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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 #06-1423]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 14. Equine Viral Arteritis [NEW]

35:15-14-1. Definitions [RESERVED]

35:15-14-2. Entry requirements [NEW]

SUMMARY:

This rule is necessary to protect the horse and horse show industry in the state of Oklahoma from an outbreak of Equine Viral Arteritis. A recent outbreak of the disease in quarter horses in a New Mexico breeding operation has resulted in quarantines in several states. Because Oklahoma has a large transient horse population, the State Veterinarian has placed entry restrictions on horses originating in a state with quarantined areas. These rules were previously submitted as emergency rules.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), (17) and (29), and 6-2.

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2006 through January 2, 2007.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., January 3, 2007, in the **Consumer Protection 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 #06-1423; filed 11-9-06]

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

[OAR Docket #06-1424]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 44. Farmed Cervidae [NEW]

35:15-44-1. through 35:15-44-19. [NEW]

35:15-44-20. [RESERVED]

SUMMARY:

These rules are necessary to effectuate the provisions of House Bill 2621 regarding the creation of the Oklahoma Farmed Cervidae Act. The bill became effective November 1, 2006, and transfers authority over farmed cervidae facilities from the Oklahoma Department of Wildlife Conservation to the Department. These rules were previously submitted as emergency rules.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), (17) and (29), 6-2; and 6-501 et seq.

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 2, 2006 through January 2, 2007.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., January 3, 2007, in the **Consumer Protection 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

Notices of Rulemaking Intent

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 #06-1424; filed 11-9-06]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 65. OKLAHOMA QUALITY JOBS PROGRAM

[OAR Docket #06-1372]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Quality Jobs Program

150:65-1-2. [AMENDED]

150:65-1-3. [AMENDED]

150:65-1-4. [AMENDED]

Subchapter 5. Former Military Facilities

150:65-5-2. [AMENDED]

150:65-5-5. [AMENDED]

Subchapter 6. Small Employer Quality Jobs Program

150:65-6-4. [AMENDED]

SUMMARY:

This action is to clarify the existing Oklahoma Quality Jobs Program rules and to incorporate recent legislative changes in the Oklahoma Quality Jobs Program.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and the Oklahoma Quality Jobs Program 68 O.S. §§ 3601 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted from December 4, 2006 through January 3, 2007 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, January 4, 2007, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared prior to December 15, 2006, and may be obtained from the same source listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

[OAR Docket #06-1372; filed 10-27-06]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE CHAPTER 90. COMMUNITY SERVICES BLOCK GRANT PROGRAM

[OAR Docket #06-1375]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Community Services Block Grant Program

150:90-1-3. [AMENDED]

150:90-1-4. [AMENDED]

150:90-1-6. [AMENDED]

150:90-1-7. [AMENDED]

150:90-1-8. [AMENDED]

SUMMARY:

The amendments are to provide clarification to the previously promulgated rules.

AUTHORITY:

The authority is given to the Oklahoma Department of Commerce pursuant to 74 O.S. Sections 5003.6, 5017, 5017.1, 5035, 5036, 5037, 5038, 5039, and 5040.

COMMENT PERIOD:

Written and oral comments will be accepted from December 4, 2006 through January 3, 2007 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel,

Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, January 4, 2007, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared prior to December 15, 2006, and may be obtained from the same source listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

[OAR Docket #06-1375; filed 10-27-06]

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE
CHAPTER 115. RX FOR OKLAHOMA PROGRAM**

[OAR Docket #06-1373]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULE:

150:115-1-2. [AMENDED]

SUMMARY:

The proposed amendment provides greater clarification to the administration of the Rx for Oklahoma Program.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and 74 O.S. § 5040.4(E).

COMMENT PERIOD:

Written and oral comments will be accepted from December 4, 2006 through January 3, 2007 during regular business hours

by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, January 4, 2007, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared prior to December 15, 2006, and may be obtained from the same source listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

[OAR Docket #06-1373; filed 10-27-06]

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE
CHAPTER 125. THE OKLAHOMA OPPORTUNITY FUND**

[OAR Docket #06-1374]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

150:125-1-1. [NEW]

150:125-1-2. [NEW]

150:125-1-3. [NEW]

150:125-1-4. [NEW]

150:125-1-5. [NEW]

SUMMARY:

The proposed rules provide guidance to entities making application to the Oklahoma Opportunity Fund.

Notices of Rulemaking Intent

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and 62 O.S. § 48(D).

COMMENT PERIOD:

Written and oral comments will be accepted from December 4, 2006 through January 3, 2007 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Thursday, January 4, 2007, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared prior to December 15, 2006, and may be obtained from the same source listed above for obtaining copies of the proposed rules.

CONTACT PERSON:

Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

[OAR Docket #06-1374; filed 10-27-06]

TITLE 195. BOARD OF DENTISTRY CHAPTER 10. EXAMINATIONS AND LICENSING OF DENTISTS, DENTAL HYGIENISTS, AND DENTAL SPECIALISTS

[OAR Docket #06-1389]

RULEMAKING ACTION:

Notice of proposed **Permanent** rulemaking

PROPOSED RULES:

Subchapter 11. Specialty Examinations
195:10-11-10. [AMENDED]

SUMMARY:

The Board is seeking to delete the clinical requirement for the Periodontic Specialty Examination. The Oklahoma "Periodontists" provided a written request to support the rule amendment. The change will provide a fair and reasonable solution to the required periodontic specialty examination. The examination will benefit all applicants.

AUTHORITY:

59 O.S., Section 328.15 A, Board of Dentistry of Oklahoma

COMMENT PERIOD:

Office of the Board of Dentistry, 201 North East 38th Terrace, Suite 2, Oklahoma City, Oklahoma 73105. Comment period from **January 2, 2007 to February 8, 2007**

PUBLIC HEARING:

A public hearing has been scheduled for Friday, February 9, 2007, at 9:00 a.m., at the office of the Board, 201 North East 38th Terrace, Suite 2, Oklahoma City, Oklahoma. The hearing will conclude at 12:00 (noon). The Board has scheduled a meeting date of February 23, 2007 to adopt the rules after the public hearing to ensure sufficient time is provided for each member to review all information from both the comment period and the hearing process.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Board with information, in dollar amounts if possible, about any possible increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with this proposed rule. These amendments should have no financial impact on businesses. Business entities may submit this information in writing during the comment period to Linda C. Campbell at the Board office address.

COPIES OF PROPOSED RULES:

Copies of the proposed rule for review by the public may be obtained at the Board office address.

RULE IMPACT STATEMENT:

Rule Impact Statement has been prepared and copies will be available for inspection at the office of the Board, 201 North East 38th Terrace, Suite 2, Oklahoma City, Oklahoma 73105.

CONTACT PERSON:

Linda C. Campbell, Executive Director, (405) 524-9037/Fax (405) 524-2223

[OAR Docket #06-1389; filed 11-7-06]

TITLE 195. BOARD OF DENTISTRY CHAPTER 17. RULES FOR MOBILE AND PORTABLE DENTAL FACILITIES

[OAR Docket #06-1390]

RULEMAKING ACTION:

Notice of proposed **Permanent** rulemaking

PROPOSED RULES:

195:17-1-1. thru 195:17-1-2. [NEW]

SUMMARY:

The Board is seeking new rules to respond to new legislation enacted during the 2006 session defining a "Treatment facility" to include a mobile dental unit. Mobile dentistry creates the need for rules to protect the health and safety of the public.

AUTHORITY:

59 O.S., Section 328.15 A, Board of Dentistry of Oklahoma

COMMENT PERIOD:

Office of the Board of Dentistry, 201 North East 38th Terrace, Suite 2, Oklahoma City, Oklahoma 73105. Comment period from **January 2, 2007 to February 8, 2007.**

OPUBLIC HEARING:

A public hearing has been scheduled for Friday, February 9, 2007, at 9:00 a.m., at the office of the Board, 201 North East 38th Terrace, Suite 2, Oklahoma City, Oklahoma. The hearing will conclude at 12:00 (noon). The Board has scheduled a meeting date of February 23, 2007 to adopt the rules after the public hearing to ensure sufficient time is provided for each member to review all information from both the comment period and the hearing process.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by proposed rules are requested to provide the Board with information, in dollar amounts if possible, about any possible increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with this proposed rule. Business entities may submit this information in writing during the comment period to Linda C. Campbell at the Board office address.

COPIES OF PROPOSED RULES:

Copies of the new proposed rule is available for review by the public and can be obtained at the Board office.

RULE IMPACT STATEMENT:

Rule Impact Statement has been prepared and copies will be available for inspection at the office of the Board, 201 North East 38th Terrace, Suite 2, Oklahoma City, Oklahoma 73105.

CONTACT PERSON:

Linda C. Campbell, Executive Director, (405) 524-9037/Fax (405) 524-2223

[OAR Docket #06-1390; filed 11-7-06]

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

[OAR Docket #06-1425]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Driver Education

210:15-19-6. Reimbursements [AMENDED]

SUMMARY:

Obsolete language, once thought to have been adopted in the Oklahoma Administrative Code subsequent to August 1998, is now being deleted/cleaned up. The driver education reimbursement calculation is no longer subject to the actual expenses (cost) of the program and the computation thereof, but is based on set reimbursement rates outlined now in 70 O. S. § 19-122 and as previously found in Senate Bill 1429, effective July 1, 1999.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 24, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Thursday, January 25, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 2, 2006.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #06-1425; filed 11-9-06]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 25. FINANCE**

[OAR Docket #06-1426]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Funding Criteria

210:25-3-5. Calculating Transportation Md [AMENDED]

Notices of Rulemaking Intent

SUMMARY:

The rule amendments would eliminate paperwork for local school districts in calculating the density figure which is a component of the transportation supplement to the state aid formula. The rule change will eliminate language that requires local school districts to biannually submit bus route maps to calculate the area served by school bus routes.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 24, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Thursday, January 25, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 2, 2006.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #06-1426; filed 11-9-06]

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

[OAR Docket #06-1427]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Transportation
210:30-5-1. District operation and management
[AMENDED]

SUMMARY:

The rule amendments will reduce unnecessary paperwork for local school district administrators. The rules changes will

streamline the recertification process for school bus drivers and align the visual acuity requirements for school bus drivers with the requirements for obtaining a Commercial Drivers License (CDL)

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., January 24, 2007, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on Thursday, January 25, 2007, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on December 2, 2006.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #06-1427; filed 11-9-06]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 210. HIGHWAY SPILL REMEDIATION**

[OAR Docket #06-1410]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 210. Highway Spill Remediation [NEW]

SUMMARY:

The purpose of the proposed Chapter 210 is to implement the requirements of Senate Bill 1938, passed by the Oklahoma Legislature during its 2006 session. The Bill creates the Oklahoma Highway Remediation and Cleanup Services Act, 27A O.S. § 2-7-401, *et seq.* The Act gives the DEQ the authority to license, supervise, govern and regulate highway remediation and cleanup services and highway remediation

and cleanup service operators in the State of Oklahoma. The Act further grants the Environmental Quality Board authority to pass rules implementing its requirements. The statutory effective date is November 1, 2006.

AUTHORITY:

Environmental Quality Board and Hazardous Waste Management Advisory Council powers and duties, 27A O.S. §§ 2-2-101, 2-2-104, 2-2-201, 2-7-105, and 2-7-106

COMMENT PERIOD:

Written comments may be made, delivered or mailed to the contact person from December 1, 2006 through December 31, 2006. Oral comments may be made at the meeting of the Hazardous Waste Management Advisory Council, January 11, 2007 and at the Environmental Quality Board Meeting, February 23, 2007.

PUBLIC HEARINGS:

Before the Hazardous Waste Management Advisory Council on January 11, 2007, at 10:00 a.m. at the Oklahoma City office of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 23, 2007, at 9:30 a.m. at the offices of the Association of County Commissioners of Oklahoma, 429 N.E. 50th, Oklahoma City, Oklahoma 73105.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPY OF PROPOSED RULE:

The proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma, or reviewed online at <http://www.deq.state.ok.us/LPDnew/LPProprules.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://www.deq.state.ok.us/LPDnew/LPProprules.htm>.

CONTACT PERSON:

Mista Turner Burgess (405) 702-7189, 707 North Robinson, 7TH Floor, Oklahoma City, Oklahoma 73102. Mailing address is P.O. Box 1677, Oklahoma City, OK 73101-1677. E-mail address is mista.turner-burgess@deq.state.ok.us.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three days in advance of the hearing. For

hearing impaired, the TDD Relay Number is 1-800-722-0353 for TDD machine use only.

[OAR Docket #06-1410; filed 11-9-06]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS**

[OAR Docket #06-1411]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
- 252:606-1-3. [AMENDED]
- 252:606-1-4. [AMENDED]

SUMMARY:

The Department proposes to update its rules concerning the adoption of the Phase II rules concerning cooling water intakes for power plants and the date of the incorporation by reference of certain federal regulations from July 1, 2005 to July 1, 2006.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the Water Quality Management Advisory Council hearing on January 9, 2007. To be thoroughly considered by staff prior to the hearing, written comments should be submitted to the contact person by January 5, 2007. Oral comments may be made at the January 9, 2007 hearing and the February 23, 2007 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council at 1:00 p.m. on Tuesday, January 9, 2007 at the offices of the Oklahoma Department of Agriculture Food and Forestry, Board Room, 1st Floor, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on February 23, 2007, at the Association of County Commissioners, 429 N.E. 50th Street, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities or any other members of the public affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or

Notices of Rulemaking Intent

other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Water Quality Division of DEQ and on the DEQ website address <http://www.deq.state.ok.us/WQDnew/wqmac/index.html> then click on Meeting Details, or copies may be obtained from the contact person by calling (405) 702-8100.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Please send written comments to Donald D. Maisch (e-mail: don.maisch@deq.state.ok.us) at the Oklahoma Department of Environmental Quality, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-7189, fax (405) 702-7199.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Water Quality Division three (3) days in advance at (405) 702-8100.

[OAR Docket #06-1411; filed 11-9-06]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 611. GENERAL WATER QUALITY

[OAR Docket #06-1412]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
252:611-1-3. [AMENDED]

SUMMARY:

The Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations. The change updates the publication date of the federal rules to July 1, 2006.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the Water Quality Management Advisory Council hearing on January 9, 2007. To be thoroughly considered by staff prior to the hearing, written comments should be submitted to the contact person by January 5, 2007. Oral comments may be made at the January 9, 2007 hearing and the February 23, 2007 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council at 1:00 p.m. on Tuesday, January 9, 2007 at the offices of the Oklahoma Department of Agriculture Food and Forestry, Board Room, 1st Floor, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on February 23, 2007, at the Association of County Commissioners, 429 N.E. 50th Street, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Water Quality Division of DEQ and on the DEQ website address <http://www.deq.state.ok.us/WQDnew/wqmac/index.html> then click on Meeting Details, or copies may be obtained from the contact person by calling (405) 702-8100.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Please send written comments to Donald D. Maisch (e-mail: don.maisch@deq.state.ok.us) at the Oklahoma Department of Environmental Quality, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-7189, fax (405) 702-7199.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Water Quality Division three (3) days in advance at (405) 702-8100.

[OAR Docket #06-1412; filed 11-9-06]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 616. INDUSTRIAL WASTEWATER SYSTEMS

[OAR Docket #06-1413]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction
252:616-1-2. [AMENDED]
Subchapter 3. Permit Procedures

- 252:616-3-4. [AMENDED]
- Subchapter 7. Surface Impoundment Standards
- 252:616-7-1. [AMENDED]
- Subchapter 9. Tank System Standards
- 252:616-9-3. [AMENDED]
- Subchapter 11. Land Application Standards
- 252:616-11-1. [AMENDED]
- 252:616-11-5. [AMENDED]
- 252:616-11-7. [NEW]
- 252:616-11-8. [NEW]
- Subchapter 13. Closure Standards
- 252:616-13-3. [AMENDED]
- Appendix D. Class III impoundment design [NEW]
- Appendix E. Class III impoundment closure [NEW]

SUMMARY:

The Department proposes to amend its rules concerning the definition of tank system, to include above ground storage tanks that contain industrial wastewater, and the definition of waste class to include industrial sludge; amend permitting and closure requirements for certain Class III impoundments, such that if certain Class III impoundments are designed in accordance to the requirements of new Appendix D and/or closed pursuant to the requirements of new Appendix E, then a Registered Professional Engineer, certified by the State of Oklahoma is not necessary for said design, construction or closure; amend tank system requirements to require above ground tank systems to have secondary containment; and amend industrial sludge requirements to meet the requirements of state statute concerning sludge management plans and heavy metals.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the Water Quality Management Advisory Council hearing on January 9, 2007. To be thoroughly considered by staff prior to the hearing, written comments should be submitted to the contact person by January 5, 2007. Oral comments may be made at the January 9, 2007 hearing and the February 23, 2007 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council at 1:00 p.m. on Tuesday, January 9, 2007 at the offices of the Oklahoma Department of Agriculture Food and Forestry, Board Room, 1st Floor, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on February 23, 2007, at the Association of County Commissioners, 429 N.E. 50th Street, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Water Quality Division of DEQ and on the DEQ website address <http://www.deq.state.ok.us/WQDnew/wqmac/index.html> then click on Meeting Details, or copies may be obtained from the contact person by calling (405) 702-8100.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Please send written comments to Donald D. Maisch (e-mail: don.maisch@deq.state.ok.us) at the Oklahoma Department of Environmental Quality, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-7189, fax (405) 702-7199.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Water Quality Division three (3) days in advance at (405) 702-8100.

[OAR Docket #06-1413; filed 11-9-06]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 623. PRE TREATMENT FOR CENTRAL TREATMENT TRUSTS**

[OAR Docket #06-1414]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 252:623-1-3. [AMENDED]
- 252:623-1-4. [AMENDED]
- 252:623-1-7. [AMENDED]
- Subchapter 5. Pretreatment of Wastewater
- 252:623-5-3. [AMENDED]
- Subchapter 7. Wastewater Discharge Permit Application
- 252:623-7-4. [AMENDED]
- Subchapter 9. Permit Issuance Process
- 252:623-9-2. [AMENDED]
- Subchapter 11. Reporting Requirements
- 252:623-11-7. [AMENDED]
- Subchapter 15. Confidential Information

Notices of Rulemaking Intent

252:623-15-1. [AMENDED]

SUMMARY:

The Department proposes to amend its rules concerning Central Treatment Trusts [Oklahoma Ordnance Works Authority (OOWA)] to bring the rules into compliance with federal regulatory requirements, update the incorporation by reference date to July 1, 2006 and make other clean-up language changes.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S., § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the Water Quality Management Advisory Council hearing on January 9, 2007. To be thoroughly considered by staff prior to the hearing, written comments should be submitted to the contact person by January 5, 2007. Oral comments may be made at the January 9, 2007 hearing and the February 23, 2007 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council at 1:00 p.m. on Tuesday, January 9, 2007 at the offices of the Oklahoma Department of Agriculture Food and Forestry, Board Room, 1st Floor, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on February 23, 2007, at the Association of County Commissioners, 429 N.E. 50th Street, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Water Quality Division of DEQ and on the DEQ website address <http://www.deq.state.ok.us/WQDnew/wqmac/index.html> then click on Meeting Details, or copies may be obtained from the contact person by calling (405) 702-8100.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Please send written comments to Donald D. Maisch (e-mail: don.maisch@deq.state.ok.us) at the Oklahoma Department of Environmental Quality, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O.

Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-7189, fax (405) 702-7199.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Water Quality Division three (3) days in advance at (405) 702-8100.

[OAR Docket #06-1414; filed 11-9-06]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 626. PUBLIC WATER SUPPLY CONSTRUCTION STANDARDS

[OAR Docket #06-1415]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Permit Procedures
252:626-3-10. [AMENDED]

SUMMARY:

The Department proposes to amend its rules concerning fees charged to Public Water Supplies for new and amended construction permit applications.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the Water Quality Management Advisory Council hearing on January 9, 2007. To be thoroughly considered by staff prior to the hearing, written comments should be submitted to the contact person by January 5, 2007. Oral comments may be made at the January 9, 2007 hearing and the February 23, 2007 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council at 1:00 p.m. on Tuesday, January 9, 2007 at the offices of the Oklahoma Department of Agriculture Food and Forestry, Board Room, 1st Floor, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on February 23, 2007, at the Association of County Commissioners, 429 N.E. 50th Street, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities or any other members of the public affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the

indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Water Quality Division of DEQ and on the DEQ website address <http://www.deq.state.ok.us/WQDnew/wqmac/index.html> then click on Meeting Details, or copies may be obtained from the contact person by calling (405) 702-8100.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Please send written comments to Donald D. Maisch (e-mail: don.maisch@deq.state.ok.us) at the Oklahoma Department of Environmental Quality, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-7189, fax (405) 702-7199.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Water Quality Division three (3) days in advance at (405) 702-8100.

[OAR Docket #06-1415; filed 11-9-06]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 631. PUBLIC WATER SUPPLY OPERATION**

[OAR Docket #06-1416]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
252:631-1-3. [AMENDED]
- Subchapter 3. Operations
252:631-3-21. [AMENDED]

SUMMARY:

The Department proposes to amend its rules concerning the date of the incorporation by reference of certain federal regulations from July 1, 2005 to July 1, 2006, but not adopting certain federal rules by reference concerning Stage 2 Disinfectants and Disinfection Byproducts Rule and Long Term 2 Enhanced Surface Water Treatment Rule. Additionally, the DEQ is proposing to increase annual fees charged to Public Water Supplies.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the Water Quality Management Advisory Council hearing on January 9, 2007. To be thoroughly considered by staff prior to the hearing, written comments should be submitted to the contact person by January 5, 2007. Oral comments may be made at the January 9, 2007 hearing and the February 23, 2007 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council at 1:00 p.m. on Tuesday, January 9, 2007 at the offices of the Oklahoma Department of Agriculture Food and Forestry, Board Room, 1st Floor, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on February 23, 2007, at the Association of County Commissioners, 429 N.E. 50th Street, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Water Quality Division of DEQ and on the DEQ website address <http://www.deq.state.ok.us/WQDnew/wqmac/index.html> then click on Meeting Details, or copies may be obtained from the contact person by calling (405) 702-8100.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Please send written comments to Donald D. Maisch (e-mail: don.maisch@deq.state.ok.us) at the Oklahoma Department of Environmental Quality, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-7189, fax (405) 702-7199.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Water Quality Division three (3) days in advance at (405) 702-8100.

[OAR Docket #06-1416; filed 11-9-06]

Notices of Rulemaking Intent

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 690. WATER QUALITY STANDARDS IMPLEMENTATION

[OAR Docket #06-1417]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
- 252:690-1-2. [AMENDED]
- 252:690-1-3. [AMENDED]
- 252:690-1-4. [AMENDED]
- Subchapter 3. Point Source Discharges
- 252:690-3-2. [AMENDED]
- 252:690-3-3. [AMENDED]
- 252:690-3-10. [AMENDED]
- 252:690-3-14. [AMENDED]
- 252:690-3-19. [AMENDED]
- 252:690-3-26. [AMENDED]
- 252:690-3-29. [AMENDED]
- 252:690-3-31. [AMENDED]
- 252:690-3-32. [AMENDED]
- 252:690-3-41. [AMENDED]
- 252:690-3-42. [AMENDED]
- 252:690-3-91. [AMENDED]
- Appendix I. Performance-Based Effluent Monitoring Frequency Reductions [REVOKED]
- Appendix I. Performance-Based Effluent Monitoring Frequency Reductions [NEW]

SUMMARY:

The Department proposes to update its rules concerning the date of the incorporation by reference of certain federal regulations. The changes include: updating the publication date of the federal rules to July 1, 2006, including adoption of the Phase II rules concerning cooling water intakes for power plants; how to characterize reasonable potential for toxicity; monitoring frequencies for ammonia; adding EPA approved tests, testing requirements, test failure notification, retest requirements, testing frequency, testing reductions and trial periods for whole effluent toxicity. Additional changes include how the DEQ will deal with unmeasurable levels of a parameter which is at or below an MQL, from $\frac{1}{2}$ of the detection limit to Robust ROS and testing frequency increases and/or reductions for parameters other than Whole Effluent Toxicity.

AUTHORITY:

Environmental Quality Board powers and duties, 27A O.S. § 2-2-101; Water Quality Management Advisory Council powers and duties, 27A O.S. § 2-2-201; and Water Quality, 27A O.S. § 2-6-101 *et seq.*

COMMENT PERIOD:

Written comments on the proposed rulemaking will be accepted prior to and at the Water Quality Management

Advisory Council hearing on January 9, 2007. To be thoroughly considered by staff prior to the hearing, written comments should be submitted to the contact person by January 5, 2007. Oral comments may be made at the January 9, 2007 hearing and the February 23, 2007 Environmental Quality Board meeting.

PUBLIC HEARINGS:

Before the Water Quality Management Advisory Council at 1:00 p.m. on Tuesday, January 9, 2007 at the offices of the Oklahoma Department of Agriculture Food and Forestry, Board Room, 1st Floor, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

Before the Environmental Quality Board at 9:30 a.m. on February 23, 2007, at the Association of County Commissioners, 429 N.E. 50th Street, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

The proposed rules are available for review at the Water Quality Division of DEQ and on the DEQ website address <http://www.deq.state.ok.us/WQDnew/wqmac/index.html> then click on Meeting Details, or copies may be obtained from the contact person by calling (405) 702-8100.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Please send written comments to Donald D. Maisch (e-mail: don.maisch@deq.state.ok.us) at the Oklahoma Department of Environmental Quality, Water Quality Division, 707 N. Robinson, Oklahoma City, OK 73102. Mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677, phone (405) 702-7189, fax (405) 702-7199.

PERSONS WITH DISABILITIES:

Should you desire to attend but have a disability and need an accommodation, please notify the Water Quality Division three (3) days in advance at (405) 702-8100.

[OAR Docket #06-1417; filed 11-9-06]

**TITLE 375. OKLAHOMA STATE BUREAU OF INVESTIGATION
CHAPTER 8. RECORDS RETENTION AND DESTRUCTION**

[OAR Docket #06-1404]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 375:8-1-1. [AMENDED]
- 375:8-1-2. [AMENDED]
- Subchapter 13. Criminalistic Records
- 375:8-13-1. [AMENDED]

SUMMARY:

The proposed amended section would remove any reference to 22 O.S. §590 which was a typographical error which should have referred to 21 O.S. §590. Pursuant to 74 O.S. §150.7, the OSBI is exempt from the provisions of 21 O.S. §590. The proposed amended section 375:8-1-2 would omit instrument data files whether printed or digital, and administrative documentation such as subpoenas, data input sheets, and officers' reports from the definition of "criminalistic records". The proposed amended section 375:8-13-1 would change the period of time for which criminalistic records must be retained in office before being stored for perpetuity from ten years to five years.

AUTHORITY:

Oklahoma State Bureau of Investigation; 74 O.S., §150.7(2)

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on January 2, 2007 at the following address: Jimmy Bunn Jr., Legal Counsel, Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Tuesday, January 2, 2007 at Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Anyone who wishes to speak must sign in at the door by 9:30 a.m. and will be provided five (5) minutes to express their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the office of the Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Copies of proposed rules may be obtained at a cost of 25 cents per page copying charge from the Oklahoma State Bureau on Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be available on and after December 16, 2006, and may be obtained from the OSBI at the above address.

CONTACT PERSON:

Jimmy Bunn Jr., Legal Counsel, 6600 N. Harvey, Oklahoma City, OK., 73116, (405) 879-2605

[OAR Docket #06-1404; filed 11-8-06]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 1. FUNCTION AND STRUCTURE OF THE OFFICE OF JUVENILE AFFAIRS**

[OAR Docket #06-1392]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Function and Structure of the Office of Juvenile Affairs
- 377:1-1-3. Description of the Office of Juvenile Affairs (OJA) [AMENDED]
- 377:1-1-5. Board of Juvenile Affairs [AMENDED]
- 377:1-1-11. Executive Director [AMENDED]
- 377:1-1-12. Deputy Director of DJJ [AMENDED]

SUMMARY:

The Office of Juvenile Affairs (OJA) rules are being revised due to Title 10 changes attributed to the passage of HB 2999. All references to Department of Juvenile Justice (DJJ) and Deputy Director will be removed.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted from December 1, 2006 through January 1, 2007 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 All comments must be received during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 3, 2007 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs'

Notices of Rulemaking Intent

office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Office of Policy, (405) 530-2820

[OAR Docket #06-1392; filed 11-7-06]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 3. ADMINISTRATIVE SERVICES

[OAR Docket #06-1393]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Office of the Executive Director
[AMENDED]

Subchapter 3. Office of General Counsel Services
[AMENDED]

Subchapter 7. Finance Division [AMENDED]

Subchapter 11. Risk Management [AMENDED]

Subchapter 15. Management Information System
[AMENDED]

Subchapter 16. Office of Planning and Research
[AMENDED]

Subchapter 17. Federal Funds Development Unit
[AMENDED]

SUMMARY:

The Office of Juvenile Affairs (OJA) rules are being revised due to Title 10 changes attributed to the passage of HB 2999. All references to Department of Juvenile Justice (DJJ) and Deputy Director will be removed. Revisions to Subchapter 15 include removing Management Information System (MIS) and replacing it with Information Technology (IT). Revisions also include changes to Subchapter 11 regarding employee drug testing.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted from December 1, 2006 through January 1, 2007 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 All comments must be received during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 3, 2007 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Office of Policy, (405) 530-2820

[OAR Docket #06-1393; filed 11-7-06]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 5. DIVISION OF THE PAROLE BOARD

[OAR Docket #06-1394]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

377:5-1-3. Legal Basis [AMENDED]

Subchapter 3. Pre-release Planning

377:5-3-1. Pre-release Planning [AMENDED]

377:5-3-2. Scheduling of the tentative release date
[AMENDED]

Subchapter 5. Hearings

377:5-5-1. Definitions [AMENDED]

377:5-5-2. Parole Hearing [AMENDED]

377:5-5-5. Conduct of Parole Revocation and
Administrative Transfer Hearings [AMENDED]

SUMMARY:

The Office of Juvenile Affairs (OJA) rules are being revised due to Title 10 changes attributed to the passage of HB 2999. All references to Department of Juvenile Justice (DJJ) and Deputy Director will be removed.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted from December 1, 2006 through January 1, 2007 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 All comments must be received during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 3, 2007 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Office of Policy, (405) 530-2820

[OAR Docket #06-1394; filed 11-7-06]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 10. DEPARTMENT OF
JUVENILE JUSTICE**

[OAR Docket #06-1395]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Placement [AMENDED]
- Subchapter 5. Agreements Between States for Placement and Transfer of Juveniles [AMENDED]

Subchapter 7. Contract Programs and Services [AMENDED]

Subchapter 9. Services to Juveniles in Out-of-home Placements [AMENDED]

Subchapter 11. Child in Need of Mental Health Treatment [AMENDED]

Subchapter 13. Regimented Juvenile Training Programs Standards [AMENDED]

Subchapter 15. Substance Abuse/mental Health Services Unit [AMENDED]

SUMMARY:

The Office of Juvenile Affairs (OJA) rules are being revised due to Title 10 changes attributed to the passage of HB 2999. All references to Department of Juvenile Justice (DJJ) and Deputy Director will be removed. Administrative Rule 377:10-1-11 is being amended to increase the copy fee for Open Records request.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted from December 1, 2006 through January 1, 2007 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 All comments must be received during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 3, 2007 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2006 at the above address for the Office of Juvenile Affairs.

Notices of Rulemaking Intent

CONTACT PERSON:

Robert Morey, Office of Policy, (405) 530-2820

[OAR Docket #06-1395; filed 11-7-06]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 15. COMMUNITY BASED YOUTH SERVICES

[OAR Docket #06-1396]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 377:15-1-1. Purpose [REVOKED]
- 377:15-1-2. Authority, legal base, and scope [REVOKED]
- 377:15-1-3. Application for "Youth Service Agency" designation [REVOKED]
- 377:15-1-4. Criteria for designation as a "Youth Service Agency" [REVOKED]
- 377:15-1-5. Retaining designation as a "Youth Services Agency" [REVOKED]
- 377:15-1-6. Appeal process and administrative hearing process [REVOKED]
- 377:15-1-7. Constituency development [REVOKED]
- Subchapter 3. State Plan for Youth Services Agencies [NEW]
- Subchapter 5. Designation of Community-Based Youth Services Agency [NEW]
- Subchapter 7. Individual Proceedings: Application Denials, and Terminations of Designation as a Youth Services Agency [NEW]
- Subchapter 9. Community-Based Youth Services Purchasing Procedures [NEW]

SUMMARY:

The Office of Juvenile Affairs (OJA) rules are being revised due to Title 10 changes attributed to the passage of HB 2999. All references to Department of Juvenile Justice (DJJ) and Deputy Director will be removed.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted from December 1, 2006 through January 1, 2007 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820. All comments must be received during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 3, 2007 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Office of Policy, (405) 530-2820

[OAR Docket #06-1396; filed 11-7-06]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 25. JUVENILE SERVICES UNIT

[OAR Docket #06-1397]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 377:25-1-2. Legal base, authority, and scope [AMENDED]
- Subchapter 3. Pre-court
- Part 3. Intake/Preliminary Inquiry
- 377:25-3-15. Legal basis for intake/preliminary inquiry [AMENDED]
- Subchapter 7. Custody [AMENDED]
- Part 1. General Provisions
- 377:25-7-2. Grievance procedure [AMENDED]
- Part 9. Extended Custody
- 377:25-7-50. Retention of custody guideline [AMENDED]
- Subchapter 9. Casework Services
- Part 1. Services Provided by the Jsu Worker
- 377:25-9-1. Financial support [AMENDED]
- Subchapter 13. Military Mentor Screening and Training Standards [REVOKED]
- 377:25-13-1. Mentor screening criteria [REVOKED]

377:25-13-2. Mentor training standards [REVOKED]

SUMMARY:

The Office of Juvenile Affairs (OJA) rules are being revised due to Title 10 changes attributed to the passage of HB 2999. All references to Department of Juvenile Justice (DJJ) and Deputy Director will be removed. Administrative Rule 377:25-7-2 is being amended to provide for all juvenile with an open OJA case to utilize the grievance system.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted from December 1, 2006 through January 1, 2007 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820. All comments must be received during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 3, 2007 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Office of Policy, (405) 530-2820

[OAR Docket #06-1397; filed 11-7-06]

**TITLE 377. OFFICE OF JUVENILE AFFAIRS
CHAPTER 30. RESIDENTIAL SERVICES**

[OAR Docket #06-1398]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

377:30-1-1. Legal base, scope, and purpose [AMENDED]

SUMMARY:

The Office of Juvenile Affairs (OJA) rules are being revised due to Title 10 changes attributed to the passage of HB 2999. All references to Department of Juvenile Justice (DJJ) and Deputy Director will be removed.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted from December 1, 2006 through January 1, 2007 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820. All comments must be received during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 3, 2007 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2006 at the above address for the Office of Juvenile Affairs.

Notices of Rulemaking Intent

CONTACT PERSON:

Robert Morey, Office of Policy, (405) 530-2820

[OAR Docket #06-1398; filed 11-7-06]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 35. INSTITUTIONAL SERVICES

[OAR Docket #06-1399]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

377:35-1-1. Legal basis [AMENDED]

Subchapter 3. Security and Control

377:35-3-3. Injuries, fires, and assaults [AMENDED]

377:35-3-8. Searches and control of contraband/evidence
[AMENDED]

Subchapter 7. Medical and Health Care

377:35-7-2. Surgery [AMENDED]

Subchapter 9. Juvenile Rights

377:35-9-1. Juvenile rights [AMENDED]

Subchapter 11. Juvenile Rules/discipline

377:35-11-5. Juvenile correspondence [AMENDED]

Subchapter 13. Reception, Classification, and Transfer

377:35-13-1. Admissions [AMENDED]

Subchapter 17. Ancillary Programs

377:35-17-1. Education [AMENDED]

SUMMARY:

The Office of Juvenile Affairs (OJA) rules are being revised due to Title 10 changes attributed to the passage of HB 2999. All references to Department of Juvenile Justice (DJJ) and Deputy Director will be removed. 377:35-9-1 is being amended to allow the Institutional Advocate Defender 30 days to meet with newly admitted juveniles. 377:35-11-5 is being amended to reflect changes attributed to the passage of HB 2366.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10 O.S., § 7302-1.1(H) and 7302-1.1(I) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted from December 1, 2006 through January 1, 2007 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820. All comments must be received during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on January 3, 2007 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Office of Juvenile Affairs requests that business entities affected by these proposed rules provide OJA in dollar amounts if possible, the increase in the level of direct costs, indirect costs, or other costs expected to be incurred due to compliance with the proposed rules. Business entities may submit this information in writing to Robert Morey at the above address during the comment period.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained during normal business hours from the Office of Juvenile Affairs' office located at 3812 N. Santa Fe, Oklahoma City, OK. Copies may also be obtained by written request mailed to the attention of Robert Morey, Office of Juvenile Affairs, P.O. Box 268812, Oklahoma City, OK 73126.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before December 15, 2006 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Office of Policy, (405) 530-2820

[OAR Docket #06-1399; filed 11-7-06]

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

[OAR Docket #06-1381]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

485:10-1-2. [AMENDED]

Subchapter 3. Regulations for Approved Nursing Education Programs

485:10-3-5. [AMENDED]

Subchapter 5. Minimum Standards for Approved Nursing Education Programs

485:10-5-4. [AMENDED]

485:10-5-4.1. [AMENDED]

485:10-5-6. [AMENDED]

485:10-5-12. [AMENDED]

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

485:10-7-1. [AMENDED]

485:10-7-2. [AMENDED]

485:10-7-6. [AMENDED]

485:10-7-9. [AMENDED]

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

485:10-9-2. [AMENDED]

- 485:10-9-6. [AMENDED]
- 485:10-9-9. [AMENDED]
- Subchapter 13. Requirements for Employment
- 485:10-13-1. [AMENDED]
- Subchapter 15. Requirements for Practice as an Advanced Practice Nurse
- 485:10-15-5. [AMENDED]
- 485:10-15-6. [AMENDED]
- Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Nurses
- 485:10-16-6. [AMENDED]
- 485:10-16-7. [AMENDED]
- Subchapter 19. Peer Assistance Program
- 485:10-19-5. [AMENDED]

SUMMARY:

In Subchapter 1, the proposed revisions to 485:10-1-2 add definitions for clinical learning experiences, clinical skills laboratory, distance learning program, preceptor and member board jurisdiction.

In Subchapters 3 and 5, the proposed revisions in 485:10-3-5, 485:10-5-4, and 10-5-4.1 provide consistency in terminology used and clarifies requirements for clinical skills laboratory and clinical learning experiences. In 485:10-5-6, reference is made to the Board's guidelines for non-traditional learning options as the basis for establishing policies and procedures. In 485:10-5-12, requirements for participating in clinical experiences in Oklahoma for Registered Nurses enrolled in out-of-state advanced practice educational programs are added.

In Subchapters 7 and 9, proposed revisions clarify requirements for licensure for Registered and Licensed Practical Nurses. In 485:10-7-1, a section allowing for licensure of non-nurses enrolled in master's degree in nursing programs prior to completion of the program is deleted. In 485:10-7-2 and 485:10-9-2, the proposed revisions clarify requirements for applicants educated in foreign countries and in U.S. territories. In 485:10-7-6 and 485:10-9-6, an option to receive a duplicate license card upon notification of a name change is proposed. In 485:10-7-9 and 485:10-9-9, the proposed revisions clarify requirements for notification of change of name by licensees.

In Subchapter 13, the proposed revision ensures that nurses employed in administrative positions hold Oklahoma licensure.

In Subchapter 15, the proposed revisions in 485:10-15-5 clarify requirements for reinstatement and return to active of advanced practice recognition. In 485:10-15-6, the specialty category for School Nurse Advanced Practice Registered Nurse (ARNP) is deleted since this certification examination is no longer offered.

In Subchapter 16, requirements for renewal, reinstatement, and return to active status for prescriptive authority are clarified.

In Subchapter 19, the proposed revisions to 485:10-19-5(a)(1) address applicant qualifications and eligibility of those nurses referred to the Peer Assistance

Program by the Board of Nursing. Nurses referred to the program by the Board do not have a current, unrestricted license. The license is not active until the nurse has been accepted into the program. When the nurse has been referred to the program by the Board, the license remains encumbered as successfully completing the program is a condition for maintaining the active license. The revision to 485:10-19-5(c) is proposed to require nurses entering the program whose license is not current to obtain a current license within a reasonable time frame. This has been identified as an issue when a nurse whose license is suspended does not apply for reinstatement. Allowing 60 days to obtain a current license will prevent the nurse from being penalized by the program, if there are unforeseen delays beyond the control of the nurse in being able to obtain a current license.

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §567.2A.3, 567.3a.5, 567.3a.6, 567.3a.7, 567.3a.8, 567.3a.9, 567.3a.10, 567.3a.11, 567.3a.12, 567.4.F, 567.4a.1, 567.4a.2, 567.4a.3, 567.4a.4, 567.4a.6, , 567.4a.7, 567.4a.8, 567.5.A, 567.5.B, 567.6.A, 567.6.B, 567.7.B, 567.7.C, 567.12.A, 567.12.B, 567.15, 567.17.D

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 26, 2007 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Gayle McNish, R.N., Ed.D.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 30, 2007 at 5:30 p.m. at the Holiday Inn Conference Center, 2101 S. Meridian, Oklahoma City. Anyone who wishes to speak must sign in at the door by 5:00 p.m., January 30, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by January 26, 2007 at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Gayle McNish, R.N., Ed.D.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement will be prepared and available on and after publication of this Notice of Rulemaking Intent on December 1, 2006. The rule impact statement may be obtained by contacting Gayle McNish, R.N., Ed.D., at the Oklahoma Board of Nursing, 2915

Notices of Rulemaking Intent

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

CONTACT PERSON:

Gayle McNish, R.N., Ed.D., (405) 962-1800

[OAR Docket #06-1381; filed 11-2-06]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 10. PUBLIC EMPLOYEES
RETIREMENT SYSTEM**

[OAR Docket #06-1418]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Public Employees Retirement System
[AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Proposed changes may include topics related to keeping the Oklahoma Public Employees Retirement System ("OPERS") and the Uniform Retirement System for Justices and Judges ("URSJJ") in compliance with requirements of the federal tax laws and the rules of the Internal Revenue Service, modifying release of certain records, allowing certain types of rollovers into certain plans, allowing transfer of certain incentive credit purchases, clarifying Option C distributions, clarifying when certain benefits are payable, clarifying survivor benefit eligibility, and modifying definitions and clarifying certain formula under medicare gap benefit option. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 901, 909, 1316.2 and 20 O.S. Section 1101.1.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 16, 2007, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 18, 2007, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 15, 2006, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #06-1418; filed 11-9-06]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 15. UNIFORM RETIREMENT
SYSTEM FOR JUSTICES AND JUDGES**

[OAR Docket #06-1419]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Uniform Retirement System for Justices and Judges [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Changes may include topics related to keeping the Oklahoma Public Employees Retirement System ("OPERS") and the Uniform Retirement System for Justices and Judges ("URSJJ") in compliance with requirements of the federal tax laws and the rules of the Internal Revenue Service, allowing certain rollovers, and revoking duplicative language. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Sections 901, 909 and 20 O.S. Section 1101.1

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 16, 2007, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday,

January 18, 2007, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 15, 2006, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #06-1419; filed 11-9-06]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 25. DEFERRED COMPENSATION**

[OAR Docket #06-1420]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Deferred Compensation [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Proposed changes may include topics related to keeping the Deferred Compensation Plan in compliance with requirements of the federal tax laws and the rules of the Internal Revenue Service, modifying general definitions, and allowing certain rollovers. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System and the Deferred Compensation Plan more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1701.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 16, 2007, by mail or hand-delivery, to the offices of Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 18, 2007, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 15, 2006, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #06-1420; filed 11-9-06]

**TITLE 590. OKLAHOMA PUBLIC EMPLOYEES RETIREMENT SYSTEM
CHAPTER 35. DEFERRED SAVINGS INCENTIVE PLAN**

[OAR Docket #06-1421]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 35. Deferred Savings Incentive Plan [AMENDED]

SUMMARY:

Additions, revocations and amendments are proposed necessitating permanent rulemaking action. Proposed changes may include topics related to keeping the Deferred Savings Incentive Plan in compliance with requirements of the federal tax laws and the rules of the Internal Revenue Service, and allowing certain rollovers. The agency is considering other proposals which are designed to make the administration of the Public Employees Retirement System and the Deferred Compensation Plan more efficient and member service oriented or to ensure continued Plan qualification.

AUTHORITY:

Oklahoma Public Employees Retirement System Board of Trustees, pursuant to 74 O.S. Section 1707.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:30 p.m. on January 16, 2007, by mail or hand-delivery, to the offices of Oklahoma Public Employees

Notices of Rulemaking Intent

Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

PUBLIC HEARING:

A Public Hearing will be held to provide an opportunity for persons to present their views orally at 1:30 p.m., Thursday, January 18, 2007, in the Board Room of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (excluding legal holidays) from Pat Ewald, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared as required by 75 O.S. Section 303(D), and will be available on and after December 15, 2006, at the offices of the Oklahoma Public Employees Retirement System, 5801 N. Broadway Extension, Suite 400, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Joseph A. Fox, General Counsel (405) 858-6737.

[OAR Docket #06-1421; filed 11-9-06]

TITLE 775. BOARD OF VETERINARY MEDICAL EXAMINERS CHAPTER 10. LICENSURE OF VETERINARIANS, VETERINARY TECHNICIANS AND ANIMAL EUTHANASIA TECHNICIANS

[OAR Docket #06-1388]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure of Veterinarians [AMENDED]

SUMMARY:

The proposed revisions to chapter 10, includes requirement for a Faculty license applicant to take and pass the Jurisprudence examination and addition of a Provisional License for veterinarians.

AUTHORITY:

59 O.S. Supp.2006, SEC. 698.1 et seq.; Board of Veterinary Medical Examiners

COMMENT PERIOD:

Written comments will be accepted December 4, 2006, through January 4, 2007 at: Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105, Attn: Cathy Kirkpatrick.

PUBLIC HEARING:

Public Hearing is scheduled on January 26, 2007, 4:00p.m.at the Office of the Board of Veterinary Medical Examiners, 201 N.E. 38th Terr, Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Cathy Kirkpatrick at the above address during the period from December 4, 2006, to January 4, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Veterinary Medical Examiners, 201 N.E. 38th Terr., Suite 1, Oklahoma City, Oklahoma 73105. Telephone 405-524-9006.

CONTACT PERSON:

Cathy Kirkpatrick (405) 524-9006

[OAR Docket #06-1388; filed 11-6-06]

Submissions for Review

Within 10 calendar days after adoption by an agency of a proposed PERMANENT rulemaking action, the agency must submit the proposed rules to the Governor and the Legislature for review. In addition, the agency must publish in the *Register* a "statement" that the rules have been submitted for gubernatorial/legislative review.

For additional information on submissions for gubernatorial/legislative review, see 75 O.S., Section 303.1, 303.2, and 308.

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 15. PHYSICIAN ASSISTANTS

[OAR Docket #06-1401]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 3. Licensure of Physician Assistants
- 435:15-3-1. Application for licensure [AMENDED]
- 435:15-3-18. License renewal period; reinstatement [AMENDED]
- Subchapter 11. Prescriptive Guidelines and Drug Formulary
- 435:15-11-1. Prescriptive and dispensing authority [AMENDED]

SUBMITTED TO GOVERNOR:

November 7, 2006

SUBMITTED TO HOUSE:

November 7, 2006

SUBMITTED TO SENATE:

November 7, 2006

[OAR Docket #06-1401; filed 11-8-06]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 30. OCCUPATIONAL THERAPISTS AND ASSISTANTS

[OAR Docket #06-1402]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- 435:30-1-4. Licensure by endorsement [AMENDED]
- 435:30-1-5. License renewal; late fees; continuing education; re-entry guidelines [AMENDED]

SUBMITTED TO GOVERNOR:

November 7, 2006

SUBMITTED TO HOUSE:

November 7, 2006

SUBMITTED TO SENATE:

November 7, 2006

[OAR Docket #06-1402; filed 11-8-06]

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 45. RESPIRATORY PRACTITIONERS

[OAR Docket #06-1403]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- Subchapter 5. Regulation of Practice
- 435:45-5-1. Continuing education [AMENDED]

SUBMITTED TO GOVERNOR:

November 7, 2006

SUBMITTED TO HOUSE:

November 7, 2006

SUBMITTED TO SENATE:

November 7, 2006

[OAR Docket #06-1403; filed 11-8-06]

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 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 55. MORTGAGE BROKERS

[OAR Docket #06-1391]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Licensing
160:55-3-1.4. [AMENDED]

AUTHORITY:

Administrator of Consumer Credit; 59 O.S., §2093(A)

DATES:

Adoption:

September 13, 2006

Approved by Governor:

October 18, 2006

Effective:

Effective November 1, 2006

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Administrator of Consumer Credit finds that there is a compelling public interest requiring emergency amendments to an existing rule. The compelling public interest is the amendments to the Mortgage Broker Licensure Act that are effective November 1, 2006, pursuant to Senate Bill 1877 from the 2006 Second Regular Session of the 50th Legislature.

ANALYSIS:

The amended rule provides regulations for the change in the continuing education requirement pursuant to Senate Bill 1877 from the 2006 Second Regular Session of the 50th Legislature. Senate Bill 1877 imposes continuing education for the renewal of a mortgage loan originator license at year-end as is required for the renewal of a mortgage broker license, and the amended rule provides a reasonable transition for the new requirement.

CONTACT PERSON:

Walter Jenny, Jr., General Counsel, Department of Consumer Credit, 4545 N. Lincoln Boulevard, Suite 104, Oklahoma City, OK 73105, 405-521-3653.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2006:

SUBCHAPTER 3. LICENSING

160:55-3-1.4. ~~Mortgage brokers continuing~~Continuing education

(a) **Purpose.** The purpose of this section is to set forth the requirements for continuing education ~~which a mortgage broker must meet~~, and to set forth the requirements for approval by the Administrator of a proposed continuing education course.

(b) **Definitions.** The following words or terms, when used in this section, shall have the following meaning, unless the context clearly indicates otherwise:

(1) **"CEC"** means continuing education credit.

(2) **"Certificate of course completion"** means a form acceptable to the Administrator and completed by the provider that signifies satisfactory completion of the approved course and reflects hours of credit earned.

(3) **"Credit hour"** means at least a fifty (50) minute classroom instructional session unless a correspondence or self-study course.

(4) **"Education verification form"** means a form acceptable to the Administrator and completed by the mortgage broker or mortgage loan originator that states under oath to compliance with the continuing education requirements.

(5) **"Provider"** means the Commission; a technology center school; a college or university; a private school; the Oklahoma Association of Mortgage Brokers, the National Association of Mortgage Brokers or any affiliate thereof; the Oklahoma Bar Association, American Bar Association or any affiliate thereof; or an education provider that provides approved continuing education courses ~~to mortgage brokers~~. [59:2093(B)]

(c) **Continuing education requirements.**

(1) **Credit hours.**

(A) All mortgage brokers and mortgage loan originators shall complete sixteen (16) credit hours of continuing education before license renewal or reactivation. [59:2093(A)] Provided, however, continuing education shall not be required for the renewal of any mortgage loan originator license for 2007, and mortgage loan originators shall have from July 1, 2006, until December 31, 2007, to complete the continuing education hours for the renewal of their licenses for

Emergency Adoptions

2008. Courses taken in excess of the required hours shall not carry forward.

(B) A minimum of seven (7) of the sixteen (16) credit hours shall consist of:

- (i) one (1) credit hour covering the Real Estate Settlement Procedures Act;
- (ii) one (1) credit hour covering the Truth In Lending Act;
- (iii) one (1) credit hour covering federal laws related to fair lending - the Equal Credit Opportunity Act, the Fair Housing Act and the Home Mortgage Disclosure Act; and
- (iv) four (4) credit hours covering ethics. [59:2093(A)]

(C) Courses must be of a meaningful nature and shall not include items such as prospecting, motivation, sales techniques, psychology, recruiting, time management, phone etiquette, and subjects not relating to the ~~mortgage broker's~~ license. Courses conducted in conjunction with other meetings must have a separate continuing education course component; the method to monitor attendance must be stated and approved by the Administrator.

(2) **Correspondence and video courses.**

(A) **Correspondence courses.** A mortgage broker or mortgage loan originator who completes an approved course by correspondence and provides satisfactory proof of completion will receive credit for the number of hours assigned for the course.

(B) **Video courses.** In order for a mortgage broker or mortgage loan originator to receive credit for viewing an approved course presented by video, the mortgage broker or mortgage loan originator must view the video under the supervision of a contact person with the provider and swear by affidavit that the video was viewed in its entirety. The affidavit must also be signed by the supervising contact person.

(3) **Credit for instructors.** An instructor who is a mortgage broker or a mortgage loan originator shall receive the same continuing education credit for presenting approved course materials as a mortgage broker or mortgage loan originator who attends an approved classroom instructional session.

(4) **Certificates of course completion required for license renewal or reactivation.** Each mortgage broker and mortgage loan originator shall attach an education verification form and certificates of course completion for the required number of credit hours to the renewal or reactivation application. [59:2093(A)]

(5) **Repeating courses.** A mortgage broker or mortgage loan originator may repeat a course before renewal, if the maximum credits designated for the course were not attained in the first attempt. By repeating the course, the mortgage broker or mortgage loan originator may not earn more than the maximum credits designated for the course. A mortgage broker or mortgage loan originator may repeat a course after two (2) license renewal dates

have elapsed and receive the maximum credits designated for the course.

(6) **Exceptions.** The requirements for continuing education in this section shall not apply to:

- (A) a mortgage broker or mortgage loan originator whose license is on inactive status; or,
- (B) a non-resident mortgage broker or mortgage loan originator who is licensed in a state having continuing education requirements and the mortgage broker or mortgage loan originator meets all the requirements of that state. The non-resident mortgage broker or mortgage loan originator shall be responsible for providing satisfactory proof of compliance with the other state's requirements. [59:2093(E)]

(7) **Extensions.** For good cause shown, the Administrator may grant an extension of time during which the continuing education requirements may be completed. The extension shall not exceed twelve (12) months. The extension will not alter the requirements or due date of the succeeding renewal. "Good cause" includes disability, natural disaster, or other extenuating circumstances. Each request for extension of time shall be in writing from the mortgage broker or mortgage loan originator and shall include details and any documentation to support the request. Each request must be received by the Administrator no less than thirty (30) days before renewal.

(d) **Approval of continuing education courses.**

(1) **Information required.** Each provider shall apply for approval of each course. All providers, including publicly funded educational institutions, shall provide:

- (A) Name and address of the provider.
- (B) Contact person and his or her address and telephone number(s).
- (C) The location of the course, unless it is an individual study or correspondence course.
- (D) The number of CEC hours requested for each course. Courses must consist of a minimum of one (1) credit hour.
- (E) Subject outlines which list the summarized subjects covered in each course and a copy of any course materials.
 - (i) If a classroom course, a timed outline including any breaks.
 - (ii) If a correspondence course, a copy of text or table of contents with page numbers.
- (F) The names and qualification of instructors. An instructor shall have one (1) of the following qualifications:

- (i) Three (3) years of recent experience in the subject area being taught; or
- (ii) A degree related to the subject area being taught; or
- (iii) Two (2) years of recent experience in the subject area being taught and twelve (12) hours of college and/or vocational technical school credit hours in the subject area being taught.

(2) **Application deadline for course approval.** At least thirty (30) days prior to the course date, the provider

shall apply to the Administrator for course approval. The Administrator shall grant or deny approval in writing based upon information submitted regarding each course. The Administrator will assign the number of CEC hours awarded for an approved course. Each course approval shall be valid for a period of twelve (12) months. Course materials must be resubmitted at the time of expiration.

(3) **Withheld or withdrawn approval.** The Administrator may withhold or withdraw approval for any course for non-compliance with any provision of this section. This withdrawal will not affect any CEC hours attained under the course previous to the withdrawal.

(4) **List of approved courses.** A list of approved courses shall be available from the Administrator. [59:2093(C)]

(5) **Certificate of Course Completion.** At the completion of each course, the provider shall provide each mortgage broker or mortgage loan originator with a "Certificate of Course Completion" form.

(6) **List of mortgage brokers and mortgage loan originators completing course to Administrator.** At the completion of each course, the provider shall provide the Administrator a list of all mortgage brokers and mortgage loan originators who completed the course. This list shall reflect the mortgage broker's name and license number of each mortgage broker and mortgage loan originator.

(7) **Course records.** Providers shall maintain course records for at least seven (7) years.

[OAR Docket #06-1391; filed 11-7-06]

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

[OAR Docket #06-1376]

RULEMAKING ACTION:
EMERGENCY adoption

- RULES:**
- Subchapter 12. Procedures For The Seeping Natural Gas Program [NEW]
 - 165:10-12-1. Purpose [NEW]
 - 165:10-12-2. Coordination of Seeping Natural Gas Program [NEW]
 - 165:10-12-3. Jurisdiction and scope [NEW]
 - 165:10-12-4. Administration of the fund [NEW]
 - 165:10-12-5. Definitions [NEW]
 - 165:10-12-6. Notice requirements for seeping natural gas occurrences [NEW]
 - 165:10-12-7. Commission Rapid Action Assessment Team [NEW]
 - 165:10-12-8. Standard procedure for the Rapid Action Assessment Team [NEW]
 - 165:10-12-9. Assistance to owners of property [NEW]
 - 165:10-12-10. Reimbursement of expenditures [NEW]

AUTHORITY:
Oklahoma Corporation Commission, Article IX, Section 18, Oklahoma Constitution, 47 O.S. §230.24 *et seq*

DATES:

Comment period:
August 24, 2006 through September 29, 2006

Public hearing:
September 29, 2006

Adoption:
September 29, 2006

Approved by Governor:

October 4, 2006

Effective:

Immediately upon approval of the Governor

Expiration:

Effective through July 14, 2007, unless suspended or superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

The adoption of these rules is based upon a determination of compelling public interest and the passage of recent legislation House Bill 2506 (2006) that added jurisdiction and authority to the Corporation Commission's plugging fund (effective July 1, 2006), and legislation that gave the Commission the power and authority and duty to promulgate and enforce rules, and issue and enforce orders relating to seeping natural gas.

ANALYSIS:

The proposed rules incorporate the Legislature's intent to give the Corporation Commission the authority to draft and enforce rules, and to enforce orders relating to seeping natural gas. H.B. 2605 added a new section to the Corporation Commission's plugging fund in order to grant the Commission the jurisdiction, power and authority to respond to any seeping natural gas occurrence, to coordinate response efforts, to abate the hazard, and to expend up to Twenty Thousand Dollars (\$20,000.00) from the Gas Seep Fund for the purpose of diverting natural gas away from a structure of a property owner.

CONTACT PERSON:

Sally Shipley (405) 521-4258

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

**SUBCHAPTER 12. PROCEDURES FOR THE
SEEPING NATURAL GAS PROGRAM**

165:10-12-1. Purpose

The purpose of this Subchapter is to provide the Oklahoma Corporation Commission ("Commission") rules to govern responses to occurrences concerning the Seeping Natural Gas Program. All procedural rules necessary to initiate, regulate and administer the Seeping Natural Gas Program are contained in this Subchapter.

165:10-12-2. Coordination of Seeping Natural Gas Program

The Commission shall coordinate response efforts when notified of an occurrence of seeping natural gas. The Commission shall enlist private industry, state, county, municipal, and local government official entities as needed. These entities will aid the Commission with investigating, identifying and abating the hazard. If the Commission has determined that the applicable utility may be responsible for the problem, even though the utility initially advised the Commission it was not, the Commission can require the utility to run further tests to re-evaluate the occurrence as to the utility's lines and equipment. These rules do not supersede OAC 165:45-11-11 (a)(9).

Emergency Adoptions

165:10-12-3. Jurisdiction and scope

Pursuant to 17 O.S. 2006, Section 180.10 (C) the Commission is directed to promulgate and enforce rules, and issue and enforce orders relating to seeping natural gas. The rules of this Subchapter shall be known as the Commission Procedures for the Seeping Natural Gas Program, and shall be cited as OAC 165:10-12-1 et seq.

- (1) The rules of this Subchapter shall govern all proceedings concerning the Seeping Natural Gas Program.
- (2) The Commission retains the authority to grant an exception, for good cause shown, to any rule contained herein unless otherwise precluded by law.
- (3) The rules of this Subchapter establish procedures for the investigation of seeping natural gas and the administration of the Seeping Natural Gas Fund for the purpose of providing funding to eligible property owners for the mitigation of seeping natural gas on their property, in those cases in which the Commission is unable to abate the hazard of a seeping natural gas occurrence by issuing an order to a responsible person or by plugging a well.

165:10-12-4. Administration of the fund

- (a) The Commission will appoint the Director of Administration of the Commission as the Seeping Natural Gas Fund Administrator.
- (b) The Administrator is expressly authorized to bring actions before the Commission to enforce provisions of this Subchapter.
- (c) The Administrator shall act under the supervision of the Commission, to administer the Seeping Natural Gas Fund in accordance with the rules and procedures approved by the Commission and consistent with this Subchapter. The Administrator is authorized to enforce, implement, and administer applicable rules and orders of the Commission.
- (d) The Administrator's general duties shall include but not be limited to:
 - (1) Providing disbursements from the Fund;
 - (2) Managing the daily operations and affairs of the Fund;
 - (3) Engaging annual audits of the expenditures of the Fund and of the distribution from the Fund to property owners who receive payment from the Fund;
 - (4) Resolving disputes related to issues addressed in this Subchapter;
 - (5) Reviewing all applications for assistance from property owners;
 - (6) Performing any other duties as directed by the Commission.

165:10-12-5. Definitions

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

"Hazardous gas concentration" means a concentration that presents or causes a risk of accident or fire.

"Natural gas" means a highly compressible, highly expansive mixture of hydrocarbons having a low specific gravity

and occurring naturally in gaseous form. Besides hydrocarbon gases, natural gas may contain appreciable quantities of nitrogen, helium, carbon dioxide, hydrogen sulfide, and water vapor.

"Person" means any individual, business association or corporation, partnership, governmental or political subdivision, public corporation, body politic and corporate public authority, trust or any other legal entity.

"Responsible party" means any person or persons responsible for a facility which is found to be causing a seeping natural gas occurrence.

"Seeping natural gas" means natural gas which has migrated into, under or around a structure at hazardous concentrations.

165:10-12-6. Notice requirements for seeping natural gas occurrences

- (a) Upon identification of a possible occurrence of seeping natural gas, a utility shall notify the Pipeline Safety Department of the Commission. If the Pipeline Safety Department determines that the seeping gas occurrence is not caused by a pipeline under its jurisdiction, Pipeline Safety will contact the Consumer Services Division and the Oil and Gas Conservation Division.
- (b) Upon a utility's initial determination that hazardous gas seepage is not from its system, the utility shall provide the property owner with a brochure explaining the situation and providing the impacted property owner with information about available assistance, including pertinent Commission telephone numbers. For assistance, the property owner or an authorized representative of the property owner shall contact the Commission.
- (c) The District office of the Oil and Gas Conservation Division will contact the local Fire Marshall/Fire Chief and the utility to inform them that the Rapid Action Assessment Team has been activated.
- (d) The Field Operations Department of the Oil and Gas Conservation Division will assess and evaluate the situation and act accordingly.

165:10-12-7. Commission Rapid Action Assessment Team

- (a) The Oil and Gas Conservation Division shall form a Rapid Action Assessment Team to handle any seeping natural gas occurrence that occurs within the State after determining that it is not caused by a pipeline regulated by the Pipeline Safety Act or a utility.
- (b) The Rapid Action Assessment Team will be equipped with qualified personnel and the proper and necessary equipment to handle investigations of seeping natural gas occurrences.
- (c) Each Commission District Office will have access to designated trained personnel and equipment prepared for investigating a seeping natural gas occurrence.
- (d) No person entering upon the land to investigate or abate the hazards pursuant to the authority of the Commission will be held responsible for future abatement work on the land or

be liable for damages or otherwise for conditions subsequently arising or in connection with the land.

165:10-12-8. Standard procedure for the Rapid Action Assessment Team

As soon as the Oil and Gas Conservation Division is notified of an unknown gas surface seep in or around a structure that the utility has determined is not leaking from its lines, except in situations where the Oklahoma Emergency Management Plan is activated, Commission personnel will respond as follows:

- (1) The Field Inspector from the Oil and Gas Conservation Division will respond with gas detection equipment and notify the Field Supervisor and District Manager.
(2) The District Manager will activate the local Rapid Action Assessment Team and notify local officials and the following Commission offices in Oklahoma City: Consumer Services, Field Operations and Public Information.
(3) The District Office will research well data, aerial photos and maps on file with the Oil and Gas Conservation Division.
(4) The Oil and Gas Field Supervisor and Field Inspector will coordinate with any responsible party in the locality and will research any available maps and records.
(5) If no known oil or gas wells are present, the Rapid Action Assessment Team will number and set soil gas monitoring probes at strategic locations in the area and initiate a gas monitoring program to measure the concentration and sample the composition of gas and log results at monitored locations.
(6) If the source of gas can be identified and there is a responsible party, the Rapid Action Assessment Team will request a Commission order directing the responsible party to abate the hazard.
(7) If no known responsible party is located, the Rapid Action Assessment Team will position the monitoring system to allow for measurement of concentration and dissipation of the gas.
(8) Upon the completion of the mitigation process, the Commission shall notify the utilities in writing.
(9) Upon notification by the Commission that the mitigation process has been completed, the utility shall verify that the hazard has been abated prior to establishing or resuming gas service.
(10) If the utility believes it should not establish or resume service, it shall file an emergency application with the Commission to show cause why service should not be established or resumed. The Commission shall hear such application with or without notice. At the time of the hearing, the Commission shall receive exhibits and recommendations as required by OAC 165:5-7-39(c). The Commission shall rule on the request as it deems appropriate.

165:10-12-9. Assistance to owners of property

(a) An owner of property who has a seeping natural gas occurrence as defined by 165:10-12-5 may file an application

with the Commission to receive assistance with installing a system to divert natural gas away from the structure or to abate the hazard.

(b) After the Oil and Gas Conservation Division and the Consumer Services Division have completed their review of the property owner's application, they will forward it to the Director of Administration of the Commission, and the Director of Administration will recommend the application for Commission action.

(c) The Commission shall determine the eligibility of the owner of a structure for assistance based on the nature and extent of the hazard, whether the owner is unable to inhabit the structure, the financial need of the owner of the structure and other relevant factors dependent upon the Oklahoma Legislature's current and future approval of and appropriation for the Natural Gas Seep Program.

(d) If the property owner's application is approved, the Commission may expend, pursuant to the Oklahoma Central Purchasing Act, Title 74 O.S. 85.1 et. seq., up to \$20,000 from the Seeping Natural Gas Fund to engage the services of a contractor to install a system to divert natural gas away from a structure or to otherwise abate the hazard.

165:10-12-10. Reimbursement of expenditures

(a) The Commission may seek reimbursement of expenditures made by the Commission from a responsible party. Any monies received as reimbursement shall be deposited to the credit of the Commission Gas Seep Fund.

(b) The Rule shall not relieve any person or persons otherwise legally responsible from any obligation to properly abate hazards associated with seeping natural gas.

[OAR Docket #06-1376; filed 11-1-06]

TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF

[OAR Docket #06-1428]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 26. Academic Achievement Award Program
210:20-26-3. Qualified employees [AMENDED]

AUTHORITY:

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

DATES:

Adoption: September 28, 2006

Approved by Governor: October 31, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

Emergency Adoptions

FINDING OF EMERGENCY:

The clarifying language has been added related to the required periods of time that a certified employee must be employed and is needed before the payment of the awards is made by January 31, 2007.

ANALYSIS:

Rules are being clarified for the Academic Achievement Award program. Clarifying language has been added related to the required periods of time that a school district employee must be employed for award qualification purposes: (1) by the district, and (2) by a specific district site.

CONTACT PERSON:

Connie Holland, 405-521-3308

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

SUBCHAPTER 26. ACADEMIC ACHIEVEMENT AWARD PROGRAM

210:20-26-3. Qualified employees

(a) Once the school in each group has been identified, the State Department of Education will determine the number of employees qualified by law to receive the award at each school. Verification in writing of each employee's qualifications to receive the award shall be provided by the principal. Any certified employee who remains employed with the district for one-half of the school year in which the award is given and employed at the site for one-half of the school year from which the student test data was derived shall qualify for the award. The amount of funds available for the Academic Achievement Awards will be divided by the total number of qualified employees.

(b) Prior to January 31 of each year, the State Department of Education will forward the monetary award to each school with employees qualified to receive such award.

[OAR Docket #06-1428; filed 11-9-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 233. BODY PIERCING RULES AND TATTOOING

[OAR Docket #06-1405]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

310:233-1-1. [AMENDED]

310:233-1-2. [AMENDED]

Subchapter 3. Body Piercing Artist and Tattoo Artist Requirements and Professional Standards

310:233-3-1. [AMENDED]

310:233-3-2. [AMENDED]

310:233-3-3. [AMENDED]

310:233-3-4. [AMENDED]

310:233-3-5. [AMENDED]

310:233-3-6. [AMENDED]

310:233-3-7. [AMENDED]

Subchapter 5. Sanitation and Sterilization Procedures

310:233-5-1. [AMENDED]

310:233-5-2. [AMENDED]

Subchapter 7. Requirements for Premises

310:233-7-1. [AMENDED]

310:233-7-2. [NEW]

Subchapter 9. ~~Permit~~ License Requirements

310:233-9-1. [AMENDED]

310:233-9-2. [AMENDED]

310:233-9-3. [AMENDED]

310:233-9-4. [NEW]

310:233-9-5. [NEW]

310:233-9-6. [NEW]

310:233-9-7. [NEW]

310:233-9-8. [NEW]

Subchapter 11. Enforcement

310:233-11-1. [AMENDED]

310:233-11-2. [AMENDED]

310:233-11-3. [AMENDED]

310:233-11-4. [NEW]

AUTHORITY:

Oklahoma State Board of Health; 21 O.S. Section 842.1 et seq.

DATES:

Comment Period:

August 15, 2006 through September 14, 2006

Public Hearing:

September 14, 2006

Adoption:

September 14, 2006

Approved by Governor:

November 1, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, 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 amendments to rules in Chapter 233. Unless an emergency is declared and certified, there will be no standards in place to enforce the enhanced public health protections authorized in Enrolled Senate Bill No. 806 of the Second Regular Session of the 50th Oklahoma Legislature, effective November 1, 2006.

ANALYSIS:

The proposal involves the addition of language to establish the means to provide regulatory oversight for body piercing and tattooing in Oklahoma. The current Chapter 233, Body Piercing Rules, does not include language for licensure or regulation of tattooing. The proposed action updates requirements relating to body piercing and establishes uniform health and safety standards for body piercing and tattooing. This proposal modifies definitions and license requirements for artists and establishments, sets requirements for surety bonds, and adds language relating to apprentice programs and sponsors. The amended language includes investigation and hearing procedures. The proposed amendments implement Enrolled Senate Bill No. 806 of the 2nd Regular Session of the 50th Oklahoma Legislature, effective November 1, 2006. This proposal will establish the means to provide regulatory oversight for tattooing in Oklahoma.

CONTACT PERSON:

Tressa Madden, Director, Consumer Health Division, Protective Health Services, Oklahoma State Department of Health (405) 271-5243

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

SUBCHAPTER 1. GENERAL PROVISIONS

310:233-1-1. Purpose

This Chapter is to be used by operators of body piercing and tattooing establishments, by artists, and by other interested persons apprentices. The rules are to implement the provisions of 21 O.S. Supp., 1998, Section 842.1 et seq. Nothing in OAC 310:233 shall be construed to require an artist to perform a body piercing or tattoo procedure upon a client.

310:233-1-2. Definitions

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

"Aftercare" means written instructions given to the client, specific to the body piercing or tattooing procedure(s) rendered, on caring for the body piercing or tattoo and surrounding area.

"Antiseptic" means an agent that destroys disease-causing microorganisms on human skin or mucosa.

"Apprentice" means any person who is training under the supervision of a licensed tattoo artist. That person cannot independently perform the work of tattooing. Apprentice also means any person who is training under the supervision of a licensed body piercing artist. That person cannot independently perform the work of body piercing [21:842.1(C)(6)].

"Apprentice program" means an approved body piercing or tattooing training program conducted by an approved apprentice sponsor.

"Apprentice sponsor" means an individual approved by the Department to conduct a body piercing or tattooing apprentice program.

"Artist" means the person who actually performs the body piercing or tattooing procedure [21:842.1.B].

"Aseptic technique" means a hygienic practice which prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.

"Autoclave" means a piece of medical equipment that employs the steam under pressure method of sterilization.

"Bloodborne pathogen certification" means a training program that shall contain a general explanation of epidemiology and symptoms of bloodborne diseases.

"Body piercing" means a procedure in which an opening is created in a human body solely for the purpose of inserting jewelry or other decoration; provided, however, the term does not include ear piercing [21:842.1.B].

"Body piercing operator" means any person who owns, controls, operates, conducts, or manages any permanent body piercing establishment, whether actually performing the work of body piercing or not [21:842.1(C)(3)].

"Church" means an establishment, other than a private dwelling, where religious services are usually conducted [21:842.3(C)(3)(b)].

"Client" means a person requesting the application of a body piercing or tattoo.

"Contaminated waste" means any liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood and other potentially infectious materials, as defined in 29 Code of Federal Regulations Part 1910.1030, known as "Occupational Exposure to Bloodborne Pathogens".

"CPR Certification" means Cardiopulmonary Resuscitation and shall include instruction for the basic adult CPR training.

"Department" means the Oklahoma State Department of Health.

"Disinfection" means the destruction of disease-causing microorganisms on inanimate objects or surfaces, thereby rendering these objects safe for use or handling; a process of reducing the number of microorganisms on cleaned procedure surfaces and equipment to a safe level with germicidal solution as has been approved by the Department.

"Ear piercing" means puncturing the outer perimeter of the lobe of the ear not to include cartilage.

"Ear piercing gun" means a device that pierces an individual's ear lobe using a single-use stud and clasp ear piercing system.

"Equipment" means all machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatus and appurtenances used in connection with body piercing and tattooing procedures.

"First aid certification" means a training program that includes instruction in injury and acute illness.

"Germicidal solution" means a cleansing agent that kills disease-causing microorganisms on hard surfaces and is a disinfectant or sanitizer registered with the Environmental Protection Agency.

"Germicidal soap" means an agent designed for use on the skin that kills disease-causing microorganisms.

"Handsink" means a lavatory equipped with hot and cold running water under pressure used solely for washing hands, arms or other portions of the body.

"Handwashing facility" means a sink equipped with hot and cold or tempered running water under pressure, used for washing hands, arms or other portions of the body.

"HBV" means Hepatitis B virus and is a DNA virus that attacks the liver causing serious disease.

"HCV" means Hepatitis C virus and is a RNA virus found in the blood of persons who have the disease which attacks the liver causing serious disease.

"HIV" means human immunodeficiency virus.

"Hot water" means water that attains and maintains a temperature as specified in OAC 310:233-1-58:30.

"Instruments used for body piercing" means hand pieces, needles, needle bars and other instruments disposable or reusable instruments that may contact a client's body or body fluids during body piercing procedures.

"Instruments used for tattooing" means disposable or reusable instruments that may contact a client's body or body fluids during tattooing procedures.

Emergency Adoptions

"Integrator strips" means strips or devices used in pouches or autoclave chambers that prove the condition of sterilization has been met.

"Invasive" means entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to puncture, break or compromise the skin or mucosa.

"Jewelry" means any personal ornament inserted into a newly pierced area, which must be made of surgical implant grade stainless steel, solid 14k or 18k white or gold, yellow niobium, titanium or platinum, a dense, low porosity plastic and or which is free of nicks, scratches or irregular surfaces and which has been properly sterilized prior to use.

"License" means written approval by the Department for a person an artist to perform body piercing or tattooing, or written approval by the Department to operate a body piercing or tattoo establishment.

"Liquid chemical germicide" means a disinfectant or sanitizer registered with the Environmental Protection Agency or an approximate 1:100 dilution of household chlorine bleach (500ppm, 1/4 cup/gal, or 2 tablespoons/quart of tap water) made fresh daily and dispensed from a spray bottle.

"Operator" means any person who owns, controls, operates, conducts, or manages any permanent body piercing establishment, whether actually performing the work of body piercing or not [21:842.1.B]

"Permit" means written approval by the Department to operate a body piercing establishment.

"Playground" means a place, other than grounds at a private dwelling, that is provided by the public or members of a community for recreation [21:842.3(C)(3)(C)].

"Procedure surface" means any part of equipment furniture or fixtures designed to contact the client's unenclosed body during a body piercing or tattooing procedure or any surface where instruments and equipment have come into contact with the client during the procedure.

"Release form" means a release of liability that shall be completed by the client previous to receiving a body piercing or tattoo procedure.

"Sanitize/sanitization procedure" means a process of reducing the number of microorganisms on cleaned surfaces and equipment to a safe level as has been approved by the Department.

"School" means an establishment, other than a private dwelling, where the usual processes of education are usually conducted [21:842.3(C)(3)(a)].

"Sharps" means any object (sterile or contaminated) that may purposefully or accidentally cut or penetrate the skin or mucosa including, but not limited to, per sterilized pre-sterilized, single use piercing or tattooing needles, scalpel blades and razor blades.

"Sharps container" means a puncture-resistant, leak-proof container that is labeled or color coded that can be closed for handling, storage, transportation and disposal and is labeled with the International Biohazard Symbol.

"Single use" means products or items that are intended for one-time, one-person use and are disposed of after use

on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing and tattooing needles, scalpel blades, and protective gloves.

"Skills challenge" means a testing mechanism that enables persons who have received training in tattooing and have experience in performing tattooing procedures to challenge the training requirements by satisfactorily completing the written examination.

"Spore test" means a biological monitoring process in which a third party laboratory culturing service is engaged to monitor spore growth on media processed in an autoclave.

"Statim autoclave" means a brand of autoclave utilizing the steam flush pressure pulse method of sterilization.

"Sterilization" means a process resulting in the destruction of all forms of microbial life, including highly resistant bacterial spores.

"Tattooing" means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment; provided that medical micropigmentation, performed pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act, shall not be construed to be tattooing [21:842.1(C)(2)].

"Tattoo operator" means any person who owns, controls, operates, conducts or manages any permanent tattooing establishment whether performing the work of tattooing or not [21:842.1(C)(4)].

"Temporary artist license" means a person that is not licensed through the State of Oklahoma that is a body piercing artist or tattoo artist doing temporary work at a licensed body piercing or tattoo establishment not to exceed 30 days.

"Ultrasonic cleaning unit" means a piece of medical equipment utilizing ultrasound energy to thoroughly clean instruments for body piercing or tattooing.

"Universal precautions" means a set of guidelines and controls, published by the Centers for Disease Control (CDC) as "Guidelines for prevention of transmission of human immunodeficiency virus and hepatitis B to health care and public safety workers" in Morbidity and Mortality Weekly Report (MMWR), June 23, 1989, Vol. 38, No. S-6, and as "Recommendations for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure prone invasive procedures" in MMWR, July 12, 1991, Vol. 40, No. RR-8. This method of infection control requires the employer and the employee to assume that all human blood and specified human body fluids are infectious for HIV, HBV and other blood pathogens. Precautions include hand washing, gloving, personal protective equipment, injury prevention, proper handling and disposal of needles, sharps disposal, and disposal of products contaminated with blood and body fluids, an approach to infection control that treats all human blood and certain human body fluids as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), Hepatitis C Virus (HCV), and other bloodborne pathogens.

SUBCHAPTER 3. BODY PIERCING ARTIST AND TATTOO ARTIST REQUIREMENTS AND PROFESSIONAL STANDARDS

310:233-3-1. Records

The following information shall be kept on file on the premises of a body-piercing or tattooing establishment and shall be available for inspection by the Department.

- (1) Artist information shall include:
 - (A) Full name and exact duties of each artist;
 - (B) Date of birth of each artist; and
 - (C) Identification photo of each artist.
- (2) Body piercing or tattoo ~~Establishment~~ establishment information shall include:
 - (A) Body piercing or tattoo ~~Establishment~~ establishment name;
 - (B) Hours of operation;
 - (C) Owner's name and address;
 - (D) Operator's name and address (if different from the owner);
 - (E) A complete ~~description~~ definition of all body ~~procedures~~ piercing procedures performed;
 - (F) An inventory of all instruments and supplies, including body jewelry, ~~all~~ sharps, used for any and all body piercing or tattooing procedures, including names of ~~manufactures~~ manufacturers and serial or lot numbers, if applicable, which may be satisfied by retaining invoices or orders; and
 - (G) Proof that all artists have either started or completed or were offered and declined, in writing, using the form provided by the Department, the ~~hepatitis~~ Hepatitis B vaccination series.

310:233-3-2. Prohibited acts

- (a) It shall be unlawful for any artist to perform body piercing or tattoo procedures outside of a licensed body piercing or tattooing establishment ~~with a current permit~~.
- (b) ~~Smoking, eating~~ Eating, or drinking by anyone is prohibited in the area where body piercing or tattooing is performed by the licensed artist in a licensed body piercing or tattoo establishment or staff. Smoking is prohibited in any licensed establishment.
- (c) ~~No person shall perform any body piercing procedure upon a person under the age of eighteen (18) years without the presence and written consent of a parent or legal guardian. No person under eighteen (18) years of age shall be allowed to receive a tattoo. No person under eighteen (18) years of age shall be allowed to receive a body piercing procedure unless the legal parent or legal guardian of such a child gives written consent for the procedure and the legal parent or legal guardian of the child is present during the procedure [21:842.1(A)].~~
- (d) No person ~~affected~~ exposed ~~infectious sore~~ shall work in any area of a body piercing or tattoo establishment where there is a likelihood that they could contaminate body piercing or tattoo ~~equipment~~ instruments, supplies or working procedure surfaces with body substances or pathogenic organisms.

- (e) No animals of any kind shall be allowed in a body piercing or tattoo establishment except service animals used by persons with disabilities or as allowed in 310:233-7-1.
- (f) A person shall not perform body piercing or tattoo upon another person if the other person is under the influence of alcohol or a controlled substance. A person impaired by drugs or alcohol is considered incapable of consenting to a tattoo and incapable of understanding tattooing procedures and aftercare suggestions [21:842.1(B)].
- (g) An ear piercing gun shall not be used on any body part other than the ear lobe, which does not contain cartilage. This device must be autoclave sterilized between clients after each use or be single use and disposable.
- (h) No person shall be allowed to purchase or possess tattoo equipment or supplies without being licensed either as an Oklahoma Medical Micropigmentologist or as an Oklahoma tattoo artist [21:842.1(A)].
- (i) All body piercing operators, tattoo operators and artists shall be prohibited from performing body piercing or tattooing unless licensed in the appropriate category by the Department [21:842.3(A)].
- (j) The State Department of Health shall not grant or issue a license to a body piercing or tattoo operator if the place of business of the body piercing or tattoo operator is within one thousand (1,000) feet of a church, school, or playground [21:842.3(C)].

310:233-3-3. Standards

- (a) The artist shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes, including closed-toed shoes, when performing body piercing or tattoo procedures. Before performing body piercing or tattoo procedures, the artist must thoroughly wash their hands in hot running water (with a minimum temperature of 100° F) with liquid ~~liquid~~ germicidal soap, then rinse hands and dry with disposable paper towels. This shall be done as often as necessary to remove contaminants. At a minimum this includes:
 - (1) Immediately prior to donning gloves to perform a body piercing or tattoo procedure;
 - (2) Immediately after removing gloves at the conclusion of a body piercing procedure or tattoo procedure;
 - (3) When leaving the work area;
 - (4) As soon as feasibly possible after potential contact with contaminated surface(s) has occurred; and
 - (5) Before and after eating, drinking or smoking.
- (b) In performing body piercing or tattoo procedures, the artist shall wear disposable ~~medical~~ exam gloves and surgical mask to minimize the possibility of transmitting infection to the ~~person~~ client being pierced or tattooed. ~~Exam Gloves~~ Gloves must be changed if they become contaminated by contact with any non-clean surfaces or objects or by contact with a third person. The gloves shall be discarded after the completion of each procedure on an individual client and hands shall be washed before ~~donning the next set of gloves~~ in accordance with aseptic technique. Under no circumstances shall a single pair of exam gloves be used ~~on more than one person~~ during the entire piercing or tattoo procedure. The use of disposable ~~medical~~ exam gloves does not preclude or substitute for hand

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washing procedures as part of a good personal hygiene program. A minimum of one pair of exam gloves should be used for each stage of piercing or tattooing to include:

- (1) Hard surface disinfection;
- (2) Setup of instruments used for body piercing or tattooing;
- (3) Preparation of the body art area; and
- (4) The body piercing or tattoo procedure.

(c) If, while performing a body piercing or tattoo procedure, the artist's glove is pierced, or torn, or otherwise contaminated the contaminated gloves shall be discarded immediately and the hands washed thoroughly before a fresh pair of exam gloves are applied. Any item or instrument that ~~is contaminated~~ has come into contact with a surface other than the procedure surface or the client during the procedure shall be discarded and replaced immediately with a new disposable item or a new sterilized instrument ~~or item~~ before the procedure resumes.

(d) All procedure surfaces must be disinfected with a germicidal solution immediately after completing a body piercing or tattoo procedure.

~~(e)~~ Contaminated waste which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled ~~must~~ shall be placed in a biohazard bag or container which is ~~marked with the International Biohazard Symbol~~ properly labeled. Sharps ready for disposal shall be placed in an approved sharps container ~~with the International Biohazard Symbol~~. Contaminated waste which may release blood, body fluids, dried blood or dried body fluids and sharps must be disposed of consistent with OAC 252:515. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal disposal methods.

~~(e)~~ Any skin or mucosa surface being prepared to receive a body piercing procedure shall be free of rash or any visible infection.

310:233-3-4. Exemptions

Individuals who pierce only the ~~outer perimeter and~~ lobe of the ear as defined herein are exempt from OAC 310:233.

310:233-3-5. Public notification requirements

~~(a) Before starting the procedure, the operator or artist, upon completion of the procedure, shall provide verbal and written aftercare instructions for the aftercare of the body piercing or tattoo procedure site to each client. These instructions shall include information about when to seek medical treatment, if necessary. The written aftercare instructions shall advise the client to consult a physician at the first sign of infection or swelling and contain the name, address and telephone number of the body piercing or tattoo establishment. These documents shall be signed and dated by both parties, with a copy given to the client and the operator retaining the original with all other required records. In addition, all body piercing or tattoo establishments shall prominently display a Disclosure Statement, provided by the Department, which advises the public clients of the risks and possible consequences of body~~

~~piercing services or~~ tattoo procedures. The Disclosure Statement and the Notice for Filing a Complaint shall be included in the body piercing or tattoo establishment Application Packet.

(b) The disclosure statement requires the following:

- (1) Clients should be aware that the establishment complies with the all rules of sanitation and sterilization;
- (2) The client can still have possible transmission of a bloodborne disease or infection contracted as a result of a body piercing or tattoo;
- (3) A signature of the client is required with understanding of the Disclosure Statement and acknowledges the possible effects or consequences; and
- (4) Notice of filing a complaint gives the Department knowledge that a body piercing or tattoo establishment or artist is in violation of 310:233.

310:233-3-6. Client records

(a) In order for the artist to properly evaluate the client's medical condition ~~for previous to~~ receiving a body piercing or tattoo procedure and not violate the client's rights or confidential medical information, the following information shall be ~~given to the operator or artist~~ included in the release form:

- ~~(1) In order for~~ To ensure proper healing of your body ~~art~~ piercing or tattoo procedure, we ask that you disclose if you have or have had any of the following conditions:
 - (A) Diabetes;
 - (B) History of hemophilia ~~(or excessive bleeding);~~
 - (C) History of skin disease, skin lesions or skin sensitivities to soaps or disinfectants;
 - (D) History of allergies, adverse reactions or other skin sensitivities as they pertain to body piercing or tattooing procedures;
 - (E) History of epilepsy, seizures, fainting or narcolepsy;
 - (F) Taking medications such as anticoagulants, which interfere with blood clotting;
 - (G) Last time you ate;
 - (H) Pertinent medical history or medical condition that might affect the healing process; and
 - (I) Pregnant and/or nursing.

(b) The operator or artist shall ask the client to sign a ~~Release Form~~ release form confirming that the above information was obtained or attempted to be obtained.

(c) Each operator shall keep records consisting of:

- (1) Release forms of all body piercing or tattoo procedures administered;
- ~~(2) including~~ Photocopy of client's identification;
- (3) name ~~Name~~, date of birth, address of the client;
- (4) signature ~~Signature~~ of the client or consent form (if the client is less than 18 years of age for a body piercing procedure);
- ~~(5) date~~ Date of the procedure;
- ~~(6) identification~~ Identification and location of the body piercing or tattoo procedure(s) performed; and
- ~~(7) the~~ The artist's name and license number.

(d) All client records shall be confidential, ~~they shall be retained for a minimum of three (3) years,~~ and they shall be made available to the Department upon request. After being retained

for three (3) years, records shall be destroyed by shredding or appropriate destruction methods.

(e) Acceptable forms of photo identification shall include: driver's license, passport, and state or government issued identification that includes the client's name, picture and date of birth. If a date of birth is not included on the form of identification an original birth certificate must be presented to and copied by the artist or operator.

(f) To pierce a minor, the above identification in 310:233-3-6(d) shall be required from the legal parent or legal guardian and the minor. Identification shall include an original birth certificate of the minor. Court documentation verifying legal guardianship shall be provided by the guardian to the artist.

310:233-3-7. Preparation and care of the body art area

(a) Before a body piercing or tattoo procedure is performed, the immediate and surrounding area of the skin where the body piercing or tattoo procedure is to be performed shall be ~~washed~~ prepared with soap and water or an approved surgical antiseptic skin preparation, depending on the type of body art to be performed. Oral piercing shall be prepared with an oral antiseptic mouth rinse. If shaving is necessary, single use disposable razors ~~or safety razors with single service blades~~ shall be used and discarded into a sharps container after each use ~~and the reusable holder shall be autoclaved after use.~~ Following shaving, the skin and surrounding area shall be washed with soap and water. The washing pad shall be discarded after a single use.

(b) In case of blood flow, all products used to check the flow of blood or to absorb blood shall be single use and disposed of immediately after use. Any utensil used for marking the skin where the body piercing or tattoo procedure is to be performed shall be single use and disposable.

(c) Any skin or mucosa surface being prepared for a body piercing or tattoo procedure shall be free of rashes or any visible signs of infection.

(d) Any jewelry inserted into a fresh body piercing shall be autoclave sterilized while fully disassembled to allow for sterilization of the entire piece of jewelry. The jewelry must be checked by the artist and free of nicks, scratches or irregular surfaces before insertion into a fresh body piercing. All removable parts shall be removed from threaded jewelry for sterilization.

(e) Jewelry shall be made of 316L or 316LVM stainless steel, solid 14k or 18k yellow or white nickel-free gold, niobium, titanium or platinum, Poly Tetra Fluoro Ethylene (PTFE) or Tygon.

SUBCHAPTER 5. SANITATION AND STERILIZATION PROCEDURES

310:233-5-1. Reusable equipment

(a) After each use, all ~~non single use,~~ non-disposable instruments or reusable equipment used for body piercing ~~procedure or tattooing~~ procedures shall be ~~cleaned thoroughly by scrubbing with an appropriate soap or disinfectant solution~~

~~and hot water or by following the manufacturer's instructions to remove blood and tissue residue, and placed in an ultrasonic unit which shall be operated in accordance with the manufacturer's instructions. processed through all of the following steps of the sterilization process:~~

(1) Manually or mechanically preclean the instruments with care taken to ensure removal of residue. Manual scrubbing shall be done per Centers for Disease Control and Prevention (CDC) guidelines, fully submerged under water, to reduce the likelihood of making bloodborne pathogens airborne. This must be done while wearing appropriate personal protective equipment including but not limited to full length sleeves, elbow-high gloves, apron, and face mask with eye protection;

(2) Thoroughly rinse the instruments after precleaning and soak them in a protein-dissolving enzyme cleaner or detergent per manufacturer's instructions; and

(3) Rinse the instruments after soaking and clean the instruments further in an ultrasonic cleaning unit fully submerged in an enzymatic cleaner, per manufacturer's instructions.

(b) After cleaning, all non-disposable instruments used for body piercing or tattooing procedures shall be rinsed thoroughly, dried and packed individually in peel packssterilization pouches and subsequently sterilized. All ~~peel packssterilization pouches~~ sterilization pouches containing non-disposable instruments shall contain either a ~~sterilizer~~ sterilizer indicator or internal temperature indicator or an integrator strip. ~~Peel packs must~~ Sterilization pouches shall be dated with an expiration date not to exceed six (6) months.

(c) All ~~cleaned~~ packaged, non-disposable instruments used for body piercing or tattooing shall be sterilized in a steam autoclave. The autoclave shall be used, cleaned, and maintained according to manufacturer's instruction. A copy of the manufacturer's recommended procedures for the operation of their autoclave sterilization unit shall be available for inspection by the Department. Sterile equipment shall only be handled with clean gloves and shall not be used if the package has been breached or after the expiration date without first repackaging and resterilizing. ~~Sterilizers shall be located away from areas used for body piercing and away from areas used for cleaning of non disposable instruments. If the body piercing body piercing establishment uses all single use, disposable instruments and products, and uses sterile supplies, an autoclave shall not be required.~~

(d) Each ~~holder of a permit to operate~~ operator of a body piercing or tattooing establishment shall demonstrate that the ~~sterilizer~~ autoclave(s) used is capable of attaining sterilization by monthly spore ~~destruction~~ tests. These spore test records shall be retained by the operator for a period minimum of three (3) years and made available to the Department upon request.

(e) After sterilization, the instruments used for body piercing or tattooing shall be immediately transported with clean exam gloves and stored in a dry, clean cabinet or ~~other~~ tightly covered container reserved for the storage of such instruments.

(f) All instruments used for body piercing or tattooing shall remain properly stored in their sterile ~~packages~~ pouches

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until just before performing a body ~~art~~piercing or tattooing procedure. When assembling instruments used for performing body ~~art~~piercing or tattooing procedures, the ~~operator~~artist shall wear disposable ~~medical~~exam gloves and use ~~medically recognized~~aseptic techniques to ensure that the instruments and gloves are not contaminated.

(g) All needles, instruments and equipment shall be specifically manufactured for performing body piercing and tattooing procedures ~~and shall be used according to manufacturer's instructions.~~

(h) For body piercing and tattooing establishments primarily utilizing a Statim autoclave, reusable items shall be sterilized in an autoclave in a bulk load without sterilization pouches previous to sterilization in the Statim autoclave for the body piercing or tattoo procedure. Reusable instruments and single use items sterilized in a Statim autoclave cassette must be used immediately after opening the Statim autoclave cassette. The items contained in the Statim autoclave cassette shall be used for one client only and shall include use of an integrater strip.

310:233-5-2. Single use items

Single use items shall not be used on more than one client for any reason. Each needle shall be used for one body piercing or tattoo procedure only. After use, all ~~single-use~~ needles, razors and other sharps shall be immediately disposed of in an approved sharps container.

SUBCHAPTER 7. REQUIREMENTS FOR PREMISES

310:233-7-1. Physical construction and maintenance

(a) All walls, floors, ~~ceilings~~ and ~~all~~ procedure surfaces of a body piercing or tattoo establishment shall be smooth, free of open holes or cracks, washable, in good repair, and clean. All procedure surfaces, including client chairs/benches shall be of such construction as to be easily cleaned and ~~sanitized~~disinfected after each client. All body piercing or tattoo establishments shall be completely separated by solid ~~partitions~~ or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales not associated with body piercing or tattooing, or other such activity which may cause potential contamination of work procedure surfaces. The solid wall may not contain doors or operable windows. Body piercing or tattooing shall not be performed in an establishment where food is prepared or served, or where services other than body piercing or tattooing is provided including but not limited to places such as hair, nails and tanning services.

(b) Effective measures shall be taken by the body piercing or tattoo operator to protect against the entrance of insects, vermin, and rodents. Insects, vermin, and rodents shall not be present in any part of the body piercing or tattoo establishment.

(c) There shall be a minimum of forty-five (45) square feet of floor space for each artist in the body piercing or tattoo establishment for each artist working station. Each body

piercing or tattoo establishment shall have an area which may be screened from public view for clients requesting privacy. The material used for the partition/screen must be non-porous and can be easily cleaned and disinfected. Multiple body art stations shall be separated at a minimum by ~~dividers, curtains or partitions, at a minimum;~~ a seven (7') foot wall that is smooth, nonporous and easily disinfected.

(d) The establishment shall have a separate fully enclosed room for the decontamination and packaging of contaminated instruments. This decontamination room shall contain all equipment and supplies used for decontaminating instruments and will be where all steps of the sterilization process shall take place until the transfer of the packaged contaminated instruments to the autoclave. The establishment shall have a separate area or room where the autoclave is housed and utilized and shall only be exposed to contaminated packaged instruments that are loaded directly into the autoclave from the decontamination room. The area or room that contains the autoclave shall not be part of the procedure room or area where clients have access.

(~~de~~) The body piercing or tattoo establishment shall comply with OAC 310:290 and OAC 310:245 OAC 158:40 and OAC 158:50. In addition, an artificial light source equivalent to at least twenty (20) foot candles three (3) feet off the floor shall be provided in all areas, except that at least 100 foot candles of intensity shall be provided at the level where the body piercing or tattoo procedure is being performed, and where instruments and sharps are assembled.

(~~ef~~) No animals of any kind shall be allowed in a body piercing establishment except service animals used by persons with disabilities. Fish aquariums shall be allowed in waiting rooms and non-procedural areas where body piercing and tattooing procedures are not performed.

(~~fg~~) The body piercing or tattoo establishment shall comply with OAC 310:310 OAC 158:30. In addition, a separate, readily accessible, handsink each body piercing or tattoo procedure area shall be equipped with a handwashing facility with hot and cold running water, under pressure, equipped with wrist or foot operated controls and supplied with liquid germicidal soap, and disposable paper towels shall be readily accessible to each artist within the body piercing establishment. One handsink shall serve no more than three artists located at each station.

(~~gh~~) At least one covered waste receptacle shall be provided in each piercing or tattoo area and each toilet room. Receptacles in the piercing or tattooing area shall be emptied daily and solid waste shall be removed from the premises at least weekly. All refuse containers shall be lidded, ~~cleanable~~ capable of being disinfected and kept clean.

(h) ~~All instruments and supplies shall be stored in clean, dry and covered containers.~~

(i) ~~Reusable cloth items shall be mechanically washed with detergent and dried after each use. The cloth items shall be stored in a dry, clean environment until used. No reusable cloth item shall be used in a licensed body piercing or tattoo establishment.~~

310:233-7-2. Location requirements and limitations

(a) The Department shall not approve an initial license to perform body piercing, tattooing, or both to be issued to a facility or place of business that is located within one thousand (1,000) feet from a church, school or playground.

(b) The distance required to be met by subsection (a) of this section shall begin at any entry or exit into or from the facility, or any place on the property of the facility where body piercing or tattooing may be observed, whichever is closer, and be measured to the nearest property line of the church, school or playground.

(c) A mobile unit, including, but not limited to, a mobile home, recreational vehicle, or any other non-permanent facility, shall not be used as a permanent body piercing or tattoo establishment.

SUBCHAPTER 9. PERMIT LICENSE REQUIREMENTS

310:233-9-1. ~~Establishment permit~~Body piercing or tattoo license

(a) No person, firm, partnership, joint venture, association, business trust, corporation, legal entity or any organized group of persons shall operate a body piercing or tattoo establishment unless it has received a body piercing or tattoo establishment permit license from the Department.

(b) A permit license for a body piercing or tattoo establishment shall be issued for the physical location of the body piercing or tattoo establishment and shall not be transferable. A permit license for a body piercing or tattoo establishment shall be valid from the date of issuance and shall expire one (1) year from the date of issuance.

(c) A current body piercing or tattoo establishment per-mit license shall be posted in a prominent and conspicuous area where clients may readily observe it.

(d) Temporary body piercing or tattoo establishment per-mits licenses may be issued for body piercing services or tattoo procedures provided outside of the physical site of a per-mitted licensed facility for the purposes of product demonstration, industry trade shows or for educational reasons. Temporary permits shall A temporary body piercing or tattoo establishment license may be issued for body piercing or tattooing services provided outside of the physical site of a licensed facility for the purpose of body piercing or tattooing in a fixed location at which an individual body piercing or tattoo operator performs body piercing or tattooing for a specified period of not more than seven (7) days in conjunction with a single event or celebration, where the primary function of the event or celebration is body piercing or tattooing and the location does not otherwise violate the provisions of 310:233-7-2. A temporary license may be issued if the applicant satisfies the following:

- (1) The applicant shall be affiliated with a body piercing or tattoo establishment that has a current per-mit license;
- (2) The temporary body piercing or tattoo establishment meets the requirements outlined in OAC ~~310:233-7~~ 310:233-7-1 and 2;

(3) ~~The applicant~~ applicant's establishment is inspected and approved by the Department prior to issuance of the temporary per-mit license;

(4) The applicant submits to the Department a request for a temporary demonstration per-mit license in writing at least thirty (30) days before the event. The request shall specify:

- (A) The purpose for which the per-mit license is requested;
- (B) The period of time for which the per-mit license is requested;
- (C) The location where the temporary demonstration per-mit license shall be used; and
- (D) Names and license numbers if applicable of the artists participating.

(e) The applicant's ~~demonstration project~~ temporary establishment shall be contained in a completely enclosed, non-mobile facility.

(f) The applicant shall provide facilities to properly sterilize instruments or shall use only single use, prepackaged, sterilized equipment obtained from reputable suppliers or manufacturers. ~~(g) Temporary permits expire after seventeen (17) days or the conclusion of the special event, whichever is less.~~

~~(h) Temporary permits~~ licenses are not transferable from one special event to another.

~~(i) Permit~~ License fees shall be as follows:

- (1) \$1,000.00 for an initial per-mit license for tattoo establishments;
- (2) \$500.00 for a renewal per-mit tattoo license; and
- (3) \$750.00 for late renewal when the per-mit tattoo license is not renewed within thirty (30) days after expiration.
- ~~(4) \$500.00 for an initial license for body piercing establishments;~~
- ~~(5) \$250.00 for a renewal body piercing license;~~
- ~~(6) \$350.00 for late renewal when the body piercing license is not renewed within thirty (30) days after expiration;~~
- ~~(7) \$250.00 for a temporary license for body piercing establishments; and~~
- ~~(8) \$250.00 for a temporary license for tattooing establishments.~~

~~(i) The certification fee required by 21 O.S. 842.3(D) shall be paid before an application for license is processed.~~

~~(j) Proof of publication evidence compliant with 21 O.S. 842.3(E) shall be filed before an application for license is processed.~~

310:233-9-2. Artist license

(a) The artist must be a minimum of eighteen (18) years of age to be eligible for a license.

(b) No person shall practice body piercing or tattooing procedures without first obtaining an artist license from the Department.

(c) The artist license shall be valid from the date of issuance and shall automatically expire ~~in~~ one (1) year from the date of issuance unless revoked or suspended by the Department. The artist shall have a current bloodborne pathogen certificate.

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CPR certificate and current first aid certification for license or renewal of license.

(d) The application for an artist license shall include:

- (1) Name;
- (2) Date of birth;
- (3) Sex;
- (4) Residence address;
- (5) Mailing address;
- (6) Telephone number;
- (7) Place(s) and licensed license number of employment as an artist;
- (8) ~~Training~~ Proof of training and of experience which shall include one of the following; and
 - (A) Two (2) years license from another state; or
 - (B) Two (2) years pay stubs from previous employer; or
 - (C) Proof of 1000 hours performing tattooing; or
 - (D) Proof of a completed approved apprentice program;
- (9) ~~Proof of attendance at a Bloodborne pathogen training program that is approved by the Department.~~ Current bloodborne pathogen certification recognized from a national accredited program; and
- (10) Current first aid certification; and
- (11) Current CPR certification.

(e) Each artist license shall be conditioned upon continued compliance with the provisions of this section as well as all applicable provisions of OAC 310:233.

(f) Each artist license shall be posted in a prominent and conspicuous area where it may be readily observed by clients.

(g) License fees shall be as follows:

- (1) ~~\$1,000.00~~ \$250.00 for an initial license;
- (2) ~~\$500.00~~ \$250.00 for a renewal license; ~~and~~
- (3) ~~\$750.00~~ \$350.00 for late renewal when the license is not renewed within thirty (30) days after expiration; ~~and~~
- (4) \$250.00 temporary artist license, not to exceed 30 days.

(h) A person who has acceptable experience in performing tattooing may be deemed to have met the Department approved preparedness requirements status as per 310:233-9-2(8)(A-D). Attaining challenge status enables the applicant to bypass apprentice training if he/she is able to have a minimum passing score of 70% on the written examination that will include:

- (1) Knowledge of Anatomy, Physiology, and Disease;
- (2) Theory and application of ink;
- (3) Safety and Aseptic Technique;
- (4) Professionalism; and
- (5) Client Consultation Services.

(i) A candidate who does not meet this score can retest up to two (2) times. A candidate who does not pass the written examination must wait at least seven (7) days before retesting. Any candidate who is unable to attain competency after three attempts shall be required to enroll in an apprentice program. To apply, the candidate shall submit a challenge status application that requires the following:

- (1) Notarized copy of the applicant's certificate of birth;

(2) Notarized copy of the applicant's driver's license or other similar photo identification;

(3) Notarized copy of his/her credentials and professional resume of satisfactory completion of any programs they have completed for proof of experience; and

(4) Proof of experience as required in 310:233-9-2(d)(8)(A-D).

(j) Challenge status shall be granted between November 1, 2006 and July 14, 2007 to those seeking to practice tattooing in Oklahoma. The Department shall accept the challenge test administered by the Oklahoma Department of Career Technology with results to be evidenced by a completed testing verification provided to the Department by the Oklahoma Department of Career Technology.

(k) The Department shall notify the applicant in writing of its decision to approve or disapprove the applicant's challenge status within 30 days after receipt of a completed application.

An applicant who is not eligible to challenge must enroll in a tattoo apprentice program. An applicant who is eligible to challenge must present the letter of notification from the Department upon enrolling in the skills challenge testing process that shall be administered by Oklahoma Department of Career and Technology Education.

(l) Upon completion of the testing process, the applicant is eligible to apply for a Tattoo Artist license. In order to apply for a license, the candidate must submit the following to the Department:

(1) Completed application as specified in 310:233-9-2(i)(1-5); and

(2) Completed Testing Verification Form provided by the Department which includes:

(A) Skills evaluation information; and

(B) Written certification examination records.

(m) Bloodborne training certification shall contain at a minimum the following elements:

(1) A general explanation of the epidemiology and symptoms of bloodborne diseases;

(2) An explanation of the modes of transmission of bloodborne pathogens;

(3) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;

(4) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(5) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

(6) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

(7) An explanation of the basis for selection of personal protective equipment;

(8) Information on the Hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated;

(9) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

(10) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

(11) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident; and

(12) An explanation of the signs and labels and/or color coding required.

(n) First aid certification shall include instruction in:

(1) Injury and acute illness as a health problem;

(2) Interactions with the local emergency medical services system;

(3) Responsibility for maintaining a current list of emergency telephone numbers (police, fire, ambulance, poison control) easily accessible to all employees;

(4) Instruction in the principles and performance of bandaging of the head, chest, shoulder, arm, leg, wrist, elbow, foot, ankle, fingers, toes, and knee; and

(5) Apprentices should be provided with adequate instruction on the need for and use of universal precautions that should include:

(A) The meaning of universal precautions;

(B) Which body fluids are considered potentially infectious, and which are regarded as hazardous;

(C) The value of universal precautions for infectious diseases;

(D) The necessity for keeping gloves and other protective equipment readily available and the appropriate use of them; and

(E) The appropriate tagging and disposal of any sharp item or instrument requiring special disposal measures such as blood soaked material, and the appropriate management of blood spills.

(o) CPR training certification shall included instruction in:

(1) Performing a primary survey of each victim including airway, breathing, and circulation assessments;

(2) The presence of any bleeding, establishing and maintaining adult airway patency;

(3) Performing adult breathing resuscitation; and

(4) Performing choking assessments and appropriate first aid intervention.

310:233-9-3. Prohibitions

The following acts shall be prohibited:

(1) Owning, operating or soliciting business as a body piercing or tattoo establishment or operator without first obtaining all necessary ~~permits~~ licenses and approvals from the Department, unless specifically exempted by OAC 310:233.

(2) Obtaining or attempting to obtain a body piercing or tattoo establishment ~~permit~~ license or an artist license by means of fraud, misrepresentation or concealment.

310:233-9-4. Body piercing or tattoo operators surety bond

All body piercing and tattoo operators shall have a surety bond in the principal sum of One Hundred Thousand Dollars (\$100,000.00) to be in a form approved by the Attorney General and filed in the Office of the Secretary of State for all body piercing or tattoo operators.

310:233-9-5. Apprentice sponsor

(a) Upon filing an application with the Department any person meeting the qualifications set forth in this section shall be able to sponsor a body piercing or tattoo apprentice if the person:

(1) Holds an Oklahoma body piercing or tattoo artist license; and

(2) Provides documentation of legally practicing body piercing or tattooing for at least five years; and

(3) Provides a curriculum to the Department for approval.

(b) The sponsor shall develop a curriculum as listed in 310:233-9-6 for body piercing or tattooing in the apprentice program.

(c) The sponsor shall not have more than one apprentice working on their curriculum at one time. The sponsor shall have no more than one apprentice working under supervision with an apprentice license.

310:233-9-6. Apprentice program

(a) Curriculum requirements shall be taught over a minimum of 1500 hours to include the following:

(1) Microbiology;

(2) Sanitation and disinfection;

(3) Safety;

(4) Bloodborne pathogen standards;

(5) Professional standards; and

(6) Body piercing or tattooing.

(b) The apprentice program shall be a minimum of one (1) year and no more than two (2) years in length.

(c) After completion of the curriculum program the apprentice shall be given challenge status. The apprentice shall take the test administered by the Oklahoma Department of Career and Technology Education with a passing minimum score of 70%. The apprentice license to practice body piercing or tattooing shall be under the direct face to face supervision of their apprentice sponsor.

310:233-9-7. Apprentice

(a) Any person desiring to enroll in the body piercing or tattoo apprentice program shall be required to provide their documentation as specified in 310:233-9-2(i)(1-4) to the Department before beginning their apprentice program. The apprentice shall identify their sponsor and the apprentice program in their application.

(b) The applicant for an apprentice license must have completed a bloodborne pathogens certification, first aid certification and CPR certification.

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(c) The license shall be \$250.00 for an apprentice for one (1) year after completion of the curriculum program. The apprentice shall renew the license through the Department as an apprentice license or be eligible for an artist license after one year from the date of the initial apprentice license that was issued.

(d) The sponsor of the apprentice shall sign off on the successful completion of the curriculum program with the completion of 1500 hours. The sponsor shall sign off on the completion of one year of supervision practicing as a licensed apprentice.

310:233-9-8. License application and review process

An individual applying for license shall provide the application in completion with the information identified in 310:233-9-2 for review by the Department for eligibility of testing and licensure.

SUBCHAPTER 11. ENFORCEMENT

310:233-11-1. General requirements

(a) ~~Establishments operating on the effective date of OAC 310:233 shall have up to six (6) months to make application to the Department and comply with OAC 310:233. Body piercing or tattooing establishments~~ establishments that continue to operate without proper establishment permits/licenses and artist licenses from the Department or operate in violation of OAC 310:233 shall be subject to legal remedial actions and sanctions as provided by law, the APA, 75 O.S.1991, Section 250 et seq. as amended and the Oklahoma Public Health Code, 63 O.S. Section 1-101 et seq.

(b) A representative of the Department shall ~~properly identify himself or herself~~ present official credentials and provide notice of the purpose and intent upon entering a body art piercing or tattooing establishment to make an inspection. Such an inspection shall be conducted a minimum of two times a year or as often as necessary to ensure compliance with OAC 310:233.

(c) If, after investigation, the Department finds that an artist or operator is in violation of OAC 310:233 or 21:841.1 et seq., the Department shall advise the artist or operator, in writing, of its findings ~~and instruct the operator to take specific steps to correct such violations~~ and give a date of correction within a reasonable period of time, not to exceed thirty (30) days.

(d) If the Department has reasonable cause to suspect that a communicable disease is ~~being~~, or may be transmitted by an artist, unapproved or malfunctioning equipment is being used, or unsanitary or unsafe conditions which may adversely impact the health of the public are present in the ~~facility~~ establishment, upon written notice to the owner or operator, the Department shall take such action as necessary and appropriate, including but not limited to the following:

(1) Issue an emergency order summarily excluding the performance of body piercing or tattoo procedures by the body art piercing or tattooing establishment and any or

all artists who are responsible, or reasonably appear responsible, for the transmission of a communicable disease until the Department determines there is no further risk to public health; and

(2) Issue an order to summarily suspend the ~~per-~~ ~~mit~~ license of the licensed body piercing or tattoo establishment and the licenses of any and all artists who are responsible, or reasonably appear responsible, until the Department determines there is no further risk to the public health.

(e) In taking any action to deny, revoke, suspend, or refuse renewal of a ~~permit or~~ license, the Department shall comply with the provisions of ~~the Oklahoma Administrative Procedures Act and the Oklahoma Public Health Code.~~ the APA, 75 O.S.1991, Section 250 et seq. as amended and the Oklahoma Public Health Code, 63 O.S. Section 1-101 et seq.

(f) Administrative fines may be ~~levied~~ levied for violations of OAC 310:233. Fines for violations shall include, but not be limited to:

(1) ~~Failure to obtain appropriate permits, \$500.00 per violation~~ Failure of an apprentice sponsor to supervise and comply with 310:233, up to \$5,000.00 per day or withdrawal or suspension of approval;

(2) Failure to obtain appropriate licenses, ~~\$500.00~~ up to \$5,000.00 per day or denial of license per violation;

(3) Failure to observe procedures to prevent the transmission of a bloodborne pathogen, ~~\$500.00~~ up to \$5,000.00 per day per violation;

(4) Failure to maintain instruments used in body piercing or tattoo in a sterile condition, ~~\$500.00~~ up to \$5,000.00 per day per violation;

(5) Failure to install and maintain appropriate facilities for handwashing facilities, ~~\$500.00~~ up to \$5,000.00 per day or revocation per violation;

(6) Failure to maintain client records, artist information, operator information, or monthly spore ~~destruction~~ test records, ~~\$500.00~~ up to \$5,000.00 per day per violation; and

(7) Failure of an artist to change exam gloves between clients, ~~\$500.00~~ up to \$5,000.00 per day per violation.

(g) In addition to administrative fines the Department may deny, revoke, suspend, withdraw or refuse to renew licensure for violations of this Chapter or 21 O.S. Section 842.1 et seq.

310:233-11-2. ~~Suspension or revocation of permits~~ Investigation, filing of actions and hearing procedures

(a) ~~A permit issued under the provisions of OAC 310:233 may be summarily suspended by the Department for failure of the holder to comply with the requirements OAC 310:233.~~ If the Department determines that a possible violation of the Body Piercing or Tattoo statutes or Rules has occurred, the Department may commence an investigation of the complaint.

(b) ~~Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of OAC 310:233, the owner or operator shall be notified in writing that the permit is, upon service of this notice, summarily suspended. A hearing shall be provided if a written request~~

~~for a hearing is filed with the Department. A body piercing or tattooing establishment and body piercing or tattoo artist, or applicant for licensure, in connection with a license application or an investigation conducted by the Department pursuant to OAC 310:233-11-2(a), shall not:~~

- ~~(1) Knowingly make a false statement of material fact; or~~
- ~~(2) Fail to disclose a fact necessary to correct a misapprehension known by the establishment, artist or applicants for licensure to have arisen in the application or the matter under investigation; or~~
- ~~(3) Fail to comply with a demand for information made by the Department or any designated representative thereof, unless a request for a protective order has been first made pursuant to the provisions of OAC 310:2, in which case the establishment, artist or applicant may await the decision concerning the issuance or denial of a protective order before making any response.~~
- ~~(c) Any permit may be permanently revoked after a hearing if the permit holder or operation is found to have repeated or serious violations of any of the requirements of OAC 310:233 or for interference with Department personnel in the performance of their duties. The Department may begin a disciplinary action against an establishment or artist who is not exempt from licensure by following the procedures in OAC 310:2. The Department shall specifically state the violation(s) and shall request the appropriate remedy. Remedies include revocation of a license, suspension of a license, and administrative penalty.~~
- ~~(d) If in the course of an investigation the Department determines that a licensee or applicant for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the establishment or artist's license or authorization for sponsoring an apprentice.~~
- ~~(e) Hearings shall be conducted by the Commissioner of Health or his designee as specified in OAC 310:2. The Department shall recommend the most appropriate penalty at the conclusion of the evidence.~~
- ~~(f) The Department, either by order of the Commissioner or an Administrative Law Judge, shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.~~
- ~~(g) Any person found to be practicing body piercing or tattooing without being either properly licensed, approved for supervisor status, exempt or under the approved supervision of an apprentice sponsor as part of the licensure process shall be ordered to cease practicing or supervising and may be subject to an administrative penalty. The Department may seek the assistance of the courts if the actions continue.~~
- ~~(h) The Department may assess an administrative penalty against an individual or licensee if the order includes a finding that the individual or licensee:~~
 - ~~(1) Violated any provision of the Body Piercing and Tattooing statutes, including practicing body piercing or tattooing without licensure, exemption or under the approved supervision of an approved sponsor; or~~
 - ~~(2) Violated any rule within this Chapter; or~~

- (3) Violated any order issued pursuant to this Chapter.
- (i) The total amount of the administrative penalty assessed shall not exceed ten-thousand dollars (\$10,000.00) for any related series of violations.

310:233-11-3. Suspension or revocation of licenses

- (a) A license issued under the provisions of OAC 310:233 may be suspended temporarily by the Department for failure of the holder to comply with the requirements of OAC 310:233 or 21 O.S. Section 841.1 et seq.
- (b) Whenever an artist has failed to comply with any notice issued under the provisions of OAC 310:233 or 21 O.S. Section 841.1 et seq., the Department shall send notice to the artist that the license is immediately suspended. A hearing shall be provided if a written request for a hearing is filed with the ~~Department~~Department's Office of Administrative Hearings.
- (c) For repeated or serious violations that threaten the health of the client or artist, for violations of the requirements of OAC 310:233 or 21 O. S. Section 841.1 et seq. or for refusal to allow Department personnel to inspect the ~~permitted~~licensed facility, including documents and records, a ~~permit~~license may be ~~permanently~~ revoked after a hearing.

310:233-11-4. Suspension or withdrawal of apprentice sponsor

- (a) An approval from the Department for an apprentice sponsor issued under the provisions of OAC 310:233 may be withdrawn or suspended temporarily by the Department for failure of the apprentice sponsor to provide adequate training to the apprentice under the requirements of OAC 310:233.
- (b) Whenever an apprentice sponsor has failed to comply with the provisions of OAC 310:233 the Department shall send notice to the apprentice sponsor that the approval is immediately withdrawn or suspended. A hearing shall be provided if a written request for a hearing is filed with the Department's Office of Administrative Hearings.

[OAR Docket #06-1405; filed 11-8-06]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 406. LICENSED GENETIC
COUNSELORS**

[OAR Docket #06-1406]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Chapter 406. Licensed Genetic Counselors [NEW]

AUTHORITY:

Oklahoma State Board of Health; 2006 O.S.L. 174

DATES:

Comment Period:

September 1, 2006 through September 14, 2006

Public Hearing:

September 14, 2006

Adoption:

September 14, 2006

Emergency Adoptions

Approved by Governor:

November 1, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, 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 406. Unless an emergency is declared and certified, there will be no standards in place to enforce the Genetic Counseling Licensure Act, which becomes effective November 1, 2006.

ANALYSIS:

This proposal establishes licensure requirements for Licensed Genetic Counselors. The proposal creates the Genetic Counselor Advisory Committee and establishes rules of professional conduct. The proposal establishes application procedures, academic and examination requirements, as well as supervision requirements. The proposal establishes requirements for continuing education, issuance of license, and license renewal and expiration of license. The proposal establishes procedures for enforcement of the Act and the rules. These new requirements are intended to enhance client care.

CONTACT PERSON:

Nena West, Director, Professional Counselor Licensing, Oklahoma State Department of Health, (405) 271-6030

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

SUBCHAPTER 1. GENERAL PROVISIONS

310:406-1-1. Purpose

The rules in this Chapter implement the Oklahoma Genetic Counseling Licensure Act, (2006 O.S.L 174.)

310:406-1-2. Definitions

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"ABGC" means the American Board of Genetic Counseling [63:1-562(1)].

"ABMG" means the American Board of Medical Genetics [63:1-562(2)].

"Act" means Title 63, Sections 1-561 et seq., of the Oklahoma Statutes.

"Active candidate status" means an individual who has been approved by the American Board of Genetic Counseling (ABGC) to sit for the certification exam in genetic counseling.

"Advisory Committee" means the Genetic Counseling Advisory Committee appointed by the Commissioner.

"Board" means the State Board of Health.

"Patient" means a person receiving genetic counseling from a genetic counselor.

"Commissioner" means the State Commissioner of Health.

"Department" means the State Department of Health.

"Dual relationships" means a familial, social, financial, business, professional, close personal, sexual or other non-counseling relationship with a patient, or engaging in any activity with another person that interferes or conflicts with the LGC's professional obligation to a patient.

"Licensed genetic counselor" or **"LGC"** means any person who is licensed pursuant to the provisions of the Genetic Counseling Licensure Act or offers to or engages in genetic counseling. The term shall not include those professions exempted by Section 1-566 of the Act.

SUBCHAPTER 3. ADVISORY COMMITTEE OPERATIONS

310:406-3-1. Purpose

This Subchapter creates the Genetic Counseling Advisory Committee, whose duty shall be to advise the Department regarding provisions of the Act, except as otherwise provided by law.

310:406-3-2. Advisory committee membership

(a) The advisory committee shall consist of five (5) members who shall be appointed by the Commissioner.

(b) Two members shall be licensed genetic counselors; provided, initial genetic counselor appointees shall not be required to be licensed under the Act before the end of the first year that the license is available. One member shall be an ethicist or a geneticist currently licensed by the State Board of Examiners for Medical Licensure and Supervision or the Board of Osteopathic Examiners. One member shall be a representative of the Oklahoma Genetics Advisory Council. One member shall be a lay person who is not affiliated with any practice of genetic counseling.

(c) The first advisory committee shall serve the following terms: one member for one (1) year, two members for two (2) years, and two members for three (3) years. Thereafter, at the expiration of the term of each member, the Commissioner shall appoint a successor for a four (4) year term.

(d) Vacancies occurring in the advisory committee shall be filled for the unexpired term by appointment by the Commissioner.

(e) Any advisory committee member may be removed by the Commissioner, after written notice, for incapacity, incompetence, neglect of duty, or misfeasance or malfeasance in office.

(f) Members of the advisory committee shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses as provided in the State Travel Reimbursement Act.

(g) Advisory committee members may be reappointed at the completion of their term.

(h) The advisory committee may hold four regularly scheduled meetings each year and special meetings as needed. Meetings shall be held at such time and place as the advisory committee may provide. The advisory committee shall elect annually the following officers: A chair, a vice-chair, and a secretary. Three members of the advisory committee shall constitute a quorum.

310:406-3-3. Officers

(a) **Chair.** The chair shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by law or rule. The chair is authorized to make day-to-day decisions regarding advisory committee activities in order to facilitate the responsiveness and effectiveness of the advisory committee.

(b) **Vice-chair.** The vice-chair shall perform the duties of the chair in the absence or disability of the chair.

(c) **Secretary.** In the absence of the chair and vice-chair, the secretary will preside until the chair or vice-chair is present.

310:406-3-4. Rules of Order

Robert's Rules of Order Newly Revised, 10th ed. (Cambridge, Mass.: Perseus Publishing, 2000) shall be the basis of parliamentary decisions except as otherwise provided by the advisory committee.

310:406-3-5. Subcommittees

(a) The chair with the approval of the advisory committee may establish subcommittees deemed necessary to carry out advisory committee responsibilities.

(b) The chair shall appoint the members of the advisory committee to serve on subcommittees.

(c) The chair may appoint non-advisory committee members to serve as subcommittee members on a consultant or voluntary basis subject to advisory committee approval.

(d) The subcommittee chair shall make regular reports to the advisory committee in interim written reports and/or at regular meetings.

(e) Subcommittees shall direct all reports or other materials to the Department for distribution.

(f) Subcommittees shall meet when called by the chair or when so directed by the advisory committee.

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

310:406-5-1. Responsibility

LGCs shall accept responsibility for the consequences of their work and ensure that their services are used appropriately. LGCs shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation. LGCs shall not use their relationships with patients for personal advantage, profit, satisfaction, or interest.

310:406-5-2. Competence

(a) **Genetic counseling.** LGCs shall practice only within the boundaries of their competence and within professional standards, based on their education, training, and appropriate professional experience.

(b) **Impairment.** LGCs shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LGCs shall seek assistance for any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional activities. If an LGC possesses a bias, disposition, attitude, moral persuasion or other similar condition that limits his or her ability to recommend a course of treatment or decision-making that is indicated, and under such circumstances where all other treatment and decision options are contra-indicated, then in that event the LGC shall not undertake to provide genetic counseling and will terminate the genetic counseling relationship in accordance with these rules.

(c) **Opinion Testimony.** LGCs shall not offer or accept an offer to engage in rendering opinion testimony relating to work performed for their patient and shall limit their role to fact witness in any matter involving that patient, unless otherwise required by law or court order.

310:406-5-3. Patient welfare

(a) **Discrimination.** LGCs shall not, in the rendering of professional services, participate in, condone, or promote discrimination on the basis of race, color, age, gender, religion or national origin.

(b) **Confidentiality.** LGCs shall maintain the confidentiality of any information received from any person or source about a patient, unless authorized in writing by the patient or otherwise authorized or required by law or court order.

(c) **Confidentiality of records.** LGCs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any genetic counseling record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

(d) **Requirement of records.** LGCs shall maintain verifiable records necessary for rendering professional services to their patients for at least 3 (three) years beyond discontinuation of services. LGCs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(e) **Patient access to records.** LGCs shall provide the patient with a copy of the patient's record in accordance with state law. In situations involving multiple patients, access to records is limited to those parts of records that do not include confidential information related to another patient.

(f) **Dual relationships.** LGCs shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LGC reasonably suspects that he or she has inadvertently entered into a dual relationship the LGC shall record that fact in the records of the affected patient(s) and take reasonable

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steps to eliminate the source or agent creating or causing the dual relationship. If the dual relationship cannot be prevented or eliminated and the LGC cannot readily refer the patient to another genetic counselor or other professional, the LGC shall complete one or more of the following measures as necessary to prevent the exploitation of the patient and/or the impairment of the LGC's professional judgment:

- (1) Fully disclose the circumstances of the dual relationship to the patient and secure the patient's written consent to continue providing genetic counseling;
 - (2) Consult with other professional(s) to understand the potential impairment to the LGC's professional judgment and the risk of harm to the patient of continuing the dual relationship;
- (g) **Invasion of privacy.** LGCs shall not make inquiry into persons or situations not directly associated with the patient's situation.

(h) **Referral.**

- (1) LGCs shall not abandon or neglect current patients without making reasonable arrangements for the continuation of necessary counseling services by another professional.
 - (2) When an LGC becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LGC's competence or duty of responsibility to current patients, including a suspension of the LGC's license or any other situation or condition described in this Subchapter, the LGC shall promptly notify the patient in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the genetic counseling relationship.
- (i) **Providing counseling to persons of prior association.** LGCs shall not undertake to provide genetic counseling to any person with whom the LGC has had any prior sexual contact or close personal relationship within the previous five (5) years.
- (j) **Interaction with former patients.** LGCs shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former patient for two (2) years after the termination of the genetic counseling relationship. LGCs shall not engage in any activity that is or may be sexual in nature with a former patient for at least five (5) years after the termination of the genetic counseling relationship. LGCs shall not exploit or obtain an advantage over a former patient by the use of information or trust gained during the genetic counseling relationship.

310:406-5-4. Professional standards

- (a) **Violations of other laws.** It shall be unprofessional conduct for an LGC to violate a state or federal statute if the violation directly relates to the duties and responsibilities of the genetic counselor or if the violation involves moral turpitude.
- (b) **Drug and alcohol use.** LGCs shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.
- (c) **Updating.** LGCs shall notify the Department of any change in address, telephone number or employment within thirty (30) days of such change.

(d) **Candor to the Department.** An LGC or an LGC candidate, in connection with a license application or an investigation conducted by the Department pursuant to OAC 310:406-23-3, shall not:

- (1) knowingly make a false statement of material fact;
- (2) fail to disclose a fact necessary to correct a misapprehension known by the LGC or LGC candidate to have arisen in the application or the matter under investigation; or
- (3) fail to respond to a demand for information made by the Department or any designated representative thereof within twenty (20) days of the demand, unless a request for a protective order has been first made pursuant to Chapter 2 of this Title, in which case the LGC or LGC candidate may await the decision concerning the issuance or denial of a protective order before making any response.

SUBCHAPTER 7. APPLICATION FOR LICENSURE

310:406-7-1. General

- (a) This Subchapter ensures that all applicants meet those requirements specified in the Act.
- (b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials on official Department forms.

310:406-7-2. Application materials and forms

- (a) Each application shall include the following documents:
- (1) Application form.
 - (2) Official transcript, mailed from a genetic counseling training program accredited by the ABGC or ABMG.
 - (3) Verification of certification by the ABGC or ABMG, or verification of active candidate status conferred by the ABGC, ABMG, or an equivalent acceptable entity.
 - (4) Two (2) classifiable sets of fingerprints, and
 - (5) Fees.
- (b) The application form requires the following:
- (1) Identifying information;
 - (2) Possession of other credentials;
 - (3) Previous misconduct (if applicable);
 - (4) Education;
 - (5) References;
 - (6) Proposed professional practice; and
 - (7) Notarization.

310:406-7-3. Denial of license

If the Department denies any application or request for licensure the applicant or requestor shall be notified of the Department's decision within thirty (30) days thereof and the applicant shall have fifteen (15) days to request a hearing to review the Department's decision. The notice shall advise the applicant or requestor of his or her right to a hearing and the time within which a request to review the Department's decision must be submitted.

SUBCHAPTER 9. ACADEMIC REQUIREMENTS

310:406-9-1. Degrees required

(a) Each applicant shall possess at least a master's degree from a genetic counseling training program that is accredited by the ABGC or an equivalent entity as determined by the ABGC, or

(b) An applicant may possess a doctoral degree from a medical genetics training program accredited by the ABMG or an equivalent as determined by the ABMG.

SUBCHAPTER 11. LICENSURE EXAMINATIONS

310:406-11-1. Examination required

All applicants shall take and pass the ABGC Genetics Counseling Certification Examination or have passed the ABMG General Genetics and Genetic Counseling Specialty examinations.

SUBCHAPTER 13. SUPERVISION REQUIREMENTS

310:406-13-1. Purpose

This Subchapter establishes the supervision requirements for individuals practicing under the authority of a temporary license.

310:406-13-2. General supervision

All individuals practicing under the authority of a temporary license shall receive general supervision as required by the Act. Supervision shall at a minimum include a review of applicable genetic counseling services provided by the supervisee that have not been previously reviewed.

310:406-13-3. Frequency of supervision contact

Supervision contact shall occur at least every two weeks provided patient contacts have taken place in person, in writing or electronically.

310:406-13-4. Supervisor qualification

Any person serving as a supervisor to a person holding a temporary license must be a licensed genetic counselor or a licensed physician.

310:406-13-5. Documentation of supervision

(a) A supervision agreement form between the supervisor and supervisee shall be received and approved by the Department prior to beginning the accrual of supervision.

(b) A supervision agreement form between the supervisor and supervisee shall be submitted annually.

(c) The supervisor and supervisee shall sign and submit a documentation of supervision form annually.

(d) The supervision agreement may be renewed annually by the Department with the submission of a new supervision agreement and the documentation of supervision provided in the previous year.

SUBCHAPTER 15. [RESERVED]

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

310:406-17-1. Purpose

This Subchapter establishes the continuing education requirements necessary for license renewal.

310:406-17-2. Number of hours required

LGCs shall complete and furnish documentation to the Department of thirty (30) clock hours of continuing education in each preceding two-year licensing cycle.

310:406-17-3. Acceptable continuing education

Continuing education must be ABGC approved for at least 10 of the continuing education hours. The remaining twenty hours of continuing education may consist of medical continuing education in the LGC's area of employment.

310:406-17-4. Submission of continuing education roster

LGCs shall submit a continuing education roster, along with individual verification of attendance documents with the license renewal fee. Rosters must include the identity and license number of the LGC receiving continuing education, the date, name, and location of the conference, the number of hours awarded, and the entity or organization sponsoring the conference. Only continuing education accrued in the preceding license renewal period can be used to satisfy the continuing education requirement for renewal.

310:406-17-5. Penalty for failure to submit continuing education

Failure to fulfill the continuing education requirements by the renewal date may result in the license being suspended and all rights granted by the license may be null and void, unless the LGC can show that he or she was subjected to circumstances which prevent the LGC from meeting the continuing education requirements.

310:406-17-6. Submission of fraudulent continuing education

The submission of fraudulent continuing education hours shall result in disciplinary action against any person who knowingly participates in the submission.

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SUBCHAPTER 19. ISSUANCE OF LICENSE

310:406-19-1. License

The Commissioner shall issue a license certificate, which contains the licensee's name, license number, and highest accredited genetic counseling academic degree and date of issue.

310:406-19-2. Property of the Department

All licenses issued by the Commissioner shall remain the property of the Department and shall be surrendered on demand.

310:406-19-3. Notification

After the applicant fulfills all requirements for licensure the Department shall mail notification of qualification for licensure to the licensee at his or her last known address.

310:406-19-4. Replacement

The Department shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LGC's original license or be accompanied by the damaged license, if available.

310:406-19-5. Temporary license

The Department may issue a temporary license to an applicant who meets the licensure requirements.

310:406-19-6. Temporary licensure

(a) Requirements. An applicant for temporary licensure must meet the following requirements:

- (1) Satisfy all of the qualifications for licensure established in the Genetic Counseling Licensure Act with the exception of certification by the ABGC, and have active candidate status conferred by the ABGC;
- (2) Obtain a supervisor who is a licensed genetic counselor, or a physician licensed to practice in Oklahoma, with current ABMG certification in clinical genetics.

(b) Examination. A person granted a temporary license shall apply for and take the next examination that is available to the person as determined by ABGC. If an applicant fails the first sitting of the ABGC certification examination, the applicant may reapply for a second temporary license. A temporary license shall not be issued to an applicant who has failed the ABCG certification examination more than once.

(c) Expiration. A temporary license shall expire upon the earliest of the following:

- (1) Issuance of full licensure;
- (2) Thirty (30) days after failing the certification examination; or,
- (3) The date printed on the temporary license.

SUBCHAPTER 21. LICENSE RENEWAL AND EXPIRATION

310:406-21-1. Responsibility

Each LGC is responsible for renewing the license before the expiration date.

310:406-21-2. Initial licensing period

The renewal date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.

310:406-21-3. Renewal of license

The initial license will expire in two (2) years from the date of issuance unless renewed. License renewals shall expire every two years. Prior to submitting a request for license renewal the licensee must complete at least thirty (30) hours of continuing education.

310:406-21-4. Requirements for renewal

Requirements for renewal include the following:

- (1) Compliance with the Act and this Chapter;
- (2) Documentation of the required continuing education; and,
- (3) Payment of the renewal fee(s).

310:406-21-5. Display of verification card

A current license verification card shall be displayed on the original or replaced license.

310:406-21-6. Inactive status

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.

(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Department.

(c) When a license is placed on inactive status, it remains inactive for at least one (1) year from the date of inactivation.

(d) Active status may be reestablished upon payment of the biennial renewal fee.

(e) Thirty (30) hours of continuing education shall be submitted at the end of the two-year renewal period of a reactivated license.

310:406-21-7. Renewal notification

The Department shall mail to licensee's last known address, at least forty-five (45) days prior to the expiration date of the LGC's license, a notice of expiration.

310:406-21-8. Failure to renew

If the licensee fails to renew the license by the expiration date, the Department shall mail a notification to the last known address which shall include the following:

- (1) Suspension of the license and forfeiture of rights and any privilege granted pursuant to the license, and,

(2) The LGC has the right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the suspension of the license.

310:406-21-9. Return of license

Licenses not renewed within the one (1) year re-instatement period shall not be reinstated and the license shall be returned to the Department.

310:406-21-10. Misrepresentation

A LGC whose license has been inactivated, suspended, or revoked and continues to represent himself as an LGC, is in violation of the Act and shall be reported to the appropriate District Attorney for prosecution.

SUBCHAPTER 23. ENFORCEMENT

310:406-23-1. Purpose

This Subchapter specifies the administration of complaints and the filing of disciplinary actions against LGCs or against persons who practice genetic counseling without a license or exemption.

310:406-23-2. Complaints

(a) Any person may file a complaint against a LGC or a person practicing genetic counseling who is not otherwise exempt from the LGC Act. A person wishing to report a complaint or alleged violation against a licensee or person practicing genetic counseling may notify the Department in writing, by telephone, or by a personal visit. The Department will determine whether the complaint alleges a possible violation of the Act or this Chapter. The Department may present the complaint to the advisory committee for consultation.

(b) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection.

310:406-23-3. Investigation

If the Department has reason to believe that a possible violation of the Act or this Chapter has occurred, the Department may commence an investigation of the complaint.

310:406-23-4. Filing of an action

(a) The Department may begin a disciplinary action against an LGC or a person practicing genetic counseling who is not exempt from licensure by following the procedures in Chapter 2 of this Title. The Department shall specifically state the violation(s) and shall state the remedy sought by the Department. Remedies include revocation of a license, suspension of a license, probation of a licensee and/or administrative penalty.

(b) If in the course of an investigation the Department determines that a licensee or candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or

welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the genetic counselor's license or authorization to conduct genetic counseling. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a licensee or candidate has violated 310:406-5-3(f) or 310:406-5-4(a,b,c or e).

310:406-23-5. Hearing

Hearings shall be conducted by the Commissioner or his designee as specified in Chapter 2 of this Title. The Department shall recommend the most appropriate penalty at the conclusion of the evidence. In making its recommendation, the Department may seek the counsel of the advisory committee.

310:406-23-6. Final order

The Department, either by order of the Commissioner or his designee, shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

310:406-23-7. Unauthorized practice

Any person found to be practicing genetic counseling without being either properly licensed, exempt or under approved supervision as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Department may seek the assistance of the courts if the unauthorized practice of genetic counseling continues.

310:406-23-8. Administrative penalties

(a) The Department may assess an administrative penalty against an individual if the order includes a finding that the individual violated any of the following:

- (1) Any provision of the Act, including practicing counseling without licensure or exemption; or
- (2) Any rule within this Chapter; or
- (3) Any order issued pursuant to this Chapter.

(b) The total amount of the administrative penalty assessed shall not exceed ten thousand dollars (\$10,000.00) for any related series of violations.

[OAR Docket #06-1406; filed 11-8-06]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 526. DENTAL SERVICES**

[OAR Docket #06-1407]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:

- Subchapter 1. General Provisions [NEW]
- 310:526-1-1. through 310:526-1-3. [NEW]
- Subchapter 3. Oklahoma Dental Loan Repayment Program [NEW]
- 310:526-3-1. through 310:526-3-6. [NEW]

Emergency Adoptions

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Sections 1-105 and 1-2710 et seq.

DATES:

Public Hearing:

September 14, 2006

Adoption:

September 14, 2006

Approved by Governor:

November 1, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, 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 an emergency rule is required to enact the legislatively mandated Oklahoma Dental Loan Repayment Act by November 1, 2006. Failure to do so will result in noncompliance with State law.

ANALYSIS:

The proposed rule will implement the Oklahoma Dental Loan Repayment Act, 63 O.S. Section 1-2710 et seq., by creating the Oklahoma Dental Loan Repayment Program. The Program is designed to increase the number of dentists serving and caring for those dependent upon the state for dental care and to make dental care accessible to underserved metropolitan and rural areas by providing educational loan repayment assistance for up to five (5) Oklahoma licensed dentists per year for a two (2) to five (5) year period per dentist. One dentist each year entering the Program shall agree to teach at the University of Oklahoma College of Dentistry.

CONTACT PERSON:

Michael L. Morgan, DDS, MPA, Chief of Dental Service, Oklahoma State Department of Health, 405-271-5502

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

SUBCHAPTER 1. GENERAL PROVISIONS

310:526-1-1. Purpose

This chapter identifies the authority and provides definitions for dental services provided to individuals by the Department.

310:526-1-2. Authority

Oklahoma State Board of Health; 63 O.S. Sections 1-105 and 1-2710 et seq.

310:526-1-3. Definitions

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

"Advisory Committee" means a committee utilized during an ODLRA selection process whose responsibilities and makeup are described in these Rules.

"Commissioner" means the Commissioner of Health of the Oklahoma State Department of Health or his/her designee.

"Contract" means a written agreement between the participating dentist and the Oklahoma State Department of Health upon acceptance into the ODLRA Program.

"Dental Service" means the Dental Program of the Oklahoma State Department of Health.

"Dental services" means the provision of diagnostic, preventive, restorative, emergency and palliative services provided by licensed general or pediatric dentists. The provision of dental services includes a reasonable amount of time for performing tasks related to the service, such as record-keeping.

"Dentist" means a person who is licensed to practice dentistry by the Oklahoma Board of Dentistry.

"Dentistry" means the practice of dentistry by a dentist as defined in the latest editions of the Oklahoma State Dental Act and the Oklahoma Board of Dentistry Rules and Regulations.

"Designated Dental Health Professional Shortage Area" or "DHPSA" means a location in Oklahoma that has been officially designated, as of cut-off date of application period(s), as experiencing special dental health problems and dentist practice patterns that limit access to dental care.

"Department" means the Oklahoma State Department of Health.

"Educational expenses" means all or part of the principal and interest of an educational loan which has been taken out by an individual that meets eligibility criteria for the Program.

"Medicaid dental provider" means a dentist who has fulfilled the Oklahoma Health Care Authority requirements to be reimbursed fees for services provided to the Title XIX Medicaid population.

"Medicaid patient" means a patient enrolled, at the time of dental treatment, in the State Title XIX Medicaid Program as administered by the Oklahoma Health Care Authority.

"New dental school graduate" means a dentist who has graduated from an accredited U.S. dental school during the last three years prior to submitting an application for the ODLRA Program.

"ODLRA" means the Oklahoma Dental Loan Repayment Act.

"Oklahoma Health Care Authority" or "OHCA" means the state agency responsible for the Title XIX Medicaid Program in Oklahoma.

"Participating dentist" or "participant" means a dentist selected to participate in the ODLRA Program and who has an effective ODLRA contract with the Department.

"Patient" means the unduplicated count of individuals treated at an approved practice site.

"Program" means the Oklahoma Dental Loan Repayment Program.

"Service obligation" means the terms established by the contract period as defined by the Department, not to exceed 12 months, and may include an option to renew yearly.

SUBCHAPTER 3. OKLAHOMA DENTAL LOAN REPAYMENT PROGRAM

310:526-3-1. Purpose

The rules in this subchapter implement the Oklahoma Dental Loan Repayment Act, 63 O.S. Section 1-2710 et seq. The purpose of this rule is to create a program designed to increase the number of dentists serving and caring for those dependent upon the state for dental care and to make dental care accessible to underserved metropolitan and rural areas by providing educational loan repayment assistance to qualified service providers.

310:526-3-2. Description and operation of the Program

(a) **Department's equal opportunity policies applicable.** The Department's Dental Service will administer the Oklahoma Dental Loan Repayment Program in accordance with the Department's policies governing equal opportunity and access to programs, services and activities.

(b) **General operation of the Program.** The Program will provide educational loan repayment assistance to as many as five (5) Oklahoma licensed dentists per year for a 2 to 5 year period per dentist. One dentist entering or participating in the Program each year shall agree to teach at the University of Oklahoma College of Dentistry.

(c) **Determining individual awards.** The amount of award, not to exceed \$25,000 per year for each participating dentist, shall be determined by the Department annually based upon the amount of funds appropriated to the Department. If the participating dentist's eligible loans are less than the cumulative repayment assistance total available over 5 years, that participating dentist shall be in the Program no longer than required to pay off the total eligible loans and shall not receive more funding assistance than the total eligible indebtedness.

(d) **Distributing the awards.** Each award shall be distributed to the participating dentist by two-party drafts made payable to the dentist and the appropriate loan agency in equal monthly disbursements throughout the service obligation.

(e) **Default.** If the participating dentist does not fulfill the terms of the service obligation, the Department may at its option collect from the participant the entire amount of loan repayment assistance extended to the participant under the Program, plus interest.

310:526-3-3. Eligibility to participate in the Program

(a) **Eligibility requirements common to both non-faculty and faculty participants.** Eligibility for repayment assistance for non-faculty and faculty participants requires compliance with the following requirements:

- (1) receipt or award of a dental degree from an accredited United States dental school within the previous three (3) years;
- (2) completion of all requirements to receive or be awarded an active unrestricted license to practice dentistry in the State of Oklahoma at the time the service obligation begins; and,
- (3) a demonstrable financial need with outstanding eligible dental school loans.

(b) **Additional eligibility requirements for non-faculty participants.** Eligibility for repayment assistance for non-faculty participants requires compliance with the following additional requirements:

- (1) an established practice, or the commitment to establish a practice, located in an Oklahoma DHPSA;
- (2) fulfillment of all applicable requirements of the Oklahoma Health Care Authority to qualify as a Medicaid Dental Provider at the time the service obligation begins;
- (3) agree that a minimum of 30% of patients seen during the service obligation/contract period are Medicaid recipients at the time of treatment; and,
- (4) maintain a full-time general or pediatric dental practice at the established practice described in the service contract.

(c) **Additional eligibility requirements for faculty participants.** Eligibility for repayment assistance for faculty participants requires compliance with the additional requirement of abiding by the rules and regulations for a faculty member, and the job duties assigned by the Dean of the University of Oklahoma College of Dentistry.

(d) **Limitations upon eligibility common to both non-faculty and faculty participants.** A non-faculty or faculty participant's eligibility may be rescinded or terminated if any of the following conditions occur:

- (1) a breach of an obligation for service to a federal, state, or local government entity;
- (2) an obligation for service to a federal, state, or local government entity that will interfere with the fulfillment of the requirements of the Program that remains unsatisfied; or,
- (3) default or material breach of an agreement to repay a higher education loan or borrowing agreement.

(e) **Additional considerations.**

- (1) Preference will be given to graduates of the University of Oklahoma College of Dentistry.
- (2) An eligible practice site is a solo, group, or incorporated private practice, and any federal, state, local, or private for-profit or nonprofit dental facility.
- (3) To qualify for the 30% minimum Medicaid recipient requirement the participant must use an unduplicated count of the patients seen during the service obligation. The 30% requirement will be monitored monthly, but the participant will be deemed to be compliant if the yearly average is 30% or greater.

(f) **Eligible loans.** Loans eligible for repayment assistance are any loans for educational expenses while attending dental school from a college, university, government, commercial source, or an organization, institution, association, society, or corporation that is exempt from taxation under 501(c)(3) or (4) of the Internal Revenue Code of 1986. The ODLRA participant must be able to provide, upon request, documentation that commercial loans were used for payment of educational expenses.

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310:526-3-4. Procedures for administering the Program

The Program shall develop dental loan repayment procedures as may be necessary to carry out the administration of the Program. The Program shall delineate the following procedures:

- (1) **Applications.** All interested new dental school graduates shall file an application with the Department. This application can be submitted at any time during the year. Applications are available in the Dental Service office of the Oklahoma State Department of Health.
- (2) **Approval by the Department.** Applications shall be reviewed by the Advisory Committee. Following this review, the Advisory Committee will forward their recommendations to the Department. Applications will be approved or declined as determined by the Department.
- (3) **Renewal of loan repayment contracts.** The original loan repayment contract may be renewed annually for up to five (5) years, contingent upon funding from the Legislature and continued approval of the Department based upon the dentist's performance and recommendations of the Advisory Committee.
- (4) **Advisory Committee.** The Department will appoint and convene an Advisory Committee to assist in the dental loan repayment process. The Advisory Committee shall include five (5) members with representation from the Oklahoma Dental Association, the University of Oklahoma College of Dentistry, the Oklahoma Health Care Authority, the Oklahoma Board of Dentistry, and the Oklahoma Children's Oral Health Coalition. The Advisory Committee is responsible for reviewing the eligible applicants, as determined by the Department, and making recommendations to the Department. The Department makes the final selection of Program participants.

310:526-3-5. Applicant Contracts

- (a) Each applicant, before being granted loan repayment assistance under the Program, shall enter into a contract with the Department agreeing to the terms and conditions upon which the aforementioned assistance shall be granted to the applicant.
- (b) The participant shall fulfill all contractual obligations outlined, referenced or described in the contract.
- (c) The contract shall be signed by the Commissioner on behalf of the Department, and by the applicant. In the event the applicant is married, the contract shall also be co-signed by the applicant's spouse.
- (d) The Department may file suit against any participant, and co-signor if applicable, for any balance due the Department for any contract, or portion thereof, that is unfulfilled or breached by the participant. The Department may cancel any contract made between it and the participant upon cause deemed sufficient by the Department.

310:526-3-6. Annual Report

The Department shall present a report on the Program to the Governor, the Speaker of the House of Representatives, and

the President Pro Tempore of the Senate within one month of the beginning of each regular session of the Legislature.

[OAR Docket #06-1407; filed 11-8-06]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 527. ALTERNATIVES-TO-ABORTION SERVICES

[OAR Docket #06-1408]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

310:527-1-1. through 310:527-1-5. [NEW]

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. §§ 1-105 and 1-740.11-12

DATES:

Public Hearing:

September 14, 2006

Adoption:

September 14, 2006

Approved by Governor:

November 1, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

To meet the requirements of 63 O.S. Section 1-740.11-12 and have this legislation effective by November 1, 2006, it is necessary to have these rules approved and effective prior to this date.

ANALYSIS:

This proposed rule will establish and implement the program to facilitate funding to nongovernmental entities that provide alternatives-to-abortion services.

CONTACT PERSON:

Annette Jacobi, Chief, Family Support & Prevention Service, Oklahoma State Department of Health, (405) 271-7611

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

310:527-1-1. Purpose

The purpose of this chapter is to provide definitions and eligibility requirements for the establishment and implementation of the program to facilitate funding to nongovernmental entities that provide alternatives-to-abortion services.

310:527-1-2. Definitions

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

"Alternatives to Abortion Services" means those services that promote childbirth instead of abortion by providing information, counseling, and support services that assist pregnant women or women who believe they may be pregnant to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children. [63 O.S. § 1-740.11]

"Department" means the Oklahoma State Department of Health.

310:527-1-3. Services

(a) Alternatives-to-abortion services must focus on positive outcome-based results that are measurable and relate to promoting childbirth, adoption or parenting of children.

(b) Alternatives-to-abortion services may include, but are not limited to: medical care, nutritional services, housing assistance, adoption services, educational and/or employment assistance, child care assistance, and parenting education and support services. [63 O.S. § 1-740.11]

(c) Services will be made available without requirement for age, sex, race, religion, nationality, marital status or pregnancy history.

(d) Services may be provided from the time a woman is pregnant, or believes she is pregnant, through the first year following the birth of her child.

310:527-1-4. Eligibility Requirements

(a) To be eligible to receive alternatives-to-abortion funding, organizations must provide services that promote childbirth by providing information, counseling and support services that assist pregnant women or women who believe they may be pregnant to choose childbirth and to make informed decisions regarding the choice of adoption or parenting with respect to their children.

(b) Any organization or affiliate of an organization that provides or promotes abortion or directly refers for abortion shall not be eligible to receive alternatives-to-abortion funding. Organizations that provide nondirective counseling relating to a pregnancy will not be disqualified from receiving these funds. [63 O.S. § 1-740.12]

(c) The Department may not contract for alternatives-to-abortion services with an adoption agency that is not licensed by the State. [63 O.S. § 1-740.11]

310:527-1-5. Alternatives-to-Abortion Services Revolving Fund

Awards to organizations providing alternatives-to-abortion services shall be made from the Alternatives-to-Abortion Services Revolving Fund in accordance with the Central Purchasing Act.

[OAR Docket #06-1408; filed 11-8-06]

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

[OAR Docket #06-1387]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 5. Individual Providers and Specialties
Part 1. Physicians
317:30-5-22. [AMENDED]
317:30-5-24. [AMENDED]
(Reference APA WF # 06-28)

AUTHORITY:
The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 435.1008

DATES:
Adoption:
September 14, 2006

Approved by Governor:
October 18, 2006

Effective:
Immediately upon Governor's approval or November 1, 2006, whichever is later

Expiration:
Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:
N/A

INCORPORATIONS BY REFERENCE:
N/A

FINDING OF EMERGENCY:
The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rule revisions to allow coverage for a first trimester ultrasound and additional ultrasounds for high risk pregnancies. Through the use of high risk ultrasounds, the provider can more accurately determine the estimated due date which enhances the probability of a positive birth outcome. Further, the additional ultrasounds are available for those members that are identified as high risk pregnancies.

ANALYSIS:
Rules are revised to allow coverage for first trimester ultrasounds and additional ultrasounds as needed for high risk pregnancies. Through the use of high risk ultrasounds, the provider can more accurately determine the estimated due date which enhances the probability of positive birth outcomes. Current rules do not allow for first trimester ultrasounds nor does it allow for an adequate number of follow up ultrasounds for women with established serious pregnancy conditions or complications. Therefore, rules revisions are needed to enhance the probability of positive birth outcomes through coverage of additional ultrasounds.

CONTACT PERSON:
Joanne Terlizzi at (405)522-7272

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE UPON APPROVAL BY GOVERNOR OR NOVEMBER 1, 2006, WHICHEVER IS LATER:

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

Emergency Adoptions

PART 1. PHYSICIANS

317:30-5-22. Obstetrical care

(a) Obstetrical (OB) care ~~should be~~ is billed using the appropriate CPT codes for Maternity Care and Delivery. The date of delivery ~~should be~~ is used as the date of service for charges for total obstetrical care. Inclusive dates of care should be indicated on the claim form as part of the description. Payment for total obstetrical care includes all routine care, and any ultrasounds performed by the attending physician provided during the maternity cycle unless otherwise specified in this Section. For payment of total OB care, a physician must have provided care for more than one trimester. To bill for prenatal care only, the claim is filed after the patient member leaves the provider's care. Payment for routine or minor medical problems will not be made separately to the OB physician outside of the ante partum visits. The ante partum care during the prenatal care period includes all care by the OB attending physician except major illness distinctly unrelated to the pregnancy.

(b) Procedures paid separately from total obstetrical care are listed in (1) - (6) of this subsection.

(1) ~~Level I Complete Ultrasound: Payment will be made separately from the total obstetrical care for one complete ultrasound per pregnancy when the patient has been referred to a radiologist or maternal fetal specialist trained in ultrasonography. The patient's record must be documented as to the reason the ultrasound was requested and the components of the ultrasound. The appropriate HCPC code must be used. The completion of an American College of Obstetricians and Gynecologist (ACOG) assessment form and the most recent version of the Oklahoma Health Care Authority (OHCA), Prenatal Psychosocial Assessment are reimbursable when both documents are included in the prenatal record.~~

(2) ~~Level II Targeted Ultrasound: Payment will be made separately from the total obstetrical care for one medically necessary targeted ultrasound per pregnancy for high risk pregnancies. Documentation as to the medical justification must be made a part of the patient's record. The targeted ultrasound must be performed. Medically necessary real time ante partum diagnostic ultrasounds will be paid for in addition to ante partum care, delivery and post partum obstetrical care under defined circumstances. To be eligible for payment, ultrasound reports must meet the guideline standards published by the American Institute of Ultrasound Medicine (AIUM).~~

(A) ~~with equipment capable of producing targeted quality evaluations; and One abdominal or vaginal ultrasound will be covered in the first trimester of pregnancy. The ultrasound must be performed by a board certified Obstetrician-Gynecologist (OB-GYN), Radiologist, or a Maternal-Fetal Medicine specialist. In addition, this ultrasound may be performed by a Nurse Midwife, Family Practice Physician or Advance Practice Nurse Practitioner in Obstetrics with a certification in Obstetrical ultrasonography.~~

(B) ~~by an obstetrician certified by the American Board of Obstetrics and Gynecology as a diplomat with special qualifications in maternal fetal medicine or an active candidate for certification in maternal fetal medicine. One ultrasound after the first trimester will be covered. This ultrasound must be performed by a board certified Obstetrician-Gynecologist (OB-GYN), Radiologist, or a Maternal-Fetal Medicine specialist. In addition, this ultrasound may be performed by a Nurse Midwife, Family Practice Physician or Advance Practice Nurse Practitioner in Obstetrics with certification in Obstetrical ultrasonography.~~

(C) ~~a complete ultrasound code is used if during the procedure it is apparent that a targeted ultrasound is not medically necessary. Additional ultrasounds, including detailed ultrasounds and re-evaluations of previously identified or suspected fetal or maternal anomalies, must be performed by an active candidate or Board Certified diplomat in Maternal-Fetal Medicine.~~

(3) Standby attendance at ~~C-Section~~ Cesarean Section (C-Section), for the purpose of attending the baby, is compensable when billed by a physician not participating in the delivery.

(4) Spinal anesthesia administered by the attending physician is a compensable service and ~~should be~~ is billed separately from the delivery.

(5) Amniocentesis is not included in routine obstetrical care and ~~should be~~ is billed separately.

(6) Additional payment is not made for the delivery of twins. If one twin is delivered vaginally and one is delivered by C-section by the same physician, the higher level procedure is paid. If one twin is delivered vaginally and one twin delivered by C-Section, by different physicians, each should bill the appropriate procedure codes without a modifier. Payment ~~will~~ is not be made to the same physician for both standby and assistant at C-Section.

(c) Assistant surgeons ~~will be~~ are paid for C-Sections which include only in-hospital post-operative care. Family practitioners who provide prenatal care and assist at C-Section should bill separately for the prenatal and the six weeks postpartum office visit.

(d) Procedures listed in (1) - (5) of this subsection are not paid or not covered separately from total obstetrical care.

(1) An additional allowance ~~may~~ is not be made for induction of labor, double set-up examinations, fetal stress and non-stress tests, or pudendal anesthetic. Do not bill separately for these procedures.

(2) Standby at C-Section is not compensable when billed by a physician participating in delivery.

(3) Payment is not made for assistant surgery for obstetrical procedures which include prenatal or post partum care.

(4) Pitocin induction of labor is considered part of the delivery and separate payment is not made.

(5) Fetal scalp blood sampling is considered part of the total OB care.

(e) Obstetrical coverage for children is the same as for adults with additional procedures being covered due to EPSDT provisions if determined to be medically necessary.

(1) Services, deemed medically necessary and allowable under federal Medicaid regulations, are covered by the EPSDT/OHCA Child Health program even though those services may not be part of the Oklahoma Health Care Authority SoonerCare program. Such services must be prior authorized.

(2) Federal Medicaid regulations also require the State to make the determination as to whether the service is medically necessary and do not require the provision of any items or services that the State determines are not safe and effective or which are considered experimental.

317:30-5-24. Radiology

(a) Outpatient and emergency department.

(1) The technical component of outpatient radiological services performed during an emergency department visit is included in the emergency department ~~ease~~ all inclusive payment rate on a per visit basis which is paid to the hospital.

(2) The professional component of x-rays performed during an emergency department visit is covered.

(3) Payment will be made separately from the total obstetrical care for one Level I complete ultrasound per pregnancy when the patient has been referred to a radiologist or maternal fetal specialist trained in ultrasonography. The patient's record must be documented as to the reason the ultrasound was requested and the components of the ultrasound. The appropriate HCPC code must be used. Payment will be made separately from the total obstetrical care for one medically necessary targeted ultrasound per pregnancy for high risk pregnancies. Documentation as to the medical justification must be made a part of the patient's record. The targeted ultrasound must be performed. Ultrasounds for obstetrical care are paid in accordance with provisions found at OAC 317:30-5-22(b)(2)(A-C).

(A) with equipment capable of producing targeted quality evaluations; and

(B) by an obstetrician certified by the American Board of Obstetrics and Gynecology as a diplomat with special qualifications in maternal fetal medicine.

(C) a complete ultrasound code is used if during the procedure it is apparent that a targeted ultrasound is not medically necessary

(4) Outpatient chemotherapy is compensable for proven malignancies and opportunistic infections. Outpatient radiation therapy is covered for the treatment of proven malignancies or when treating benign conditions utilizing stereotactic radiosurgery (e.g., gamma knife) Payment is made for charges incurred for the administration of chemotherapy for the treatment of medically necessary and medically approved procedures. Payment for radiation therapy is limited to the treatment of proven malignancies and benign conditions appropriate for stereotactic radiosurgery (e.g., gamma knife).

~~(5) One screening mammogram and one follow up mammogram every year for women beginning at age 30. Additional follow up mammograms are covered when medically necessary. A prior authorization by the Medical Professional Services Division of the Oklahoma Health Care Authority is required for additional follow up mammograms. Medically necessary screening mammography is a covered benefit. Additional follow-up mammograms are covered when medically necessary.~~

(b) **Inpatient procedures.** Inpatient radiological procedures are compensable if done on a referral basis. Claims for inpatient interpretations by the attending physician are not compensable unless the attending physician reads interpretations for the hospital on all patients.

(c) **Inpatient radiology performed outside of hospital.** When patient is an inpatient but has to be taken elsewhere for an x-ray, such as to an office or another hospital because the admitting hospital did not have proper equipment, the place of service should still be ~~in inpatient hospital~~, since the patient is considered to be in the hospital at the time of service.

(d) **Radiology therapy management.** Weekly clinical management is based on five fractions delivered comprising one week regardless of the time interval separating the delivery of treatments. Weekly clinical management should be billed as one unit of service rather than five.

(e) **Miscellaneous.**

(1) **Arteriograms, angiograms and aortograms.** When arteriograms, angiograms or aortograms are performed by a radiologist, they are considered radiology, not surgery.

(2) **Injection procedure for arteriograms, angiograms and aortograms.** The "interpretation only" code and the "complete procedure" code are not both allowed for one of these procedures.

(3) **Evac-U-Kit or Evac-O-Kit.** Evac-U-Kit and Evac-O-Kit are included in the charge for the Barium Enema.

(4) **Examination.** Examination at bedside or in operating room allows an additional charge to be made. Examination outside regular hours is not a covered charge.

(5) **Supplies.** Separate payment is not made for supplies such as "administration set" used in provision of office chemotherapy.

(6) **Fluoroscopy or Esophagus study.** Separate charge for fluoroscopy or esophagus study in addition to a routine gastrointestinal tract examination is not covered unless a report is submitted indicating an esophagram was done as a separate procedure.

(f) **Magnetic Resonance Imaging.** MRI/MRA scans are covered when medically necessary. Documentation in the progress notes must reflect the medical necessity. The diagnosis code must be shown on the claim.

(g) **Placement of radium or other radioactive material.**

(1) For Radium Application use the appropriate HCPCS code.

(2) When a physician supplies the therapeutic radionuclides (implant grains or Gold Seeds) and provides a copy

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of the invoice, payment will be made at 100% of the invoice charges. Fee may include cost of radium, container, and shipping and handling.

[OAR Docket #06-1387; filed 11-6-06]

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

[OAR Docket #06-1400]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 15. Adoptions
Part 14. Post adoption services
340:75-15-128.1. [AMENDED]
(Reference APA WF 06-09)

AUTHORITY:

Article XXV, Sections 2, 3, and 4 of the Oklahoma Constitution; House Bill 2656; and Section 7510-1.5 of Title 10 of the Oklahoma Statutes.

DATES:

Adoption:

September 26, 2006

Approved by Governor:

October 31, 2006

Effective:

November 1, 2006

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rulemaking approval is requested as OKDHS finds compelling public interest to preserve the health, safety, and well-being of families with children who are in need of adoption assistance, by revising adoption assistance rules to ensure utilization of funds that best serve children with severe physical and mental disabilities when they attain 18 years of age. Revision of adoption assistance rules brings them into compliance with amendments approved through HB 2656 to ensure provision of services to eligible children and their families. An effective date of November 1, 2006 is requested.

ANALYSIS:

The revisions to Subchapter 15 of Chapter 75 amend the rule relating to adoption assistance criteria to comply with amendments to Section 7510-1.5 of Title 10 of the Oklahoma Statutes, as provided in House Bill 2656 effective June 6, 2006.

340:75-15-128.1 is revised to amend adoption assistance criteria to reflect that a youth attaining 18 years of age may continue to receive adoption assistance benefits until 19 years of age if the youth continues to attend high school or pursues General Educational Development, or meets the criteria for an adoption assistance difficulty of care payment as determined by the Oklahoma Department of Human Services (OKDHS).

CONTACT PERSON:

Dena Thayer, OKDHS Office of Legislative Relations and Policy, 405-521-4326.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR, AS SET FORTH IN 75 O.S., SECTION 253(D), AND EFFECTIVE NOVEMBER 1, 2006:

SUBCHAPTER 15. ADOPTIONS

PART 14. POST ADOPTION SERVICES

340:75-15-128.1. Adoption assistance benefits

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

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

(2) **Monthly assistance payments.** A child may be eligible for a monthly assistance payment to provide financial support to families who adopt children considered difficult to place. Payments are made to eligible families as long as Oklahoma Department of Human Services (OKDHS) has sufficient funds available and is authorized to make payments under Form ~~DCFS-68~~ 04AN002E, Adoption Assistance Agreement, as allowable within the OKDHS budget.

(A) **Rates Payments.** The standard rates—~~for~~ for monthly adoption assistance payments correspond to the child's age set out in OKDHS Appendix C-20, Children and Family Services Division Rates Schedule, ~~as amended from time to time, as approved by the Oklahoma Commission for Human Services (Commission).~~

(B) **DOC rate descriptions.** The difficulty of care (DOC) descriptions are guidelines from which the most appropriate DOC rate is determined for the eligible child. Not every situation will clearly fit into one DOC rate category. DOC descriptions are set out in OKDHS Appendix C-20, ~~as amended from time to time, as approved by the Commission.~~

(i) Consideration of the child's age is part of determining the appropriate rate category.

(ii) Documentation that the child's needs, conditions, or behaviors fit the rate category is required from the adoptive family and professional sources outside the adoptive family.

(iii) Updated documentation may be required by OKDHS from time to time to establish a child's ongoing eligibility for a particular DOC rate.

(3) **Special services.** Special services are used to meet the child's needs that cannot be met by the adoptive parent(s) and that are not covered under any other program for which the child would qualify.

(A) These services include corrective appliances, such as leg braces, prostheses, and walkers.

(B) Tutoring and private school tuition are not covered as special services, as the public school systems are mandated to provide all children with special needs with an appropriate public education.

(C) The child's needs are reviewed at least annually and special services may be approved for a limited time.

(D) The amount paid does not exceed the reasonable fee for the service rendered.

(E) The special service is negotiated with the adoptive parent(s), approved by Children and Family Services Division (CFSD) Adoption Assistance Section, and included in Form ~~DCFS-68, Adoption Assistance Agreement~~ 04AN002E.

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

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

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

(B) **Eligibility.** The child must meet all eligibility criteria for a child with special needs, per OAC 340:75-15-128.4, and have been placed for adoption in accordance with applicable state and local laws. It is not required that the child:

- (i) be in the custody of OKDHS or a federally recognized tribe at the time of finalization of the adoption; or
- (ii) meet the IV-E categorical eligibility requirements for adoption assistance, per OAC 340:75-15-128.2.

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

(i) **Finalized adoption.** Assistance is limited to documented actual expenses incurred up to a maximum of \$1,200 per child if the adoption is finalized. If an Order Terminating Parental Rights or Order Determining the Child Eligible for Adoption Without the Consent of a Biological Parent had to be obtained in the adoption case, a request

for reimbursement up to a maximum of \$2,000 per child is considered by OKDHS on a case-by-case basis. In cases where siblings are placed together with the same adoptive family, each child is treated as an individual with separate reimbursement for non-recurring expenses.

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

(D) **Approval and payment.** The request for reimbursement of non-recurring adoption expenses must be approved and Form ~~DCFS-68~~ 04AN002E signed by the adoptive parent(s) and OKDHS designee prior to finalization of the adoption. Payment is made directly to the adoptive parent(s) for approved amounts shown on the itemized statement as paid in full. Payment is made directly to a vendor, such as an attorney and private adoption agency, for the fee that the itemized statement indicates has not been paid in full by the adoptive parent(s).

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

(b) **Overpayments.** CFSD Adoption Assistance Section staff immediately verbally notifies the adoptive parent(s) when it is discovered that an overpayment has occurred. OKDHS researches, analyzes, and verifies the overpayment amount within 60 days of the verbal notification to the adoptive parent(s). The adoptive parent(s) is responsible for repayment, even if he or she is not responsible for causing the overpayment.

(1) Adoption Assistance Section staff contacts the adoptive parent(s) regarding an adoption assistance overpayment and discusses the amount to be automatically deducted, when possible, from the monthly adoption assistance payment.

(A) The adoptive parent(s) is notified in writing by certified mail of the overpayment agreement plan. Upon receipt of the overpayment agreement plan, the adoptive parent(s) signs and returns the plan to OKDHS with original signatures.

(B) The overpayment agreement plan must not exceed 36 months from the date of receipt of written notification of the plan.

(C) The minimum monthly payment toward the overpayment must not be less than \$150, with the exception of the final payment.

(2) Adoption Assistance Section staff notifies OKDHS Legal Division when the adoptive parent(s) does not respond to the written notification of or fails to comply with the overpayment agreement plan.

(3) A referral is made to Office of Inspector General (OIG) if fraud is suspected.

(c) **Modification.** Form ~~DCFS-68~~ 04AN002E may be modified and the adoption assistance payment amount may be readjusted periodically when warranted by a change in

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circumstances and with the concurrence of the adoptive parent(s). A change in the child's eligibility for the DOC rate paid constitutes a change in circumstance.

- (1) The adoption assistance payment amount may not be automatically adjusted without agreement of the adoptive parent(s) except for an across-the-board reduction or increase in OKDHS foster care reimbursement rates or DOC rates.
- (2) Modification of Form ~~DCFS-68~~ 04AN002E is prospective only and may not be retroactive.
- (3) If the parties cannot come to an agreement, OKDHS establishes the payment amount.
- (4) The adoptive parent(s) has a duty to inform OKDHS of circumstances that would make the child ineligible for adoption assistance payments or eligible for payments of a different amount. OKDHS may require:
 - (A) the adoptive parent(s) to provide updated documentation of a child's ongoing eligibility for the payment amount received; and
 - (B) evaluation of a child by a suitably licensed or certified examiner selected by OKDHS if the child's eligibility is in question.
- (d) **Termination.** When Form ~~DCFS-68~~ 04AN002E is signed and in effect, it is only terminated if one of the conditions described in (1) through (35) is met.
 - (1) The child has attained the age of 18 years, except ~~where OKDHS determines that the child has a severe physical or mental disability that warrants the continuation of~~ may continue to receive adoption assistance until the day of the child's 19th birthday if the child reaches the age of 19 years:
 - (A) ~~The child may be considered for continued assistance after reaching the age of 19 years and until 21 years when the child has applied for Supplemental Security Income (SSI) and the initial application for SSI is pending or has been denied and the child's needs, conditions, or behaviors meet the criteria for DOC Rate IV or V as determined by OKDHS.~~
 - (B) ~~Prior to the child reaching 19 years, in order for adoption assistance to continue after the child's 19th birthday, the adoptive parent(s) must provide OKDHS documentation that:~~
 - (i) ~~shows application for SSI benefits has been received by Social Security Administration (SSA) and is pending or has been denied; and~~
 - (ii) ~~demonstrates the child's needs, conditions, or behaviors meet the criteria for DOC Rate IV or V. When the SSI application is pending, the adoptive parent(s) must provide documentation monthly to OKDHS that demonstrates due diligence in securing for SSA the necessary information to timely process the child's SSI application.~~
 - (C) ~~Adoption assistance payments terminate when SSI payments are approved and in no event continue after the child reaches the age of 21 years.~~
 - (D) ~~Failure to comply with OAC 340:75-15-128.1(d) results in termination of adoption assistance payments on the child's 19th birthday or on the month~~

~~following failure to provide documentation on a pending SSI application, whichever occurs first.~~

- (A) continues to attend high school or pursues General Educational Development, or
- (B) meets the criteria for an adoption assistance DOC rate, as determined by OKDHS.
- (2) The adoptive parent(s) fails to submit, not later than 60 days prior to the child reaching age 18, a request for adoption assistance to continue beyond age 18.
 - (A) The request for adoption assistance to continue beyond age 18 includes:
 - (i) a statement from school personnel providing documentation of the child's high school attendance and anticipated date of graduation; or
 - (ii) a statement from school personnel providing documentation that the child is pursuing General Educational Development, or
 - (iii) medical or psychological assessments conducted and dated within six months preceding the child's 18th birthday, signed by a licensed physician, psychiatrist, or clinician, describing the child's conditions, including diagnosis, treatment, and prognosis.
 - (B) If the adoptive parent(s) does not timely submit the required documentation, or if OKDHS determines the child does not meet the criteria that warrants continuation of assistance beyond age 18, adoption assistance for the child turning 18 terminates effective the day of the child's 18th birthday.
- (23) ~~A determination is made by~~ OKDHS determines that the adoptive parent(s) is no longer legally responsible for support of the child.
- (34) OKDHS determines that the adoptive parent(s) is no longer providing financial support to the child. If a child is placed in out-of-home care, including psychiatric, residential, therapeutic, or foster family care, and the adoptive parent(s) continues to provide financial support to the child, adoption assistance may continue. The rate of payment may be renegotiated, as appropriate.
- (5) All of the child's adoptive parents are deceased.
- (e) **Death of adoptive parents or dissolution of the adoption.** A child who was receiving IV-E adoption assistance at the time of the death of all of the child's adoptive parents or at the time the adoption dissolves may be eligible for adoption assistance if the child is adopted again after October 1, 1997. A child receiving state funded adoption assistance is eligible if adopted after May 29, 1998. To be eligible, the child must continue to meet the special needs criteria and all of the requirements in (1) through (4).
 - (1) The prospective adoptive parent(s) must make application on Form ~~DCFS-54~~ 04AN001E, Adoption Assistance Application.
 - (2) The prospective adoptive parent(s) must provide from a district or tribal court a copy of a file-stamped Petition for Adoption if requesting prefinalization adoption assistance or a Final Decree of Adoption if requesting adoption assistance to begin after adoption.

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

(4) OKDHS must be provided documentation that the new adoptive parent(s) is not the biological parent(s).

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

[OAR Docket #06-1400; filed 11-8-06]

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

[OAR Docket #06-1379]

RULEMAKING ACTION:

EMERGENCY adoption.

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]

AUTHORITY:

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

DATES:

Adoption:

September 21, 2006

Approved by Governor:

October 26, 2006

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2007 unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rules:

435:10-4-6. Medical licensure examination [AMENDED]

435:10-4-7. Licensure by endorsement [AMENDED]

Gubernatorial approval:

June 29, 2006

Register publication:

23 Ok Reg 3121

Docket number:

06-1229

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Board found compelling extraordinary circumstances exist for applicants who have been unable to complete all steps of the licensure examination within seven (7) years.

ANALYSIS:

The amendment will allow applicants ten (10) years to pass all steps of the licensure examination. In rule 435:10-4-7 the reference to applying for a special license was deleted as the special license, except for a residency training license, is no longer available.

CONTACT PERSON:

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

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE

CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (D):

SUBCHAPTER 4. APPLICATION AND EXAMINATION PROCEDURES FOR LICENSURE AS PHYSICIAN AND SURGEON

435:10-4-6. Medical licensure examination

(a) Upon submission and approval of a completed application for licensure by examination, and the payment of all fees, an applicant may sit for an examination approved by the Board. The Board has adopted the USMLE as its licensure examination. The passing score for the licensure examination is set at seventy-five percent (75%).

(b) In order to sit for the licensure examination, the applicant shall provide the Board with all information required by 59 O.S. § 494.1 on a form created or approved by the Board.

(c) Submission of an application shall not guarantee an applicant the ability to sit for the licensure examination. No person shall sit for licensure examination until approved to do so by the Board.

(d) The Board recognizes as acceptable for licensure the USMLE, NBME, FLEX and LMCC examinations. However, the Board will not accept test scores or combined FLEX scores from multiple sittings of the FLEX. In addition, the Board will accept the following combinations of those examinations:

- (1) NBME part I or USMLE step 1, **plus** NBME part II or USMLE step 2, **plus** NBME part III or USMLE step 3;
- (2) FLEX component 1 plus USMLE step 3; or
- (3) NBME part I or USMLE step 1, **plus** NBME part II or USMLE step 2, **plus** FLEX component 2.

(e) The factoring of scores or combination of scores taken from separate examinations is acceptable only as set forth in (d)(1) through (d)(3) of this Section.

(f) All steps of the licensure examination must be passed within ~~seven (7)~~ ten (10) years unless otherwise prohibited by applicable law.

(g) The following applies to all applicants regarding examination failures unless otherwise prohibited by applicable law:

- (1) Any applicant who fails any part of a licensing examination three times will not be eligible for a license. A score of incomplete shall be considered a failing score. The USMLE Step 2-Clinical Knowledge and Step 2-Clinical Skills shall be considered as separate steps.
- (2) If a combination of NBME, FLEX and/or USMLE is utilized, any applicant who has failed more than six (6) examinations will not be eligible for a license.
- (3) If an applicant has achieved certification by an American Board of Medical Specialties (ABMS) Board, an exception to 435:10-4-6 (g)(1) and (2) may be granted by a vote of the Board.

(h) As with the initial application, the Board may make additional inquiry of the applicant to provide additional information as necessary.

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435:10-4-7. Licensure by endorsement

(a) The Board may license an applicant by endorsement based upon the applicant's current license in another state, the District of Columbia, U.S. territory, or Canada and who has passed a medical licensure examination allowed by 59 O.S. § 493.3(A)(2), and who has complied with all other current licensure requirements of the Act.

(b) The Board has approved for the purpose of a medical licensure examination the FLEX, USMLE, National Board and LMCC examinations or acceptable combinations thereof. All steps of the licensure examination must be passed within ~~seven~~ ten (10) years unless otherwise prohibited by applicable law.

(c) The following applies to all applicants regarding examinations failures unless otherwise prohibited by applicable law:

(1) Any applicant who fails any part of a licensing examination three times will not be eligible for a license. A score of incomplete shall be considered a failing score. The USMLE Step 2-Clinical Knowledge and Step 2-Clinical Skills shall be considered as separate steps.

(2) If a combination of NBME, FLEX and/or USMLE is utilized, any applicant who has failed more than six (6) examinations will not be eligible for a license.

(3) If an applicant has achieved certification by an American Board of Medical Specialties (ABMS) Board, an exception to 435:10-4-7 (c) (1) and (2) may be granted by a vote of the Board.

(d) To apply for licensure by endorsement, an applicant shall submit an application as required by 435:10-4-4 and 435:10-4-5, as applicable.

(e) In addition, the applicant shall provide information to the Board, on a form created by the Board, in regard to the applicant's current license and previous examination.

(f) In the event an applicant is not qualified for licensure by endorsement, the applicant may, upon payment of applicable fees, sit for licensure examination authorized by this rule ~~or apply for a special license as set forth in Subchapter 11 of this Chapter.~~

[OAR Docket #06-1379; filed 11-1-06]

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

[OAR Docket #06-1380]

RULEMAKING ACTION:

EMERGENCY adoption.

RULES:

Subchapter 21. Abortions [NEW]

435:10-21-1. Informed consent [NEW]

AUTHORITY:

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

DATES:

Adoption:

September 21, 2006

Approved by Governor:

October 26, 2006

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2007 unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Board found compelling extraordinary circumstances exist in order to comply with 63 O.S., Section 1-738.2 (4) (C) which is a new law regarding physician performing abortions.

ANALYSIS:

The emergency rule states that physicians performing abortions that do not comply with the informed consent section of 63 O.S., Section 1-738.2 shall be subject to disciplinary action by the Board.

CONTACT PERSON:

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

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

SUBCHAPTER 21. ABORTIONS

435:10-21-1. Informed consent

(a) No abortion shall be performed in this state except with the voluntary and informed consent of the woman upon whom the abortion is to be performed.

(b) Requirements for obtaining voluntary and informed consent are set forth in Title 63, O.S., §1-738.2.

(c) Any physician performing an abortion in violation of Title 63, O.S., §1-738.2 shall be subject to disciplinary action by the Board.

[OAR Docket #06-1380; filed 11-1-06]

TITLE 600. REAL ESTATE APPRAISER BOARD CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS

[OAR Docket #06-1378]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

600:10-1-4. Examination [AMENDED]

600:10-1-6. Experience prerequisite [AMENDED]

600:10-1-8. Course approval requirements [AMENDED]

600:10-1-16. Supervision of trainee appraisers [AMENDED]

AUTHORITY:

Oklahoma Real Estate Appraisers Act; 59 O.S. § 706 (B)

DATES:

Adoption:

September 8, 2006

Approved by Governor:

October 18, 2006

Effective:

November 1, 2006

Expiration:

Effective through July 14, 2007, unless superceded by another rule or disapproved by the Legislature

SUPERCEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

It is the finding of the Real Estate Appraiser Board that an imminent peril exists to the preservation of the public health, safety, and welfare, and that a compelling public interest requires this emergency rule due to the necessity of providing protections for lenders and consumers in this state who may be involved in mortgage financing transactions.

ANALYSIS:

The purpose of this regulatory language is to resolve inconsistencies created by changes to the Oklahoma Certified Real Estate Appraisers Act as a result of the passage of House Bill 2911 in the most recent session of the Legislature; to correct confusing language extant in the rules presently in place, and to gain compliance with federal requirements placed on the Board by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

CONTACT PERSON:

George R. Stirman III, Director, Real Estate Appraiser Board, Oklahoma Insurance Department, 2401 NW 23rd St, Ste 28, Oklahoma City, OK 73107

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2006:

600:10-1-4. Examination

(a) To be certified as a ~~Trainee Appraiser~~, State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser the applicant must pass the examination that is appropriate for the applicable classification or certificate.

(b) Prior to taking the appraiser examination, an individual must make application for ~~Trainee~~, State Licensed, State Certified Residential or State Certified General Appraiser and shall satisfy all licensing and certification requirements as set forth by the Appraiser Qualification Criteria promulgated by the Appraiser Qualification Board of the Appraisal Foundation, which are incorporated by reference.

(c) Applicants for ~~Trainee~~, State Licensed, State Certified Residential and State Certified General Appraiser must complete the required hours in both education and experience before making application to take the appraiser examination. ~~Provided, there shall be no experience requirement for the Trainee Appraiser.~~

(d) If requirements are satisfactorily met by applicants for State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser, notification shall be sent to the applicant allowing that applicant to take the examination on the next available test date.

~~(e) There shall be no examination required to be certified as a Trainee Appraiser; however, applicants~~ Applicants for Trainee Appraiser must provide the identification of a qualified supervisory appraiser in the manner described by 600:10-1-16(a).

~~(e) If requirements are satisfactorily met, notification shall be sent to the applicant allowing that applicant to take the examination on the next available test date.~~

600:10-1-6. Experience prerequisite

(a) An original certification as a State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser shall not be issued to any person who does not possess the minimum experience criteria set forth by the Appraiser Qualifications Board of the Appraisal Foundation provided any state licensed appraiser who becomes state licensed prior to July 1, 2001, shall not be required to attain the minimum requirements of experience promulgated by the Appraiser Qualifications Board to maintain certification as a state licensed appraiser.

(b) Applications for certification as a State Licensed Appraiser or State Certified Residential Appraiser must be accompanied by a One Hundred Fifty Dollar (\$150.00) non-refundable application fee. Applications for certification as a State Certified General Appraiser must be accompanied by a Two Hundred Twenty Five Dollar (\$225.00) non-refundable application fee.

(c) Experience credit shall be allowed in accordance with the guidelines set forth by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation.

~~(d)~~ Each applicant for certification shall furnish under oath on forms prescribed by the Board a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant.

~~(e)~~ Applicants for the State Licensed, State Certified Residential, or State Certified General classifications are required to submit, in addition to the approved application form, properly completed experience log forms according to the basic form approved by the Board. Additionally, applicants for either the State Licensed, State Certified Residential, or State Certified General classifications shall submit the following:

- (1) A letter of verification from a third party (or parties, i.e., employer, appraiser supervisor, etc.) stating and confirming direct knowledge that the applicant has achieved the stated hours of real estate appraisal experience, and
- (2) Copies of at least three actual written real estate appraisal reports that exemplify the type of appraisal work experience that credit is being applied for. Reports submitted must be self-contained or summary reports of appraisals. Applicants for Certified General Appraiser must submit reports of at least two non-residential appraisals.

600:10-1-8. Course approval requirements

(a) Any person or entity seeking to conduct an approved course for qualifying or continuing education credits shall make application and submit documents, statements and forms as may reasonably be required by the Board. All providers shall provide to the Board:

- (1) Name and address of the provider;

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- (2) Contact person and his or her address and telephone number;
- (3) The location of the courses or programs, if known;
- (4) The number and type of education credit hours requested for each course;
- (5) Topic outlines which list the summarized topics covered in each course and upon request, a copy of any course materials. If a prior approved course has substantially changed, a summarization of those changes.
- (6) The names and qualifications of instructors. An instructor shall have a minimum of one (1) of the following qualifications:
- (A) A baccalaureate degree in any field and three (3) years of experience directly related to the subject matter to be taught; a masters degree in any field and one (1) year of experience directly related to the subject matter to be taught; a masters or higher degree in a field that is directly related to the subject matter to be taught; five (5) years of real estate appraisal teaching experience directly related to the subject matter to be taught; seven (7) years of real estate appraisal experience directly related to the subject matter to be taught; or
- (B) Possess other educational, teaching, or professional qualifications determined by the Board to constitute an equivalent to one or more of the qualifications in the previously stated paragraphs (A), (B), or (C) of this paragraph.
- (b) Approval of courses and instructors shall be for a three year period. Courses and instructors may be renewed for an additional period on application to the Board.
- (c) Applications for course approvals and instructor approvals shall be accompanied by application fees as provided for below:
- (1) Applications for approval of qualifying education courses that have not been approved by the Course Approval Program of the Appraiser Qualifications Board must be accompanied by a Two Hundred Dollar (\$200.00) non-refundable application fee.
- (2) Applications for approval of qualifying education courses that have been approved by the Course Approval Program of the Appraiser Qualifications Board must be accompanied by a Fifty Dollar (\$50.00) non-refundable application fee.
- (3) Applications for approval of continuing education courses that have not been approved by the Course Approval Program of the Appraiser Qualifications Board must be accompanied by a Fifty Dollar (\$50.00) non-refundable application fee.
- (4) Applications for approval of continuing education courses that have been approved by the Course Approval Program of the Appraiser Qualifications Board must be accompanied by a Twenty Dollar (\$20.00) non-refundable application fee.
- (5) Applications for approval of instructors shall be accompanied by a Fifty Dollar (\$50.00) non-refundable application fee.
- (6) Applications for renewal of any course or instructor shall be accompanied by a Twenty Dollar (\$20.00) non-refundable application fee.
- (d) Course providers shall provide written notice of date, time, place, and title of courses to be presented not less than seven (7) days in advance of the beginning date of the course. Courses presented shall be subject to unannounced compliance inspection by a representative of the Board.
- (e) In addition to accepting courses approved as described in this section, qualifying and continuing education credits may be granted to an individual in such case that said individual supplies acceptable documentation showing that the offering meets applicable Board requirements for the category of credit applied for, including proof that said individual attended and successfully completed the offering.
- (f) The Board may automatically accept without further review, courses pre-approved by the Appraiser Qualifications Board of the Appraisal Foundation.
- (g) The Board may withhold or withdraw approval of any provider for violation of or non-compliance with any provision of this chapter.
- (h) No person or entity sponsoring, conducting, or teaching a course of study shall advertise that it is endorsed, recommended or accredited by the Board. Such person or entity may indicate that a course of study has been approved by the Board if that course of study has been pre-approved by the Board before it is advertised or held. Any such statement regarding Board approval shall specify the number of classroom hours approved, and whether the course is approved for qualifying education hours, continuing education hours, or both.
- (i) At the completion of each course, the provider shall provide to the Board a list of all licensees and those attending qualifying courses who completed the course on a Course Completion Form approved by the Board.
- (j) Providers shall maintain course records for at least five (5) years. The Board may order an examination of a provider for good cause shown.

600:10-1-16. Supervision of trainee appraisers

- (a) Trainee Appraisers shall report to the Board, on a form prescribed by the Board, the identity of any supervisory appraiser. Trainee Appraisers may have more than one supervisory appraiser, ~~except as permitted in subparagraph i of this paragraph.~~ When a Trainee Appraiser has more than one supervisory appraiser, each shall be reported to the Board as indicated above.
- (1) The supervisor-trainee relationship shall become effective on the date of receipt of the original required form with original signatures in the administrative office of the Board.
- (2) A supervisory appraiser shall notify the Board in writing immediately when supervision of a Trainee Appraiser has been terminated by the supervisory appraiser or the Trainee Appraiser.
- (b) Trainee Appraisers shall maintain an appraisal log on a form prescribed by the Board. Separate appraisal logs shall be maintained for work performed with each supervisory

appraiser. This appraisal log shall record the following information:

- (1) Client name and date of report,
 - (2) Address or legal description of the real property appraised,
 - (3) Description of the work performed by the trainee appraiser and the scope of review and supervision of the supervisory appraiser,
 - (4) Number of actual hours worked,
 - (5) Type of property appraised,
 - (6) Form number or description of report rendered, and
 - (7) The signature and state certificate number of the supervisory appraiser.
- (c) Experience credit for the purpose of upgrading will not be given unless:
- (1) a properly completed trainee-supervisory report form is on file in the administrative office of the Board, and
 - (2) the Trainee Appraiser either signs the certification required by Standards Rule 2-3 of the Uniform Standards of Professional Appraisal Practice, or the supervisory appraiser gives credit to the Trainee Appraiser in the certification and complies with the requirements of Standards Rule 2-2(a)(vii), 2-2(b)(vii), or 2-2(c)(vii) as applicable.
- (d) Both supervisory and trainee appraisers shall maintain complete workfiles as required by the Uniform Standards of Professional Appraisal Practice and the Oklahoma Certified Real Estate Appraisers Act.
- (e) A supervisory appraiser shall meet the following requirements:
- (1) have been a State Licensed or Certified Appraiser for a period of at least three (3) years;
 - (2) be a State Certified General Appraiser, ~~or~~ State Certified Residential Appraiser or State Licensed under AQB Criteria Appraiser on a credential issued by the Oklahoma Real Estate Appraiser Board, provided however, that trainee-supervisor relationships between State Licensed under AQB Criteria Appraisers shall only be permissible until January 1, 2008;
 - (3) be in good standing with the Board and not subject to any disciplinary action within the last two years that affects the supervisor's legal eligibility to engage in appraisal practice; and
 - (4) accept responsibility for training, guidance, and direct supervision of the Trainee Appraiser by signing the form referenced in (a), above.
- (f) A supervisory appraiser shall:
- (1) accept responsibility for a Trainee Appraiser's appraisal reports by signing each report and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice, and
 - (2) personally inspect each appraised property with the Trainee Appraiser until the supervisory appraiser determines that the Trainee Appraiser is competent, in accordance with the Competency Rule of the Uniform

Standards of Professional Appraisal Practice, for the property type.

- (g) A supervisory appraiser shall notify the Board immediately when supervision of a Trainee Appraiser has been terminated by the supervisory appraiser or the Trainee Appraiser.
- (h) Prior to assuming duties as a supervisory appraiser, an appraiser who has been disciplined by the Board must receive approval from the Board.
- (i) A supervisory appraiser may assume responsibility for more than three Trainee Appraisers only under the following terms and conditions:
 - (1) The supervisor must apply for authority to supervise more than three Trainee Appraisers with the Board on forms approved by the Board for this purpose. This approval shall extend to the supervisor or supervisors, the facility and the training plan. Any approval issued hereunder shall specify a maximum number of trainees authorized.
 - (2) The supervisor must specify the location of the facility to be used for this purpose, which may not be a residence. The facility must have posted hours, approved by the Board, during which the facility will be open and a qualified supervisor present. During the operating hours, the facility and all records specified herein shall be subject to unannounced compliance inspection by a representative of the Board.
 - (3) The supervisor must prepare a training plan, based on the Core Curriculum and the Real Property Appraiser Body of Knowledge promulgated by the Appraiser Qualification Board of The Appraisal Foundation, appropriate to the level of licensure to which the trainee aspires and for which the supervisor is qualified. This training plan should, as a minimum, include learning objectives for the experience to be gained, a planned time line for further qualifying and continuing education required to bring the trainee to a fully qualified status, and a checklist for monitoring progress by the trainee toward meeting these objectives.
 - (4) Records maintained in the training facility must include the training plan, an appraisal log, a workfile for each appraisal assignment, and a progress checklist, each maintained on a contemporaneous basis, for each Trainee Appraiser. In addition, appropriate reference materials should be on hand, which must include the current edition of the USPAP.
 - (5) Approval of any supervisor or supervisors under this paragraph may be conditioned upon an interview of such supervisors by a representative of the Board. Trainee-supervisor relationships existing as of July 13, 2005 that do not otherwise qualify under this paragraph shall remain permissible until January 1, 2008.

[OAR Docket #06-1378; filed 11-1-06]

Emergency Adoptions

TITLE 600. REAL ESTATE APPRAISER BOARD CHAPTER 15. DISCIPLINARY PROCEDURES

[OAR Docket #06-1377]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

600:15-1-14. Disciplinary alternatives [AMENDED]

AUTHORITY:

Oklahoma Real Estate Appraisers Act; 59 O.S. § 706 (B)

DATES:

Adoption:

September 8, 2006

Approved by Governor:

October 18, 2006

Effective:

November 1, 2006

Expiration:

Effective through July 14, 2007, unless superceded by another rule or disapproved by the Legislature

SUPERCEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

It is the finding of the Real Estate Appraiser Board that an imminent peril exists to the preservation of the public health, safety, and welfare, and that a compelling public interest requires this emergency rule due to the necessity of providing protections for lenders and consumers in this state who may be involved in mortgage financing transactions.

ANALYSIS:

The purpose of this regulatory language is to resolve inconsistencies created by changes to the Oklahoma Certified Real Estate Appraisers Act as a result of the passage of House Bill 2911 in the most recent session of the Legislature.

CONTACT PERSON:

George R. Stirman III, Director, Real Estate Appraiser Board, Oklahoma Insurance Department, 2401 NW 23rd St, Ste 28, Oklahoma City, OK 73107

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2006:

600:15-1-14. Disciplinary alternatives

(a) The Panel may make any of the following disciplinary recommendations with respect to a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser:

- (1) ~~Revoke~~Revocation of the Certification/License certificate with or without the right to reapply;
- (2) ~~Suspend~~Suspension of the Certification/License certificate for a period not to exceed five (5) up to two (2) years;
- (3) ~~Issue a written, public censure;~~ Probation, for a period of time and under such terms and conditions as deemed appropriate by the Board;
- (4) ~~Issue a written, private censure;~~ Stipulations, limitations, restrictions, and conditions relating to practice;

(5) ~~Require educational or professional retraining courses, classes or other remedial efforts as singular discipline or in conjunction with other imposed disciplinary requirements;~~ Censure, including specific redress, if appropriate;

(6) ~~Reprimand;~~

(7) ~~Satisfactory completion of an educational program or programs;~~

(8) ~~Administrative fines as authorized by the Oklahoma Certified Real Estate Appraisers Act;~~

(9) ~~Payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees;~~

(610) Recommend a dismissal of the complaint.

(b) Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order or default.

[OAR Docket #06-1377; filed 11-1-06]

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

[OAR Docket #06-1384]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 3. Education and Examination Requirements
605:10-3-1. Prelicense education requirements

AUTHORITY:

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

DATES:

Adoption:

September 13, 2006

Approved by Governor:

October 18, 2006

Effective:

November 1, 2006

Expiration:

Effective through July 14, 2007, unless superceded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

AVAILABILITY:

8:00 a.m. to 4:30 p.m., Monday through Friday, Oklahoma Real Estate Commission, Shepherd Mall, 2401 N.W. 23rd Street, Suite 18, Oklahoma City, Oklahoma

FINDING OF EMERGENCY:

Oklahoma Real Estate Commission has found that an imminent peril exists to the preservation of the public health, safety or welfare, requiring an emergency rule and amendment:

"Sections 1 and 2 of HB1510 of the 1st Regular Session of the 50th Legislature, executed by the Governor on April 18, 2005, and effective November 1, 2006, mandates increases in the Prelicense educational requirements to obtain a provisional sales associate license and a real estate broker or broker associate license from the Oklahoma Real Estate Commission. The Amendments to OAC 605:10-3-1 will set forth additional courses mandated by the increases in the pre-license educational requirements established by HB1510. This is therefore a matter of compelling public interest."

ANALYSIS:

The Amendments to OAC 605:10-3-1 will increase the Prelicense educational requirements to obtain a provisional sales associate license and a real estate broker or broker associate license from the Oklahoma Real Estate Commission. The Amendments will also set forth additional courses mandated by the increases in the pre-license educational requirements established by HB1510. This is therefore a matter of compelling public interest.

CONTACT PERSON:

Anne M. Woody (405) 521-3387

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253 (D), WITH A LATER EFFECTIVE DATE OF NOVEMBER 1, 2006:

SUBCHAPTER 3. EDUCATION AND EXAMINATION REQUIREMENTS

605:10-3-1. Prelicense education requirements

(a) On and after July 1, 1993, as evidence of an applicant's having satisfactorily completed those education requirements as set forth in Sections 858-302 and 858-303 of the Code, each applicant for licensure shall present with his or her application a certification showing successful completion of the applicable course of study approved by the Commission as follows:

(1) To qualify an applicant for examination and licensure as a provisional sales associate, the course shall consist of at least ~~forty five (45)~~ ninety (90) clock hours of instruction or its equivalent as determined by the Commission. In order for a provisional sales associate to obtain a sales associate license, the provisional sales associate must, following issuance of a provisional license, complete additional education as required in Section 858-302 of the Code. The prelicense course of study shall be referred to as the Basic Course of Real Estate, Part I of II and shall encompass the following areas of study:

- (A) ~~Nature of Real Estate~~
- (B) ~~Rights and Interests in Real Estate~~
- (C) ~~Agency Concepts Between Broker and Affiliated Associates~~
- (D) ~~Listing Contracts and Pricing~~
- (E) ~~Valuation and Appraisal~~
- (F) ~~Marketing and Selling~~
- (G) ~~Contract Law~~
- (H) ~~Legal Descriptions~~
- (I) ~~Offer and Purchase Contracts~~
- (J) ~~Title Search, Encumbrances, and Land Use Control~~
- (K) ~~Financing Real Estate~~
- (L) ~~Transfer of Interest in Real Estate~~
- (M) ~~Duty to Account~~
- (N) ~~Regulations Affecting Real Estate Transactions~~
- (O) ~~Brokerage Relationships With Parties to a Transaction~~

- (A) Real Estate Economics and Marketing
- (B) Nature of Real Estate
- (C) Rights and Interest in Real Estate
- (D) Legal Descriptions
- (E) Title Search, Encumbrances, and Land Use Control
- (F) Transfer of Rights
- (G) Service Contracts
- (H) Estimating Transaction Expenses
- (I) Value and Appraisal
- (J) Marketing Activities
- (K) Fair Housing
- (L) Contract Law Overview
- (M) Contract Law and Performance
- (N) Offers and Purchase Contracts
- (O) Financing Real Estate
- (P) Closing a Transaction
- (Q) Regulations Affecting Real Estate
- (R) Disclosures and Environmental Issues
- (S) Property Management and Leasing
- (T) Risk Management
- (U) Professional Standards of Conduct

(2) To qualify an applicant for examination and licensure as a broker, the course shall consist of at least ~~seventy five (75)~~ ninety (90) clock hours of instruction or its equivalent as determined by the Commission. Such course of study shall be referred to as the Advanced Course in Real Estate and shall encompass the following areas of study:

- (A) ~~Laws and Rules Affecting Real Estate Practice~~
- (B) ~~Establishing a Real Estate Office~~
- (C) ~~Office Management~~
- (D) ~~Anti-Trust and Deceptive Trade~~
- (E) ~~Oklahoma Broker Relationships Act~~
- (F) ~~Risk Management and Insurance~~
- (G) ~~Disclosures, Hazards and Zoning~~
- (H) ~~Financial Management~~
- (I) ~~Real Estate Financing~~
- (J) ~~Specialized Operations~~
- (K) ~~Transaction File Maintenance~~
- (L) ~~Trust Accounts and Trust Funds~~
- (M) ~~Closing a Real Estate Transaction~~
- (N) ~~Closing Statements~~
- (A) Laws and Rules Affecting Real Estate Practice
- (B) Broker Supervision
- (C) Establishing a Real Estate Office
- (D) Professional Development
- (E) Business Office Management
- (F) Office Financial Management
- (G) Anti-Trust and Deceptive Trade
- (H) Risk Management and Insurance
- (I) Disclosures, Hazards, and Zoning
- (J) Real Estate Financing
- (K) Specialized Property Operations
- (L) Transaction Management
- (M) Closing a Real Estate Transaction
- (N) Professional Standards of Conduct

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(b) As evidence of an applicant's having successfully completed those education requirements as set forth in Section 858-304 of the Code, each applicant shall present a certified transcript from an institution of higher education, accredited by the Oklahoma State Regents for Higher Education or the corresponding accrediting agency of another state.

(1) The basic course of real estate shall be limited to Basic Real Estate Principles and Practices; provided, however, that a course or combination of courses not so titled may be accepted if the course content has been determined by the Commission to be equivalent as one and the same as enumerated in this Section.

(2) The advanced course of real estate shall be limited to Advanced Real Estate Principles and Practices; provided that a course or combination of courses not so titled may be accepted if the course content has been determined by the Commission to be equivalent as one and the same as that enumerated in this Section.

(3) The Commission shall accept in lieu of a certified transcript a course completion certificate as prescribed by the Commission.

(c) **Entities allowed to seek approval.** The education courses required of this Section shall be satisfied by courses approved by the Commission and offered by:

- (1) The Commission
- (2) An area vocational-technical school
- (3) A college or university
- (4) A private school
- (5) The Oklahoma Association of Realtors, the National Association of Realtors, or any affiliate thereof,
- (6) The Oklahoma Bar Association, American Bar Association, or any affiliate thereof; or
- (7) An education provider.

(d) **Attendance and successful completion required for in-class credit.** To complete any in-class offering, a person must physically be present during all of the offering time and successfully complete all course requirements to include an examination.

(e) **Successful completion of materials and examination required for distance education credit.** To complete a distance education course offering, a person must successfully complete all course requirements to include all modules and an examination.

[OAR Docket #06-1384; filed 11-2-06]

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

[OAR Docket #06-1409]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Establishing Other Service Credits

715:10-5-4.1. Payment of contribution deficit for the Education Employees Service Incentive Plan [NEW]

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

715:10-5-35. Employer pick-up of purchase of service credit [AMENDED]

Subchapter 13. Contributions for Membership Service

715:10-13-3.1. Employer contribution rates [AMENDED]

Subchapter 15. Service Retirement

715:10-15-7.2. Retirement formula for members retiring under provisions of the Education Employees Service Incentive Plan ("EESIP") [NEW]

AUTHORITY:

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

DATES:

Adoption:

September 26, 2006

Approved by Governor:

October 31, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

The rules will provide a more efficient administration of the System. These rules are necessitated by legislation enacted during the 2006 Special Session that created the Education Employees Service Incentive Plan (EESIP).

ANALYSIS:

SUBCHAPTER 5. ESTABLISHING OTHER SERVICE CREDITS

715:10-5-4.1 is a new rule. It provides for contribution deficit payments for the Education Employees Service Incentive Plan (EESIP).

715:10-5-32 is being amended to allow contribution deficit payments for the EESIP to be made through roll-overs from other qualified plans or conduit IRAs.

715:10-5-35 is being amended to allow employer pickup of contribution deficit payments for the EESIP, as well as to let TRS members use installment payments and payroll reduction to make EESIP contribution deficit payments.

SUBCHAPTER 13. CONTRIBUTIONS FOR MEMBERSHIP SERVICE

715:10-13-3.1 is being amended to address increasing employer contributions by TRS remitting entities other than comprehensive and four-year regional universities, as required by legislation enacted in 2006. The employer contribution rate for TRS remitting entities other than comprehensive and four-year regional universities will increase through June 30, 2009, if appropriation levels to each of the affected remitting entities are increased so that the additional employer contribution obligation is funded.

SUBCHAPTER 15. SERVICE RETIREMENT

715:10-15-7.2 is a new rule providing a benefit calculation formula for TRS members retiring under provisions of the Education Employees Service Incentive Plan.

CONTACT PERSON:

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

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

SUBCHAPTER 5. ESTABLISHING OTHER SERVICE CREDITS

715:10-5-4.1. Payment of contribution deficit for the Education Employees Service Incentive Plan

(a) A member whose Regular Annual Compensation, as defined in 70 O. S. § 17-101, was greater than \$40,000 during the school years 1987-88 through 1994-95, must make an additional contribution based on his or her Regular Annual Compensation in excess of \$40,000 to qualify for the provisions of OAC 715:10-15-7.2. A member who chooses not to make the additional contribution payment will not qualify for the EESIP formula.

(b) The payment required for any school year between 1987-88 and 1994-95 is the contribution rate in effect for each year applied to the difference between the member's total Regular Annual Compensation and the amount contributed by or on behalf of the member during the school year. This may include compensation in excess of \$25,000, when the member elected not to contribute on earnings between \$25,000 and \$40,000 for these school years or when the school failed to contribute on the member's total compensation up to \$40,000 for any school year during this period. In addition to the contribution balance, compound interest of ten percent (10%) per annum will be included in the balance due for each year. The interest rate will be applied from June 30 of the school year to the date payment is made to the Teachers' Retirement System.

(c) To qualify for the movement of the first two (2) years of service credits performed before July 1, 1995, the member must make any payment due for the 1993-94 and 1994-95 school years. To qualify for the next two (2) years of service performed prior to July 1, 1995, the member must make any payment due for the 1991-92 and 1992-93 school years. Payment for additional years of service performed prior to July 1, 1995, will be required in descending order back to the 1987-88 school year.

(d) Payment must be made in accordance with existing Internal Revenue Service regulations in effect at the time of payment. TRS will accept after-tax contributions and pre-tax direct or indirect rollovers and transfers from 401(a), 401(k), 403(b), 457 and IRA plans, when allowed by IRS regulations, and installment payment arrangements as provided under OAC 715:10-5-35. Payments may be a combination of any of the available payment methods. (Also see OAC 715:10-5-32. Roll-overs from other qualified plans or conduit IRAs.)

(e) Any payment balance(s) required for a member to qualify for the EESIP formula must be completed at least thirty (30) days before the member's retirement date.

(f) TRS staff will calculate each member's contribution deficit for any year(s) based on payroll records as reported by the employing school. When existing payroll records are not sufficient to accurately determine the member's contribution deficit, TRS has the right to request additional information from the member and/or the employing school. If additional records are required, it is the member's responsibility to obtain or cause records to be forwarded to TRS from the employing school.

(g) If a member retires on or after July 1, 2006, and before June 30, 2007, the member will be required to pay 50% of the total contribution deficit balance.

(h) If a member retires on or after July 1, 2007, and before June 30, 2008, the member will be required to pay 75% of the total contribution deficit balance.

(i) If the member retires on or after July 1, 2008, the member will be required to pay 100% of the total contribution deficit balance.

(j) TRS will accept EESIP contribution deficit payment(s) from the member at any time prior to the member's retirement. However, if at retirement it is determined that an additional balance is due, the member will be required to make the additional payment, including interest, before his or her first retirement benefit payment is due. If it is determined the member has paid more than the required balance, any difference will be refunded to the member, but no interest will be paid by TRS on the deposits, regardless of the length of time such deposits have been held by the Teachers' Retirement System.

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

Credit for past service, including redeposits of withdrawn Oklahoma service, defined in this subchapter, contribution deficit payments provided for by 70 O.S. § 17-116.2C or balances due as authorized under 70 O.S. § 17-116.2, may be purchased with roll-overs from another retirement plan if allowed by the Internal Revenue Code. This includes "conduit IRAs" which have been established with funds received from a 401(a) plan distribution for the purpose of holding the funds separate until a rollover can be consummated, traditional IRAs, 403(b) tax-deferred annuity plans, 401(k) and 457 deferred compensation plans. For a roll-over payment to be accepted by Teachers' Retirement the following conditions must be met:

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

(2) The member must obtain written documentation from the originating institution verifying the amount of the distribution and that the monies came from a qualified plan under the Internal Revenue Code.

(3) The roll-over check from the qualified plan must be made payable to the Oklahoma Teachers' Retirement System, For Benefit Of and the member's name. The member must deliver the check to Teachers' Retirement with the required documentation and the billing statement for the service to be purchased. Teachers' Retirement will only accept payment for the amount of the billing statement. If the distribution from the originating institution is greater than the billing, the originating institution must be willing to generate a check payable to Teachers' Retirement for the exact amount of the billing statement. If the distribution from the originating institution is less than the billing, a personal check or cashier's check must accompany the roll-over proceeds, or the member may pay the balance through an installment payment plan. Payments in excess of the billing will not be accepted.

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(4) A receipt for the payment will be issued after Teachers' Retirement has determined all documentation and the appropriate amount of funds have been received.

(5) Roll-overs must comply fully with the Internal Revenue Code and applicable Internal Revenue Service regulations.

715:10-5-35. Employer pick-up of purchase of service credit

(a) The purpose of OAC 715:10-5-35 is to provide a pick-up of employee contributions by participating employers under Section 414(h)(2) of the Internal Revenue Code of 1986 for contributions that are made for the purpose of purchasing service credit or re-establishing withdrawn service under Chapter 10, Subchapter 5 of these Rules, and for contribution deficit payments provided for by 70 O.S. § 17-116.2C or balances due as authorized under 70 O.S. § 17-116.2, Employers may elect to participate in the pick-up of employee contributions made for the purpose of purchasing service credits, or re-establishing withdrawn service by a resolution adopting the provisions of this regulation.

(b) An active member of the Teachers' Retirement System (employed by a participating employer) who elects to purchase or re-establish service credit under any applicable provision of Chapter 10, Subchapter 5 of these Rules, or to make contribution deficit payments provided for by 70 O.S. § 17-116.2C or balances due as authorized under 70 O.S. § 17-116.2 through installments in accordance with a schedule established by the Board of Trustees, may elect to do so through a binding, irrevocable payroll reduction authorization.

(c) An active member of the Teachers' Retirement System, having executed a binding, irrevocable payroll reduction authorization with respect to any such contributions, shall not be entitled to any option of choosing to receive the contributed amounts directly instead of having them paid by the employer to the Teachers' Retirement System. Such contributions shall be remitted to the Teachers' Retirement System and credited to the member in the same manner as all other employee contributions. Such contributions, although designated as employee contributions, will be paid by the employer in lieu of contributions by the employee. The contributions so assumed shall be treated as tax-deferred employer "pick-up" contributions pursuant to the United States Internal Revenue Code Section 414(h)(2), ~~subject to a~~ as authorized in a favorable letter ruling by the Internal Revenue Service.

(d) An active member of the Teachers' Retirement System may elect to pay all or part of any contribution to purchase or re-establish service credit or to make contribution deficit payments provided for by 70 O.S. § 17-116.2C or balances due as authorized under 70 O.S. § 17-116.2 through such payroll reduction. The amount by which an employee's compensation will be reduced and the duration of the reduction shall be specified on the authorization form prescribed by the Board of Trustees and the amounts and duration shall be irrevocable and binding once made. Prepayment of amounts covered by the authorization is not permitted. However, nothing herein shall prevent a member from paying any amounts not covered by the authorization with after-tax dollars, provided that any such

after-tax payments by an employee of a participating employer shall be paid directly by the employee to the Teachers' Retirement System, as opposed to being paid to or withheld by the participating employer. An employee of non-participating employer may purchase service credit or re-establish withdrawn service by making after-tax payments directly to the Teachers' Retirement System.

(e) No such payroll reduction shall begin unless and until the member executes the payroll reduction authorization described below on a form prescribed by the Board of Trustees. The Board of Trustees will send such form to the treasurer or other disbursing officer of the participating employer. After receiving the binding, irrevocable payroll reduction authorization, the treasurer or other disbursing officer of each participating employer shall reduce the member's regular annual compensation by the authorized amount and remit these contributions to OTRS, in addition to (but separate from) the mandatory contributions from the member's regular annual compensation pursuant to 70 O.S., § 17-116.2 and OAC 715:10-13-3. The participating employer shall continue to make such reductions for the number of months specified on the form and shall treat these reductions as picked-up contributions.

(f) All such payroll reductions, including the amounts and the duration specified, shall be binding and irrevocable upon the member's execution of the prescribed form.

(g) Notwithstanding the above, such reductions will cease only after the authorization has expired by its terms or upon any of the following events:

(1) The member's death. In the event of a member's death, the designated beneficiary shall have the option of paying the remaining amount owed (using after-tax dollars) within six (6) months of the member's death. If the balance is not paid, the beneficiary shall be entitled to prorated credit for that portion of the additional contributions actually made for service purchases prior to the member's death. If there is any remaining amount owed with respect to a redeposit of contributions, the designated beneficiary will be reimbursed for those redeposits which had already been paid at the time of the member's death. A beneficiary may not make payments for a purchase of service credit or a re-deposit of contributions if such a purchase or re-deposit had not been initiated by the member prior to the member's death.

(2) The termination of the member's employment. In this event, the member shall have the right to pay the remaining amount owed (using after-tax dollars) within six (6) months of the member's termination of employment, but payment must be completed one (1) month prior to the effective retirement date of the member. If the member retires and does not pay the entire remaining amount, the member shall be entitled to prorated service credit for those payments actually made for service purchases. If there is any remaining amount owed with respect to a redeposit of contributions, the member shall be reimbursed for those redeposits which had already been paid at the time of the member's termination. In the situation where a terminated member becomes employed by another employer

participating in OTRS, the member may elect to reinstate or not reinstate his authorization with the new employer.

(3) For purposes of (1) and (2) above, after-tax contributions shall only be received to the extent allowed by section 415 of the Internal Revenue Code.

(h) In no event shall the member receive a return of the payroll reductions made hereunder, except as a refund together with all other contributions, as provided in OAC 715:10-11-1 et seq. or as a refund of a redeposit of contributions as provided in subsection ~~(g)(2)~~g.(2) herein.

(i) Payroll reductions and installment agreements hereunder shall last no longer than sixty (60) months.

SUBCHAPTER 13. CONTRIBUTIONS FOR MEMBERSHIP SERVICE

715:10-13-3.1. Employer contribution rates

(a) Beginning July 1, 1998, through June 30, 2000, the local employer shall pay four and eight-tenths percent (4.8%) of the regular annual compensation of the member, up to the member's applicable maximum compensation level.

(b) Beginning July 1, 2000, through June 30, 2001, the employer shall pay five and eight-tenths percent (5.8%) of the regular annual compensation of the member up to the member's applicable maximum compensation level

(c) Beginning July 1, 2001, through June 30, 2002, the employer shall pay six and eight-tenths percent (6.8%) of the regular annual compensation of the member up to the member's applicable maximum compensation level.

(d) Beginning July 1, 2002, the employer shall pay seven and five-hundredths percent (7.05%) of the regular annual compensation of the member up to the member's applicable maximum compensation level. In addition to the contribution rate of 7.05% on each active member's applicable regular annual compensation, the employer shall pay seven and five-hundredths percent (7.05%) of the regular annual compensation of any retired member as defined in OAC 715:10-17-1 and 715:10-17-5.

(e) Beginning January 1, 2007, through June 30, 2007, all remitting entities other than comprehensive and four-year regional universities, shall pay seven and six-tenths percent (7.6%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(f) Beginning July 1, 2007, through June 30, 2008, all remitting entities other than comprehensive and four-year regional universities, shall pay seven and eighty-five hundredths percent (7.85%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(g) Beginning July 1, 2008, though June 30, 2009, and for each fiscal year thereafter, all remitting entities other than comprehensive and four-year regional universities, shall pay eight percent (8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(g) Beginning July 1, 2008, though June 30, 2009, and for each fiscal year thereafter, all remitting entities other than comprehensive and four-year regional universities, shall pay eight percent (8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(g) Beginning July 1, 2008, though June 30, 2009, and for each fiscal year thereafter, all remitting entities other than comprehensive and four-year regional universities, shall pay eight percent (8%) of the regular annual compensation of the member not in excess of any applicable maximum compensation level of the member.

(h) The employer contribution rate increase provided in subsections e, f and g of this section shall not become effective unless appropriation levels to each of the affected remitting entities are increased so that the additional employer contribution obligation is funded.

SUBCHAPTER 15. SERVICE RETIREMENT

715:10-15-7.2. Retirement formula for members retiring under provisions of the Education Employees Service Incentive Plan ("EESIP")

(a) Legislation enacted during the Special Session of the 2006 Legislature modified the standard retirement formula for TRS members employed by remitting entities other than comprehensive and regional four-year universities. A member must have been employed by a participating remitting entity for at least one full school year (twelve months) immediately prior to termination of employment or retirement to qualify for this section.

(b) A TRS member who was employed prior to July 1, 1995, may have service credits performed prior to July 1, 1995, calculated in the member's retirement formula used for service performed after July 1, 1995, when the member's average salary at retirement is greater than \$40,000, and the member works beyond the year in which he or she reaches normal retirement age. (The terms "average salary" and "normal retirement age" are defined in 70 O. S. § 17-101.)

(c) A retiring member who works one year beyond the school year in which he or she reaches normal retirement age may move two (2) years of service performed prior to July 1, 1995, to the retirement formula used to calculate service performed after July 1, 1995. For each additional year the member works beyond normal retirement age, he or she may move two (2) additional years of service credit performed prior to July 1, 1995.

(d) For members who retire on or after July 1, 2006, and before June 30, 2007, the maximum average salary that can be used to calculate the benefit for service credits that qualify to be moved under this section is \$60,000. During this one-year period, a member whose average salary at retirement is greater than \$60,000 shall have benefits calculated in three steps: 2% x \$40,000 for service performed prior to July 1, 1995, that does not qualify as moved service; 2% x \$60,000 for service performed prior to July 1, 1995, that qualifies as moved service; and 2% x the member's average salary for service performed on or after July 1, 1995. (Note: The retirement date for each retiring member is always the first day of the month. [See OAC 715:10-15-4.]

(e) For members who retire on or after July 1, 2007, and before June 30, 2008, the maximum average salary that can be used to calculate the benefit for service credits that qualify to be moved under this section is \$80,000. During this one-year period, a member whose average salary at retirement is greater than \$80,000 shall have benefits calculated in three steps: 2% x \$40,000 for service performed prior to July 1, 1995, that does

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not qualify as moved service; 2% x \$80,000 for service performed prior to July 1, 1995, that qualifies as moved service; and 2% x the member's average salary for service performed on or after July 1, 1995. (Note: The retirement date for each retiring member is always the first day of the month. [See OAC 715:10-15-4.]

(f) For members who retire on or after July 1, 2008, the average salary used to calculate the benefit for service credits that qualify to be moved under this section is the member's average salary at retirement. The member's retirement benefit will be calculated as follows: 2% x \$40,000 for service performed prior to July 1, 1995, that does not qualify as moved service; and 2% x the member's average salary for service performed prior to July 1, 1995, that qualifies as moved service and for service performed on or after July 1, 1995. (Note: The retirement date for each retiring member is always the first day of the month. [See OAC 715:10-15-4.]

(g) A member whose Regular Annual Compensation was greater than \$40,000 during the school years 1987-88 through 1994-95 must make an additional contribution to qualify for movement of service provided for in this section. [See OAC 715:10-5-4.1. Payment of contribution deficit for Education Employees Service Incentive Plan]

(h) A member reaches Normal Retirement Age during the school year he or she reaches age 62, or when the member's age and total service equal 80 or more for those members whose official TRS membership date is prior to July 1, 1992, and when the member's age and total service equal 90 or more for those members whose official TRS membership date is on or after July 1, 1992.

(i) For this section, credit a member may receive for having 120 or more days of unused sick leave at retirement will be used in determining the school year in which a member reaches Normal Retirement Age.

(j) For this section, a member who reaches Normal Retirement Age by the tenth of July of any school year will be considered to have reached Normal Retirement Age at the beginning of that school year. A member who reaches Normal Retirement Age after the tenth of July of any school year will be considered to have reached Normal Retirement Age at the beginning of the next school year in which the member is employed.

(k) To qualify for a year of service beyond Normal Retirement Age, OAC 715:10-3-2 and OAC 715:10-3-3 will be used to determine credited service. However, a fractional year of service performed after reaching Normal Retirement Age cannot be combined with a fractional year of service performed prior to reaching Normal Retirement Age to qualify for a year of service credit under this section.

(l) The provisions of subsections e and f of this section become effective only if additional employer contributions are funded as required by Enrolled House Bill 1179xx.

[OAR Docket #06-1409; filed 11-9-06]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 10. DEPARTMENT PROGRAMS

[OAR Docket #06-1422]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 23. County Improvements for Roads and Bridges Program [NEW]

730:10-23-1 through 730:10-23-9 [NEW]

AUTHORITY:

Transportation Commission; 69 O.S. §§ 303, 304 and 4002; 69 O.S. 2006 § 507

DATES:

Adoption:

September 11, 2006

Approved by Governor:

October 20, 2006

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Department of Transportation believes that a compelling public interest necessitates the promulgation of this emergency rule to meet the legislative mandate to have rules in place for the administration of the County Improvement for Roads and Bridges program by July 1, 2007.

ANALYSIS:

The purpose of the proposed emergency rulemaking action is to fulfill the legislative mandate as defined in HB 1176, 2nd Extraordinary Session; 2006 O.S.L. 45 § 7, effective July 1, 2007. The Department has been directed to establish rules for the administration of the process and the development of criteria for determining the level of priority for projects for the expenditure of funds apportioned to the "County Improvements for Roads and Bridges Fund." In an effort to expedite the use of these critical funds for high priority county projects, the process for project selection needs to be implemented well in advance of the effective date that the funds will be available for expenditure.

CONTACT PERSON:

Mary C. Brewington (405) 522-6002

PURSUANT TO THE ACTION 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 23. COUNTY IMPROVEMENTS FOR ROADS AND BRIDGES PROGRAM

730:10-23-1. Purpose and Authority

The purpose of the County Improvements for Roads and Bridges Program (CIRB) is to construct or reconstruct county roads or bridges on the county transportation system that are of the highest priority as defined by the Transportation Commission as established by the provisions in Title 69 O.S. Section 507.

730:10-23-2. Funding Source

The County Improvements for Roads and Bridges Fund is financed by a dedicated portion of vehicle licensing and registration fees, taxes and penalties. Funding for this program may be augmented, as provided by law, with federal funds and funds from other sources which may be available for county roads and bridges.

730:10-23-3. Allocation of Funds

The funds apportioned to the County Improvements for Roads and Bridges Fund shall be distributed in equal amounts to the various Transportation Commission Districts.

730:10-23-4. Use of Funds

(a) Funds available to the County Improvements for Roads and Bridges Program may only be expended on high priority projects included in a fiscally constrained five-year construction work plan cooperatively developed, maintained and updated annually by the Circuit Engineering Districts and the Department of Transportation and to be used for the following purposes as approved by the Department:

(1) Construction projects to replace or reconstruct structurally deficient, functionally obsolete, destroyed or unusable bridges on the county transportation system in accordance with Department established design and construction requirements.

(2) Construction projects for the improvement of county roads in accordance with Department established design and construction requirements.

(3) Matching other funds available for county road or bridge construction projects, provided it can be substantiated that the applicable funds will be available at the time of a qualifying and scheduled project expenditure.

(4) Project engineering costs including those identified in paragraph (8) of this section.

(5) The cost of right-of-way, the costs of relocation of utilities from the right-of-way so acquired, and the costs of employing or contracting with qualified individuals to assist a county or counties in properly acquiring and clearing the right-of-way.

(6) The cost of reconstruction or replacement of roadway structures which may be less than twenty (20) feet in length.

(7) The expense and related costs of employing or contracting with qualified individuals to assist a county or counties in carrying out the environmental clearance, design, contract administration and the inspection of construction, including the reimbursement of project related expenses incurred by the county's engineer or Circuit Engineering District.

(b) Funding may accumulate for a period of up to five (5) years for a specific project with Transportation Commission approval. Such funding is to be held by the Transportation Commission to the credit of the project.

730:10-23-5. Project eligibility and approval

Projects shall be considered and approved for inclusion in the five year construction work plan annually by the Department of Transportation on the basis of specific project evaluation criteria. These criteria shall generally consider factors including the ability of the county to effect the improvements through the utilization of other resources and funding mechanisms, the priority of the project as established by the Circuit Engineering District, project feasibility and cost including the ability of the county to participate, existing phase of project development, anticipated safety and mobility benefits realized by the traveling public and commerce, and the extent the project will improve the overall level of service and longevity of the county transportation system in the area.

730:10-23-6. Request for funds

Funds made available through the County Improvements for Roads and Bridges Program shall be allocated to requesting counties on the basis of the formal submission of a request for projects to the coordinating Circuit Engineering District for further consideration. Each project request shall be prepared in a uniform format cooperatively developed by the Circuit Engineering Districts and the Department of Transportation and shall be submitted in accordance with the notifications and deadlines established to meet the Department's annual programming schedule requirements.

730:10-23-7. Project selection

Upon determination of the conformance of a proposed project with the intent of the program and the project evaluation criteria, the coordinating Circuit Engineering District will compile a prioritized list of recommended projects occurring within the District to be transmitted for further consideration by the Department of Transportation. In the absence of an acceptable project recommendation from any CED, the Department reserves the authority to select and recommend projects to the Transportation Commission as determined appropriate.

730:10-23-8. Programming of projects

Acceptance by the Department of the coordinating Circuit Engineering District's prioritized list of recommended projects does not constitute a commitment of funds for the requested projects. The Department shall have the responsibility for considering the recommended projects from each Circuit Engineering District, formulating a project recommendation to the Transportation Commission and for the subsequent development and maintenance of the County Improvement for Roads and Bridges Program 5 Year Construction Work Plan. Upon the annual Transportation Commission approval of the Construction Work Plan, the Department shall notify the Circuit Engineering District of the acceptance of projects. Projects which are excluded on the basis of non-availability of funds may be resubmitted by the Circuit Engineering District for future consideration.

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730:10-23-9. Implementation of projects

Projects will be placed under agreement, scheduled, developed, designed and let to contract in accordance with the Department's regular and normal project development processes and all applicable laws, rules and regulations. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

[OAR Docket #06-1422; filed 11-9-06]

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

[OAR Docket #06-1382]

RULEMAKING ACTION:

EMERGENCY adoption

RULE:

Subchapter 1. Harvest and Possession Limits

800:10-1-3. Additional definitions [AMENDED]

Subchapter 5. Area Restrictions and Special Fees

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

AUTHORITY:

Title 29 O.S., Section 3-103; 4-129(c) and Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation.

DATES:

Adoption:

October 2, 2006

Approved by Governor:

October 9, 2006

Effective:

Upon Governor Approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTION:

n/a

INCORPORATED BY REFERENCE:

n/a

FINDING OF EMERGENCY:

ODWC recently purchased the lower Illinois River Public Fishing and Hunting Area-Simp and Helen Watts Management Unit with funding from the sale of Fishing and Hunting Legacy Permits. This finding of emergency is necessary to open this new area and provide rules governing public use.

ANALYSIS:

This would add the new lower Illinois River Public Fishing and Hunting Area-Simp and Helen Watts Management Unit to the list of Department fishing areas and to the list of Department owned access areas where no overnight camping is allowed.

CONTACT PERSON:

Kim Erickson, Chief of Fisheries Division, 405/521-3721 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 1. HARVEST AND POSSESSION LIMITS

800:10-1-3. Additional definitions

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

"Department fishing areas" means lakes American Horse, Burtschi, Chambers, Dahlgren, Elmer, Etling, Fugate, Hall, Jap Beaver, Nanih Waiya, Ozzie Cobb, Raymond Gary, Schooler, Vanderwork, Vincent, Watonga, Wayne Wallace, ~~and the Blue River Public Fishing and Hunting Area- and the Lower Illinois River Public Fishing and Hunting Area - Simp and Helen Watts Management Unit.~~

"No culling" means fish caught and placed on a stringer or otherwise held in possession (live well, basket, ice chest, etc.) cannot be released.

"Total length" means measured from the tip of the snout to the end of the tail, with the fish laid flat on the rule with mouth closed and tail lobes pressed together.

"Close To Home" fishing waters means bodies of water designated as such under a cooperative fisheries management agreement between ODWC and participating cities and/or municipalities. "Close to Home" fishing waters shall be designated in the Oklahoma Department of Wildlife Conservation Oklahoma Fishing Guide which is published annually.

SUBCHAPTER 5. AREA RESTRICTIONS AND SPECIAL FEES

800:10-5-2. Department fishing areas

The following rules and restrictions govern public use on all Department Fishing Areas, including:

(1) **Department owned lakes and access areas.** The following rules apply:

(A) Camping is permitted, but limited to three (3) days duration at all areas, except at the Kiamichi River Access Area and the Lower Illinois River Public Fishing and Hunting Area - Simp and Helen Watts Management Unit where no overnight camping is permitted and at Lakes Watonga, Carl Etling, Wayne Wallace, and the Illinois River Access Areas where camping shall be limited to fourteen (14) consecutive days. Camping is permitted only in designated camping areas.

(B) Boats and motors are permitted. All boats and motors must comply with existing state boat regulations and boat operators must obey Oklahoma State Boat Laws. All boats must be operated at no-wake speed (six '6' miles per hour or less) and may not be left on the water or the areas longer than the limit on camping.

(C) Water skiing is prohibited.

(D) Disposal of trash, refuse and debris is prohibited, except in designated trash containers. This includes organic and inorganic materials.

(E) Commercial concessions and private developments on Department property are prohibited. Soliciting, advertising or promoting any commercial or private activity is prohibited. The use of these areas

for any commercial operation in any way is prohibited.

(F) Dogs must be kept on a leash at all times, except when used to hunt with, during legal open hunting seasons on those areas where hunting is permitted.

(G) Boat houses, ramps, docks and other facilities may not be constructed on Department property without specific approval of the Oklahoma Wildlife Conservation Commission.

(H) It shall be unlawful to drive, occupy or park any motor driven vehicle, including automobiles, trucks, mini bikes, motorcycles, etc., except on maintained roads, (unless posted as "no parking zones"), designated parking areas, and designated camping areas. It shall be unlawful to operate any vehicle in a manner to create a public nuisance or to park in a "no parking zone." Operators must be licensed drivers.

(I) Cutting or defacing of trees and vegetation shall be prohibited. Removal of any vegetation, soil, rocks, water or minerals is prohibited except under written approval of the Department Director.

(J) Vandalism, theft, and damage to State property is prohibited.

(K) No person shall use threatening, abusive, or indecent language, participate in a disorder assemblage, nor publicly appear nude or intoxicated on any lands owned or managed by the Oklahoma Department of Wildlife Conservation.

(L) After 10:00 p.m., and until 5:00 a.m., all Department fishing areas will be restricted to fishing and fishing related activities only, and hunting if permitted by Commission.

(M) Swimming is not permitted unless a designated swimming area is established by the Wildlife Conservation Commission.

(N) All forms of hunting are permitted on Lakes Vincent, Hall, Jap Beaver, Burtshi, Dahlgren, Nanih Waiya, Ozzie Cobb, Schooler, Chambers, American Horse, and Vanderwork during open hunting seasons which occur during the period of September 1 through March 1, including migratory bird seasons. Hunting is restricted to shotguns, long bow and arrows only, except rifles are also permitted for the taking of deer on Lake Vincent area (area within boundary fence) during the deer gun season. Hunting and shooting other than that provided above is prohibited. The Director may designate "closed areas" for purposes of safety and/or security.

(O) Fishing is permitted in accordance with provisions provided in OAC 800:10, Subchapter 1. The Director may designate "closed areas" for purposes of safety and/or security.

(P) No person may fish with more than two (2) poles, except during trout seasons at "Designated Trout Areas" where no person may fish with more than one (1) pole.

(Q) Trotlines, throwlines, limblines, juglines, nets, seines, yo-yo's, spearguns, and the taking of any fish by noodling and the taking of bait minnows by any method is prohibited, except cast nets may be used to take bait for personal use at Lake Carl Etling.

(2) Blue River Public Fishing and Hunting Area.

The following rules apply:

(A) Hunting shall be permitted during regular hunting seasons and is restricted to shotgun and long bow and arrow only. No other use or other firearms are permitted.

(B) Blue River PFHA is closed to all except emergency traffic from 10:00 p.m. to 6:00 a.m. throughout the year.

(C) Fishing is permitted in accordance with provisions provided in OAC 800:10, Subchapter 1.

(D) Trotlines, throwlines, noodling, limblines, spearguns, juglines, nets, seines, and yo-yo's are prohibited throughout the year.

(E) No person may fish with more than two (2) poles, except only one (1) pole and line or rod and reel is permitted during the designated trout season.

(F) The following special rules pertain to the Carl R. and Ruth Walker Landrum Wilderness and Plaster Wildlife Management Unit:

(i) no camping

(ii) areas closed from 10:00 p.m. to 6:00 a.m.

(iii) no swimming

(iv) walk-in access only (except where wheelchair access is provided).

(G) The Blue River Campground Area is closed to swimming, effective January 1, 1990, unless suitable agreement can be reached between the Department and an acceptable second party who would be responsible for managing a designated swimming area for a three month season, annually. The Department will assume no cost or liability for development and operation of a designated swimming area.

(H) Effective July 1, 2000 the following rules apply to camping at the Blue River Campground Area:

(i) Camping is restricted to 14 days in a 30 consecutive day period. The Area Manager may grant extensions by issuing a permit for camping beyond the 14 day limit. Such extensions shall be based upon degree of area use, anticipated weekend or holiday occupancy and recreation season. Extensions shall be requested 48 hours prior to the requested date of the extension.

(ii) Camping is permitted only in designated camping areas.

(iii) No person shall leave a vehicle, camper, tent or any personal property unattended for more than a 48-hour period without approval of the Area Manager.

(iv) If property must be removed, it will be at owners expense and liability. The unauthorized placement of camping equipment or other items on a campsite and/or personal appearance without

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overnight occupancy at a campsite for the purpose of reserving a designated campsite for future occupancy is prohibited.

(I) Each person, not otherwise exempt by statute, entering or using the Blue River Public Fishing and Hunting Area shall be required to have a "Blue River Conservation Passport" in their possession while in the area. The Wildlife Commission hereby establishes and assesses an annual fee for the Passport which shall be one dollar (\$1.00) above the cost of an annual resident fishing license. No fishing or hunting privileges of any kind are provided or implied with the Passport.

[OAR Docket #06-1382; filed 11-2-06]

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

[OAR Docket #06-1383]

RULEMAKING ACTION:

EMERGENCY adoption

RULE:

Subchapter 7. General Hunting Seasons

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

800:25-7-120.3. Lower Illinois River Public Fishing and Hunting Area - Simp and Helen Watts Management Unit [NEW]

AUTHORITY:

Title 29 O.S., Section 3-103 and 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

DATES:

Adoption:

October 2, 2006

Approved by Governor:

October 9, 2006

Effective:

Upon Governor Approval

Expiration:

Effective through July 14, 2007, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTION:

n/a

INCORPORATED BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Lower Illinois River Public Fishing and Hunting Area - Simp and Helen Watts Management Unit is a newly acquired property for the Department. This area will be managed by the Department and in order to provide hunting opportunities this fall, emergency rules are needed so regulations can be established and posted on our website for reference. Without these emergency rules, the area would have to remain closed for another year.

ANALYSIS:

The proposed regulations are similar to current regulations on existing Wildlife Management Area's with similar objectives. This will keep the rules less confusing to our constituents and should help them have a safe and enjoyable outdoor experience.

CONTACT PERSON:

Alan Peoples, Chief of Wildlife Division, 405/521-2739 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 7. GENERAL HUNTING SEASONS

PART 19. SEASONS ON AREAS OWNED OR MANAGED BY THE OKLAHOMA DEPARTMENT OF WILDLIFE CONSERVATION AND THE U.S. FISH AND WILDLIFE SERVICES

800:25-7-120.3. Lower Illinois River Public Fishing and Hunting Area - Simp and Helen Watts Management Unit

The following hunting and trapping seasons apply to the Lower Illinois River Public Fishing and Hunting Area - Simp and Helen Watts Management Unit: All hunting is restricted to shotguns with pellets or archery equipment only.

- (1) Quail: Same as statewide season dates.
- (2) Pheasant: Closed season.
- (3) Prairie chicken: Closed season.
- (4) Turkey-Fall:
 - (A) Archery: Same as statewide season dates, either-sex.
 - (B) Gun: Closed season.
- (5) Turkey-Spring: Same as statewide season dates, 1 tom limit.
- (6) Squirrel: Same as statewide season dates.
- (7) Rabbit: Same as statewide season dates.
- (8) Crow: Same as statewide season dates.
- (9) Dove: Same as statewide season dates.
- (10) Rail and gallinule: Same as statewide season dates.
- (11) Common snipe: Same as statewide season dates.
- (12) Woodcock. Same as statewide season dates.
- (13) Deer-archery: Same as statewide season dates.
- (14) Deer-primitive firearms: Same as statewide season dates, archery equipment only.
- (15) Deer-gun: Same as statewide season dates, archery equipment only.
- (16) Trapping: Same as statewide season dates.
- (17) Pursuit with hounds: Same as statewide season dates.
- (18) Predator/furbearer calling: Same as statewide season dates.
- (19) Waterfowl: Same as statewide season dates.

[OAR Docket #06-1383; filed 11-2-06]

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

1:2006-22.

EXECUTIVE ORDER 2006-22

I, Brad Henry, Governor of the State of Oklahoma, in observation of Veterans' Day, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 8:00 a.m. on Friday, November 10, 2006 until 5:00 p.m. on Sunday, November 12, 2006, in appreciation for the sacrifices that Oklahoma men and women have made in defense of this great nation in all wars from the First World War to the wars in Korea and Vietnam to those we fight today.

This executive order shall be forwarded to the Director of Central Services who shall cause the provision 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 1st day of November, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #06-1385; filed 11-2-06]

1:2006-23.

EXECUTIVE ORDER 2006-23

I, Brad Henry, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and

Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Friday, November 3, 2006, to honor Associate District Judge Charley Ellis Boyd Cabaniss, who died on Tuesday, October 31, 2006.

Judge Charley Ellis Boyd Cabaniss was born on January 10, 1947, in Clinton, Oklahoma. He graduated from Clinton High School in 1965, and earned Bachelor of Science from Southwestern Oklahoma State University in 1969, graduating Magna Cum Laude. In 1972, Cabaniss earned his Juris Doctorate from the University of Oklahoma. He practiced law in Clinton, Oklahoma, and served as Municipal Judge from 1984 until 2004. At the time of his death, Cabaniss was serving as Associate District Judge. He was an accomplished, thoughtful public servant, always doing what he believed was in the best interest of Oklahoma. Judge Cabaniss will be missed, but his accomplishments will not be forgotten.

This executive order shall be forwarded to the Director of Central Services who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 2nd day of November, 2006.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

M. Susan Savage
Secretary of State

[OAR Docket #06-1386; filed 11-3-06]

