:75-7-53. [AMENDED]
  - 340:75-7-54. through 340:75-7-56. [REVOKED]
  - 340:75-7-58. through 340:75-7-60. [REVOKED]
  - Part 6. Foster Home Care Support Services
  - 340:75-7-62. [REVOKED]
  - 340:75-7-64. [REVOKED]
  - 340:75-7-65. [AMENDED]
  - 340:75-7-66. [REVOKED]
  - 340:75-7-69. through 340:75-7-70. [REVOKED]
  - Part 8. Continuous Quality Assessment of a Resource Home
  - 340:75-7-86. through 340:75-7-93. [REVOKED]
  - 340:75-7-94. [NEW]
  - Part 25. Emergency Foster Care Program
  - 340:75-7-260. through 340:75-7-261. [REVOKED]
  - 340:75-7-262. [AMENDED]
  - 340:75-7-263. through 340:75-7-269. [REVOKED]
- (Reference APA WF # 04-02)**

**SUMMARY:**

The amendments to Subchapter 7 of Chapter 75 clarify Foster Care resource services and program procedures in chronological order, update statutory citations, improve readability, eliminate unnecessary language, conform to current formatting guidelines, and coordinate with KIDS.

340:75-7-1; 75-7-8; 75-7-12.1; 75-7-15.1 through 75-7-17; 75-7-20 through 75-7-23; 75-7-36; 75-7-41.1 through 75-7-48; 75-7-54 through 75-7-64; 75-7-66 through 75-7-93; 75-7-260 and 75-7-261; and 75-7-263 through 75-7-269 are revoked.

340:75-7-2 is amended to include information previously included in 75-7-1 and delete definitions no longer applicable to the resource assessment process.

340:75-7-10 is amended to reflect the current focus of recruitment efforts.

340:75-7-12 is amended to provide a comprehensive listing of requirements for foster applicants.

340:75-7-14 is amended to expound on pre-service and in-service training requirements and the process for waiver of training requirements.

340:75-7-15 is amended to detail the assessment of background investigation results for all foster resources, including those conducted after-hours and on holidays.

340:75-7-18 is amended to reflect the chronological sequence of assessing resource families.

340:75-7-19 is amended to clarify that joint approval of a resource home is child-specific and approval based on the child's needs.

340:75-7-24 is added to provide comprehensive information specific to kinship care, placement, requirements, and payment options.

340:75-7-37 is amended to clarify the responsibilities of foster parents participating in the development and support of the child's permanency goal.

340:75-7-38 is amended to highlight the responsibilities, principles, teaching techniques, and behavior management of discipline.

340:75-7-41 is amended to specify placement considerations and requirements.

340:75-7-51 is amended to detail the procedures for foster care claims adjustments.

340:75-7-52 is amended to include information regarding the foster care contract provisions.

340:75-7-53 is amended to incorporate all difficulty of care (DOC) information in one section of policy and provide guidance on requesting, reviewing, and authorizing a DOC payment for a child.

340:75-7-65 is amended to incorporate foster care child care, formal and informal, and supportive services in one section of policy.

340:75-7-94 is added to provide information regarding yearly contract performance reviews and the process afforded to foster parents regarding these reviews.

340:75-7-262 is amended to include roles and responsibilities of CW staff and emergency foster care (EFC) agencies regarding EFC. Information pertaining to discharge of the child and change of placement information accompanying the child is included.

**AUTHORITY:**

Commission for Human Services, Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; and Section 7202.1 et seq. of Title 10 of the Oklahoma Statutes, Oklahoma Foster Care and Out-of-Home Placement Act

**COMMENT PERIOD:**

Written and oral comments will be accepted February 17, 2004 through March 18, 2004 during regular business hours by contacting Millie Carpenter, Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, 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 February 14, 2004.

## Notices of Rulemaking Intent

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### 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 #04-71; filed 1-21-04]*

## TITLE 380. DEPARTMENT OF LABOR CHAPTER 30. PROTECTION OF LABOR

*[OAR Docket #04-142]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

Subchapter 3. Wage Claim Procedures [AMENDED]

### SUMMARY:

The proposed amendment to Subchapter 1 interprets 40 O.S. § 165.4 by clarifying the meaning of "bona fide" disagreement as used in the statute and the standard to be utilized to determine whether a bona fide disagreement exists for purposes of determining liability under 40 O.S. §§ 165.2 and 165.3. The proposed revisions to 380:30-3-6: [1] provide a complete explanation and clarification of the burden of proof to be met by the participants in and parties to Oklahoma Department of Labor wage claim hearings; [2] conclusively confirm the present practice and policy of the Oklahoma Department of Labor's defense of Orders of Determination at Oklahoma Department of Labor hearings; [3] better delineate the Oklahoma Department of Labor's responsibilities through the defense of Orders of Determination, and [4] assure the parties at department wage claim hearings, a full, just, and timely substantive hearing on the merits.

### AUTHORITY:

Commissioner of Labor; 40 O.S. 1; 40 O.S. 165.1 et seq.; 40 O.S. 197.1 et seq.

### COMMENT PERIOD:

Written and oral comments on the proposed rules will be accepted until the conclusion of the public hearing March 19, 2004. Comments may be submitted in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Comments sent by mail must be received by the Oklahoma Department of Labor (ODOL) no later than March 19, 2004, and should be addressed as follows:

Oklahoma Department of Labor

Attention: T.L. Williams

Comments: Chapter 30 Rules

4001 N. Lincoln Blvd.

Oklahoma City, OK 73105

### PUBLIC HEARING:

A public hearing is scheduled for 1 p.m. March 19, 2004. Interested persons may present their views orally or in writing at the public hearing. Time will be allocated evenly among those who request to be heard. The public hearing will conclude no later than 2 p.m. March 19, 2004. The hearing will be held in the 3<sup>rd</sup> floor conference room at the Oklahoma Department of Labor, 4001 North Lincoln Blvd., Oklahoma City, Oklahoma.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide, within the comment period, ODOL with information, in dollar amounts if possible, about the increase in the level of costs, including indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Information mailed by business entities must be received by ODOL by March 19, 2004, and should be addressed as follows:

Oklahoma Department of Labor

Attention: T.L. Williams

Business Comments: Chapter 30 Rules

4001 N. Lincoln Blvd.

Oklahoma City, OK 73105

### COPIES OF PROPOSED RULES:

All requests for copies must be in writing and include the complete address of the person requesting the copies. Copies may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Requests for copies of the proposed rules may be obtained upon written request addressed to:

Oklahoma Department of Labor

Attention: T.L. Williams

Copy of Proposed Rules: Chapter 30 Rules

4001 N. Lincoln Blvd.

Oklahoma City, OK 73105

### RULE IMPACT STATEMENT:

A Rule Impact Statement will be available by March 3, 2004. The Rule Impact Statement may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the above address. All requests to receive the Rule Impact Statement by mail should be in writing and include the complete address of the requestor. The Rule Impact Statement may be obtained upon written request addressed to:

Oklahoma Department of Labor

Attention: T.L. Williams

Rule Impact Statement: Chapter 30 Rules

4001 N. Lincoln Blvd.

Oklahoma City, OK 73105

**CONTACT PERSON:**

T.L. Williams, Rules Liaison, (405) 528-1500, Extension 310

**ADDITIONAL INFORMATION:**

Comments, requests for copies of proposed rules, and requests for the Rule Impact Statement, must be made separately. Each item sent by mail must have sufficient postage attached. Insufficient postage will result in the return of the item unopened.

*[OAR Docket #04-142; filed 1-23-04]*

**TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD  
CHAPTER 10. LIQUEFIED PETROLEUM GAS ADMINISTRATION**

*[OAR Docket #04-68]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- 420:10-1-5. Permits [AMENDED]
- 420:10-1-6. Application for certificate or permit [AMENDED]
- 420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]
- 420:10-1-15. Standards for installations of gas appliances, ~~and gas piping, and testing and test records~~ [AMENDED]
- 420:10-1-20. Suspension or revocation of registration permits and fines; appeals [AMENDED]

**SUMMARY:**

The proposed permanent rule amendments to 420:10-1-5 would supersede emergency rules that will expire on July 14, 2004. Due to the budget crisis affecting the State of Oklahoma and the Oklahoma Liquefied Petroleum Gas Administration, the Legislature provided a specific mandate in HB1214 to give the Oklahoma LP Gas Board the authority to promulgate emergency rules to adjust fees. The emergency rule is of a continuing nature, therefore, the Oklahoma LP Gas Board is initiating proceedings for promulgation of a permanent rule.

The proposed permanent rule amendments to 420:10-1-6 would also supersede emergency rules that will expire on July 14, 2004. The proposed amendments are necessary in order to provide the Board with the specific requirements for transferring a Class I Permit and to bring the rules in compliance with the statutes.

The proposed amendments in 420:10-1-14, 420:10-1-15 and 420:10-1-20 are needed in order to update several rules currently in effect, delete irrelevant language and add new language that would clarify safety procedures within the LP Gas industry. Substantive amendments include deleting all references to LPG Form 4-A, which is the public building

inspection form, adding language that would require a customer's name to be included on a delivery meter ticket, providing guidelines for converting any stationary storage container from anhydrous ammonia to propane and outlining conditions when a pressure test and/or leak test must be performed. The rules also increase the maximum fine imposed, up to \$500.00, on three specific violations, where the current maximum fine is not sufficient to deter violators.

The Oklahoma Liquefied Petroleum Gas Board maintains that the promulgation of the rules would ultimately help preserve the health, safety and welfare of the general public. The intended effect of the rules is to increase public safety and aid the LP-Gas Board in enforcing the laws of the State of Oklahoma and the rules and regulations adopted pursuant to such laws.

**AUTHORITY:**

Oklahoma Liquefied Petroleum Gas Board; Pursuant to Statute 420.3. Oklahoma Liquefied Petroleum Gas Board - Rules, regulations and specifications. Subsection (G)(H)

**COMMENT PERIOD:**

Persons may present their views, in written form, to the Oklahoma Liquefied Petroleum Gas Administration, Jim Thorpe Building, 2101 N. Lincoln Blvd., Suite B-45, Oklahoma City, OK 73105-4990. Comments will be accepted between February 17 and March 18, 2004.

**PUBLIC HEARING:**

A Public Hearing is scheduled for 9:30 a.m., Thursday, March 18, 2004, in the Jim Thorpe Building, 2101 N. Lincoln Blvd., Suite B-45, Oklahoma City, Oklahoma. Interested persons may orally present their views or arguments at this time.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

The Oklahoma Liquefied Petroleum Gas Board requests that business entities affected by these proposed rules provide the Board, 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, record keeping, 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 Mr. Bill Glass, at the above address, before the close of the comment period on March 17, 2004.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained by calling the Oklahoma Liquefied Petroleum Gas Administration at (405) 521-2458. A \$6.00 charge will be assessed to offset copying charges and the cost of postage.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available after February 17, 2004, at the offices of the Oklahoma Liquefied Petroleum Gas Administration. (See address above)

# Notices of Rulemaking Intent

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## CONTACT PERSON:

For information regarding the proposed rulemaking, contact Mr. W.A. Glass, Administrator, at (405) 521-2458.

*[OAR Docket #04-68; filed 1-20-04]*

## TITLE 530. OFFICE OF PERSONNEL MANAGEMENT CHAPTER 10. MERIT SYSTEM OF PERSONNEL ADMINISTRATION RULES

*[OAR Docket #04-135]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Affirmative Action and Equal Employment Opportunity [AMENDED]
- Subchapter 7. Salary and Payroll [AMENDED]
- Subchapter 9. Recruitment and Selection [AMENDED]
- Subchapter 11. Employee Actions [AMENDED]
- Subchapter 13. Reduction-in-Force [AMENDED]
- Subchapter 15. Time and Leave [AMENDED]
- Subchapter 17. Employee Performance Management System and Career Enhancement Programs [AMENDED]
- Subchapter 21. Employee Assistance Programs [AMENDED]
- Appendix A. Salary Schedule [REVOKED]
- Appendix A. Salary Schedule [NEW]
- Appendix B. Schedule of Annual and Sick Leave Accrual Rates and Accumulation Limits [REVOKED]
- Appendix B. Schedule of Annual and Sick Leave Accumulation Limits and Yearly Accruals [NEW]

## SUMMARY:

In addition to the specific changes listed below, the Administrator is considering amendments to Subchapters 1, 3, 5, 7, 9, 11, 13, 15, 17, 21, and Appendix B to make current emergency rules permanent, to make the rules consistent with statute, to correct statutory citations, improve clarity, alleviate ambiguities, delete obsolete language, define terms, and correct scrivener's errors.

Subchapter 3-The Administrator is considering an amendment to 530:10-3-22 to state that Discrimination Complaints Investigators who have not completed or reported annual training may not conduct investigations of discrimination complaints. The Administrator is also considering amendments to 530:10-3-72, 530:10-3-75 and 530:10-3-78 to make terminology consistent and to clarify specifically which individuals must satisfy the training requirements in 530:10-3-78.

Subchapter 11-The Administrator is considering amendments to 530:10-11-134 to clarify the rule as it applies to "acting incumbents" who are hired to perform the duties of an employee who is absent due to military duty.

Subchapter 15-The Administrator is considering an amendment to 530:10-15-47 regarding leave without pay. The Administrator is also considering amendments to 530:10-15-45 to provide consistency with the federal Family and Medical Leave Act (FMLA). Specifically, the amendments under consideration would clarify that Appointing Authorities may designate qualifying leave as FMLA leave in the absence of a request from the employee.

The Administrator is considering revoking the current Pay Band Schedule (Appendix A) and adopting a new one to adjust the pay bands used for setting salaries for classified employees. The Administrator is considering this change due to the findings of the FY 2004 OPM Annual Compensation Report and the compensation adjustment recommendations of the Oklahoma Biennial Compensation Review Board.

## AUTHORITY:

The Administrator of the Office of Personnel Management; Sections 840-1.6A, 840-2.21, 840-2.10, 840-2.17, 840-2.20, 840-2.22, 840-2.27C, 840-2.29, 840-3.5, 840-3.8, 840-4.6 and 840-4.17 of Title 74 of the Oklahoma Statutes.

## COMMENT PERIOD:

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, ATTENTION: Kimberlee Williams, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105 or may be sent by email to [kimberlee.williams@opm.state.ok.us](mailto:kimberlee.williams@opm.state.ok.us). The comment period will begin on February 17, 2004. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., March 19, 2004.

## PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Thursday, March 18, 2004, at the Concourse Theater, located in the concourse between the Will Rogers and Sequoia state office buildings in the Oklahoma State Capitol Complex, Oklahoma City.

## COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 522-1736. The proposed rules will also be posted on the OPM website at [http://www.opm.state.ok.us/html/opm-adm\\_04memos.htm](http://www.opm.state.ok.us/html/opm-adm_04memos.htm).

## RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 3, 2004. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

## CONTACT PERSON:

Kimberlee Williams, Chief Policy Attorney, (405) 522-1736.

*[OAR Docket #04-135; filed 1-23-04]*

**TITLE 530. OFFICE OF PERSONNEL  
MANAGEMENT  
CHAPTER 15. VOLUNTARY PAYROLL  
DEDUCTION RULES**

*[OAR Docket #04-136]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General Provisions
  - 530:15-1-1. [AMENDED]
  - 530:15-1-2. [AMENDED]
- Subchapter 3. Administrative Provisions
  - 530:15-3-7.2. [NEW]
  - 530:15-3-11. [NEW]
  - 530:15-3-14. [NEW]
  - 530:15-3-15. [RESERVED]
  - 530:15-3-16. [NEW]

**SUMMARY:**

The Administrator is considering amendments to the above-listed rules in order to make the emergency amendments to these rules permanent. In addition, the Administrator may consider other amendments to Chapter 15 to make the rules consistent with statute, to correct statutory citations, improve clarity, alleviate ambiguities, delete obsolete language, define terms, and correct scrivener's errors.

**AUTHORITY:**

The Administrator of the Office of Personnel Management; Section 7.10 of Title 62 of the Oklahoma Statutes.

**COMMENT PERIOD:**

Persons wishing to present their views may submit written comments to the Office of Personnel Management. Written comments should be addressed to Mr. Oscar B. Jackson, Jr., Administrator, ATTENTION: Kimberlee Williams, Oklahoma Office of Personnel Management, 2101 North Lincoln Boulevard, Room G-80, Oklahoma City, OK 73105, or may be sent via email to [kimberlee.williams@opm.state.ok.us](mailto:kimberlee.williams@opm.state.ok.us). The comment period will begin on February 17, 2004. To be assured of consideration prior to the adoption of permanent rules, written comments must be received no later than 5:00 p.m., March 19, 2004.

**PUBLIC HEARING:**

A public hearing will be held at 1:30 p.m. on Thursday, March 18, 2004, at the Concourse Theater, located in the concourse between the Will Rogers and Sequoia state office buildings in the Oklahoma State Capitol Complex, Oklahoma City.

**COPIES OF PROPOSED RULES:**

Copies of the proposed rules may be obtained between 8:00 a.m. and 5:00 p.m. Monday through Friday at the Office of Personnel Management, 2101 N. Lincoln Blvd., Suite G-80, Oklahoma City, OK 73105. Telephone (405) 522-1736. The proposed rules will also be posted on the OPM website at [http://www.opm.state.ok.us/html/opm-adm\\_04memos.htm](http://www.opm.state.ok.us/html/opm-adm_04memos.htm).

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning March 3, 2004. Copies may be obtained at the Office of Personnel Management, address and telephone listed above.

**CONTACT PERSON:**

Kimberlee Williams, Chief Policy Attorney, (405) 522-1736.

*[OAR Docket #04-136; filed 1-23-04]*

**TITLE 595. DEPARTMENT OF PUBLIC  
SAFETY  
CHAPTER 1. GENERAL RULES OF THE  
DEPARTMENT OF PUBLIC SAFETY**

*[OAR Docket #04-82]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- Subchapter 1. Organization of the Department of Public Safety [AMENDED]
- Subchapter 3. Rules of Practice [AMENDED]
- Subchapter 9. Inspection and Copying of Final Orders, Decisions, Opinions and Open Records [AMENDED]

**SUMMARY:**

Amendments to 595:1-1 would clarify information regarding the organization of the agency. Amendments to 595:1-3 would clarify procedures relating to various hearings conducted by the agency. Amendments to 595:1-9 would clarify procedures relating to inspecting and obtaining records of the agency

The proposed actions are amendments to existing rules and creation of new rules.

The circumstances which created the need for these rules are the clarification of the organization of the agency and various procedures relating to hearings and open records.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. §§ 2-108, 2-123, and 6-117.

**COMMENT PERIOD:**

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

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 3:30 p.m., Friday, March 19, 2004, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 3:35 p.m.

## Notices of Rulemaking Intent

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### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

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

### CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #04-82; filed 1-23-04]*

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

*[OAR Docket #04-83]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

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

Subchapter 3. Examination [AMENDED]

Subchapter 9. Certified Schools and Designated Examiners [AMENDED]

Subchapter 11. Certified Schools and Designated Class D Examiners [AMENDED]

Subchapter 13. Parent-taught Driver Education [AMENDED]

### SUMMARY:

Amendments to this chapter would clarify and update procedures related to the issuance of driver licenses and identification cards, to the training and examination of applicants, to the technical procedures used when creating driver licenses and identification cards.

The proposed actions are amendments to existing rules.

The circumstances, other than clarifying language, which created the need for these rules is the need to update the driver license and identification card creation and issuance process and to update and refine procedures used for training and examining applicants.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

### AUTHORITY:

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

### COMMENT PERIOD:

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

### PUBLIC HEARING:

A public hearing regarding these proposed rules will be held at 8:30 a.m., Friday, March 19, 2004, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 8:35 a.m.

### REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

### COPIES OF PROPOSED RULES:

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

### RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person on and after March 5, 2004.

### CONTACT PERSON:

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #04-83; filed 1-23-04]*

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## TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 15. FINANCIAL RESPONSIBILITY

*[OAR Docket #04-84]*

### RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

### PROPOSED RULES:

Subchapter 1. Vehicle Liability Insurance Cancellation [AMENDED]

### SUMMARY:

Amendments to this chapter would modify insurance cancellation reporting procedures.

The proposed actions are amendments to existing rules and creation of new rules.

The circumstances which created the need for these rules are the provide more flexibility to insurance companies.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. §§ 7-608 and 7-609.

**COMMENT PERIOD:**

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

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 11:30 a.m., Friday, March 19, 2004, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 11:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #04-84; filed 1-23-04]*

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

*[OAR Docket #04-85]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Wrecker License [AMENDED]
- Subchapter 5. All Wrecker Operators [AMENDED]
- Subchapter 7. Class AA Operators [AMENDED]
- Subchapter 9. Oklahoma Highway Patrol Rotation Log - Additional Requirements [AMENDED]
- Subchapter 11. Denial, Suspension, Revocation or Cancellation of License; Denial or Removal of Class AA Operators from Rotation Log of the Oklahoma Highway Patrol [AMENDED]

**SUMMARY:**

Amendments to this chapter would clarify and update procedures for the licensing and operation of wrecker services. The proposed actions are amendments to existing rules.

The circumstances, other than clarifying language, which created the need for these rules are to improve the working environment of the wrecker and towing services as well as to ensure the safety and protect the property of the motoring public of Oklahoma.

The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

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

**COMMENT PERIOD:**

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

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 10:30 a.m., Friday, March 19, 2004, in the Conference Room at the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415,

## Notices of Rulemaking Intent

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Oklahoma City, OK 73136-0415. Phone: (405) 425-2024.  
Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #04-85; filed 1-23-04]*

### **TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 30. SIZE AND WEIGHT PERMITS**

*[OAR Docket #04-86]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

#### **PROPOSED RULES:**

Subchapter 1. General Provisions [AMENDED]  
Subchapter 3. Size and Weight Permit Load [AMENDED]  
Subchapter 5. Special Combination Vehicles [AMENDED]  
Subchapter 9. National and Regional Permits [AMENDED]

#### **SUMMARY:**

Amendments to this chapter would clarify and update procedures for the permitting the operation of over-dimension vehicles and loads in this state.

The proposed actions are amendments to existing rules.

The circumstances which created the need for these rules is the passage of Enrolled Senate Bill 460 (2001) which authorizes towing of trailers by certain escort vehicles.

The circumstances, other than clarifying language, which created the need for these rules are to improve the operating environment of over-dimension vehicles and loads on the highways as well as to ensure the safety and protect the property of the motoring public of Oklahoma.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

#### **AUTHORITY:**

Commissioner of Public Safety; 47 O.S. §§ 2-108 and 14-101 et seq.

#### **COMMENT PERIOD:**

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

#### **PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 2:30 p.m., Friday, March 19, 2004, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 2:35 p.m.

#### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase

in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

#### **COPIES OF PROPOSED RULES:**

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

#### **RULE IMPACT STATEMENT:**

A Rule Impact Statement for the proposed rules will be prepared, as required by law, and may be obtained from the contact person.

#### **CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #04-86; filed 1-23-04]*

### **TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 35. ENFORCEMENT OF OKLAHOMA MOTOR CARRIER SAFETY AND HAZARDOUS MATERIALS TRANSPORTATION ACT**

*[OAR Docket #04-87]*

#### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

#### **PROPOSED RULES:**

Chapter 35. Enforcement of Oklahoma Motor Carrier Safety and Hazardous Materials Transportation Act [AMENDED]

#### **SUMMARY:**

Amendments to this chapter would bring rules into conformity with federal regulations.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to remove or update language which is not in conformity with or is contradictory to federal regulations.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

#### **AUTHORITY:**

Commissioner of Public Safety; 47 O.S. § 230.4.

#### **COMMENT PERIOD:**

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

#### **PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 1:30 p.m., Friday, March 19, 2004, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther

King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 1:35 p.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #04-87; filed 1-23-04]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 40. DRIVER TRAINING AND IMPROVEMENT**

*[OAR Docket #04-88]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Subchapter 1. Driver Education Instruction [AMENDED]

**SUMMARY:**

Amendments to this chapter would clarify and update procedures relating to driver education instructors and instruction

The proposed actions are amendments to existing rules.

The circumstances, other than clarifying language, which created the need for these rules are to recognize new technologies and to ensure reliable service to the citizens of Oklahoma.

The intended effect of these rules is to allow the Department of Public Safety to perform its duties as required or authorized by law.

**AUTHORITY:**

Commissioner of Public Safety; 47 O.S. §§ 6-105 and 802.

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below.

Comments will be accepted up to the close of the public hearing.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules will be held at 9:30 a.m., Friday, March 19, 2004, in the Conference Room of the Robert E. Lester Training Center, 3600 N. Martin Luther King, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #04-88; filed 1-23-04]*

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY  
CHAPTER 45. BOATING AND WATER SAFETY**

*[OAR Docket #04-89]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking.

**PROPOSED RULES:**

Chapter 45. Boating and Water Safety [AMENDED]

**SUMMARY:**

Amendments to this chapter would bring rules into conformity with federal regulations.

The proposed actions are amendments to existing rules.

The circumstance which created the need for these rules is to remove or update language which is not in conformity with or is contradictory to federal regulations.

The intended effect of this rule is to allow the Department of Public Safety to perform its duties as required or authorized by law.

# Notices of Rulemaking Intent

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**AUTHORITY:**

Commissioner of Public Safety; 63 O.S. §§ 4009 and 4202.

**COMMENT PERIOD:**

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 1 p.m., Friday, March 19, 2004.

**PUBLIC HEARING:**

A public hearing regarding these proposed rules has not been scheduled. A public hearing will be scheduled if written request is received by the contact person no later than 1 p.m., Friday, March 19, 2004, in accordance with 75 O.S. § 303(C).

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

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

**CONTACT PERSON:**

David W. Beatty, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2024. Fax: (405) 419-2043. E-mail: dbeatty@dps.state.ok.us

*[OAR Docket #04-89; filed 1-23-04]*

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**TITLE 660. DEPARTMENT OF SECURITIES  
CHAPTER 1. ORGANIZATION AND  
PROCEDURES OF SECURITIES  
COMMISSION**

*[OAR Docket #04-137]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General provisions
- 660:1-1-3. Definitions [AMENDED]
- Subchapter 3. Organization
- 660:1-3-1. Purpose and organization [AMENDED]

Subchapter 5. Appeals

660:1-5-1. Procedures for appeals to the Commission  
[AMENDED]

**SUMMARY:**

The Oklahoma legislature enacted the Oklahoma Uniform Securities Act of 2004, 71 O.S., §§ 1-101 through 1-701, effective July 1, 2004 ("OUSA") to implement the Uniform Securities Act of 2002, and repealed the Oklahoma Securities Act, 71 O.S., §§ 1-413,501,701-703, effective July 1, 2004, in S.B. No. 724 of the First Session of the 49th Oklahoma Legislature. The proposed rule amendments will reflect this statutory change and clarify the procedures of the Securities Commission.

**AUTHORITY:**

Administrator, Oklahoma Department of Securities; 71 O.S., §§ 410 and 1-605

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before the end of the public hearing on March 18, 2004 to the Oklahoma Department of Securities, First National Center, Suite 860, 120 N. Robinson, Oklahoma City, OK 73102.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Thursday, March 18, 2004 at the offices of the Oklahoma Department of Securities, at the address above. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules but not the change in statutes 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 by the conclusion of the comment period and public hearing on March 18, 2004.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules are available in the offices of the Oklahoma Department of Securities, at the address above.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Securities at the above address beginning on or before March 3, 2004.

**CONTACT PERSON:**

Faye Morton, General Counsel, (405) 280-7700

*[OAR Docket #04-137; filed 1-23-04]*

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**TITLE 660. DEPARTMENT OF SECURITIES  
CHAPTER 2. ORGANIZATION AND  
PROCEDURES OF DEPARTMENT OF  
SECURITIES**

[OAR Docket #04-138]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 1. General provisions
- 660:2-1-3. Definitions [AMENDED]
- Subchapter 3. Organization
- 660:2-3-1. Organization [AMENDED]
- Subchapter 5. Authority and actions of administrator
- 660:2-5-4. Summary orders [AMENDED]
- Subchapter 7. Investigations
- 660:2-7-1. Initiation [AMENDED]
- 660:2-7-2. Authority [REVOKED]
- 660:2-7-3. Investigative ~~hearings~~ processes [AMENDED]
- 660:2-7-4. Subpoenas [REVOKED]
- 660:2-7-5. Testimony [REVOKED]
- 660:2-7-6. Reports [REVOKED]
- 660:2-7-7. Enforcement of process [REVOKED]
- 660:2-7-8. Right to counsel [REVOKED]
- 660:2-7-9. Termination of investigation [AMENDED]
- Subchapter 9. ~~Hearing~~ Individual proceeding practices and procedures
- 660:2-9-1. Hearings in general [AMENDED]
- 660:2-9-2. ~~Setting or denial of hearing~~ Initiation of individual proceedings [AMENDED]
- 660:2-9-3. Prehearing proceedings and ~~\_\_\_\_\_~~ processes [AMENDED]
- 660:2-9-4. Authority to subpoena witnesses [AMENDED]
- 660:2-9-5. ~~Right to counsel~~ Representation [AMENDED]
- 660:2-9-6. Rules of evidence at hearings [AMENDED]
- 660:2-9-7. Record of hearing [AMENDED]
- 660:2-9-9. Rehearings [AMENDED]
- Subchapter 11. Procedures for inspecting and/or copying public records
- 660:2-11-7. Fees [AMENDED]
- Subchapter 13. Declaratory rulings and interpretive opinions
- 660:2-13-1. Opinions [AMENDED]

**SUMMARY:**

The Oklahoma legislature enacted the Oklahoma Uniform Securities Act of 2004, 71 O.S., §§ 1-101 through 1-701, effective July 1, 2004 ("OUSA") to implement the Uniform Securities Act of 2002, and repealed 71 O.S., §§ 1-413, 501, 701-703, effective July 1, 2004, in S.B. No. 724 of the First Session of the 49th Oklahoma Legislature. The proposed rule amendments will reflect this statutory change and clarify the procedures of the Securities Department.

**AUTHORITY:**

Administrator, Oklahoma Department of Securities; 71 O.S., §§ 410 and 1-605

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5 p.m. on March 18, 2004 to the Oklahoma Department of Securities, First National Center, Suite 860, 120 N. Robinson, Oklahoma City, OK 73102.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Thursday, March 18, 2004 at the offices of the Oklahoma Department of Securities, at the address above. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules but not the change in statutes 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 by the conclusion of the comment period and public hearing on March 18, 2004.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules are available in the offices of the Oklahoma Department of Securities, at the address above.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Securities at the above address beginning on or before March 3, 2004.

**CONTACT PERSON:**

Faye Morton, General Counsel, (405) 280-7700

[OAR Docket #04-138; filed 1-23-04]

**TITLE 660. DEPARTMENT OF SECURITIES  
CHAPTER 6. FORMS**

[OAR Docket #04-139]

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

- Subchapter 5. Forms used under the Securities Act
- 660:6-5-1. Forms for registration or exemption of securities [AMENDED]
- 660:6-5-2. Licensing forms [AMENDED]

**SUMMARY:**

The proposed rule amendments are necessary to list the additional forms that are now used under the Securities Act.

**AUTHORITY:**

Administrator, Oklahoma Department of Securities; 71 O.S., §§ 1-101 through 1-701

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5 p.m. on March 18, 2004 to the Oklahoma

## Notices of Rulemaking Intent

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Department of Securities, First National Center, Suite 860, 120 N. Robinson, Oklahoma City, OK 73102.

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Thursday, March 18, 2004 at the offices of the Oklahoma Department of Securities, at the address above. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in by the conclusion of the comment period and public hearing on March 18, 2004.

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules are available in the offices of the Oklahoma Department of Securities, at the address above.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Securities at the above address beginning on or before March 3, 2004.

### **CONTACT PERSON:**

Faye Morton, General Counsel, (405) 280-7700

*[OAR Docket #04-139; filed 1-23-04]*

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## **TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 10. OKLAHOMA SECURITIES ACT [REVOKED]**

*[OAR Docket #04-140]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 10. Oklahoma Securities Act [REVOKED]

### **SUMMARY:**

The Department proposes revocation of the subject rules in its Chapter 10 that were promulgated under the Oklahoma Securities Act. The Oklahoma Securities Act was repealed in S.B. No. 724 of the First Session of the 49<sup>th</sup> Oklahoma Legislature, effective July 1, 2004.

### **AUTHORITY:**

Administrator, Oklahoma Department of Securities; 71 O.S., § 410.

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 18, 2004 to the Oklahoma Department of Securities, First National Center, Suite 860, 120 N. Robinson, Oklahoma City, OK 73102.

### **PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Thursday, March 18, 2004 at the offices of the Oklahoma Department of Securities, at the address above. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies of proposed rules are available in the offices of the Oklahoma Department of Securities, at the address above.

### **RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Securities at the above address beginning March 3, 2004.

### **CONTACT PERSON:**

Faye Morton, General Counsel, 405-280-7700

*[OAR Docket #04-140; filed 1-23-04]*

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## **TITLE 660. DEPARTMENT OF SECURITIES CHAPTER 11. OKLAHOMA UNIFORM SECURITIES ACT OF 2004**

*[OAR Docket #04-141]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 11. Oklahoma Uniform Securities Act of 2004  
[NEW]

### **SUMMARY:**

The Oklahoma legislature enacted the Oklahoma Uniform Securities Act of 2004, 71 O.S., §§ 1-101 through 1-701, effective July 1, 2004 ("OUSA") to implement the Uniform Securities Act of 2002, and repealed 71 O.S., §§ 1-413, 501, 701-703, effective July 1, 2004, in S.B. No. 724 of the First Session of the 49<sup>th</sup> Oklahoma Legislature. The proposed rules are necessary to implement OUSA, and the majority of the proposed rules substantially replicate the existing rules in OAC Title 660, Chapter 10.

Two of the other proposed rules establish a procedure to allow Canadian broker-dealers to service Canadian retirement accounts or their clients who are only temporarily present in Oklahoma. Another proposed rule exempts otherwise registered investment advisers or their representatives from an additional registration requirement. A fourth proposed rule establishes ethical practices for issuer agents similar, to the extent applicable, to that imposed on broker-dealers and their agents.

### **AUTHORITY:**

Administrator, Oklahoma Department of Securities; 71 O.S., §§ 1-101 through 1-701

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so before the end of the public hearing on March 18, 2004, to the Oklahoma Department of Securities, First National Center, Suite 860, 120 N. Robinson, Oklahoma City, OK 73102.

**PUBLIC HEARING:**

A public hearing will be held at 10:00 a.m. on Thursday, March 18, 2004 at the offices of the Oklahoma Department of Securities, at the address above. Anyone who wishes to speak must sign in at the door by 9:45 a.m.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

Business entities that will be subject to 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 but not the change in statutes. Business entities may submit this information in by the conclusion of the comment period and public hearing on March 18, 2004.

**COPIES OF PROPOSED RULES:**

Copies of proposed rules are available in the offices of the Oklahoma Department of Securities, at the address above.

**RULE IMPACT STATEMENT:**

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Securities at the above address beginning on or before March 3, 2004.

**CONTACT PERSON:**

Faye Morton, General Counsel, (405) 280-7700

*[OAR Docket #04-141; filed 1-23-04]*

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

*[OAR Docket #04-75]*

**RULEMAKING ACTION:**

Notice of proposed **EMERGENCY and PERMANENT** rulemaking.

**PROPOSED RULES:**

Chapter 10. Ad Valorem [AMENDED]

**SUMMARY:**

Pursuant to the authority set out in 68 O.S. § 2875(D)(4), the Oklahoma Tax Commission shall promulgate rules describing the methodology and sources utilized to establish the schedules of values provided to aid county assessors in the assessment of personal properties.

**AUTHORITY:**

68 O.S. §§ 203, 2875(D)(4); Oklahoma Tax Commission

**COMMENT PERIOD:**

Persons wishing to make written submissions may do so by 4:30 p.m., March 24, 2004, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

**PUBLIC HEARING:**

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, **2:00 p.m., March 26, 2004**, at the main offices of the Oklahoma Tax Commission, M. C. Connors Building, Room 1-24, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma.

**REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:**

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

**COPIES OF PROPOSED RULES:**

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

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared and will be available for review no later than March 3, 2004 from the same source listed above for obtaining copies of proposed rules.

**CONTACT PERSON:**

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

*[OAR Docket #04-75; filed 1-22-04]*

**TITLE 715. TEACHERS' RETIREMENT SYSTEM  
CHAPTER 10. GENERAL OPERATIONS**

*[OAR Docket #04-77]*

**RULEMAKING ACTION:**

Notice of proposed **PERMANENT** rulemaking

# Notices of Rulemaking Intent

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## PROPOSED RULES:

- Subchapter 1. Membership Provisions  
715:10-1-4. [AMENDED]
- Subchapter 7. Membership Vesting and Termination  
715:10-7-1. [AMENDED]  
715:10-7-3. [AMENDED]  
715:10-7-4. [AMENDED]
- Subchapter 11. Withdrawal from Membership and Refund  
of Deposits  
715:10-11-1. [AMENDED]
- Subchapter 15. Service Retirement  
715:10-15-10.2. [NEW]  
715:10-15-10.3. [NEW]  
715:10-15-15. [AMENDED]
- Subchapter 17. Post-Retirement Employment  
715:10-17-6. [AMENDED]  
715:10-17-13. [AMENDED]
- Subchapter 23. State and Education Employees Group  
Health and Dental Insurance Program  
715:10-23-1. [AMENDED]  
715:10-23-2. [AMENDED]  
715:10-23-3. [AMENDED]

## SUMMARY:

These rules are to effect an orderly plan for the operation and administration of the Teachers' Retirement System.

## AUTHORITY:

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

## COMMENT PERIOD:

Written comments may be made from February 18, 2004, through March 19, 2004, filed with and available for inspection in the Office of the Executive Secretary, Teachers' Retirement System of Oklahoma, 5<sup>th</sup> Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma, from 8:00 a.m. until 4:30 p.m. Monday through Friday, excluding holidays, or by mailing same to the Executive Secretary, Teachers' Retirement System of Oklahoma, P.O. Box 53524, Oklahoma City, OK 73152.

## PUBLIC HEARING:

A public hearing will be held from 9:00 a.m. until 10:00 a.m. on March 19, 2004, at the offices of the Teachers' Retirement System, 5<sup>th</sup> Floor, Oliver Hodge Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma. Written notice of intent to make oral comments is encouraged. Individuals who file a written notice to comment will be scheduled to speak before comments are accepted from the audience. Written notice may be filed with the Executive Secretary, Teachers' Retirement System of Oklahoma, 5<sup>th</sup> Floor, Oliver Hodge Building, 2500 N. Lincoln Boulevard, Oklahoma City, Oklahoma 73105, until 4:30 p.m. on March 18, 2004. Written notice may be mailed to: Executive Secretary, Oklahoma Teachers' Retirement System, P.O. Box 53524, Oklahoma City, OK 73152.

## REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

## COPIES OF PROPOSED RULES:

Copies of the proposed rule may be obtained for review from the Teachers' Retirement System of Oklahoma, 5<sup>th</sup> Floor, Oliver Hodge Building, 2500 N. Lincoln Boulevard, Oklahoma City, Oklahoma.

## RULE IMPACT STATEMENT:

The Oklahoma Teachers' Retirement System will issue a rule impact statement. Copies of the statement may be obtained from the Oklahoma Teachers' Retirement System, 5<sup>th</sup> Floor, Oliver Hodge Building, 2500 N. Lincoln Boulevard, Oklahoma City, beginning February 17, 2004, between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

## CONTACT PERSON:

Jacqueline Scott Shannon, Communications Director/Rules Liaison, (405) 521-4743

*[OAR Docket #04-77; filed 1-22-04]*

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## TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 1. GENERAL

*[OAR Docket #04-93]*

## RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

## PROPOSED RULES:

Chapter 1. General [AMENDED]

## SUMMARY:

The rule outlines the additional notice that will be provided to the public when the State Board proposes to conduct a meeting by teleconference (as that term is defined in the statute.) The rule addresses the procedures to be followed in the event there is an interruption in the telecommunication link. A rule is being proposed to clarify the procedures the State Board and staff will utilize in proposing to conduct, and conducting, meetings authorized to be conducted by teleconference. The passage of H.B. 2028 (2000) allowed the State Board to conduct meetings by teleconference. These administrative rules are to help the public understand what procedures would be applicable for the State Board's meetings, including any meetings held by teleconference. The proposed rule amendment specifies that documents published for other entities will not be sent to the Publications Clearinghouse. Further, it specifies the number of documents that are currently sent to the Publications Clearinghouse. The action taken provides clarification of the Publications Clearinghouse function and processes. The Printing Plant publishes documents for other entities, which would not fall under this rule. Also, the Publications Clearinghouse does not require 25 copies of curriculum products. The rule amendment identifies the correct individual who serves as Publications Officer. The action identifies the Manager of Creative Services as the Publications Officer. The official name of the Art

Division changed to the Creative Services Division in February 2003. To clarify the correct title of the Publications Officer. Publications Clearinghouse activities updated.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, §14-104, as amended

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., February 18 through March 25, 2004, to Valerie Payne, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Tuesday, March 30, 2004, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 18, 2004, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared, as required by law, and will be available beginning February 18, 2004, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist (405) 743-5455

*[OAR Docket #04-93; filed 1-23-04]*

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

*[OAR Docket #04-94]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 10. Administration and Supervision [AMENDED]

**SUMMARY:**

In the 2000 legislative session the Oklahoma legislature changed the official name in the statues from Area Vocational Technical Schools to Technology Centers. The name change will more accurately convey the true nature of the area vocational-technical system and the need to accurately convey a more modern depiction of the area vocational-technical

system and to ensure compliance. Proposed amendment further clarifies that state funding of programs is what is being approved or non-approved and more clearly defines that state funding of new programs is determined by reviewing all new program request. Technology center personnel have requested interpretation of this rule the current rule's ambiguity has made interpretation difficult. This will ensure it is clear that the Department has the responsibility to approve or not approve state funding for all new programs requested. Proposed amendment updates the rules governing the responsibilities of the agency ICT staff and give basis for implementing the State's Information Security Policy. Ongoing technology deployment in the agency, staffing requirements to develop and support the agency's technology systems and resources, and compliance with the State's Information Security Policy created the need for updating the rule. The effect is to accurately outline the existing responsibilities of the SDCS and ETR staff and give basis for implementing the State's Information Security Policy. The proposed action taken updates stated responsibilities for the SDCS and ETR staff. Proposed amendment changes Applied Technology/Academic Education (ATAE) to TechConnect and/or TechConnect Plus programs receiving program incentive assistance and teacher salary supplement and reflects the name change for the previous program name and better clarifies the funds. The TechConnect program format was adopted by the state CareerTech Board and this created a reason for this rule change and the effect of this rule is to change the program name from ATAEE to TechConnect and clarification. Proposed amendment adds the new TechConnect program name in place of the previous ATAEE program name and adds TechConnect to Standards to replace ATAEE. TechConnect was adopted by the state CareerTech Board to replace the existing ATAEE programs and this officially makes the program name change. Proposed amendments clarify the manner in which program assistance monies may be spent, and that these monies are not specified as grants. This action taken provides clarification to comprehensive school administrators, program specialist and state program administrators on how the program assistance monies may be spent. Clarification is needed on the ways program assistance monies may be spent by the state agency, teachers and administrators in comprehensive schools. The effect is informed ODCTE staff, teachers and administrators in comprehensive schools. Clarifies the manner in which new program starts may receive matching funding. The action taken provides clarification to comprehensive school administrators, program specialist and state program administrators on the availability of funds for new programs. Clarification is needed on matching funds for new program starts and informing ODCTE staff, teachers and administrators in comprehensive schools. The proposed amendment allows the local education agency additional days to submit the Salary and Teaching Schedule to the Department and it adds OCAS class coding which has been added to the Salary and Teaching Schedule. The action taken provides an additional 15 days for submittal of form. Many school districts throughout the state started school after Labor Day this year

## Notices of Rulemaking Intent

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and requested an extension and this allows school districts with CareerTech teachers more time to submit the Salary and Teaching schedule. Proposed amendment is a rule that has not been enforced for a number of years and is not being utilized; therefore consideration should be given to delete the rule. Program administrators of each division should assume the responsibility on how equipment is delivered or transferred. The rule is not being utilized at this time. School districts and divisions are not being invoiced. It will eliminate equipment delivery charges for school districts. Proposed amendment clarifies the guidance services that are offered by technology centers. The amendment clarifies the guidance services offered at technology centers and the guidance services needs in order to better identify what technology centers are doing or need to be doing in terms of career guidance services. The effect of the rule is to help technology centers better implement career guidance practices. Consolidates on-site assistance and in-service programs and activities and consolidates the statement terms on site assistance and in-service programs and activities into the same description. The terms on site assistance and inservice programs and activities can be used interchangeably. The effect of the rule is to bring the terms on site assistance and inservice programs and activities into the same group. Proposed amendment defines responsibilities of eligible recipients regarding program local applications and contracts, clarifies the language regarding program local applications and contracts, clarification was needed to better define the language regarding program local applications and contracts, and the amendment will clarify the responsibility of eligible recipients regarding local applications and contracts. Proposed amendment clarifies the role of the division using current language and clarifies the divisions' responsibility for the system. Area schools are now called technology center and public information has changed to communications and marketing. The agency will coordinate statewide efforts for marketing and communications. Proposed rule clarifies language and updates roles and aligns with the responsibilities of communications and marketing professionals of technology centers. Roles of communications and marketing professionals have expanded and better defines role of the agency. Rule is incorporated into rule (b) and eliminates the need for an additional rule. The scope of responsibilities can be better encompassed in one rule which defines job responsibilities. The rule amendment identifies the expanded nature of materials developed and disseminated. The action specifies a broader range of materials developed beyond curriculum. Products developed now include such items as tests, online courses, CDs, videos, etc. which are now included in the broader term "instructional materials". To clarify to customers the scope of materials offered. The rule amendment corrects the sources of pricing information. The action clarifies the sources of pricing information regarding these materials. CIMC is no longer affiliated with an online partner, so this source of pricing information was modified. To clarify to customers the correct sources of pricing information. The rule amendment identifies two additional forms of payment

that are accepted by Customer Service. The action specifies a broader range of payment options for CIMC and MAVCC customers. Payment may now be accepted by credit card or personal check in addition to purchase orders. To clarify to customers the payment options available when purchasing instructional materials. The rule amendment adds the payment option of credit cards and eliminates a step in the confirmation of purchase orders. The action clarifies the payment options and correct steps when using purchase orders. Curriculum Customer Service accepts credit cards for orders and has eliminated a step in the confirmation of purchase orders. To clarify to customers the payment options and correct steps in the use of purchase orders. The rule amendment eliminates a piece of information no longer acquired by Customer Service. The action clarifies the information acquired during the placing of an order. Curriculum Customer Service no longer asks for teacher name when placing orders for instructional materials. To clarify to customers the information gathered during the ordering process. The rule amendment corrects the available options for payment when faxing order. The action clarifies the options customers have for payment when faxing orders. Customer Service now accept credit cards as well as purchase orders as payment on faxed orders. To clarify to customers the options they have for payment when faxing orders. The rule amendment corrects the available options for placing orders for CIMC materials. The action clarifies the options customers have for placing orders for CIMC materials. CIMC no longer is affiliated with an online partner, so this ordering option is no longer available. To clarify to customers the options they have for placing orders with CIMC. The rule amendment identifies an additional form of payment that is accepted by Customer Service. The action specifies a broader range of payment options for CIMC and MAVCC customers. Payment may now be accepted by credit card in addition to a United States money order. To clarify to customers the payment options available when purchasing instructional materials. The rule amendment specifies the broader options and source of payment policies for CIMC online curriculum. The action clarifies that online curriculum might come from a variety of sources and the payment policies are those of CIMC. CIMC is working cooperatively with a number of online curriculum delivery providers, so this statement has been broadened. Further, CIMC is no longer affiliated with an online partner, so the payment policies are CIMC's only. To clarify to customers the online delivery options and payment policies affiliated with CIMC. The rule amendment identifies the availability of a new product line for customers. The action identifies the availability of online testing and the fact that this system is free to Oklahoma CareerTech programs. The online testing system was implemented in October 2001 and is available free to Oklahoma CareerTech programs and for a fee to other states and entities. To notify customers of the availability and costs associated with the online testing system. The rule amendment clarifies that returned materials must be in resalable condition. The action limits items that can be returned to those items that can be re-sold to another customer. CIMC experiences revenue

losses due to materials being returned in poor condition. To communicate to customers the stipulation of items being in resalable condition in order to receive full credit. The rule amendment clarifies that returned materials must be in resalable condition. The action limits items that can be returned to those items that can be re-sold to another customer. CIMC experiences revenue losses due to materials being returned in poor condition. To communicate to customers the stipulation of items being in resalable condition in order to receive full credit. The rule amendment identifies the stipulations associated with returning instructional materials for full credit. The action identifies the conditions that must be met in order for a customer to receive full credit for returned instructional materials. The agency experiences revenue losses due to materials being returned in poor condition, after the prescribed return period, or without authorization. To communicate to customers the stipulations associated with receiving full credit for returned instructional materials and thus avoid receipt of items that fall outside those parameters. The rule amendment identifies the stipulations associated with returning CIMC products for credit. The action identifies the three conditions that must be met in order for a customer to receive full credit for a CIMC returned materials. CIMC experiences revenue losses due to materials being returned in poor condition, after the prescribed return period, or without authorization. To communicate to customers the stipulations associated with receiving full credit for CIMC returned materials and thus avoid receipt of items that fall outside those parameters. The rule amendment identifies an additional fee that will be assessed to customers who return CIMC materials outside the stipulations for full credit. The action identified notifies customers of the presence of a restocking fee for CIMC materials returned outside the stipulations for full credit. Products may be returned outside the stipulations for full credit under certain conditions. If this occurs, a restocking fee will be assessed. To clarify to customers the presence of a restocking fee in instances where a product is returned outside the stipulations for full credit. The rule amendment broadens the method of notifying Curriculum Customer Service of receipt of damaged materials. The action identified allows customers to notify Curriculum Customer Service of receipt of damaged materials in methods other than written notification. Curriculum Customer Service finds that it's equally efficient to receive notification of receipt of damaged materials via e-mail or phone to receiving this notification via written notice. To increase options to customers in notifying Curriculum Customer Service of receipt of damaged materials. The rule amendment eliminates a specific percent being designated as a shipping charge. A specific shipping charge will not be specified in rules as this varies and will easily become outdated. Customer Service now uses and Oracle sales system and shipping charges vary according to specific orders, rather than being one standard percentage. To allow shipping charges to be applied through the Oracle program, varying according to the circumstances, rather than charging a flat 10% rate.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, §14-104, as needed

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., February 18 through March 25, 2004, to Valerie Payne, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Tuesday, March 30, 2004, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 18, 2004, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared, as required by law, and will be available beginning February 18, 2004, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist (405) 743-5455

*[OAR Docket #04-94; filed 1-23-04]*

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 15. AREA  
VOCATIONAL-TECHNICAL SCHOOLS**

*[OAR Docket #04-95]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 15. Area Vocational-Technical Schools  
[AMENDED]

**SUMMARY:**

In the 2000 legislation session the Oklahoma legislature changed the official name in the statues from Area Vocational Technical Schools to Technology Centers. The name change will more accurately convey the true nature of the area vocational-technical system and the need to accurately convey a more modern depiction of the area vocational-technical system and to ensure compliance. Proposed amendment allows for the graduation of revenue reductions to technology

## Notices of Rulemaking Intent

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centers due to de-annexation elections, for the removal of advalorem tax collections to a technology center on an identified schedule in order to allow for financial adjustment to be made, allow for the immediate removal of advalorem collections from the technology center following a de-annexation election. This methodology does not consider the impact on the technology center or its ability to continue to provide programs and services to patrons remaining in the district. The intent is to allow the technology center to adjust program offerings and services to patrons that remain in the district. The immediate removal of funds does not allow patrons of other sending districts to complete programs due to a reduction in course offerings. It is further intended to allow the technology center to honor teacher and vendor contracts that were signed prior to the de-annexation election. The technology center board of education has scaled the size of the operation according to the demand of services and the resources available. The immediate removal of resources and demand by one sending population should not have immediate affects upon the entire technology center district. Proposed amendment addresses emerging student needs and a greater number of students will be able to access programs that are currently not available to them. An increased need for more students to access career and technology education programs and services at an earlier age and better meet individual student needs. Provide clarification as to which students the area vocational-technical school is responsible for transporting. The area vocational-technical school is responsible for transporting secondary students who are enrolled in a three period block of instruction during the day program at the area vocational-technical school. No new action proposed it provides clarification in response to recent questions about the intent of the existing rule. Proposed amendment states that not all funds flow to technology centers through a formula allocation plan and clarifies who can approve allocation of funds to technology centers. The existing rule has become outdated and this will clarify and make more efficient. Proposed amendment clarifies current practice includes review and approval of all building projects, which are designed to house CareerTech programs and/or services, by the technology center local board and the technology center services division of the Oklahoma Department of Career and Technology Education. The technology center services division has used a standardized review process for several years to ensure compliance with applicable state and federal laws. The 2002 Oklahoma Legislature amended 70§ 14-108 so "The board of education of a technology center school district may, without prior approval of the State Board of Career and Technology Education, approve all plans and specifications for technology center school buildings, additions, and major modifications to school buildings that are designed to provide programs and services when the cost of the building project is to be paid with local levies." Ensures continued review of all technology center building plans and specifications, which are designed to provide CareerTech programs and services, by the Oklahoma Department of Career and Technical Education. The need

is 2002 Amendment 70§ 14-108 and to ensure compliance with all applicable state and federal rules and regulations. Proposed amendment clarifies in-district students should derive maximum benefit from the technology center and should not be expected to subsidize the costs associated with out-of-district students. Reciprocity agreements should apply to in-district students, not out-of-district students. In-district students will derive the greatest benefit from the technology center. Reciprocity agreements between technology centers will enable students from all technology center districts to receive educational services at in-district cost. Recognition that there is an emerging trend for out-of-district students to enroll in technology center programs. Priority should be given to in-district students. Maximize the benefit in-district students receive from the technology center. The proposed amendment clarifies the responsibility of the technology centers to serve the larger public without imposing arbitrary or inappropriate barriers and correctly identifies the federal authorizing legislation. The amendment updates the current authorizing federal legislation and clarifies the procedures for determining admission criteria. The authorizing federal legislation was renamed thus making the terminology obsolete. Clarification was needed to assure adherence to the open admissions foundation of career and technology education. The correct federal authorizing legislation is cited for reference. Technology Centers will appropriately implement admission procedures for all students. Proposed amendments clarify the regulatory responsibility of technology centers regarding the discipline of students with disabilities and clarifies the procedures necessary for disciplining students with disabilities, and to assure compliance with the applicable federal regulations. Technology Centers will appropriately implement discipline procedures for students with disabilities in accordance with federal regulations. Update language to that which is aligned with the Perkins Act of 1998, align language in agency rules with that in federal legislation. The latest reauthorization of the Perkins legislation moved further away from an academic services model that targeted remedial services (education enhancement) and more emphatically toward a model that requires the integration of academic instruction with the technology instruction for all students, regardless of their academic functioning level. Integrated academic instruction would be perceived as and delivered as substantial, rigorous instruction that would support the progress of all students in all programs, regardless of their extant academic functional level. The proposed amendment states a de-annexation election cannot be held within one (1) year from the last unsuccessful de-annexation election for that territory. The petition for de-annexation shall contain certain required language, and must be personally signed by the elector. Clarification of the approval process by the State Board and the required content of the petition for de-annexation. Citizen calls and inquiries have indicated that the present rule contains some ambiguities that need to be clarified to enable the process to work efficiently and to clarify the requirements for a petition for de-annexation from

a Technology Center School District. Proposed amendment defines administrative cost and imposes penalties for excessive administrative cost. Adopting the standard federal definition of administrative cost and penalizing technology centers, which exceed established caps. Public interest in the amount of administrative cost in education and a demand for accountability. The rule intent is to establish parameters for acceptable administrative cost and to establish monetary penalties for technology centers that exceed acceptable limits.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, §14-104, as amended

**COMMENT PERIOD**

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., February 18 through March 25, 2004, to Valerie Payne, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Tuesday, March 30, 2004, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 18, 2004, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared, as required by law, and will be available beginning February 18, 2004, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist (405) 743-5455

*[OAR Docket #04-95; filed 1-23-04]*

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 20. PROGRAMS AND SERVICES**

*[OAR Docket #04-96]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 20. Programs and Services [AMENDED]

**SUMMARY:**

In the 2000 legislative session the Oklahoma legislature changed the official name in the statues from Area Vocational Technical Schools to Technology Centers. The name change will more accurately convey the true nature of the area vocational-technical system and the need to accurately convey a more modern depiction of the area vocational-technical system and to ensure compliance. The proposed amendments add the TechConnect Plus high school program to the existing Trade and Industrial Education program offerings and offer continuing education/training where students are unable to attend programs at the local technology center. This was created to meet the needs of students that were unable to attend existing technology center programs and this will offer continued training for students in the 11<sup>th</sup> & 12<sup>th</sup> grades that are unable to attend existing technology center programs. Adds the TechConnect and TechConnect Plus programs to the related courses listing and the description of a full-time TechConnect Plus program. Proposed amendment will include the program name change and the hours required to be considered to be a full time TechConnect Plus program. The circumstances for creating this rule amendment were the TechConnect Plus program name change for 11<sup>th</sup> & 12<sup>th</sup> program offerings in the comprehensive schools and establishing the required hours of instruction required for a TechConnect Plus program. Adds the maximum enrollment for a Technology Education and TechConnect program and defines the maximum number of students to be enrolled in each period per day for an effective Technology Education and TechConnect program. The Technology Education maximum enrollments decreased from 25 to 24 per period. The TechConnect program maximum enrollment period will be 20 per period. Rule defines the maximum students permitted to enroll in each period for a Technology Education and TechConnect program. TechConnect Plus program, and adds a reference guide for program facilities and defines a state developed guide to be used as a reference, also schools have requested more assistance in remodeling and building programs this gives them a standard to use and this will define quality program facilities. The proposed amendments drop VICA from the SkillsUSA student organization. This is due to the SkillsUSA student organization dropping VICA from its national organization name. This will make us current with the name change for SkillsUSA. Adds the new TechConnect program name in place of the previous ATAE program name. TechConnect was adopted by the state CareerTech Board to replace the existing ATAE program. Proposed amendment denotes supervision of Technology Education and TechConnect programs. This adds Technology Education as the primary division supervising the TechConnect programs. Adds the number of technology systems and cluster areas included in a Technology Education program and defines the minimum number of periods per day for an effective Technology Education program. The minimum number of periods was not listed in the previous revisions and this will define a full time Technology Education program. The proposed amendment adds a rule that requires schools

## Notices of Rulemaking Intent

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to assign a letter grade to indicate a student's progress when enrolled in a supervised work-based/cooperative education experience. Proposed amendment will add a rule to Section 780:20-3-1. (e) (5) Scholastic credit. An incident where a school wanted to give work-based/cooperative education students that are participating in supervised on-the-job training a (S) Satisfactory or (U) Unsatisfactory grade because this is the way they grade their work-release students. The rule would allow students to be rewarded for performing in a manner that reflects quality rather than being graded for just showing up to work. The big difference between work release and work-based cooperative education is that work-based cooperative education serves the laboratory for students to practice what is being taught in the marketing management programs. All work-based cooperative students have Memorandums of Training, Training Plans and receive written performance evaluations conducted each grading period. All of this is done under the supervision of the Marketing Education teacher-coordinator. Some of these are mandated by Federal Statutes and the other are required under our current "Rules for CareerTech" which are designed to raise student expectations. Proposed amendments address the maximum enrollment in a family and consumer sciences program, provided a department has adequate space, equipment and laboratories available in the facility. The proposed action is a name change for (II) and (III) to correlate with name changes already in effect at schools and capacity change for (III). The proposed name changes are necessary to align with course names that have changed. The proposed capacity change will assist districts with enrollment and allow more students to enroll. The intended effect of the rule is to be used as a guide for enrollments in family and consumer sciences courses for safety and quality education. Clarifies the responsibilities of the family and consumer sciences program instructor and requirements for a part-time program schedule. Provides clarification of the instructor's duties and requirements for a part time program schedule. There are school districts where the family and consumer sciences instructor is required to perform additional full time duties. These additional responsibilities do not allow time for the instructor to perform the necessary and required duties of a family and consumer sciences instructor. Reinforce the fact that each CareerTech instructor has specific duties associated with a the program, FCCLA meetings, activities, state staff development meetings. The proposed amendment will increase the maximum number of students allowed in each Agricultural Education program if appropriate space is available and this will relieve enrollment restrictions, current enrollment policies do not allow full utilization of facilities and equipment. The school district will be able to utilize the Agricultural Education facility to its full potential. Clarifies the responsibilities of the agricultural education program instructor and instructor duties. There are school districts where the agricultural education instructor is required to perform additional full-time duties. These additional responsibilities do not allow time for the instructor to perform

the necessary and required duties of an agricultural education instructor.

Reinforce the importance that each instructor has specific duties associated with the program, supervised agricultural experience projects, and other program functions. Clarifies the responsibilities of the agricultural education instructor for submitting a summer program of work and the process for summer leave. There is currently no consistency from school to school on summer requirements. This amendment will assist the instructor and school administration by providing structure for the summer responsibilities and summer leave of the instructor. Reinforce the importance that each instructor has specific duties associated with the summer months. Clarifies the responsibility of the school district to provide transportation services to each agricultural education program (instructor). The action taken provides clarification of the transportation services requirement. There are school districts with multiple teacher agricultural education programs who are not meeting the transportation requirements or their teachers. Reinforce the importance of transportation services being provided to each agricultural education instructor. Each instructor has specific duties associated with the program, supervised agricultural experience projects, and other program functions. The proposed amendments reflect the name change of the division and unify language, clarify methods of delivery, and reflect name change of the student organization for the Business and Information Technology Education Division. Change FBLA/PBL, Future Business Leaders of America/Phi Beta Lambda to BPA, Business Professional of America. Change in direction of curriculum has led us to change the student organization name to BPA, Business Professionals of America. Proposed amendments specify how many non-funded courses may be taught and required conference periods for comprehensive high school instructors. Provides specific guidelines for Health Occupations Education that was not present in past rules and regulations. Clarifies the length of programs in comprehensive high schools, technology centers, and for adult programs. Rules provides an individualized approach to defining program length. Clarification was needed to represent what variances occur within individualized settings. Clarifies that accrediting agencies often set student per instructor ratios. Provides further clarification to full time program capacity. Clarification was needed to point out the exception for those whose student per instructor ratio is set by accreditation. Maintain appropriate ratio in adult full time programs. Updates teachers and administration what is to be located in each Health Occupation Education instructor's file. Provides clarification for expectations for Health Occupations Education instructors. The proposed amendments align the state rules with a the requirements of the Carl Perkins Act of 1998, the Individual with Disabilities Education Act Amendments of 1997, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. The action taken emphasizes the importance of meeting the individual needs of students with disabilities through the participation of career and technology education

personnel in the IEP and/or accommodation plan development process. Clarification was needed to make compliance with the applicable federal and state laws easier to accomplish. Career and technology education personnel will be better prepared to meet the individual needs of students with disabilities in career and technology education programs. Establishes the guidelines for granting units for a career practicum. The action taken establishes the career practicum and its requirements. Clarification of the career practicum was needed in order help comply with applicable accreditation standards. The intended effect of the rule is to help LEAs and technology centers implement career practicums. Clarifies the scope of the guidance services offered by technology centers. The action taken provides direction for the guidance services offered at technology centers. Clarification of the guidance services was needed in order to better identify what technology centers are doing or need to be doing in terms of career guidance services offered to their students. The intended effect of the rule is to help technology centers better implement career guidance practices. Defines the process for applying for programs designed to serve special populations. Rule amendment deletes the process as a separate means for establishing programs designed to serve special populations. There no longer exists a separate process to establish programs designed to serve special populations. Defines responsibilities regarding the funding, reporting, and monitoring of Carl D. Perkins federal funds. Clarifies the language regarding eligible recipients and administrators of Carl D. Perkins federal funds. Clarification was needed to better define the language regarding eligible recipients, funding, reporting, and monitoring of federal funds.

**AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, §14-104, as amended

**COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., February 18 through March 25, 2004, to Valerie Payne, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

**PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Tuesday, March 30, 2004, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

**COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 18, 2004, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

**RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared, as required by law, and will be available beginning February 18, 2004, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist (405) 743-5455

*[OAR Docket #04-96; filed 1-23-04]*

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION  
CHAPTER 25. BUSINESS AND INDUSTRY SERVICES**

*[OAR Docket #04-97]*

**RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

**PROPOSED RULES:**

Chapter 25. Business and Industry Services [AMENDED]

**SUMMARY:**

In the 2000 legislative session the Oklahoma legislature changed the official name in the statutes from Area Vocational Technical Schools to Technology Centers. The name change will more accurately convey the true nature of the area vocational-technical system and the need to accurately convey a more modern depiction of the area vocational-technical system and to ensure compliance. Proposed amendment clarifies the Business and Industry programs that are ineligible for formula funding and specifies the programs ineligible for formula funding should be listed in the Oklahoma Department of Career and Technology Education's program and student accounting guidelines and clarifies the out-of-district tuition policy for Business and Industry Training programs. The proposed action aligns rules requirements with the Oklahoma Department of Career and Technology Education's program and student accounting guidelines. The revision schedule for the Rules for Career and Technology Education and the Oklahoma Department of Career and Technology Education's program and student accounting guidelines do not coincide. This creates inconsistent program and student accounting requirements. The program and student accounting rules will reflect current guidelines. The action establishes an out-of-district tuition policy for Business and Industry Training programs. Establishing an out-of-district tuition policy is needed to assist taxpayers who pay ad-valorem taxes to support technology centers by implementing standardized practices for technology center districts. Adults who do not reside in a technology center district will be charged two times the in-district tuition rate because they do not pay ad-valorem taxes to support a technology center district. Therefore, adults who do reside in a technology center district will benefit because they will not subsidize expenditures for adults who

## Notices of Rulemaking Intent

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do not pay ad-valorem taxes to support a technology center district. The rule amendment clarifies the audit criteria guidelines for Business and Industry Services programs and provides an avenue to update audit criteria annually to ensure accountability. The proposed action aligns rules requirements with the Oklahoma Department of Career and Technology Education's program and student accounting guidelines. The revision schedule for the Rules for Career and Technology Education and the Oklahoma Department of Career and Technology Education's program and student accounting guidelines do not coincide. This creates inconsistent audit criteria and student accounting requirements. The audit criteria and student accounting rules will be consistent and reflect current guidelines.

### **AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, §14-104, as amended

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., February 18 through March 25, 2004, to Valerie Payne, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

### **PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Tuesday, March 30, 2004, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 18, 2004, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared, as required by law, and will be available beginning February 18, 2004, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

### **CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist (405) 743-5455

*[OAR Docket #04-97; filed 1-23-04]*

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## **TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION CHAPTER 30. SKILLS CENTERS**

*[OAR Docket #04-98]*

### **RULEMAKING ACTION:**

Notice of proposed PERMANENT rulemaking

### **PROPOSED RULES:**

Chapter 30. Skills Centers [AMENDED]

### **SUMMARY:**

The proposed amendment clarifies the fact that all Skills Centers program buildings, once built, become the property of the State Department of Corrections or the Office of Juvenile Affairs and clarifies current Agency designation of administrative staff. The action taken ensures that all new program facilities being built by the Skills Centers are pre-approved by the appropriate State Board of the funding agency. Clarification was needed to ensure the actions of the administration of Skills Centers are in compliance with Board intent. Purchase and construction of new facilities by the Skills Centers are done after Board's approval. The rule amendment brings the rule in line with current Agency designation of administrative staff. The action taken corrects administrator job title. There has been a recent functional reorganization of Skills Centers' administration. Clarification of the rules intent.

### **AUTHORITY:**

Oklahoma State Board of Career and Technology Education; 70 O.S. 2001, §14-104, as amended

### **COMMENT PERIOD:**

Persons wishing to present their views orally or in writing may do so between the hours of 8:00 a.m. and 4:30 p.m., February 18 through March 25, 2004, to Valerie Payne, at the Office of the State Board of Career and Technology Education, Rm.1-18 Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105-4599.

### **PUBLIC HEARING:**

Hearings will begin at 9:30 a.m., Tuesday, March 30, 2004, in Room 1-20, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

### **REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:**

N/A

### **COPIES OF PROPOSED RULES:**

Copies will be on file for public viewing beginning February 18, 2004, in the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma 73105.

### **RULE IMPACT STATEMENT:**

A Rule Impact Statement will be prepared, as required by law, and will be available beginning February 18, 2004, at the Office of the State Board of Career and Technology Education, Rm. 1-18, Oliver Hodge Memorial Building, 2500 N. Lincoln Blvd., Oklahoma City, Oklahoma.

**CONTACT PERSON:**

Marie Saatkamp, Human Resources Specialist (405)  
743-5455

*[OAR Docket #04-98; filed 1-23-04]*

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# Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

*For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.*

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

*[OAR Docket #04-44]*

### **RULEMAKING ACTION:**

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

### **PROPOSED RULES:**

- Subchapter 1. General Provisions  
310:667-1-3. [AMENDED]
- Subchapter 19. Medical Records Department  
310:667-19-10. [AMENDED]
- Subchapter 23. Diagnostic and Treatment Services  
310:667-23-2. [AMENDED]
- Subchapter 39. Critical Access Hospital  
310:667-39-11. [AMENDED]
- Subchapter 40. Emergency Hospital

310:667-40-11. [AMENDED]

Subchapter 51. Rehabilitation Hospital and Rehabilitation Unit Construction Requirements

310:667-51-15. [AMENDED]

Appendix D. Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals  
[REVOKED AND REENACTED]

### **REGISTER PUBLICATION OF NOTICE:**

The Notice of Rulemaking Intent for this action was published at 21 Ok Reg 280, Docket #03-3353

### **CANCELLED COMMENT PERIOD:**

January 2, 2004 through February 12, 2004

### **CANCELLED PUBLIC HEARING**

1:00 p.m., February 12, 2004, Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK

*[OAR Docket #04-44; filed 1-12-04]*

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# 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 165. CORPORATION COMMISSION CHAPTER 30. MOTOR CARRIERS**

*[OAR Docket #04-53]*

### **RULEMAKING ACTION:**

Submission for gubernatorial/legislative review

### **RULES:**

- Subchapter 3. Intrastate Motor Carriers
  - Part 1. Applying For A License
  - 165:30-3-3. License renewals [AMENDED]
  - Part 3. License Requirements
  - 165:30-3-12. Identification device [AMENDED]
  - Part 13. Suspension Or Cancellation Of License
  - 165:30-3-103. Reinstatement of certificate or permit, license or IRC [AMENDED]
  - 165:30-3-104. Violations [AMENDED]
- Subchapter 9. Interstate Exempt Motor Carriers
  - Part 5. Miscellaneous
  - 165:30-9-46. Violations [NEW]
- Subchapter 11. Interstate Regulated Motor Carriers
  - Part 7. Miscellaneous
  - 165:30-11-47. Violations [NEW]
- Subchapter 13. Intrastate Certificates Or Permits
  - Part 11. Suspension Or Cancellation Of Authority
  - 165:30-13-94. Violations [AMENDED]
- Subchapter 15. Intrastate Private Carriers
  - Part 3. Obtaining A Private Carrier License And License Requirements
  - 165:30-15-5. License renewals [AMENDED]
  - 165:30-15-9. Identification device [NEW]
  - Part 7. Violations, Suspension Or Cancellation
  - 165:30-15-34. Violations [AMENDED]

### **SUBMITTED TO GOVERNOR:**

January 14, 2004

### **SUBMITTED TO HOUSE:**

January 14, 2004

### **SUBMITTED TO SENATE:**

January 14, 2004

*[OAR Docket #04-53; filed 1-15-04]*

## **TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 5. EMPLOYMENT SERVICE**

*[OAR Docket #04-61]*

### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

### **RULES:**

- Subchapter 3. Internet Use
- 240:5-3-4. Penalties for violations [AMENDED]

### **SUBMITTED GOVERNOR:**

January 15, 2004

### **SUBMITTED TO HOUSE:**

January 15, 2004

### **SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-61; filed 1-15-04]*

## **TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 10. UNEMPLOYMENT INSURANCE PROGRAM**

*[OAR Docket #04-62]*

### **RULEMAKING ACTION:**

Submission for gubernatorial/legislative review

### **RULES:**

- Subchapter 3. Benefits
- Part 9. Disqualification
- 240:10-3-41. Application of retirement proceeds and severance pay [AMENDED]
- 240:10-3-44. Domestic violence or abuse [NEW]
- 240:10-3-45. Cases involving positive drug or alcohol tests [NEW]
- Subchapter 13. Appeal Tribunal Procedure
  - Part 3. Appeals to Appeal Tribunal
  - 240:10-13-20. Filing an appeal [AMENDED]
  - Part 5. Hearings
  - 240:10-13-45. Legal fees [REVOKED]

### **SUBMITTED GOVERNOR:**

January 15, 2004

### **SUBMITTED TO HOUSE:**

January 15, 2004

### **SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-62; filed 1-15-04]*

## Submissions for Review

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### **TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 12. TRADE ACT PROGRAMS**

*[OAR Docket #04-63]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial/legislative review

#### **RULES:**

Subchapter 5. Reemployment Services

240:12-5-4. Maximum cost of training [REVOKED]

#### **SUBMITTED GOVERNOR:**

January 15, 2004

#### **SUBMITTED TO HOUSE:**

January 15, 2004

#### **SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-63; filed 1-15-04]*

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### **TITLE 240. OKLAHOMA EMPLOYMENT SECURITY COMMISSION CHAPTER 15. BOARD OF REVIEW PROCEDURES**

*[OAR Docket #04-64]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial/legislative review

#### **RULES:**

Subchapter 1. General Provisions

240:15-1-5. ~~Attorneys or representative; fees~~ Attorneys and  
representatives [AMENDED]

240:15-1-7. Attorney fees - approval [NEW]

#### **SUBMITTED GOVERNOR:**

January 15, 2004

#### **SUBMITTED TO HOUSE:**

January 15, 2004

#### **SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-64; filed 1-15-04]*

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### **TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES**

*[OAR Docket #04-101]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 5. Office of Human Resources Management

377:3-5-1. [AMENDED]

377:3-5-2. [AMENDED]

377:3-5-12. [AMENDED]

#### **SUBMITTED TO THE GOVERNOR:**

January 23, 2004

#### **SUBMITTED TO THE HOUSE:**

January 23, 2004

#### **SUBMITTED TO THE SENATE:**

January 23, 2004

*[OAR Docket #04-101; filed 1-23-04]*

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### **TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 10. DEPARTMENT OF JUVENILE JUSTICE**

*[OAR Docket #04-99]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 7. Contract Programs and Services

377:10-7-3. [AMENDED]

377:10-7-20. [AMENDED]

377:10-7-21. [AMENDED]

377:10-13-79. [AMENDED]

#### **SUBMITTED TO THE GOVERNOR:**

January 23, 2004

#### **SUBMITTED TO THE HOUSE:**

January 23, 2004

#### **SUBMITTED TO THE SENATE:**

January 23, 2004

*[OAR Docket #04-99; filed 1-23-04]*

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### **TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT**

*[OAR Docket #04-100]*

#### **RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

#### **RULES:**

Subchapter 7. Custody

377:25-7-40. [AMENDED]

#### **SUBMITTED TO THE GOVERNOR:**

January 23, 2004

#### **SUBMITTED TO THE HOUSE:**

January 23, 2004

#### **SUBMITTED TO THE SENATE:**

January 23, 2004

*[OAR Docket #04-100; filed 1-23-04]*

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

*[OAR Docket #04-54]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

Subchapter 1. General Provisions  
450:16-1-1. [AMENDED]  
450:16-1-2. [AMENDED]  
Subchapter 5. Services  
450:16-5-1. [AMENDED]  
450:16-5-2. [AMENDED]  
Subchapter 11. Safety  
450:16-11-2. [AMENDED]  
Subchapter 13. Quality of Life  
450:16-13-2. [AMENDED]  
450:16-13-3. [AMENDED]  
450:16-13-12.1. [AMENDED]  
450:16-13-12.2. [NEW]  
450:16-13-16. [AMENDED]  
450:16-13-27.1. [AMENDED]  
Subchapter 15. Resident Rights  
450:16-15-1. [AMENDED]  
450:16-15-2. [REVOKED]  
450:16-15-3. [REVOKED]  
450:16-15-4. [REVOKED]  
450:16-15-5. [AMENDED]  
450:16-21-1. [AMENDED]  
450:16-21-4. [AMENDED]  
450:16-29-2. [AMENDED]  
450:16-29-2.1. [AMENDED]  
450:16-29-4. [AMENDED]  
450:16-29-6. [AMENDED]  
450:16-29-7. [AMENDED]  
450:16-29-8. [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 15, 2004

**SUBMITTED TO HOUSE:**

January 15, 2004

**SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-54; filed 1-15-04]*

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

*[OAR Docket #04-55]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 1. General Provisions  
450:17-1-2. [AMENDED]  
450:17-1-6. [AMENDED]  
Subchapter 3. Required Services  
Part 1. Required Services  
450:17-3-2. [AMENDED]  
Part 9. Medication Clinic Services  
450:17-3-83. [AMENDED]  
Part 11. Case Management  
450:17-3-101.1. [AMENDED]  
450:17-3-103. [AMENDED]  
Part 13. ODMHSAS Operated Psychiatric Hospitals  
450:17-3-122. [REVOKED]  
Part 15. Adult Day Programs  
450:17-3-141. [AMENDED]  
450:17-3-142. [REVOKED]  
450:17-3-144. [AMENDED]  
450:17-3-144.1. [REVOKED]  
450:17-3-146. [NEW]  
Subchapter 5. Optional Services  
Part 11. Community Living Programs  
450:17-5-56. [AMENDED]  
450:17-5-59.1. [NEW]  
450:17-5-60. [AMENDED]  
450:17-5-61. [AMENDED]  
450:17-5-62. [AMENDED]  
450:17-5-63. [REVOKED]  
450:17-5-64. [AMENDED]  
450:17-5-65. [REVOKED]  
450:17-5-66. [AMENDED]  
450:17-5-67. [AMENDED]  
450:17-5-67.1. [REVOKED]  
450:17-5-67.2. [AMENDED]  
450:17-5-67.3. [AMENDED]  
Part 19. Program for Assertive Community Treatment  
450:17-5-127. [AMENDED]  
Subchapter 7. Facility Clinical Records  
450:17-7-8. [AMENDED]  
Subchapter 11. Consumer Rights  
450:17-11-1. [AMENDED]  
450:17-11-2. [REVOKED]  
450:17-11-3. [AMENDED]  
Subchapter 15. Performance Improvement and Quality  
Management

## Submissions for Review

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450:17-15-5. [AMENDED]  
Subchapter 19. Human Resources  
450:17-19-3. [AMENDED]  
Subchapter 23. Facility Environment  
450:17-23-1. [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 15, 2004

**SUBMITTED TO HOUSE:**

January 15, 2004

**SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-55; filed 1-15-04]*

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

*[OAR Docket #04-56]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**RULES:**

Subchapter 1. General Provisions  
450:23-1-2. [AMENDED]  
Subchapter 9. Consumer Rights  
450:23-9-1. [AMENDED]  
450:23-9-2. [AMENDED]  
Subchapter 21. Facility Environment  
450:23-21-1. [AMENDED]  
450:23-21-3. [NEW]

**SUBMITTED TO GOVERNOR:**

January 15, 2004

**SUBMITTED TO HOUSE:**

January 15, 2004

**SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-56; filed 1-15-04]*

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

*[OAR Docket #04-57]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

Subchapter 9. Role of State-Operated Inpatient Psychiatric  
Units

450:30-9-3.1. [AMENDED]  
450:30-9-5. [AMENDED]  
450:30-9-9. [NEW]  
450:30-9-10. [NEW]  
450:30-9-11. [NEW]

**SUBMITTED TO GOVERNOR:**

January 15, 2004

**SUBMITTED TO HOUSE:**

January 15, 2004

**SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-57; filed 1-15-04]*

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**TITLE 450. DEPARTMENT OF MENTAL  
HEALTH AND SUBSTANCE ABUSE  
SERVICES  
CHAPTER 50. CERTIFIED BEHAVIORAL  
HEALTH CASE MANAGERS**

*[OAR Docket #04-58]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

Subchapter 1. General Provisions [NEW]  
450:50-1-1. [NEW]  
450:50-1-2. [NEW]  
450:50-1-3. [NEW]  
Subchapter 3. Behavioral Health Case Manager  
Certification Application [NEW]  
450:50-3-1. [NEW]  
450:50-3-2. [NEW]  
450:50-3-3. [NEW]  
450:50-3-4. [NEW]  
450:50-3-5. [NEW]  
450:50-3-6. [NEW]  
Subchapter 5. Behavioral Health Case Manager  
Certification Training [NEW]  
450:50-5-1. [NEW]  
450:50-5-2. [NEW]  
450:50-5-3. [NEW]  
450:50-5-4. [NEW]  
Subchapter 7. Rules of Professional Conduct [NEW]  
450:50-7-1. [NEW]  
450:50-7-2. [NEW]  
450:50-7-3. [NEW]  
450:50-7-4. [NEW]  
450:50-7-5. [NEW]  
Subchapter 9. Enforcement [NEW]  
450:50-9-9. [NEW]

**SUBMITTED TO GOVERNOR:**

January 15, 2004

**SUBMITTED TO HOUSE:**

January 15, 2004

**SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-58; filed 1-15-04]*

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

*[OAR Docket #04-59]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

Subchapter 1. General Provisions [NEW]

450:55-1-1. [NEW]

450:55-1-2. [NEW]

450:55-1-3. [NEW]

Subchapter 3. Program Description and PACT Services  
[NEW]

450:55-3-1. [NEW]

450:55-3-2. [NEW]

450:55-3-3. [NEW]

450:55-3-4. [NEW]

450:55-3-5. [NEW]

450:55-3-6. [NEW]

450:55-3-7. [NEW]

450:55-3-8. [NEW]

450:55-3-9. [NEW]

450:55-3-10. [NEW]

Subchapter 5. PACT Clinical Documentation [NEW]

450:55-5-1. [NEW]

450:55-5-2. [NEW]

450:55-5-3. [NEW]

450:55-5-4. [NEW]

450:55-5-5. [NEW]

450:55-5-6. [NEW]

450:55-5-7. [NEW]

450:55-5-8. [NEW]

450:55-5-9. [NEW]

450:55-5-10. [NEW]

450:55-5-11. [NEW]

Subchapter 7. Confidentiality [NEW]

450:55-7-1. [NEW]

Subchapter 9. Consumer Rights [NEW]

450:55-9-1. [NEW]

450:55-9-2. [NEW]

450:55-9-3. [NEW]

Subchapter 11. Organizational Management [NEW]

450:55-11-1. [NEW]

450:55-11-2. [NEW]

450:55-11-3. [NEW]

Subchapter 13. Performance Improvement and Quality  
Management [NEW]

450:55-13-1. [NEW]

450:55-13-2. [NEW]

Subchapter 15. Personnel [NEW]

450:55-15-1. [NEW]

450:55-15-2. [NEW]

Subchapter 17. Staff Development and Training [NEW]

450:55-17-1. [NEW]

450:55-17-2. [NEW]

450:55-17-3. [NEW]

Subchapter 19. Facility Environment [NEW]

450:55-19-1. [NEW]

450:55-19-2. [NEW]

Subchapter 21. Governing Authority [NEW]

450:55-21-1. [NEW]

Subchapter 23. Special Populations [NEW]

450:55-23-1. [NEW]

450:55-23-2. [NEW]

**SUBMITTED TO GOVERNOR:**

January 15, 2004

**SUBMITTED TO HOUSE:**

January 15, 2004

**SUBMITTED TO SENATE:**

January 15, 2004

*[OAR Docket #04-59; filed 1-15-04]*

**TITLE 730. DEPARTMENT OF  
TRANSPORTATION  
CHAPTER 45. PUBLIC TRANSPORTATION  
PROJECT DEVELOPMENT ASSISTANCE**

*[OAR Docket #04-73]*

**RULEMAKING ACTION:**

Submission for gubernatorial and legislative review

**PROPOSED RULES:**

730:45-1-2. Authority [AMENDED]

**SUBMITTED TO GOVERNOR:**

January 21, 2004

**SUBMITTED TO HOUSE:**

January 21, 2004

**SUBMITTED TO SENATE:**

January 21, 2004

*[OAR Docket #04-73; filed 1-21-04]*



# 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.

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

*[OAR Docket #04-45]*

### RULEMAKING ACTION:

Gubernatorial approval of permanent rules

### 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]

### GUBERNATORIAL APPROVAL:

December 19, 2003

*[OAR Docket #04-45; filed 1-12-04]*

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## TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 281. IONIZING RADIATION REGULATIONS DIAGNOSTIC X-RAY SYSTEMS

*[OAR Docket #04-46]*

### RULEMAKING ACTION:

Gubernatorial approval of permanent rules

### PROPOSED RULES:

Chapter 281. ~~Ionizing Radiation Regulations~~ Diagnostic X-Ray Systems [AMENDED]

### GUBERNATORIAL APPROVAL:

December 19, 2003

*[OAR Docket #04-46; filed 1-12-04]*

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## TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 400. LICENSED MARITAL AND FAMILY THERAPISTS

*[OAR Docket #04-47]*

### RULEMAKING ACTION:

Gubernatorial approval of permanent rules

### PROPOSED RULES:

Subchapter 7. Application for Licensure

310:400-7-2.1. [NEW]

Subchapter 9. Licensure Examinations

310:400-9-7. [AMENDED]

### GUBERNATORIAL APPROVAL:

December 19, 2003

*[OAR Docket #04-47; filed 1-12-04]*

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## TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 405. LICENSED PROFESSIONAL COUNSELORS

*[OAR Docket #04-48]*

### RULEMAKING ACTION:

Gubernatorial approval of permanent rules

### 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]

### GUBERNATORIAL APPROVAL:

December 19, 2003

*[OAR Docket #04-48; filed 1-12-04]*

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## TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 555. NOTIFICATION OF COMMUNICABLE DISEASE RISK EXPOSURE REGULATIONS

*[OAR Docket #04-49]*

### RULEMAKING ACTION:

Gubernatorial approval of permanent rules

### PROPOSED RULES:

310:555-1-1. [AMENDED]

310:555-1-2. [AMENDED]

310:555-1-3. [AMENDED]

310:555-1-4. [AMENDED]

### GUBERNATORIAL APPROVAL:

December 19, 2003

*[OAR Docket #04-49; filed 1-12-04]*

## Gubernatorial Approvals

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### **TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 1. ADMINISTRATION AND ORGANIZATION**

*[OAR Docket #04-50]*

#### **RULEMAKING ACTION:**

Gubernatorial approval.

#### **RULES:**

435:1-1-2. Description of organization [AMENDED]

#### **GUBERNATORIAL APPROVAL:**

December 29, 2003

*[OAR Docket #04-50; filed 1-12-04]*

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

*[OAR Docket #04-51]*

#### **RULEMAKING ACTION:**

Gubernatorial approval.

#### **RULES:**

Subchapter 4. Application and Examination Procedures for  
Licensure as Physician and Surgeon

435:10-4-6. Medical licensure examination [AMENDED]

435:10-4-7. Licensure by endorsement [AMENDED]

Subchapter 17. Medical Micropigmentation

435:10-17-1. Purpose [AMENDED]

435:10-17-2. Definitions [AMENDED]

435:10-17-3. Duties and responsibilities [AMENDED]

#### **GUBERNATORIAL APPROVAL:**

December 29, 2003

*[OAR Docket #04-51; filed 1-12-04]*

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

*[OAR Docket #04-52]*

#### **RULEMAKING ACTION:**

Gubernatorial approval.

#### **RULES:**

435:40-1-4.1. Infection Control Standards [NEW]

435:40-1-6. Curriculum of study and internship  
requirements [AMENDED]

#### **GUBERNATORIAL APPROVAL:**

December 29, 2003

*[OAR Docket #04-52; filed 1-12-04]*

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

*[OAR Docket #04-76]*

#### **RULEMAKING ACTION:**

Gubernatorial approval

#### **RULES:**

Subchapter 3. Registration and Licensing

Part 1. General Provisions

710:60-3-12. Staggered registration [AMENDED]

710:60-3-13. Non-staggered registration [AMENDED]

710:60-3-14. Transfer of ownership registration  
[AMENDED]

710:60-3-20. Display of vehicle license plates  
[AMENDED]

710:60-3-23. ~~October 9, 2001, tornado~~ Tornado registration  
fee credit [AMENDED]

Part 11. Other Vehicles

710:60-3-114. Fractionation tanks (frac tanks) not eligible  
for registration [NEW]

Subchapter 4. Registration Pursuant to the International  
Registration Plan

710:60-4-4. Proof of ownership [AMENDED]

710:60-4-6. Registration as an owner-operator  
[AMENDED]

710:60-4-16. Application disapproval [AMENDED]

710:60-4-17. Temporary operating authority [AMENDED]

710:60-4-20. Incorporation by reference [AMENDED]

Subchapter 5. Motor Vehicle Titles

Part 3. Application for Certificates of Title

710:60-5-30. Applications for certificates of title  
[AMENDED]

Part 11. Liens

710:60-5-113. ~~Out of state~~ ~~lienholder~~ Lienholder  
notification [AMENDED]

710:60-5-116. Mechanics' liens under Title 42 of the  
Oklahoma Statutes [AMENDED]

Subchapter 7. Motor Vehicle Excise Tax

710:60-7-8. ~~October 9, 2001, tornado~~ Tornado excise tax  
credit [AMENDED]

Subchapter 9. Motor Vehicle License Agents/Agencies

Part 9. Specific Fiscal Duties

710:60-9-94. Procedures for reporting and collecting  
returned checks [AMENDED]

#### **GUBERNATORIAL APPROVAL:**

January 16, 2004

*[OAR Docket #04-76; filed 1-22-04]*

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# 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 115. STATE CAPITOL PRESERVATION COMMISSION CHAPTER 1. COMMISSION ADMINISTRATION

[OAR Docket #04-42]

### RULEMAKING ACTION:

EMERGENCY adoption

### RULES:

115:1-1-1. through 115:1-1-5. [AMENDED]

115:1-1-6. [NEW]

### AUTHORITY:

State Capitol Preservation Commission, 74 O.S., Section 4104

### DATES:

#### Adoption:

October 17, 2003

#### Approved by Governor:

December 8, 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 Commission finds that a compelling public interest requires these emergency rules be adopted to establish procedures for the administration and preservation of all objects of art displayed in the public areas of the Capitol and Governor's Mansion. Revisions to the rules are necessary to provide up to date clarification and responsibility for these art objects; to ensure the security, care and condition of valuable art objects, owned by the state and/or loaned by the public; and to ensure objects remain on display for the benefit of the citizens of Oklahoma and visitors to the Capitol and Governor's Mansion. Revisions to Chapter 1 are administrative updates but must be filed simultaneously with emergency revisions to Chapter 10 to ensure proper notice to the public and consistent administration of Chapter 10 rules by the Commission.

### ANALYSIS:

Revisions to 115:1-1-1.(c) update the address of the Department of Central Services, which provides staffing for the Commission. Revisions to 115:1-1-2. clarify the process for an open records request to the Commission. Statutory citations are added to 115:1-1-3 and 115:1-1-5. Section 115:1-1-6. is a new rule which provides for exemptions from the Commission rules and the process required to apply to the Commission to request such exemption.

### CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison, 521-2758

**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):

### 115:1-1-1. Purpose

(a) The State Capitol Preservation Commission (referred to hereinafter as the Commission) was created by Section 4102 of Title 74 of the Oklahoma Statutes to plan and supervise the preservation and restoration of the interior and exterior of the State Capitol Building and the Governor's Mansion. The Commission also controls the display of art objects in the public areas of the Capitol and on the first floor of the Governor's Mansion (see 115:10-1-2(b) and 115:10-1-3(g) for additional considerations regarding the Governor's Mansion).

(b) The primary powers and responsibilities of the Commission are set forth in Section 4104 of Title 74 of the Oklahoma Statutes.

(c) The Commission office is located within the Department of Central Services, Administration, Will Rogers Office Building, 2401 N. Lincoln Blvd., Suite 206, Oklahoma City, Oklahoma, in the State Capitol Building. Office hours are from 8:00 a.m. until 5:00 p.m., Monday through Friday, excluding legal holidays established by statute or proclamation of the Governor.

(d) The purpose of this Chapter is to outline the organization and administration of the Capitol Preservation Commission.

### 115:1-1-2. Availability of records

(a) Commission records are kept within the Department of Central Services. All records, except those documents specifically excluded by law, shall be available to the public as provided authorized by the Open Records Act. Documents will be available to the public for inspection during regular office hours.

(b) Persons wishing to view Commission records shall register their name, address and telephone number before the documents are viewed. The person wishing to view the documents shall state whether the documents being viewed are for a personal, business or commercial reason and shall list the documents desired for viewing.

(c) No original records shall be removed from the Commission files.

(d) Persons wishing to obtain a copy of photocopy Commission documents in the custody of the Department of Central Services shall submit a written request at least twenty-four

## Emergency Adoptions

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~~(24) hours in advance, may do so in accordance with the Open Records Act. Documents shall be copied and a fee charge charged for the copies may be made in accordance with the Open Records Act [51 O.S., Section 24A.1 et seq] and the administrative rules of the Department of Central Services.~~

### 115:1-1-3. Commission organization and administration

(a) **Meeting requirements.** All meetings of the Commission are subject to the requirements of the ~~state's~~ Open Meeting Act [25 O.S., Section 1 et seq]. Committee meetings of the Commission are not required to comply with the requirements of the Open Meeting Act unless they are charged with decision making authority by the full Commission.

(b) **General commission information.** The information in this subsection pertains to general commission operations.

(1) **Meetings.** The Commission shall meet bi-monthly on the third Thursday of even numbered months at the State Capitol. An agenda shall be mailed to each member not less than seven (7) days in advance of each meeting.

(2) **Emergency meetings.** The chair may call such emergency meetings as may be required to deal with matters requiring urgent or emergency consideration. In the absence of the chair, the vice-chair may call such meetings.

(3) **Quorum.** A quorum shall consist of one half the actual members plus one, including vacancies.

(4) **Election of chair and vice chair.** A chair and vice-chair shall be elected or reelected for two year terms at the regularly scheduled meeting held in June each odd-numbered year, to take office July 1 of that year.

### 115:1-1-4. Committees

(a) **Referral of proposals to committees.** All matters other than routine administration or procedural matters shall be referred to the appropriate committee for preliminary study and recommendations prior to final action by the Commission. This policy shall not apply to subject matter introduced on an emergency basis or under conditions which in the best judgment of the Commission chair or the Executive Committee should be considered by the Commission as a whole without such prior reference.

(b) **Committee quorum.** A quorum of each committee is not less than 50 percent of its members and must include the chair or vice chair of the committee.

(c) **Committee designations.** The following committees are established for the purposes outlined in this subsection. Committee chairs and vice-chairs shall be appointed by the Commission chair.

(1) Executive Committee.

(A) The Executive Committee shall consist of the following members:

- (i) the elected officers of the Commission;
- (ii) the State Capitol Architect and Curator;
- (iii) Director of Central Services;

(iv) a representative of each appointing authority not represented by an elected officer, to be appointed by the Commission chair.

(B) The Committee will act as the Budget and Finance Committee for the Commission with responsibility for developing in conjunction with the Department of Central Services, operating and capital construction budgets for the Capitol and Governor's Mansion. Such budget proposals shall be submitted to the Commission for approval.

(C) Other responsibilities of the Executive Committee include:

- (i) intra-commission coordination;
- (ii) coordination with the responsibilities and activities of the Capitol Architect and Curator;
- (iii) establishing internal administrative and operating procedures;
- (iv) reviewing committee reports for Commission action;
- (v) developing legislation and executive branch coordination procedures and proposed legislation as needed; and,
- (vi) other activities considered to be outside the purview of other committees.

(D) The Executive Committee is responsible for the following:

- (i) formulating policies, review, and control of all promotional material and media releases relating to responsibilities of the Commission;
- (ii) preparation of statements of goals and public relations targets;
- (iii) self-imposed restraints on public utterances;
- (iv) review and coordination of all presentations to media agencies;
- (v) production of Commission annual reports;
- (vi) developing plans and procedures for maintaining liaison and rapport with all state government agencies and departments, and for review of all such activities; and
- (vii) such other matters pertinent to a well developed and coordinated public relations effort.

(2) **Art Standards Committee.** The Art Standards Committee is responsible for works of art, murals, portraits, sculptures and furnishings displayed in and around the public areas of the Capitol Building and first floor of the Governor's Mansion (see 115:10-1-2(b) for additional considerations regarding the Governor's Mansion), both permanent and temporary. The Art Standards Committee ~~will set~~ shall establish standards, which include ~~for~~ the following:

- (A) acquisitions and commissioned works;
- (B) disposition or acceptance of donated works of art; and
- (C) restoration, preservation, inventory (description and value), storage, placement and location, security, and loaning of state-owned art pieces.

(3) **Architecture and Grounds Committee.** The Architecture and Grounds Committee is responsible for the following:

- (A) The supervision of research, planning, and oversight of all proposed restoration, reconstruction and renovation any part of the Capitol and the Governor's Mansion (see 115:10-1-3(g) for additional considerations regarding the Governor's Mansion);
- (B) Review of all building guide and information systems (signage);
- (C) Oversight of landscaping and maintenance of the building exteriors (in conjunction with the State Department of Parks and Recreation and the Capitol Improvement Committee);
- (D) Approval and placement of all monuments and sculptures surrounding the buildings;
- (E) Development and administering standards for all exterior, permanent or temporary displays.

(4) **Long Range Planning Committee.** The Long Range Planning Committee is responsible for the following:

- (A) all planning and physical, financial, and public relations needs for the Commission programs and responsibilities that are projected for three (3) or more years in advance; and,
- (B) the formulation of long range goals and objectives and recommendations for policies, procedures, programs, and budget estimates to meet approved goals and objectives.

**115:1-1-5. Appeals**

Any decision of the Commission may be appealed in accordance with the Oklahoma Administrative Procedures Act [75 O.S., Section 250 et seq]. Appeals must be submitted in writing to the Commission Liaison, Office of the Attorney General, within ten days of notification of the decision.

**115:1-1-6. Exemptions**

The Commission may exempt any requirement of this chapter unless statutes mandate the requirement.

- (1) All requests for exemptions shall be in writing and include justification for the exception request.
- (2) The Commission shall respond in writing as to the approval, conditional approval, or denial of an exemption request.
- (3) Exemptions shall require the approval of a majority of the Commission.

[OAR Docket #04-42; filed 1-12-04]

**TITLE 115. STATE CAPITOL PRESERVATION COMMISSION  
CHAPTER 10. PRESERVATION, RESTORATION, ARCHITECTURAL AND DECOR STANDARDS**

[OAR Docket #04-43]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

115:10-1-1. through 115:10-1-2. [AMENDED]  
115:10-1-2.1. [NEW]

**AUTHORITY:**

State Capitol Preservation Commission, 74 O.S., Section 4104

**DATES:**

**Adoption:**

October 17, 2003

**Approved by Governor:**

December 8, 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:**

None

**INCORPORATIONS BY REFERENCE:**

n/a

**FINDING OF EMERGENCY:**

The Commission finds that a compelling public interest requires these emergency rules be adopted to establish procedures for the administration and preservation of all objects of art displayed in the public areas of the Capitol and Governor's Mansion. Revisions to the rules are necessary to provide up to date clarification and responsibility for these art objects; to ensure the security, care and condition of valuable art objects, owned by the state and/or loaned by the public; and to ensure art objects remain on display for the benefit of the citizens of Oklahoma and visitors to the Capitol and Governor's Mansion.

**ANALYSIS:**

Revisions to 115:10-1-1 and 115:10-1-2 clarify the purpose and display of art work, art standards and submission of a written request to the commission for approval of placement of art works in the Capitol and Governor's Mansion. Revisions to 115:10-1-1(d) establishes guidelines for the criteria the Commission reviews for memorializing individuals with personalized works of art in the State Capitol. Revisions to 115:10-1-1(e) establish requirements for the maintenance of complete files, which include the location and documentation for all state-owned art at all times; provides for storage requirements; and a check out procedure whenever the art leaves a state building. Revisions to 115:10-1-1(f) requires approval of two-thirds of the Commission to amend the art standards. Section 115:10-1-2.1 are new rules adopted to provide procedures for foundations, groups or individuals to request approval of the Commission for the display of art.

**CONTACT PERSON:**

Gerry Smedley, Administrative Rules Liaison, 521-2758

**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):**

**115:10-1-1. Purpose**

The purpose of this Chapter is to ~~outline~~ provide information and procedures related to the Commission's policies regarding the preservation, restoration, structure and decor of the State Capitol and Governor's Mansion.

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### 115:10-1-2. Art standards

(a) **Quality Display of art work.** Only art and art objects of highest museum quality, consistent with the legislative directives and approved by the Commission shall be permitted for permanent display in public areas of the Capitol. ~~All such works of art shall be directly related to the history and culture of the State of Oklahoma. The Capitol Preservation Commission must approve the artist of all such works.~~

(1) All such works of art shall be directly related to the history and culture of the State of Oklahoma.

(2) A painting, which includes portraits, landscapes or other paintings, excluding murals, shall be painted on linen with oils or acrylics.

(3) Any proposed mural work or sculptures to be placed in and around the Capitol and adjacent grounds shall comply with guidelines established by the Art Standards Committee, in conjunction with the Capitol Architect and Curator, specifically for each such display.

(4) The stained glass originally planned for the Capitol shall be the only stained glass in the Capitol.

(5) Placement of all art works in public areas of the Capitol is the sole responsibility of the Commission.

(A) A written request to move art work shall be submitted to the Art Standards Committee for review.

(B) Upon completion of the review, the Art Standards Committee will submit a written recommendation for the approval or denial of the request to the Commission.

(b) **Art work in Mansion.** Furnishings and art work on the first floor of the Governor's Mansion may be changed ~~with~~ upon written approval of the ~~Capitol Preservation~~ Commission. Art and art objects under control of the Commission may be made available to the Mansion subject to availability and appropriate priorities. All such state-owned material as may be determined surplus to Mansion needs will be returned to the Commission for appropriate disposition.

(c) **Temporary exhibits.** Temporary exhibits and displays of art and art objects ~~not inconsistent shall comply with the rules of this chapter, the standards of the Commission and as directed by legislation, may be permitted for periods not longer than 15 working days except by special authority of the Commission. Temporary exhibits displayed in the Governor's Art Gallery are exempt from rules for permanent displays; however, such exhibits are anticipated to be closely controlled by the Oklahoma Arts Council state laws.~~

(1) Temporary exhibits may be permitted for periods not longer than 15 working days except by special authority of the Commission.

(2) Temporary exhibits displayed in the Governor's Art Gallery are exempt from rules for permanent displays and shall have strict oversight by the Oklahoma Arts Council.

(d) **Criteria for memorializing individuals with personalized works of art in the State Capitol.** Persons to be memorialized through placement of personalized works of art in the State Capitol shall be only those whose achievements and contributions to the history of Oklahoma and the Nation are of such transcending importance as to place the individual in a status clearly and generally acknowledged to be of paramount

significance to the enduring history of the state. Such persons shall have been dead for a minimum of ten (10) years.

(1) All personalized works shall comply with the rules of this chapter, standards established by the Commission and state laws.

(2) Potential donors shall submit a written request for approval to the Commission no less than six (6) months prior to the proposed project completion date, which includes:

(A) a summary describing how the subject meets the qualifications described in OAC 115:10-1-2;

(B) project timelines, if available;

(C) any information that may assist the Commission with the review of the proposed project; and

(D) any additional information requested by the Commission.

(3) Proposals for personalized works of art shall be submitted to the Commission for review and approval prior to any commitment by the sponsor(s). Any action on the part of the sponsor(s) taken prior to review and approval by the Commission shall be at the risk of the promoter(s).

(4) All proposals will be referred to the Arts Standards Committee for review and recommendations to the Commission.

(5) The Commission shall be responsible for the selection of the artist, location, size, subject and framing.

(e) **Property and security of art work.** All works of art under the purview of the Capitol Preservation Commission shall be inventoried by the Capitol Preservation Commission with description, value, and location of art piece. ~~Complete files shall be kept showing the location of state-owned art at all times, with proper documentation showing temporary locations such as loans, repair, or temporary display out of state buildings. Art work shall be stored in a controlled locked area with proper environment suitable for storage of art pieces. All art pieces leaving state buildings should be checked by Building Security for proper ownership and recorded by name and piece on security log.~~

(1) Complete files shall be maintained showing the location of state-owned art at all times, with proper documentation showing temporary locations such as loans, repair, or temporary display out of state buildings.

(2) All art work shall be stored in a controlled locked area with proper environment suitable for storage of art pieces.

(3) All art pieces leaving state buildings shall be checked by Building Security for proper ownership and recorded by name and piece on a security log developed by the Commission.

(f) **Development of art standards.** Art standards ~~will~~ may be developed by the Art Standards Committee and the Capitol Architect and Curator. Such standards ~~will~~ shall be approved by the Commission. ~~All new art work shall comply with approved standards. Exceptions shall require approval of a majority of the Commission. Revisions to the art standards shall require the approval of two thirds (2/3) of the Commission.~~

(g) **Revisions to art standards.** Revisions to the art standards shall require a simple majority for 90 days following the promulgation of this Chapter. Thereafter, revisions shall require the approval of two thirds (2/3) of the full Commission.

**115:10-1-2.1. Approval of art display**

(a) **Request for approval.** Any foundation, group or individual interested in financing and donating an appropriate work of art to the State for use in the Capitol or the Governor's Mansion shall submit a written request for approval of a permanent display to the Commission.

(1) A request for approval shall be reviewed by the Art Standards Committee for presentation to the Capitol Architect and Curator and the Commission for discussion.

(2) Upon approval by the Commission, a formal set of guidelines will be established with participation of the potential donor and artists, if chosen.

(b) **Commissioned art contract requirements.** Works commissioned by the State for exhibit in the Capitol shall meet requirements contained within a written contract developed by the Art Standards Committee, in conjunction with the Capitol Architect and Curator.

(1) All such contracts and works shall be approved by the Commission.

(2) Any variation from such contract shall be reviewed and approved or disapproved by the Commission.

(c) **Approval of artist.** The Commission shall approve the artist of all commissioned works and provide written notice of said approval to the applicant.

(d) **Solicitation of art works.** Whenever possible, an open competition program will be established and utilized by the Commission to acquire special art works. Artists shall contact the Commission or the Oklahoma Arts Council when such art works are being solicited.

(e) **Noncommissioned art works.** Individuals interested in donating noncommissioned art works to the State shall submit a written request for review and approval to the Commission.

(1) Noncommissioned art works presented to the Commission or the State may be accepted by the Committee on behalf of the Commission for display in the State Capitol or the Governor's Mansion only if such works meet quality standards approved by the Commission.

(2) Such works may be displayed, stored, loaned to other agencies of the State or sold after three (3) years if so recommended by the Art Standards Committee.

[OAR Docket #04-43; filed 1-12-04]

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

[OAR Docket #04-78]

**RULEMAKING ACTION:**  
EMERGENCY adoption

**RULES:**

- Subchapter 1. General Provisions
- 158:30-1-4. Standard of Installation [AMENDED]
- Subchapter 5. License Types, Bond Requirements and Display of License Number and Firm Name
- 158:30-5-2. ~~Insurance and~~ Bond requirements [AMENDED]
- 158:30-5-4. Plumbing Journeymen and Contractor Licenses by Reciprocity [NEW]
- Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses
- 158:30-9-2. Fee schedule for contractors, journeymen, and apprentices [AMENDED]
- 158:30-9-3. Duration of Licenses [AMENDED]
- Subchapter 11. License Revocation or Suspension and Prohibited Acts
- 158:30-11-2. Prohibited acts [AMENDED]

**AUTHORITY:**

Construction Industries Board; 59 O.S. § 1000.4

**DATES:**

**Adoption:**

September 24, 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 Construction Industries Board finds that compelling extraordinary circumstances necessitate the emergency certification of these rules and regulations. The rule changes to 158:30-1-4 will update the applicable plumbing codes thereby protecting the citizens of the State by requiring that plumbing work be performed according to the most current recognized standards in the industry. The rule changes to 158:30-5-2 will protect the citizens of the State by requiring that plumbing contractors carry a minimum of \$50,000 in liability insurance as mandated by S.B. 545, §7 amending 59 O.S. 2001 §1009. The new rules at 158:30-5-4 will enable the Construction Industries Board to issue licenses by reciprocity to qualified plumbing journeymen and contractors from states that agree to recognize Oklahoma licenses. The rules protect the citizens of the State by putting in place a framework for the reciprocity provisions of 59 O.S. Supp. 2002 §1000.5a and by requiring the Board to enter into a reciprocity agreement with another state if the requirements for licensure in the other state are deemed by the Board to be substantially the same or equivalent to the requirements for obtaining an original license in this State prior to the issuance of a license by reciprocity. The rule changes at 158:30-9-3 set forth the procedure for the revised renewal process passed by the Legislature during the last session by S.B. 545, §8 amending 59 O.S. 2001 §1009. The rule changes at 158:30-11-2 will allow staff of the Construction Industries Board access to job sites to enforce the licensing requirements of the Plumbing Licensing Act of 1955, and will allow staff to issue administrative citations for any person or entity denying access as required by the Legislature by S.B. 545, §4 amending 59 O.S. Supp. 2002 §1000.4. This rule protects the citizens of the State by allowing the Board to exercise the regulatory authority granted to it by the Legislature.

**ANALYSIS:**

The rule changes allow the Construction Industries Board or its representatives to enforce the 2003 International Plumbing Code. The rule changes set forth insurance requirements for Plumbing Contractors. The rule changes provide a means to issue licenses by reciprocity and to enter into mutual agreements with other states to recognize licenses. A fee pursuant to Section 1000.5 Section 1037 of Title 59 of the Oklahoma Statutes shall accompany the reciprocity application, which shall not be refundable under any circumstances. The fees shall be used by the agency to regulate the plumbing trade. The rule changes establish a method for prorating license fees to coincide with the birth date of the licensee. The rule changes establish administrative fines for any person or entity denying the Board or its representatives' access to a job site for purposes of enforcing any of the provisions of the Plumbing License Law of 1955.

# Emergency Adoptions

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## CONTACT PERSON:

Jeanne Britt, Rules Liaison, Construction Industries Board, 2401 N.W. 23, Suite 5, Oklahoma City, 73107 telephone: (405) 271-2771; facsimile: (405) 271-5254; electronic mail: jeanneB@health.state.ok.us

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

## SUBCHAPTER 1. GENERAL PROVISIONS

### 158:30-1-4. Standard of installation

The Construction Industries Board hereby incorporates the International Plumbing Code/~~2000~~2003, 2003 International Fuel Gas Code, and the plumbing portion of the 2003 International Residential Code as the minimum standard for the installation of plumbing in Oklahoma where no ordinance or regulation of a governmental subdivision applies.

## SUBCHAPTER 5. LICENSE TYPES, BOND REQUIREMENTS AND DISPLAY OF LICENSE NUMBER AND FIRM NAME

### 158:30-5-2. Insurance and Bond requirements

(a) Unless as otherwise provided in 158:30-5-2(b) below: Each active plumbing contractor must maintain a five thousand dollar (\$5,000.00) corporate surety bond, payable to the Board, and must cause the surety to deposit a copy of such bond with the Plumbing Licensing Unit and with each municipality in which the bonded plumbing contractor proposes to commence plumbing work.

(b) An active plumbing contractor may satisfy the requirements of 158:30-5-2(a) above by depositing with the Plumbing Licensing Unit, either the sum of \$5,000 cash, or a certificate of deposit in the sum of \$5000 payable to the order of the Plumbing Licensing Revolving Fund.

(c) Failure to maintain a corporate surety bond in effect shall constitute grounds for summary suspension of a bonded plumbing contractor license immediately upon the expiration of such bond.

(d) A corporate surety bond may be accepted from any surety authorized to do business in the State of Oklahoma. It shall continue in effect until thirty (30) days have elapsed after the Bond and Insurance Unit is notified by the surety of the cancellation of such bond, unless the bond expired on a date certain on its face. Sureties must notify each municipality furnished with a copy of the bond regarding the pending cancellation if known to them.

(e) The Board shall notify the surety of the summary suspension or revocation of the license of any of its bonded licensed plumbing contractors.

(f) A bond filed in accordance with 158:30-5-3(a) shall be in lieu of filing a bond with each municipality where the plumbing

contractor works, and shall be conditioned upon all the following terms:

(1) Plumbing contractors shall faithfully and properly conduct business in compliance with applicable statutes, rules of the Oklahoma Construction Industries Board, and with all the applicable ordinances of the municipality in which plumbing work is performed.

(2) Plumbing contractors shall pay all fines and penalties imposed by penalty orders of the Board and fines and penalties imposed by courts of competent jurisdiction for the violation of municipal ordinances. The Board may seek payment through the surety bond of any fines or penalties, which the licensee fails to pay.

(3) Plumbing contractors shall protect, save harmless and indemnify the State and municipalities against any liability imposed by law against the State and municipalities for the negligence of said contractor arising from any act or omission while engaged in work pursuant to the Plumbing License Law.

(4) Any aggrieved person may bring an action upon the bond for the recovery of penalty thereof to the same extent and with equal rights as though such aggrieved person had been named as the obligee in the bond.

(5) For purposes of this Section, the term plumbing contractor also includes the agents, servants, and employees of a plumbing contractor.

(g) A plumbing contractor may choose, by not maintaining a current bond, not to practice as a plumbing contractor but to work instead as a journeyman with an inactive contractor license.

(h) Insurance. A plumbing contractor shall provide proof of financial responsibility by providing a certificate of insurance, which indicates a minimum general liability policy of \$50,000. The certificate shall include a 30-day cancellation notice to the Board.

### 158:30-5-4. Plumbing Journeymen and Contractor Licenses by Reciprocity

(a) General Procedures for Application. Any person holding a valid plumbing journeyman license or plumbing contractor license issued by another State who is seeking to obtain a license by reciprocity shall first submit an application to the Construction Industries Board on a form provided by the Board. The application shall include all documentation necessary to show the applicant meets the requirements established by these rules. All applications shall first be directed to the Committee or its designee for an initial review to determine if the applicant meets the qualifications for a license by reciprocity as set forth in these rules and in 59 O.S. Supp. 2002, § 1000.5A or any subsequent enactment of the Legislature. Following this review, the Committee or its designee shall make a recommendation to the Board or its designee as to whether the application should be approved or disapproved. The Board or its designee shall make the final determination as to whether an application shall be approved or disapproved. If the Board or its designee disapproves an application, the application shall be returned to the applicant with the reason for the disapproval.

(b) **Application Fees.** Before an application will be considered, a person applying for a plumbing journeyman license by reciprocity must pay an application and licensing fee of \$ 75. If the person is applying for a plumbing contractor license, the person must pay an application and licensing fee of \$300. These fees shall not be refundable under any circumstances.

(c) **Requirements for Issuance of a License by Reciprocity.** An application for a license by reciprocity may be approved upon a satisfactory showing by the applicant of the following:

(1) That the requirements for licensure from the State in which the applicant is licensed is determined to be substantially the same or equivalent to the requirements for obtaining a license by examination in this state. In making this determination the following shall be considered:

(A) Whether the experience required by the other State to be eligible to sit for the license examination is substantially the same or equivalent to the Board's requirements;

(B) Whether the experience commercial/industrial work required by the other State is substantially the same or equivalent to the Board's requirements;

(C) Whether the continuing education requirements of the other State are substantially the same or equivalent to the Board's requirements;

(D) Whether the codes adopted by the other State are substantially the same or equivalent to the Board's requirements;

(E) Whether the examination of the other State is substantially the same or equivalent to the Board's requirements. This shall include the score required to pass the examination, the subject matter of the examination, the codes on which the examination is based, and whether the examination is in written form.

(2) That the other State will recognize a license issued by the State of Oklahoma through the Construction Industries Board. Paragraphs 1 and 2 of this rule may only be satisfied by the existence of a reciprocity agreement between the Board and the State issuing the applicant's current license as provided in subsection (d) of this rule.

(3) That the applicant is currently licensed by a State that meets the requirements of Section 1 of this rule and that one year immediately prior to the application, the applicant lawfully practiced an applicable trade within and under the laws of that State.

(4) That no disciplinary matters are pending against the applicant in any jurisdiction in which the applicant is currently licensed. This requirement will be considered satisfied upon presentation of a certified statement from the licensing authorities of all jurisdictions in which the applicant is currently licensed that no disciplinary matters are pending against applicant.

(5) That the applicant obtained the license to be reciprocated by examination.

(d) **Reciprocity Agreements.** The Board may enter into a reciprocity agreement with another State if the requirements for licensure in the other State are deemed by the Board to

be substantially the same or equivalent to the requirements for obtaining an original license by examination in this state.

(e) **Additional Requirements for Contractor Applicants.** Applicants seeking a plumbing contractor license by reciprocity who meet the necessary qualifications for a license as required in this rule will be granted a journeyman license by reciprocity. The applicant will be issued a contractor license upon successfully passing the Oklahoma Plumbing Contractor Business and Law portion of the full contractor examination and satisfaction of the bonding and insurance requirements of OAC 158:30-5-2.

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

### 158:30-9-2. Fee schedule for contractors, journeymen, and apprentices

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

(b) **Licensing, Registration and Application Fee Schedule for Contractors, Journeyman, and Apprentices.** The licensure, application, and registration fees shall be annually as follows:

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

(c) **Conversion to birth date renewal proration schedule.** Beginning July 1, 2004 in the Licensing period of 2004-2005 and for a period of one year only, licenses will be prorated as follows:

- (1) Journeymen license holders with a birth date in the months from July through December will pay a regular renewal fee of \$50.00 plus \$4.16667 (rounded up to the nearest whole cent) for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of

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prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.

(2) Journeymen License holders with birth dates in the months of January 2005 through June 2005 will pay \$4.16667 (rounded up to the nearest whole cent) each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they will pay a full fee to renew their license for a period of one year.

(3) Contractor license holders with a birth date in the months from July through December will pay a regular renewal fee of \$150.00 plus \$12.50 for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.

(4) Contractor License holders with birth dates in the months of January 2005 through June 2005 will pay \$12.50 for each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they will pay a full fee to renew their license for a period of one year.

### 158:30-9-3. Duration of Licenses

(a) All licenses shall have a duration of no longer than one year, and shall expire on ~~June 30<sup>th</sup>~~ the last day of the birth month of the licensee of each year.

(b) Any license issued by examination may be renewed by submitting the license fee for the next year by a check or money order and be mailed on or before the ~~June 30<sup>th</sup>~~ birth month expiration date.

(c) An expired license issued by examination may be reinstated if: The license fee is submitted within one (1) year after the license expired, and is accompanied by a late fee.

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

~~(e)~~ A licensee who, during an investigation of the licensee by the Construction Industries Board, surrenders their license shall be treated as if the license had been revoked for one year from the day of surrender.

~~(f)~~ A license cannot be renewed until the licensee has paid any and all outstanding fines due and owing to any department of the Construction Industries Board.

### SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

#### 158:30-11-2. Prohibited acts

(a) No person, entity, or firm may perform plumbing work without first obtaining the appropriate license or registration pursuant to these Rules.

(b) No person shall offer to engage in work as a plumber during the period his license is suspended or revoked.

(c) No employing plumbing firm shall employ or use an unlicensed or unregistered plumber to perform plumbing work.

(d) No person, entity, or firm may transfer a license or registration.

(e) No plumber, licensed pursuant to these Rules, shall enter into an agreement for the use of his license with any firm or person which is, or has been adjudicated to be, in violation of any provision of the Act, or whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Board.

(f) No person shall make a materially false or fraudulent statement in an application for license.

(g) No person may alter a license.

(h) No person may engage in cheating or any act involving the fraudulent misrepresentation of an applicant by an examinee.

(i) No person or entity shall deny access to the Construction Industries Board or its representative on a job site.

*[OAR Docket #04-78; filed 1-22-04]*

## TITLE 158. CONSTRUCTION INDUSTRIES BOARD

### CHAPTER 40. ELECTRICAL INDUSTRY REGULATIONS

*[OAR Docket #04-79]*

#### RULEMAKING ACTION:

EMERGENCY adoption

#### RULES:

Subchapter 7. License Classifications

158:40-7-5. Electrical Journeyman and Contractor Licenses by Reciprocity [NEW]

Subchapter 9. Examination Applications, Examinations and License and Registration Fees and Renewals

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

Subchapter 11. License Revocation or Suspension and Prohibited Acts

158:40-11-2. Prohibited acts [AMENDED]

#### AUTHORITY:

Construction Industries Board; 59 O.S. § 1000.4

#### DATES:

##### Adoption:

September 24, 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 Construction Industries Board finds that a compelling extraordinary circumstance necessitates the emergency certification of the rules. The new rules at 158:40-7-5 will enable the Construction Industries Board to issue licenses by reciprocity to qualified electrical journeymen and contractors from states that agree to recognize Oklahoma licenses. The rules protect the citizens of the State by putting in place a framework for the reciprocity provisions of 59 O.S. Supp. 2002 §1000.5a and by requiring the Board to enter into a reciprocity agreement with another state if the requirements for licensure in the other state are deemed by the Board to be substantially the same or equivalent to the requirements for obtaining an original license in this State prior to the

issuance of a license by reciprocity. The rule changes at 158:40-9-3 set forth the procedure for the revised renewal process passed by the Legislature during the last session by S.B. 545, §12 amending 59 O.S. Supp. 2002 §1688. The rule changes protect the citizens of the state by allowing the Board to transition to the new renewal process without causing undue problems for licensees. The rule changes at 158:40-11-2 will allow staff of the Construction Industries Board access to job sites to enforce the licensing requirements of the Electrical Licensing Act, and will allow the Board to issue administrative citations for any person or entity denying access as required by the Legislature by S.B. 545, §4 amending 59 O.S. Supp. 2002 §1000.4. This rule protects the citizens of the State by allowing the Board to exercise the regulatory authority granted to it by the Legislature.

**ANALYSIS:**

The rule changes provide a means to issue licenses by reciprocity and to enter into mutual agreements with other states to recognize licenses. A fee pursuant to Section 1000.5 Section 1037 of Title 59 of the Oklahoma Statutes shall accompany the reciprocity application, which shall not be refundable under any circumstances. The fees shall be used by the agency to regulate the electrical trade. The rule changes establish a method for prorating license fees to coincide with the birth date of the licensee. The rule changes establish administrative fines for any person or entity denying the Board or its representatives access to a job site for purposes of enforcing any of the provisions of the Electrical Licensing Law.

**CONTACT PERSON:**

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

**SUBCHAPTER 7. LICENSE CLASSIFICATIONS**

**158:40-7-5. Electrical Journeyman and Contractor Licenses by Reciprocity**

(a) **General Procedures for Application.** Any person holding a valid electrical journeyman license or electrical contractor license issued by another State who is seeking to obtain a license by reciprocity shall first submit an application to the Construction Industries Board on a form provided by the Board. The application shall include all documentation necessary to show the applicant meets the requirements established by these rules. All applications shall first be directed to the Committee or its designee for an initial review to determine if the applicant meets the qualifications for a license by reciprocity as set forth in these rules and in 59 O.S. Supp. 2002, § 1000.5A or any subsequent enactment of the Legislature. Following this review, the Committee or its designee shall make a recommendation to the Board or its designee as to whether the application should be approved or disapproved. The Board or its designee shall make the final determination as to whether an application shall be approved or disapproved. If an application is disapproved by the Board or its designee, the application shall be returned to the applicant with the reason for the disapproval.

(b) **Application Fees.** Before an application will be considered, a person applying for an electrical journeyman license by reciprocity must pay an application and licensing fee of \$ 75. If the person is applying for an electrical contractor license,

the person must pay an application and licensing fee of \$300. These fees shall not be refundable under any circumstances.

(c) **Requirements for Issuance of a License by Reciprocity** An application for a license by reciprocity may be approved upon a satisfactory showing by the applicant of the following:

(1) That the requirements for licensure from the State in which the applicant is licensed is determined to be substantially the same or equivalent to the requirements for obtaining a license by examination in this state. In making this determination the following shall be considered:

(A) Whether the experience required by the other State to be eligible to sit for the license examination is substantially the same or equivalent to the Board's requirements;

(B) Whether the experience in commercial/industrial work required by the other State is substantially the same or equivalent to the Board's requirements;

(C) Whether the continuing education requirements of the other State are substantially the same or equivalent to the Board's requirements;

(D) Whether the codes adopted by the other State are substantially the same or equivalent to the Board's requirements;

(E) Whether the examination of the other State is substantially the same or equivalent to the Board's requirements. This shall include the score required to pass the examination, the subject matter of the examination, the codes on which the examination is based, and whether the examination is in written form.

(2) That the other State will recognize a license issued by the State of Oklahoma through the Construction Industries Board. Paragraphs 1 and 2 of this rule may only be satisfied by the existence of a reciprocity agreement between the Board and the State issuing the applicant's current license as provided in subsection (d) of this rule.

(3) That the applicant is currently licensed by a State that meets the requirements of Section 1 of this rule and that one year immediately prior to the application, the applicant lawfully practiced an applicable trade within and under the laws of that State.

(4) That no disciplinary matters are pending against the applicant in any jurisdiction in which the applicant is currently licensed. This requirement will be considered satisfied upon presentation of a certified statement from the licensing authorities of all jurisdictions in which the applicant is currently licensed that no disciplinary matters are pending against applicant.

(5) That the applicant obtained the license to be reciprocated by examination.

(d) **Reciprocity Agreements.** The Board may enter into a reciprocity agreement with another State if the requirements for licensure in the other State are deemed by the Board to be substantially the same or equivalent to the requirements for obtaining an original license by examination in this state.

(e) **Additional Requirements for Contractor Applicants.** Applicants seeking an electrical contractor license by reciprocity who meet the necessary qualifications for a license as

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required in this rule will be granted a journeyman license by reciprocity. The applicant will be issued a contractor license upon successfully passing the Oklahoma Electrical Contractor Business and Law portion of the full contractor examination and satisfaction of the insurance and bonding requirements of OAC 158:40-5-5.

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

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

(a) **Examination Fees for Contractors and Journeyman.** The Construction Industries Board, or its designated representative, may collect for the actual cost of any examination provided by these rules. The cost for each such examination referenced in section 158:40-9-2 shall be posted in plain view at the testing site that provides and administers the examination. Every person whose application for examination is approved shall be informed of the specific fee prior to setting for the examination. The unit testing fee shall be the amount negotiated by the administrator in accordance with the provisions of the Oklahoma Central Purchasing Act, but cannot exceed the maximum allowable fee provided in 59 O.S. § 1000.5 (A)(2). Documentation confirming the contractual fee shall be available upon request.

(b) **Licensing, Registration and Application Fee Schedule for Contractors, Journeyman, and Apprentices.** The licensure, application, and registration fees shall be annually as follows:

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

(c) **License renewal penalties.** Penalty for late license renewal for contractors and journeyman (30 days after expiration date), as provided in the Act is listed above, and upon meeting continuing education requirements listed in 158: 40-9-4.

(d) **Outstanding fines.** A license cannot be issued until the applicant has paid any and all outstanding fines due and owing to any department of the Construction Industries Board.

(e) **Duration of licenses.** ~~A license renewed under the provision is effective when notice of such renewal is issued by the Construction Industries Board.~~ All licenses shall have a duration of no longer than one year, and shall expire on the last day of the birth month of the licensee each year.

(f) **Conversion to birth date renewal proration schedule.** Beginning July 1, 2004 in the Licensing period of 2004-2005

and for a period of one year only, licenses will be prorated as follows:

(1) Journeyman license holders with a birth date in the months from July through December will pay a regular renewal fee of \$50.00 plus \$4.16667 (rounded up to the nearest whole cent) for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.

(2) Journeyman License holders with birth dates in the months of January 2005 through June 2005 will pay \$4.16667 (rounded up to the nearest whole cent) each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they will pay a full fee to renew their license for a period of one year.

(3) Contractor license holders with a birth date in the months from July through December will pay a regular renewal fee of \$150.00 plus \$12.50 for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.

(4) Contractor License holders with birth dates in the months of January 2005 through June 2005 will pay \$12.50 for each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they will pay a full fee to renew their license for a period of one year.

## SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

### 158:40-11-2. Prohibited acts

(a) The following prohibited acts apply to all license holders:

(1) No person, entity, or firm may perform work without first obtaining the appropriate license or registration pursuant to these Rules.

(2) No licensee shall perform work contrary to any provision of the standard of installation in 158:40-1-3, except as otherwise provided by law or rule. Each violation of the standard of installation in 158:40-1-3 can be treated as a separate violation of this Chapter.

(3) No person shall offer to engage in work during the period his license is suspended or revoked.

(4) No employing firm shall employ or use an unlicensed or unregistered individual or entity to perform work.

(5) No person, entity, or firm may transfer a license or registration.

(6) No individual or entity, licensed pursuant to these Rules, shall enter into an agreement for the use of his license with any firm or person which is, or has been adjudicated to be, in violation of any provision of the Act, or

whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Board.

- (7) No person shall make a materially false or fraudulent statement in an application for license.
(8) No person may alter a license.
(9) No licensee shall perform work without keeping their license on their person or in close proximity while performing work.
(10) No person may engage in cheating or any act involving the fraudulent misrepresentation of an applicant by an examinee.

(11) No person or entity shall deny access to the Construction Industries Board or its representative on a job site.

(b) The following prohibited acts apply to persons issued a contractor license:

- (1) No licensee shall allow more than two (2) apprentices per journeyman at a job site.
(2) No licensee shall fail to maintain a bond as provided for in 158:40-5-5.
(3) No licensee shall fail to provide proof of financial responsibility to the Administrator as provided for in 158:40-5-5 (b).
(4) No licensee shall be associated with and responsible for more than one firm.
(5) No licensee shall fail to provide proof of financial responsibility to the Administrator as provided for in 158:40-5-5.

(c) The following prohibited acts apply to persons issued a journeyman license:

- (1) No licensee shall perform work except under the employment or supervision of a contractor.
(2) No licensee shall engage in the planning, contracting, or furnishing of labor and/or materials used for work.

[OAR Docket #04-79; filed 1-22-04]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 50. MECHANICAL INDUSTRY REGULATIONS

[OAR Docket #04-80]

RULEMAKING ACTION: EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions
158:50-1-4. Adopted references and standard of workmanship [AMENDED]
Subchapter 9. Qualifications for Mechanical Licensure, License and Registration Fees, Duration of License, Mechanical License Application, and Apprentice Registration.
158:50-9-2. License and registration fees and renewals [AMENDED]
158:50-9-3. Duration of licenses [AMENDED]
158:50-9-6. Mechanical journeyman and contractor licenses by reciprocity [NEW]
Subchapter 11. License Revocation or Suspension and Prohibited Acts.

158:50-11-2. Prohibited acts [AMENDED]
AUTHORITY: Construction Industries Board; 59 O.S. § 1000.4

DATES: Adoption: September 24, 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 Construction Industries Board finds that a compelling extraordinary circumstance necessitates the emergency certification of the rules. The rule changes to 158:50-1-4 will update the applicable mechanical codes thereby protecting the citizens of the State by requiring that mechanical work be performed according to the most current recognized standards in the industry. The rule changes at 158:50-9-2 and 158:50-9-3 set forth the procedure for the revised renewal process passed by the Legislature during the last session by S.B. 545, §14 amending 59 O.S. Supp. 2002 §1850.8. The rule changes protect the citizens of the state by allowing the Board to transition to the new renewal process without causing undue problems for licensees. The new rules at 158:50-9-5 will enable the Construction Industries Board to issue licenses by reciprocity to qualified mechanical journeymen and contractors from states that agree to recognize Oklahoma licenses. The rules protect the citizens of the State by putting in place a framework for the reciprocity provisions of 59 O.S. Supp. 2002 §1000.5a and by requiring the Board to enter into a reciprocity agreement with another state if the requirements for licensure in the other state are deemed by the Board to be substantially the same or equivalent to the requirements for obtaining an original license in this State prior to the issuance of a license by reciprocity. The rule changes at 158:50-11-2 will allow staff of the Construction Industries Board access to job sites to enforce the licensing requirements of the Mechanical Licensing Act, and will allow staff to issue administrative citations for any person or entity denying access as required by the Legislature by S.B. 545, §4 amending 59 O.S. Supp. 2002 §1000.4. This rule protects the citizens of the State by allowing the Board to exercise the regulatory authority granted to it by the Legislature.

ANALYSIS: The rule changes allow the Construction Industries Board or its representatives to enforce the 2003 International Mechanical Code. The rule changes provide a means to issue licenses by reciprocity and to enter into mutual agreements with other states to recognize licenses. A fee pursuant to Section 1000.5 Section 1037 of Title 59 of the Oklahoma Statutes shall accompany the reciprocity application, which shall not be refundable under any circumstances. The fees shall be used by the agency to regulate the mechanical trade. The rule changes establish a method for prorating license fees to coincide with the birth date of the licensee. The rule changes establish administrative fines for any person or entity denying the Board or its representatives access to a job site for purposes of enforcing any of the provisions of the Mechanical Licensing Law.

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

SUBCHAPTER 1. GENERAL PROVISIONS

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### 158:50-1-4. **Adopted references and standard of workmanship**

The Construction Industries Board hereby incorporates the International Mechanical Code/2000 2003, International Fuel Gas Code/2000 2003, and the International Residential Code/2000 2003, (Chapters 12 through 24) as the minimum standard for mechanical work in Oklahoma.

### **SUBCHAPTER 9. QUALIFICATION FOR MECHANICAL LICENSURE, LICENSE AND REGISTRATION FEES, DURATION OF LICENSE, MECHANICAL LICENSE APPLICATION, AND APPRENTICE REGISTRATION**

### 158:50-9-2. **License and registration fees and renewals**

#### (a) **Examination Fees for Contractors and Journeyman.**

The Construction Industries Board, or its designated representative, may collect for the actual cost of any examination provided by these rules. The cost for each such examination referenced in section 158:50-9-1 shall be posted in plain view at the testing site that provides and administers the examination. Every person whose application for examination is approved shall be informed of the specific fee prior to setting for the examination. The unit testing fee shall be the amount negotiated by the administrator in accordance with the provisions of the Oklahoma Central Purchasing Act, but cannot exceed the maximum allowable fee provided in 59 O.S. § 1000.5 (A)(2). Documentation confirming the contractual fee shall be available upon request.

(b) **Licensing, Registration and Application Fee Schedule for Contractors, Journeyman, and Apprentices.** The licensure, application, and registration fees shall be annually as follows:

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

(c) **Conversion to birth date renewal proration schedule.** Beginning July 1, 2004 in the Licensing period of 2004-2005 and for a period of one year only, licenses will be prorated as follows:

- (1) Journeyman license holders with a birth date in the months from July through December will pay a regular renewal fee of \$50.00 plus \$4.16667 (rounded up to the nearest whole cent) for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.

(2) Journeyman License holders with birth dates in the months of January 2005 through June 2005 will pay \$4.16667 (rounded up to the nearest whole cent) each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they will pay a full fee to renew their license for a period of one year.

(3) Contractor license holders with a birth date in the months from July through December will pay a regular renewal fee of \$150.00 plus \$12.50 for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.

(4) Contractor License holders with birth dates in the months of January 2005 through June 2005 will pay \$12.50 for each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they will pay a full fee to renew their license for a period of one year.

### 158:50-9-3. **Duration of licenses**

(a) All licenses shall have a duration of no more than one year, and shall expire on ~~June 30<sup>th</sup>~~ the last day of the birth month of the licensee of each year.

(b) Any license issued by examination may be renewed by submitting the license fee for the next year by a check or money order and be mailed on or before the ~~June 30<sup>th</sup>~~ birth month expiration date.

(c) A license renewed under the provision of 158:9-3 (b) is effective when notice of such renewal is issued by the Construction Industries Board.

(d) An expired license ~~issued by examination~~ may be reinstated if: The license fee is submitted ~~within one (1) year after the license expired,~~ and is accompanied by a late fee, plus any applicable insurance and bonding requirements.

(e) ~~Any person who has not renewed or reinstated a mechanical license cannot obtain another license of the same type without making application and having passed an examination for that license. Any previously passed Construction Industries examination may be used to meet an examination requirement.~~

(f) A licensee who, during an investigation of the licensee by the Construction Industries Board, surrenders their license, shall be treated as if the license had been revoked for one year from the day of surrender.

(g) A license cannot be renewed until the licensee has paid any and all outstanding fines due and owing to any department of the Construction Industries Board.

### 158:50-9-6. **Mechanical Journeyman and Contractor Licenses by Reciprocity**

(a) General Procedures for Application. Any person holding a valid mechanical journeyman license or mechanical contractor license issued by another State who is seeking to obtain a license by reciprocity shall first submit an application to the Construction Industries Board on a form provided by the

Board. The application shall include all documentation necessary to show the applicant meets the requirements established by these rules. All applications shall first be directed to the Committee or its designee for an initial review to determine if the applicant meets the qualifications for a license by reciprocity as set forth in these rules and in 59 O.S. Supp. 2002, § 1000.5A or any subsequent enactment of the Legislature. Following this review, the Committee or its designee shall make a recommendation to the Board or its designee as to whether the application should be approved or disapproved. The Board or its designee shall make the final determination as to whether an application shall be approved or disapproved. If an application is disapproved by the Board or its designee, the application shall be returned to the applicant with the reason for the disapproval.

(b) **Application Fees.** Before an application will be considered, a person applying for a mechanical journeyman license by reciprocity must pay an application and licensing fee of \$75. If the person is applying for a mechanical contractor license, the person must pay an application and licensing fee of \$300. These fees shall not be refundable under any circumstances.

(c) **Requirements for Issuance of a License by Reciprocity.** An application for a license by reciprocity may be approved upon a satisfactory showing by the applicant of the following:

(1) That the requirements for licensure from the State in which the applicant is licensed is determined to be substantially the same or equivalent to the requirements for obtaining a license by examination in this state. In making this determination the following shall be considered:

(A) Whether the other State regulates and issues licenses for mechanical trade categories in a manner that is substantially the same or equivalent to the State of Oklahoma;

(B) Whether the experience required by the other State to be eligible to sit for the license examination is substantially the same or equivalent to the Board's requirements;

(C) Whether the continuing education requirements of the other State are substantially the same or equivalent to the Board's requirements;

(D) Whether the codes adopted by the other State are substantially the same or equivalent to the Board's requirements;

(E) Whether the examination of the other State is substantially the same or equivalent to the Board's requirements. This shall include the score required to pass the examination, whether examinations are given for specific mechanical trade categories, and whether the examination is in written form.

(2) That the other State will recognize licenses issued by the State of Oklahoma through the Construction Industries Board. Paragraphs 1 and 2 of this rule may be satisfied by the existence of a reciprocity agreement between the Board and the State issuing the applicant's current license as provided in subsection (d) of this rule.

(3) That the applicant is currently licensed by a State that meets the requirements of Section 1 of this rule and that one year immediately prior to the application, the applicant lawfully practiced an applicable trade within and under the laws of that State.

(4) That no disciplinary matters are pending against the applicant in any jurisdiction in which the applicant is currently licensed. This requirement will be considered satisfied upon presentation of a certified statement from the licensing authorities of all jurisdictions in which the applicant is currently licensed that no disciplinary matters are pending against applicant.

(5) That the applicant obtained the license to be reciprocated by examination in the applicable mechanical trade category.

(d) **Reciprocity Agreements.** The Board may enter into a reciprocity agreement with another State if the requirements for licensure in the other State are deemed by the Board to be substantially the same or equivalent to the requirements for obtaining an original license by examination in this state.

(e) **Additional Requirements for Contractor Applicants.** Applicants seeking a plumbing contractor license by reciprocity who meet the necessary qualifications for a license as required in this rule will be granted a journeyman license by reciprocity. The applicant will be issued a contractor license upon successfully passing the Oklahoma Mechanical Contractor Business and Law portion of the full contractor examination and satisfaction of the requirements of OAC 158:50-5-3.

(f) **Additional Requirements for Ground Source Piping License Applicants.** Applicants seeking a mechanical license by reciprocity in the ground source piping category must provide proof of being certified in the proper installation of ground source piping by an organization approved by the Committee.

## SUBCHAPTER 11. LICENSE REVOCATION OR SUSPENSION AND PROHIBITED ACTS

### 158:50-11-2. Prohibited acts

(a) The following prohibited acts apply to all license holders:

(1) No person, entity, or firm may perform mechanical work without first obtaining the appropriate license or registration pursuant to these rules.

(2) No licensee shall perform mechanical work in a category under which he is not licensed.

(3) No licensee shall perform work contrary to any provision of the adopted references in 158:50-1-4, except as otherwise provided by law or rule. Each violation of the adopted references in 158:50-1-4 can be treated as a separate violation of this Chapter.

(4) No person shall offer to engage in mechanical work during the period his license is suspended or revoked.

(5) No employing mechanical firm shall employ or use and unlicensed or unregistered individual or entity to perform mechanical work.

(6) No person, entity, or firm may transfer a license or registration.

(7) No individual or entity, licensed pursuant to these Rules shall enter into an agreement for the use of his license with any firm or person which is, or has been adjudicated to be, in violation of any provision of the Act, or whose license is currently suspended or has within the last year been revoked, unless or until otherwise approved by the Board.

(8) No person shall make a materially false or fraudulent statement in an application for license.

(9) No person may alter a license.

(10) No licensee shall fail to notify the Administrator of a change in his address.

(11) No licensee shall perform mechanical work without keeping their license on their person or in close proximity while performing mechanical work.

(12) No person may engage in cheating or any act involving the fraudulent misrepresentation of an applicant by an examinee.

(13) No person or entity shall deny access to the Construction Industries Board or its representative on a job site.

**(b) The following prohibited acts apply to persons issued a contractor license:**

(1) No licensee shall employ or supervise persons performing mechanical work unless those persons are licensed or registered to perform that category of work.

(2) No licensee shall allow any apprentice to perform mechanical work at the contractor's job site unless the apprentice will have direct supervision by a person licensed to perform in that category of mechanical work.

(3) No licensee shall allow more than three (3) apprentices per journeyman at a job site.

(4) No licensee shall fail to maintain a bond as provided for in 158:50-5-3.

(5) No licensee shall fail to provide proof of financial responsibility to the Administrator as provided for in 158:50-5-3 (b).

(6) No licensee shall be associated with and responsible for more than one mechanical firm.

**(c) The following prohibited acts apply to persons issued a journeyman license:**

(1) No licensee shall allow an apprentice under his direct supervision to perform mechanical work for which the journeyman is not licensed to perform.

(2) No licensee shall perform mechanical work except under the employment or supervision of a Mechanical Contractor.

(3) No licensee shall engage in the planning, contracting, or furnishing of labor and/or materials used for mechanical work.

[OAR Docket #04-80; filed 1-22-04]

## TITLE 158. CONSTRUCTION INDUSTRIES BOARD CHAPTER 60. INSPECTORS REGULATIONS

[OAR Docket #04-81]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

Subchapter 5. Categories and Classifications of Inspector Licenses, Qualifications for Inspector Licensure, License Requirements for Inspectors, Fees, Certification and Continuing Education for Inspectors, and Continuing Education Courses

158:60-5-4. Fees, certification and continuing education for inspectors. [AMENDED]

**AUTHORITY:**

Construction Industries Board; 59 O.S. § 1000.4

**DATES:**

**Adoption:**

September 24, 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 Construction Industries Board finds that a compelling extraordinary circumstance necessitates the emergency certification of the rules. The rule changes at 158:60-5-4 set forth the procedure for the revised renewal process passed by the Legislature during the last session by S.B. 545, §14 amending 59 O.S. 2001 §1038. The rule changes protect the citizens of the state by allowing the Board to transition to the new renewal process without causing undue problems for licensees.

**ANALYSIS:**

The Construction Industries Board is required to establish by rule a method for prorating license fees to coincide with the birth date of the licensee.

**CONTACT PERSON:**

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**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. CATEGORIES AND CLASSIFICATIONS OF INSPECTOR LICENSES, QUALIFICATIONS FOR INSPECTOR LICENSURE, LICENSE REQUIREMENTS FOR INSPECTORS, FEES, CERTIFICATION AND CONTINUING EDUCATION FOR INSPECTORS, AND CONTINUING EDUCATION COURSES**

**158:60-5-4. Fees, certification and continuing education for inspectors**

(a) Fees, certification and continuing education requirements for inspectors are as follows:

- (1) Building inspectors (both unlimited and residential licenses):
  - (A) \$35.00 Fee for license and renewal;
  - (B) \$70.00 Late fee; and
  - (C) Certification or exam - BOCA, ICC, ICBO, SBCCI, or Construction Industries Inspector's Exam.
  - (D) C.E.U. - 5 (effective for license year beginning July 1, 1995).
- (2) Electrical inspectors (both unlimited and residential licenses):
  - (A) \$35.00 Fee for license and renewal;
  - (B) \$70.00 Late fees for renewal license; and
  - (C) Certification or exam - BOCA, ICC, ICBO, SBCCI, or Construction Industries Inspector's Exam.
  - (D) C.E.U. - 5 (effective for license year beginning July 1, 1995).
- (3) Mechanical inspectors (both unlimited and residential licenses):
  - (A) \$35.00 Fee for license and renewal;
  - (B) \$70.00 late fees for renewal license; and
  - (C) Certification or exam - BOCA, ICC, ICBO, SBCCI, or Construction Industries Inspector's Exam.
  - (D) C.E.U. - 5 (effective for license year beginning July 1, 1995).
- (4) Plumbing inspectors (both unlimited and residential licenses):
  - (A) \$35.00 Fee for license and renewal;
  - (B) \$70.00 late fees for renewal license; and
  - (C) Certification or exam - BOCA, ICC, IAPMO, ICBO, SBCCI, or Construction Industries Inspector's Exam.
  - (D) C.E.U. - 5 (effective for license year beginning July 1, 1995).

(b) Duration of licenses. All licenses shall have a duration of no longer than one year, and shall expire on the last day of the birth month of the licensee each year.

(c) Conversion to birth date renewal proration schedule. Beginning July 1, 2004 in the Licensing period of 2004-2005 and for a period of one year only, licenses will be prorated as follows:

- (1) License holders with a birth date in the months from July through December will pay a regular renewal fee of \$35.00 plus \$2.91667 (rounded up to the nearest whole cent) for each month (August, September, October, November, December) or 1/12 of a full renewal fee until the birth month of the licensee. This period of prorated fees will extend the duration of the license until the birth month of the license holder in the year of 2005.
- (2) License holders with birth dates in the months of January 2005 through June 2005 will pay \$2.91667 (rounded up to the nearest whole cent) each month or 1/12 of full renewal, until their next birth month (January, February, March, April, May, June) at which time they

will pay a full fee to renew their license for a period of one year.

[OAR Docket #04-81; filed 1-22-04]

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

[OAR Docket #04-67]

**RULEMAKING ACTION:**

EMERGENCY adoption

**RULES:**

- Subchapter 3. General Provider Policies
- Part 3. General Medical Program Information
- 317:30-3-57. [AMENDED]
- 317:30-3-59. [AMENDED]
- Subchapter 5. Individual Providers and Specialties
- Part 1. Physicians
- 317:30-5-2. [AMENDED]
- 317:30-5-9. [AMENDED]
- 317:30-5-11. [AMENDED]
- 317:30-5-15. [AMENDED]
- Part 35. Rural Health Clinics
- 317:30-5-356. [AMENDED]
- (Reference APA WF # 03-42)

**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 440.50

**DATES:**

**Adoption:**

December 11, 2003

**Approved by Governor:**

December 29, 2003

**Effective:**

Immediately upon Governor's approval or January 1, 2004, whichever is later

**Expiration:**

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

**SUPERSEDED EMERGENCY ACTIONS:**

**Superseded rules:**

- Subchapter 3. General Provider Policies
- Part 3. General Medical Program Information
- 317:30-3-57. [AMENDED]
- Subchapter 5. Individual Providers and Specialties
- Part 1. Physicians
- 317:30-5-2. [AMENDED]
- (Reference APA WF 03-36)

**Gubernatorial approval:**

December 19, 2003

**Register publication:**

21 Ok Reg 398

**Docket number:**

04-28

**INCORPORATIONS BY REFERENCE:**

N/A

**FINDING OF EMERGENCY:**

The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions needed to transition the population of SoonerCare Plus Medicaid recipients to the Fee-for-Service program effective January 1, 2004, as the SoonerCare Plus program is ending on December 31, 2003.

**ANALYSIS:**

Medical Providers-Fee for Service rules are being revised to increase the monthly compensable number of outpatient physician visits for Medicaid eligible adults from two to four visits per month. On December 31, 2003, the

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SoonerCare Plus program will end and all current SoonerCare Plus recipients will be transferred to the Fee-for-Service program. The agency anticipates that the effected group of individuals will be moved into the SoonerCare Choice program by April 1, 2004. To ensure continued quality health care for these recipients, the agency is proposing to enhance the benefits available through the Fee-for-Service program by amending rules to increase the number of compensable physicians visits from two to four per month for adults. Other revisions are incorporated due to superseding emergency rules previously approved by the Governor in APA WF 03-36.

## CONTACT PERSON:

Joanne Terlizzi at (405)522-7272

**PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY GOVERNOR OR JANUARY 1, 2004, WHICHEVER IS LATER:**

## SUBCHAPTER 3. GENERAL PROVIDER POLICIES

### PART 3. GENERAL MEDICAL PROGRAM INFORMATION

#### 317:30-3-57. General Medicaid coverages - categorically needy

The following are general Medicaid coverages for the categorically needy:

- (1) Inpatient hospital services other than those provided in an institution for mental diseases.
  - (A) Adult coverage limited to 24 the compensable inpatient hospital days per State fiscal year (July 1 through June 30) described at OAC 317:30-5-41.
  - (B) Coverage for persons under 21 years of age is not limited. All admissions must be medically necessary. All psychiatric admissions require prior authorization for an approved length of stay.
- (2) Emergency department services.
- (3) Dialysis in an outpatient hospital or free standing dialysis facility.
- (4) Outpatient therapeutic radiology or chemotherapy for proven malignancies or opportunistic infections.
- (5) Outpatient surgical services - facility payment for selected outpatient surgical procedures to hospitals which have a contract with the Authority.
- (6) Outpatient Mental Health Services for medical and remedial care including services provided on an outpatient basis by certified hospital based facilities who are also qualified mental health clinics.
- (7) Rural health clinic services and other ambulatory services furnished by rural health clinic.
- (8) Optometrists' services - only as listed in Subchapter 5, Part 45, Optometrist specific rules of this Chapter.
- (9) Maternity Clinic Services through the Oklahoma State Health Department.

(10) Outpatient diagnostic x-rays and lab services. Other outpatient services provided adults, not specifically addressed, are covered only when prior authorized by the agency's Medical Professional Services Units of the Oklahoma Health Care Authority Authorization Unit.

(11) One screening mammogram (~~76092~~) and one follow-up mammogram (~~76090 and 76091~~) every year for women beginning at age 30. Additional follow-up mammograms are covered when medically necessary. Additional follow-up mammograms require a prior authorization from the agency's Medical Professional Services Division of the Oklahoma Health Care Authority Authorization Unit.

(12) Nursing facility services (other than services in an institution for tuberculosis or mental diseases).

(13) Early and Periodic Screening, Diagnosis and Treatment Services (EPSDT) are available for each eligible individual under 21 years of age to provide access to regularly scheduled examinations and evaluations of the general physical and mental health, growth, development, and nutritional status of infants, children, and youth. Federal regulations also require that diagnosis and treatment be provided for conditions identified during a screening whether or not they are covered under the State Plan, as long as federal funds are available for these services. These services must be necessary to ameliorate or correct defects and physical or mental illnesses or conditions and will require prior authorization. EPSDT services include payment for:

(A) Child health screening examinations for eligible children by a medical or osteopathic physician.

(i) Scheduled screenings include:

- (I) ~~Six~~ six screenings during the first year of life
- (II) two screenings in the second year;
- (III) one screening yearly for ages 2 thru 5 years; and
- (IV) one screening every other year for ages 6 thru 20 years.

(ii) Interperiodic screenings outside the periodicity schedule for screening examinations are allowed at necessary intervals when a medical condition is suspected.

(B) Diagnostic x-rays, lab, and/or injections when prescribed by a physician.

(C) Immunizations.

(D) Outpatient care.

(E) Dental services, including inpatient services in an eligible participating hospital, outpatient dental screening every 12 months, two bite wing x-rays, and/or oral prophylaxis one each 12 months; emergency services for relief of pain and/or acute infection; limited restoration, repair and/or replacement of dental defects after the treatment plan submitted by dentist has been authorized.

(F) Optometrists' services. The EPSDT periodicity schedule provides for at least one visual screening and glasses each 12 months. In addition, payment is

made for glasses for children with congenital aphakia or following cataract removal. Interperiodic screenings and glasses at intervals outside the periodicity schedule for optometrists are allowed when a visual condition is suspected.

(G) Hearing services include hearing evaluation at least once every 12 months, hearing aid evaluation if indicated and purchase of a hearing aid when prescribed by a state licensed audiologist who holds a certificate of clinical competence from the American Speech and Hearing Association and preauthorized. Interperiodic hearing examinations are allowed at intervals outside the periodicity schedule when a hearing condition is suspected.

(H) Prescribed drugs.

(I) Outpatient Psychological services for eligible individuals under 21 years of age must be prior authorized. Payment is made to eligible psychologists who are duly licensed to practice. Outpatient testing and diagnosis is limited to one hour per patient each 12 months. Additional hours may be prior authorized.

(J) Inpatient Psychotherapy Services. Payment is made to eligible psychologists and psychiatrists. Inpatient psychotherapy by a psychologist must be prior authorized.

(K) Inpatient psychological testing for eligible individuals under 21 years of age. Limited to one hour per recipient each 12 months. If medically necessary, additional hours must be prior authorized. Payment is made to eligible psychologists who are duly licensed to practice.

(L) Transportation. Provided when necessary in connection with examination or treatment when not otherwise available.

(M) Inpatient hospital services.

(N) Medical supplies, equipment, appliances and prosthetic devices beyond the normal scope of Medicaid.

(O) EPSDT services furnished in a qualified child health center.

(14) Family planning services and supplies for individuals of child-bearing age, including counseling, insertion of intrauterine device and sterilization for persons 21 years of age and over who are legally competent, not institutionalized and have signed the "Consent Form" at least 30 days prior to procedure. Reversal of sterilization procedures for the purposes of conception are not covered. Reversal of sterilization procedures may be covered when medically indicated and substantiating documentation is attached to the claim. The Norplant System for birth control is covered; however, removal of the Norplant System prior to five years is covered only when documented as medically necessary. Reinsertion of Norplant contraceptive will be considered on a case by case basis.

(15) Family planning centers.

(16) Physicians' services whether furnished in the office, the patient's home, a hospital, a nursing facility, ICF/MR, or elsewhere. For adults, payment will be made for up

to ~~24~~ the limited number of compensable hospital days paid on hospital claims during a state fiscal year for ~~each individual recipient~~ described at OAC 317:30-5-41.

These days will be maintained on the recipient record. Physician claims for hospital visits will be paid until the last compensable hospital day is captured. After ~~24~~ the limited number of hospital days have been captured, inpatient physician services will not be paid beyond the last compensable hospital day. Office visits for adults are limited to ~~two~~ four per month except when in connection with emergency medical conditions.

(17) Medical care and any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law. See applicable provider section for limitations to covered services for:

- (A) Podiatrists' services
- (B) Optometrists' services
- (C) Psychologists' services
- (D) Certified Registered Nurse Anesthetists
- (E) Certified Nurse Midwives
- (F) Advanced Practice Nurses

(18) Free-standing ambulatory surgery centers.

(19) Prescribed drugs not to exceed ~~three~~ a total of six prescriptions with a limit of three brand name prescriptions per month. ~~Medically necessary prescribed drugs for persons in nursing facilities, ICF/MR's, Home and Community Based Waivers, and the Advantage Program Waiver. Prescriptions are not limited for persons under 21 years of age. Exceptions to the six prescription limit are:~~

(A) unlimited medically necessary monthly prescriptions for:

- (i) individuals under the age of 21 years; and
- (ii) residents of Nursing Facilities or Intermediate Care Facilities for the Mentally Retarded.

(B) seven additional medically necessary prescriptions which are generic products per month to the six covered under the State Plan are allowed for adults receiving services under the §1915(c) Home and Community Based Services Waivers. Medically necessary prescriptions beyond the three brand name or thirteen total prescriptions will be covered with prior authorization.

(20) Rental and/or purchase of durable medical equipment.

(21) Adaptive equipment, when prior authorized, for persons residing in private ICF/MR's.

(22) Dental services for persons residing in private ICF/MR's in accordance with the scope of dental services for persons under age 21.

(23) Prosthetic devices limited to catheters and catheter accessories, colostomy and urostomy bags and accessories, tracheostomy accessories, nerve stimulators, hyperalimentation and accessories, home dialysis equipment and supplies, oxygen/oxygen concentrator equipment and supplies, respirator or ventilator equipment and supplies, and those devices inserted during the course of a surgical procedure.

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- (24) Standard medical supplies.
- (25) Eyeglasses under EPSDT for individuals under age 21. Payment is also made for glasses for children with congenital aphakia or following cataract removal.
- ~~(26) Payment to blood banks for blood when not included in the hospital per diem cost.~~
- ~~(2726) Blood and blood fractions for eligible persons suffering from a congenital or acquired disease of the blood when administered on an outpatient basis.~~
- ~~(2827) Inpatient services for individuals age 65 or older in institutions for mental diseases, limited to those persons whose Medicare, Part A benefits are exhausted for this particular service and/or those persons who are not eligible for Medicare services.~~
- ~~(2928) Nursing facility services, limited to individuals preauthorized and approved by OHCA for such care.~~
- ~~(3029) Inpatient psychiatric facility admissions for individuals under 21 are limited to an approved length of stay effective July 1, 1992, with provision for requests for extensions.~~
- ~~(3130) Transportation and subsistence (room and board) to and from providers of medical services to meet patient's needs (ambulance or bus, etc.), to obtain medical treatment.~~
- ~~(3231) Extended services for pregnant women including all pregnancy-related and postpartum services to continue to be provided, as though the women were pregnant, for 60 days after the pregnancy ends, beginning on the last date of pregnancy.~~
- ~~(3332) Nursing facility services for patients under 21 years of age.~~
- ~~(3433) Personal care in recipient's home, prescribed in accordance with a plan of treatment and rendered by a qualified person under supervision of an R.N.~~
- ~~(3534) Part A deductible and Part B Medicare Coinsurance and/or deductible.~~
- ~~(3635) Home and Community Based Waiver Services for the mentally retarded.~~
- ~~(3736) Home health services limited to 36 visits per year and standard supplies for 1 month in a 12-month period. The visits may be any combination of Registered Nurse and nurse aide visits, not to exceed 36 per year.~~
- ~~(3837) Organ and tissue transplantation services for children and adults, limited to bone marrow, stem cells, cornea, heart, kidney, liver, lung, SPK (simultaneous pancreas kidney), PAK (pancreas after kidney), and heart-lung, are covered services based upon the conditions listed in (A)-(D) of this paragraph:~~
- ~~(A) All transplantation services, except kidney and cornea, must be prior authorized to be compensable.~~
  - ~~(B) To be prior authorized all procedures are reviewed based on appropriate medical criteria.~~
  - ~~(C) To be compensable under the Medicaid program all organ transplants must be performed at a Medicare approved transplantation center.~~
  - ~~(D) Finally, procedures considered experimental or investigational are not covered.~~

- ~~(3938) Home and community-based waiver services for mentally retarded individuals who were determined to be inappropriately placed in a NF (Alternative Disposition Plan - ADP).~~
- ~~(4039) Case Management services for the chronically and/or severely mentally ill.~~
- ~~(4140) Emergency medical services including emergency labor and delivery for illegal or ineligible aliens.~~
- ~~(4241) Services delivered in Federally Qualified Health Centers. Payment will be made on an encounter basis. An encounter is all medical or dental services provided by the center in one day.~~
- ~~(4342) Early Intervention services for children ages 0-3.~~
- ~~(4443) Residential Behavior Management in therapeutic foster care setting.~~
- ~~(4544) Birthing center services.~~
- ~~(4645) Case management services through the Department of Mental Health and Substance Abuse.~~
- ~~(4746) Home and Community-Based Waiver services in limited geographic areas for aged or physically disabled individuals.~~
- ~~(4847) Outpatient ambulatory services for persons infected with tuberculosis.~~

### 317:30-3-59. General program exclusions - adults

The following are excluded from Medicaid coverage for adults:

- (1) Inpatient diagnostic studies that could be performed on an outpatient basis.
- (2) Services or any expense incurred for cosmetic surgery, including removal of benign skin lesions.
- (3) Services of two physicians for the same type of service to the same patient at the same time, except when warranted by the necessity of supplemental skills. When supplemental skills are warranted, the initial consultation is reported utilizing the appropriate CPT code for inpatient consultations. Follow-up consultations include monitoring progress, recommending management modifications or advising on a new plan of care in response to changes in the patient's status. If the consultant physician initiates treatment at the initial consultation and participates thereafter in the patient's care, the codes for subsequent hospital care should be used.
- (4) Refractions and visual aids.
- (5) Separate payment for pre and post-operative care when payment is made for surgery.
- (6) Reversal of sterilization procedures for the purposes of conception.
- (7) Treatment for obesity.
- (8) Non therapeutic hysterectomies. Therapeutic hysterectomies require that the following information be attached to the claim:
  - (A) a copy of an acceptable acknowledgment form signed by the patient, or,
  - (B) an acknowledgment by the physician that the patient has already been rendered sterile, or,

- (C) a physician's certification that the hysterectomy was performed under a life-threatening emergency situation.
- (9) Induced abortions, except when certified in writing by a physician that the abortion was necessary due to a physical disorder, injury or illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed, or that the pregnancy is the result of an act of rape or incest.
- (10) Medical services considered to be experimental.
- (11) Services of a Certified Surgical Assistant.
- (12) Services of a Chiropractor. Payment is made for Chiropractor services on Crossover claims for coinsurance and/or deductible only.
- (13) Services of a Registered Physical Therapist.
- (14) Services of a Psychologist.
- (15) Services of a Speech and Hearing Therapist.
- (16) Physician and hospital services in a general acute care hospital beyond the 24 day compensable hospital period per person per State fiscal year.
- (17) Payment for more than ~~two~~ four outpatient visits per month (home, office, outpatient hospital) per patient, except those visits in connection with family planning or emergency medical condition.
- (18) Payment for more than two nursing home visits per month.
- (19) More than one inpatient visit per day per physician.

**SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES**

**PART 1. PHYSICIANS**

**317:30-5-2. General coverage by category**

(a) **Adults.** Payment for adults is made to physicians for medical and surgical services within the scope of the Authority's medical programs, provided the services are reasonable and necessary for the diagnosis and treatment of illness or injury, or to improve the functioning of a malformed body member. Coverage of certain services may be based on a determination made by the medical consultant in individual circumstances.

- (1) Coverages include the following:
  - (A) Effective August 1, 2000, all general acute care inpatient hospital services for all persons 21 years of age or older, will be limited to 24 days per person per state fiscal year (July 1 through June 30). This limitation does not apply to free-standing psychiatric facilities providing inpatient treatment to persons under 21 years of age and 65 years of age and older. The 24 days limitation applies to both hospital and physician services. Payment will be made for up to 24 hospital days paid on hospital claims during a state fiscal year for each individual recipient. These days will be maintained on the recipient record. Physician

claims for hospital visits will be paid until the last compensable hospital day is captured. After 24 hospital days have been captured, no inpatient physician services will be paid beyond the last compensable hospital day. No exceptions or extensions will be made to the 24 day inpatient services limitation. All inpatient services are subject to post-payment review by the OHCA, or its designated agent. Effective October 1, 1993, for all persons ages 21 to 65 years, there is no coverage for inpatient chemical dependency treatment and inpatient detoxification is limited to a maximum of five days per admission and subject to post payment review.

- (B) Inpatient psychotherapy by a physician.
- (C) Inpatient psychological testing by a physician.
- (D) One inpatient visit per day, per physician.
- (E) Certain surgical procedures performed in a Medicare certified free-standing ambulatory surgicenter or a Medicare certified hospital that offers outpatient surgical services. Refer to the List of Covered Surgical Procedures.
- (F) Therapeutic radiology or chemotherapy on an outpatient basis without limitation to the number of treatments per month for persons with proven malignancies or opportunistic infections.
- (G) Direct physicians' services are covered on an outpatient basis. A maximum payment of ~~two~~ four visits are covered per month per patient in office or home regardless of the number of physicians providing treatment. Additional visits per month are allowed for those services related to emergency medical conditions and for services in connection with Family Planning.
- (H) Direct physicians' services in a nursing facility for those patients approved for nursing care. Payment is made for a maximum of two nursing facility visits per month. To receive payment for a second nursing facility visit in a month denied by Medicare for a Medicare/Medicaid patient, attach the EOMB from Medicare showing denial and mark "carrier denied coverage".
- (I) Payment is made for medically necessary diagnostic x-ray and laboratory work.
- (J) One screening mammogram and one follow-up mammogram every year for women beginning at age 30. Additional follow-up mammograms are covered when medically necessary. A prior authorization by the Medical Professional Services Division of the Oklahoma Health Care Authority is required for additional follow-up mammograms. This includes interpretation and technical component.
- (K) Obstetrical care.
- (L) Pacemakers and prostheses inserted during the course of a surgical procedure. Payment is made based upon an invoice for the item.
- (M) Prior authorized examinations for the purpose of determining medical eligibility for programs under

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the jurisdiction of the Authority. A copy of the authorization, DHS form ABCDM-16, Authorization for Examination and Billing, must accompany the claim.

(N) If a physician personally sees a patient on the same day as a dialysis treatment, payment can be made for a separately identifiable service unrelated to the dialysis.

(O) Family planning - including sterilization procedures for legally competent persons 21 years of age and over who voluntarily request such a procedure and, with their physician, execute the Federally mandated consent form (ADM-71). A copy of the consent form must be attached to the claim form. Separate payment is made for an I.U.D. inserted during an office visit. Certain family planning products may be obtained through the Vendor Drug Program. Reversal of sterilization procedures for the purposes of conception are not covered. Reversal of sterilization procedures may be covered when medically indicated and substantiating documentation is attached to the claim. The Norplant System for birth control is covered; however, removal of the Norplant System prior to five years is covered only when documented as medically necessary. Reinsertion of Norplant contraceptive will be considered on a case by case basis.

(P) Genetic counseling (requires special medical review prior to approval).

(Q) Blood count weekly for persons receiving the drug Clozaril.

(R) Complete blood count and platelet count prior to receiving chemotherapeutic agents or radiation therapy and for persons receiving medication such as DPA-D-Penicillamine on a regular basis for treatment other than malignancies.

(S) Payment of ultrasounds for pregnant women as specified in OAC 317:30-5-22.

(T) Payment to the attending physician in a teaching medical facility for compensable services when the physician signs as claimant and renders personal and identifiable services to the patient in conformity with Federal regulations.

(U) Payment to clinical fellow or chief resident in an outpatient academic setting when the following conditions are met:

- (i) Recognition as clinical faculty with participation in such activities as faculty call, faculty meetings, and having hospital privileges;
- (ii) Board certification or completion of an accredited residency program in the fellowship specialty area;
- (iii) Hold unrestricted license to practice medicine in Oklahoma;
- (iv) If Clinical Fellow, practicing during second or subsequent year of fellowship;
- (v) Seeing patients without supervision;
- (vi) Services provided not for primary purpose of medical education for the clinical fellow or chief resident;

(vii) Submit billing in own name with appropriate Oklahoma Medicaid provider number.

(viii) Additionally if a clinical fellow practicing during the first year of fellowship, the clinical fellow must be practicing within their area of primary training. The services must be performed within the context of their primary specialty and only to the extent as allowed by their accrediting body.

(V) Payment to the attending physician for the services of a currently Oklahoma licensed physician in training when the following conditions are met.

- (i) Attending physician performs chart review and sign off on the billed encounter;
- (ii) Attending physician present in the clinic/or hospital setting and available for consultation;
- (iii) Documentation of written policy and applicable training of physicians in the training program regarding when to seek the consultation of the attending physician.

(W) Payment to the attending physician for the outpatient services of an unlicensed physician in a training program when the following conditions are met:

- (i) The patient must be at least minimally examined and reviewed by the attending physician or a licensed physician under the supervision of the attending physician;
- (ii) This contact must be documented in the medical record.

(X) Payment to a physician for supervision of CRNA services unless the CRNA bills directly.

(Y) One pap smear per year for women of child bearing age. Two follow-up pap smears are covered when medically indicated.

(Z) Organ and tissue transplantation services for children and adults, limited to bone marrow, stem cells, cornea, heart, kidney, liver, lung, SPK (simultaneous pancreas kidney), PAK (pancreas after kidney), and heart-lung, are covered services based upon the conditions listed in (i)-(iv) of this subparagraph:

- (i) All transplantation services, except kidney and cornea, must be prior authorized to be compensable.
- (ii) To be prior authorized all procedures are reviewed based on appropriate medical criteria.
- (iii) To be compensable under the Medicaid program all organ transplants must be performed at a Medicare approved transplantation center.
- (iv) Finally, procedures considered experimental or investigational are not covered.

(AA) Total parenteral nutritional therapy for certain diagnoses and when prior authorized.

(BB) Ventilator equipment.

(CC) Home dialysis equipment and supplies.

(DD) Ambulatory services for treatment of persons with tuberculosis (TB). This includes, but is not limited to, physician visits, outpatient hospital services, rural health clinic visits and prescriptions.

Drugs prescribed for the treatment of TB not listed in OAC 317:30-3-46 require prior authorization by the University of Oklahoma College of Pharmacy using form "Petition for TB Related Therapy". Ambulatory services to persons infected with TB are not limited to the scope of the Medicaid program, but require prior authorization when the scope is exceeded.

- (2) General exclusions include the following:
  - (A) Inpatient diagnostic studies that could be performed on an outpatient basis.
  - (B) Services or any expense incurred for cosmetic surgery including removal of benign skin lesions.
  - (C) Services of two physicians for the same type of service to the same patient at the same time, except when warranted by the necessity of supplemental skills. When supplemental skills are warranted, the initial consultation is reported utilizing the appropriate CPT code for inpatient consultations. Follow-up consultations include monitoring progress, recommending management modifications or advising on a new plan of care in response to changes in the patient's status. If the consultant physician initiates treatment at the initial consultation and participates thereafter in the patient's care, the codes for subsequent hospital care should be used.
  - (D) Refractions and visual aids.
  - (E) Separate payment for pre and post-operative care when payment is made for surgery.
  - (F) Payment to the same physician for both an outpatient visit and admission to hospital on the same date.
  - (G) Sterilization of persons who are under 21 years of age, mentally incompetent or institutionalized. Reversal of sterilization procedures for the purposes of conception.
  - (H) Non-therapeutic hysterectomy.
  - (I) Medical services considered to be experimental or investigational.
  - (J) Payment for more than ~~two~~ four outpatient visits per month (home or office) per patient except those visits in connection with family planning, or related to emergency medical conditions.
  - (K) Payment for more than two nursing facility visits per month.
  - (L) More than one inpatient visit per day per physician.
  - (M) Physician supervision of hemodialysis or peritoneal dialysis.
  - (N) Physician services which are administrative in nature and not a direct service to the patient including such items as quality assurance, utilization review, treatment staffing, tumor board, dictation, and similar functions.
  - (O) Charges for completion of insurance forms, abstracts, narrative reports or telephone calls.
  - (P) Payment for the services of physicians' assistants, social workers, licensed family counselors,

registered nurses or other ancillary staff, except as specifically set out.

- (Q) Induced abortions, except when certified in writing by a physician that the abortion was necessary due to a physical disorder, injury or illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the woman in danger of death unless an abortion is performed, or that the pregnancy is the result of an act of rape or incest. (See OAC 317:30-5-6 or 317:30-5-50.)
  - (R) Night calls or unusual hours.
  - (S) Speech and Hearing services.
  - (T) Treatment for obesity, including weight reduction surgery.
  - (U) Mileage.
  - (V) Other than routine hospital visit on date of discharge unless patient expired.
  - (W) Direct payment to perfusionist as this is considered part of the hospital cost.
  - (X) Inpatient chemical dependency treatment.
  - (Y) Fertility treatment.
  - (Z) Routine immunizations.
- (b) **Children.** Payment is made to physicians for medical and surgical services for persons under the age of 21 within the scope of the Authority's medical programs, provided the services are medically necessary for the diagnosis and treatment of illness or injury, or to improve the functioning of a malformed body member. Medical and surgical services for children are comparable to those listed for adults. In addition to those services listed for adults, the following services are covered for children.
    - (1) **Pre-authorization of inpatient psychiatric services.** All inpatient psychiatric services for patients under 21 years of age must be prior authorized by an agency designated by the Oklahoma Health Care Authority. All psychiatric services will be prior authorized for an approved length of stay. Non-authorized inpatient psychiatric services will not be Medicaid compensable.
      - (A) Effective October 1, 1993, all residential and acute psychiatric services will be authorized based on the medical necessity criteria as described in OAC 317:30-5-46.
      - (B) Out of state placements will not be authorized unless it is determined that the needed medical services are more readily available in another state or it is a general practice for recipients in a particular border locality to use resources in another state. If a medical emergency occurs while a client is out of the state, treatment for medical services will be covered in the same way as they would be covered within the state. A prime consideration for placements will be proximity to the family or guardian in order to involve the family or guardian in discharge and reintegration planning.
    - (2) **General acute care inpatient service limitations.** All general acute care inpatient hospital services for persons under the age of 21 are not limited. All inpatient care must be medically necessary.

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(3) **Procedures for requesting extensions for inpatient services.** The physician and/or facility must provide necessary justification to enable OHCA, or its designated agent, to make a determination of medical necessity and appropriateness of treatment options.

(A) Extension requests for psychiatric admissions must be submitted to the OHCA or its designated agent. Extension requests must contain the appropriate documentation which validates the need for continued treatment in accordance with the medical necessity criteria described in OAC 317:30-5-46. Requests shall be made prior to the expiration of the approved inpatient stay.

(B) If a denial decision is made, a reconsideration request may be made directly to the OHCA, or its designated agent and should occur within 3 days of the denial notification due to the timeliness of processing such a request with the patient still in the facility. The request for reconsideration shall include new and/or additional medical information to justify the need for continued care.

(4) **Utilization control requirements for psychiatric beds.** Medicaid utilization control requirements for inpatient psychiatric services for persons under 21 years of age apply to all hospitals and residential psychiatric treatment facilities.

(5) **Early and periodic screening diagnosis and treatment program.** Payment is also made to eligible providers for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) of individuals under age 21. The EPSDT program is a comprehensive child health program, designed for ensuring the availability of and access to required health care resources and helping parents and guardians of Medicaid eligible children effectively use these resources. An effective EPSDT program assures that health problems found are diagnosed and treated early before they become more complex and their treatment more costly. The physician plays a significant role in educating parents and guardians in all services available through the EPSDT program. The receipt of an identified EPSDT screening makes the Medicaid child eligible for all necessary follow-up care that is within the scope of the Medicaid Program. Federal regulations also require that diagnosis and treatment be provided for conditions identified during a screening whether or not they are covered under the Authority's current program. Such services must be allowable under the Federal Regulations. These services must be necessary to ameliorate or correct defects and physical or mental illnesses or conditions and will require prior authorization. The following services are covered under EPSDT:

(A) The Oklahoma Program adopted the following recommendations which includes at least:

- (i) Six screenings during the first year of life;
- (ii) Two screenings in the second year;
- (iii) One screening yearly for ages two thru five years; and

(iv) One screening every other year for ages 6 thru 20 years.

(B) Periodicity schedules for screening, dental, vision and hearing, and other services include:

(i) **Screening services.** Comprehensive examinations performed by a licensed physician, dentist or other provider qualified under State law to furnish primary medical and health services are covered. See OAC 317:30-3-47 for EPSDT services. Screenings must include all of the following:

- (I) A comprehensive health and developmental history (including assessment of both physical and mental health development);
- (II) A comprehensive unclothed physical exam;
- (III) Appropriate immunizations according to age and health history;
- (IV) Laboratory tests (including lead blood level assessment appropriate to age and risk); and
- (V) Health education (including anticipatory guidance).

(ii) **Vision services.** At a minimum, vision services include diagnosis and treatment for defects in vision, including eyeglasses. In addition, payment is made for glasses for children with congenital aphakia or following cataract removal.

(iii) **Dental services.** At a minimum, dental services include relief of pain and infections, restoration of teeth and maintenance of dental health. Dental services may not be limited to emergency services. Coverage also includes inpatient services in an eligible participating hospital, outpatient dental screening every 12 months, two bite-wing x-rays, and/or oral prophylaxis one each 12 months; other restoration, repair and/or replacement of dental defects after the treatment plan submitted by a dentist has been authorized. This includes amalgam and composite restoration, pulpotomies, chrome steel crowns, anterior root canals, pulpectomies, band and loop space maintainers, cement bases, acrylic flippers, and lingual arch bars. (Refer to Dental Provider Manual for limitations.)

(iv) **Hearing services.** At a minimum, hearing services include diagnosis and treatment for defects in hearing, including hearing aids. Hearing aid evaluation once every 12 months and purchase of a hearing aid when prescribed as a result of the hearing aid evaluation.

(v) **Immunizations.** Federal legislation created the Vaccine for Children Program to be effective October 1, 1994. Vaccines will be provided free of charge to all enrolled providers for Medicaid eligible children. Participating providers may bill for an administration fee to be set by HCFA on a regional basis. They may not refuse to immunize

based on inability to pay the administration fee. Medicaid will continue to pay non-participating providers for vaccines and an administration fee of \$2.10 until April 1, 1995, when Federal Financial Participation will no longer be available.

(vi) **Appropriate laboratory tests.** Use medical judgement in determining the applicability of the laboratory tests or analyses to be performed. If any laboratory tests or analyses are medically contraindicated at the time of the screening, provide them when no longer medically contraindicated laboratory tests should only be given when medical judgement determines they are appropriate. However, laboratory tests should not be routinely administered.

(I) As appropriate, conduct the following laboratory tests: Anemia test; Sickle cell test. If a child has been properly tested once for sickle cell disease, the test need not be repeated. Tuberculin test. Give a tuberculin test to every child who has not received one within a year.

(II) Lead toxicity screening. Where age and risk factors indicate it is medically appropriate to perform a blood level assessment, a blood level assessment is mandatory. See OAC 317:30-3-50 for required lead screening guidelines.

(vii) **Other necessary health care.** Other necessary health care, diagnostic services, treatment and other measures to correct or ameliorate defects, and physical and mental illnesses and conditions discovered by the screening services.

(I) Interperiodic screenings outside the periodicity schedule for screening examinations are allowed at necessary intervals when a medical condition is suspected.

(II) Outpatient care for acute physical injury.

(III) Prescribed drugs beyond the ~~three~~ prescription limitation.

(IV) Inpatient psychotherapy for individuals under 21 years of age when prior authorized. Payment is made to psychologists who are licensed to practice.

(V) Inpatient psychological testing. Limited to one hour per recipient each 12 months. If medically necessary, additional hours will be prior authorized. Payment is made to psychologists who are licensed to practice.

(VI) Outpatient psychological services for eligible individuals under 21 years of age when prior authorized. See (V) of this unit for limitations.

(6) **Child abuse/neglect findings.** Instances of child abuse and/or neglect discovered through screenings and regular exams are to be reported in accordance with State Law. Title 21, Oklahoma Statutes, Section 846,

as amended, states in part: *Every physician or surgeon, including doctors of medicine and dentistry, licensed osteopathic physicians, residents, and interns, examining, attending, or treating a child under the age of eighteen (18) years and every registered nurse examining, attending or treating such a child in the absence of a physician or surgeon, and every other person having reason to believe that a child under the age of eighteen (18) years has had physical injury or injuries inflicted upon him or her by other than accidental means where the injury appears to have been caused as a result of physical abuse or neglect, shall report the matter promptly to the county office of the Department of Human Services in the county wherein the suspected injury occurred. Providing it shall be a misdemeanor for any person to knowingly and willfully fail to promptly report an incident as provided above. Persons reporting such incidents of abuse and/or neglect in accordance with the law are exempt from prosecution in civil or criminal suits that might be brought as a result of the report.*

(7) **General exclusions.** The following are excluded from coverage for persons under the age of 21:

(A) Inpatient diagnostic studies that could be performed on an outpatient basis.

(B) Services or any expense incurred for cosmetic surgery unless the physician certifies the procedure emotionally necessary.

(C) Services of two physicians for the same type of service to the same patient at the same time, except when warranted by the necessity of supplemental skills. When supplemental skills are warranted, the initial consultation is reported utilizing the appropriate CPT code for inpatient consultations. Follow-up consultations include monitoring progress, recommending management modifications or advising on a new plan of care in response to changes in the patient's status. If the consultant physician initiates treatment at the initial consultation and participates thereafter in the patient's care, the codes for subsequent hospital care should be used.

(D) Separate payment for pre and post-operative care when payment is made for surgery.

(E) Payment to the same physician for both an outpatient visit and admission to hospital on the same date.

(F) Sterilization of persons who are under 21 years of age.

(G) Non-therapeutic hysterectomy.

(H) Medical Services considered to be experimental or investigational.

(I) More than one inpatient visit per day per physician.

(J) Induced abortions, except when certified in writing by a physician that the abortion was necessary due to a physical disorder, injury or illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would place the

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woman in danger of death unless an abortion is performed, or that the pregnancy is the result of an act of rape or incest. (See OAC 317:30-5-6 or 317:30-5-50.)

(K) Physician supervision of hemodialysis or peritoneal dialysis.

(L) Physician services which are administrative in nature and not a direct service to the patient including such items as quality assurance, utilization review, treatment staffing, tumor board, dictation, and similar functions.

(M) Payment for the services of physicians' assistants except as specifically set out.

(N) Direct payment to perfusionist as this is considered part of the hospital cost.

(O) Treatment of obesity including weight reduction surgery.

(P) Charges for completion of insurance forms, abstracts, narrative reports or telephone calls.

(Q) Night calls or unusual hours.

(R) Mileage.

(S) Other than routine hospital visit on date of discharge unless patient expired.

(T) Tympanometry (~~92567~~).

(c) **Individuals eligible for Part B of Medicare.** Payment is made utilizing the Medicaid allowable for comparable services. For in-State physicians, claims filed with Medicare Part B should automatically cross over to OHCA. The explanation of Medicare Benefits will reflect a message that the claim was referred to Medicaid. If such a message is not present, a claim for coinsurance and deductible must be filed with Medicaid within 90 days of the date of Medicare payment in order to be considered timely filed. The Medicare EOMB must be attached to the claim. If payment was denied by Medicare Part B, and the service is a Medicaid covered service, mark the claim "denied by Medicare".

(1) Out of state claims will not "cross over". Providers must file a claim for coinsurance and/or deductible within 90 days of the Medicare payment. The Medicare EOMB must be attached to the claim.

(2) Claims filed under Medicaid must be filed within one year from the date of service. For dually eligible individuals, to be eligible for payment of coinsurance and/or deductible under Medicaid, a claim must be filed with Medicare within one year from the date of service.

### 317:30-5-9. Medical services

(a) **Use of medical modifiers.** The Physicians' Current Procedural Terminology (CPT) and the second level HCPCS provide for 2-digit medical modifiers to further describe medical services. Modifiers are used when appropriate.

(b) **Covered office services.**

(1) Payment is made for ~~two~~ four office visits (or home) per month per patient, for adults (over age 21), regardless of the number of physicians involved. Additional visits per month are allowed for services related to emergency medical conditions.

(2) Visits for the purpose of family planning are excluded from the ~~two~~ four per month limitation.

(3) Payment is allowed for insertion of IUD in addition to the office visit.

(4) Separate payment will be made for the following supplies when furnished during a physician's office visit.

(A) Casting materials

(B) Dressing for burns

(C) Intrauterine device

(D) IV Fluids

(E) Medications administered by IV

(F) Glucose administered IV in connection with chemotherapy in office

(5) Payment is made for routine physical exams only as prior authorized by the County DHS office and are not counted as an office visit.

(6) Medically necessary office lab and X-rays are covered.

(7) Hearing exams by physician for persons between the ages of 21 and 65 are covered only as a diagnostic exam to determine type, nature and extent of hearing loss.

(8) Hearing aid evaluations are covered for persons under 21 years of age.

(9) IPPB (Intermittent Positive Pressure Breathing) is covered when performed in physician's office.

(10) Payment is made for both office visit and injection of joints performed during the visit.

(11) Payment is made for an office visit in addition to allergy testing.

(12) Separate payment is made for antigen.

(13) Eye exams are covered for persons between ages 21 and 65 for medical diagnosis only.

(14) If a physician personally sees a patient on the same day as a dialysis treatment, payment can be made for a separately identifiable service unrelated to the dialysis.

(15) The following specimen collection fees are covered:

(A) Catheterization for collection of specimen, multiple patients.

(B) Catheterization for collection of specimen, single patient, all places of service.

(C) Routine Venipuncture.

(16) The Professional Component for electrocardiograms, electroencephalograms, electromyograms, and similar procedures are covered on an inpatient basis as long as the interpretation is not performed by the attending physician.

(17) Cast removal is covered only when the cast is removed by a physician other than the one who applied the cast.

(c) **Non-covered office services.**

(1) Payment is not made separately for an office visit and rectal exam, pelvic exam or breast exam. Office visits including one of these types of exams should be coded with the appropriate office visit code.

(2) Payment cannot be made for prescriptions or medication dispensed by a physician in his office.

(3) Payment will not be made for completion of forms, abstracts, narrative reports or other reports, separate charge for use of office or telephone calls.

- (4) Additional payment will not be made for night calls, unusual hours or mileage.
- (5) Payment is not made for an office visit where the patient did not keep appointment.
- (6) Refractive services are not covered for persons between the ages of 21 and 65.
- (7) Removal of stitches is considered part of post-operative care.
- (8) Payment is not made for a consultation in the office when the physician also bills for surgery.
- (9) Separate payment is not made for oxygen administered during an office visit.

(d) **Covered inpatient medical services.**

- (1) For persons between ages 21 and 65, payment is made for 24 days hospital care per state fiscal year. For persons under 21 years of age, payment is made for medically necessary inpatient care. Psychiatric admissions must be prior authorized.
- (2) Payment is allowed for the services of two physicians when supplemental skills are required and different specialties are involved. When supplemental skills are warranted, the initial consultation is reported utilizing the appropriate CPT code for inpatient consultations. Follow-up consultations include monitoring progress, recommending management modifications or advising on a new plan of care in response to changes in the patient's status. If the consultant physician initiates treatment at the initial consultation and participates thereafter in the patient's care, the codes for subsequent hospital care should be used.
- (3) Certain medical procedures are allowed in addition to office visits.
- (4) Payment for critical care is all-inclusive and includes payment for all services that day. Payment for critical care, first hour is limited to one unit per day and 4 units per month. Payment for critical care, each additional 30 minutes is limited to two units per day/month.

(e) **Non-covered inpatient medical services.**

- (1) For inpatient services, all visits to a patient on a single day are considered one service except where specified. Payment is made for only one visit per day.
- (2) A hospital admit or visit and surgery on the same day would not be covered if post-operative days are included in the surgical procedure. If there are no post-operative days, a physician can be paid for visits.
- (3) Drugs administered to inpatients are included in the hospital payment.
- (4) Payment will not be made to a physician for an admission or new patient work-up when patient receives surgery in out-patient surgery or ambulatory surgery center.
- (5) Payment is not made to the attending physician for interpretation of tests on his own patient.

(f) **Other medical services.**

- (1) Payment will be made to physicians providing Emergency Department services.
- (2) Payment is made for two nursing home visits per month. The appropriate CPT code should be used.

- (3) When payment is made for "Evaluation of arrhythmias" or "Evaluation of sinus node", the stress study of the arrhythmia includes inducing the arrhythmia and evaluating the effects of drugs, exercise, etc. upon the arrhythmia.
- (4) When the physician bills twice for the same procedure on the same day, it should be supported by a written report.

**317:30-5-11. Psychiatric services**

On codes where time is specified, the physician must report individual psychotherapy to the patient for that specified amount of time. Payment is made for the following services:

- (1) Individual Psychotherapy: Individual Psychotherapy is covered on an inpatient or outpatient basis. Outpatient psychotherapy is subject to the ~~two~~ four outpatient visits per month limitation. Individual psychotherapy (doctor to patient) is defined as a service personally rendered to an individual by a physician.
- (2) Family therapy: Family Therapy must be for the direct benefit of the identified patient even when provided without the patient present.
- (3) Psychological testing by physician.

**317:30-5-15. Chemotherapy injections**

(a) **Outpatient.**

- (1) Outpatient chemotherapy is compensable only when a malignancy is indicated or for the diagnosis of Acquired Immune Deficiency Syndrome (AIDS). Outpatient chemotherapy treatments are unlimited. Outpatient visits in connection with chemotherapy are limited to ~~two~~ (2) four per month.
- (2) Payment for administration of chemotherapy medication is made under appropriate HCPC Supplemental J Codes. Payment is made separately for office visit and administration under the appropriate CPT code.
- (3) When injections exceed listed amount of medication, show units times appropriate quantity, i.e., injection code for 100 mgm but administering 300, used 100 mgm times 3 units.
- (4) Glucose - fed through IV in connection with chemotherapy administered in the office would be covered.

(b) **Inpatient.**

- (1) Inpatient hospital supervision of chemotherapy administration is non-compensable. The hospital visit in connection with chemotherapy could be allowed within our guidelines if otherwise compensable, but must be identified by description.
- (2) Hypothermia - Local hypothermia is compensable when used in connection with radiation therapy for the treatment of primary or metastatic cutaneous or subcutaneous superficial malignancies. It is not compensable when used alone or in connection with chemotherapy.
- (3) The following are not compensable:
  - (A) Chemotherapy for Multiple Sclerosis;
  - (B) Efadex;
  - (C) Oral Chemotherapy;

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- (D) Photochemotherapy;
- (E) Scalp Hypothermia during Chemotherapy; and
- (F) Strep Staph Chemotherapy.

### PART 35. RURAL HEALTH CLINICS

#### 317:30-5-356. Coverage for adults

Payment is made to rural health clinics for adult services as set forth in this Section.

- (1) **RHC services.** Payment is limited to ~~two~~ four visits per recipient per month. Refer to OAC 317:30-1, General Provisions, and OAC 317:30-3-51 for exceptions to this limit for children under the Early and Periodic Screening, Diagnosis and Treatment Program (EPSDT). Additional preventive service exceptions include:

(A) **Obstetrical care.** A Rural Health Clinic should have a written contract with its physician, nurse midwife, advanced practice nurse, or physician assistant that specifically identifies how maternity care will be billed to Medicaid, in order to avoid duplicative billing situations. The agreement should also specifically identify the physician's compensation for rural health and non-rural health clinic (other ambulatory) services.

(i) If the clinic compensates the physician, nurse midwife or advanced practice nurse to provide maternity care, then the clinic must bill the Medicaid program for prenatal care as a "maternity encounter". A maternity encounter includes a comprehensive physical examination and/or routine scheduled medical visits. Payment will be allowed for one initial visit and 13 subsequent visits:

- (I) three visits during the first trimester;
- (II) three visits during the second trimester; and
- (III) eight visits during the third trimester.

(ii) If the clinic does not compensate its practitioners to provide maternity care, then the independent practitioner must bill the Medicaid program for obstetrical care according to the method described in the Medicaid provider specific fee-for-service rules for physicians, nurse midwives and advanced practice nurses. (Physician Assistants are excluded from billing the Medicaid program as individual practitioners.)

(iii) Under both billing methods, payment for prenatal care includes all routine or minor medical problems. No additional payment is made to the prenatal provider except in the case of a major illness distinctly unrelated to pregnancy.

(iv) A standard profile of routine obstetrical lab services may be billed separately. The appropriate revenue code and CPT codes are used.

(B) **Family planning services.** Family planning services are paid on an encounter basis. Coverage of family planning services are available to women

between the child bearing age of 12 and 50. Family planning encounters do not count as one of the two RHC visits per month.

(i) A family planning visit includes a physical examination, counseling and prescribing appropriate medications and/or contraceptive methods.

(ii) Prescribed contraceptives may be billed independently from the family planning encounter.

- (2) **Other ambulatory services.** Services defined as "other ambulatory" services are not considered a part of a RHC encounter and are therefore billable to the Medicaid program by the RHC or provider of service on the appropriate claim forms. Other ambulatory services are subject to the same scope of coverage as other Medicaid services billed to the program, i.e., limited adult services and some services for under 21 subject to same prior authorization process. Refer to OAC 317:30-1, General Provisions, and OAC 317:30-3-57 through 317:30-3-60 for general coverage and exclusions under Medicaid fee-for-services. Refer to OAC 317:30-3-51 for exceptions under EPSDT. Some specific limitations are applicable to other ambulatory services as set forth in Specific Provider Rules and excerpted as follows: Coverage under optometrists for adults is limited to treatment of eye disease not related to refractive errors. There is no coverage for eye exams for the purpose of prescribing eyeglasses, contact lenses or other visual aids. (See OAC 317:30-5-431.)

[OAR Docket #04-67; filed 1-16-04]

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

[OAR Docket #04-66]

#### RULEMAKING ACTION:

EMERGENCY adoption

#### RULES:

Subchapter 1. General Provisions

317:40-1-1. [AMENDED]

Subchapter 5. Client Services

317:40-5-112. [NEW]

(Reference APA WF # 03-29)

#### AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 10 O.S. § 1415.1; 63 O.S. § 5006.

#### DATES:

##### Adoption:

December 11, 2003

##### Approved by Governor:

December 29, 2003

##### Effective:

Immediately upon Governor's approval or January 1, 2004, 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 Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to establish guidelines for to the new Home and Community-Based Waiver for Homeward Bound class members. The revisions will allow Oklahoma to federalize the costs of services that were previously paid with State funds only.

ANALYSIS:

Developmental Disability Services rules are being revised at the request of the Oklahoma Department of Human Services to establish guidelines for the new Home and Community-Based waiver for Homeward Bound class members. The Centers for Medicare and Medicaid Services (CMS) have approved a new waiver for members of the Homeward Bound class that allow federalization of various services that must be provided in accordance with the Homeward Bound consent decree. The revisions will: (1) add rules establishing guidelines for the new waiver for Homeward Bound class members; (2) specify time frames relating to information presented when requesting services; (3) clarify the reasons for which a person is removed from the DDS waiting list; (4) specify situations in which a person is changed from one waiver to another; (5) require re-determination of a child's eligibility at age six and at age 18; (6) clarify the reasons for case closure and for reinstatement of services; and (7) provide guidance regarding delivery of dental services to members of the Homeward Bound class. The revisions were approved by the Advisory Committee on Services to Persons with Developmental Disabilities on August 12, 2003.

CONTACT PERSON:

Joanne Terlizzi at (405)522-7272

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR JANUARY 1, 2004, WHICHEVER IS LATER:

SUBCHAPTER 1. GENERAL PROVISIONS

317:40-1-1. Home and Community-Based Waiver Services for persons with certain developmental disabilities

(a) **Applicability.** The rules in this Section apply to services funded through Medicaid Home and Community-Based Waivers (HCBW) as defined in Section 1915(c) of the Social Security Act and administered by the Oklahoma Department of Human Services DHS, Developmental Disabilities Services Division (DDSD), specifically The specific waivers are the In-Home Supports Waivers (IHSW), and the Intermediate Care Facility for the Mentally Retarded Waiver (Community Waiver), and the Homeward Bound Waiver.

(b) **Program Administration.** Services funded through a Home and Community-Based Waiver (HCBW) for persons with mental retardation or related conditions are administered by DDS, under the oversight of the Oklahoma Health Care Authority (OHCA), the state's State Medicaid agency. The rules in this subsection shall not be construed as a limitation of the rights of class members set forth in the Consent Decree in Homeward Bound vs. The Hissom Memorial Center.

(1) HCBW services are subject to annual appropriations by the Oklahoma Legislature.

(2) DDS must limit the utilization of the HCBW services based on:

- (A) the federally-approved capacity of the HCBW services for the individual Waivers;
(B) cost-effectiveness of the HCBW services for the individual Waivers; and
(C) state State appropriations.

(3) DDS must limit enrollment when utilization of the HCBW services program is projected to exceed the spending authority.

(c) **Program provisions.** Each individual applying for requesting HCBW services and his or her family or guardian are responsible for:

- (1) accessing, with the assistance of DHS staff, all benefits available under Oklahoma's Medicaid State Plan or other payment sources prior to accessing funding for those same services under the Home and Community-Based Waiver program;
(2) cooperating in the determination of medical and financial eligibility, including prompt reporting of changes in income or resources; and
(3) choosing between Home and Community-Based Waiver Services services and institutional care.

(d) **Waiver Eligibility determination.** HCBW services are available to Oklahoma citizens meeting eligibility requirements established by law, regulatory authority, and policy within funding available through State or Federal resources.

(1) Home and Community Based Waiver Services may be offered to an individual who meets the criteria given in this paragraph. HCBW services are available to Oklahoma residents meeting Medicaid eligibility requirements established by law, regulatory authority, and policy within funding available through State or Federal resources. To be eligible for and receive services funded through any of the Waivers listed in subsection (a) of this Section, a person must first be determined financially eligible for Medicaid through the DHS Family Support Services Division. The Medicaid eligible individual may not simultaneously be enrolled in any other Medicaid Waiver program or receiving services in an institution including a hospital, nursing facility, residential care facility as described in Section 1-819 of Title 63 of Oklahoma Statutes, or ICF/MR facility. The individual may also not be receiving DDS state-funded services such as the Family Support Assistance Payment, sheltered workshop services, community integrated employment services, or assisted living without waiver supports as described in OAC 340:100-5-22.2. The individual must also meet other Waiver-specific eligibility criteria.

(A) To be eligible for and receive services funded through any of the Waivers listed in subsection (a) of this Section, a person must:

- (i) be a resident of the State of Oklahoma;
(ii) be determined financially eligible through the DHS Family Support Services Division;
(iii) not be simultaneously enrolled in any other Medicaid Waiver program;

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- (iv) ~~not be residing in a hospital, nursing facility, or ICF/MR;~~
- (v) ~~meet other Waiver specific eligibility criteria, as given in other subparagraphs of this paragraph.~~

~~(A)~~ **In-Home Supports Waivers.** To be eligible for services funded through the In-Home Supports Waivers (IHSW), a person must:

(i) ~~meet all criteria for HCBW services given in subparagraph (A) of this paragraph subsection (d) of this Section;~~

(ii) be determined to have a disability, with a diagnosis of mental retardation, by:

- (I) the Social Security Administration; or
- (II) the Oklahoma Health Care Authority, Level of Care Evaluation Unit;

(iii) be three years of age or older;

(iv) be determined by the Oklahoma Health Care Authority, Level of Care Evaluation Unit, to meet the ICF/MR Institutional Level of Care requirements in accordance with OAC 317:30-5-122;

(v) reside in:

- (I) ~~the home of the person's a family member or friend, or;~~
- (II) his or her own home; ~~and~~
- (III) a DHS Children and Family Services Division (CFSD) foster home; or
- (IV) a CFSD group home; and

(vi) have critical support needs that can be met through a combination of non-paid, non-Waiver, and State Plan resources available to the individual, and within the annual per capita Waiver limit agreed between the state—State of Oklahoma and HCFA the Centers for Medicare and Medicaid Services (CMS).

~~(B)~~ **Community Waiver.** To be eligible for services funded through the ~~Intermediate Care Facility For the Mentally Retarded Waiver (Community Waiver),~~ the person must:

(i) ~~meet all criteria given in subparagraph (A) of this paragraph subsection (d) of this Section;~~

(ii) be age three or older;

(iii) ~~have critical support needs that meet the criteria for an emergency given in paragraph (1) of subsection (g) of this Section that can be met by the Community Waiver and cannot be met by IHSW services or other service alternatives, as determined by the DDS Division Director or designee;~~

(iv) be determined, in accordance with either subunit I or both subunits II and III of this unit:

- (I) to have mental retardation or a related condition by the Mental Retardation Authority and to have resided in a nursing facility, in accordance with the provisions of 42 CFR 483.100 *et seq*; or

(II) to have ~~both~~ a disability, with a diagnosis of mental retardation, by the Social Security Administration or the Oklahoma Health Care Authority, Level of Care Evaluation Unit; and

(III) to meet the ICF/MR Institutional Level of Care requirements by the Oklahoma Health Care Authority, Level of Care Evaluation Unit.

~~(C)~~ **To be eligible for services funded through the Homeward Bound Waiver, the person must:**

(i) be certified by the United States District Court for the Northern District of Oklahoma as a member of the plaintiff class in *Homeward Bound et al. v. The Hisson Memorial Center*, Case No. 85-C-437-E;

(ii) meet all criteria for HCBW services given in subsection (d) of this Section; and

(iii) be determined to:

(I) have mental retardation or a related condition by the Mental Retardation Authority and to have resided in a nursing facility, in accordance with the provisions of 42 CFR 483.100 *et seq*; or

(II) meet the ICF/MR Institutional Level of Care requirements by the Oklahoma Health Care Authority, Level of Care Evaluation Unit.

(2) The person desiring services through any of the Waivers listed in subsection (a) of this Section participates in diagnostic evaluations and provides information necessary to determine HCBW services eligibility, including:

(A) a psychological evaluation; current within one year, which includes:

(B*i*) a functional assessment; and

(ii) a statement of age of onset of the disability;

~~(B)~~ a social service summary, current within one year, which includes a developmental history; and

~~(D)~~ a medical evaluation current within 90 days.

(3) The Oklahoma Health Care Authority reviews the diagnostic reports listed in paragraph (2) of this subsection and makes a determination of eligibility for DDS services and ICF/MR level of care for the services funded through the IHSW or the Community Waiver.

(4) For ~~the~~ individuals who are determined to have mental retardation or a related condition by the Mental Retardation Authority in accordance with the provisions of 42 CFR 483.100 *et seq*, DDS reviews the diagnostic reports listed in paragraph (2) of this subsection and, on behalf of the OHCA, makes a determination of eligibility for DDS services and ICF/MR level of care.

(5) A determination of need for ICF/MR Institutional Level of Care does not limit the opportunities of the person receiving services to participate in community services. Individuals are assured of the opportunity to exercise informed choice in the selection of services.

(e) **Waiting list.** When State DDS resources are unavailable for new persons to be added to services funded through a Home and Community-Based Waiver, persons are placed on a statewide waiting list for services.

(1) The waiting list is maintained in chronological order based on the date of receipt of a written request for services.

(2) The waiting list for persons requesting HCBW services is administered by DDS uniformly throughout the state.

(3) ~~If an~~ An individual ~~on~~ is removed from the waiting list if the individual:

- (A) is found to be ineligible for services;
- (B) cannot be located by DHS;
- (C) does not provide required information to DHS;
- (D) is not a resident of the state of Oklahoma; or
- (E) is offered Waiver services through either the In-Home Supports Waiver or the Community Waiver and declines services, ~~the individual is removed from the waiting list.~~

(f) **Applications.** When resources are sufficient for initiation of HCBW services, DDS action regarding ~~an application~~ a request for services occurs within 45 days. If action is not taken within the required 45 days, the applicant may seek resolution as described in OAC 340:2-5.

(1) Applicants are allowed 60 days to provide information requested by DDS to determine eligibility for services.

(2) If requested information is not provided within 60 days, the applicant is notified that the request has been denied, and the individual is removed from the waiting list.

(g) **Admission protocol.** Initiation of services funded through a Home and Community-Based Waiver occurs in chronological order from the waiting list in accordance with subsection (e) of this Section based on the date of DDS receipt of a completed ~~application request for services~~, as a result of the informed choice of the person ~~receiving requesting~~ services or his or her legal guardian, and upon determination of eligibility, in accordance with subsection (d) of this Section. Exceptions to the chronological requirement may be made when:

(1) an emergency situation exists in which the health or safety of the person needing services, or of others, is endangered, and there is no other resolution to the emergency. An emergency exists when:

(A) the person is unable to care for himself or herself and:

- (i) the person's caretaker, as defined in Section 10-103 of Title 43A of the Oklahoma Statutes:
  - (I) is hospitalized;
  - (II) has moved into a nursing facility;
  - (III) is permanently incapacitated; or
  - (IV) has died; and
- (ii) there is no caretaker to provide needed care to the individual; or
- (iii) an eligible person is living at a homeless shelter or on the street;

(B) the Department of Human Services finds that the person needs protective services ~~sufficient to warrant removal from the home including, but not limited to,~~ due to experiencing ongoing physical, sexual, or emotional abuse or neglect in his or her present living

situation, resulting in serious jeopardy to the person's health or safety;

(C) the behavior or condition of the person needing services is such that others in the home are at risk of being seriously harmed by the person. For example, the person is routinely physically assaultive to the caretaker or others living in the home and sufficient supervision cannot be provided to ensure the safety of those in the home or community; or

(D) the person's medical, psychiatric, or behavioral challenges are such that the person is seriously injuring or harming himself or herself, or is in imminent danger of doing so.

(2) the Legislature has appropriated special funds with which to serve a specific group or a specific class of individuals;

(3) ~~Community~~ Waiver services are required for people who transition to the community from ~~NORCE or SORC~~ a public intermediate care facility for persons with mental retardation (ICF/MR) or who are children in the State's custody receiving services from DHS; or

(4) individuals residing in nursing facilities prior to January 1, 1989, who are determined by PASRR evaluation conducted pursuant to the provisions of 42 CFR 483.100 *et seq* to have mental retardation or a related condition, choose to receive services funded through the Community Waiver.

(h) **Movement within DDS HCBW services.** A person's movement from services funded through one Home and Community-Based Waiver to services funded through another DDS-administered Waiver is explained in this subsection.

(1) When a child receiving services funded through the IHSW becomes 18 years of age, IHSW services for adults become effective.

(2) Change to services funded through the Community Waiver from services funded through the IHSW occurs only when: ~~an emergency situation exists, as defined in paragraph (g)(1) of this Section.~~

(A) a person has critical support needs which cannot be met by IHSW services, non-Waiver services, or other resources as determined by the DDS Director or designee; and

(B) funding is available in accordance with subsection (b) of this Section.

(3) Change to services funded through the IHSW from services funded through the Community Waiver may only occur when an individual's history of annual service utilization has been within the per capita allowance of the IHSW.

(4) When an individual served through the Community Waiver has support needs that can be met within the per capita Waiver allowance of the IHSW and through a combination of non-Waiver resources, the individual may choose to receive services through the IHSW.

(i) Continued eligibility for HCBW services. Eligibility for children receiving HCBW services is re-determined when:

(1) a child who is receiving HCBW services prior to age six reaches age six. The child must be determined

## Emergency Adoptions

to continue to have a disability with a diagnosis of mental retardation. The determination must be made no later than the first Plan of Care review after the seventh birthday. A new diagnostic evaluation is required in accordance with paragraph (d)(2) of this subsection;

(2) a child who is receiving HCBW services reaches age 18. The service recipient must be determined to continue to have a disability with a diagnosis of mental retardation if a determination has not been made by Social Security. The determination must be made at the first Plan of Care review after the nineteenth birthday. A new diagnostic evaluation is required in accordance with paragraph (d)(2) of this subsection; and

(3) required by DDSD. DDSD may require a new diagnostic evaluation in accordance with paragraph (d)(2) of this subsection and re-determination of eligibility at any time when a significant change of condition, disability, or psychological status determined under paragraph (d)(2) of this Section has been noted.

(ij) ~~Termination of HCBW services case closure.~~ HCBW services are terminated when an individual receiving services:

(1) or the service recipient's legal guardian chooses to no longer receive Waiver services;

(2) is incarcerated for a period of 90 days or more;

(3) is financially ineligible to receive Waiver services;

(4) is determined by the Social Security Administration to no longer have a disability;

(5) is determined by the Oklahoma Health Care Authority Level of Care Evaluation Unit to no longer be eligible; or

(6) moves out of state, or the family custodial parent or guardian of a minor moves out of state;

(7) is admitted to a nursing facility, ICF/MR, residential care facility, or mental health facility for more than 30 consecutive days;

(8) or the guardian of a minor or adjudicated adult fails to cooperate during the annual review process as described in OAC 340:100-5-50 through 100-5-58;

(9) or the guardian of a minor or adjudicated adult fails to cooperate in the implementation of DHS policy or service delivery in a manner that places the health or welfare of the service recipient at risk, after efforts to remedy the situation through Adult Protective Services or Child Protective Services have not been effective; or

(10) is determined to no longer be Medicaid eligible.

(jk) ~~Reinstatement of services.~~ ~~If Waiver services to a member of the Homeward Bound vs. The Hissom Memorial Center class are terminated for any reason, services are reinstated when the situation is resolved. Waiver services are reinstated when:~~

(1) the situation resulting in case closure of a Hissom class member is resolved;

(2) a service recipient is incarcerated for 90 days or less;

(3) a service recipient is admitted to a nursing facility, ICF/MR, residential care facility, or mental health facility for 90 days or less; or

(4) a service recipient's Medicaid eligibility is re-established within 90 days of the date of the DDSD Notice of Action.

## SUBCHAPTER 5. CLIENT SERVICES

### PART 9. SERVICE PROVISIONS

#### **317:40-5-112. Dental Services for Homeward Bound Class Members**

(a) **Service Description.** Dental services include oral examinations, appropriate radiographs, prophylaxis, development of a written treatment plan, and routine training of the service recipient or primary care giver regarding oral hygiene, and other services recommended by a dentist. Preventative, restorative, replacement and repair services to achieve or restore functionality are provided after appropriate review, if required as identified in subsection (e).

(b) **Applicability.** This section applies only to members of the Homeward Bound vs. The Hissom Memorial Center class certified in Case Number 85-C-437-E, United States District Court for the Northern District of Oklahoma.

(c) **Standard of Care.** Developmental Disabilities Services Division (DDSD) arranges for provision of comprehensive diagnostic and treatment services for each person eligible to receive such services from qualified personnel, including licensed dentists and dental hygienists. OAC 317:30, Part 79, and any dental guidelines published by the Oklahoma Health Care Authority must be followed.

(d) **Providers.** Providers of dental services must hold a non-restrictive license to practice dentistry in the State of Oklahoma or the State where treatment is rendered.

(e) **Treatment Plans.** A dental treatment plan for proposed treatment must be submitted to the service recipient and Personal Support Team (Team) for review. The DDSD Area Medical Director or designee must approve treatment plans exceeding \$650.00.

(f) **Frequency of Examination.** The provider dentist and the Team determine frequency of examination on an individual basis.

(g) **Documentation of Dental Services.** The dental provider summarizes a record of dental services provided on OKDHS Form DDS-5, Referral Form for Examination or Treatment, or comparable form.

(h) **Prevention.** The Individual Plan must identify outcomes for the prevention of dental disease and the promotion of dental health. Independence in oral hygiene care is promoted. If the service recipient is unable to maintain adequate oral hygiene as determined by the provider dentist and the Team, effective direct assistance and responsibility must be assigned to appropriate Team members in the Individual Plan.

[OAR Docket #04-66; filed 1-16-04]

# Executive Orders

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

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

## TITLE 1. EXECUTIVE ORDERS

**1:2004-0.**

### EXECUTIVE ORDER (UNNUMBERED)

I, Brad Henry, Governor of the State of Oklahoma, by virtue of the Oklahoma Constitution and the laws of the State of Oklahoma, hereby deny clemency to Hung Thanh Le.

On December 9, 2003, the Oklahoma Pardon and Parole Board voted 4-0 to recommend to the Governor that clemency be granted to Hung Thanh Le and that his sentence of death be commuted to life. On December 17, 2003, I granted a stay of execution of thirty days from January 6, 2004, the date of the scheduled execution of Mr. Le, to allow time for my administration to more fully review this case.

Since that time, I have thoroughly reviewed the arguments and evidence presented in this case. I have met in person with the defense attorney for Mr. Le. I also met with the Oklahoma Attorney General, members of his staff and the prosecutor in this case. Both sides were given the opportunity to submit information and make arguments both to me personally and to my legal staff and advisors.

After having listened to the presentations and thoroughly reviewing the record in this matter, as well as the information presented at the clemency hearing, I have determined that clemency should be denied in this case.

This Executive Order shall be forwarded to the Director of the Oklahoma Department of Corrections and the Oklahoma Attorney General who shall cause the provisions of this Order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City this 28th day of January, 2004.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:

Kathy Jekel

Acting Assistant Secretary of State

*[OAR Docket #04-189; filed 1-30-04]*

**1:2004-2.**

### EXECUTIVE ORDER 2004-2

I, Brad Henry, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby establish the Governor's Task Force on Mental Health, Substance Abuse and Domestic Violence.

Untreated mental illness, substance abuse and ongoing domestic violence have become a significant impediment to productivity for Oklahoma businesses and have placed heavy fiscal pressures upon many Oklahoma government agencies. Untreated, under-treated, improperly treated mental illness and substance abuse, as well as underserved domestic violence programs, are major health concerns in Oklahoma and impact virtually every element of our lives.

Mental illness, substance abuse and domestic violence are directly linked to increases in fatalities, penal incarcerations, suicides, welfare rolls, homelessness, school dropout, teenage pregnancy, excessive employee absenteeism, underemployment, unemployment, higher workers' compensation costs, and many other health, criminal justice, social, and personal problems which cost our society billions of dollars each year. This necessitates a comprehensive assessment of government and private sector responses to the mental health, substance abuse and domestic violence situation in Oklahoma.

Therefore, the Governor's Task Force on Mental Health, Substance Abuse and Domestic Violence is hereby created

## Executive Orders

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and shall consist of not more than fifteen (15) members. Appointees may include persons who are or have been engaged in fields related to mental health, substance abuse, domestic violence, law enforcement and health care. Additional members of the Task Force representing State Government may be designated by the Governor as deemed necessary. All members shall be appointed by the Governor to serve at his pleasure.

The Task Force shall meet at such times and places as it deems appropriate and shall be staffed by the Department of Mental Health and Substance Abuse Services. The Task Force shall elect a chair and vice chair from its membership. The Task Force shall report to the Governor regarding its progress and status every 90 days after the initial meeting of the Task Force until a final report has been prepared and submitted to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Senate. The final report shall be completed within one year of the date of this Order.

The Task Force shall study and determine the total public and private dollars actually being spent on prevention, treatment, education and other services related to mental illness, substance abuse and domestic violence in Oklahoma. In addition, the Task Force shall study and determine the financial impact of mental illness, substance abuse and domestic violence on the Oklahoma economy. In its final report, the Task Force shall also make recommendations to address, in a more cost effective manner, issues related to mental health, substance abuse and domestic violence. The Task Force shall work in conjunction with the terms of the July 7, 2003, contract entered into between the Attorney General's office and the Oklahoma Department of Mental Health and Substance Abuse Services to study the effects of untreated or under-treated mental illness, substance abuse and domestic abuse problems.

This Executive Order shall be distributed to the Department of Mental Health and Substance Abuse Services which shall cause the provisions of this Order to be implemented.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 16th day of January, 2004.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
M. Susan Savage  
Secretary of State

*[OAR Docket #04-69; filed 1-20-04]*

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**1:2004-3.**

### EXECUTIVE ORDER 2004-3

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Article VI of the Oklahoma Constitution, hereby appoint Major Kerry Pettingill as Oklahoma Homeland Security Director. The position of Homeland Security Director was created by Executive Order 2003-8.

This Executive Order shall be distributed to the Secretary of Safety and Security for implementation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 22nd day of January, 2004.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:  
M. Susan Savage  
Secretary of State

*[OAR Docket #04-145; filed 1-23-04]*

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**1:2004-4.**

### EXECUTIVE ORDER 2004-4

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American flags and Oklahoma flags on State property at half-staff on Monday, January 26, 2003 from 8:00 a.m. until 5:00 p.m., to honor David R. Legler, who died on Wednesday, January 21, 2004.

Legler had been the Council on Law Enforcement Education and Training Eastern Basic Academy Coordinator since January of 1978. Prior to joining CLEET, Legler had been a Sand Springs Police officer and a Department of Corrections Officer. Legler was an outstanding servant for the State of Oklahoma and will be sadly missed.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 23rd day of January, 2004.

BY THE GOVERNOR OF THE  
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage  
Secretary of State

*[OAR Docket #04-146; filed 1-26-04]*

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