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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 2. FEES

[OAR Docket #07-53]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules

35:2-3-12. [AMENDED]

SUMMARY:

The proposed rule will provide for cleanup and new fees for the Landscaper or Personal Use category, issuance of phytosanitary certificates, and inspections.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (3) and (29), and 3-32.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., March 5, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-53; filed 1-5-07]

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

[OAR Docket #07-54]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Fine Schedules

Part 15. Plant and Consumer Services Violations

35:3-1-18. [AMENDED]

SUMMARY:

The proposed rule will provide for recommended window fines and adjusted ranges for violations of the Oklahoma Fertilizer Law.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (3) and (29), and 8-77.1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 5, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

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.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-54; filed 1-5-07]

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

[OAR Docket #07-55]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 7. Public Warehouses
35:10-7-15. [AMENDED]

SUMMARY:

This rule is necessary to ensure that anyone with a grain graders permit can perform grain grading duties for any state chartered warehouse. The rule also provides provisions for a temporary permit to be issued. The current rule does not allow transfer of the permit, and as a result, significant hardship occurs to small grain warehouses who lose their grain grader. As a result, they would not be able to take in any grain for that year. Producers would then be unable to take their grain to a convenient location.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 9-20 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., March 5, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-55; filed 1-5-07]

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

[OAR Docket #07-56]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Animal Health Reportable Diseases
35:15-3-1. [AMENDED]
35:15-3-2. [AMENDED]
35:15-3-3. [AMENDED]
35:15-3-4. [AMENDED]

SUMMARY:

These rules update the reportable disease lists to comply with new federal requirements.

AUTHORITY:

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

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., March 5, 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:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

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 #07-56; filed 1-5-07]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 17. WATER QUALITY**

[OAR Docket #07-57]

RULEMAKING ACTION:

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

Subchapter 9. Agricultural Compost Facilities
[AMENDED]

SUMMARY:

These rules amend the existing rules to clarify the source materials that are exempt from the compost rules and to address storage of the final composted product.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2) and (29); 27A O.S. Supp. 2005 § 1-3-101(D)(1)(a); Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., March 5, 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:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

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:

Teena G. Gunter, (405) 522-4576, teena.gunter@oda.state.ok.us

[OAR Docket #07-57; filed 1-5-07]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 20. FORESTRY**

[OAR Docket #07-58]

RULEMAKING ACTION:

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

Subchapter 13. Governor's Ban on Outdoor Burning
[AMENDED]

SUMMARY:

These rules modify the procedures for declaring a burn ban pursuant to Senate Bill 1481 and also provides clean up to the rules.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (15), and (29), 2 O.S. 2001 § 16-1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 11:30 a.m., March 5, 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:

Teena G. Gunter, (405) 522-4576, teena.gunter@oda.state.ok.us

[OAR Docket #07-58; filed 1-5-07]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 20. FORESTRY

[OAR Docket #07-59]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Rural Fire Protection Program Fund Act
Part 7. Rural Fire Defense Equipment Revolving Fund Program

35:20-3-30. [AMENDED]

35:20-3-31. [AMENDED]

35:20-3-32. [AMENDED]

35:20-3-33. [AMENDED]

35:20-3-34. [AMENDED]

35:20-3-35. [NEW]

35:20-3-36. [NEW]

SUMMARY:

These rules provide procedures for filing applications and evaluation of applications for the rural fire defense equipment revolving fund program.

AUTHORITY:

Oklahoma State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (15), and (29), 19 O.S. 2001 §§ 901.58, 901.59, and 901.60; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., March 5, 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:

Teena G. Gunter, (405) 522-4576, teena.gunter@oda.state.ok.us

[OAR Docket #07-59; filed 1-5-07]

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

[OAR Docket #07-60]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide

Part 17. Minimum Standard for Termite Work for Preconstruction (Pretreats)

35:30-17-73. [AMENDED]

SUMMARY:

The proposed rule modifies the requirements for pretreatment of structures by requiring notice to the Department of all pretreatments, requiring a five-year guarantee on the pretreatment, and setting standards for Borate treatment and physical devices.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-81 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m., March 5, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-60; filed 1-5-07]

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

[OAR Docket #07-61]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 17. Combined Pesticide
 - Part 5. Prerequisites for Licensing
 - 35:30-17-10. [AMENDED]
 - Part 6. Pesticidal Product Producing Establishments
 - 35:30-17-13. [AMENDED]
 - Part 9. Minimum Standards for Contracts and Keeping of Records
 - 35:30-17-21. [AMENDED]
 - Part 22. Wood Infestation Reports
 - 35:30-17-105. [AMENDED]

SUMMARY:

The proposed rules incorporate the date for the most recent version of the Code of Federal Regulations, modify the requirements for insurance of applicators, modifies the recordkeeping requirements, and clarifies the requirement for a written wood infestation report.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-81 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m., March 5, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-61; filed 1-5-07]

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

[OAR Docket #07-62]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

- Subchapter 17. Combined Pesticide
 - Part 9. Minimum Standards for Contracts and Keeping of Records
 - 35:30-17-20. [AMENDED]
 - Part 15. Minimum Standards for Termite Work for Existing Structures
 - 35:30-17-54. [AMENDED]
 - 35:30-17-55. [AMENDED]
 - 35:30-17-56. [AMENDED]
 - 35:30-17-57. [AMENDED]
 - 35:30-17-58. [AMENDED]

Notices of Rulemaking Intent

35:30-17-59. [AMENDED]
35:30-17-60. [REVOKED]
35:30-17-61. [REVOKED]
35:30-17-62. [REVOKED]
35:30-17-63. [REVOKED]
35:30-17-64. [REVOKED]
35:30-17-65. [AMENDED]
35:30-17-66. [AMENDED]
35:30-17-67. [AMENDED]
35:30-17-68. [AMENDED]
35:30-17-69. [AMENDED]
35:30-17-69.1. [NEW]

Part 16. Minimum Standard for the Performance of Spot/Partial Treatments of Termite Work for Existing Structures (Spot Treatments) [REVOKED]

35:30-17-70. [REVOKED]

SUMMARY:

The proposed rules modify the requirements for termite treatment of existing structures, including but not limited to contract requirements, clean up of existing language, and reorganization of existing language.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-81 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 3:00 p.m., March 5, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-62; filed 1-5-07]

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

[OAR Docket #07-63]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide

Part 21. Standards for Disposal of Pesticide and Pesticide Containers

35:30-17-89.1. [NEW]

SUMMARY:

The proposed rule incorporates by reference the new federal requirements for pesticide container and containment.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2) and (29), 3-81 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 3:30 p.m., March 5, 2007, in the Plant Industry and Consumer Services Conference Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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 Teena Gunter at the above address during the period from February 1, 2007 to March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-63; filed 1-5-07]

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

[OAR Docket #07-64]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 13. Milk and Milk Products
35:37-13-2. [AMENDED]

SUMMARY:

The proposed rule updates the incorporation by reference of the Pasteurized Milk Ordinance to the 2005 edition.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (24), and (29), and 7-401 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298 during the period from February 1, 2007 to March 5, 2007.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., March 5, 2007 in the Boardroom, located at 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, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4298, 405-522-4576, or at teena.gunter@oda.state.ok.us

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-64; filed 1-5-07]

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

[OAR Docket #07-02]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

40:30-1-3. Breath-alcohol Analysis with the Enhanced Intoxilyzer Model 5000-D [AMENDED]
40:30-1-3.1. Independent Breath-alcohol Analysis with the Enhanced Intoxilyzer Model 5000-D [AMENDED]

SUMMARY:

The rule change will define the word "regurgitate" to limit the word to include only bringing solids from the stomach to the mouth during a deprivation period prior to testing and clarify that the observation must continue throughout the entire breath specimen collection process.

AUTHORITY:

47 O.S. §759 and OAC 40:1-1-4; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written and oral comments to J. Robert Blakeburn at 3600 N. Martin Luther King Blvd., Oklahoma City, OK 73111 through March 5, 2007.

PUBLIC HEARING:

A Public hearing has not been scheduled; however pursuant to 75 O.S. sec. 303 (B) (9), "persons may demand a hearing by contacting J. Robert Blakeburn at 405-425-2406 no later than March 5, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The proposed changes will not affect business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Board of Tests for Alcohol and Drug Influence's office located at 3600 N. Martin Luther King Blvd., Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of J. Robert Blakeburn at 3600 N. Martin Luther King Blvd., Oklahoma City, OK 73111.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement is being prepared and will be available for review on and after February 16, 2007 at the above address for the office of the Board of Tests for Alcohol and Drug Influence.

CONTACT PERSON:

J. Robert Blakeburn, (405) 425-2460 (procedural and legal questions); Jeff Dean, (405) 425-2460 (technical questions).

[OAR Docket #07-02; filed 1-3-07]

Notices of Rulemaking Intent

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 40. ANALYSIS OF OTHER INTOXICATING SUBSTANCES

[OAR Docket #07-01]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

40:40-1-2. Analysis of Other Intoxicating Substances in Blood [AMENDED]

SUMMARY:

The rule change will allow testing of blood for other intoxicating substances, qualitative results only. Rules for testing for quantitative results are retained.

AUTHORITY:

47 O.S. §759 and OAC 40:1-1-4; Board of Tests for Alcohol and Drug Influence

COMMENT PERIOD:

Persons may submit written and oral comments to J. Robert Blakeburn at 3600 N. Martin Luther King Blvd., Oklahoma City, OK 73111 through March 5, 2007

PUBLIC HEARING:

A Public hearing has not been scheduled; however pursuant to 75 O.S. sec. 303 (B) (9), "persons may demand a hearing by contacting J. Robert Blakeburn at 405-425-2406 no later than March 5, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The proposed changes will not affect business entities.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Board of Tests for Alcohol and Drug Influence's office located at 3600 N. Martin Luther King Blvd., Oklahoma City, OK 73111. Copies may also be obtained by written request mailed to the attention of J. Robert Blakeburn at 3600 N. Martin Luther King Blvd., Oklahoma City, OK 73111.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement is being prepared and will be available for review on and after February 16, 2007, at the above address for the Board of Tests for Alcohol and Drug Influence's office.

CONTACT PERSON:

J. Robert Blakeburn, (405) 425-2460 (procedural and legal questions); Jeff Dean, (405) 425-2460 (technical questions).

[OAR Docket #07-01; filed 1-3-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 2. PROCEDURES OF THE STATE DEPARTMENT OF HEALTH

[OAR Docket #07-67]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Operation and Procedures [AMENDED]

Subchapter 5. Procedure in Individual Proceedings [REVOKED]

Subchapter 15. Application forms [AMENDED]

Subchapter 21. Pre-hearing and hearing procedures [NEW]

Subchapter 23. [RESERVED]

Subchapter 25. Discovery [NEW]

SUMMARY:

The Department of Health is revising the procedural rules required by Article II of the Administrative Procedures Act that govern individual proceedings conducted by an Oklahoma agency. This rule proposal includes revisions governing procedures for filing administrative petitions and appeals, service of administrative process, scheduling of matters regarding individual proceedings, continuances, administrative subpoenas, discovery, pre-hearing conferences, motion practice, administrative sanctions and hearings. Additionally, this proposal includes revisions that will clarify which party has the burden of proof in a particular type of individual proceeding and also will establish differing standards of proof for administrative actions that seek only monetary penalties versus actions that impact or potentially prejudice a license, permit or other certification.

The proposal also deletes the requirement for employers to file with the State Health Department employment tracking forms for all nurse aides who are newly employed in Oklahoma. Employers affected by this proposal are nursing facilities and specialized nursing facilities, residential care homes, continuum of care facilities, assisted living centers, hospice inpatient facilities and hospice services, adult day care centers, and home care agencies. The proposal does not alter the requirement under 63 O.S. Section 1-1950.4 for employers to use a uniform employment application in the hiring of nurse aide staff. The proposal modifies the description of the uniform employment application to remove references to the tracking section of the form.

These changes will improve the efficiency of the hearing process by enhancing the clarity and consistency of procedures for parties appearing before the agency. This proposal is intended to achieve a just balance between the due process rights of the parties and the safety and health of the public in relation to the regulatory enforcement process.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Sections 1-101 et seq. and 1-1950.4.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may, before March 8, 2007, submit written comments to Ted D. Rossier, Assistant General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic mail to tedr@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will be part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Ted D. Rossier at the above address or to tedr@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Ted D. Rossier, Assistant General Counsel, Office of General Counsel, telephone (405) 271-6017; facsimile: 405-271-1268; email: tedr@health.ok.gov

[OAR Docket #07-67; filed 1-5-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 105. VITAL RECORDS

[OAR Docket #07-68]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Birth Registration
- 310:105-3-3. [AMENDED]
- 310:105-3-4. [AMENDED]
- Subchapter 5. Death Registration

310:105-5-4. [AMENDED]

SUMMARY:

This rule change establishes administrative hearing procedures in those instances where interested individuals wish to appeal decisions made by Vital Records division program staff rejecting requests to amend information contained in birth or death records. The rule change will provide an administrative forum for such appeals rather than oblige those persons to petition a state district court for relief. Furthermore, the proposed rule change will add a provision to permit an individual or an entity that has legal custody or guardianship of a child born out of wedlock to obtain a full copy of the birth record. This rule change will facilitate adoptions of children born out of wedlock in Oklahoma and also facilitate obtaining benefits from Indian Tribes and Governmental Agencies for these children.

AUTHORITY:

Oklahoma State Board of Health; Title 63, O.S. Section 1-302 and 1-323(e)

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Kelly Baker, Center for Health Statistics; or may before March 8, 2007, submit written comment to Kelly Baker, Interim Director, Center for Health Statistics, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Kelly Baker, Center for Health Statistics, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail-to-e-mail kellyb@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

Notices of Rulemaking Intent

CONTACT PERSON:

Kelly Baker, Center for Health Statistics, (405) 271-6225

[OAR Docket #07-68; filed 1-5-07]

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

[OAR Docket #07-69]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Administrative Fine Schedule

310:110-5-5. [AMENDED]

310:110-5-7. [AMENDED]

SUMMARY:

The proposed rule changes are necessary to implement the provisions of Senate Bill 1741, which require licensing for the Locksmith Industry. Additionally the proposed changes authorize a fine for supervising barbers and for barber schools who fail to provide quarterly reports of the hours of completion for their apprentices and students respectively.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 8, 2007, may submit written comments to Matt Schue, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic mail to Matts@health.ok.gov or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007, to Vernon Bolz, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to Matts@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available beginning February 1, 2007, and may be obtained from the Occupational Licensing Division, Consumer Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Matt Schue Oklahoma State Department of Health, (405) 271-5779, Ext. 57905

[OAR Docket #07-69; filed 1-5-07]

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

[OAR Docket #07-70]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:205-1-1. [AMENDED]

310:205-1-2. [AMENDED]

310:205-1-3. [AMENDED]

310:205-1-3.1. [AMENDED]

Subchapter 3. License Requirements

310:205-3-1. [AMENDED]

310:205-3-2. [AMENDED]

310:205-3-3. [AMENDED]

310:205-3-4. [AMENDED]

310:205-3-5. [AMENDED]

310:205-3-7. [AMENDED]

310:205-3-8. [NEW]

310:205-3-9. [NEW]

310:205-3-10. [NEW]

310:205-3-11. [NEW]

Subchapter 5. Special Provisions

310:205-5-1. [AMENDED]

Subchapter 7. Enforcement

310:205-7-1. [AMENDED]

310:205-7-2. [AMENDED]

SUMMARY:

This action provides for permanent adoption of an emergency rule adopted by the Oklahoma State Board of Health on November 9, 2006. The proposed rule changes are necessary to implement the provisions of Senate Bill 1741, which require licensing for the Locksmith Industry. This includes licensing of four newly defined categories, which are Closed Circuit TV, Nurse Call, Electronic Access Control,

and Locksmith. The proposed changes include the criteria to qualify for initial licensing and the minimum qualifications for licensing thereafter. Additionally the proposed rule changes include the creation of subcategories, qualifications, and requirements for companies, managers, technicians, salespersons, and trainees along with the respective licensing fees, within each category. In order to facilitate the transition for licensing of the new categories in a uniform and consistent manner, minor changes were made within the existing alarm industry categories.

AUTHORITY:

Oklahoma State Board of Health; Alarm Industry Act, 59 O.S. Sections 1800.1 et seq., as amended by Enrolled Senate Bill No. 1741 of the Second Regular Session of the 50th Oklahoma Legislature, effective January 1, 2007.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 8, 2007, may submit written comments to Matt Schue, Investigator, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic mail to matts@health.ok.gov or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 305 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007, to Matt Schue, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to matts@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available beginning February 1, 2007, and may be obtained from the Occupational Licensing Division, Consumer Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

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

[OAR Docket #07-70; filed 1-5-07]

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

[OAR Docket #07-71]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 310:210-1-2. [AMENDED]
- Subchapter 5. Licensing
 - 310:210-5-1. [AMENDED]
 - 310:210-5-4. [AMENDED]
- Subchapter 7. General Sanitation
 - 310:210-7-15. [NEW]
 - 310:210-7-16. [NEW]
- Subchapter 11. Barber School or College Management Requirements
 - 310:210-11-13. [AMENDED]

SUMMARY:

The proposed rule changes provide authorization for a "Kiosk Style Barber Shop" to operate within an enclosed building with an exemption from the requirement for toilet facilities if such facilities are available for use within 500 feet, and the shop has self contained facilities for adequate hand washing. The proposed rule changes authorize the issuance of a duplicate barber license to instructors for use in a shop upon written request. The proposed rule changes create a requirement that all licensees must have their license posted in a location visible to their client and have a photo ID in their possession while barbering. The proposed rule changes provide that all licensees are responsible for product knowledge and safe application required by product label; and contains a provision to authorize posting of a consumer advisory, or providing the client with an informational fact sheet or informed written release of liability for products requiring a patch test. Additionally the proposed rule changes provide that quarterly attendance reports submitted by the schools shall constitute a separate violation for each day that a report is delinquent.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 8, 2007, may submit written comments to Vernon Bolz, Director, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic mail to veronb@health.ok.gov or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007 which begins at 1:00 p.m. in Room 307 of the

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Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007, to Vernon Bolz, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to vernonb@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available beginning February 1, 2007, and may be obtained from the Occupational Licensing Division, Consumer Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

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

[OAR Docket #07-71; filed 1-5-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 265. HEARING AID DEALERS AND FITTERS

[OAR Docket #07-72]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:265-1-2. [AMENDED]

Subchapter 3. Examinations

310:265-3-2. [AMENDED]

310:265-3-3. [AMENDED]

Subchapter 5. Licensing Requirements

310:265-5-1. [AMENDED]

310:265-5-2. [AMENDED]

310:265-5-3. [AMENDED]

310:265-5-4. [AMENDED]

310:265-5-5. [AMENDED]

310:265-5-6. [AMENDED]

310:265-5-8. [NEW]

SUMMARY:

The proposed rule changes are necessary to remove substantive language from the definitions and place that language in the appropriate locations in the rule pursuant to OAC 655:10-5-10(b), to clarify the requirement for the trouble shooting portion of the examination, and to provide grammatical corrections to rule text.

AUTHORITY:

Oklahoma State Board of Health; Hearing Aid Dealers and Fitters, 63 O.S., Sections 1-1750 et seq.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Occupational Licensing Division staff; or before March 8, 2007, may submit written comments to Kay Stanton, Occupational Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic mail to kays@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will be part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007, to Kay Stanton at the above address or to kays@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kay Stanton, Occupational Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; telephone (405) 271-5779 ext. 57902; facsimile: (405) 271-5286; email: kays@health.ok.gov

[OAR Docket #07-72; filed 1-5-07]

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

[OAR Docket #07-73]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
310-276-1-3. [AMENDED]
- Subchapter 3. Procedures of the Committee
310-276-3-1. [AMENDED]
- Subchapter 9. Examinations Applications, Examinations,
Course Approval Requirements, Instructor
Requirements, Continuing Education, Denied
Application Appeal, Submission of Records, and
~~Continuing Education~~ Substantial Compliance and
Reciprocity
310-276-9-3. [AMENDED]
310-276-9-5. [AMENDED]
310:276-9-7. [AMENDED]
310:276-9-8. [AMENDED]
- Subchapter 11. License Revocation and Suspension and
Additional Prohibited Acts
310-276-11-1. [AMENDED]
310-276-11-2. [AMENDED]

SUMMARY:

The proposed rule changes clarify the requirements for the course content presented for qualifying and continuing education courses. The proposed rule changes outline the reasons for revocation of a previously approved provider, instructor, or course. Additionally the proposed rule changes authorize suspension or revocation of a license for failure to cooperate with an investigation or to provide a certificate of insurance coverage as required. The proposed changes prohibit a home inspector from performing work or repair services upon a home for a period of thirty days prior to, and one year after an inspection he or she conducts. The proposed rule changes provide for a written disclosure from the home inspector to the client under certain circumstances and conditions, which would possibly affect the home inspector's ability to produce an unbiased report. Additionally the proposed changes provide grammatical corrections.

AUTHORITY:

Oklahoma State Board of Health; Home Inspection Licensing Act, Title 59 O.S. 2001, § 858-621 et seq.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 8, 2007, may submit written comments to Vernon Bolz, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic

mail to VernonB@health.ok.gov or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007 which begins at 1:00 p.m. in Room 305 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007, to Vernon Bolz, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to VernonB@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available beginning February 1, 2007, and may be obtained from the Occupational Licensing Division, Consumer Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Vernon Bolz, Oklahoma State Department of Health, (405) 271-9444.Ext 57901

[OAR Docket #07-73; filed 1-5-07]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 345. REGISTRATION OF
SANITARIANS AND ENVIRONMENTAL
SPECIALISTS**

[OAR Docket #07-74]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
310:345-1-1.1. [AMENDED]
- Subchapter 9. Continued Education [NEW]
310:345-9-1. [NEW]
310:345-9-2. [NEW]

SUMMARY:

The proposed rule changes create a requirement of completion of twelve hours of continuing education every two years for renewal of registration for Registered Professional Sanitarians and Registered Professional Environmental Specialists. The proposed rule changes provide for exemptions

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for persons holding a "Life Registration", persons who are registered "in-training", and non-resident registrants who provide evidence of registration in another state with a continuing education requirement. Additionally the proposed rule changes provide a process to apply for a hardship waiver of the continuing education requirement.

AUTHORITY:

Oklahoma State Board of Health; Oklahoma Sanitarian and Environmental Specialist Registration Act, 59 O.S., Section 1150.1 et seq.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 8, 2007, may submit written comments to Vernon Bolz, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic mail to vernonb@health.ok.gov or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007 which begins at 1:00 p.m. in Room 305 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007, to Kay Stanton, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or may send electronic mail to vernonb@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available beginning February 1, 2007, and may be obtained from the Occupational Licensing Division, Consumer Health Services, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

CONTACT PERSON:

Vernon Bolz, Oklahoma State Department of Health, (405) 271-9444, Ext 57901

[OAR Docket #07-74; filed 1-5-07]

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

[OAR Docket #07-75]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:400-1-1. [AMENDED]
310:400-1-3. [NEW]
310:400-1-4. [NEW]
Subchapter 5. Rules of Professional Conduct
310:400-5-2. [AMENDED]
310:400-5-8.1. [NEW]
Subchapter 7. Application for Licensure
310:400-7-2.2. [NEW]
Subchapter 9. Licensure Examinations
310:400-9-1. [AMENDED]
310:400-9-4. [AMENDED]
Subchapter 11. Supervised Experience Requirements
310:400-11-2. [AMENDED]
310:400-11-5. [AMENDED]
Subchapter 13. Fees
310:400-13-2. [AMENDED]
Subchapter 15. Issuance and Maintenance of License
310:400-15-4. [AMENDED]
310:400-15-8. [AMENDED]

SUMMARY:

This proposal establishes definitions. The proposal establishes applicability of the regulations. The proposal establishes standards for requirement and confidentiality of records. The proposal establishes a prohibition for reference for licensure candidates. The proposal establishes standards to request an administrative hearing following a denial of licensure application. The proposal clarifies examination eligibility requirements and procedures for submitting examination registration. The proposal clarifies on-site supervision for candidates and requires the submission of a supervisor evaluation. The proposal establishes the current examination fee, and clarifies fee language. The proposal establishes criteria, approval, and limitations for continuing education.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before March 8, 2007, submit written comment to Nena West, Director, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Nena West, Director, Professional Counselor Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to nenaw@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-75; filed 1-5-07]

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

[OAR Docket #07-76]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:403-1-2. [AMENDED]
- 310:403-1-4. [NEW]
- Subchapter 7. Rules of Professional Conduct
- 310:403-7-2. [AMENDED]
- 310:403-7-3. [AMENDED]
- 310:403-7-4. [AMENDED]
- 310:403-7-6. [AMENDED]
- 310:403-7-7. [AMENDED]
- Subchapter 11. Application Procedures
- 310:403-11-12. [NEW]
- Subchapter 13. Academic Requirements
- 310:403-13-1. [AMENDED]

SUMMARY:

This proposal defines more specifically dual relationship. The proposal establishes applicability of the regulations. The proposal establishes competency standards regarding impairment. The proposal establishes requirements for conducting forensic evaluations and also defines fact witness testimony. The proposal establishes requirements for requirement and confidentiality of records. The proposal clarifies referral of services for current clients. The proposal establishes new requirements for providing services to persons of prior association and interaction with former clients. The proposal establishes professional standards regarding candor to the Department. The proposal establishes a prohibition for reference for licensure candidates. The proposal establishes standards to request an administrative hearing following a denial of licensure application. The proposal eliminates language regarding academic requirements, which will allow the regulations to be consistent with the law.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before March 8, 2007, submit written comment to Nena West, Director, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Nena West, Director, Professional Counselor Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to nenaw@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

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CONTACT PERSON:

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

[OAR Docket #07-76; filed 1-5-07]

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

[OAR Docket #07-77]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:405-1-2.1. [AMENDED]

310:405-1-2.2. [NEW]

Subchapter 3. Rules of Professional Conduct

310:405-3-2. [AMENDED]

310:405-3-3. [AMENDED]

310:405-3-3.1. [AMENDED]

310:405-3-4. [AMENDED]

Subchapter 7. Application Procedures

310:405-7-9. [NEW]

Subchapter 9. Academic Requirements

310:405-9-1. [AMENDED]

310:405-9-2. [AMENDED]

Subchapter 11. Supervised Experience Requirement

310:405-11-5. [AMENDED]

Subchapter 17. Continuing Education Requirements

310:405-17-2. [AMENDED]

310:405-17-4.1. [NEW]

Subchapter 19. Issuance of License

310:405-19-1.1. [NEW]

SUMMARY:

This proposal defines more specifically dual relationship. The proposal establishes applicability of the regulations. The proposal establishes competency standards regarding impairment. The proposal establishes requirements for conducting forensic evaluations and also defines fact witness testimony. The proposal establishes requirements for requirement and confidentiality of records. The proposal clarifies referral of services for current clients. The proposal establishes new requirements for providing services to persons of prior association and interaction with former clients. The proposal clarifies language regarding invasion of privacy, as well as bartering for tangible goods. The proposal establishes standards regarding personal relationships with supervisees, as well as candor to the Department. The proposal establishes a prohibition for reference for licensure candidates. The

proposal establishes standards to request an administrative hearing following a denial of licensure application. The proposal clarifies language regarding semester hours and quarter hours of graduate credit for the academic requirements. The proposal eliminates language regarding required content of course work. The proposal establishes criteria, approval, and limitations for continuing education. The proposal establishes a requirement of disclosure before receiving licensure.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before March 8, 2007, submit written comment to Nena West, Director, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Nena West, Director, Professional Counselor Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to nenaw@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-77; filed 1-5-07]

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

[OAR Docket #07-78]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 406. Licensed Genetic Counselors [NEW]

SUMMARY:

This action provides for permanent adoption of an emergency rule that is effective November 1, 2006 to July 14, 2007. 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 fees. The proposal establishes requirements for continuing education, issuance of license, license renewal and expiration of license, and enforcement procedures. The proposal establishes standards of professional conduct for licensed practitioners that are designed to preserve and promote the welfare of the public receiving genetic counseling.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before March 8, 2007, submit written comment to Nena West, Director, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Nena West, Director, Professional Counselor Licensing Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to nenaw@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Professional Counselor Licensing Division, Oklahoma

State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-78; filed 1-5-07]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 515. COMMUNICABLE DISEASE
AND INJURY REPORTING**

[OAR Docket #07-79]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Disease and Injury Reporting Requirements
- 310:515-1-1.1. [NEW]
- 310:515-1-2. [AMENDED]
- 310:515-1-3. [AMENDED]
- 310:515-1-4. [AMENDED]
- 310:515-1-7. [AMENDED]
- 310:515-1-8. [AMENDED]
- Subchapter 3. Disclosures and Uses of Disease Prevention and Control Information [NEW]
- 310:515-3-1. [NEW]
- 310:515-3-2. [NEW]
- 310:515-3-3. [NEW]
- 310:515-3-4. [NEW]

SUMMARY:

The rules are being amended to reflect changes in testing, methods to report to the Oklahoma State Department of Health, the need to gather additional information for case investigation, and to provide additional protection for individual level confidential information.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 1981, §1-502.2 and § 1-503

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Lauri Smithee, Acute Disease Service; or may before March 8, 2007, submit written comment to Lauri Smithee, Chief, Acute Disease Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of

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

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Lauri Smithee, Acute Disease Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to LauriS@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Lauri Smithee, Acute Disease Service, (405) 271-4060

[OAR Docket #07-79; filed 1-5-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 521. CONTROL AND TREATMENT OF COMMUNICABLE DISEASE

[OAR Docket #07-80]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:521-1-2. [AMENDED]

Subchapter 3. Tuberculosis

310:521-3-2. [AMENDED]

Subchapter 5. HIV (Human Immunodeficiency Virus) and
AIDS (Acquired Immunodeficiency Syndrome) [NEW]

310:521-5-1. [NEW]

310:521-5-2. [NEW]

310:521-5-3. [NEW]

SUMMARY:

The new Subchapter establishes standards and procedures for HIV disease diagnosis, prevention, treatment, management and control in Oklahoma, including enforcement methods for those persons who continue to be identified, through the Oklahoma HIV/AIDS surveillance system, as sexual partners to reported HIV/AIDS cases.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S., Section 1-502

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Michael G. Harmon, Chief, HIV/STD Service or Jan Fox, Interim Director, Surveillance and Care Delivery, HIV/STD Service; or may before March 8, 2007, submit written comment to Michael G. Harmon, Chief, HIV/STD Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Michael G. Harmon, HIV/STD Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to michaelh@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2007 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Michael Harmon or Jan Fox at (405) 271-4636

[OAR Docket #07-80; filed 1-5-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 526. DENTAL SERVICES

[OAR Docket #07-81]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 526. Dental Services [NEW]

SUMMARY:

This proposed rule will establish the Oklahoma Dental Loan Repayment Program as mandated by the Oklahoma Dental Loan Repayment Act. This 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 education loan repayment assistance to dentists who qualify and are selected for the program.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. §§ 1-105 and 1-2710 et seq.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Michael L. Morgan, DDS, MPA, Chief of Dental Service; or before March 8, 2007 may submit written comments to Michael L. Morgan, DDS, MPA, Dental Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2006, may send electronic mail to mikem@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: Part of the regular meeting of the State Board of Health, March 8, 2007 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007, to Michael L. Morgan, DDS, MPA, Chief of Dental Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from Michael L. Morgan, Chief of Dental Service, Room 712, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2007 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Michael L. Morgan, DDS, Chief of Dental Service, Oklahoma State Department of Health, (405) 271-5502

[OAR Docket #07-81; filed 1-5-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 527. ALTERNATIVES TO ABORTION SERVICES

[OAR Docket #07-82]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 527. Alternatives to Abortion Services [NEW]

SUMMARY:

The purpose of this proposed rule is to provide definitions and requirements for the establishment and implementation of a program to facilitate funding to nongovernmental entities that provide alternatives to abortion services.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. §§ 1-105 and 1-740.11-12

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Annette Jacobi, JD, Chief of Family Support & Prevention Service; or before March 8, 2007 may submit written comments to Annette Jacobi, JD, Family Support & Prevention Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2006, may send electronic mail to annettej@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: Part of the regular meeting of the State Board of Health, March 8, 2007 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007, to Annette Jacobi, JD, Chief of Family Support & Prevention Service, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, OK 73117-1299.

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COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from Annette Jacobi, JD, Chief of Family Support & Prevention Service, Room 706.1, Oklahoma State Department of Health Building, 1000 NE 10th Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2007 at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Annette Jacobi, JD, Chief of Family Support & Prevention Service, Oklahoma State Department of Health, (405) 271-7611

[OAR Docket #07-82; filed 1-5-07]

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

[OAR Docket #07-83]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Childhood Immunizations

310:535-1-2. [AMENDED]

310:535-1-3. [AMENDED]

SUMMARY:

This rule change will: add pneumococcal conjugate vaccine (PCV) to the list of required vaccines for children attending childcare facilities in Oklahoma, change the minimum intervals between doses of Hib vaccine to follow the national recommendations of the Advisory Committee on Immunization Practices (ACIP), add human papillomavirus vaccine (HPV vaccine) for girls entering the seventh grade, add a booster dose of tetanus, diphtheria, and acellular pertussis (Tdap) vaccine for students entering the seventh grade in Oklahoma, and will change the requirements for diphtheria, tetanus, pertussis, and polio vaccines to comply with recommendations for children who are too old to receive the pediatric DTaP vaccine and adolescents still in school when they reach 18 years of age who have not completed the polio vaccine series. The requirements for any of these vaccines may be suspended if the vaccine supply from the manufacturer cannot meet the demand as determined by the ACIP, and as published in the *Morbidity and Mortality Weekly Report*. The ACIP is recognized as a national authority for immunization recommendations.

Pneumococcal Conjugate Vaccine: The requirement for PCV will apply to all children attending childcare facilities. The recommended schedule for PCV is 4 doses, one dose at each of these ages: 2, 4, 6, and 12-15 months. Unvaccinated or incompletely vaccinated children 7 months of age and older

do not require a full series of four doses. The number of doses a child needs to complete the series depends on the child's current age and the number of doses received previously.

Human Papillomavirus Vaccine: The requirement for HPV vaccine will begin with the 2008-2009 school year for girls entering the seventh grade. The requirement will be extended one grade level each school year until the 2013-2014 school year when the requirement will apply to grades seven through twelve. The recommended schedule for HPV vaccine is 3 doses, with the first dose given at any elected date, the second dose given 2 months after the first dose and the third dose given 6 months after the first dose.

Booster Dose of Combined Tetanus Toxoid, Reduced Diphtheria Toxoid and Acellular Pertussis Vaccine (Tdap): The requirement for a booster dose of tetanus, diphtheria, and acellular pertussis (Tdap) vaccine will apply to students entering the 7th grade in the 2008-2009 school year. Each year this requirement will be extended one grade level until the 2013-2014 school year when the requirement will apply to grades 7 through 12.

DTaP/Td and Polio Vaccines: The changes to the DTaP/Td and polio vaccine requirements will begin with the 2007-2008 school year and will apply to all grades. Children seven years of age and older will be required to complete the DTaP series with Td or Tdap vaccines as appropriate for their age according to the ACIP recommended childhood and adolescent immunization schedules. The polio vaccine requirement will be eliminated for students 18 years of age and older.

AUTHORITY:

Oklahoma State Board of Health; 70 O.S. §§ 1210.191 et seq.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Susan Mendus, Immunization Service; or may before March 8, 2007, submit written comment to Susan Mendus, Immunization Service Education and Training Director, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Susan Mendus, Immunization Service, Oklahoma State Department of Health, 1000 N.E.

10th Street, Oklahoma City, OK 73117-1299, or by e-mail to susanm@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-83; filed 1-5-07]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 567. STATE CENTRAL CANCER
REGISTRY**

[OAR Docket #07-84]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Reporting
310:567-3-2. [AMENDED]

SUMMARY:

The proposed rule changes are as follows: to add the requirement for reporting Nonmalignant Central Nervous System tumors as required by the Benign Brain Tumor Cancer Registries Amendment Act (P.L. 107-260) and authorized by state law; and to specify that cancer reporting be in electronic format according to Central Cancer Registry standards established by the Department of Health and Human Services through the Centers for Disease Control and Prevention National Program of Cancer Registries, as well as for Paperwork Reduction.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 1991 §1-551.1 and 1-552

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Adeline Yerkes, Disease and Prevention Services; or may before March 8, 2007, submit written comment to Adeline Yerkes, RN, MPH, Chief, Chronic Disease Service, Oklahoma Central Cancer Registry, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of

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

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Adeline Yerkes, Disease and Prevention Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to Adeliney@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Adeline Yerkes, Disease and Prevention Services, (405) 271-4072

[OAR Docket #07-84; filed 1-5-07]

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

[OAR Docket #07-85]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Ambulance Services
- Part 1. General Provisions
- 310:641-3-2. [AMENDED]
- Part 3. Ambulance Services
- 310:641-3-11. [AMENDED]
- 310:641-3-14. [AMENDED]
- 310:641-3-15. [AMENDED]
- Part 5. Ground Transport Vehicles
- 310:641-3-20. [AMENDED]
- Part 7. Air Ambulances
- 310:641-3-38. [AMENDED]
- Part 10. Stretcher Aid Vans
- 310:641-3-48. [AMENDED]
- 310:641-3-48.1. [AMENDED]
- 310:641-3-48.2. [AMENDED]
- Part 11. Medical Control

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310:641-3-50. [AMENDED]
Part 17. Controlled Substances
310:641-3-80. [AMENDED]
Part 19. Inspection, Correction, Action
310:641-3-91. [AMENDED]
Part 25. Operational Protocols
310:641-3-120. [AMENDED]
Part 31. Certified ~~First~~Emergency Medical Response Agencies
310:641-3-150. [AMENDED]
Part 33. Service and Agency Files
310:641-3-160. [AMENDED]
Part 39. Enforcement Action
310:641-3-190. [AMENDED]
Subchapter 5. Personnel Licenses and Certification
Part 3. Emergency Medical Personnel Licenses
310:641-5-11. [AMENDED]
Part 9. Medical Control
310:641-5-50. [AMENDED]
Part 11. Emergency Medical Personnel Certification
310:641-5-61. [AMENDED]
310:641-5-70. [REVOKED]
Subchapter 7. Training Programs
Part 3. Training Programs
310:641-7-15. [AMENDED]
Part 5. Instructor Qualifications
310:641-7-20. [AMENDED]

SUMMARY:

The proposed changes update and add definitions, allow voluntary downgrades of ambulance service licensure, expand allowable service areas for stretcher aid vans, add requirements for expansions of emergency ambulance service areas, ambulance manufacturers compliance certifications, air ambulance provider safety groups, stretcher aid van markings, and ground ambulance insurance verifications, exempt non-emergency interfacility transfers from the "duty to act" requirements for immediate ambulance response, expand data submission timelines, consolidate licensure requirements and lower some fees, allow testing of emergency medical responders (EMRs) by Oklahoma Career Tech, establish an EMR registry, add aspirin administration to the allowed EMR skills and clarify requirements for EMS training institutions.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104; 63 O.S. Section 1-2501 et seq.; and Title 63 O.S. Section 1-860.1 et seq.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may discuss informally the proposed rules with Protective Health Service - Emergency Medical Services staff; or may before March 8, 2007, submit written comment to R. Shawn Rogers, EMS Director, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the State Health Department Building, 1000 N.E. 10th Street, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to R. Shawn Rogers, Director, Emergency Medical Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to shawnr@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-85; filed 1-5-07]

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

[OAR Docket #07-90]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:663-1-2. [AMENDED]
310:663-1-4. [NEW]
Subchapter 3. Services and Care
310:663-3-5. [AMENDED]
310:663-3-8. [NEW]
Subchapter 7. Physical Plant Design
310:663-7-2. [AMENDED]
Subchapter 9. Staffing Requirements
310:663-9-6. [AMENDED]
Subchapter 13. Resident Contract
310:663-13-1. [AMENDED]
Subchapter 15. Resident Rights and Responsibilities
310:663-15-1. [AMENDED]

- 310:663-15-2. [AMENDED]
- 310:663-15-3. [NEW]
- Subchapter 19. Administration, Records and Policies
- 310:663-19-1. [AMENDED]
- 310:663-19-2. [AMENDED]
- 310:663-19-3. [NEW]
- Subchapter 25. Inspections and Investigations
- 310:663-25-3. [AMENDED]
- 310:663-25-4. [AMENDED]
- Subchapter 29. Terminating and Continuing Services
- 310:663-29-2. [AMENDED]
- Appendix B. Reference List for Standards of Practice [NEW]

SUMMARY:

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

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

References to residential care facility rules related to involuntary termination of residency are struck and requirements for notice and content of notice for involuntary termination of residency are written into rule. Notice requirements and provisions for hearing are provided when a facility seeks to involuntarily terminate residency for reasons other than inappropriate placement.

A new section is added to address an omission in the rule: facilities must be in compliance with Chapter 257 pertaining to Food Service Establishments in their food storage, preparation and service.

Staffing requirements are amended to increase resident supervision. New rules specify increased staffing and emergency preparation disclosure and a minimum of two staff members on duty and awake on all shifts if a continuum of care facility or assisted living center has a unit or program designed to prevent or limit access to areas outside the designated unit or program. This describes facilities providing services to residents with Alzheimer's disease or related dementias in what are generally described as locked units.

New rule explicitly requires the facility to provide not less than the services provided in the resident service contract. The rule prohibiting an owner, operator, administrator or employee from appointment as a guardian or limited guardian of a resident is amended to include prohibiting appointment as power of attorney or durable power of attorney.

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

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

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

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

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

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

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

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 8, 2007, to James Joslin, Assistant Chief, Long Term Care Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007 may send electronic mail to james@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

A hearing will be held as part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to James Joslin at the above address or to james@health.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma State Department of Health, Long

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Term Care Service, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by electronic mail request to james@health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-90; filed 1-8-07]

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

[OAR Docket #07-86]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:667-1-3. [AMENDED]

Subchapter 17. Food and Nutritional Services

310:667-17-4. [AMENDED]

310:667-17-5. [AMENDED]

Subchapter 33. Specialized Requirements - Psychiatric

310:675-33-2. [AMENDED]

SUMMARY:

The proposed amendments add additional focus areas for quality indicators as specified by HB2842 passed during the first session of the 49th Legislature of 2006. The amendments make conforming changes that update the existing requirement for hospitals to be in compliance with Chapter 257, the most recent iteration of the rules for Food Service Establishments.

Additionally, changes are proposed to allow commingling of adolescent and adult patients in a behavioral health unit under limited and well defined circumstances and restricted to single gender populations undergoing treatment for certain eating disorders when appropriate monitoring is in place.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Sections 1-104, 1-705, and 1-707.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 8, 2007, may submit written comments to Tom Welin, Chief, Medical Facilities Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic mail to tomw@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will be part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Tom Welin at the above address or to tomw@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; telephone (405) 271-6576; facsimile: 405-271-1308; email: tomw@health.ok.gov

[OAR Docket #07-86; filed 1-5-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 668. UNCOMPENSATED CARE FUND [REVOKED]

[OAR Docket #07-87]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 668. Uncompensated Care Fund [REVOKED]

SUMMARY:

This action provides for revocation of Chapter 668, Uncompensated Care Fund, consistent with the repeal of 63 O.S. Supp. 2005, Section 1-702b which authorized the State Health Department to enforce rules associated with the annual data reporting, fee collection, and distribution of monies related to the State's uncompensated care fund.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-702b

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with staff; or before March 8, 2007, may submit written comments to Onekia Smallwood, Programs Officer, Health Resources Development Service, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; telephone: (405) 271-9444 ext. 57270; or before March 8, 2007 may send electronic mail to onekias@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Onekia Smallwood, Programs Officer, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007 may send electronic mail to onekias@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Onekia Smallwood, Programs Officer, Health Resources Development Service, (405) 271-9444 ext. 57270

[OAR Docket #07-87; filed 1-5-07]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 669. TRAUMA CARE ASSISTANCE REVOLVING FUND

[OAR Docket #07-88]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:669-1-2. [AMENDED]

Subchapter 5. Reports and Financial Statements

310:669-5-1. [AMENDED]

310:669-5-2. [AMENDED]

310:669-5-4. [AMENDED]

Subchapter 7. Fund Distribution

310:669-7-1. [AMENDED]

SUMMARY:

The amendments broaden the eligibility requirements for disbursement from the Trauma Care Assistance Revolving Fund by defining eligible case criteria specific to time sensitive hand and oromaxillofacial traumatic injuries, clarify existing language, delete obsolete language, and correct grammatical and formatting errors.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-2530.9

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with staff; or before March 8, 2007, may submit written comments to Patrice Greenawalt, Director, Trauma Division, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-2657; or before March 8, 2007 may send electronic mail to patriceg@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 8, 2007 which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to Patrice Greenawalt, Director, Trauma Division, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007 may send electronic mail to patriceg@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2007, at the same location listed above for reviewing and obtaining copies of the proposed rules.

Notices of Rulemaking Intent

CONTACT PERSON:

Patrice Greenawalt, Director, Trauma Division, Medical Facilities, (405) 271-2657

[OAR Docket #07-88; filed 1-5-07]

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

[OAR Docket #07-91]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:675-1-2 [AMENDED]

Subchapter 7. Administration

310:675-7-5.1 [AMENDED]

310:675-7-12.1 [AMENDED]

310:675-7-17.1 [AMENDED]

310:675-7-18.1 [AMENDED]

310:675-7-21 [NEW]

Subchapter 9. Resident Care Services

310:675-9-13.1 [AMENDED]

Subchapter 13. Staff Requirements

310:675-13-7 [AMENDED]

Subchapter 21. Nontechnical Services Workers [NEW]

310:675-21-1 [NEW]

310:675-21-2 [NEW]

310:675-21-3 [NEW]

310:675-21-4 [NEW]

310:675-21-5 [NEW]

Appendix B. Reference List for Standards of Practice
[REVOKED]

Appendix B. Reference List for Standards of Practice
[NEW]

SUMMARY:

The proposed amendments and new language update the rules based on changes in statute, survey experience, history of facility incident reports, complaint allegations and investigations, request and experience of the Department's Tuberculosis Division, and public meetings held by the Long Term Care Facility Advisory Board.

Definitions are updated to clarify terminology in the proposed rule relating to reports to local law enforcement.

The timeline for initial incident reporting is changed to correspond with statutory language of twenty-four hours. Further amendments clarify the types of incidents to be reported and the content to be included in filed incident reports.

Infection control rules are amended to reflect the latest guidance on facility tuberculosis risk assessment, and resident and staff tuberculosis skin testing from the Centers for Disease Control.

New rules are developed to implement the Long-term Care Security Act pertaining to determination of sex or violent offender status for all facility staff and residents; procedures for determination of status; recommended registry search strategy; change in status after employment or admission; posting of offender status; and, content of notice to department of sex or violent offender's presence in the facility.

Food storage, supply and sanitation rules are amended to reflect the newly adopted Chapter 257. Food service staff rules are amended to enhance the training requirements for food service staff while reducing routine food services staff in-service time.

Subchapter 21 is added to implement the abuse registry for nontechnical services workers as required in 63 O.S. Sections 1-1950.6 through 1-1950.9. The new subchapter includes procedures of investigations, notice, hearings, orders, and entry of findings into an abuse registry.

Standards of practice are updated in Appendix B.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. 2001, Section 1-104; and Title 63 O.S. Section 1-1901 et seq.

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with staff; or before March 8, 2007, may submit written comments to James Joslin, Assistant Chief, Long Term Care Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007 may send electronic mail to james@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

A hearing will be held as part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 8, 2007 to James Joslin at the above address or to james@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-91; filed 1-8-07]

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

[OAR Docket #07-89]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 310:677-1-3. [AMENDED]
 - 310:677-1-4. [AMENDED]
 - 310:677-1-5. [AMENDED]
- Subchapter 3. Nurse Aide Training and Competency Examination Program
 - 310:677-3-2. [AMENDED]
 - 310:677-3-3. [AMENDED]
 - 310:677-3-4. [AMENDED]
 - 310:677-3-5. [AMENDED]
- Subchapter 5. Nurse Aide Registry
 - 310:677-5-2. [AMENDED]
 - 310:677-5-5. [NEW]
- Subchapter 7. Hearings [REVOKED]
 - 310:677-7-1. [REVOKED]
 - 310:677-7-2. [REVOKED]
 - 310:677-7-3. [REVOKED]
 - 310:677-7-4. [REVOKED]
- Subchapter 9. Home Care Aides
 - 310:677-9-3. [AMENDED]
- Subchapter 13. Certified Medication Aides
 - 310:677-13-1. [AMENDED]
 - 310:677-13-4. [AMENDED]
 - 310:677-13-5. [AMENDED]
 - 310:677-13-8. [AMENDED]
 - 310:677-13-9. [AMENDED]
 - 310:677-13-12. [NEW]
- Subchapter 23. Hearings [NEW]

SUMMARY:

Provisions relating to nurse aide trainees and uncertified aides are modified to be consistent with Title 63 O.S. Section 1-1950.3. Provisions that require applicants to submit copies of social security cards are deleted. Criteria are simplified and shortened for placement of nursing school graduates

on the nurse aide registry. The amendments include a brief description of the application form required for recertification. The deadline for reporting an allegation of abuse is changed to 24 hours to be consistent with current law.

General requirements for approval of training and competency evaluation programs are modified to reduce the time for review of applications. Requirements for training programs are amended to reduce paperwork required for Health Department approval of instructors and classrooms. Criteria are specified for the use of clinical training sites after substandard quality of care has been cited.

Criteria and procedures for denial, suspension, withdrawal and nonrenewal of nurse aide certifications are specified.

Instructor qualifications are modified to allow registered nurses with certain experience as instructors or trainers to serve as supervisors for home care aide training programs.

The amendments include clarification of requirements for certified medication aides. The numbers of glucometer tests and insulin preparations that must be performed during training are modified. The changes authorize advanced programs that provide limited training in blood glucose monitoring, in use of gastrostomy tubes, or in use of inhalers and nebulizers. Competency and skills examination programs are required to obtain written attestations of compliance from medication aide candidates. Requirements are clarified for retesting and retraining after expiration of a medication aide's certificate.

Application requirements for medication aide training and evaluation programs are modified to identify the program owner, and to reduce paperwork filings for instructors and classrooms. Criteria and procedures for approval of continuing education are specified.

Hearing procedures for nurse aides and medication aides are moved from Subchapter 7 and expanded in a new Subchapter 23.

The proposed amendments include permanent adoption of emergency rules that eliminated certification and application fees for long-term care aides, the category of nurse aides eligible to work in nursing facilities and skilled nursing facilities. Under emergency rules effective July 26, 2006, fees ranging from \$5 to \$15 were deleted for long-term care aides. In the emergency rule and in this permanent proposal, the fees will continue to apply to certifications and applications for home care aides, certified medication aides, aides providing direct care to persons with developmental disabilities, residential care aides and adult day care aides. The elimination of certification and application fees for long-term care aides is intended to comply with Sections 1819(e)(2) and 1919(e)(2) of the Social Security Act, and Title 42 Code of Federal Regulations Section 483.156(b)(4), and with recent instructions from the Centers for Medicare and Medicaid Services.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104; and 63 O.S. Sections 1-1950.1 through 1-1950.9, and Section 1-1951

Notices of Rulemaking Intent

COMMENT PERIOD:

February 1, 2007 through March 8, 2007. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 8, 2007, may submit written comments to Henry Hartsell, Chief, Health Resources Development Service, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 8, 2007, may send electronic mail to hank@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will be part of the regular meeting of the State Board of Health, March 8, 2007, which begins at 1:00 p.m. in Room 307 of the Oklahoma State Department of Health Building, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before March 5, 2007 to Henry F. Hartsell Jr. at the above address or to hank@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-89; filed 1-5-07]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 25. SOONERCARE

[OAR Docket #07-46]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 25. SOONERCARE [AMENDED]

(Reference APA WF # 06-59)

SUMMARY:

Rule revisions are needed to allow female members direct access to women's healthcare specialists without a referral for covered routine and preventative care when their PCP/CM is not a women's healthcare specialist. Revisions include removing the guarantee of six month eligibility for SoonerCare members to comply with the 1115 waiver renewal. Revisions also include the deletion of language requiring a provider to board eligible or certified to engage in the practice of family medicine.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-46; filed 1-5-07]

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

[OAR Docket #07-20]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 5. Eligibility
317:30-3-85. [AMENDED]
(Reference APA WF # 06-15A)

SUMMARY:

Rules regarding citizenship requirements are revised to comply with the provisions of the Deficit Reduction Act (DRA) of 2005. Section 6036 of the DRA requires states to obtain satisfactory documentary evidence of citizenship in order to receive Federal Financial Participation. States are required to obtain satisfactory documentary evidence of citizenship from all applicants and recipients unless otherwise exempted. For applicants, the State must obtain such evidence of citizenship at the time of application. For recipients, the State must obtain such evidence of citizenship at the time redetermination. Individuals who have applied for and have been approved for SSI and Medicare will have had their citizenship status verified by the Social Security Administration and the OKDHS Social Workers will be able to use data exchange systems with Social Security for verification. Some of the most common documents that may be accepted as proof of citizenship will include: a United States birth certificate, a hospital record of birth made at the time of birth in one of the 50 states, a United States passport, a Certificate of U.S. Citizenship (DHS FORMS N-560 or N-561), a Certificate of Naturalization (DHS FORMS N-550 or N570), a religious record of birth recorded in the United States or its Territories within 3 months of birth, a Report of Birth Abroad of a U.S. Citizen (Form FRS-240), or a U.S. Citizen I.D. card (DHS Form I-197).

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 6036 of the Deficit Reduction Act of 2005

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Monday, March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-20; filed 1-5-07]

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

[OAR Docket #07-22]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]
(Reference APA WF # 06-30)

SUMMARY:

Rules revisions are needed to allow coverage for organ donor expenses for SoonerCare member transplants. Currently SoonerCare only covers donor expenses if the donor is a SoonerCare member and donates the organ to a SoonerCare member. Without this change, some donors may refuse to donate needed organs or tissue and transplant facilities may refuse to perform the transplant. This change is needed to insure that SoonerCare members receive organ and tissue donations in a timely and efficient manner to prolong life expectancy and cure disease.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority,

Notices of Rulemaking Intent

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

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-22; filed 1-5-07]

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

[OAR Docket #07-23]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-32)

SUMMARY:

Transportation rules are revised to establish a payment and billing method for contracted air ambulance providers that transport SoonerCare members out-of-state from the airport to the admitting hospital. Currently, if a member has to be transported by air ambulance, the air ambulance provider bills the agency by invoice for expenses incurred for ground transportation. This change will enable the air provider to sub-contract with an out-of-state non-contracted ground ambulance provider and bill the appropriate codes for the services provided through the MMIS. This type of transportation is provided only when medically necessary

services can not be performed by an in-state provider. Rule revisions also address non-emergency stretcher services and the required criteria to be eligible for stretcher care.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m., March 5, 2007 at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-23; filed 1-5-07]

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

[OAR Docket #07-24]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-35)

SUMMARY:

Rules are revised to reflect transportation of family members to participate in family counseling with SoonerCare members who reside in a psychiatric residential treatment center (PRTC) is the responsibility of the facility. Family therapy is defined as a face -to-face interaction between a therapist the patient and family to facilitate emotional, psychological or behavioral changes and promote communication and understanding. Family therapy must be provided for the benefit of a SoonerCare member as a specifically identified component of an individual treatment plan. The OHCA recently increased the per diem rate to facilities to cover this expense.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m., March 5, 2007 at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-24; filed 1-5-07]

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

[OAR Docket #07-25]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provisions
- Part 3. General Medical Program Information
317:30-3-57. [AMENDED]
- Subchapter 5. Individual Providers and Specialties
- Part 17. Medical Suppliers
317:30-5-211. [AMENDED]
- (Reference APA WF # 06-39)

SUMMARY:

SoonerCare coverage rules and rules for medical suppliers are revised to add external breast prosthesis and support garments as benefits to women who have had a mastectomy. Women who choose not to have reconstruction surgery after a mastectomy, need external breast prosthesis and support garments to balance their body and to anchor the bra on the side of the mastectomy from riding up, which helps prevent back and neck pain and a sagging shoulder. There are also psychological benefits to having an external breast prosthesis which can restore a sense of attractiveness to a woman who might otherwise be severely depressed. Rule revisions are needed to expand coverage benefits to include external breast prosthesis and support garments to women who have had mastectomies.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-25; filed 1-5-07]

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

[OAR Docket #07-26]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers

Part 1. Physicians

317:30-5-8. [AMENDED]

(Reference APA WF # 06-40)

SUMMARY:

Surgery rules are revised to allow OHCA to comply with current protocol for required documentation of medical necessity for prior authorization of reduction mammoplasty. Existing rules outline the prior authorization procedures used by managed care plans which are now obsolete under SoonerCare. Failure to revise surgery rules could result in denial of mammoplasty reduction surgery authorization and increase member appeals.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-26; filed 1-5-07]

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

[OAR Docket #07-27]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 12. The Oklahoma Prescription Drug Discount Program [NEW]

317:30-5-180. through 317:30-5-180.5 [NEW]

(Reference APA WF # 06-41)

SUMMARY:

Agency rules are issued to establish the Oklahoma Prescription Discount Drug Program under Title 59, O.S., Section 353.5, which enables Oklahomans needing medicines for which they have no coverage, to purchase prescription drugs at the lowest possible out-of-pocket cost through the OPDDP's pharmacy network. The agency has contracted with a provider to administer the program by: (1) establishing agreements with prescription drug manufacturers; (2) providing the means testing for their programs; (3) negotiating prescription drug discounts with manufacturers; (4) assisting program members in accessing appropriate manufacturer-sponsored prescription drugs; (4) utilizing Medicaid reimbursement for pharmacy networks; and (5) implementing a "one-stop" Oklahoma Prescription Drug Discount Program for uninsured Oklahomans and their families.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-27; filed 1-5-07]

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

[OAR Docket #07-28]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317: 30-5-2. [AMENDED]

Part 79. Dentists

317:30-5-695. [AMENDED]

317: 30-5-696. [AMENDED]

317:30-5-696.1. [NEW]

317:30-5-698. [AMENDED]

(Reference APA WF # 06-42)

SUMMARY:

Dental rules are revised to: (1) to add a limited dental benefits for pregnant women; (2) expand coverage for dental sealants for children up to age 18 to guard against tooth decay; (3) eliminate the age restriction on stainless steel crowns for children with 70 percent or more of root structure; (4) to clarify language on Smoking Cessation in dental policy to agree with other sections of policy by adding dentists as providers of this benefit; (5) separate rules regarding conscious sedation into their own Section; and (6) clarify general language. Revisions add a limited dental benefit package for pregnant women as studies have indicated that treating periodontal disease during pregnancy has a positive effect on birth outcomes. Currently, the age limit for dental sealants is 14. The age limits on sealant applications is being removed as this population may not come into the program at an early age and the application of sealant is limited to teeth without any pathology. Research has confirmed that the timely application of sealants can eliminate the need for cutting into a tooth for restorative treatment. The fee for one surface restoration is more than double the fee for one surface sealant so in the long-term, the use of sealants should result in a cost savings. A sealant should last approximately 5 years which will last through most member's cavity prone years. Current policy regarding coverage for stainless steel crowns states that the child has to be age 5 and have 70 percent of the root structure. The revision will correct the language to read "the child has to be age 5 or have 70 percent of the root structure". Other revisions clarify language in dental policy regarding Smoking Cessation to comply with other areas of policy. Rules regarding conscious sedation are moved from general coverage to a unique section describing dentists requirements for providing the service. Further revisions incorporate superseded emergency rules approved by the Governor on November 1, 2006.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; and 42 CFR §440.50.

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-28; filed 1-5-07]

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

[OAR Docket #07-30]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-44)

SUMMARY:

Rules are revised to separate speech/language pathologists and audiologist and give the specific definition of criteria for each profession to be consistent with CFR 440.110. Currently both professions are listed together with the same definition of credentialing criteria. Rules are also revised to expand audiology services to adults. Current rules state that audiology services are not available to adults. Changes are needed to cover hearing screening for adults and bring the policy in agreement with current practice.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-30; filed 1-5-07]

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

[OAR Docket #07-32]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-45B)

SUMMARY:

Rules for SoonerCare non-emergency transportation revised to: (1) reorganize the rules to more user friendly for providers and members by adding definitions and grouping like services together; (2) determine member eligible for non-emergency transportation (NET) and the availability and access for utilization of the SoonerRide program for all NET qualified members.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-32; filed 1-5-07]

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

[OAR Docket #07-33]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-46)

SUMMARY:

Long term care facility rules are revised to allow the agency to make payments to nursing facilities for nurse aide training as an administrative claim instead of including the cost of nurse aide training in the nursing facility rate. Current rules indicate that this payment will only be made in the daily per diem rate. This revision allows the agency to comply with all State and Federal regulations to obtain federal matching funds for nurse aide training.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-33; filed 1-5-07]

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

[OAR Docket #07-35]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 15. Child Health Centers

317:30-5-198. [AMENDED]

(Reference APA WF # 06-50)

SUMMARY:

Child Health Center rules are revised to remove child health diagnosis encounters as a covered service. The Oklahoma State Department of Health (OSDH) formerly provided this service on an encounter basis and billed under a bundled rate. The agency transitioned from local "W" codes to "CPT" codes and OSDH is no longer billing for encounters under bundled rates, services are now billed by CPT codes for specific

Notices of Rulemaking Intent

procedures and services. This change removes an obsolete service from rules.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.60

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-35; filed 1-5-07]

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

[OAR Docket #07-36]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-52)

SUMMARY:

Rules are revised to update the pharmacy section regarding the National Provider Number (NPI) and generic dispensing

fees in accordance with provisions contained in the Debt Reduction Act (DRA).

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-36; filed 1-5-07]

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

[OAR Docket #07-39]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 108. Nutrition Services
317:5-1076. [AMENDED]

(Reference APA WF # 06-54)

SUMMARY:

Nutrition Services rules are revised to increase the maximum hours of medically necessary nutritional counseling by a licensed registered dietician to six hours per year. Current rules provide up to two hours of nutritional counseling to individuals needing the services expressly for diagnosing, treating, preventing, or minimizing the effects of illness. However, in some circumstances such as diabetes, hyperlipidemia, atherosclerotic vascular disease, or obesity, two hours of nutritional counseling may not provide a sufficient amount of counseling and follow-up. Increasing the maximum number of hours to six hours will allow more adequate dietary follow-up that is vital to treatment.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-39; filed 1-5-07]

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

[OAR Docket #07-41]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDER-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-56A)

SUMMARY:

Rules are revised to establish pre-natal benefits for unborn children who will be Oklahoma residents and U. S. citizens upon their birth. There are currently rules that prohibit pre-natal benefits to pregnant women with certain alien status. Therefore, the unborn child goes without pre-natal care. The lack of care can result in low birth weight and an increased probability of birth defects. Expenditures for these children after birth, who have citizenship and meet Medicaid eligibility standards, are more costly than pre-natal care. Rule revisions will lower expenditures for neo-natal ICU expenses, extended hospital stays after birth and ongoing chronic medical expenses for child.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-41; filed 1-5-07]

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

[OAR Docket #07-44]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-57)

SUMMARY:

Rules are revised to instruct providers to bill their usual and customary changes. Rule revisions will allow the OHCA to compare usual and customary fees of SoonerCare providers with existing fee schedules.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-44; filed 1-5-07]

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

[OAR Docket #07-45]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-58)

SUMMARY:

Rule revisions are needed to delete procedure codes, allowable amounts and obsolete form numbers. The deletions of procedure codes and allowable amounts will allow future rate adjustments without revisions to rules in the future.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-45; filed 1-5-07]

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

[OAR Docket #07-47]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-60)

SUMMARY:

Rules are revised to define services that the Oklahoma State Department of Health (OSDH) as County Health Department's (CHD) provide and the manner that they provide these services. Currently rules do not address CHD's as an individual provider this revision will consolidate all rules pertaining to CHD's. Rule revisions will define providers and the types of services that they can provide as a CHD.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-47; filed 1-5-07]

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

[OAR Docket #07-48]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE [AMENDED]

(Reference APA WF # 06-61)

SUMMARY:

Rules for Medical Suppliers are revised to (1) reorganize the rules to be more user friendly for providers and members by adding definitions and separating different services; (2) include supplier accreditation requirements, medical necessity requirements, prescription requirements and prior authorization requirements; (3) address rental and purchase, repairs, maintenance, replacement and delivery of items of durable medical equipment, prosthetics, orthotics and supplies (DMEPOS); (4) provide for documentation requirements, a SoonerCare member's freedom of choice of providers, conditions of coverage, billing and reimbursement. Revisions are needed to provide more accurate, organized and user friendly rules for Medical Suppliers.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-48; filed 1-5-07]

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

[OAR Docket #07-49]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 37. Advanced Practice Nurse
317:30-5-375. [AMENDED]

(Reference APA WF # 06-62)

SUMMARY:

Advanced Practice Nurse rules are revised to correct an inaccurate reference citation to Oklahoma Board of Nursing rules. Currently, rules state that Advanced Practice Nurse services are limited to the scope of their practice as defined in 59 O.S. 567.3a and a nonsensical reference. The revision will correctly cite the proper Oklahoma Administrative Code reference for the Oklahoma Board of Nursing.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.60

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-49; filed 1-5-07]

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

[OAR Docket #07-50]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 1. Physicians
317:30-5-23. [AMENDED]

(Reference APA WF # 06-63)

SUMMARY:

Physicians rules regarding billing for newborn care are revised to remove obsolete procedures language. Previously, physicians were instructed to claim for reimbursement using the mother's Medicaid number and the newborn's person code. However, procedures have been updated and now, each SoonerCare member has been assigned an individual, unique identification number which providers are to use when billing

for services. Rule revisions are necessary to remove obsolete billing procedures language.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.50

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-50; filed 1-5-07]

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

[OAR Docket #07-21]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Eligibility and Countable Income
 - Part 3. Non-Medical Eligibility Requirements
 - 317:35-5-25. [AMENDED]
 - Subchapter 7. Medical Services
 - Part 5. Determination of Eligibility for Medical Services
 - 317:35-7-41. [AMENDED]

Subchapter 21. Breast and Cervical Cancer Treatment Program

- 317:35-21-1. [AMENDED]
 - 317:35-21-7. [AMENDED]
 - 317:35-21-11. [AMENDED]
- (Reference APA WF # 06-15B)

SUMMARY:

Rules regarding citizenship requirements are revised to comply with the provisions of the Deficit Reduction Act (DRA) of 2005. Section 6036 of the DRA requires states to obtain satisfactory documentary evidence of citizenship in order to receive Federal Financial Participation. States are required to obtain satisfactory documentary evidence of citizenship from all applicants and recipients unless otherwise exempted. For applicants, the State must obtain such evidence of citizenship at the time of application. For recipients, the State must obtain such evidence of citizenship at the time redetermination. Individuals who have applied for and have been approved for SSI and Medicare will have had their citizenship status verified by the Social Security Administration and the OKDHS Social Workers will be able to use data exchange systems with Social Security for verification. Some of the most common documents that may be accepted as proof of citizenship will include: a United States birth certificate, a hospital record of birth made at the time of birth in one of the 50 states, a United States passport, a Certificate of U.S. Citizenship (DHS FORMS N-560 or N-561), a Certificate of Naturalization (DHS FORMS N-550 or N570), a religious record of birth recorded in the United States or its Territories within 3 months of birth, a Report of Birth Abroad of a U.S. Citizen (Form FRS-240), or a U.S. Citizen I.D. card (DHS Form I-197).

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 6036 of the Deficit Reduction Act of 2005

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Monday, March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-21; filed 1-5-07]

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

[OAR Docket #07-29]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS
AND CHILDREN-ELIGIBILITY [AMENDED]

(Reference APA WF # 06-43)

SUMMARY:

SoonerPlan rules are revised to allow the agency to comply with CMS clarifications that persons that are covered by Medicare or other creditable health insurance coverage including family planning services are not eligible for SoonerPlan, the Family Planning Waiver program. Stand alone policies such as dental, vision or pharmacy are not considered creditable insurance coverage when determining eligibility for the SoonerPlan program.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007 during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing is scheduled for 2:00 p.m., March 5, 2007 at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-29; filed 1-5-07]

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

[OAR Docket #07-31]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS
AND CHILDREN-ELIGIBILITY [AMENDED]

(Reference APA WF # 06-45A)

SUMMARY:

Rules for SoonerCare transportation and subsistence are revised to define member eligibility for non-emergency transportation (NET) and the availability and access for utilization of the SoonerRide program for all NET qualified members.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-31; filed 1-5-07]

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

[OAR Docket #07-34]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income
Part 5. Countable Income and Resources
317:35-5-41. [AMENDED]
(Reference APA WF # 06-47)

SUMMARY:

Resource eligibility rules for individuals related to aged, blind and disabled are revised to increase the maximum monthly income for a Medicaid Income Pension Trust, also known as a Miller Trust, from \$2,500 to \$3,000. A Medicaid Income Pension Trust is a trust account established for individuals in need of long-term care who have countable income above the categorically needy standard for long-term care but the income is insufficient to meet the cost of long-term care. The Trust consists of all of the individuals's monthly income. A monthly income that is equal to the categorically needy standard for long-term care is disbursed from the trust to the individual thus qualifying the individual for SoonerCare. The State receives all amounts remaining in the trust upon the death of the individual up to an amount equal to the total benefits paid on behalf of the individual subsequent to the date of the establishment of the trust. The Medicaid Income Pension Trust rules were originally established in 1992 with a maximum monthly income amount for the Trust set at \$2,000. In 1998, the monthly maximum income was increased to \$2,500. This current maximum no longer meets the rising

costs of minimum nursing home care nor the other necessary expenses such as prescribed medications, Medicare and health insurance premiums, and other personal need items.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Monday, March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-34; filed 1-5-07]

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

[OAR Docket #07-37]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Medical Aid to Families with Dependent Children
Part 5. Income
317:35-10-26. [AMENDED]

Notices of Rulemaking Intent

(Reference APA WF # 06-53A)

SUMMARY:

Rules are revised to reflect a \$240.00 earned income disregard for work related expenses when determining SoonerCare eligibility for certain populations. Currently, individuals related to AFDC or Pregnancy receive a monthly \$120.00 deduction from earned income for work related expenses when calculating the benefit group's income for SoonerCare eligibility. Recently, the Oklahoma Department of Human Services increased the monthly earned income disregard for Temporary Assistance to Needy Families (TANF, formerly known as AFDC) recipients from \$120.00 to \$240.00. In order for SoonerCare to continue to be linked with TANF, OHCA must apply the financial methodologies and requirements of the case assistance program that are most closely categorically related to the individual's status. In addition, individuals participating in the Oklahoma Employer and Employee Partnership for Insurance Coverage (O-EPIC) and those eligible for family planning services only (SoonerPlan), presently do not receive any deduction from earned income for work related expenses. These revisions will give all working individuals in these groups the same monthly work related expense deduction of \$240.00

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 435.601

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-37; filed 1-5-07]

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

[OAR Docket #07-42]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY [AMENDED]

(Reference APA WF # 06-56B)

SUMMARY:

Rules are revised to establish pre-natal benefits for unborn children who will be Oklahoma residents and U. S. citizens upon their birth. There are currently rules that prohibit pre-natal benefits to pregnant women with certain alien status. Therefore, the unborn child goes without pre-natal care. The lack of care can result in low birth weight and an increased probability of birth defects. Expenditures for these children after birth, who have citizenship and meet Medicaid eligibility standards, are more costly than pre-natal care. Rule revisions will lower expenditures for neo-natal ICU expenses, extended hospital stays after birth and ongoing chronic medical expenses for child.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 PM on March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), copies of the Rule Impact Statement may be obtained for review by contacting the above listed person.

CONTACT PERSON:

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

[OAR Docket #07-42; filed 1-5-07]

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

[OAR Docket #07-51]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

CHAPTER 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY [AMENDED]

(Reference APA WF # 06-64)

SUMMARY:

Long Term Care eligibility rules are revised to comply with the Deficit Reduction Act (DRA) of 2005 which amends Section 1917(c) of the Social Security Act. Under current law, an individual may be ineligible for payment for long term care services due to a transfer of assets for less than fair market value. Prior to the DRA, the transfer look-back period was 36 months with a 60 month look-back period for transfers involving certain trusts. The DRA extended the look-back period to 60 months for all transfers of assets for less than fair market value made on or after the date of enactment, February 8, 2006. Current law requires States to establish procedures to determine whether denial of Medicaid coverage based on transfers of assets would work an undue hardship and, if so, to waive the period of ineligibility. Under DRA, specific criteria governing determination of hardship are listed, and States must adhere to additional requirements for providing notice to applicants and recipients. Also, DRA provides that a nursing facility in which the institutionalized individual is residing may file an undue hardship waiver application on behalf of the individual, with the individual's consent. Long Term Care eligibility rules are in need of revision in order to comply with the Deficit Reduction Act of 2005.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 6011 of the Deficit Reduction Act of 2005

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Monday, March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-51; filed 1-5-07]

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY
CHAPTER 45. OKLAHOMA EMPLOYER AND EMPLOYEE PARTNERSHIP FOR INSURANCE COVERAGE**

[OAR Docket #07-38]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. O-EPIC PA Employee Eligibility 317:45-9-1. [AMENDED]

Subchapter 11. O-EPIC IP [NEW]

Part 5. O-EPIC Individual Plan Member Eligibility [NEW] 317:45-11-20. [NEW]

(Reference APA WF # 06-53B)

SUMMARY:

Rules are revised to reflect a \$240.00 earned income disregard for work related expenses when determining SoonerCare eligibility for certain populations. Currently, individuals related to AFDC or Pregnancy receive a monthly

Notices of Rulemaking Intent

\$120 deduction from earned income for work related expenses when calculating the benefit group's income for SoonerCare eligibility. Recently, the Oklahoma Department of Human Services increased the monthly earned income disregard for Temporary Assistance to Needy Families (TANF, formerly known as AFDC) recipients from \$120 to \$240. In order for SoonerCare to continue to be linked with TANF, OHCA must apply the financial methodologies and requirements of the case assistance program that are most closely categorically related to the individual's status. In addition, individuals participating in the Oklahoma Employer and Employee Partnership for Insurance Coverage (O-EPIC) and those eligible for family planning services only (SoonerPlan), presently do not receive any deduction from earned income for work related expenses. These revisions will give all working individuals in these groups the same monthly work related expense deduction of \$240.

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 435.601

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Monday, March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-38; filed 1-5-07]

TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY CHAPTER 45. OKLAHOMA EMPLOYER AND EMPLOYEE PARTNERSHIP FOR INSURANCE COVERAGE

[OAR Docket #07-40]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. O-EPIC PA Employer Eligibility
317:45-7-1. through 317:45-7-2. [AMENDED]
317:45-7-8. [AMENDED]

Subchapter 11. O-EPIC IP [NEW]

Part 3. O-EPIC IP Member Health Care Benefits [NEW]
317:45-11-10. through 45-11-11. [NEW]

(Reference APA WF # 06-55)

SUMMARY:

O-EPIC rules are revised to update and clarify the covered benefits, limits, and applicable co-payments for the Individual Plan benefit package. Last fall, the agency initiated the O-EPIC Premium Assistance program for small business employers. The O-EPIC Individual Plan extends affordable health coverage to low income employees who cannot afford to participate in their employer's health plan, employees of non-participating employers, self-employed, unemployed seeking work, and workers with a disability. Additional revisions clarify employer eligibility procedures for the O-EPIC Premium Assistance (PA) program; in addition to the OES-3 form, employers will be able to provide documentation regarding terminated or part time employees to determine the number of company employees. O-EPIC is funded through a portion of monthly proceeds from the Tobacco Tax that is collected and dispersed through the Health Employee and Economy Improvement Act (HEEIA) Revolving Fund.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; O.S.S. §68-302-5 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Monday, March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such

as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-40; filed 1-5-07]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 45. OKLAHOMA EMPLOYER
AND EMPLOYEE PARTNERSHIP FOR
INSURANCE COVERAGE**

[OAR Docket #07-52]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 11. O-EPIC IP [NEW]
- Part 3. O-EPIC IP Member Health Care Benefits [NEW]
- 317:45-11-10. through 45-11-11. [NEW]

(Reference APA WF # 06-65)

SUMMARY:

O-EPIC Individual Plan rules are revised to add Perinatal Dental coverage for pregnant women to the benefit package. Revisions add a limited dental benefit package for pregnant women as studies have indicated that treating periodontal disease during pregnancy has a positive effect on birth outcomes. At the December 14, 2006, Oklahoma Health Care Authority Board meeting, rules were approved to establish the benefit package for participants in the O-EPIC Individual Plan (IP); health coverage under IP is to begin on March 1, 2007. At the same Board meeting, rule revisions were presented to add Perinatal Dental coverage to pregnant SoonerCare members effective April 1, 2007. Revisions are needed to extend the limited dental benefit package to pregnant women who are enrolled in the O-EPIC IP program.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; O.S.S. §68-302-5 et seq.

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2007 through March 5, 2007, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Monday, March 5, 2007, at the Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Joanne Terlizzi, at the above address, before the close of the comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #07-52; filed 1-5-07]

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

[OAR Docket #07-19]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 25. Regulation Permitting The Recognition Of Preferred Mortality Tables For Use In Determining Minimum Reserve Liabilities [NEW]
- 365:10-25-1. Authority [NEW]
- 365:10-25-2. Purpose [NEW]
- 365:10-25-3. Definitions [NEW]
- 365:10-25-4. 2001 CSO Preferred Class Structure Table [NEW]
- 365:10-25-5. Conditions [NEW]
- 365:10-25-6. Separability [NEW]
- 365:10-25-7. Effective Date [NEW]

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SUMMARY:

The purpose of this new regulation is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives in determining minimum reserve liabilities.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1504(A)(4)

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 5, 2007, at the offices of the Oklahoma Insurance Commissioner, State Insurance Department, Attn: Karl F. Kramer, First Assistant General Counsel, 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer input on the content of the proposed rules. The public hearing will be held at 9:30 a.m. on March 7, 2007, in the Commissioner's Conference Room at the office of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide the State Insurance Department, within the comment period set out above, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with these proposed rules. Business entities may submit this information to Karl F. Kramer, First Assistant General Counsel, at the above address, before the close of the public comment period on March 5, 2007.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the Offices of the Oklahoma Insurance Commissioner, State Insurance Department, at 2401 NW 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107. Additional copies of proposed rules may be obtained at the State Insurance Department.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be prepared prior to February 1, 2007, and may be obtained from the State Insurance Department at the above address.

CONTACT PERSON:

Karl F. Kramer, First Assistant General Counsel, (405) 521-2746.

[OAR Docket #07-19; filed 1-5-07]

TITLE 380. OKLAHOMA DEPARTMENT OF LABOR CHAPTER 70. ELEVATOR SAFETY ACT RULES

[OAR Docket #07-52A]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 70. Elevator Safety Act Rules [NEW]

SUMMARY:

The purpose of these proposed rules is to establish initial administrative rules as required by newly enacted legislation, the Elevator Safety Act, O.S. Title 59, §§ 3020 et seq. The rules address the licensing requirements applicable to the qualification and licensing of Elevator Contractors, Elevator Mechanics, and Elevator Inspectors; identify adopted national standards applicable to elevators and conveyances; provide definitions; establish program administrative procedures; establish procedures for variances, appeals and hearings; establish continuing education requirements; establish acceptance criteria for existing installations; establish criteria for the permitting of new installation of elevators and conveyances; establish procedures for the repair and/or alteration of elevators and conveyances; establish accident/incident reporting and investigation procedures; establish inspection and reporting procedures; allow for the existence of municipal elevator inspection programs; and identify periodic testing requirements.

AUTHORITY:

Commissioner of Labor; 59 O.S. Section 3023(B), Elevator Safety Act

COMMENT PERIOD:

Written and oral comments on the proposed rules will be accepted until the conclusion of the public hearing March 5, 2007. Comments may be submitted in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the below address. Comments sent by mail must be received by the Oklahoma Department of Labor no later than March 5, 2007, and should be addressed as follows:

Oklahoma Department of Labor

Comments: Chapter 70 Rules

Attention: Elizabeth J. Stefanik

4001 N. Lincoln Blvd.

Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing is scheduled for 10 a.m., March 5, 2007. Interested persons may present oral argument, data, and views at the public hearing. Time will be allocated evenly to each person who requests to be heard. The public hearing will conclude at such time as those attending have had full opportunity to present their views but in no event later than 11 a.m., March 5, 2007. The hearing will be held in the 3rd floor conference room at the Oklahoma Department of Labor, 4001 North Lincoln Blvd., Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of costs, including costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Information mailed by business entities must be received by the Oklahoma Department of Labor by March 5, 2007, and should be addressed as follows:

Oklahoma Department of Labor
Business Comments: Chapter 70 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

COPIES OF PROPOSED RULES:

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

Oklahoma Department of Labor
Copy of Proposed Rules: Chapter 70 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

RULE IMPACT STATEMENT:

A Rule Impact Statement will be available by February 16, 2007. All requests for the Rule Impact Statement must be in writing and include the complete address of the person requesting it. The Rule Impact Statement may be picked up in person between 8 a.m. and 5 p.m., Monday through Friday, except official state holidays, at the above address. The Rule Impact Statement may be obtained upon written request addressed to:

Oklahoma Department of Labor
Rule Impact Statement: Chapter 70 Rules
Attention: Elizabeth J. Stefanik
4001 N. Lincoln Blvd.
Oklahoma City, OK 73105

CONTACT PERSON:

Elizabeth J. Stefanik, Assistant General Counsel, Oklahoma Department of Labor, 528-1500, ext. 231.

ADDITIONAL INFORMATION:

Comments, requests for copies of proposed rules, and requests for the Rule Impact Statement, if any, must be made separately. Each item sent by mail must have sufficient postage attached, therefore, requests for documents to be returned by mail must include a self-addressed envelope.

[OAR Docket #07-52A; filed 1-5-07]

**TITLE 510. STATE BOARD OF OSTEOPATHIC EXAMINERS
CHAPTER 10. LICENSURE OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

[OAR Docket #07-06]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3: Licensure Requirement
- 510:10-3-1. General Licensure Requirements
- 510:10-3-2. Application for Licensure
- 510:10-3-3. Licensure by Examination
- 510:10-3-4. Licensure by Endorsement
- 510:10-3-8. Annual Registration

SUMMARY:

The proposed amendments are proposed to promote public health, safety, and welfare by clarifying and updating Oklahoma State Board of Osteopathic Examiner Rules concerning general licensure requirements, application for licensure, licensure by examination, licensure by endorsement, and annual registration.

AUTHORITY:

Oklahoma Osteopathic Medicine Act, 59 O.S. 2001, §624, et seq.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before March 15, 2007, at the following address: Gary Clark, Executive Director, Oklahoma State Board of Osteopathic Examiners, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, OK 73105

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on March 15, 2007, at the office of the Oklahoma State Board of Osteopathic Examiners, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, OK 73105. Anyone who wishes to speak must appear by the hour of 9:30 a.m.

COPIES OF PROPOSED RULES:

Copies of the proposed amended rules may be obtained from the Oklahoma State Board of Osteopathic Examiners, 4848 North Lincoln Boulevard, Suite 100, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. 2001, §303(D), a Rule Impact Statement will be prepared and available beginning on January 10, 2007, and may be obtained from the Oklahoma State Board of Osteopathic Examiners at the above address.

CONTACT PERSON:

Gary Clark, Executive Director, Oklahoma State Board of Osteopathic Examiners, (405) 528-8625.

[OAR Docket #07-06; filed 1-4-07]

Notices of Rulemaking Intent

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

[OAR Docket #07-65]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees, school entities and instructors, and the general public, and if promulgated will have an effective date of July 1, 2007. Proposed revisions are summarized as follows:

605:1-1-4. OPERATIONAL PROCEDURES

Adding to the rules in (c) fees for inspecting and copying open records of the Real Estate Commission by way of License Data extract, Examinee Data extract and electronic/on-line transaction.

AUTHORITY:

Oklahoma Real Estate Commission; 59 O.S., Section 858-208

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on

March 9, 2007 at the following address:

Oklahoma Real Estate Commission

Shepherd Mall

2401 N. W. 23rd St., Suite 18

Oklahoma City, Oklahoma 73107-2431

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:

March 14, 2007- 10:00 a.m.

Shepherd Mall

2401 N.W. 23rd St., Suite 18

Oklahoma City, Oklahoma 73107-2431

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (with the exception of legal holidays) at the following location:

Oklahoma Real Estate Commission

2401 N. W. 23rd St., Suite 18

Oklahoma City, Oklahoma 73107-2431

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on February 16, 2007 at the Oklahoma Real Estate Commission (address and phone number listed above).

CONTACT PERSON:

Anne M. Woody, Executive Director - (405) 521-3387

[OAR Docket #07-65; filed 1-5-07]

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

[OAR Docket #07-66]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Chapter 10. Requirements, Standards and Procedures [AMENDED]

SUMMARY:

Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees, school entities and instructors, and the general public, and if promulgated will have an effective date of July 1, 2007. Proposed revisions are summarized as follows:

605:10-3-1. PRELICENSE EDUCATION REQUIREMENTS

Amending the paragraph (1) to reflect new qualification requirements for provisional sales associate applicant examination and licensure, as well as new requirements for courses of study.

Amending the paragraph (2) to reflect new qualification requirements for broker applicant, as well as new requirements for courses of study.

605:10-3-5. EXAMINATIONS

Adding new language to subsection (d), outlining the procedure for an applicant's review of a failed examination.

605:10-5-1.1. APPROVAL OF POSTLICENSE COURSE OFFERINGS

Adding new language to subsection (f) regarding Instructor renewal requirements, and amending subsequent subsections [(g), (h), (i) and (j)] misplaced by the insertion of the new subsection.

605:10-5-2. APPROVAL OF CONTINUING EDUCATION OFFERINGS

Amending subsection (a) to reflect the new expiration period for approval or renewal of an offered continuing education course by an entity.

Amending subsection (b) to reflect the new application fee for entities seeking approval of an offered continuing education course.

Amending subsection (d) to reflect the new application fee and expiration period for renewal of any offered continuing education course.

605:10-7-1. LICENSE ISSUANCE

Amendment made to language for clarification/consistency.

605:10-9-4.1. Advertising medium [NEW RULE]

AUTHORITY:

Oklahoma Real Estate Commission; 59 O.S., Section 858-208

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on

March 9, 2007 at the following address:

Oklahoma Real Estate Commission
Shepherd Mall

2401 N. W. 23rd Street, Suite 18

Oklahoma City, Oklahoma 73107-2431

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:

March 14, 2007 - 10:00 a.m.

Shepherd Mall

2401 N.W. 23rd Street, Suite 18

Oklahoma City, Oklahoma 73107-2431

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday (with the exception of legal holidays), at the following location:

Oklahoma Real Estate Commission

2401 N. W. 23rd Street, Suite 18

Oklahoma City, Oklahoma 73107-2431

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on February 16, 2007 at the Oklahoma Real Estate Commission (address and phone number listed above).

CONTACT PERSON:

Anne M. Woody, Executive Director - (405) 521-3387

[OAR Docket #07-66; filed 1-5-07]

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

[OAR Docket #07-09]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Minority Teacher Recruitment Center
610:1-13-3. Programs and Services [AMENDED]

SUMMARY:

The proposed amendments would make the following changes:

The current rule reflects programs which are no longer offered by the Minority Teacher Recruitment Center ("MTRC"). With the creation of two new Oklahoma specific curricula, the Teacher Cadet High School Program has been replaced by the Academic Commitment to Education Program ("ACE") and the Pro Team Middle School Program has been replaced by the Leadership, Education and Achievement Program ("LEAP"). This proposed amendment reflects the programs which are currently offered by MTRC.

AUTHORITY:

70 O.S., § 6-130; Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., March 5, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., March 5, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after February 5, 2007.

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CONTACT PERSON:

Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #07-09; filed 1-5-07]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #07-07]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Oklahoma Tuition Aid Grant Program
610:25-7-6. Eligibility; amount of grant; application procedures and deadlines; disbursement of funds
[AMENDED]

SUMMARY:

The proposed amendments would make the following changes:

Deleting language that prohibits the approval of awards for summer enrollments. The availability of summer awards would be determined on an annual basis after fall and spring semester award expenditures have been evaluated and the amount of any uncommitted funds identified. Institutions would be notified before the end of the spring semester regarding the availability of summer OTAG awards and the summer award amounts for their students.

Correcting an existing statutory reference.

AUTHORITY:

70 O.S. §626.1 *et seq.*; 70 O.S. §3206(i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., March 5, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., March 5, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after February 5, 2007.

CONTACT PERSON:

Nancy E. Connally, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #07-07; filed 1-5-07]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #07-08]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 23. Oklahoma Higher Learning Access Program (OHLAP)
610:25-23-3. Applications [AMENDED]
610:25-23-4. Program requirements [AMENDED]
610:25-23-5. Securing OHLAP benefits [AMENDED]
610:25-23-7. Payment of awards; policies and limitations [AMENDED]

SUMMARY:

The proposed amendments would make the following changes:

For the purpose of calculating required grade point averages (GPA) for OHLAP participants, all courses except fine arts or speech courses that are transcribed with a pass/fail grade shall be assigned a grade level of "D" or the lowest passing grade assigned by the high school. While pass/fail grades are relatively rare on high school transcripts, such grades are at times used by high schools when transcribing courses for which the school has not had responsibility (courses transferred in from non-accredited schools, courses which the student has "tested out of", or home-school courses).

Oklahoma's Promise-OHLAP applications mailed by individuals to the Oklahoma State Regents for Higher Education must be postmarked no later than June 30. This amendment further clarifies current administrative practice.

To be eligible for the Oklahoma's Promise-OHLAP scholarship, participating students must be residents of Oklahoma both at the time of application to the program and at the time the student graduates from high school. This amendment addresses situations where a student enrolls in the Oklahoma's Promise-OHLAP program in the 8th, 9th or 10th grade as an Oklahoma resident but then moves out of state prior to graduating from high school. The amendment clarifies that if the student graduates from an out-of-state school as a

nonresident of Oklahoma, the student is not eligible for the scholarship.

The fine arts curricular requirement for Oklahoma's Promise-OHLAP may be satisfied through a "set of competencies" as defined by the high school and consistent with state law. This amendment mirrors language in the Achieving Classroom Excellence ("ACE") Act of 2005. The ACE Act included statutory language that makes the default "college preparatory/work ready" high school graduation curriculum virtually identical to the Oklahoma's Promise-OHLAP curriculum requirements for students graduating in 2010 and thereafter.

The Oklahoma's Promise-OHLAP award paid to students attending private/independent institutions or career-technology centers will be based on the average undergraduate tuition at comparable state system institutions. This amendment further clarifies current administrative practice.

AUTHORITY:

70 O.S. §2601 *et seq.*; 70 O.S. §3206 (i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., March 5, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., March 5, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after February 5, 2007.

CONTACT PERSON:

Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #07-08; filed 1-5-07]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #07-10]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 33. Regional University Baccalaureate Scholarship Program

610:25-33-3. General Provisions [AMENDED]

SUMMARY:

The proposed amendment would make the following changes:

Modify current language regarding the value of the scholarship. The amendatory language states that the total combined amount of aid a participating student receives - including the award paid by the Oklahoma State Regents for Higher Education, the tuition waiver from the institution, and any other state or financial aid - should not exceed the student's total costs of tuition, fees, room and board, books, and required supplies.

AUTHORITY:

70 O.S. §3206(i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., March 5, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., March 5, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after February 5, 2007.

Notices of Rulemaking Intent

CONTACT PERSON:

Nancy E. Connally, Associate General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #07-10; filed 1-5-07]

TITLE 610. STATE REGENTS FOR HIGHER EDUCATION CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS

[OAR Docket #07-11]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 27. Teacher Shortage Employment Incentive Program

610:25-27-2. Eligible student loans [AMENDED]

610:25-27-4. Coursework requirements for participant eligibility [AMENDED]

SUMMARY:

The proposed amendments would make the following changes:

The Higher Education Reconciliation Act ("HERA") recently created a new type of loan called the Graduate PLUS Loan which is an eligible loan under the Teacher Shortage Employment Incentive Program ("TSEIP"). The proposed amendment would add this loan to the current list of eligible loans.

The section entitled "Coursework requirements for participant eligibility" contains the employment requirement of a participant of TSEIP. The employment requirement is not related to coursework which is the focus of this section. The section entitled "Participant eligibility for benefits of the TSEIP" currently contains the employment requirement for TSEIP. Therefore, the proposed amendment merely deletes the redundant language.

AUTHORITY:

70 O.S., §698.3; 70 O.S., §3206(i); Oklahoma State Regents for Higher Education

COMMENT PERIOD:

Interested persons may submit written and oral comments to Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104, by 5:00 p.m., March 5, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, one can be requested by contacting Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 by 5:00 p.m., March 5, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained at the Office of the Chancellor, Oklahoma State Regents for Higher Education, 655 Research Parkway, Suite 200, Oklahoma City, OK, 73104 on and after February 5, 2007.

CONTACT PERSON:

Nancy E. Connally, Assistant General Counsel, Oklahoma State Regents for Higher Education, (405) 225-9335.

[OAR Docket #07-11; filed 1-5-07]

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

[OAR Docket #07-14]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

CHAPTER 10. AD VALOREM [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Ad Valorem rules have been made.

Proposed amendments to **Subchapter 3**, "Equalization Study" have been made to clarify policy and procedures relating to various aspects of equalization studies, to add and update statutory and other references, and to improve readability

Proposed amendments to **Subchapter 4**, "Annual Valuation Mandate", have been made to clarify policy and procedures regarding the various aspects of the annual valuation process and to add and update statutory and other references.

Proposed amendments to **Subchapter 7**, "Manufacturing Facilities", have been made to implement the amendments to the five-year manufacturing exemption. [Senate Bill 1577, 50th Legislature, 2nd Regular Session]. The provisions of Senate Bill 1577 retained all applicable definitions, exemption terms, qualification requirements and application and review procedures but omitted the different qualification requirements listed based on the year of the exemption application. Other minor rule amendments have been made for clarification purposes, to delete and update obsolete references and to improve readability.

AUTHORITY:

68 O.S. §§ 203, 2817, 2902(H); Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 5, 2007, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Linda Spradlin at (405) 522-5755.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: **March 6, 2007 at 9:00 a.m.**, in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Linda Spradlin at (405) 522-5755 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M. C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after February 15, 2007, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #07-14; filed 1-5-07]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 22. BOATS AND MOTORS**

[OAR Docket #07-15]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

CHAPTER 22. BOATS AND MOTORS [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Boats and Motors rules have been made:

Section **710:22-1-6** has been amended to conform the administrative provision with current statutory requirement that boat and outboard motor owners must carry current registrations in the vessel when in operation.

Section **710:22-1-7** has been amended to simplify language of the administrative provision by removing overly specific statutory language.

Section **710:22-1-8** has been amended to establish criteria for the display by vessels of the permanent boat number and annual registration decal issued by the Tax Commission. [63:4030]

Section **710:22-1-10** has been amended to delete obsolete reference to twenty (20) day time limitation for title transfers and clarify delinquent penalty application. [63:4103]

Sections **710:22-1-11**, **710:22-1-18**, **710:22-1-19** and **710:22-13-1** have been revoked as obsolete or unnecessary. [63:4005/4009/4016/4017/4020/4021]

Section **710:22-1-20** has been amended to clarify policy regarding the stolen or defective boat or outboard motor credit procedure. [63:4014/4103]

Section **710:22-1-21** has been amended to clarify the lien entry procedure on certain Oklahoma titles and to delete obsolete reference. [63:4013]

Subchapter 5, *Procedures for Registration*, has been amended. Sections **710:22-5-1**, **710:22-5-2**, **710:22-5-3**, **710:22-5-4**, **710:22-5-5**, **710:22-5-6**, **710:22-5-7** have been moved (revoked and renumbered) to Subchapter 7, *Titles*. Sections **710:22-5-8** and **710:22-5-9** dealing with registration fees and registration decals have been amended to clarify delinquent registration fee collection and to set forth the appropriate application to replace a lost, stolen or mutilated boat or motor registration decal. Sections **710:22-5-1**, **710:22-5-2**, **710:22-5-3**, **710:22-5-4**, **710:22-5-5**, **710:22-5-6**, **710:22-5-7** have become **710:22-7-4**, **710:22-7-5**, **710:22-7-6**, **710:22-7-7**, **710:22-7-8**, **710:22-7-9**, **710:22-7-10**. Sections

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710:22-7-4, 710:22-7-5, 710:22-7-6, 710:22-7-7, 710:22-7-8, 710:22-7-9, 710:22-7-10 have been amended to update and clarify information regarding various aspects of titling boats and outboard motors. Additionally, in order to organize certain provisions contained in Subchapter 7 in a more effective, informative and appropriate manner, Sections 710:22-7-1, 710:22-7-2, 710:22-7-3 have been moved and renumbered as 710:22-7-11, 710:22-7-12, 710:22-7-13. [63:4008/4009/4016/4017]

Section 710:22-9-1 has been amended to clarify the determination of taxable value for calculation of excise taxes on boat and outboard motor transfers. [63:4103/4105]

AUTHORITY:

Oklahoma Tax Commission; 68 O.S. § 203; 63 O.S. § 4004

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 5, 2007, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Linda Spradlin at (405) 522-5755.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: **March 6, 2007 at 9:30 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Linda Spradlin at (405) 522-5755 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M. C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after February 15, 2007, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #07-15; filed 1-5-07]

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 45. GROSS PRODUCTION

[OAR Docket #07-16]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

Subchapter 9. Exemptions and Exclusions

Part 5. Horizontally Drilled Production Wells

710:45-9-21. Definitions [AMENDED]

710:45-9-24. Time periods for exemption from gross production tax levied on horizontally drilled producing wells [AMENDED]

Part 7. Incremental Production from Enhanced Recovery Projects or Properties

710:45-9-31. Definitions [AMENDED]

710:45-9-32. Qualification procedures [AMENDED]

710:45-9-32.1. Recovery of costs allowed as payback factors [AMENDED]

710:45-9-34. Summary reports; due dates; final project report [AMENDED]

710:45-9-35. Expiration of exemption for incremental production [AMENDED]

Part 9. Production Enhancement Projects

710:45-9-40. Scope of Part 9 [AMENDED]

710:45-9-41. Definitions. [AMENDED]

Part 11. Reestablishment of Production from an Inactive Well

710:45-9-51. Definitions [AMENDED]

Part 13. Deep Wells

710:45-9-60. Scope of Part 13 [AMENDED]

Part 15. New Discovery Wells

710:45-9-70. Scope of Part 15 [AMENDED]

710:45-9-71. Definitions [AMENDED]

710:45-9-73. Rebates - Refund procedure [AMENDED]

Part 19. Production Using Three Dimensional Seismic Shoots

- 710:45-9-90. Scope of Part 19 [AMENDED]
- 710:45-9-92. Qualification procedure [AMENDED]
- 710:45-9-93 Rebates - Refund Procedure [AMENDED]

SUMMARY:

House Bill 2411 of the 50th Legislature, 2nd Regular Session enacted statutory changes which require amendments to the existing rules to reflect statutory intent in the following areas:

Sections 710:45-9-21, 710:45-9-24, 710:45-9-31, 710:45-9-32.1, 710:45-9-34, 710:45-9-35, 710:45-9-40, 710:45-9-41, 710:45-9-51, 710:45-9-60, 710:45-9-70, 710:45-9-71, 710:45-9-73, 710:45-9-90, 710:45-9-92 and 710:45-9-93 have been amended to reflect the extension of the exemption period for certain incentive exemptions and accomplish some administrative housekeeping.

Section 710:45-9-31 has been amended for clarification and to improve readability.

AUTHORITY:

68 O.S. §§ 203 and 1001(M); Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 7, 2007, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Linda Spradlin at (405) 522-5755.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: **March 8, 2007, 10:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Linda Spradlin at (405) 522-5755 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action is expected to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that business entities affected by these rules provide the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review no later than February 15, 2007 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #07-16; filed 1-5-07]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #07-17]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

CHAPTER 50. INCOME [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing rules have been made to clarify policy, improve readability, correct scrivener's errors, update statutory citation, insure accurate internal cross-reference and comply with statutory changes. All legislative references are to the Second Regular Session and Second Extraordinary Session of the 50th Legislature (2006).

Section 710:50-3-53 has been amended to implement the provisions of Section 7 of Senate Bill 1947 which decreased to 5% the amount of income tax to be withheld on royalty payments made to non-resident royalty interest owners.

Section 710:50-15-48 has been amended to implement the provisions of Section 21 of House Bill 1174XX and Section 17 of Senate Bill 1084, which modifies the length of time a stock or ownership interest must be held by an individual taxpayer prior to the date of the transaction that creates a capital gain.

Section 710:50-15-49 has been amended to implement the provisions of Section 21 of House Bill 1174XX which increased the amount of Oklahoma Adjusted Gross Income allowed to qualify for the deduction for retirement income for 2007 and subsequent years. Beginning with tax year 2007, the deduction for retirement income from the Armed Forces was increased to the greater of \$10,000.00 or 75% of the

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amount included in the taxpayer's Federal Adjusted Gross Income. Also, beginning with tax year 2007, a percentage of Federal civil service retirement income may be excluded from Oklahoma Taxable income if the benefits are included in the taxpayer's Federal adjusted gross income.

Sections 710:50-15-50 has been amended to implement Section 5 of House Bill 1172XX which increases the standard deduction for 2007 to \$5,500 for taxpayers filing as married joint or surviving spouse, \$4,125, for head of household and \$2,750 for single or married separate; increases the standard deduction for 2008 to \$6,500 for taxpayers filing as married joint or surviving spouse, \$4,875, for head of household and \$3,250 for single or married separate; increases the standard deduction for 2009 to \$8,500 for taxpayers filing as married joint or surviving spouse, \$6,375, for head of household and \$4,250 for single or married separate; and for 2010 and subsequent tax years, taxpayers will have a standard deduction equal to the federal standard deduction.

Sections 710:50-15-55 and 710:50-17-51 have been amended to implement the provisions of Senate Bill 1084 which extends to December 31, 2011, the allowable time period for the Oklahoma depletion deduction from income for oil and gas produced in Oklahoma.

Section 710:50-15-66, dealing with the Oklahoma College Saving Plan Deduction, has been amended to conform to the provisions of Section 1 of Senate Bill 1086 which provides for a carryover for any contribution not deducted and extends the deadline for making tax deductible contributions.

Section 710:50-15-76 has been amended to conform to Section 13 of Senate Bill 1084 and Section 9 of House Bill 1174XX which amends the basic coal credit and creates an extended basic credit.

Section 710:50-15-86, dealing with Small Business Capital Companies and Oklahoma Small Business Venture credits, has been amended to implement the provisions of Senate Bill 1577 which modifies the requirements for an Oklahoma Small Business Venture. An Oklahoma Small Business Venture is now required to have, within one hundred and eighty (180) days after an investment is made, at least fifty percent (50%) of its employees or assets in Oklahoma. Also, the Oklahoma Small Business Venture must expend within eighteen (18) months after the qualified investment at least fifty percent (50%) of the proceeds of the qualified investment.

New Sections 710:50-15-86.1 and 710:50-15-87.1 have been adopted to reflect the provisions of Senate Bill 1577 which provides for letter rulings pursuant to the Small Business Capital Formation Incentive Act and the Rural Venture Capital Formation Incentive Act.

Section 710:50-15-87, dealing with Oklahoma Rural Small Business Capital Companies and Rural Small Business Venture credits, has been amended to implement the provisions of Senate Bill 1577 which modifies the requirements for an Oklahoma Rural Small Business Venture. A Rural Small Business Venture is now required to have, within one hundred and eighty (180) days after an investment is made, at least fifty percent (50%) of its employees or assets in Oklahoma. Also,

the Rural Small Business Venture must expend within eighteen (18) months after the qualified investment at least fifty percent (50%) of the proceeds of the qualified investment

Section 710:50-15-92, dealing with the credit for manufacturers of advanced small wind turbines, has been amended to implement the provisions of Section 14 of Senate Bill 1084 which extends the credit to December 31, 2012.

Section 710:50-15-101 was amended to conform to the provisions of House Bill 2793 which defines "Oklahoma production cost", "qualified vendor" and "investment" and amends the definition of "profit".

Section 710:50-15-103 implements Section 24 of House Bill 1174XX which provides for an increase of \$2,000 in the credit for qualified railroad reconstruction for tax years 2008 and beyond. Section 710:50-15-104, dealing with income tax credits for the construction of qualifying energy efficient residential property, has been amended to implement the provisions of Section 16 of Senate Bill 1084, which allows unused credits to be freely transferable.

New Section 710:50-15-108 has been adopted to reflect the provisions of Senate Bill 1084 which provides a credit for qualified rehabilitation expenditures. Certified historic structure may be rehabilitated for any lawful use and may be eligible for the credit provided for in this section.

Section 710:50-19-1 has been amended to conform to the provisions of House Bill 1172XX which amends the standard deduction for an individual partner to the standard deduction outlined in 68 O.S. §2358.

AUTHORITY:

68 O.S. §§ 203 and 2357.11(H), Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 7, 2007, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Linda Spradlin at (405) 522-5755.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: **March 8, 2007, 9:00 a.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Linda Spradlin at (405) 522-5755 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors' building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after February 15, 2007 from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #07-17; filed 1-5-07]

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

[OAR Docket #07-18]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking.

PROPOSED RULES:

CHAPTER 60. MOTOR VEHICLES [AMENDED]

SUMMARY:

As part of the Commission's ongoing review of its rules, many proposed amendments to the existing Motor Vehicle rules have been made to implement recent legislation. All legislative references unless otherwise indicated are to the 50th Legislature, 2nd Regular Session (2006).

Proposed amendments to **Section 710:60-1-3 of Subchapter 1, General Provisions**, have been made to clarify policy and procedure for requesting bulk data from the Motor Vehicle data files and to implement the provision of Senate Bill 1521 which allows Oklahoma wrecker services

licensed through the Department of Public Safety to obtain insurance information when needed to establish responsibility for wrecker fees.

Proposed amendments to **Subchapter 3, Registration and Licensing**, have been made to implement the provision of Sections 2 and 8 of Senate Bill 1965 which provides for a definition of off-road motorcycles and provides for a minimum excise tax assessment for all-terrain vehicles and off-road motorcycles, respectively and to implement the provisions of Section 4 of House Bill 2895 which provides that an application for a special commercial license for specific types of hauling which previously was only available from the Tax Commission can now be obtained from the Oklahoma Corporation Commission. Sections in this Subchapter have been amended to clarify and outline policy and procedures regarding aspects of titling and registration of all-terrain vehicles, entities exempt from transfer of ownership of registration fee, ownership requirements for statutorily exempt entities, applicability of excise tax and registration fees on transfers from a car dealership to the owner(s) of the dealership, and persons subject to and exempt from liability insurance verification requirements. Other amendments have been made to delete obsolete references, outdated requirements, and statutorily inconsistent language.

Proposed amendments to **Subchapter 5, Motor Vehicle Titles**, have been made to implement the provisions of Senate Bill 1965 which provides for the acceptance of ownership affidavits in certain situations and to clarify policy and procedure regarding approval of and titling by means of ownership affidavits. Other amendments have been made to implement the provisions of House Bill 1580 relating to liens and the process commonly known as "Title 42s" which provides that manufactured homes and all-terrain vehicles shall be subject to the entire possessory lien process and the current Process 1, [Senate Bill 835 (2005)], shall only be applicable when an active lien, not over fifteen (15) years old, is on file with the State of Oklahoma or a Native American Tribe in Oklahoma. Additional amendments have been made to clarify, outline, consolidate and update policy and procedures for obtaining title to foreign vehicles, various aspects of lien entry, lien release, refiling of liens and the reassignment of liens from a secured party to another secured party, glide kit taxable value determinations, registration exception applicable to licensed dealers, Odometer disclosure exemptions, multiple owner listings followed by transfer designations, affidavits of assembly and ownership, original certificates of title, title suffix designations, and transfer of title from estates valued at \$20,000.00 or less. Sections have also been amended to provide additional information regarding, current model year release dates, insurance claims for flood damaged vehicles and flood damaged brand for salvage title purposes, issuance of duplicate titles to out-of-state residents, and flood damage disclosures concerning applications for certificates of title.

Proposed amendments to **Subchapter 7, "Motor Vehicle Excise Tax"**, have been made to implement Senate Bill 1120 [2004] which deleted the existing conditions regarding the

Notices of Rulemaking Intent

exemption from excise tax on vehicles donated to charitable organizations licensed through the Oklahoma Secretary of State. Other amendments have been made to Subchapter 7 to update information to reflect accurately the introduction date of new vehicles and to add a cross reference to another administrative rule dealing with the applicability of excise tax on transfers from car dealerships to the owners of the dealership.

Proposed amendments to **Subchapter 9**, "Motor Vehicle License Agents/Agencies", have been made to implement the provisions of Sections 6 and 7 of Senate Bill 1965 which provides that any motor license agent collecting a dishonored check pursuant to 47 O.S. § 1121 must collect and retain a twenty-five dollars (\$25.00) fee and that the Tax Commission and motor license agents may accept nationally recognized debit cards as payment for registration fees, license plates or decals or excise taxes. Other amendments have been made to Subchapter 9 dealing with various aspects of the Motor Vehicle License Agents operation including recordkeeping, reporting and fiscal duties and responsibilities, agency operational requirements, motor license agent appointment accountability and prohibitions. Additional amendments have been made to delete unnecessary information and statutorily inconsistent language.

AUTHORITY:

68 O.S. §§ 203 and 47 O.S. § 1149; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 5, 2007, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194. Those wishing to make oral comments at the public hearing should request placement on the docket well in advance of the hearing date, by calling Linda Spradlin at (405) 522-5755.

PUBLIC HEARING:

A public hearing will be held to provide an additional means by which suggestions may be offered on the content of the proposed rules. Time, Date and Place of the hearing are as follows: **March 6, 2007, at 10:00 p.m.** in the 4th floor hearing room at the Oklahoma Tax Commission, 2501 Lincoln Blvd., Oklahoma City, Oklahoma. In order to facilitate entry into the building, those wishing to appear should contact Linda Spradlin at (405) 522-5755 at least 24 hours prior to the hearing date to complete their visitor pre-registration. Entry to the M.C. Connors building must be made through the doors located on the east side of the building. In order to gain access to the 4th floor hearing room, attendees must register at the information desk in the lobby by presenting a driver's license or other photo identification. A name badge and floor access card will be issued once registration is completed.

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

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after February 15, 2007, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@oktax.state.ok.us

[OAR Docket #07-18; filed 1-5-07]

TITLE 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 30. DIVISION OF STATE PARKS

[OAR Docket #07-13]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 26. Vehicles and Traffic Safety
725:20-26-14. Off-road Vehicles [AMENDED]

SUMMARY:

These rule amendments are made as a part of the Department's review and revision of its rules in compliance with the Administrative Procedures Act. These actions are intended to amend the rules to require safety equipment for off-road vehicles that are operated within park boundaries.

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Title 74, Section 2204 of the Oklahoma Statutes.

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 6, 2007 at the following

address: Sara Gibson, Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m. on Tuesday, March 6, 2007 at the Oklahoma Tourism and Recreation Department, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Anyone who wishes to speak must sign in at the door by 2:10 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The OTRD requests that business entities affected by these proposed rules provide the OTRD, within the comment period, in dollar amounts if possible, the increase in the level of direct costs, revenue loss, 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 Sara Gibson at the above address during the period from February 1, 2007 to March 6, 2007.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Tourism and Recreation Department's office located at 120 N. Robinson, Suite 600, Oklahoma City, OK 73102. Copies may also be obtained by written request mailed to the attention of Sara Gibson, 120 N. Robinson, Suite 600, Oklahoma City, OK 73102.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review after February 15, 2007 at the above address for the Tourism and Recreation Department's offices.

CONTACT PERSON:

Sara Gibson, (405) 230-8307

[OAR Docket #07-13; filed 1-5-07]

**TITLE 730. DEPARTMENT OF
TRANSPORTATION
CHAPTER 10. DEPARTMENT PROGRAMS**

[OAR Docket #06-1636]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 23. County Improvements for Roads and Bridges Program [NEW]

730:10-23-1. through 730:10-23-9. [NEW]

SUMMARY:

The purpose of the proposed permanent rulemaking action is to fulfill the legislative mandate as defined in HB1176, 69 O.S., 2006 § 507, 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 projects for the expenditure of funds apportioned to the "County Improvements for Roads and Bridges Fund."

AUTHORITY:

Transportation Commission; 69 O.S., §§ 303, 304 and 4002, 69 O.S., 2006 § 507

COMMENT PERIOD:

Persons may submit written or oral comments to Tim J. Gatz, Assistant Director of Administration, Oklahoma Department of Transportation, 200 N.E. 21st Street, Room 1B7, Oklahoma City, OK 73105 during the period from February 1 to March 5, 2007.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., §303(B)(9), "persons may demand a hearing" by contacting Tim J. Gatz, Assistant Director of Administration, at (405) 522-6000, no later than 4:00 p.m. on March 5, 2007.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the Oklahoma Department of Transportation, 200 N.E. 21st Street, Room 1B7, Oklahoma City, OK 73105. Electronic copies may also be obtained by sending a request to: mbrewington@odot.org

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared prior to February 14, 2007 at the same location listed above for obtaining copies.

CONTACT PERSON:

Mary C. Brewington (405) 522-6002

[OAR Docket #06-1636; filed 12-28-06]

Gubernatorial Approvals

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

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

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

[OAR Docket #07-03]

RULEMAKING ACTION:

Gubernatorial approval.

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]

GUBERNATORIAL APPROVAL:

December 21, 2006

[OAR Docket #07-03; filed 1-3-07]

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

[OAR Docket #07-04]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

435:30-1-4. Licensure by endorsement [AMENDED]

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

GUBERNATORIAL APPROVAL:

December 21, 2006

[OAR Docket #07-04; filed 1-3-07]

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

[OAR Docket #07-05]

RULEMAKING ACTION:

Gubernatorial approval.

RULES:

Subchapter 5. Regulation of Practice

435:45-5-1. Continuing education [AMENDED]

GUBERNATORIAL APPROVAL:

December 21, 2996

[OAR Docket #07-05; filed 1-3-07]

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 725. OKLAHOMA TOURISM AND RECREATION DEPARTMENT CHAPTER 20. MARKETING SERVICES OPERATION

[OAR Docket #07-12]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Reimbursement of Matching Funds to Multicounty Organizations

725:20-7-11. Special Allocation [NEW]

AUTHORITY:

Oklahoma Tourism and Recreation Commission to make rules pursuant to Section 2204 of Title 74 of the Oklahoma Statutes.

DATES:

Adoption:

November 28, 2006

Approved by Governor:

December 21, 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:

NA

INCORPORATIONS BY REFERENCE:

NA

FINDING OF EMERGENCY:

The compelling extraordinary circumstance necessitating the approval of the rules submitted relates to the passage of legislation during the 2006 Legislative Session authorizing the allocation of Tourism Promotion Tax funds (Enrolled SB 60XX). The legislation stipulates that 'not more than Four Hundred Thousand Dollars (\$400,000.00) shall be made available to the multicounty organizations, as defined by paragraph 1 of subsection A of Section 1830 of Title 74 of the Oklahoma Statutes, as a grant partnership program allowed under subsection B of Section 1834 of Title 74 of the Oklahoma Statutes.' In order to implement the provisions of the non-codified statute for the current fiscal year, and to execute an effective 2007 spring and summer marketing campaign, an emergency rule is necessary.

ANALYSIS:

These rules provide the basis for administering allocation of Tourism Promotion Tax funds to qualified multicounty organizations. Section 2234 of Title 74 (2005) of the Oklahoma Statutes authorizes and directs the Oklahoma Tourism and Recreation Commission to develop rules and administer the allocation and expenditure of matching funds of multicounty organizations. The proposed rule serves to articulate the program requirements and qualifications, eligibility, and procedures for submission of claims for review to qualify for approval of payment of tourism tax funds. The rule provides the administrative mechanisms whereby payment of tourism tax funds to multicounty organizations must operate.

CONTACT PERSON:

Sara Gibson, (405)230-8307

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. REIMBURSEMENT OF MATCHING FUNDS TO MULTICOUNTY ORGANIZATIONS

725:20-7-11. Special Allocation

(a) The purpose is to specify how multicounty organizations apply for and use tourism tax funds provided for by the Legislature for fiscal year 2007.

(b) For the purposes of allocating tourism tax funds, the following definitions shall apply:

(1) "Tourism tax funds", as defined in the Oklahoma Tourism Promotion Act as created by Sections 50010 through 50015 of Title 68 of the Oklahoma Statutes, refers to those funds specifically authorized by the Legislature for the multicounty organizations for purposes specified by law.

(2) "Multicounty organizations" refers to the regional non-profit associations defined by Section 2234 of Title 74 of the Oklahoma Statutes and are in compliance with the rules regarding multicounty organizations found at OAC 725:20-7.

(c) Multicounty organizations may apply for grants from tourism tax funds to use for designing and placing media advertising that will complement the Department's 2007 spring campaign. Applications will be accepted only for projects that are allowed by the Tourism Promotion Act as provided for in Section 20011 of Title 68 of the Oklahoma Statutes.

(d) The maximum amount approved for an individual multicounty organization's project will be ten percent (10%) of the total tourism tax funds made available by the Oklahoma Tourism and Recreation Commission ("Commission"). An organization may submit an application for, or be a participant in, only one project. Amounts approved for projects will be contingent upon the number of projects approved by the Commission.

(e) Applications shall be submitted to the Department no later than fifteen (15) days after the special allocation rules

Emergency Adoptions

have been promulgated. Notice shall be provided by email to each multicounty organization not less than fifteen (15) days before applications are due to the Department.

(f) Applications for promotion projects shall specify the geographic and demographic target markets, media and method of promotion to be used, and costs for production and placement. Theme, images, music and messages of the advertising shall be consistent with the state's official tourism promotion theme. The state's official tourism logo, "Oklahoma Native America", shall be prominently displayed in all advertising placed as a part of this program.

(g) In addition to the multicounty organization being identified as a source for more information about a region's tourism attractions and facilities, the advertising and promotion shall identify the Department as a source for more information about tourism attractions and facilities throughout the state. However, radio advertisements shall not be required to comply with the provisions of this subsection.

(h) Content and design of all advertising shall be approved by the Department's Executive Director, or designee, before being contracted for with media.

(i) The description of a project shall include measures to evaluate the effectiveness of the project. To determine cost effectiveness of advertising, cost per thousand (CPT) shall be used as a measure for print advertising and total rating points (TRP) shall be used to measure television and radio advertising. The number of inquiries from each target market attributable to each advertising medium shall be compiled. Evaluation of the effectiveness of advertising festivals, sites and events concerning ethnic history and ethnic history particular to the state shall be determined by verification of the number of people in attendance and the home counties and states of a random sampling of attendees.

(j) Each multicounty organization's evaluation of its advertising and promotion shall be reported to the department within thirty (30) days of the conclusion of the advertising or the ethnic history festival or event. The Department will prepare a report of the evaluations for the Commission.

(k) Applications received by the Department will be presented to the Tourism Promotion Advisory Committee at a meeting. Applications, with an "approve", "deny", or "changes" recommendation from the Tourism Promotion Advisory Committee, will be presented for Commission consideration and approval at its next meeting. The Commission may approve, deny or recommend changes to any application. The decision of the Commission is final.

(l) At least five percent (5%) of the cost of a multicounty organization's project must be funded by the organization with funds other than those received from the State. Not more than ninety-five percent (95%) of the total cost of a project will be funded with tourism tax funds.

(m) To receive the funds approved, a multicounty organization shall submit an itemized invoice on its letterhead, signed by the multicounty organizations' president, and include copies of original invoices for design and insertion of advertising or space reservation agreements. Proof of performance and proof of payment shall be provided to the Department within thirty (30) days of the conclusion of the advertising.

[OAR Docket #07-12; filed 1-5-07]

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

1:2007-1.

EXECUTIVE ORDER 2007-1 **Amending** **EXECUTIVE ORDER 2006-30**

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution, hereby declare the following:

1. This Executive Order is amending Executive Order 2006-30 to include Texas County, Beaver County, and Cimarron County, Oklahoma which experienced severe snow and ice storms on December 29, 2006. These Counties, including respective cities and towns, have been affected. Joint State and local damage assessments are currently being conducted, and will continue until these Counties have been surveyed.

2. It may be necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State with respect to carrying out disaster emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

3. There is hereby declared a disaster emergency caused by the snow and ice storms in Texas County, Beaver County and Cimarron County that threatened the lives and property of the people of this State and the public's peace, health and safety

4. State agencies, in responding to this disaster emergency, may make necessary emergency acquisitions to fulfill the purposes of this proclamation without regard to limitations or bidding requirements on such acquisitions.

5. The State Emergency Operations Plan has been activated and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to protect lives and to prevent, minimize, and repair injury and damage. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions of the State.

6. This Executive Order shall terminate at the end of thirty (30) days.

Copies of this Executive Order shall be distributed to the Director of Emergency Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 4 day of January, 2007.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:
Kathy Jekel
Acting Assistant Secretary of State

[OAR Docket #07-92; filed 1-4-07]

1:2007-2.

EXECUTIVE ORDER 2007-2

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

1. The requirements for special permits for use of overweight/oversized vehicles under Title 47;

2. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission;

3. The requirements for licensing/registration as required by the Oklahoma Tax Commission; and,

Executive Orders

4. This Executive Order shall terminate at the end of thirty (30) days.

This executive order shall be forwarded to the Oklahoma Corporation Commission, the Oklahoma Tax Commission and the Commissioner of Public Safety, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 4 day of January, 2007.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

Kathy Jekel

Acting Assistant Secretary of State

[OAR Docket #07-93; filed 1-4-07]

**STATE BOND ADVISOR'S OFFICE
NOTICE OF STATE CEILING AMOUNT FOR
THE CALENDAR YEAR 2007**

In accordance with §695.25, Title 62 O.S., the maximum total volume (also referred to as "Volume Cap" or "State Ceiling Amount") of Private Activity Bonds that may be issued pursuant to federal law by the State of Oklahoma during calendar year 2007 is \$304,233,020. From the first business day of 2007 through September 1, 2007, the Volume Cap is subdivided into the following categories ("Pools") and amounts: (1) Qualified Small Issue Pool, \$36,507,962; (2) Exempt Facility Pool, \$7,605,826; (3) Beginning Agricultural Producer Pool,

\$3,042,330; (4) Student Loan Pool, \$47,156,118; (5) Economic Development Pool, \$36,507,962; (6) Oklahoma Housing Finance Agency Pool, \$45,634,953; (7) State Issuer Pool, \$12,169,321; (8) Metropolitan Area Housing, \$38,029,128; (9) Rural Area Housing, \$24,338,642; and (10) Local Issuer Single Family Pool, \$53,240,778. From September 2, 2007, to 9:00 a.m., December 20, 2007, any amount remaining to be allocated from these pools is combined and managed from the Consolidated Pool. On or after 9:00 a.m. on December 20, 2007, certain Private Activity Bond issuing authorities may apply to the State Bond Advisor to carry forward a portion of any remaining State Ceiling Amount.

[OAR Docket #06-1637; filed 12-28-06]

