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Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #06-43]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 11. Importation of Livestock, Poultry, and Pets
Part 7. Livestock
35:15-11-18. [AMENDED]

SUMMARY:

The proposed rule makes the cervidae import requirements consistent with the emergency rules approved earlier this year for Chronic Wasting Disease. The emergency rule is also proposed as a permanent rulemaking in a separate Notice of Rulemaking Intent. That rule updated time periods and requirements for cervidae herd certifications that are more in line with surrounding states' requirements.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 6-2 and 6-291; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2006 through March 3, 2006.

PUBLIC HEARING:

A public hearing will be held at 9:30 p.m., March 3, 2006, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, (405) 522-4576, teena.gunter@oda.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804,

Oklahoma City, Oklahoma 73152-8804, (405)522-4576, teena.gunter@oda.state.ok.us

CONTACT PERSON:

Dr. Becky Brewer, (405) 522-6134, becky.brewer@oda.state.ok.us

[OAR Docket #06-43; filed 1-6-06]

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

[OAR Docket #06-44]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 9. Livestock Dealers and Livestock Special Sales
Part 3. Livestock Special Sales [AMENDED]

SUMMARY:

The proposed rules incorporate the statutory requirement that a permit be obtained prior to holding a swine special sale into rules. In addition, the proposed rules provide clean up of the existing swine special sales permit requirements.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), and (29), 9-141 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2006 through March 3, 2006.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 3, 2006, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by contacting Teena Gunter, Oklahoma Department of Agriculture, Food,

Notices of Rulemaking Intent

and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, (405) 522-4576, teena.gunter@oda.state.ok.us.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, (405)522-4576, teena.gunter@oda.state.ok.us

CONTACT PERSON:

Dr. Becky Brewer, (405) 522-6134, becky.brewer@oda.state.ok.us

[OAR Docket #06-44; filed 1-6-06]

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

[OAR Docket #06-42]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide

Part 12. Minimum residue levels for termiticides applied to soil and permitted tolerances for pesticide tank mix and concentrate sample analysis

35:30-17-28. [AMENDED]

SUMMARY:

The proposed rules provide minimum levels for termiticides applied to soil. The rules provide requirements for new products not already addressed.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-85; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2006 through March 3, 2006.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., March 3, 2006, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Teena Gunter, (405) 522-4576, e-mail address: teena.gunter@oda.state.ok.us

[OAR Docket #06-42; filed 1-6-06]

TITLE 38. LICENSED ALCOHOL AND DRUG COUNSELORS CHAPTER 1. ADMINISTRATION

[OAR Docket #05-1617]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

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38:1-1-3. [NEW]

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38:1-1-10. [NEW]

38:1-1-11. [NEW]

38:1-1-12. [NEW]

38:1-1-13. [NEW]

38:1-1-14. [NEW]

38:1-1-15. [NEW]

38:1-1-16. [NEW]

Subchapter 3. Administrative Operations [NEW]

38:1-3-1. [NEW]

38:1-3-2. [NEW]

38:1-3-3. [NEW]

38:1-3-4. [NEW]

38:1-3-5. [NEW]

38:1-3-6. [NEW]

SUMMARY:

These proposed rules implement 59 O.S. § 1870 through 1885, the statutory mandate to promulgate rules of conduct governing the practice of, and continuing education requirements for, certified and licensed alcohol and drug counselors.

AUTHORITY:

Title 59 O.S., Section 1875, Oklahoma Board of Licensed Alcohol and Drug Counselors

COMMENT PERIOD:

The comment period will run from February 1, 2006 to March 6, 2006. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 13, 2006, 10:00 a.m. at the office of the Board of Medical Licensure, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 6, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be downloaded from the Board's web-site: www.okdrugcounselors.org or obtained from the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 1, 2006 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Agency Liaison Officer (405) 848-6841, ext. 104

[OAR Docket #05-1617; filed 12-28-05]

**TITLE 38. LICENSED ALCOHOL AND DRUG COUNSELORS
CHAPTER 10. LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS**

[OAR Docket #05-1618]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
 - 38:10-1-1. [NEW]
 - 38:10-1-2. [NEW]
 - 38:10-1-3. [NEW]
 - 38:10-1-4. [NEW]
 - 38:10-1-5. [NEW]
 - 38:10-1-6. [NEW]
 - 38:10-1-7. [NEW]
 - 38:10-1-8. [NEW]
 - 38:10-1-9. [NEW]
- Subchapter 3. Rules of Professional Conduct [NEW]
 - 38:10-3-1. [NEW]
 - 38:10-3-2. [NEW]
 - 38:10-3-3. [NEW]
 - 38:10-3-4. [NEW]
 - 38:10-3-5. [NEW]
 - 38:10-3-6. [NEW]
- Subchapter 5. Fitness of Applicants [NEW]
 - 38:10-5-1. [NEW]
 - 38:10-5-2. [NEW]

- 38:10-5-3. [NEW]
- Subchapter 7. Application [NEW]
 - 38:10-7-1. [NEW]
 - 38:10-7-2. [NEW]
 - 38:10-7-3. [NEW]
 - 38:10-7-4. [NEW]
 - 38:10-7-5. [NEW]
 - 38:10-7-6. [NEW]
 - 38:10-7-7. [NEW]
 - 38:10-7-8. [NEW]
 - 38:10-7-9. [NEW]
- Subchapter 9. Supervision [NEW]
 - 38:10-9-1. [NEW]
 - 38:10-9-2. [NEW]
 - 38:10-9-3. [NEW]
 - 38:10-9-4. [NEW]
- Subchapter 11. Fees [NEW]
 - 38:10-11-1. [NEW]
 - 38:10-11-2. [NEW]
 - 38:10-11-3. [NEW]
- Subchapter 13. Continuing Education Requirements [NEW]
 - 38:10-13-1. [NEW]
 - 38:10-13-2. [NEW]
 - 38:10-13-3. [NEW]
 - 38:10-13-4. [NEW]
 - 38:10-13-5. [NEW]
 - 38:10-13-6. [NEW]

SUMMARY:

These proposed rules implement 59 O.S. § 1870 through 1885, the statutory mandate to promulgate rules of conduct governing the practice of, and continuing education requirements for, certified and licensed alcohol and drug counselors.

AUTHORITY:

Title 59 O.S., Section 1875, Oklahoma Board of Licensed Alcohol and Drug Counselors

COMMENT PERIOD:

The comment period will run from February 1, 2006 to March 6, 2006. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 13, 2006, 10:00 a.m. at the office of the Board of Medical Licensure, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 6, 2006.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be downloaded from the Board's web-site: www.okdrugcounselors.org or obtained from the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 1, 2006 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Jan Ewing, Agency Liaison Officer (405) 848-6841, ext. 104

[OAR Docket #05-1618; filed 12-28-05]

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

[OAR Docket #06-06]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

252:410-1-7. [AMENDED]

Subchapter 10. Radioactive Materials Program

Part 1. General Provisions

252:410-10-1. [AMENDED]

Part 30. Byproduct Material Licensing in General

252:410-10-30. [AMENDED]

Part 31. Byproduct Material: General Licenses

252:410-10-31. [AMENDED]

Part 32. Byproduct Material: Specific Licenses for
Manufacturing and Transferring Certain Items

252:410-10-32. [AMENDED]

Part 34. Industrial Radiographic Operations

252:410-10-34. [AMENDED]

Part 35. Medical Use of Byproduct Material

252:410-10-35. [AMENDED]

Part 39. Well Logging

252:410-10-39. [AMENDED]

Part 70. Special Nuclear Material: Licensing

252:410-10-70. [AMENDED]

Part 71. Packaging and Transporting Radioactive Material

252:410-10-71. [AMENDED]

Subchapter 20. Standards for Protection Against Radiation

252:410-20-1. [AMENDED]

SUMMARY:

The proposed Subchapter 1 amendments (1) update the reference to the Nuclear Regulatory Commission (NRC) regulations in Title 10 of the Code of Federal Regulations (10 CFR) to incorporate by reference the 10 CFR regulations as they existed on January 1, 2005, with the addition of two later-promulgated NRC regulations covering the recognition of specialty boards for the medical use of byproduct material and increased security requirements for portable gauges, and (2) clarify that, when a provision of CFR is incorporated by reference, all referenced citations are also incorporated by reference.

The proposed Subchapter 10 and Subchapter 20 amendments contain conforming changes resulting from the updated incorporations by reference, correct scrivener's errors, and make minor formatting changes to simplify reading.

AUTHORITY:

Environmental Quality Board and Radiation Management Advisory Council powers and duties, 27A O.S. §§ 2-2-101, 2-2-104, 2-2-201, and 2-9-104

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from February 1, 2006 through March 3, 2006. Oral comments may be made at the Radiation Management Advisory Council meeting on March 8, 2006, to be held at the Department of Environmental Quality in Oklahoma City and at the meeting of the Environmental Quality Board on August 22, 2006.

PUBLIC HEARINGS:

Before the Radiation Management Advisory Council meeting on March 8, 2006, at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK, in the Multipurpose Room, 1st Floor.

Before the Environmental Quality Board meeting on August 22, 2006, at 9:30 a.m. at Kruse Auditorium, 2501 Noble Parkway, Ardmore, OK, 73401.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPY OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the contact person or may be viewed on the DEQ website at www.deq.state.ok.us or may be reviewed in person at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person.

CONTACT PERSON:

Mike Broderick, Land Protection Division, Radiation Management Section, P. O. Box 1677, Oklahoma City, OK 73101-1677; e-mail at mike.broderick@deq.state.ok.us, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing to be held before the Radiation Management Advisory Council and need assistance should notify the contact person

three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-722-0353.

[OAR Docket #06-06; filed 1-5-06]

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

[OAR Docket #06-23]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Administrative Fine Schedule
310:110-5-6. [AMENDED]

SUMMARY:

The proposed new rule would establish a citation of fifty dollars for first violation, with a two hundred dollar subsequent fine, for failure to display the Home Inspector's license number as required by rule.

AUTHORITY:

Oklahoma State Board of Health; Fee and Fine Schedule For Occupation Licensing Service, 59 O.S., §§ 61.1 et seq. and 1800.1 et seq.; 63 O.S.; §§ 1-106.1

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 9, 2006, may submit written comments to Vernon Bolz, Director, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006, may send electronic mail to vernonb@health.ok.gov 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 9, 2006 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 9, 2006, to Vernon Bolz, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to vernonb@health.ok.gov

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Occupational Licensing Division at the above address or by electronic mail request to vernonb@health.ok.gov

RULE IMPACT STATEMENT:

A rule impact statement will be available beginning February 1, 2006, and 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.

CONTACT PERSON:

Vernon Bolz, Oklahoma State Department of Health, (405) 271-5779, Ext. 57901

[OAR Docket #06-23; filed 1-6-06]

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

[OAR Docket #06-24]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
310:205-1-2. [AMENDED]
- Subchapter 3. License Requirements
310:205-3-1. [AMENDED]
- 310:205-3-2. [AMENDED]
- 310:205-3-3. [AMENDED]
- 310:205-3-4. [AMENDED]
- 310:205-3-6. [REVOKED]

SUMMARY:

The proposed amendments include a number of revisions and new rule language designed to address various concerns and effect improvement to the qualification of persons licensed to perform work in the alarm industry. The proposal amends licensing fees by altering the language to include application fees for each category. The new rule language governing licensure for Fire Alarm Managers requires the prospective licensee to submit proof of Limited or Unlimited experience. The certification requirements will be raised to a higher standard beginning on July 1, 2006. Another revision revokes the category of Vehicle Alarm Licensing. The proposal includes provisions that amend certification for Burglar and Fire Alarm Manager, Technicians and Salespersons allowing them to use new coursework from the National Electronic Security Alliance as a basis for licensure, and remove previous certification courses provided through the National Training School of the National Burglar and Fire Alarm Association. The proposal defines the term "NESA: National Electronic Security Alliance." The proposal amends the requirements by clarifying the Limited and Unlimited Fire Alarm Managers certification of experience that must be submitted prior to licensure.

AUTHORITY:

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

Notices of Rulemaking Intent

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 9, 2006, 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 9, 2006, may send electronic mail to matts@health.ok.gov 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 9, 2006 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 9, 2006, 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.ok.gov

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Occupational Licensing Division at the above address or by electronic mail request to matts@health.ok.gov

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be available beginning February 1, 2006, and 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.

CONTACT PERSON:

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

[OAR Docket #06-24; filed 1-6-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 210. BARBERS

[OAR Docket #06-25]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Examinations
310:210-3-3. [AMENDED]
- Subchapter 5. Licensing
310:210-5-8. [AMENDED]
- Subchapter 7. General Sanitation

310:210-7-15. [NEW]

Appendix A. Barber Student Curriculum and Hours
[REVOKED]

Appendix A. Barber Student Curriculum and Hours [NEW]

Appendix C. Barber Apprentice Curriculum and Hours
[REVOKED]

Appendix c. Barber Apprentice Curriculum and Hours
[NEW]

SUMMARY:

The proposal amends the examination prerequisite and removes the requirement for cosmetologist to serve one year as a barber. The rule that is in place makes it impossible for a cosmetologist to qualify for the barber examination prior to applying for a barber license. Another revision adopts new rule language governing the licensure of the barber apprentice and graduate-apprentices. This language would include that a graduate apprentice shall not be eligible to apply for a barber apprentice license within twelve months following the expiration of the graduate-apprentice license. The proposal would establish a requirement that all chemical products used in barbering, including but not limited to hair tonics, shampoos, conditioners, permanent wave solutions, hair coloring products, bleaching products, chemical processors, developers, activators, hair sprays, and gels shall be properly labeled. Each barber, barber apprentice, barber instructor, and graduate-apprentice shall read and follow all hazard warnings and safety precautions for all products used in the practice of barbering. This change is necessary to minimize the risk of injury from the improper application of hair products and unlabeled hair products.

Finally, the proposed new rule language amends the Appendix A with new definitions for the barber student curriculum and hours. This would include the Subject "Sanitation and Sterilization" and change to "Safe Work Practices and Infection Control"

AUTHORITY:

Oklahoma State Board of Health; Barber Regulations, 59 O.S., §§ 61.1 et seq.

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 9, 2006, may submit written comments to Vernon Bolz, Director, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006, may send electronic mail to vernonb@health.ok.gov 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 9, 2006 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 9, 2006, to Vernon Bolz, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to vernonb@health.ok.gov

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Occupational Licensing Division at the above address or by electronic mail request to vernonb@health.ok.gov

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be available beginning February 1, 2006, and 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.

CONTACT PERSON:

Vernon Bolz, Oklahoma State Department of Health, (405) 271-5779.Ext 57901

[OAR Docket #06-25; filed 1-6-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 256. FOOD SERVICE ESTABLISHMENTS [REVOKED]

[OAR Docket #06-26]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 256. Food Service Establishments [REVOKED]

SUMMARY:

The proposal revokes the present Food Service Establishments rule in anticipation of the rule being replaced by a new Chapter 257 (Food Service Establishments). The revocation of Chapter 256 and adoption of a new chapter is intended to bring Oklahoma food service rules into conformity with the 2001 edition of the Food Code published by the Food and Drug Administration and the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq., Section 1-1101 et seq., and Section 1-1118 et seq.

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may discuss informally the proposed rules with staff of Consumer Protection Service; or before March 9, 2006 submit written comment to Ted Evans, Chief, Consumer Protection, 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 9, 2006, which begins at 1:00 p.m. in Room 307 of the State Department Building, 1000 N.E. Tenth 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 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 before February 2, 2006, to Ted Evans, Chief, Consumer Health Services, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 2, 2006, may send electronic mail to tede@health.ok.gov.

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.ok.gov.

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:

Ted Evans, Chief, Consumer Health Services, Protective Health Services, (405) 271-5243

[OAR Docket #06-26; filed 1-6-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 257. FOOD SERVICE ESTABLISHMENTS

[OAR Docket #06-27]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 257. Food Service Establishments [NEW]

SUMMARY:

The proposed rule replaces Chapter 256, which is being revoked simultaneously with the adoption of this new chapter. The adoption of a new chapter is intended to bring Oklahoma food service rules into conformity with the 2001 edition of the Food Code published by the Food and Drug Administration and the Centers for Disease Control and Prevention of the United States Department of Health and Human Services.

Significant changes and additions to food service requirements in Chapter 257 include but are not limited to the responsibility of the person in charge to report an employee diagnosed with a foodborne disease. Requirements to prevent cross contamination through bare hand contact will

Notices of Rulemaking Intent

be addressed. Raw shell eggs shall be received in refrigeration and maintained at 41 F. Juice packaged in a food establishment shall have a HACCP Plan for processing. Ready-to-eat, potentially hazardous food shall be date marked for food products that have been prepared, held, packaged, rewrapped or combined with additional ingredients or portions in a licensed facility. Fruits and vegetables that are cooked for hot holding shall be cooked to a temperature of 135°F. Changes in equipment requirements state that food establishments must incorporate a visual or audible alarm to signal if the detergent or sanitizer needs to be added to the system. All food equipment that is certified or classified for sanitation by an American National Standards Institute (ANSI) - Accredited certification program, must comply with the materials for construction and design for commercial equipment. There shall be a temperature measuring device with a suitable small-diameter probe that is designed and readily accessible to accurately measure the temperature in the foods such as meat patties and fish filets. There will be a procedure for obtaining a variance for nonconforming use of equipment. The owner of a food service establishment may request a variance(s) for equipment and facilities that exist prior to effective date(s) thereof; each variance may be granted only for the term of the existing license, but shall be subject to Department review and may be approved for an additional license year unless revoked by the Department. Any new construction or replacement equipment must conform to existing rules.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq., Section 1-1101 et seq., and Section 1-1118 et seq.

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may discuss informally the proposed rules with staff of Consumer Protection; or before March 9, 2006 submit written comment to Ted Evans, Chief, Consumer Protection, 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 9, 2006, which begins at 1:00 p.m. in Room 307 of the State Department Building, 1000 N.E. Tenth 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 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 before March 9, 2006, to Ted Evans, Chief, Consumer Health Services, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 2, 2006, may send electronic mail to tede@health.ok.gov.

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.ok.gov.

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:

Ted Evans, Chief, Consumer Health Services, Protective Health Services, (405) 271-5243

[OAR Docket #06-27; filed 1-6-06]

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

[OAR Docket #06-28]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:276-1-3. [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]

SUMMARY:

The proposed amendment includes new rule language designed to create a new requirement that all home inspectors shall maintain a log or record of all home inspections performed for a minimum period of five years from the date of inspection. The log shall include the name of the client, the address of the property, and the date of the inspection. The log may be a hard file or an electronic file and shall be maintained at the home inspector's principal business address. The files shall be available for review upon the request of an authorized representative of the Oklahoma State Department of Health.

The proposed amendment includes new rule language designed to create a new requirement that all home inspectors shall maintain a copy of all home inspections completed within the past 36 months. The copy may be a hard file or an electronic file and shall be maintained at the home inspector's principal business address. The files shall be available for review upon the request of an authorized representative of the Oklahoma State Department of Health.

Finally, the proposed revision amends the requirement that a home inspector applicant be required to pay his initial license fee prior to taking the examination for licensure. The proposed amendment will require applicant to pay all examination and

application fees prior to examination. The license fee shall be paid upon completion of all requirements for licensure prior to licensing.

AUTHORITY:

Oklahoma State Board of Health; Home Inspection Industry Act, 59 O.S., Sections 858-621 et seq.

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 9, 2006, may submit written comments to Vernon Bolz, Director, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006, may send electronic mail to vernonb@health.ok.gov 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 9, 2006 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 9, 2006, to Vernon Bolz, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to vernonb@health.ok.gov

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Occupational Licensing Division at the above address or by electronic mail request to vernonb@health.ok.gov

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be available beginning February 1, 2006, and 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.

CONTACT PERSON:

Vernon Bolz, Oklahoma State Department of Health, (405) 271-5779, Ext. 57901

[OAR Docket #06-28; filed 1-6-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 355. SMOKING IN PUBLIC PLACES AND INDOOR WORKPLACES

[OAR Docket #06-29]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 355. Smoking in Public Places and Indoor Workplaces [AMENDED]

SUMMARY:

The proposed rules amend Chapter 355 by deleting requirements for written smoking policies and by adding requirements to help assure that smoking rooms will comply with the Smoking in Public Places and Indoor Workplaces Act and for signage and to outline compliance steps consistent with the Administrative Procedures Act.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Supp. 2003, Section 1-1521 et seq.

COMMENT PERIOD:

February 1 through March 9, 2006. Interested persons may discuss informally the proposed rules with Health Department staff; or before March 9, 2006 may submit written comments to Bob Miner, Clean Indoor Air Program Coordinator, Tobacco Use Prevention Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may ask to present written or oral views at the hearing.

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: Part of the regular meeting of the State Board of Health, March 9, 2006, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 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 9, 2006 to Bob Miner, Clean Indoor Air Program Coordinator, Tobacco Use Prevention Service, at the above address.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the Tobacco Use Prevention Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, Oklahoma.

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2006 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Bob Miner, Clean Indoor Air Program Coordinator,
Tobacco Use Prevention Service, (405) 271-3619

[OAR Docket #06-29; filed 1-6-06]

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

[OAR Docket #06-30]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Rules of Professional Conduct

310:400-5-1. [AMENDED]

310:400-5-3. [AMENDED]

Subchapter 7. Application for Licensure

310:400-7-2. [AMENDED]

310:400-7-2.1. [AMENDED]

Subchapter 9. Licensure Examinations

310:400-9-1. [AMENDED]

Subchapter 11. Supervised Experience Requirements

310:400-11-1. [AMENDED]

310:400-11-2. [AMENDED]

310:400-11-3. [AMENDED]

310:400-11-4. [AMENDED]

310:400-11-5. [AMENDED]

Subchapter 15. Issuance and Maintenance of License

310:400-15-3. [AMENDED]

310:400-15-4. [AMENDED]

310:400-15-5. [AMENDED]

310:400-15-6. [AMENDED]

310:400-15-9. [AMENDED]

SUMMARY:

This proposal amends requirements for LMFTs to notify clients when LMFT services can no longer be provided based on specified circumstances. The proposal amends requirements for services in forensic settings by requiring LMFTs to obtain consent before interviewing a minor, to refrain from counseling when acting as a neutral contributor, to maintain confidentiality on matters not intended to be used in a forensic setting, and the proposal defines fact witness testimony. This proposal adds eligibility requirements for the licensing exam, and requires criminal background checks as part of the application process. Requirements relating to supervision are amended, including a description of forms, an increase in the number of candidates allowed in

individual supervision, new continuing education requirements for supervisors, a change in reporting requirements, new observation and consultation requirements to ensure candidates are practicing within their scope, and additional penalties for non-compliance with supervision requirements. The proposal establishes an interim renewal schedule, changes the timing of audits to coincide with renewals, clarifies permanent expirations, and clarifies testing requirements for endorsement applicants. These changes are intended to enhance client care and are based on recommendations from the LMFT Advisory Board.

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 1, 2006 through March 9, 2006. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before March 9, 2006 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 9, 2006, 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 9, 2006 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2006 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 #06-30; filed 1-6-06]

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

[OAR Docket #06-31]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Forms
 - 310:403-5-1. [AMENDED]
 - 310:403-5-2. [AMENDED]
- Subchapter 7. Rules of Professional Conduct
 - 310:403-7-2. [AMENDED]
 - 310:403-7-3. [AMENDED]
 - 310:403-7-4.1. [AMENDED]
- Subchapter 11. Application Procedures
 - 310:403-11-6. [AMENDED]
 - 310:403-11-7. [AMENDED]
 - 310:403-11-8. [AMENDED]
 - 310:403-11-9. [AMENDED]
 - 310:403-11-10. [AMENDED]
 - 310:403-11-11. [AMENDED]
- Subchapter 15. Supervised Experience Requirement
 - 310:403-15-2. [AMENDED]
 - 310:403-15-3. [AMENDED]
 - 310:403-15-4. [AMENDED]
 - 310:403-15-7. [AMENDED]
- Subchapter 19. Licensure Examination
 - 310:403-19-1.1. [NEW]
 - 310:403-19-6.1. [NEW]
- Subchapter 21. Continuing Education Requirements
 - 310:403-21-3.1. [NEW]
 - 310:403-21-4. [AMENDED]
- Subchapter 25. License and Specialty Renewal
 - 310:403-25-11. [AMENDED]

SUMMARY:

This proposal amends requirements for services in forensic settings by requiring LBPs to obtain consent before interviewing a minor, to refrain from counseling when acting as a neutral contributor, and to maintain confidentiality on matters not intended to be used in a forensic setting. This proposal removes language used during the grandfathering period that is no longer in effect. The proposal requires a criminal background check as part of the application process, requires LBPs to follow federal laws regarding client access to records, requires LBPs to notify clients when LBP services can no longer be provided based on specified circumstances, and establishes a requirement for supervisor responsibility to licensure candidates. This proposal adds eligibility requirements for the licensing exam, establishes the frequency exams must be taken, and adds requirements for licensure re-application. Requirements relating to supervision

are amended, including description of forms, new observation and consultation requirements to ensure candidates are practicing within their scope, and additional penalties for non-compliance with supervision requirements. This proposal allows continuing education credits to be earned from teaching, changes the timing of audits to coincide with renewals, and clarifies permanent expirations. These rules are intended to enhance client care and are based on recommendations from the LBP Advisory Board.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before March 9, 2006, 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 9, 2006, 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 9, 2006, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2006 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 #06-31; filed 1-6-06]

Notices of Rulemaking Intent

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

[OAR Docket #06-32]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Rules of Professional Conduct
 - 310:405-3-2. [AMENDED]
 - 310:405-3-3. [AMENDED]
 - 310:405-3-4.1. [NEW]
- Subchapter 7. Application Procedures
 - 310:405-7-1. [AMENDED]
 - 310:405-7-2. [AMENDED]
 - 310:405-7-4. [AMENDED]
 - 310:405-7-5. [AMENDED]
 - 310:405-7-6. [AMENDED]
 - 310:405-7-7. [AMENDED]
 - 310:405-7-8. [AMENDED]
- Subchapter 9. Academic Requirements
 - 310:405-9-2. [AMENDED]
- Subchapter 11. Supervised Experience Requirement
 - 310:405-11-1. [AMENDED]
 - 310:405-11-2. [AMENDED]
 - 310:405-11-5. [AMENDED]
 - 310:405-11-6. [AMENDED]
 - 310:405-11-7. [AMENDED]
- Subchapter 15. Licensure Examinations
 - 310:405-15-1. [AMENDED]
 - 310:405-15-8. [AMENDED]
- Subchapter 17. Continuing Education Requirement
 - 310:405-17-6.2. [AMENDED]
- Subchapter 23. License and Specialty Late Renewal and Expiration
 - 10:405-23-3. [AMENDED]

SUMMARY:

This proposal amends requirements for services in forensic settings by requiring LPCs to obtain consent before interviewing a minor, to refrain from counseling when acting as a neutral contributor, and to maintain confidentiality on matters not intended to be used in a forensic setting. The proposal requires LPCs to follow federal laws regarding client access to records, requires LPCs to notify clients when LPC services can no longer be provided based on specified circumstances, establishes a requirement for supervisor responsibility to licensure candidates, requires criminal background checks as part of the application process, and adds eligibility requirements for licensure application and re-application. Requirements relating to supervision are amended, including description of forms, new observation and

consultation requirements to ensure candidates are practicing within their scope, and additional penalties for non-compliance with supervision requirements. This proposal adds eligibility requirements for the licensing exam and establishes the frequency exams must be taken. The proposal changes the timing of audits to coincide with renewals, and clarifies permanent expirations. These rules are intended to enhance client care and are based on recommendations from the LPC Advisory Board.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may discuss informally the proposed rules with staff of the Office of Professional Counselor Licensing; or may before March 9, 2006 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 9, 2006, 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 9, 2006 to Nena West, Director, Office of Professional Counselor Licensing, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2006 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 #06-32; filed 1-6-06]

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

[OAR Docket #06-33]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 641. Emergency Medical Services [AMENDED]

SUMMARY:

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

The following changes have been recommended by the Oklahoma Emergency Response Development Advisory Council (OERSDAC); clarification of the purposes of the rules, updating definitions, expanding requirements for licensure application, making explicit the requirement for 24 hour operation, clarifying and expanding the approval process for new ambulance vehicles, allowing special licensure for out-of-state air ambulance providers consistent with new statutes, clarifying specialty care parameters, eliminating obsolete references to water ambulances, consolidating EMS region rules, clarifying required vehicle inspection schedules, reducing re-test fees for individual emergency medical technicians, requiring a new registry of Oklahoma certified first responders beginning in 2008, allowing fee waivers for reciprocity requests for certain veterans, requiring paramedic training programs be supervised by a paramedic, requiring paramedic schools to own their own training equipment, clarifying training, renewal and re-entry requirements for emergency medical training instructors and instructor trainers and clarifying acceptable training programs for the use of semi-automated external defibrillators.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may discuss informally the proposed rules with Protective Health Service - Emergency Medical Services staff; or may before March 9, 2006, submit written comment to R. Shawn Rogers, Director, Emergency Medical Services Division, 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 9, 2006, 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 9, 2006 to R. Shawn Rogers, Director, Emergency Medical Service Division, 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 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 beginning February 1, 2006 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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

[OAR Docket #06-33; filed 1-6-06]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 657. CERTIFIED WORKPLACE
MEDICAL PLANS**

[OAR Docket #06-34]

RULEMAKING ACTION:

Notice of Proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 657. Certified Workplace Medical Plans [AMENDED]

SUMMARY:

The purpose of the proposed rulemaking action is to implement a site visit protocol for employees of the State Department of Health to perform an inspection of a certified workplace medical plan as per provisions in Title 85 O.S. Supp. 2005 Section 14.3(G). Additionally, the proposal clarifies various sections of the existing rules by changing the terms "health professional" to "provider" and "enrollee" to "employee". Obsolete financial requirements as well as the enrollment and election process are revoked. Forty (40) sections are affected.

AUTHORITY:

Oklahoma State Board of Health, Title 85 O.S. Supp. 2005 Section 14.3(H) and 63 O.S. Section 1-104 et seq.

Notices of Rulemaking Intent

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 9, 2006, may submit written comments to Boyd Murphy, Director, Managed Care Systems, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006, may send electronic mail to boydm@health.ok.gov; 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 9, 2006, 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.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in 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 9, 2006, to Boyd Murphy, Director, Managed Care Systems, Health Resources Development Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006, may send electronic mail to boydm@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained from Managed Care Systems, Health Resources Development Service, Protective Health Services, Room 1010, 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:

Boyd E. Murphy, Director, Managed Care Systems, Health Resources Development Service, Protective Health Services, (405) 271-9444 Ext 57268

[OAR Docket #06-34; filed 1-6-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 661. HOSPICE

[OAR Docket #06-35]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:661-1-2. [AMENDED]

Subchapter 2. Licenses

310:661-2-1. [AMENDED]

310:661-2-2. [AMENDED]

310:661-2-4. [AMENDED]

310:661-2-5. [AMENDED]

310:661-2-6. [AMENDED]

SUMMARY:

The amendments to Subchapter 1 add definitions required to implement statutory changes enacted during the first session of the 50th Legislature, which requires the Department to create a "first-year" category of hospice licensure. Additional conforming changes to Subchapter 2 were made to describe the initial and renewal application, required inspection, and license issuance and expiration processes. Changes to the Hospice Licensing Act (the Act) removed the specific licensure fee schedule set by statute. These proposed changes establish a fee structure under the Department's general authority to set licensure fees: 1) \$500.00 first-year application fee, 2) \$1500.00 first-year license fee, 3) \$2000.00 permanent license, 4) \$500.00 renewal of a permanent license. This fee structure represents an increase of \$1500.00 for the initial licensure year and for the first year for which a permanent license is held; the fee to renew a license is unchanged.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-860.1 et seq.

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with staff; or before March 9, 2006, may submit written comments to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before March 9, 2006 may send electronic mail to tomw@health.ok.gov; 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 9, 2006 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 Northeast 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 9, 2006 to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006 may send electronic mail to tomw@health.ok.gov

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.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2006, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities, (405) 271-6576

[OAR Docket #06-35; filed 1-6-06]

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

[OAR Docket #06-36]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 310:663-1-2. [AMENDED]
 - 310:663-1-4. [NEW]
- Subchapter 3. Services and Care
 - 310:663-3-4. [AMENDED]
 - 310:663-3-5. [AMENDED]
 - 310:663-3-8. [NEW]
- Subchapter 7. Physical Plant Design
 - 310:663-7-2. [AMENDED]
- Subchapter 9. Staffing Requirements
 - 310:663-9-6. [AMENDED]
- Subchapter 13. Resident Contract
 - 310:663-13-1. [AMENDED]
- Subchapter 15. Resident Rights and Responsibilities
 - 310:663-15-1. [AMENDED]
 - 310:663-15-2. [AMENDED]
 - 310:663-15-3. [NEW]
- Subchapter 19. Administration, Records and Policies
 - 310:663-19-1. [AMENDED]
 - 310:663-19-2. [AMENDED]
 - 310:663-19-3. [NEW]
- Subchapter 25. Inspections and Investigations
 - 310:663-25-3. [AMENDED]
 - 310:663-25-4. [AMENDED]
- Subchapter 29. Terminating and Continuing Services
 - 310:663-29-2. [AMENDED]
- Appendix B. Reference List for Standards of Practice
 - [NEW]

SUMMARY:

The proposed amendments and new language update the rules based on survey experience, history of complaint allegations and investigations, and public meetings held by the Long Term Care Facility Advisory Board.

Definitions are updated to clarify terminology in the proposed rule. A section is added to direct facilities to other provisions of applicable statute in Title 63. This meets guidance within the Administrative Rules on Rule Making to not restate statutory language where possible, while directing facility attention to important statutory language.

Additional criteria are provided to give facilities greater guidance on appropriate admissions to an Assisted Living facility as well as criteria for invoking an involuntary transfer or discharge. Contents of a notice of involuntary discharge are specified which include the resident's right to a hearing and the process by which a resident may request a hearing.

A new section is added to address an omission in the rule clarifying that facilities must be in compliance with Chapters 256 and 257 for Food Service Establishments in their food storage, preparation and service.

Staffing requirements are amended to increase resident supervision. New rules specify a minimum of two staff members for facilities housing more than six residents and in locked units where facilities are providing services to residents with Alzheimer's disease or related dementias.

The rule prohibiting an owner, operator, administrator or employee from appointment as a guardian or limited guardian of a resident is amended to include prohibiting appointment as power of attorney or durable power of attorney.

A new section of rule is created to require development, distribution and posting of facility procedures for receiving resident complaints. The rule includes a provision for distributing and posting the Department's complaint procedures.

The rules for incident reporting are amended to include additional incidents representing a threat to the health and/or safety of residents; requiring the reporting of those incidents to the Department; timelines for reporting; notification of the Nurse Aide Registry for allegations and/or occurrences of resident abuse, neglect, or misappropriation of resident's property by nurse aide; and, content of the incident report.

Medication administration rules are amended to directly cite the rule. Previously, the rule did not cite the language but only provided a reference to rules in other Chapters.

A new rule for the maintenance of resident records is created. The rule provides for content, confidentiality, protection, retention time frames, and possession in case of closure or ownership change.

Standards of practice are updated and placed in a new Appendix B.

The rule for Plans of Correction is expanded to define an acceptable plan of correction, penalties for failure to submit, and provisions for extension, rejection and right to appeal.

The notice requirements for voluntary closure are amended to define the content of the notice to residents and provide for a final notice to the Department to include effective date of closure, location of residents and provision for resident record storage.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001, Section 1-104; and Title 63 O.S. Section 1-890.1 et seq.

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 9, 2006, to James Joslin, Assistant Chief, Long Term Care Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006 may send electronic mail to james@health.ok.gov; 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 9, 2006, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 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 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 before March 9, 2006 to James Joslin at the above address or to james@health.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Department of Health, Long Term Care Service, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by electronic mail request to james@health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and is available at the location listed above for obtaining copies of the rule.

CONTACT PERSON:

James Joslin, Assistant Chief, Long Term Care Service, Protective Health Services, Oklahoma State Department of Health, 405-271-6868

[OAR Docket #06-36; filed 1-6-06]

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

[OAR Docket #06-37]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Administration

310:675-7-9.1. [AMENDED]

Subchapter 9. Resident Care Services

310:675-9-1.1. [AMENDED]

310:675-9-5.1. [AMENDED]

Subchapter 13. Staff Requirements

310:675-13-5. [AMENDED]

Subchapter 15. Temporary Manager or Receiver

310:675-15-3.1. [NEW]

Subchapter 19. Feeding Assistants [NEW]

310:675-19-1. through 310:675-19-8. [NEW]

SUMMARY:

The proposed amendments in Subchapters 7 and 13 are intended to establish standards for assessing and documenting pain experienced by nursing facility residents. The amendments require facility policy and procedure manuals to address pain assessment and treatment. Requirements for nursing care are amended to establish a frequency for pain assessment, and to require record keeping. Provisions on resident assessments and care plans are amended to specify minimums for individualized pain assessment. Facility staff training requirements for pain recognition, pain screening and pain management are established. The amendments implement recommendations adopted on February 17, 2005 by the State Advisory Council on Pain Management, pursuant to Title 63 O.S. Sections 1-1918A and 1-1918B. The changes are needed to implement a July 1, 2005 requirement for nursing facilities to perform pain assessments.

A new section added to Subchapter 15 establishing a fund for the Department to financially assist temporary managers of nursing facilities to ensure continuation of care of the residents when funds are not available from any other source.

Subchapter 19 establishes standards for training and registration of feeding assistants in Oklahoma in accordance with 42 Code of Federal Regulations Parts 483 and 488. The rule will require a Feeding Assistant Registration Application form. The intent is to give nursing, specialized nursing, and skilled nursing facilities the option to use paid feeding assistants, allowing them to provide more residents with help in eating and drinking and reduce the incidence of unplanned weight loss and dehydration.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001, Section 1-104; and 63 O.S. Supp. 2005, Section 1-1901 et seq., Section 1-1918B and Section 1-1951.

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 9, 2006, may submit written comments to Henry Hartsell, Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006, may send electronic mail to hank@health.ok.gov; 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 9, 2006, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 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 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 before March 9, 2006 to Henry F. Hartsell Jr. at the above address or to hank@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and is available at the location listed above for obtaining copies of the rule.

CONTACT PERSON:

Henry F. Hartsell Jr., Chief, Protective Health Service, Health Resources Development Service, (405) 271-9444 ext. 57269; facsimile: 405-271-7360; email: hank@health.ok.gov

[OAR Docket #06-37; filed 1-6-06]

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

[OAR Docket #06-38]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 13. Certified Medication Aides
- 310:677-13-1. [AMENDED]
- 310:677-13-2. [AMENDED]
- 310:677-13-3. [AMENDED]
- 310:677-13-4. [AMENDED]
- 310:677-13-5. [AMENDED]
- 310:677-13-6. [NEW]
- 310:677-13-7. [NEW]
- 310:677-13-8. [NEW]
- 310:677-13-9. [NEW]
- 310:677-13-10. [NEW]
- 310:677-13-11. [NEW]

SUMMARY:

The amendments to Subchapter 13 establish competency and practice standards for medication aides, create a list of skills and functions that medication aides may perform, specify certification and recertification requirements for medication aides, provide criteria and procedures for approval of training programs, and establish procedures for administrative sanctions against certified medication aides. The amendments establish advanced training and certification requirements for administration of diabetic medications, and for administration of medications via nasogastric and gastrostomy routes, and administration of oral metered dose inhalers and nebulizers. The phrases "stable diabetes" and "unstable diabetes" are defined. Requirements for facility policies and procedures on certified medication aides are established. The amendments affect the administration of medications in nursing facilities, specialized nursing facilities including ICF/MR and Alzheimer's facilities, continuum of care facilities, assisted living centers, adult day care centers, and residential care homes.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001 Section 1-104; 63 O.S. Supp. 2005 Section 1-1950.3 and Section 1-1951, effective November 1, 2005

COMMENT PERIOD:

February 1, 2006 through March 9, 2006. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 9, 2006, may submit written comments to Henry Hartsell, Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 9, 2006, may send electronic mail to hank@health.ok.gov; 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 9, 2006, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 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 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 before March 9, 2006 to Henry F. Hartsell Jr. at the above address or to hank@health.ok.gov.

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement has been prepared and is available at the location listed above for obtaining copies of the rule.

CONTACT PERSON:

Henry F. Hartsell Jr., Chief, Protective Health Service, Health Resources Development Service, (405) 271-9444 ext. 57269; facsimile: 405-271-7360; email: hank@health.ok.gov

[OAR Docket #06-38; filed 1-6-06]

TITLE 380. DEPARTMENT OF LABOR CHAPTER 40. OKLAHOMA OCCUPATIONAL HEALTH AND SAFETY STANDARDS ACT RULES

[OAR Docket #06-41]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 40. Oklahoma Occupational Health and Safety Standards Act Rules [AMENDED]

SUMMARY:

These proposed amendments define "establishment," and provide notice of the requirement of the State and its political subdivisions to supply employment injury and illness information to the Oklahoma Department of Labor ("ODOL") as required by 40 O.S. Section 417. They provide notification that submitted, unsigned complaints and signed de minimis complaints will be handled as determined by ODOL. They also outline basic OSHA Consultation procedures mentioned in 40 O.S. Section 414, and pursuant to the enactment of Senate Bill 1X on June 6, 2005, these amendments are designed to implement an exemption from taxable income in the amount of One Thousand Dollars (\$1,000.00) for the tax year beginning in the year 2006 to eligible employers who utilize and successfully complete the Safety Pays OSHA Consultation Services provided by the Oklahoma Department of Labor.

AUTHORITY:

Commissioner of Labor; 40 O.S. 407

COMMENT PERIOD:

Written and oral comments on the proposed rules will be accepted until the conclusion of the public hearing March 6, 2006. 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 no later than March 6, 2006, and should be addressed as follows:

Oklahoma Department of Labor
Comments: Chapter 40 Rules
Attention: Elizabeth Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled from 10 a.m. to 11 a.m., March 6, 2006. The hearing will be held in the 3rd floor conference room at the Oklahoma Department of Labor, 4001 North Lincoln Blvd., Oklahoma City, Oklahoma. Interested persons may present oral argument, data, and views at the public hearing. Time will be allocated evenly to each person who requests to be heard. The public hearing will conclude at such time as those attending have had full opportunity to present their views but in no event later than 11 a.m. March 6, 2006.

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 costs, including 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 the Oklahoma Department of Labor by March 6, 2006, and should be addressed as follows:

Oklahoma Department of Labor
Business Comments: Chapter 40 Rules
Attention: Elizabeth Stefanik
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. Copies of the proposed rules may be obtained upon written request addressed to:

Oklahoma Department of Labor
Copy of Proposed Rules: Chapter 40 Rules
Attention: Elizabeth Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303 (D), a rule impact statement will be available by February 16, 2006. All requests for the rule impact statement must be in writing and include the complete address of the person requesting it. 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. The rule impact statement may be obtained upon written request addressed to:

Oklahoma Department of Labor
Rule Impact Statement: Chapter 40 Rules
Attention: Elizabeth Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

Elizabeth Stefanik, Rules Liaison, (405) 528-1500, Extension 231

[OAR Docket #06-41; filed 1-6-06]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #06-02]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Collections and Disbursements
550:1-7-2. [AMENDED]

SUMMARY:

The proposed amendments to OAC 550:1-7-2 are for clarification regarding the administrative procedures for payment of a monthly pension benefit upon the death of a member or eligible beneficiary as provided for in 11 O.S. Section 50-114(G).

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 7, 2006, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, March 15, 2006, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street,

Suite 305, Oklahoma City, OK 73116, beginning on February 14, 2006.

CONTACT PERSON:

Linda Ruckman, Administrative Officer, (405) 840-3555 Ext. 27.

[OAR Docket #06-02; filed 1-4-06]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 15. OKLAHOMA POLICE DEFERRED OPTION PLAN**

[OAR Docket #06-03]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:15-1-2. [AMENDED]

SUMMARY:

The proposed amendments clarify the method by which the non-taxable portion of a participant's deferred account balance is calculated pursuant to requirements of the Internal Revenue Service.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 7, 2006, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, March 15, 2006, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street,

Notices of Rulemaking Intent

Suite 305, Oklahoma City, OK 73116, beginning on February 14, 2006.

CONTACT PERSON:

Linda Ruckman, Administrative Officer, (405) 840-3555 Ext. 27.

[OAR Docket #06-03; filed 1-4-06]

**TITLE 550. OKLAHOMA POLICE PENSION AND RETIREMENT SYSTEM
CHAPTER 20. PURCHASE OF TRANSFERRED CREDITED SERVICE**

[OAR Docket #06-04]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

550:20-1-2. [AMENDED]

SUMMARY:

The proposed amendments add as a method for payment of the actuarial purchase price for transferred credited service a trustee-to-trustee direct rollover as authorized by the statutes governing the System, and remove language that repeats statutory provisions.

AUTHORITY:

Oklahoma Police Pension and Retirement Board; 11 O.S. Sections 50-105.2(A)(B), 50-106(3)

COMMENT PERIOD:

Persons wishing to present their views may do so orally or in writing. Oral comments must be made at the public hearing. Those making oral comments must provide written notification of their intent to speak and shall specify the requested action, the impact of the requested action, and the desired outcome. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. All written comments and notifications of intent to speak at the public hearing must be received by 4:30 p.m., March 7, 2006, at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., on Wednesday, March 15, 2006, in the Board Room of the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, Oklahoma 73116.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review at the Oklahoma Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma

Police Pension and Retirement System, 1001 N.W. 63rd Street, Suite 305, Oklahoma City, OK 73116, beginning on February 14, 2006.

CONTACT PERSON:

Linda Ruckman, Administrative Officer, (405) 840-3555 Ext. 27.

[OAR Docket #06-04; filed 1-4-06]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 70. TOBACCO, TOBACCO PRODUCTS, AND CIGARETTES**

[OAR Docket #06-22]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 2. Cigarette Stamp Tax

Part 1. General Provisions

710:70-2-9.1. [NEW]

710:70-2-11. [NEW]

710:70-2-12. [NEW]

Subchapter 5. Excise on Tobacco Products

710:70-5-13. [NEW]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to implement recent legislation. All legislative references are to the 50th Legislature, 1st Regular Session (2005).

New Section 710:7-2-9.1 has been adopted to reflect the provisions of Section 6 of Senate Bill 905 which deal with the necessity, cost and expiration date of cigarette licenses for vehicles where cigarettes are sold. **[68:304]**

New Section 710:70-2-11, has been adopted to set a policy with respect to record retention for cigarette retailers and distributors in accordance with 68 O.S. 312.1 and to implement the provisions of Section 7 of Senate Bill 905. **[68:312.1]**

New Section 710:70-2-12 has been adopted to set a policy with respect to the regulation of the sale of reduced tax rate cigarettes to improve compliance with and the enforcement of the provisions of Article 3 of Title 68 and to insure the state's ability to collect the appropriate amount of taxes due.

New Section 710:70-5-13 has been adopted to reflect the provisions of Section 8 of Senate Bill 905 dealing with the record retention requirements for tobacco products distributors and retailers. **[68:420.1]**

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. §§ 203; 312.1, 322 and 403.1

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 3, 2006, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, 10:00 a.m., Friday, March 10, 2006, at the offices of the Oklahoma Tax Commission, Suite 260, 3700 North Classen Boulevard, Oklahoma City, Oklahoma.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this **rulemaking action** has been determined to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), 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 Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

Rule Impact Statements will be prepared and will be available for review from and after February 6, 2006, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Christy Caesar, Agency Liaison; Phone: 405-521-3133; FAX: 405-522-0063; Email: ccaesar@oktax.state.ok.us

[OAR Docket #06-22; filed 1-6-06]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 90. WITHHOLDING**

[OAR Docket #06-21]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

- Subchapter 3. Returns and Payments
- 710:90-3-4. Filing of tax returns [AMENDED]
- 710:90-3-11. Income tax withholding for pass-through entities [AMENDED]
- 710:90-3-15. Payments; due dates [AMENDED]
- 710:90-3-17. Penalty and interest [AMENDED]

SUMMARY:

The 2004-2005 Legislative Session enacted statutory changes which require amendments to the existing rules in the following areas:

Sections 710:90-3-4 and 710:90-3-15 have been amended to conform with the provisions of Section 20 of Senate Bill 905 enacted into law by the 50th Legislature, 1st Regular Session, effective July 1, 2006 which modified Section 2385.3 of Title 68 of the Oklahoma Statutes changing the due date for timely filing of monthly tax reports and paying withholding tax from the fifteenth day of the month to the twentieth day of the month. [68:2358.3]

Section 710:90-3-17 has been amended to conform with the provisions of Section 21 of Senate Bill 905 which modified the levy of penalty on delinquent withholding taxes from a graduated twenty-five percent (25%) penalty to a one-time penalty of ten percent (10%). [68:2385.6]

Section 710:90-3-11 has been amended to conform with the provisions of Senate Bill 293 which repealed the Registration of Out-Of-State Attorneys Act 5 O.S. Supp. 2004 Section 1.1 through 1.9, effective April 6, 2005.

In addition, other rule changes may be made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, and insure accurate internal cross-references.

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 3, 2006, to the Oklahoma Tax Commission, Tax Policy Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, at the numbers provided below.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules, 10:00 a.m., Tuesday, March 7, 2006, at the offices of the Oklahoma Tax Commission, 3700 North Classen Boulevard, Suite 260, Oklahoma City, Oklahoma.

Notices of Rulemaking Intent

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this **rulemaking action** has been determined to **adversely** impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), 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 Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after February 13, 2006, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Christy Caesar, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: ccaesar@oktax.state.ok.us

[OAR Docket #06-21; filed 1-6-06]

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

[OAR Docket #06-07]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

765:1-1-2.1. [AMENDED]

SUMMARY:

This permanent rule is being amended to update the method of notification of Special Meetings to modern modes of communication.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-07; filed 1-6-06]

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

[OAR Docket #06-08]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Formal Procedures

765:2-3-5.1. [NEW]

765:2-3-6. [AMENDED]

765:2-3-11. [AMENDED]

Subchapter 5. Arbitration

765:2-5-12. [AMENDED]

SUMMARY:

These permanent rules are being amended to allow for a pre-hearing conference in order to expedite formal proceedings and to resolve the matter or narrow the issues; to allow the Chairman to rule on evidence as provided in the Administrative Procedures Act; and to provide a more modern form of recording the proceedings.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-08; filed 1-6-06]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 3. PROMULGATION,
AMENDMENT, AND REPEAL OF RULES**

[OAR Docket #06-09]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

765:3-1-6. [AMENDED]

SUMMARY:

These permanent rules are being amended to allow the Commission to adopt emergency rules for any reason authorized by law.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #06-09; filed 1-6-06]

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

[OAR Docket #06-10]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:10-1-3. [AMENDED]

Subchapter 3. Operation

765:10-3-1. [AMENDED]

765:10-3-3. [AMENDED]

765:10-3-4. [NEW]

765:10-3-5. [NEW]

Subchapter 5. Assessment of Fine or Denial, Suspension or Revocation of License

765:10-5-1. [AMENDED]

SUMMARY:

These permanent rules are being amended to more explicitly set forth the requirements for a used motor vehicle dealer's location; to clarify the form, disclosure, title, and temporary tag requirements upon sale of a vehicle; to further define the records a dealer is required to maintain which are subject to review; to prohibit dealers from interfering with other dealer's prospective buyers; and to authorize assessment of fines as provided for in recent legislation.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide

the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-10; filed 1-6-06]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 11. USED MOTOR VEHICLE REBUILDERS

[OAR Docket #06-11]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Authority

765:11-3-1. [AMENDED]

Subchapter 5. Assessment of Fine or Denial, Suspension or Revocation of License

765:11-5-1. [AMENDED]

SUMMARY:

These permanent rules are being amended to clarify the limitations of the authority of an automotive rebuilder in order to properly distinguish the authority of a rebuilder from that of an automotive dismantler.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and

Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-11; filed 1-6-06]

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

[OAR Docket #06-12]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:15-1-1. [AMENDED]

765:15-1-2. [AMENDED]

765:15-1-3. [AMENDED]

765:15-1-4. [AMENDED]

765:15-1-5. [AMENDED]

765:15-1-7. [AMENDED]

Subchapter 3. Authority of ~~Salesman~~Salespersons

765:15-3-1. [AMENDED]

Subchapter 5. Assessment of Fine or Denial, Suspension or Revocation of License

765:15-5-1. [AMENDED]

SUMMARY:

These permanent rules are being amended to provide for the assessment of fines as authorized by law; to require that a person who conducts purchasing and sales activity outside of

the ordinary retail sales activity of a motor vehicle dealer be required to be licensed as a used motor vehicle salesperson; and to change "salesman" to "salesperson."

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-12; filed 1-6-06]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 16. ADVERTISING**

[OAR Docket #06-13]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

765:16-1-2. [AMENDED]

Notices of Rulemaking Intent

Subchapter 3. Specific Advertising Regulations
765:16-3-7. [AMENDED]
765:16-3-11. [AMENDED]
765:16-3-12. [NEW]

SUMMARY:

These permanent rules are being amended to bring the specifications in line with current advertising practices and to clarify existing standards.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-13; filed 1-6-06]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 20. WHOLESALE USED MOTOR VEHICLE DEALERS

[OAR Docket #06-14]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:20-1-1. [AMENDED]

765:20-1-2. [AMENDED]

765:20-1-4. [AMENDED]

765:20-1-6. [AMENDED]

Subchapter 3. Operation

765:20-3-2. [AMENDED]

Subchapter 5. Assessment of Fine or Denial, Suspension or Revocation of License [NEW]

765:20-5-1. [NEW]

SUMMARY:

These permanent rules are being amended to provide for the assessment of fine as authorized by law; to update terms for telephones; to clarify who is required to license as a wholesale used motor vehicle dealer; what records are required; and to update the grounds for sanctions as provided by law.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-14; filed 1-6-06]

**TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION
CHAPTER 25. AUTOMOTIVE DISMANTLER AND PARTS RECYCLERS**

[OAR Docket #06-15]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees

765:25-1-3. [AMENDED]

765:25-1-4. [AMENDED]

765:25-1-5. [AMENDED]

765:25-1-6. [AMENDED]

Subchapter 3. Operation

765:25-3-1. [AMENDED]

765:25-3-4. [AMENDED]

Subchapter 5. Assessment of Fine or Denial, Suspension, or Revocation of License

765:25-5-1. [AMENDED]

765:25-5-2. [AMENDED]

SUMMARY:

These permanent rules are being amended to clarify the place of business of a dismantler; to require that all dismantlers have and maintain the appropriate permit from the Department of Environmental Quality; to allow dismantlers to keep their records on a form convenient to them; to allow the assessment of fine as provided by law; and to prevent conflict between statutory procedure and procedure set out in rules.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-15; filed 1-6-06]

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

[OAR Docket #06-16]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Assessment of Fine or Denial, Suspension, or Revocation of License

765:30-3-1. [AMENDED]

765:30-3-2. [AMENDED]

Subchapter 7. Salvage Pools and Salvage Disposal Sales

765:30-7-2. [AMENDED]

SUMMARY:

These permanent rules are being amended to allow the assessment of fines as provided by law and to prevent conflict between statutory procedure and procedure set forth by rule.

AUTHORITY:

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

Notices of Rulemaking Intent

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-16; filed 1-6-06]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 35. MANUFACTURED HOME DEALERS

[OAR Docket #06-17]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Operation
765:35-5-1. [AMENDED]

Subchapter 7. Assessment of Fine or Denial, Suspension, or Revocation of License
765:35-7-1. [AMENDED]

SUMMARY:

These permanent rules are being amended to clarify what information may be on forms and to allow the assessment of fines as provided by law.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-17; filed 1-6-06]

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 36. MANUFACTURED HOME MANUFACTURERS

[OAR Docket #06-18]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Assessment of Fine or Denial, Suspension, or Revocation of License
765:36-7-1. [AMENDED]

SUMMARY:

These permanent rules are being amended to allow the assessment of fines as provided by law.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-18; filed 1-6-06]

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

[OAR Docket #06-19]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Assessment of Fine or Denial, Suspension or Revocation of License [NEW]

765:37-9-1. [NEW]

765:37-9-2. [NEW]

SUMMARY:

These permanent rules are being amended to state the grounds for sanctions and prohibitions on manufactured home installers.

AUTHORITY:

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

COMMENT PERIOD:

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

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-19; filed 1-6-06]

Notices of Rulemaking Intent

TITLE 765. OKLAHOMA USED MOTOR VEHICLE AND PARTS COMMISSION CHAPTER 38. MANUFACTURED HOME SALESPERSONS

[OAR Docket #06-20]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing Qualifications, Procedures and Fees [NEW]

765:38-1-1. [NEW]

765:38-1-2. [NEW]

765:38-1-3. [NEW]

765:38-1-4. [NEW]

765:38-1-5. [NEW]

765:38-1-6. [NEW]

Subchapter 3. Authority of Salespersons [NEW]

765:38-3-1. [NEW]

Subchapter 5. Assessment of Fine or Denial Suspension, or Revocation of License [NEW]

765:38-5-1. [NEW]

765:38-5-2. [NEW]

SUMMARY:

These permanent rules are being promulgated to state the requirements and procedures for the licensing of manufactured home salespersons, the authority of such persons licensed, and to allow the assessment of fines as provided by law.

AUTHORITY:

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

COMMENT PERIOD:

Persons wishing to present their views regarding this action may do so by delivering or mailing their written comments

to the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma 73107, prior to the public hearing.

PUBLIC HEARING:

The public hearing will be held on Tuesday, March 14, 2006, at 11:00AM, at the office of the Used Motor Vehicle and Parts Commission, 2401 NW 23rd, Suite 57, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Used Motor Vehicle and Parts Commission requests that business entities affected by these proposed rules provide the Commission, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to John W. Maile, at the above address, before the close of the comment period on March 14, 2006.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and be available after February 14, 2006, at the office of the Used Motor Vehicle and Parts Commission.

CONTACT PERSON:

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

[OAR Docket #06-20; filed 1-6-06]

Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.
For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

[OAR Docket #05-1619]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Fee Schedules

35:2-3-26. [AMENDED]

GUBERNATORIAL APPROVAL:

December 22, 2005

[OAR Docket #05-1619; filed 12-28-05]

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

[OAR Docket #05-1620]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 38. Apiaries [NEW]

GUBERNATORIAL APPROVAL:

December 22, 2005

[OAR Docket #05-1620; filed 12-28-05]

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

[OAR Docket #06-05]

RULEMAKING ACTION:

Gubernatorial approval

RULES:

Subchapter 1. General Provisions

252:205-1-1. [AMENDED]

252:205-1-2. [AMENDED]

252:205-1-3. [AMENDED]

252:205-1-4. [AMENDED]

Subchapter 3. Incorporation by Reference

252:205-3-1. [AMENDED]

252:205-3-2. [AMENDED]

Subchapter 5. Additional Generator Requirements

252:205-5-5. [AMENDED]

Subchapter 9. Additional Treatment, Storage, Disposal and Recycling Requirements

252:205-9-6. [AMENDED]

252:205-9-7. [REVOKED]

Subchapter 15. Transfer Stations

252:205-15-2. [AMENDED]

252:205-15-5. [AMENDED]

Subchapter 17. Tax Credit and Waste Reduction Incentives Credits

252:205-17-3. [AMENDED]

Subchapter 19. Additional Rules for Recycling

252:205-19-1. [AMENDED]

252:205-19-31. [AMENDED]

Subchapter 21. Fees

252:205-21-1. [AMENDED]

252:205-21-4. [AMENDED]

Subchapter 23. Hazardous Waste Fund Act Projects

252:205-23-1. [AMENDED]

Appendix A. Refund for Volume Reduction [REVOKED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #06-05; filed 1-5-06]

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

[OAR Docket #05-1621]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

325:35-1-34. [AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1621; filed 12-29-05]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 1. ADMINISTRATION AND ORGANIZATION

[OAR Docket #05-1610]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

Gubernatorial Approvals

RULES:

435:1-1-7. Fees [AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1610; filed 12-27-05]

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

[OAR Docket #05-1611]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

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 11. Temporary and Special Licensure

435:10-11-3.1. Special license for ~~first-year~~ post-graduate
training [AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1611; filed 12-27-05]

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

[OAR Docket #05-1612]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Licensure of Physical Therapists and
Assistants

435:20-3-1.1. Training outside the U.S.

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1612; filed 12-27-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 45. RESPIRATORY CARE
PRACTITIONER**

[OAR Docket #05-1613]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Application for Licensure

435:45-3-5. Re-entry guidelines [AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1613; filed 12-27-05]

**TITLE 435. STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION
CHAPTER 55. LICENSED ORTHOTISTS
AND PROSTHETISTS AND REGISTERED
TECHNICIANS AND ASSISTANTS**

[OAR Docket #05-1614]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Licensure/Registration/Reinstatement

435:55-3-6. Alternative requirements for licensure
[AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1614; filed 12-27-05]

**TITLE 527. STATE BOARD OF EXAMINERS
OF PERFUSIONISTS
CHAPTER 10.
PRACTICE/LICENSURE/EXAMINATION**

[OAR Docket #05-1615]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

527:10-1-2. Practice of perfusion/general licensure
provisions [AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1615; filed 12-27-05]

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

[OAR Docket #05-1608]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

545:15-1-3. Requirements for application [AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1608; filed 12-27-05]

**TITLE 545. BOARD OF PODIATRIC
MEDICAL EXAMINERS
CHAPTER 20. MAINTAINING LICENSURE**

[OAR Docket #05-1609]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Continuing Education

545:20-3-3. Approved continuing education programs
[AMENDED]

GUBERNATORIAL APPROVAL:

December 19, 2005

[OAR Docket #05-1609; filed 12-27-05]

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 230. STATE ELECTION BOARD CHAPTER 40. TYPES OF ELECTIONS

[OAR Docket #05-1607]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Municipal Elections

Part 5. Statutory Municipalities

230:40-5-18. Notice of elections [AMENDED]

Part 9. Procedures

230:40-5-46. Maps required [AMENDED]

230:40-5-46.1. Effective date of municipal boundary changes for election purposes [NEW]

AUTHORITY:

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

DATES:

Adoption:

November 14, 2005

Approved by Governor:

December 19, 2005

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Secretary of the State Election Board finds that compelling public interest exists requiring adoption of emergency rules. These emergency rules concern municipal elections. Although most regular municipal elections are conducted in the spring of odd-numbered years, several cities with home rule charters hold regular elections in even-numbered years. Municipalities also may call special elections throughout the year.

Earlier this year, the Secretary of the State Election Board adopted rules to establish an effective date for municipal boundary changes for election. Language in the rules was patterned after language in a Tax Commission rule establishing an effective date of such boundary changes for tax collection purposes. Since the adoption of those rules, the State Election Board staff has learned more about the methods used by the Tax Commission and GEO to maintain the electronic maps and as a result, it has been determined that the earlier language is inappropriate. These emergency rules are intended to correct problems that have been discovered in the earlier language before municipal elections scheduled in spring 2006 are conducted.

ANALYSIS:

Earlier this year, the State Election Board completed a project that incorporates information on municipal boundaries in the OEMS Street Guide software. When a voter registration application is entered in OEMS, a residence address that is located within the boundaries of a municipality now can be automatically assigned to that municipality. A code indicating the voter's municipality now appears in the Precinct Registry for those voters who are residents of a municipality.

The project to include municipal information in the Street Guide was done in cooperation with the Oklahoma Tax Commission and the GEO Information Systems department of the University of Oklahoma. The Oklahoma Tax Commission maintains electronic maps of the municipal boundaries that are reflected in the Street Guide. Municipalities are required by law to notify the Tax Commission of any changes to their boundaries. The Tax Commission is responsible for instructing GEO to update the maps.

These emergency rules require the governing board of a municipality to submit a current, accurate map of the municipal boundaries along with a resolution calling an election. The County Election Board Secretary will use the map submitted with the resolution to conduct the election. The rules permit the municipality to meet this requirement with the map available online from GEO. (These maps may be downloaded and printed without charge.)

The boundaries of the municipality that are in effect 60 days before the election shall be used by the County Election Board to prepare and conduct the election. In the event that boundary changes become effective less than 60 days before the election, these rules contain a procedure that will allow the County Election Board to consider such changes for the purpose of resolving questions of voter eligibility if the municipality provides adequate documentation of the change.

CONTACT PERSON:

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

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. MUNICIPAL ELECTIONS

PART 5. STATUTORY MUNICIPALITIES

230:40-5-18. Notice of elections

A statutory municipality shall submit a resolution to the Secretary of the County Election Board conducting the election not fewer than 15 days before the filing period. [26:13-102] In the event of a special election, such a resolution shall be submitted no fewer than 60 days before the election. [26:13-102] The resolution shall contain the following information:

- (1) *The dates of the election or elections;* [26:13-102(1)]
- (2) *The offices to be filled or the questions to be voted upon at the election or elections;* [26:13-102(2)]
- (3) *Qualifications for such offices;* [26:13-102(3)]

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- (4) *Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;* [26:13-102(4)]
- (5) *Indication of whether the election will be partisan or nonpartisan;* [26:13-102(5)]
- (6) *For charter cities where the charter is silent, indication of any portion of state law which will apply; and* [26:13-102(6)]
- (7) A map showing the current, correct municipal boundaries and the current, correct ward boundaries within the municipality. [26:13-102(7)]
- (7-8) Any other information necessary for conducting said election or elections. [26:13-102(7)]

PART 9. PROCEDURES

230:40-5-46. Maps required

- ~~(a) The governing board of each municipality shall provide information defining the corporate boundaries of the municipality to the Oklahoma Tax Commission as required by state law. The governing board also shall provide notice to the Tax Commission of any changes to said boundaries as required by law and by OAC 710:65-18-10. The governing board of a municipality also shall notify the Secretary of the County Election Board of the boundary change not less than 60 days before a municipal boundary change is to become effective for sales and use tax collection purposes as described in OAC 710:65-18-10.~~
- ~~(b) A municipal boundary change shall not be in effect for the purpose of conducting an election unless the Secretary of the County Election Board has been notified as outlined in (a) of this section and unless said notice has occurred 60 days or more before the date of the election.~~
- ~~(c) For the purpose of conducting an election or for resolving any question of the eligibility of an elector to vote in a municipal election, the Secretary of the County Election Board shall use a map showing the municipal boundaries, ward boundaries within the municipality, and precinct boundaries. The map shall be either a map drawn from data in the official taxing jurisdiction boundary database provided and maintained by the Oklahoma Tax Commission, as required by Title 68 OS, Section 1354.32, or a map that has been certified as accurate by the governing board of the municipality. Effective January 1, 2007, only maps drawn from data in the official taxing jurisdiction database provided and maintained by the Oklahoma Tax Commission shall be used for all municipal elections conducted by the County Election Board and to resolve all questions of voter eligibility.~~
- (a) The governing board of a municipality shall provide to the County Election Board or Boards of the county or counties wherein the municipality is located, a current, correct map of the municipality. [26:13-107] The map shall define clearly the municipal limits of and the ward boundaries within the municipality. [26:13-107] In the event that changes are made to the municipal limits or ward boundaries of the municipality, the governing board shall provide a complete, revised map. [26:13-107] It is the responsibility of the governing board of

a municipality to provide a current and accurate map with a resolution calling a regular or special election.

(b) The governing board of a municipality may fulfill its responsibility for providing maps to the County Election Board by submitting information defining the municipality's corporate boundaries to the Oklahoma Tax Commission as required by state law (Title 11 O.S., Section 21-112) and by administrative rule of the Oklahoma Tax Commission (OAC 710:65-18-10) and by also reporting information about any changes in the municipality's boundaries as they occur. The Oklahoma Tax Commission and the Geo Information Systems Department of the University of Oklahoma maintain a digital mapping system for municipal boundaries. The digital maps are updated as notice of changes are received by the Tax Commission. The digital maps are available on the internet and may be downloaded and printed at no charge from the website www.geo.ou.edu. If the governing board of a municipality fails to provide the County Election Board with a map as outlined in this section, County Election Board personnel are authorized to use maps from the Geo Information Systems website both to prepare for and to conduct elections and to resolve questions of voter eligibility, and to verify provisional ballots.

(c) The governing board of a municipality that nominates by ward and elects at large shall provide the County Election Board with a map showing the current ward boundaries within the municipality prior to a candidate filing period for a regular or special election. (Ward boundary lines are indicated on the digital maps maintained by the Oklahoma Tax Commission and Geo Information Systems only for municipalities that elect by ward.)

230:40-5-46.1. Effective date of municipal boundary changes for election purposes

(a) A municipal boundary change shall be considered to be in effect 30 days after the ordinance making the change is adopted by the governing board of the municipality or at a later effective date specified in the ordinance.

(b) The municipal boundaries in effect 60 days preceding a regular or special election shall be the boundaries in effect for the election for the purposes of the County Election Board's election setup and ballot preparation tasks. The precincts open on election day shall be determined only from the map submitted to the County Election Board along with the resolution calling the election.

(c) Changes to municipal boundaries that become effective fewer than 60 days preceding an election may be considered in resolving questions of voter eligibility and in verification of provisional ballots only if documentation of the boundary change is provided directly to the County Election Board by the governing board of the municipality. Documentation shall include both a dated copy of the annexation ordinance and a map showing the annexed area. In the event that a municipal boundary change becomes effective as described in (a) of this section less than 60 days before an election and that such boundary change includes all or part of a precinct not previously included in the election, registered voters in the affected

area may vote in the election according to the following procedure.

(1) Registered voters in the affected area may cast provisional ballots during in-person absentee voting.

(2) Registered voters in the affected area may cast provisional ballots at the County Election Board office between the hours of 7 a.m. and 7 p.m. on election day.

(A) Such voters on election day shall be issued the appropriate absentee ballot style according to provisional voting procedure outlined in 230:35-5-177.

(B) The Secretary of the County Election Board shall assign a member of the County Election Board staff to act as the Provisional Voting Officer for such voters.

[OAR Docket #05-1607; filed 12-27-05]

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

[OAR Docket #06-39]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 19. Feeding Assistants [NEW]
310:675-19-1. through 310:675-19-8. [NEW]

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001, Section 1-104; and 63 O.S. Supp. 2004, Section 1-1951, as amended by Section 13 of Enrolled House Bill No. 1688 of the 1st Session of the 50th Oklahoma Legislature

DATES:

Comment Period:

October 3, 2005, through November 10, 2005

Public Hearing:

November 10, 2005

Adoption:

November 10, 2005

Approved by Governor:

December 22, 2005

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

Incorporated standards:

42 Code of Federal Regulations Parts 483 and 488
American Dietetic Association. (2003). Eating Matters: A Training Manual for Feeding Assistants.
American Dietetic Association. (2003). Eating Matters: Feeding Assistants Manual.
American Health Care Association. (2003). Assisted Dining: The Role and Skills of Feeding Assistants.

Incorporating rules:

310:675-19-1
310:675-19-2
310:675-19-3

Availability:

The incorporated standards are available for viewing at the Oklahoma State Department of Health, Health Resources Development Service, Protective Health Services, 1000 N.E. 10 Street, Oklahoma City, OK 73117-1299 from 8:00 a.m. to 5:00 p.m.

FINDING OF EMERGENCY:

The State Board of Health finds that public interest requires seeking of emergency certification of the rules in Chapter 675. Unless an emergency is declared and certified, these rules cannot go into effect until approximately July 14, 2006, which would unreasonably delay implementation of rules providing for training and registration of feeding assistants. Without this rule revision, paid feeding assistants will not be available for use in nursing facilities. This proposed rule is intended to implement feeding assistant provisions in Section 13 of Enrolled House Bill No. 1688 of the 1st Session of the 50th Oklahoma Legislature, effective November 1, 2005.

ANALYSIS:

This Subchapter establishes standards for training and registration of feeding assistants in Oklahoma in accordance with 42 Code of Federal Regulations Parts 483 and 488. The rule will require a Feeding Assistant Registration Application form. The intent is to give nursing, specialized nursing, and skilled nursing facilities the option to use paid feeding assistants, allowing them to provide more residents with help in eating and drinking and reduce the incidence of unplanned weight loss and dehydration.

CONTACT PERSON:

Henry F. Hartsell Jr., Chief, Health Resources Development Service, Protective Health Services, 1000 N.E. 10 Street, Oklahoma City, OK 73117-1299; telephone: 405) 271-9444 ext. 57269; facsimile: 405-271-7360; email: hank@health.ok.gov

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

SUBCHAPTER 19. FEEDING ASSISTANTS

310:675-19-1. Purpose

This Subchapter establishes standards for training and registration of feeding assistants in Oklahoma in accordance with 42 Code of Federal Regulations Parts 483 and 488. The intent is to give nursing, specialized nursing, and skilled nursing facilities the option to use paid feeding assistants, allowing them to provide more residents with help in eating and drinking and reduce the incidence of unplanned weight loss and dehydration.

310:675-19-2. Definitions

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

"Feeding assistant" means an individual who is paid to feed residents by a facility or who is used under an arrangement with another agency or organization and meets the requirements cited in 42 CFR Parts 483 and 488 [63:1-1951(F)(1)].

310:675-19-3. Training course

(a) The following training curricula are approved as training courses and meet the requirements specified in 42 CFR 483.160(a):

(1) Eating Matters: A Training Manual for Feeding Assistants, published by the American Dietetic Association, 2003 edition; and Eating Matters: Feeding Assistants

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Manual, published by the American Dietetic Association, 2003 edition; or

(2) Assisted Dining: The Role and Skills of Feeding Assistants, published by the American Health Care Association, 2003 edition.

(b) A feeding assistant training course must consist of at least eight (8) hours of training in the required areas of instruction.

(c) A feeding assistant training course instructor must hold a current valid license as:

- (1) A registered nurse;
 - (2) A licensed practical nurse;
 - (3) A registered dietitian;
 - (4) A speech-language pathologist or speech therapist;
- or
- (5) An occupational therapist.

(d) Successful completion of a training course is based upon the instructor's assessment using a staff competency checklist that conforms to OAC 310:675-19-8.

(e) The training course must provide a certificate of completion within 30 days of course completion to each individual who successfully completed the course. The certificate shall conform to OAC 310:675-19-8.

(f) The Department will not restrict an individual from repeating a training course. The training course may establish limits on the number of times an individual may repeat the course after unsuccessful attempts.

310:675-19-4. Facility requirements

(a) The nursing facility, specialized nursing facility, or skilled nursing facility must maintain a record of each individual who has successfully completed the approved training course. For each individual feeding assistant employed by the facility, the facility must maintain:

- (1) A copy of a staff competency checklist completed and signed by the instructor in the form specified in OAC 310:675-19-8;
- (2) A copy of a certificate of completion signed by the instructor in the form specified in OAC 310:675-19-8;
- (3) Verification that the facility checked with the Feeding Assistant Registry to ensure the individual is eligible for employment; and
- (4) Verification of compliance with the Criminal History Background Check in 63 O.S. Supp. 2004, Section 1-1950.1.

(b) Each feeding assistant must work under the supervision of a registered nurse or licensed practical nurse. In an emergency, the feeding assistant must call a supervisory nurse for help using the resident call system if the nurse is not present during the feeding of a resident.

(c) The facility must ensure that a feeding assistant only assists residents who have no complicated feeding problems. The facility must base resident selection on the charge nurse's assessment and the resident's latest assessment and plan of care. Complicated feeding problems include but are not limited to:

- (1) Difficulty swallowing;
- (2) Recurrent lung aspirations; or
- (3) Tube or parenteral/IV feedings.

(d) Instructor time shall not count toward minimum staffing requirements.

(e) The facility shall check the Feeding Assistant Registry before hiring a person to work as a feeding assistant. If the registry indicates that the individual has been found to be personally responsible for abuse, neglect, exploitation, or misappropriation of resident property, that individual shall not be hired by the facility.

(f) The facility must maintain proof of compliance with this subchapter at all times at the facility site.

310:675-19-5. Feeding assistant registry

The Department shall maintain a feeding assistant registry consistent with the registry operation described in OAC 310:677-5-2(c). The registry shall contain information consistent with that described in 63 O.S. Supp. 2004, Section 1-1951(D)(3).

310:675-19-6. Feeding assistant registration

(a) An individual may perform the services of a feeding assistant upon successful completion of an approved training course and shall submit a Feeding Assistant Registration Application to the Department on the form specified in 310:675-19-8.

(b) Each registered feeding assistant shall renew individual registration once every twenty-four (24) months. The individual shall submit a Feeding Assistant Renewal Application with proof that within the past twenty-four (24) months they have:

- (1) Worked at least eight (8) hours for compensation as a feeding assistant; or
- (2) Completed another eight (8) hour training course that complies with OAC 310:675-19-3.

310:675-19-7. Revocation, suspension and denial

(a) The State Health Department's procedure afforded a feeding assistant for purposes of investigating, hearing, and making findings on allegations of abuse, neglect, exploitation, or misappropriation of resident property, shall be not less than the process afforded nurse aides pursuant to Title 63 O.S. Supp. 2004 Section 1-1951(D)(4) through (12).

(b) A feeding assistant's registration may be revoked, suspended or denied if the Department determines with clear and convincing evidence that an individual has been responsible for any of the following:

- (1) Abuse;
- (2) Neglect;
- (3) Exploitation; or
- (4) Misappropriation of resident or client property.

310:675-19-8. Feeding assistant forms

The forms used for this subchapter are the following.

(1) Staff competency checklist. A training course using the curriculum specified in 310:675-19-3(a)(1) may use the checklist provided with that curriculum or the checklist provided by the Department. Other training courses shall use the checklist provided by the

Department. The competency checklist provided by the Department requires the following:

- (A) The name of the person being trained;
 - (B) Evaluation of skills task performances including:
 - (i) Safety and emergency procedures including the Heimlich maneuver;
 - (ii) Sanitation and washing hands;
 - (iii) Serving a meal tray;
 - (iv) Assistance with resident requiring total feeding;
 - (v) Serving supplemental nourishments; and
 - (vi) Serving fresh drinking water;
 - (C) The date of the evaluation; and
 - (D) Name and signature of the instructor.
- (2) **Certificate of completion.** A training course using the curriculum specified in 310:675-19-3(a)(1) may use the certificate of completion provided with that curriculum or the certificate provided by the Department. Other training courses shall use the certificate provided by the Department. The certificate of completion provided by the Department requires the following:
- (A) Name of the person being trained;
 - (B) Name of the curriculum;
 - (C) Location where the training occurred;
 - (D) Date training was completed;
 - (E) A statement that the person successfully completed eight hours of training to become a feeding assistant; and
 - (F) Name and signature of the instructor.
- (3) **Feeding assistant registration application.** The application form requires the following for each individual:
- (A) Name;
 - (B) Date of birth;
 - (C) Contact information;
 - (D) Information sufficient to identify the individual including social security number;
 - (E) A copy of the certificate of completion from a training course that meets the requirements of OAC 310:675-19-3; and
 - (F) Applicant's signature affirming the truthfulness and completeness of the application.
- (4) **Feeding assistant renewal application.** The application form requires the following for each individual:
- (A) Name;
 - (B) Date of birth;
 - (C) Contact information;
 - (D) Information sufficient to identify the individual including social security number;
 - (E) Proof of work experience or retraining as required in OAC 310:675-19-6(c); and
 - (F) Applicant's signature affirming the truthfulness and completeness of the application.

[OAR Docket #06-39; filed 1-6-06]

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

[OAR Docket #06-40]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 13. Certified Medication Aides
310:677-13-1. [AMENDED]
310:677-13-2. [AMENDED]
310:677-13-3. [AMENDED]
310:677-13-4. [AMENDED]
310:677-13-5. [AMENDED]
310:677-13-6. [NEW]
310:677-13-7. [NEW]
310:677-13-8. [NEW]
310:677-13-9. [NEW]
310:677-13-10. [NEW]
310:677-13-11. [NEW]

AUTHORITY:
Oklahoma State Board of Health; 63 O.S. 2001 Section 1-104; 63 O.S. Supp. 2004 Section 1-1950.3, as amended by Section 12 of Enrolled House Bill No. 1688 of the 1st Session of the 50th Oklahoma Legislature, effective November 1, 2005; and Section 1-1951 as amended by Section 13 of Enrolled House Bill No. 1688, effective November 1, 2005.

DATES:
Public Hearing:
November 10, 2005

Adoption:
November 10, 2005

Approved by Governor:
December 22, 2005

Effective:
Immediately upon Governor's approval

Expiration:
Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:
n/a

INCORPORATIONS BY REFERENCE:
n/a

FINDING OF EMERGENCY:
The State Board of Health finds that public interest requires seeking of emergency certification of the rules in Chapter 677. Unless an emergency is declared and certified, these rules cannot go into effect until approximately July 14, 2006, which would unreasonably delay implementation of rules providing for training and certification of medication aides to provide care for diabetes and administration of diabetic medications. Additionally, the lack of emergency certification would unreasonably delay implementation of advanced training and certification for administration of medications and nutrition via nasogastric and gastrostomy tubes, and for administration of oral metered dose inhalers and nebulizers. This proposed rule is intended to implement certified medication aide provisions as most recently amended by Section 12 of Enrolled House Bill No. 1688 of the 1st Session of the 50th Oklahoma Legislature, effective November 1, 2005.

ANALYSIS:
The amendments to Subchapter 13 establish competency and practice standards for medication aides, create a list of skills and functions that medication aides may perform, specify certification and recertification requirements for medication aides, provide criteria and procedures for approval of training programs, and establish procedures for administrative sanctions against certified medication aides. The amendments establish advanced training and certification requirements for administration of diabetic medications, and for administration of medications via nasogastric and gastrostomy routes, and administration of oral metered dose inhalers and nebulizers. The phrases "stable diabetes" and "unstable diabetes" are defined. Requirements for facility policies and procedures on certified medication aides are established. The amendments affect the administration of medications in nursing facilities, specialized nursing facilities including ICF/MR and

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Alzheimer's facilities, continuum of care facilities, assisted living centers, adult day care centers, and residential care homes.

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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 13. CERTIFIED MEDICATION AIDES

310:677-13-1. General requirements

(a) An individual shall be able to read, write, and speak English and be certified in good standing as a home care aide, a long term ~~aide~~ care aide, or a developmentally disabled direct care aide listed in the Department's Nurse Aide Registry, prior to admission to a State approved certified medication aide training program.

(b) A certified medication aide shall complete at least eight (8) hours of continuing education every twelve (12) months, excluding the first year of certification, from a State approved program. A record of successful completion shall be kept in the certified medication aide's personnel file.

(c) An employer shall not use as a certified medication aide any individual who has not completed the required continuing education and is not currently certified does not comply with 63 O.S. Section 1-1950.3(E), OAC 310:677, and the employer's policies and procedures.

(d) A certified medication aide shall renew ~~their~~ certification every 12 months. Recertification requires the following:

(1) Documentation of completion of at least eight (8) hours of continuing education within the previous twelve (12) months;

(2) Current certification as a long term care aide, home health aide and developmentally disabled direct care aide. CMAs may also be certified in the other two (2) categories in addition to the required certification as a long term care aide, home health care aide and developmentally disabled direct care ~~aides~~ aide; and

(3) Current listing in the nurse aide registry.

(e) The Department shall ~~only~~ approve ~~non-employer based~~ certified medication aide training programs that meet the requirements of OAC 310:677-13-3 through 13-5, and 310:677-13-9.

(f) The Department shall review, approve or disapprove a Certified Medication Aide Continuing Education Program application and notify the entity of its action within thirty (30) days of the request or receipt of additional information from the ~~requester~~ applicant.

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

(1) "Stable diabetes" means diabetes associated with a blood glucose level consistently between 80 and 140 milligrams per deciliter (mg/dl) fasting and less than or equal to 180 mg/dl after a meal, and/or a Hemoglobin A1c (HbA1c) at or below 7.0 within the last three months.

(2) "Unstable diabetes" means:

(A) A non-acute ill person with blood glucose levels more than three times over a six week period that are under 80 mg/dl or more than 140 mg/dl fasting, or more than 180 mg/dl two hours after a meal;

(B) A person with diabetes who has prescriptions for both insulin and glucagon;

(C) A person with Type I diabetes who experiences hypoglycemia unawareness;

(D) A person who is newly diagnosed with diabetes and for whom insulin is prescribed; or

(E) A person who has been previously diagnosed with diabetes and now requires insulin administration for management. They may be considered stable again when their glucose is maintained in the stable range specified in subsection (g)(1) of this section, which may include maintaining an HbA1c at or below 7.0.

(3) "Newly diagnosed" means a person who now has a diagnosis of either Type I or Type II diabetes, has a new prescription for insulin, has not been diagnosed with diabetes in the past and who does not have stable diabetes.

310:677-13-2. Deemed to meet state certification requirements

~~The Department shall recognize as eligible a~~ certified medication aide shall be eligible to perform the duties of a certified medication aide for the following employers:

(1) ~~Long term care facility.~~ Nursing facility or continuum of care facility;

(2) ~~Facility for the developmentally disabled.~~ Specialized facility;

(3) Residential care home;

(4) Adult day care facility; and

(5) Assisted living center.

310:677-13-3. Instructor qualifications

(a) ~~The instructor for an approved training program for certified medication aides shall be a licensed nurse, or a registered pharmacist, whose qualifications are approved by the Department, and who has at least (1) one year experience in their field of expertise.~~ Each training program instructor shall be qualified as a physician, licensed nurse, pharmacist, respiratory therapist, speech therapist, or certified diabetes educator who may teach within her or his area of expertise or scope of practice. Each instructor shall have one year of experience in her or his area of expertise. The program shall designate a registered nurse as the training program supervisor if a licensed practical nurse serves as an instructor.

(b) Other personnel from the health professions may supplement the instructor as required by the curriculum and approved by the Department.

310:677-13-4. Curriculum

(a) The certified medication aide training program shall include:

- ~~(1)~~ At least a minimum of forty (40) hours of combined classroom and clinical supervised practical training;
- ~~(2)~~ At least with a minimum of sixteen (16) hours of supervised practical training.

(b) The certified medication aide training shall include, but is not limited to each of the following subject areas:

- (1) Preparation and administration of medication.
 - (A) Documentation of medication administration.
 - (B) Proper medication storage procedures.
 - (i) Scheduled controlled substances.
 - (ii) Internal and external medications.
 - (C) Purposes of medications.
 - (D) Oral medications.
 - (E) Topical medications.
 - (F) Eye, ear, and nose medications.
 - (G) Vaginal medications.
 - (H) Rectal medications.
 - (I) Oral inhalants.
 - (J) Transdermal medications.
 - (K) Medical terminology, symbols, and abbreviations.
 - (L) The five rights of medication administration, including the right patient, drug, date, time, dosage, route and form.
 - (M) Controlled drug procedures.
 - (N) ~~Recognize~~ Recognizing appropriate situations requiring assistance of the charge nurse.
 - (O) Drug-reference sources.
 - (P) Vital sign measurement with drug administration.
 - (Q) Medication labeling.
- (2) Observe, report, and document resident's status.
 - (A) Blood pressure measurement and documentation.
 - (B) Drug to drug interactions.
 - (C) Drug to food interactions, and medication timed to coincide with meals.
- (3) Principles of safety.
 - (A) Infection control techniques.
 - (B) Principles of positioning for medication administration.
- (4) Knowledge of measurement systems.
 - (A) Distinguish weight and volume measurements.
 - (B) Decimal and fraction concepts in medication administration.
 - (C) Appropriate measurement equipment.
- (5) Body systems and common diseases.
 - (A) Digestive system and common diseases to medication administration.
 - (B) Respiratory system and common diseases to medication administration.
 - (C) Drug metabolism.
 - (D) Cardiovascular system and common diseases to medication administration.

- (E) Endocrine system in relation to diabetes and hormone therapy.
- (F) Elimination system and common diseases to medication administration.
- (G) Skin system and common diseases to medication administration.
- (H) Muscular-skeletal system and common diseases to medication administration.
- (I) Nervous system and common diseases to medication administration.

(c) The advanced training program for care of diabetes and the administration of diabetic medications by CMAAs shall include:

(1) A minimum of twelve hours of classroom training and a minimum of four hours of supervised practical training;

(2) Training in the following subject areas with curriculum standards as indicated:

(A) Pathophysiology of diabetes, with the successful learner able to:

(i) Define diabetes as a chronic metabolic disorder in which the body is unable to metabolize glucose properly;

(ii) Describe the action of insulin in the body; and

(iii) Explain the differences between the types of diabetes;

(B) Diabetes disease management, with the successful learner able to:

(i) Describe the relationship between insulin, diet, and physical activity in management of diabetes; and

(ii) Explain how diet relates to blood glucose control;

(C) Blood glucose testing and use of equipment, with the successful learner able to:

(i) Explain the purpose of blood glucose testing;

(ii) Demonstrate how to use blood glucose testing equipment, and demonstrate accuracy with a minimum of 10 tests per type of testing glucometer used in the training program; and

(iii) Explain the quality control requirements for glucose monitoring equipment, demonstrate both high and low controls, and explain their purpose and frequency of control testing;

(D) Stable and unstable diabetes, with the successful learner able to:

(i) Identify appropriate blood glucose levels for persons with diabetes;

(ii) Define hypoglycemia and list three causes and three symptoms;

(iii) Define hyperglycemia and list three causes and three symptoms; and

(iv) Define and describe the difference between stable and unstable diabetes;

(E) Diabetes care by managing blood glucose levels, with the successful learner able to:

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- (i) List three carbohydrate choices used to treat hypoglycemia;
- (ii) Describe measures to prevent hypoglycemia;
- (iii) Describe the relationship between blood glucose levels and indications for glucagon use;
- (iv) Describe measures to prevent hyperglycemia; and
- (v) State when to contact and what to report to a licensed health care provider;

(F) Charting, graphing, and record-keeping, with the successful learner able to:

- (i) Explain the reason for accurate documentation of all aspects of diabetes management and care, including blood glucose results, quality control testing, medication administration, and adverse reactions;
- (ii) Identify correct forms for documentation; and
- (iii) Demonstrate the ability to accurately document diabetes management and care;

(G) Diabetic medications and adverse reactions (Insulin), with the successful learner able to:

- (i) Describe the purpose of insulin;
- (ii) State the types of insulin and each onset, peak and duration of action;
- (iii) Explain the difference between basal and bolus insulin; and
- (iv) State common side effects, adverse reactions and precautions for insulins;

(H) Diabetic medications and adverse reactions (Oral agents), with the successful learner able to:

- (i) Describe the purpose, action and recommended doses of each oral agent; and
- (ii) State common side effects, adverse reactions and precautions for each oral agent;

(I) Administration of diabetic medications, with the successful learner able to:

- (i) State the correct administration times for insulin and oral agents relevant to meals and mechanisms of action;
- (ii) Identify the preferred sites for an insulin injection and describe site rotation patterns;
- (iii) Discuss the proper storage of insulin;
- (iv) Demonstrate in a minimum of ten tests the accurate measurement and correct technique for preparation of a single and a mixed dose of insulin;
- (v) Explain why it is required to check insulin type and dose drawn with another certified medication aide or licensed health care provider; and
- (vi) Demonstrate administration of a dose of insulin (or saline) to self or another person;

(J) Infection control and universal precautions for blood borne pathogens, with the successful learner able to:

- (i) Define the term "universal precautions";

- (ii) Demonstrate safe handling of syringes, needles, pen devices, glucometer equipment and test strips, lancing devices and lancets; and
- (iii) Explain proper disposal of used syringes, needles, test strips and lancets; and

(3) Return demonstrations of skill with a proficiency of 100% and didactic testing measuring curriculum knowledge at 90% or greater.

(d) The advanced training program for administration of medications and nutrition via nasogastric and gastrostomy tubes, and for administration of oral metered dose inhalers and nebulizers, shall include:

(1) A combined minimum of 6 hours of classroom and supervised practical training; and

(2) Training in at least the following subject areas:

(A) Gastrointestinal system and alternative methods for providing medications and nourishment;

(B) Nasogastric and gastrostomy equipment and supplies;

(C) Procedures and techniques for insertion of nasogastric tube by a licensed nurse, and assessment of patient by registered nurse after placement of nasogastric or gastrostomy tube and before administration of medication or feedings;

(D) Methods and techniques for administration of medications and nutrition via nasogastric and gastrostomy tubes; and

(E) Identification of and responses to potential problems associated with administration of medications and nutrition via nasogastric and gastrostomy tubes.

(F) Respiratory system and methods for delivery of medications;

(G) Equipment and supplies for administration of medication via metered dose inhalers and nebulizers;

(H) Methods and techniques for administering medications via metered dose inhalers and nebulizers; and

(I) Identification of and responses to potential problems associated with administration of medications via metered dose inhalers and nebulizers.

310:677-13-5. Competency and skills examination

(a) The written competency examination shall:

- (1) Be drawn from a pool of test questions that address the course requirements.
- (2) Be administered and scored by a Department approved entity.
- (3) Comply with the examination administration requirements in OAC 310:677-3-9.

(b) The skills demonstration shall:

- (1) Be performed in the setting in which the certified medication aide will function.
- (2) Be administered and scored by a physician, licensed nurse or registered pharmacist.
- (3) The student shall achieve one hundred (100) percent accuracy on a medication pass on at least twenty

(20) or more individuals under direct observation by an instructor.

(4) The medication pass may be performed in a facility.

(5) The successful completion of the medication pass shall be documented and retained in the certified medication aide's training file.

(6) Comply with the examination administration requirements in OAC 310:677-3-9.

310:677-13-6. Competency and practice standards

(a) Each certified medication aide must function under the supervision of a licensed nurse or physician.

(b) Each certified medication aide shall:

(1) Comply with 63 O.S. Section 1-1950.3(E) and OAC 310:677-13;

(2) Perform within authorized duties;

(3) Follow written instructions of a licensed nurse or physician; and

(4) Accurately record medications administered, withheld or refused.

(c) Each certified medication aide shall demonstrate understanding of the CMA's relationship to licensed nurses and physicians, including:

(1) The authority of physicians, physician assistants and advanced practice nurses to order medications and treatments;

(2) The authority of registered nurses to perform assessments and report to physicians;

(3) The authority of licensed practical nurses to perform focused reviews and report to registered nurses and physicians; and

(4) The functions of the certified medication aide authorized in 63 O.S. Section 1-1950.3(E) and OAC 310:677-13-7.

(d) Each certified medication aide shall:

(1) Pass written and clinical skills tests prior to performing as a certified medication aide; and

(2) Demonstrate competency and complete required continuing education that is relevant to the services being provided by the certified medication aide.

310:677-13-7. Skills and functions

(a) Task assignments. Approved training programs and facilities, centers and homes shall ensure that a task selected, taught and assigned to certified medication aides conforms to 63 O.S. Section 1-1950.3 and OAC 310:677-13.

(b) Limitations. A certified medication aide shall not:

(1) Administer medication that requires assessment unless a registered nurse is available to perform the assessment within the required time;

(2) Perform oral, nasal or tracheal suctioning;

(3) Apply topical wound care medications that involve decubitus treatment ordered by the attending physician;

(4) Act as preceptor for a medication aide in training;

(5) Administer PRN medication without a documented assessment unless authorization is obtained from

a licensed nurse on duty or on call, and unless fully documented by the certified medication aide;

(6) Perform blood glucose testing unless the CMA has completed a Department-approved advanced training program and has demonstrated competency for care of diabetes;

(7) Administer insulin unless the CMA has successfully completed a Department-approved advanced training program and competency and skills examination, and unless a physician or licensed nurse is on-site if the individual:

(A) Is newly diagnosed with diabetes;

(B) Requires insulin administration based on blood glucose levels and does not have clear physician orders for variable or sliding scale insulin; or

(C) Has unstable diabetes; or

(8) Take or note physician orders.

(c) Skills review. The facility, center or home shall validate certified medication aide skills before the certified medication aide performs medication administration. The certified medication aides' skills shall be reviewed annually for performance competency.

(d) Functions. The functions of the certified medication aide are:

(1) Knowing the resident, including:

(A) Reviewing the resident's plan of care; and

(B) Recognizing normal and abnormal conditions for the specific resident;

(2) Collection and documentation of data;

(3) Identifying a change in condition;

(4) Reporting to the licensed nurse and/or physician;

(5) Contacting emergency medical services;

(6) Receiving facility-specific training and orientation from the facility's licensed nurse;

(7) Demonstrating competency and proficiency to the facility's licensed nurse; and

(8) Receiving delegated tasks from the facility licensed nurse, and performing based upon such delegation.

310:677-13-8. Certification and recertification

(a) The following, to be evidenced by the aide's attestation, are prerequisites for certification as a medication aide:

(1) Minimum age: 18;

(2) Minimum education: high school or general equivalency diploma;

(3) Current Oklahoma nurse aide certification with no abuse notations;

(4) Experience working as a certified nurse aide for six months; and

(5) Physical and mental capability to safely perform duties.

(b) Application criteria and processing requirements are as follows:

(1) The certified medication aide submits proof of work experience and continuing education for recertification; and

(2) The medication aide may be required to retest if certification has expired by more than one year, and to retrain

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if the medication aide fails the retest or if certification has expired by more than three years.

(c) A certified medication aide who completes a Department-approved advanced training program and demonstrates competence may request a Department-issued certificate that bears an endorsement for the advanced training. When an advanced-training certificate is issued by the Department to a certified medication aide, a notation reflecting the advanced training shall be placed on the aide's record in the Nurse Aide Registry. The request shall be accompanied by the \$5.00 certification fee required in OAC 310:677-5-2(e) and proof of training and competence on an application form that requires:

(1) The name and contact information for the certified medication aide; and

(2) The name of the training program, dates of attendance, details on the CMA's demonstration of competence, and copies of documents from the program confirming training and competence.

310:677-13-9. Training and Competency Evaluation Programs

(a) Department approval of the training and competency evaluation program is required prior to offering training.

(b) The program must submit information on a form provided by the Department to include:

(1) Instructor names and qualifications;

(2) Classroom and clinical facilities;

(3) Program outline, with objectives, curriculum, and instruction methods, and demonstration that the program addresses skills and functions specified in OAC 310:677-13-7; and

(4) Evaluation methods, including lab and clinical skills checklists, and examinations.

(c) Department approved training programs shall be evaluated every three years. Between evaluations, the training program shall send the Department advance notice of changes in previously approved program information.

(d) Each program is subject to site visits by the Department.

(e) Within 30 days after receipt of an application for a program that is not currently approved, the Department shall determine if the application is complete and consistent. If the application is incomplete or inconsistent, the Department shall advise the applicant in writing and offer an opportunity to submit additional information. Within 30 days after completeness, the Department shall approve or disapprove the application. If the action is to disapprove, the Department shall advise the applicant in writing of the specific reasons for the disapproval, and offer an opportunity to demonstrate compliance.

(f) The Department may withdraw approval or refuse to renew approval of a training program based on the program's noncompliance with 63 O.S. Section 1-1950.3 or 1-1951, or OAC 310:677. The Department shall notify the program of the intent to withdraw or not renew approval. The notice shall cite the specific reasons for the action and offer the applicant an opportunity to demonstrate compliance. Prior to the effectiveness of the withdrawal or non-renewal, the Department shall

offer the program an opportunity for a hearing. After the withdrawal or non-renewal, the Department may oversee orderly closure of a program.

(g) Training modules in addition to the minimums for certified medication aide training shall be submitted for Department approval as training programs prior to offering training.

(h) For advanced training programs for care of diabetes, the Department shall deem as acceptable the use of training materials approved by the American Diabetes Educators Association, Oklahoma Chapters.

310:677-13-10. Denial, suspension, withdrawal, and nonrenewal of certification

(a) Grounds for certification action against a certified medication aide may include:

(1) Intentionally providing false or misleading information to a training program, a facility, or the Department;

(2) Failing to administer medications as ordered by a health care professional, with resulting actual harm that is either life threatening or has a negative outcome for the resident;

(3) Failing to consistently document medications;

(4) Altering or falsifying medication records;

(5) Altering or falsifying certified nurse aide or certified medication aide identification cards;

(6) Diverting drugs;

(7) Practicing nursing or medicine except as authorized pursuant to 63 O.S. Section 1-1950.3, 1-1951, OAC 310:677, and Oklahoma laws and rules specific to the CMA's employer as specified in OAC 310:677-13-2;

(8) Representing oneself as certified medication aide without current certification;

(9) Administering medications in a setting other than those authorized in 63 O.S. Section 1-1950.3(E); or

(10) Materially failing to conform to 63 O.S. Section 1-1950.3(E) and OAC 310:677-13.

(b) The Department may deny, suspend, withdraw or not renew certification of a medication aide based on the aide's noncompliance with 63 O.S. Section 1-1950.3 or 1-1951, or OAC 310:677. The Department shall notify the aide of the intent to deny, suspend, withdraw or not renew certification. The notice shall cite the specific reasons for the action and offer the aide an opportunity to demonstrate compliance. Prior to the effectiveness of the denial, suspension, withdrawal, or nonrenewal of certification, the Department shall offer the aide an opportunity for a hearing.

(c) The suspension of a certificate shall be effective for not less than six months, and a denial, withdrawal or nonrenewal of a certification shall be effective for not less than one year. The Department shall specify the duration of the denial, suspension, withdrawal or nonrenewal of certification in excess of the minimums based on the seriousness of the underlying violation and the likelihood that the aide will maintain compliance in the future.

310:677-13-11. Facility policies and procedures

(a) If a facility uses certified medication aides, facility policies and procedures shall address:

- (1) Methods that the facility, center or home uses to ensure that training, skill validation, and task assignment procedures are approved and implemented;
- (2) Licensed supervision, oversight and availability;
- (3) Staff intervention during an emergency;
- (4) Procedures for responding when a resident experiences a change in condition, demonstrates side effects or does not respond to the medication regimen as identified in the plan of care;
- (5) Documentation that must be maintained;
- (6) Reporting errors to licensed nurses and/or physicians; and
- (7) Reporting violations of 63 O.S. Section 1-1950.3(E) and OAC 310:677 to the State Health Department.

(b) If a facility uses certified medication aides that have completed an advanced training program and demonstrated competency for care of diabetes or other specialized training modules, the facility policies and procedures shall address subsection (a) of this section and:

- (1) Standards for monitoring and assessments of residents by a registered nurse or physician, including:
 - (A) Frequency of monitoring and assessment;
 - (B) Distinguishing between Type I and Type II diabetes, and stable and unstable diabetes;
- (2) Validating CMA skills before the CMA performs medication administration, and annual reviews of CMA performance competency and proficiency by the facility nurse;
- (3) Procedures for blood sugar testing;
- (4) Collecting data;
- (5) Charting, graphing and recording data;
- (6) Standards for reporting to the licensed nurse or physician on a timely basis, including:
 - (A) Recognition of abnormal resident reactions;
 - (B) Contact procedures, on-call hours, and response times; and
 - (C) Medication administration errors, including the wrong patient, drug, date, time, dosage, route or form;
- (7) Contacting emergency medical services;
- (8) Training, orientation and delegation of tasks from the facility's nurse;
- (9) Drawing up insulin;
- (10) Following physician orders, including use of sliding scale orders prescribed by physicians;
- (11) Safety and infection control; and
- (12) Minimum qualifications for CMAs and facility screening of applicants, to include assurance that each certified medication aide has the physical and mental capability to safely perform duties.

[OAR Docket #06-40; filed 1-6-06]

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

[OAR Docket #05-1616]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 13. Commercial Hunt Areas
- 800:25-13-6. Facility requirements [AMENDED]
- 800:25-13-9. Tagging requirements [AMENDED]

AUTHORITY:

Title 29 O.S., Section 3-103; 4-106; 5-101; and 5-102; Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation.

DATES:

Adoption:

October 3, 2005

Approved by Governor:

November 16, 2005

Effective:

Upon Governor Approval

Expiration:

Effective through July 14, 2006, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Private lands are being restricted unnecessarily from becoming licensed as commercial hunt areas, and this change would allow them to become licensed prior to the upcoming deer season.

ANALYSIS:

This rule would exempt private lands that have been enclosed by a game-proof "high fence" for 10 years from having to tear down a portion of the fence and conduct a drive to eliminate native wildlife before becoming eligible for a commercial hunting license. It also exempts such properties from a three year waiting period before harvesting untagged animals within the enclosure.

CONTACT PERSON:

Richard Hatcher, Assistant Director, 405/522-6279 or APA Liaison, Rhonda Hurst, Administrative Assistant, 405/522-6279.

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

SUBCHAPTER 13. COMMERCIAL HUNT AREAS

800:25-13-6. Facility requirements

The facility requirements on a Commercial Hunting Area for wildlife are as follows:

- (1) **Birds only.** The minimum requirement for fencing a bird area is a four strand barb wire fence.
- (2) **Wildlife other than birds hunted for sport.** The minimum requirements for wildlife is at least eight foot of welded or woven wire or cyclone fence and the top two feet of the eight foot fence can be barbed wire, and must be fenced in a way to prevent licensed wildlife from escaping and big game animals belonging to the state from entering

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and be capable of retaining animals within the specified area, or other similar or suitable approved fence.

(3) **Type of signs.** The type of signs to be used on a Commercial Hunting Area must be metal signs, or other weather- proof material and these signs must be posted at all corners and entrances and along the boundary at 1/3 mile intervals. If a licensee chooses not to renew their Commercial Hunting Area license, then the signs shall be removed from the area by October 1st of the same year. No person shall post or cause to be posted Commercial Hunting Area signs unless the area posted has been licensed by the Department as a Commercial Hunting Area.

(4) **Size of signs.** The size of signs to be used on a Commercial Hunting Area should be 24" x 12" and the signs must be placed facing outside on boundary lines.

(5) **Wording of signs.** The signs on a Commercial Hunting Area must contain the wording, "Commercial Hunting Area Licensed by Oklahoma Department of Wildlife Conservation". The signs must also display the Commercial Hunting Area license number for the area on the same side of the sign as the mandated wording.

(6) **Final Enclosure.** Prior to final enclosure of areas for the hunting of wildlife other than birds a drive must be made throughout the area in the presence of designated Department employees to make a reasonable effort to ensure that any wild whitetail or mule deer, elk, antelope, or other big game, are not present on the area. No wild whitetail or mule deer, elk, antelope, or other big game are to be reintroduced into the area after the final enclosure.

(7) **Inspection.** The Commercial Hunting Area to be hunted must be inspected and approved by personnel of the Department and all records, and facilities, of such areas shall be available for inspection at all reasonable times by authorized representatives of the Department, and/or authorized representatives of the Department of Agriculture. The Department of Agriculture may request blood and/or meat samples be collected from all deer and elk killed and sent to their Department.

(8) **Exemptions:** Any area that has been enclosed by a fence deemed suitable for containing big game animals for a minimum of 10 years prior to applying for this license shall be exempt from conducting a drive throughout the

area to ensure no wild deer, elk, antelope or other big game are present on the area, as required in paragraph (6) above.

800:25-13-9. Tagging requirements

(a) All wildlife must be tagged with tags available from the Oklahoma Department of Wildlife Conservation before being transported from the commercial hunting area [29 O.S., Sections 5-101 through 5-103].

(b) Any elk, mule deer, whitetail deer, pronghorn antelope or turkey must be tagged or otherwise permanently marked with appropriate commercial tags prior to the release and harvest of such animals. However, this tagging requirement does not apply to any elk, mule deer, whitetail deer, pronghorn antelope or turkey harvested during the appropriate regular hunting seasons for such animals for that specific area of the state. After the third consecutive year of being licensed for such animals and inspection by a designated Department employee that wild elk, deer, or antelope are not gaining access to the Commercial Hunting Area the tagging of the licensed elk, deer, or antelope before harvest will not be mandatory.

(c) Licensee must sign a written invoice which shall accompany such wildlife to final destination. These invoices shall be evidence of rightful possession and ownership for a period of twenty days from the date of said invoice. A copy of such invoices must be permanently kept for at least one year from date of expiration of license by the commercial propagator and must also include whether the birds were shipped alive or dead. Such invoice should contain the following:

- (1) The propagator's permit number.
- (2) The kind and number of each species killed, sold, given away, transported or shipped.
- (3) The name and address of the recipient.
- (4) The date received from licensee.

(d) Exemptions: Any area that has been enclosed by a fence deemed suitable for containing big game animals for a minimum of 10 years prior to applying for this license shall be exempt from the requirements of paragraph (b) above.

[OAR Docket #05-1616; filed 12-28-05]

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

1:2006-01.

EXECUTIVE ORDER 2006-01

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., hereby declare that because there is a state of emergency existing in State of Oklahoma due to wildfires occurring statewide, it is necessary to assist and expedite all efforts of wildfire suppression. In order to accommodate this need and to provide assistance to the citizens in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles used in support efforts:

1. The requirements for special permits for use of overweight/oversized vehicles under Title 47;
2. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission;
3. The requirements for licensing/registration as required by the Oklahoma Tax Commission;
4. The requirements contained in the Motor Carrier Safety Regulations, CFR 49, Parts 390-399 under the authority of CFR 49, Part 390.23. All other regulations in CFR 49 shall apply.

This temporary order shall terminate at the end of sixty (60) days.

This executive order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission and the Commissioner of Public Safety, 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 3rd day of January, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
Kathy Jekel
Acting Assistant Secretary of State

[OAR Docket #06-01; filed 1-3-06]

1:2006-01.

AMENDED EXECUTIVE ORDER 2006-01 of January 3, 2006

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution and 63 O.S. §§ 683.1 et seq., hereby declare that because there is a state of emergency existing in State of Oklahoma due to wildfires occurring statewide, it is necessary to assist and expedite all efforts of wildfire suppression. In order to accommodate this need and to provide assistance to the citizens in this extraordinary situation, I hereby order the temporary suspension of the following as they apply to vehicles used in support efforts:

1. The requirements for special permits for use of overweight/oversized vehicles under Title 47;
2. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission;
3. The requirements for licensing/registration as required by the Oklahoma Tax Commission;
4. The requirements contained in the Motor Carrier Safety Regulations, CFR 49, Parts

390-399 under the authority of CFR 49, Part 390.23. All other regulations in CFR 49 shall apply.

In addition, due to the wildfires occurring statewide it is necessary to expedite access to hay and water for livestock. In order to accommodate this need and to provide assistance

Executive Orders

to our farmers and ranchers in this extraordinary situation, I hereby order the temporary suspension of the requirements for special permits for use of overweight/oversized vehicles under Title 47 as they apply to vehicles used to transport round baled hay and water for livestock.

This temporary order shall terminate at the end of sixty (60) days.

This executive order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission and the Commissioner of Public Safety, 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 10th day of January, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
M. Susan Savage
Secretary of State

[OAR Docket #06-51; filed 1-12-06]
