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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 10. AGRICULTURAL PRODUCTS

[OAR Docket #08-68]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

35:10-1-3 [NEW]

SUMMARY:

The proposed rule provides the incorporation by reference dates for the various handbooks utilized in the Department's Service Agency and Weights and Measures statutes and rules.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(A)(2), 16, and (29), 14-31 et seq. and 14-61 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written and oral comments to Teena G. Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2008 to March 3, 2008.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., March 3, 2008, 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 G. Gunter at the above address during the period from February 1, 2008 to March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.oda.state.ok.us or contacting Teena G. 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 at the above website and address.

CONTACT PERSON:

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

[OAR Docket #08-68; filed 1-9-08]

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

[OAR Docket #08-69]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 34. Feral Swine [NEW]

SUMMARY:

These rules are necessary to implement the provisions of House Bill 1914 of the 2007 Legislative session. The Feral Swine Control Act became effective on November 1, 2007 and is intended to regulate the transportation, breeding, and hunting of feral swine.

AUTHORITY:

State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), (17), (27) and (29); and 6-601 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, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804, teena.gunter@oda.state.ok.us during the period from February 1, 2008 to March 3, 2008.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., March 3, 2008, 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, 2008 to March 3, 2008.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.oda.state.ok.us or 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 at the above addresses.

CONTACT PERSON:

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

[OAR Docket #08-69; filed 1-9-08]

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

[OAR Docket #08-70]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 38. Bovine Trichomoniasis [NEW]

SUMMARY:

These rules are necessary to protect the Oklahoma cattle industry by requiring all imported cattle to test negative for *Trichomonas fetus* (T. fetus). Other states have implemented similar rules, including New Mexico and Colorado. Trichomoniasis is a venereal disease of cattle, characterized primarily by early pregnancy loss and, occasionally, by abortion and uterine infections. Oklahoma ranks as one of the top five cattle producing states in the US so it is imperative that this devastating disease is controlled.

AUTHORITY:

State Board of Agriculture and the Oklahoma Agricultural Code; 2 O.S. 2001 §§ 2-4(2), (7), (17), (27) and (29); and 6-1 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, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804, teena.gunter@oda.state.ok.us during the period from February 1, 2008 to March 3, 2008.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., March 3, 2008, in the 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, 2008 to March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.oda.state.ok.us or 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 at the above addresses.

CONTACT PERSON:

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

[OAR Docket #08-70; filed 1-9-08]

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

[OAR Docket #08-71]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. ~~Concentrated~~ Animal Swine Feeding Operations [AMENDED]

Subchapter 4. Concentrated Animal Feeding Operations [NEW]

SUMMARY:

These rules incorporate the changes made by House Bills 1796 and 1797 creating the Oklahoma Swine Feeding Operations Act and creating a new Oklahoma Concentrated Animal Feeding Operations Act. The rules do not make any substantive changes, rather they create separate sets of rules for swine and other types of livestock operations in compliance with the new statutes.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (16), and (29), 2-18.2, 20-1 et seq., and 20-40 et seq.; 27A O.S. § 1-3-101(D); and 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, 2008 to March 3, 2008.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., March 3, 2008, in the Consumer Protection Services conference room on the second floor of the Oklahoma Department of Agriculture,

Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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, 2008 to March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.oda.state.ok.us or by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, 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 addresses.

CONTACT PERSON:

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

[OAR Docket #08-71; filed 1-9-08]

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

[OAR Docket #08-72]

RULEMAKING ACTION:

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

Subchapter 17. Combined Pesticide
Part 22. Wood Infestation Reports [AMENDED]

SUMMARY:

The proposed rules update the criteria for wood infestation reports to be in compliance with the provisions of Senate Bill 710 from the 2007 Legislative session. The bill removes "organism" and "wood rot" from the Department's regulatory program for wood infestation reports.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(A)(2), 16, and (29), and 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 G. Gunter at 2800 North Lincoln Boulevard, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from February 1, 2008 to March 3, 2008.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., March 3, 2008, 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 G. Gunter at the above address during the period from February 1, 2008 to March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.oda.state.ok.us or contacting Teena G. 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 at the above website and address.

CONTACT PERSON:

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

[OAR Docket #08-72; filed 1-9-08]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 45. WATER QUALITY
STANDARDS IMPLEMENTATION PLAN**

[OAR Docket #08-73]

RULEMAKING ACTION:

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

Subchapter 1. Water Quality Standards Implementation Plan [AMENDED]

SUMMARY:

These rules incorporate the changes made during 2007 to the Oklahoma Water Quality Standards. Each agency with environmental jurisdiction is required to implement the appropriate changes in their individual environmental programs. The Oklahoma Water Quality Standards are developed by the Oklahoma Water Resources Board through their rulemaking authority and the standards are ultimately adopted by the United States Environmental Protection Agency.

AUTHORITY:

Oklahoma State Board of Agriculture; 2 O.S. 2001 §§ 2-4(2), (7), (16), and (29), 2-18.2, 27A O.S. Supp. 2000, §

Notices of Rulemaking Intent

1-1-202(B); and 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, 2008 to March 3, 2008.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., March 3, 2008, in the Consumer Protection Services conference room on the second floor of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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, 2008 to March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.oda.state.ok.us or by contacting Teena Gunter, Oklahoma Department of Agriculture, Food, and Forestry, P. O. Box 528804, Oklahoma City, Oklahoma 73152-8804, 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 addresses.

CONTACT PERSON:

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

[OAR Docket #08-73; filed 1-9-08]

TITLE 120. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION CHAPTER 10. ZONING REGULATIONS FOR CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICT

[OAR Docket #08-75]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Zoning Regulations for Capitol-Medical Center Improvement and Zoning District [AMENDED]

SUMMARY:

A new rule establishes operational procedures in the event the Historical Preservation and Landmark Board of Review is

temporarily without a quorum until vacated Board positions can be filled.

Other new rules provide information and requirements to establish a foundation for selective, long-term transition of areas adjacent to the Oklahoma Health Center. Proposed rules provide for the application of overlay zoning districts to areas identified as mixed use and ensure integral uses balance the environment between institution and community, and reflect the desired campus image.

AUTHORITY:

Capitol-Medical Center Improvement and Zoning Commission, 73 O.S., Section 83.4

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so before 4:30 p.m. on March 3, 2008, at the following address: Gerry Smedley, Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

PUBLIC HEARING:

A public hearing will be held at the Department of Central Services, Will Rogers Office Building, Suite 102/104, 2401 N. Lincoln Boulevard, Oklahoma City, OK, on Monday, March 3, 2008 at 10 a.m. Anyone who wishes to speak must sign in by 9:55 a.m. on that day.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the Department with information, including, if possible, direct and indirect costs by type with dollar amounts that a business entity may incur for rule compliance. Business entities may submit the information in writing by the conclusion of the public comment period and public hearing on February 22, 2008, at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available from the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, P.O. Box 53218, Oklahoma City, OK 73152-3218 and the agency website at www.dcs.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be available for review on and after February 15, 2008 at the Department of Central Services, Administration, 2401 N. Lincoln Boulevard, Suite 206, Oklahoma City, OK and the agency website at www.dcs.ok.gov.

CONTACT PERSON:

Gerry Smedley, Administrative Rules Liaison (405) 522-8519

[OAR Docket #08-75; filed 1-9-08]

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

[OAR Docket #07-1714]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Quality Jobs Program

150:65-1-2 [AMENDED]

150:65-1-3 [AMENDED]

150:65-1-4 [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted from February 1, 2008 through March 3, 2008 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, March 4, 2008, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

CONTACT PERSON:

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

[OAR Docket #07-1714; filed 12-27-07]

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE
CHAPTER 110. OKLAHOMA SPECIALIZED QUALITY INVESTMENT ACT**

[OAR Docket #07-1716]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

150:110-1-1. Purpose and scope [AMENDED]

150:110-1-2. Definitions [AMENDED]

SUMMARY:

The purpose of these amendments is to incorporate recent legislative changes to 68 O.S. §§ 4101 - 4109 in House Bill 1619 of the 2nd Session of the 50th Oklahoma Legislature, executed by the Governor on February 21, 2006, effective July 1, 2007.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and the Oklahoma Specialized Quality Investment Act 68 O.S. §§ 4101 - 4109.

COMMENT PERIOD:

Written and oral comments will be accepted from February 1, 2008 through March 3, 2008 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, March 4, 2008, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

Copies of the proposed rules may be obtained without charge from the Oklahoma Department of Commerce, 900

Notices of Rulemaking Intent

North Stiles Avenue, Oklahoma City, Oklahoma 73104 by contacting Donald R. Hackler, Jr. at (405) 815-5359.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

CONTACT PERSON:

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

[OAR Docket #07-1716; filed 12-27-07]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE

CHAPTER 130. OKLAHOMA QUALITY INVESTMENT ACT

[OAR Docket #07-1717]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 150:130-1-1. Purpose [NEW]
- 150:130-1-2. Definitions [NEW]
- 150:130-1-3. Eligible entities [NEW]
- 150:130-1-4. Application and required information [NEW]
- 150:130-1-5. Quality investment contract [NEW]
- 150:130-1-6. Transmittal of information [NEW]
- 150:130-1-7. Claim for incentive payments [NEW]
- 150:130-1-8. Prohibition on receiving other credits or exemptions [NEW]

SUMMARY:

The purpose of these new rules is to set forth the processes and procedures for applying for and receiving the incentive provided for in the Oklahoma Quality Investment Act codified at 68 O.S. §§ 4201 - 4210.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and the Oklahoma Quality Investment Act 68 O.S. §§ 4201 - 4210.

COMMENT PERIOD:

Written and oral comments will be accepted from February 1, 2008 through March 3, 2008 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, March 4, 2008, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

CONTACT PERSON:

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

[OAR Docket #07-1717; filed 12-27-07]

TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE

CHAPTER 135. OKLAHOMA BIOENERGY CENTER ACT

[OAR Docket #07-1715]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 150:135-1-1. Purpose [NEW]
- 150:135-1-2. Mission [NEW]
- 150:135-1-3. Rules and regulations [NEW]
- 150:135-1-4. Definitions [NEW]
- 150:135-1-5. Management [NEW]
- 150:135-1-6. Board membership [NEW]
- 150:135-1-7. Powers and duties [NEW]
- 150:135-1-8. Policies and procedures [NEW]
- 150:135-1-9. Limited liability [NEW]

SUMMARY:

The purpose of these new rules is to comply with 74 O.S. § 5009.13(F) which mandates the promulgation of rules regarding the procedures of the Oklahoma Bioenergy Center.

AUTHORITY:

The legislation establishing the Oklahoma Department of Commerce 74 O.S. §§ 5001 et seq., and the Oklahoma Bioenergy Center Act 74 O.S. §§ 5009.11 - 5009.16.

COMMENT PERIOD:

Written and oral comments will be accepted from February 1, 2008 through March 3, 2008 during regular business hours by contacting Donald R. Hackler, Jr., Deputy General Counsel, Oklahoma Department of Commerce, 900 North Stiles Avenue, Oklahoma City, Oklahoma 73104 (405) 815-5359.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on Tuesday, March 4, 2008, at Gallery 1-2, 900 North Stiles Avenue, Oklahoma City, Oklahoma. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available at the offices of the Oklahoma Department of Commerce (address below).

CONTACT PERSON:

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

[OAR Docket #07-1715; filed 12-27-07]

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

[OAR Docket #08-27]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Disclosures
- 160:10-5-1.1 [AMENDED]
- 160:10-5-1.4 [REVOKED]

- Subchapter 7. Advertising
- 160:10-7-1.1 [AMENDED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 4, 2008 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

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: 1:00 p.m., Tuesday, March 4, 2008, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 4, 2008 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after February 19, 2008, at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Interim Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #08-27; filed 1-9-08]

Notices of Rulemaking Intent

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

[OAR Docket #08-28]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Open-End Credit

160:45-3-1 [AMENDED]

160:45-3-2 [AMENDED]

160:45-3-3 [AMENDED]

160:45-3-13 [AMENDED]

160:45-3-14 [AMENDED]

Subchapter 5. Closed-End Credit

160:45-5-1 [AMENDED]

160:45-5-3 [AMENDED]

160:45-5-7 [AMENDED]

160:45-5-8 [AMENDED]

Subchapter 9. Special Rules for Certain Home Mortgage Transactions

160:45-9-1 [AMENDED]

160:45-9-2 [AMENDED]

Subchapter 11. Electronic Communication [REVOKED]

160:45-11-1 [REVOKED]

SUMMARY:

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

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 4, 2008 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

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: 1:00 p.m., Tuesday, March 4, 2008, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 4, 2008 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after February 19, 2008, at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Interim Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #08-28; filed 1-9-08]

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

[OAR Docket #08-29]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Home Mortgage Transactions [NEW]

160:55-11-1.1 through 160:55-11-1.4 [NEW]

SUMMARY:

The proposed new subchapter provides regulations for the enforcement of settlement procedures in home mortgage transactions.

AUTHORITY:

Administrator of Consumer Credit; 59 O.S., §§2084 and 2086(E)(1) and 75 O.S., §302(A)(2)

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 4, 2008 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

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: 1:00 p.m., Tuesday, March 4, 2008, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 4, 2008 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after February 19, 2008, at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Interim Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #08-29; filed 1-9-08]

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

[OAR Docket #08-30]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
160:65-1-3 [AMENDED]
- Subchapter 7. Records
160:65-7-2 [AMENDED]
- Subchapter 13. Home Mortgage Transactions [NEW]
160:65-13-1.1 through 160:65-13-1.3 [NEW]

SUMMARY:

The proposed rules provide a definition of return, correct the initiation of examinations and add a new subchapter that provides regulations for the enforcement of settlement procedures in home mortgage transactions.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 4, 2008 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

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: 1:00 p.m., Tuesday, March 4, 2008, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 4, 2008 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after February 19, 2008, at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Jack Stone, Interim Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #08-30; filed 1-9-08]

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

[OAR Docket #08-31]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 11. Collection Practices
160:70-11-6 [AMENDED]

SUMMARY:

The proposed rule provides regulations related to electronic funds transfers.

AUTHORITY:

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

Notices of Rulemaking Intent

COMMENT PERIOD:

Written and oral comments will be accepted until the conclusion of the public hearing on March 4, 2008 at the Department of Consumer Credit. Written comments may be mailed to the Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105, Attn: Jack Stone.

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 rule: 1:00 p.m., Tuesday, March 4, 2008, Department of Consumer Credit, 4545 N. Lincoln Blvd., Suite 104, Oklahoma City, OK 73105.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule 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 rule. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 4, 2008 at the Department of Consumer Credit at the above address.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after February 19, 2008, at the same locations listed above for reviewing and obtaining copies of the proposed rule.

CONTACT PERSON:

Jack Stone, Interim Administrator, Department of Consumer Credit, (405) 522-4661.

[OAR Docket #08-31; filed 1-9-08]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #08-18]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Funding Criteria
210:25-3-7. Financial information processing
[AMENDED]

SUMMARY:

The proposed rule amendments will establish an effective deadline for submission of the final federal reimbursement claim for prior year expenditures that will ensure accurate financial reporting and timelines of all federal funds being claimed and reported prior to the final submission of the year-end revenue and expenditure reports.

AUTHORITY:

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

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., March 26, 2008, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Thursday, March 27, 2008, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on February 2, 2008.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #08-18; filed 1-9-08]

TITLE 230. STATE ELECTION BOARD CHAPTER 10. THE COUNTY ELECTION BOARD

[OAR Docket #08-19]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Election Training [AMENDED]

SUMMARY:

The proposed amendments in Subchapter 5 concern training for County Election Board personnel and Precinct Officials.

An amendment in a Section requiring training for County Election Board members and employees removes language

implying that the County Election Board Chairman, Vice Chairman, and the two alternate members attend regional training workshops with the Secretary and office staff. This has not been true for many years. The State Election Board usually provides training for the Chairman, Vice Chairman, and alternate members in their own county. Such training is conducted by State Election Board representatives.

Amendments in a Section concerning reimbursement of expenses for attending training is amended to reflect changes in various rates of reimbursement that become effective October 1, 2007, as well as to clarify which personnel are eligible to receive the reimbursement.

A new Section and an amended Section concern special training for County Election Board personnel who train Precinct Election Officials. In the past, each County Election Board Secretary and staff was required to conduct training for Precinct Officials using standard materials produced by the State Election Board staff. While many of our County Election Board personnel are excellent trainers, there are a few who have difficulty with this aspect of their jobs. Beginning in 2005, the State Election Board staff began experimenting with a new method of providing training for Precinct Officials. The State Election Board staff conducted a special, voluntary train-the-trainer program for any County Election Board Secretary or employee who wanted to conduct Precinct Official training. Only trainers who complete this special training for trainers are authorized to train Precinct Officials. Many of the persons who attend this training agree to travel to other counties to conduct Precinct Official training. From this group of authorized trainers, the State Election Board staff assigns trainers to other counties as needed. Several members of the State Election Board staff also are authorized trainers

AUTHORITY:

Title 26 O.S. Supp. 2008, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, March 7, 2008. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, March 7, 2008, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after February 15, 2008.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391. scox@elections.ok.gov

[OAR Docket #08-19; filed 1-9-08]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 15. VOTER REGISTRATION**

[OAR Docket #08-20]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Voter Outreach [AMENDED]

Subchapter 5. Application for Voter Registration [AMENDED]

Subchapter 9. Receiving and Processing Voter Registration Applications [AMENDED]

SUMMARY:

The proposed amendment in Subchapter 3 concerns the specifications for printing the Oklahoma Voter Registration Application form. The amendment removes language requiring the form to be printed on white stock and permits the Secretary of the State Election Board to designate the color stock on which the form is to be printed.

The proposed amendments in Subchapter 5 concern identification numbers requested from applicants for voter registration. The Oklahoma Voter Registration Application form asks for an applicant's Oklahoma driver license number and states that the last four digits of the applicant's Social Security number is required if the applicant does not have a driver license. However, while federal law (the Help America Vote Act of 2002) permits the states to ask for a driver license number, a state identification card number, or the last four digits of the applicant's Social Security number on voter registration applications, it also contains language which we interpret to mean that the rejection of voter registration application for failure to provide these numbers is prohibited. Many applicants refuse to provide these numbers due to fears of identity theft. (The Oklahoma Voter Registration Application form is an open record under state law.) The federal law requires states to create a unique identification number for applicants who do not have a driver license, state identification card, or a Social Security number. The voter registration software used in Oklahoma creates a unique number for each application entered and that number is also used for tracking purposes. Therefore, we no longer reject an otherwise complete and valid application for voter registration if the applicant fails to provide one of the requested identification numbers. Amendments are proposed in several sections to

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remove language that indicates applications submitted without the requested identification numbers are considered invalid are therefore rejected. In addition, an amendment is proposed that clarifies that only an application for new voter registration is rejected if the applicant does not provide his or her date of birth. A voter registration application for change of address, political affiliation, or name that does not include a date of birth is not rejected if the voter's record can be identified and if the date of birth has previously been provided.

AUTHORITY:

Title 26 O.S. Supp. 2008, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, March 7, 2008. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, March 7, 2008, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after February 15, 2008.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391. scox@elections.ok.gov

[OAR Docket #08-20; filed 1-9-08]

TITLE 230. STATE ELECTION BOARD CHAPTER 30. ABSENTEE VOTING

[OAR Docket #08-21]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Processing Applications [AMENDED]

Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]

Subchapter 13. Federal Write-In Absentee Ballot [AMENDED]

SUMMARY:

The State Election Board staff revised the Application for Absentee Ballots forms to clarify some of the information required from applicants and to make it easier for County Election Board personnel to process the completed forms. Minor changes are required in one Section that concerns processing applications so that instructions match the revised form.

In 2005, the United States Congress made changes to the Uniformed and Overseas Absentee Voting Act (UOCAVA) that expanded the use of the federal write-in absentee ballot. The Federal Voting Assistance Program, the federal agency charged with administering the UOCAVA, subsequently made changes to the federal write-in absentee ballot materials that they provide to uniformed services members and to overseas civilian voters. Amendments in three Sections concern the expansion of the use of the federal write-in absentee ballots and the changes to the federal write-in absentee ballot materials.

One Section also is amended to correct an error in its subdivisions in order to clarify the Section's meaning.

AUTHORITY:

Title 26 O.S. Supp. 2008, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, March 7, 2008. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, March 7, 2008, in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after February 15, 2008.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391. scox@elections.ok.gov

[OAR Docket #08-21; filed 1-9-08]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 35. ELECTION CONDUCT**

[OAR Docket #08-22]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. County Election Board Responsibilities
[AMENDED]

Subchapter 5. Instructions for Precinct Election Officials
[AMENDED]

SUMMARY:

The proposed amendments change certain procedures followed by County Election Board personnel and by Precinct Officials on election day.

Some items that in the past have been bound in the FORMS FOR USE BY PRECINCT ELECTION OFFICIALS booklet have been removed from that booklet. A separate FORMS FOR USE BY PROVISIONAL VOTING OFFICER booklet has been eliminated. Because of the elimination of the provisional voting FORMS booklet, the Provisional Ballot Voucher form has been redesigned and the instructions for completing it have been changed.

A new item, referred to in these proposed rules as the "short turquoise State Election Board seal" has been created for use by the County Election Board on election night. This new seal is intended to be applied to the ballot transfer box in several situations. First, if the long white State Election Board seal is broken or missing from a ballot transfer box when the box is received from the Inspector on election night, the County Election Board members place the turquoise seal on the box immediately. Second, if a ballot transfer box must be opened by the County Election Board on election night to conduct an election night recount, the box is resealed with the turquoise seal at the conclusion of the recount. Third, if the County Election Board must open a ballot transfer box to retrieve an item, such as a Ballot Accounting Form or a Totals Printout sealed inside the box in error, the box is resealed with the turquoise seal. Finally, on Friday following the election, the ballot transfer box containing counted provisional and/or telephone system ballots is sealed with the turquoise seal. The purpose of the new seal is to provide additional documentation of the chain of custody of voted ballots from election night through 5 p.m Friday following the election.

A Section that details procedures followed in the unusual event that a voting device is not issued to a precinct polling place on election day is amended to clarify certain requirements of the procedure.

A Section concerning appropriate actions when Precinct Officials suspect a violation of election law is amended to refer to THE MANUAL FOR PRECINCT ELECTION OFFICIALS instead of the PRECINCT PROBLEM SOLVER. The referenced information actually was moved from the PRECINCT PROBLEM SOLVER to THE MANUAL several years ago.

AUTHORITY:

Title 26 O.S. Supp. 2008, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, March 7, 2008. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, March 7, 2008, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after February 15, 2008.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391. scox@elections.ok.gov

[OAR Docket #08-22; filed 1-9-08]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 40. TYPES OF ELECTIONS**

[OAR Docket #08-23]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Municipal Elections [AMENDED]

Subchapter 7. School Elections [AMENDED]

Subchapter 9. School Union Elections [AMENDED]

SUMMARY:

In Subchapter 5, an amendment is proposed that will prohibit a municipality from closing a split precinct in any election held on the same date as a regular or special statewide election. Municipalities may only close split precincts if they can certify that no one lives in the area of the precinct that lies within municipal boundaries.

In 2005, Title 26, Section 13-101.1 was amended to change the number of days which must be provided between partisan municipal primary and general elections from 45 to 35 days. When we amended our rules to reflect the statutory change, we made an error. We changed every reference to 45 days in 230:40-5-77 to 35 days. However, only the reference in

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(a)(4) should have been changed. A proposed amendment in Subsection 5 corrects the error.

In 2004, Title 26, Section 13A-105 was amended to permit candidates for the Board of Education in multi-county school districts to file their Declarations of Candidacy in the county of their residence instead of in the parent county. We recently discovered that we have failed to include this change in our rules. A proposed amendment in Subchapter 7 includes this information.

Also in Subchapter 7, an amendment is proposed to clarify that school districts may not close split precincts for any reason in any election held on the same date as a regular or special statewide election.

In Subchapter 9, a new Section is proposed to describe elections called for employees to vote to discontinue representation for collective bargaining. The new Section states that such elections shall be conducted under the same procedures as elections to choose representation for collective bargaining.

AUTHORITY:

Title 26 O.S. Supp. 2008, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, March 7, 2008. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, March 7, 2008, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after February 15, 2008.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391. scox@elections.ok.gov

[OAR Docket #08-23; filed 1-9-08]

TITLE 230. STATE ELECTION BOARD CHAPTER 45. CONTESTS OF ELECTION

[OAR Docket #08-24]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Recounts [AMENDED]

SUMMARY:

The proposed amendment in Subchapter 3 concerns certification of question elections. Prior to 2004, the results of question elections were certified by the County Election Board on election night. With the introduction of provisional voting in 2004, no election results can be certified on election night. Question election results now are certified by the County Election Board at 5 p.m. on Friday following the election

AUTHORITY:

Title 26 O.S. Supp. 2008, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, March 7, 2008. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, March 7, 2008, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after February 15, 2008.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391. scox@elections.ok.gov

[OAR Docket #08-24; filed 1-9-08]

TITLE 230. STATE ELECTION BOARD CHAPTER 50. AUTOMATED SYSTEMS

[OAR Docket #08-25]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Telephone Voting System [AMENDED]

SUMMARY:

An amendment is proposed in Section that concerns counting telephone voting system ballots. The State Election Board has created a new seal, called the short turquoise State Election Board seal, for the County Election Board to use on election night to affix to a ballot transfer case that has been opened and to use on Friday following the election to seal the ballot transfer case containing counted telephone and/or provisional ballots. The purpose of the new seal is to provide additional documentation of the chain of custody of voted ballots from election night until 5 p.m. on Friday following the election or until the ballots are delivered to the courtroom for a recount.

AUTHORITY:

Title 26 O.S. Supp. 2008, Section 2-107. Secretary of the State Election Board.

COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, March 7, 2008. Written comments may be delivered to the State Election Board office or may be mailed. Comments also may be presented orally during the hearing. Mailing Address: State Election Board, P. O. Box 53156, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held Friday, March 7, 2008, at 10 a.m. in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed amendments are available in the office of the State Election Board, Room B6, State Capitol Building, Oklahoma City.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and will be available in the State Election Board office on and after February 15, 2008.

CONTACT PERSON:

Suzanne Cox, Publications Editor, State Election Board. (405)521-2391. scox@elections.ok.gov

[OAR Docket #08-25; filed 1-9-08]

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

[OAR Docket #08-39]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 27. Contracts with Charitable Health Care Providers [NEW]

310:2-27-1 through 310:2-27-6 [NEW]

SUMMARY:

The current emergency Rule sets forth processes and requirements to fulfill the legislative requirements of Senate Bill 930, codified at 51 O.S. Supp. 2007, SS 152 and 152.2 whereby a contract may be executed between a charitable health care provider and the Oklahoma State Department of Health or a city-county health department to provide health care services to medically indigent persons at, or on referral from a free clinic, where such providers would be considered a state employee for purposes of the Governmental Tort Claims Act (GTCA), and thus be immune from personal liability for such contract services provided at or on behalf of a free clinic. The State's potential liability for claims of negligence by a medically indigent person against a charitable health care provider under such contracts would be limited as provided by the Oklahoma GTCA. This permanent rule proposal establishes definitions, requirements, qualifications and the process for awarding contracts between health care professionals and the State Health Department or city-county health department. The rule defines key terms used within this Chapter, sets qualifications for health care professionals to enter into contracts with the State as a charitable healthcare provider and for individuals to be deemed medically indigent, and provides a process for healthcare professionals to apply for such contracts and for the cancellation of such contracts. The rule is required by direction of the Oklahoma Legislature as set forth in Senate Bill 930, codified at 51 O.S. Supp. 2007, SS 152 and 152.2. The intended effect of the rule proposal is to fulfill the legislative enactment for the administration of contracts between a charitable health care provider(s) and the Oklahoma State Department of Health or a city-county health department for the benefit of Oklahoma residents who are medically indigent. These contracts will provide health care professionals who treat medically indigent persons with immunity from personal liability for services rendered pursuant to such contracts. Ultimately, it is hoped that this contracting process should encourage greater participation by health care professionals in providing care at free clinics.

AUTHORITY:

Oklahoma State Board of Health; 51 O.S. Section 152.2

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may discuss the proposed rules informally with or may submit written comments to Michael Brown, Director, Office of Primary Care and Rural Health Development, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299 before March 13, 2008; 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 13, 2008, which begins at 11:00 a.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 13, 2008 to Michael Brown, Director, Office of Primary Care and Rural Health Development, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to Mikebr@health.ok.gov

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Office of Primary Care and Rural Health Development, 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:

Michael W. Brown, Director, Office of Primary Care and Rural Health Development, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone:(405) 271-8428; facsimile: (405) 271-5493; electronic mail: Mikebr@health.ok.gov

[OAR Docket #08-39; filed 1-9-08]

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

[OAR Docket #08-40]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Purpose, Forms and Fees
310:105-1-3 [AMENDED]

SUMMARY:

The current Rule sets forth that a search of a vital statistic file (birth or death record) or acquiring a certified copy of a birth or death certificate requires the payment of a fee of Ten Dollars (\$10.00) per search or certificate, and that amendment of birth and death certificates, issuance of a delayed birth certificate or adoption certificate, and amendment of a birth or death certificate due to court order require payment of a fee of Five Dollars (\$5.00). The proposal will increase the fee for a vital record search or for a birth or death certificate to Twenty Dollars (\$20.00) per search or certificate. Additionally, this rule proposal will increase the fee for amendment of birth

and death certificates, issuance of a delayed birth certificate or an adoption certificate, and amendment of a birth or death certificate due to court order to Twenty-five Dollars (\$25.00) per item.

The intended effect of this proposal is to provide partial funding to offset over \$11.5 million in statutorily mandated and unfunded health insurance and retirement increases during the past two years. Conservative estimates provide that an additional increase of at least 6% for health insurance and 1% for OPERS will add an additional \$2 million in unfunded costs in FY 09. The total unfunded benefits mandates will exceed \$13.5 million for three years. In addition continuing reductions in Federal funding of Health and Long Term Care, Communicable disease surveillance and intervention and a new required state match on Preparedness grants reduce program funding by close to another \$2 million.

Recently the Department was forced to freeze hiring and refilling of all but the most critical vacancies statewide. As those vacancies mount the level of public health and health regulatory services to the public will decline. This fee increase should not be interpreted to preclude the need for additional appropriations to maintain public health services in Oklahoma.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-325

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may discuss the proposed rules informally with or may submit written comments to Kevin Pipes, Chief, Office of State and Federal Policy, Oklahoma State Department of Health, 1000 N.E. 10th Street - Room 305, Oklahoma City, OK 73117-1299 before March 13, 2008; 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 13, 2008, which begins at 11:00 a.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 13, 2008 to Kevin Pipes, Chief, Office of State and Federal Policy, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to Kevinp@health.ok.gov

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from Kevin Pipes, Chief, Office of State and Federal Policy, Oklahoma State Department of Health, 1000 N.E. 10th Street - Room 305, 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:

Kevin Pipes, Chief, Office of State and Federal Policy, telephone:(405) 271-4200; facsimile: (405) 271-3431; electronic mail: Kevinp@health.ok.gov

[OAR Docket #08-40; filed 1-9-08]

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

[OAR Docket #08-41]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Administrative Fine Schedule
310:110-5-8. Schedule of fines for the fire extinguisher industry [NEW]

SUMMARY:

The proposed new rule establishes language that is necessary to implement a new section of law codified in the Oklahoma Statutes as Section 1820.1 of Title 59, known as the "Fire Extinguisher Licensing Act". The purpose of the Act is to regulate the sale, installation, and servicing of portable fire extinguishers, including both engineered and pre-engineered systems. The proposed rule creates the administrative citations for companies and individuals performing Fire Extinguisher work without proper licensure.

AUTHORITY:

Oklahoma State Board of Health; Fee and Fine Schedule For Occupational Licensing Service, 59 O.S., Section 61.1 et seq. and 1820.1 et seq.; 63 O.S. Section 1-106.1

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 13, 2008, may submit written comments to Matt Schue, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008, 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 13, 2008 which begins at 11:00 a.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 13, 2008, 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, 2008, and may be obtained from the Occupational Licensing Division, Consumer Health Service, 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 #08-41; filed 1-9-08]

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

[OAR Docket #08-42]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 310:205-1-2 [AMENDED]
- Subchapter 3. License Requirements
- 310:205-3-2 [AMENDED]
- 310:205-3-3 [AMENDED]
- 310:205-3-4 [AMENDED]
- 310:205-3-7 [AMENDED]
- 310:205-3-8 [AMENDED]
- 310:205-3-9 [AMENDED]
- 310:205-3-10 [AMENDED]
- 310:205-3-11 [AMENDED]

SUMMARY:

310:205-1-2 provides definitions of terms used in the industry. The proposed rule change includes a definition for electronic access control. The Rule change is necessary because the definition for electronic access control was inadvertently left out of the previous rule. This change to the Rule will have the effect of clarifying other terms within the Rule. 310:205-3-2 provides for the application and licensing fees, period and display, examination alternatives or prerequisites. The proposed rule amendment allows the applicant to be issued a temporary license by either submitting a criminal history record check from the Oklahoma Bureau of

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Investigations and/or, if applicant has resided in any other State in the past (10) ten years, submit a criminal history record from that State, or by submitting completed finger print cards that will be sent to the proper authority to insure a clear criminal record check prior to licensure. The proposed amendment deletes the requirement for each licensure applicant to complete a mandatory pre-licensing training course offered by a provider approved by the Alarm and Locksmith Industry Committee. The proposed rule allows the owners and managers of licensed alarm and locksmith companies to provide their own training, or to send their employees to any training courses they deem appropriate. Competency testing within the categories of licensing will continue to be provided through examinations administered by the Department. 310:205-3-3 establishes the licensure requirement for Burglar Alarm Companies and Individuals engaged in burglar alarm work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. 310:205-3-4 establishes the licensure requirement for Fire Alarm Companies and Individuals engaged in fire alarm work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. 310:205-3-7 establishes the licensure requirement for Fire Sprinkler Companies and Individuals engaged in fire sprinkler work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. 310:205-3-8 establishes the licensure requirement for Locksmith Companies and Individuals engaged in locksmith work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. 310:205-3-9 establishes the licensure requirement for Electronic Access Control Companies and Individuals engaged in electronic access control work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. 310:205-3-10 establishes the licensure requirement for Closed Circuit Television Companies and Individuals engaged in closed circuit television work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. 310:205-3-11 establishes the licensure requirement for Nurse Call Companies and Individuals engaged in nurse call work. The proposed rule will require individuals applying for licensure to pass an examination prescribed by the Committee. Additional minor changes are proposed within the existing alarm and locksmith industry categories to facilitate the proposed changes.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 13, 2008, may submit written comments to Matt Schue, Program Supervisor, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March

13, 2008, 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 13, 2008, which begins at 11:00 a.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 13, 2008, 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, 2008, 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 #08-42; filed 1-9-08]

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

[OAR Docket #08-43]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Examinations

310:210-3-3 [AMENDED]

310:210-3-5 [AMENDED]

Subchapter 5. Licensing

310:210-5-1 [AMENDED]

310:210-5-2 [AMENDED]

310:210-5-6 [AMENDED]

310:210-5-8 [AMENDED]

310:210-5-9 NEW]

SUMMARY:

The current rule establishes general provisions, examination, prerequisites, fees, and licensing requirements

for Barbers, Barber Apprentices, Barbers School Graduates, Hardship Apprentices, Barber Instructors and Barber Schools or Colleges.

The proposed rule changes allow a barber who holds a license from another state or entity to obtain a license from Oklahoma without taking the Oklahoma barber examination. The proposed rule would establish an additional requirement for those seeking licensure under the reciprocal license rule. The proposed rule changes will increase the fee for Barber Apprentices from the current amount of ten dollars for a one-year license to fifty dollars for a two-year license, and raise the fee for a 12 month hardship apprentice license from ten dollars to twenty five dollars. In conjunction with these rule changes there will also be a two hundred dollar fee for a reciprocal barber license. Additional proposed rule changes would include an apprentice license to expire 24 months from the date of issue, instead of the current 12 months, except for a hardship apprentice license, which would be valid for 12 months, would require the supervising barber to submit to the Department, hours accumulated by the apprentice every three months on four specific dates each year, and that the barber apprentice shall complete three thousand hours in not less than eighteen months or more than twenty four months.

The proposed changes are necessary to make the Barber Program self-supportive and the two-year license period for barber apprentices would reduce administrative costs. Additional changes are needed to allow for flexibility in working with States that recognize that the Oklahoma Barber Program meets their State requirements.

The intended effect of these Rule changes is to make the barber program self-supportive and to allow the Oklahoma Barber Program to license individuals from States that reciprocate with Oklahoma and that can show that their licensure requirements are substantively the same as Oklahoma's.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 13, 2008, may submit written comments to Vernon Bolz, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008, 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 13, 2008 which begins at 11:00 a.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 13, 2008, 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, 2008, 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, Chief, Consumer Health Services, Oklahoma State Department of Health, (405) 271-5779.Ext 57901

[OAR Docket #08-43; filed 1-9-08]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 250. FEE SCHEDULE FOR CONSUMER HEALTH SERVICES

[OAR Docket #08-44]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. License Classifications and Associated Fees For Consumer Health Services
- 310:250-3-1 Food service establishments' permits [AMENDED]
- 310:250-3-7 Application fee [NEW]

SUMMARY:

310:250-3-1(9). The current rule shall be corrected to correspond with the definition of a "Seasonal Food Service" as defined in 310:257-1-1 which states that a "Seasonal food service establishment" shall be licensed for no more than 180 consecutive days per physical address per year. The current rule in 310:250 shall be changed to correspond with the change of 310:257 Food Service Establishment in which 310:256 has been revoked. 310:250-3-7. The revisions to the rule are to implement language, which shall establish an application fee to the existing regulations. The application fee will be used to offset the cost of plan specifications for review and

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approval, establishment requirements, finish requirements and food handling procedures for an establishment to receive a license to operate in the State of Oklahoma. The proposal amends Subchapter 3, of the present Fee Schedule for Consumer Health Services in order to institute funding for Food Service Establishments, Drug Operational permits, and Lodging establishment operational permits for the inspection programs and industry education activities. The proposed increased revenue will enable these programs to meet the budget demands for the operation and maintenance of these programs.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. 2001, Sections 1-106.1 and 1-1118 et seq.

COMMENT PERIOD:

February 1, 2008, through March 13, 2008. Interested persons may discuss informally the proposed rules with staff of Consumer Protection Services; or before March 13, 2008, may submit written comment to Tressa Madden, Director, Consumer Health Division, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 13, 2008, which begins at 11:00 a.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 13, 2008, to Tressa Madden, Director, Consumer Health Division, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008, may send electronic mail to tressam@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tressa Madden, Director, Consumer Health Division, Consumer Protection Division (405) 271-5243

[OAR Docket #08-44; filed 1-9-08]

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

[OAR Docket #08-45]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Applications

310:345-3-3 [AMENDED]

310:345-3-6 [AMENDED]

Subchapter 5. Registration

310:345-5-3 [AMENDED]

Subchapter 7. Revocation and Reinstatement

310:345-7-2 [AMENDED]

SUMMARY:

310:345-3-3. The Rule establishes the time for payment of registration fees as well as the amounts of registration fees for Sanitarians and Environmental Specialists. The proposed rule change establishes an increase of the registration fees for initial full registration from \$20 to \$25 per registration; in training to full registration from \$20 to \$25 per registration; yearly renewal from \$7.50 to \$25 per registration; lifetime from \$20 to \$60 per registration; and provides for an examination fee of \$30 for applicants taking the Oklahoma examination as a qualification for initial registration. This Rule change is necessary because of the rising costs in the operation and maintenance of this program. The proposed increased revenue will have the effect of enabling this program to meet the budget demands for the operation and maintenance of this program. It should be noted the fees initially established at the inception of this program in 1953 have never been increased. 310:345-3-6. This Rule provides for reciprocity in the case of Sanitarians or Environmental Specialists from jurisdictions outside of Oklahoma. The proposed Rule change allows other reciprocal states to be on equivalency terms with Oklahoma's requirements. This Rule change is necessary so that other states will recognize Oklahoma's programs and criteria. The proposed change will have the effect of speeding the process of licensure. 310:345-5-3. This Rule provides for expiration and renewals of registrations for Sanitarians and Environmental Specialists. The proposed Rule changes the renewal fee from \$7.50 to \$25.00. The Rule change is necessary to cover the increasing costs of program administration. The proposed increased revenue will have the effect of enabling this program to meet the budget demands for the operation and maintenance of this program. 310:345-7-2. This Rule provides for the provisions of reinstatement of licensure for Sanitarian or Environmental Specialist. The proposed Rule will allow up to \$25.00 to be charged for the reinstatement of a Sanitarian or Environmental Specialist license. The Rule change is necessary to cover the increasing costs of program administration. The proposed increased revenue will have the

effect of enabling this program to meet the budget demands for the operation and maintenance of this program.

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, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 13, 2008, may submit written comments to Vernon Bolz, Chief, Consumer Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008, 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 13, 2008 which begins at 11:00 a.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 13, 2008, to Vernon Bolz, Chief, Consumer Health Services, 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, 2008, 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 #08-45; filed 1-9-08]

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

[OAR Docket #08-46]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Rules of Professional Conduct
310:400-5-3 [AMENDED]
- Subchapter 7. Application for Licensure
310:400-7-2.1 [AMENDED]
310:400-7-4 [AMENDED]
310:400-7-5 [NEW]
- Subchapter 11. Supervised Experience Requirements
310:400-11-2 [AMENDED]
310:400-11-3 [AMENDED]
310:400-11-5 [AMENDED]
- Subchapter 15. Issuance and Maintenance of License
310:400-15-4 [AMENDED]
310:400-15-8 [AMENDED]

SUMMARY:

310:400-5-3 The current Rule sets forth standards regarding professional competence and integrity. The proposal clarifies prohibition of therapy concurrently or subsequently in regard to parties involved in forensic matters. The change is necessary to ensure neutrality by the therapist. The effect of the Rule will protect all parties involved in forensic matters. 310:400-7-2.1 The current Rule sets forth requirements for re-applying for a revoked license. The proposal establishes a time limit to re-apply following revocation of licensure, requires applicants to submit additional documentation demonstrating rehabilitation, imposes possible limitations on practice, and requires review by the LMFT Advisory Board. This change is necessary to ensure that a disciplined therapist is fit to practice following administrative action. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LMFTs. The current Rule also provides for the procedure and terms of re-application for a denied application. The proposal clarifies a denied application and requires the submission of additional documentation demonstrating rehabilitation and imposes possible limitations on practice. This change is necessary to ensure that a disciplined applicant is fit to practice following the denial of application for licensure. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from licensure candidates and LMFTs. 310:400-7-4 The current Rule establishes academic and experience requirements for licensure. The proposal specifically names the six regional accrediting associations that meet the academic requirement. The change is necessary to clarify which accrediting associations meet the requirement. The effect of the Rule will allow applicants to be more informed regarding the acceptable requirement.

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310:400-7-5 The new proposed Rule defines forms used by the applicants, licensees and third parties to obtain licensee information. This addition is necessary to facilitate a process to obtain information from the applicant and to allow the Department to establish requirements for requesting and receiving such information. The effect of the Rule change will allow consistency in processing requests for information.

310:400-11-2 The current Rule establishes acceptable supervised experience. The proposal allows for consideration to approve out-of-state, on-site supervisors. This change is necessary to allow more flexibility regarding the acceptability of supervised experience for licensure candidates. The effect of the Rule will allow more licensure candidates to provide services to the citizens of Oklahoma.

310:400-11-3 The current Rule establishes supervisor qualifications. The proposal requires the completion of the continuing education requirement before the approved supervisor designation can be renewed. This change is necessary to ensure that approved supervisors remain abreast of current trends in therapy supervision. The effect of the Rule will ensure that licensure candidates are receiving the required supervision by qualified licensure supervisors.

310:400-11-5 The current rule establishes the responsibility of supervisors and supervisees. The proposal requires a time limit for approved supervisors to maintain supervision records for supervisees. This change is necessary to ensure appropriate record keeping of supervision activities. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from licensure candidates.

310:400-15-4 The current Rule sets forth requirements for continuing education. The proposal allows for presenters of continuing education programs to qualify who have experience teaching in a regionally accredited university setting. The change is necessary to allow more qualified individuals to be approved as presenters of continuing education. The proposal also establishes distance learning courses as an acceptable context to accrue continuing education. The change is necessary to consider all means of distance learning as acceptable continuing education. The effect of the Rule will allow licensees more opportunities to complete the continuing education requirement for licensure renewal. The proposal also defines the continuing education roster and the continuing education roster for LMFT Approved Supervisors. These changes are necessary to allow the Department to establish requirements for receiving renewal information on official Department forms. The effect of the Rule will ensure accurate, consistent information necessary to renew an LMFT license and approved supervisor status.

310:400-15-8 The current rule establishes provisions for licensure by endorsement. The proposal disallows experience to be considered in lieu of passing the national licensing examination in marital and family therapy. This change is necessary to ensure that endorsement applicants meet the same examination requirements as in-state applicants. The effect of the Rule will protect the citizens of Oklahoma by ensuring endorsement applicants have met the same licensing standard as in-state applicants.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before March 13, 2008, 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 13, 2008, which begins at 11:00 a.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 13, 2008 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 #08-46; filed 1-9-08]

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

[OAR Docket #08-47]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Forms
310:403-5-2 [AMENDED]

- Subchapter 11. Application Procedures
310:403-11-8 [AMENDED]
- 310:403-11-11 [AMENDED]
- Subchapter 15. Supervised Experience Requirement
310:403-15-4 [AMENDED]
- 310:403-15-5 [AMENDED]
- Subchapter 21. Continuing Education Requirements
310:403-21-2 [AMENDED]

SUMMARY:

310:403-5-2 The current Rule describes forms used during the application and licensure process. The proposal defines forms used by the licensees and third parties to obtain licensee information. This change is necessary to facilitate a process to obtain information from the applicant and to allow the Department to establish requirements for requesting and receiving such information. The effect of the Rule change will allow consistency in processing requests for information. 310:403-11-8 The current Rule sets forth requirements for re-applying for a revoked license. The proposal establishes a time limit to re-apply following revocation of licensure, requires applicants to submit additional documentation demonstrating rehabilitation, imposes possible limitations on practice, and requires review by the LBP Advisory Board. This change is necessary to ensure that a disciplined practitioner is fit to practice following administration action. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LBPs. 310:403-11-11 The current Rule provides for the procedure and terms of re-application for a denied application. The proposal clarifies a denied application and requires the submission additional documentation demonstrating rehabilitation and imposes possible limitations on practice. This change is necessary to ensure that a disciplined applicant is fit to practice following the denial of application for licensure. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LBPs. 310:403-15-4 The current rule establishes the responsibility of supervisors and supervisees. The proposal requires a time limit for approved supervisors to maintain supervision records for supervisees. This change is necessary to ensure appropriate record keeping of supervision activities. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from licensure candidates. 310:403-15-5 The current Rule provides for the acceptability of supervised experience. The proposal allows for supervised experience to be accrued in a private setting when an agency employs a qualified on-site supervisor, allows Licensed Alcohol and Drug Counselors to be qualified on-site supervisors, and allows for consideration to approve out-of-state, on-site supervisors. This change is necessary to allow more flexibility regarding the acceptability of supervised experience for licensure candidates. The effect of the Rule will allow more practitioner candidates to provide services

to the citizens of Oklahoma. 310:403-21-2 The current Rule provides for the procedure and terms of the submission of the continuing education roster. The proposal defines the continuing education roster. This change is necessary to allow the Department to establish requirements for receiving renewal information on official Department forms. The effect of the Rule will ensure accurate, consistent information necessary to renew an LBP license.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before March 13, 2008, 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 13, 2008, which begins at 11:00 a.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 13, 2008 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 #08-47; filed 1-9-08]

Notices of Rulemaking Intent

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

[OAR Docket #08-48]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Rules of Professional Conduct
310:405-3-3 [AMENDED]
Subchapter 7. Application Procedures
310:405-7-2 [AMENDED]
310:405-7-5 [AMENDED]
310:405-7-8 [AMENDED]
310:405-7-9 [AMENDED]
Subchapter 11. Supervised Experience Requirement
310:405-11-2 [AMENDED]
310:405-11-3 [AMENDED]
310:405-11-4 [AMENDED]
Subchapter 17. Continuing Education Requirements
310:405-17-2 [AMENDED]
310:405-17-3 [AMENDED]
310:405-17-4.1 [AMENDED]
310:405-17-6.1 [AMENDED]
Subchapter 27. Licensure by Endorsement
310:405-27-3 [AMENDED]
Subchapter 29. Consumer Information
310:405-29-4 [NEW]

SUMMARY:

310:405-3-3 The current Rule describes acts of discrimination in a counseling setting. The proposal expands the definition to align with the American Counseling Association's (ACA) definition. The effect of the Rule will provide consistency with the more widely recognized definition of discrimination. The new proposed Rule in this subchapter defines private or independent practice. The addition is necessary to provide clarification regarding requirements to engage in private or independent practice of professional counseling. The effect of the Rule will ensure that only Licensed Professional Counselors can engage in private or independent practice as referenced by the LPC Act and Regulations. 310:405-7-2 The current Rule describes forms used during the application and licensure process. The proposal defines forms used by the applicants, licensees and third parties to obtain licensee information. This change is necessary to facilitate a process to obtain information from the applicant and to allow the Department to establish requirements for requesting and receiving such information. The effect of the Rule change will allow consistency in processing requests for information. 310:405-7-5 The current Rule sets forth requirements for re-applying for a revoked license. The proposal establishes a time limit to re-apply following revocation of licensure, requires applicants to submit additional documentation demonstrating

rehabilitation, imposes possible limitations on practice, and requires review by the LPC Advisory Board. This change is necessary to ensure that a disciplined counselor is fit to practice following administrative action. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LPCs. 310:405-7-8 The current Rule provides for the procedure and terms of re-application for a denied application. The proposal clarifies a denied application and requires the submission of additional documentation demonstrating rehabilitation and imposes possible limitations on practice. This change is necessary to ensure that a disciplined applicant is fit to practice following the denial of application for licensure. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from LPCs. 310:405-7-9 The current Rule describes the process for requesting an administrative hearing following the denial of licensure. The proposal clarifies the correct reference from the LPC Act. The effect of the Rule will provide consistency between the Act and the Regulations. 310:405-11-2 The current rule establishes the responsibility of supervisors and supervisees. The proposal requires a time limit for approved supervisors to maintain supervision records for supervisees. This change is necessary to ensure appropriate record keeping of supervision activities. The effect of the Rule change will provide protection for the citizens of Oklahoma receiving services from licensure candidates. 310:405-11-3 The current Rule provides for the acceptability of supervised experience. The proposal allows for supervised experience to be accrued in a private setting when a facility employs a qualified on-site supervisor, allows Licensed Alcohol and Drug Counselors to be qualified on-site supervisors, and allows for consideration to approve out-of-state, on-site supervisors. This change is necessary to allow more flexibility regarding the acceptability of supervised experience for licensure candidates. The effect of the Rule will allow more licensure candidates to provide services to the citizens of Oklahoma. 310:405-11-4 The current Rule establishes supervisor qualifications. The proposal requires the completion of the continuing education requirement before the approved supervisor designation can be renewed. This change is necessary to ensure that approved supervisors remain abreast of current trends in counseling supervision. The effect of the Rule will ensure that licensure candidates are receiving the required supervision by qualified licensure supervisors. 310:405-17-2 The current Rule establishes the number of hours of continuing education required to renew the license. The proposal specifies the equivalency of academic course work and the clock hour requirement. The change is necessary to provide clarification of the amount of clock hour credit that will be given to college courses. The effect of the Rule will allow licensees to submit the proper amount of college course work to fulfill the continuing education requirement. 310:405-17-3 The current Rule establishes acceptable continuing education requirements. The proposal allows for presenters of continuing education programs to qualify who have experience teaching in a regionally

accredited university setting. The proposal also establishes distance learning courses as an acceptable context to accrue continuing education. The change is necessary to allow more qualified individuals to be approved as presenters of continuing education and to consider all means of distance learning as acceptable continuing education. The effect of the Rule will allow licensees more opportunities to complete the continuing education requirement for licensure renewal. 310:405-17-4.1 The current Rule establishes continuing education accrual from home study courses. The proposal changes home study courses to distance learning courses as an acceptable context to acquire continuing education. The proposal also establishes presenter qualifications. The change is necessary so that all means of distance learning will be considered as acceptable continuing education and to ensure qualified presenters. The effect of the Rule will allow licensees more opportunities to complete the continuing education requirement for licensure renewal. 310:405-17-6.1 The current Rule provides for the procedure and terms of the submission of the continuing education roster. The proposal defines the continuing education roster. This change is necessary to allow the Department to establish requirements for receiving renewal information on official Department forms. The effect of the Rule will ensure accurate, consistent information necessary to renew an LPC license. 310:405-27-3 The current Rule provides for requirements for licensure by endorsement. The proposal clarifies the requirements with an additional citation from the LPC Act, which includes the completion of 60 (sixty) graduate hours of counseling-related course work and 3000 hours of post-graduate supervision. The change is necessary to ensure that endorsement applicants have met equivalent training and education requirements as in-state applicants. The effect of the Rule will protect the citizens of Oklahoma by ensuring endorsement applicants have met the same licensing standard as in-state applicants. 310:405-29-4 The new proposed Rule in this Subchapter describes informed consent. The addition is necessary to establish a standard regarding informed consent in the counseling setting. The effect of the Rule will provide direction and clarification regarding informed consent for the counselor and the client.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before March 13, 2008, 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 13, 2008, which begins at 11:00 a.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 13, 2008 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 #08-48; filed 1-9-08]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 451. FIRE EXTINGUISHER INDUSTRY

[OAR Docket #08-49]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

310:451-1-1 [NEW]

310:451-1-2 [NEW]

310:451-1-3 [NEW]

310:451-1-3.1 [NEW]

Subchapter 3. License Requirements [NEW]

310:451-3-1 [NEW]

310:451-3-2 [NEW]

310:451-3-3 [NEW]

310:451-3-4 [NEW]

310:451-3-5 [NEW]

Subchapter 5. Special Provisions [NEW]

310:451-5-1 [NEW]

310:451-5-2 [NEW]

310:451-5-3 [NEW]

Subchapter 7. Enforcement [NEW]

310:451-7-1 [NEW]

310:451-7-2 [NEW]

Notices of Rulemaking Intent

SUMMARY:

The proposed new rule establishes language that is necessary to implement a new section of law codified in the Oklahoma Statutes as Section 1820.1 of Title 59, known as the "Fire Extinguisher Licensing Act". The purpose of the Act is to regulate the sale, installation, and servicing of portable fire extinguishers, including both engineered and pre-engineered systems. The proposed rule creates categories of licensure, definitions, qualifications, and requirements for companies, managers, technicians, salespersons, and trainees along with the respective licensing fees, within each category. Additional rule language establishes the criteria to qualify for initial licensing and the minimum qualifications for licensing thereafter.

AUTHORITY:

Oklahoma State Board of Health; Fire Extinguisher Industry Act, 59 O.S. Sections 1820.1 et seq.,

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with Protective Health Services staff; or before March 13, 2008, may submit written comments to Matt Schue, Program Supervisor, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008, 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 13, 2008, which begins at 11:00 a.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 13, 2008, 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, 2008, 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 #08-49; filed 1-9-08]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 638. DRUG AND ALCOHOL TESTING RULES

[OAR Docket #08-50]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:638-1-2. [AMENDED]

310:638-1-3. [AMENDED]

310:638-1-4. [AMENDED]

310:638-1-5. [AMENDED]

310:638-1-6.2. [NEW]

310:638-1-7.2. [NEW]

310:638-1-8.2. [NEW]

310:638-1-10. [AMENDED]

Subchapter 3. Administration

310:638-3-4. [REVOKED]

310:638-3-7. [AMENDED]

Subchapter 5. Drug Screen Testing Facilities

310:638-5-2. [AMENDED]

310:638-5-3. [AMENDED]

310:638-5-4. [AMENDED]

310:638-5-9. [AMENDED]

310:638-5-10. [AMENDED]

SUMMARY:

The amendments to OAC 310:638 modify the workplace drug and alcohol testing standards and procedures to include saliva as an appropriate body component sample for workplace drug testing throughout the standards; establishes new standards for saliva drug screening and confirmation testing including a requirement for participation in an approved proficiency testing program; sets requirements for saliva specimen collection and transportation.

These revisions also revoke obsolete provisions for an interim licensure status.

This rule implements the Standards for Workplace Drug and Alcohol Testing Act as amended effective November 1, 2006. This permanent action will supersede the emergency adoption that became effective on April 2, 2007 and set to expire on July 14, 2008

AUTHORITY:

Oklahoma State Board of Health; Standards for Workplace Drug and Alcohol Testing Act, 40 O.S. Sections 551 et seq.

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with staff; or before March 13, 2008, may submit written comments to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before March 13, 2008 may send electronic mail to tomw@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 13, 2008 which begins at 11:00 a.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 13, 2008 to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008 may send electronic mail to tomw@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2008, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities, (405) 271-6576; tomw@health.ok.gov

[OAR Docket #08-50; filed 1-9-08]

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

[OAR Docket #08-51]

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
310:641-3-10 [AMENDED]
- Part 5. Ground Transport Vehicles
310:641-3-20 [AMENDED]
310:641-3-23 [AMENDED]
- Part 7. Air Ambulances
310:641-3-30 [AMENDED]
310:641-3-32 [AMENDED]
- Part 27. Transfer Protocols
310-641-3-130 [AMENDED]
- Subchapter 5. Personnel Licenses and Certification
Part 3. Emergency Medical Personnel Licenses
310:641-5-11 [AMENDED]
310:641-5-14 [AMENDED]
- Subchapter 7. Training Programs
Part 5. Instructor Qualifications
310:641-7-20 [AMENDED]
- Part 7. In-Service Instruction Program
310:641-7-30 [AMENDED]

SUMMARY:

The proposed changes update licensure requirements to include a HIPAA compliant system for receiving emergency calls, clarify the requirements for mutual aid agreements between ambulance services, update vehicle standards to conform with new Federal standards, update and consolidate requirements for pediatric equipment consistent with national Emergency Medical Services for Children recommendations, add a requirement that on-board equipment be "clean, in good working condition, and appropriately secured", require clear transfer of care including verbal and written reporting to the receiving facility, clarify requirements for participation in regional trauma planning meetings, update re-licensure requirements to conform with the National Registry of EMTs, and require attendance policies for Department-approved refresher training.

The actions to be taken include dissemination of the new rules to all EMS providers, with clarification and follow-up inspections through the existing survey processes to ensure compliance.

The circumstances which created the need for the rule include new awareness that non-HIPAA compliant systems are exposing patient information, new federal ambulance standards, updated federal minimum suggested pediatric equipment standards, inspections revealing unsecured, unsanitary and/or inoperable medical equipment in Oklahoma ambulances, complaints of inadequate transfers of care by Oklahoma ambulance providers, poor attendance at required regional trauma planning meetings, changes in National Registry of EMTs requirements and evidence of attendance irregularities in EMT refresher programs.

The intended effect of the rule is to address and correct the issues listed above by clarifying existing requirements and adding new requirements as needed.

Notices of Rulemaking Intent

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, 2008 through March 13, 2008. Interested persons may discuss informally the proposed rules with Protective Health Service - Emergency Medical Services staff; or may before March 13, 2008, 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 13, 2008, which begins at 11:00 a.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 13, 2008 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 #08-51; filed 1-9-08]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 662. HOME CARE AGENCIES

[OAR Docket #08-52]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:662-1-2 [AMENDED]

Subchapter 2. Licenses

310:662-2-1 [AMENDED]

Subchapter 3. Administration

310:662-3-3 [AMENDED]

Subchapter 8. Sitter or companion services [NEW]

310:662-8-1 through 310:662-8-9 [NEW]

SUMMARY:

The amendments to OAC 310:662 Subchapters 1, 2, and 3, decrease the amount of time an initial application can remain incomplete before it is summarily dismissed from ninety to thirty days.

The proposed rule clarifies who may serve as the guardian of a home health client to prohibit an employee of the client's home care agency from serving in that role unless otherwise qualified, e.g., such as through a court appointment.

The proposed amendments maintain the requirement for a continuous review of clinical records to ensure the adequacy of the plan of care and appropriateness of continuation of care while removing the specific requirement for review of client clinical records at a minimum interval of each sixty-two days of service.

These changes were initiated by requests submitted, reviewed, and recommended through the Home Health Advisory Board and are intended to streamline the licensure process and to remove and/or clarify obsolete regulatory language.

The new language proposed in Subchapter 8 establish standards, procedures, and fees for licensure of agencies providing companion and sitter services as required by House Bill 1580 passed during the First Session of the 51st Legislature that amends the Home Care Act (the Act) by adding Section 1-1972 of title 63 that became effective November 1, 2007.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Section 1-104 et seq.; and Title 63 O.S. Section 1-1960 et seq.

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with staff; or before March 13, 2008, may submit written comments to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before March 13, 2008 may send electronic mail to tomw@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 13, 2008 which begins at 11:00 a.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 13, 2008 to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008 may send electronic mail to tomw@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2008, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities, (405) 271-6576; tomw@health.ok.gov

[OAR Docket #08-52; filed 1-9-08]

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

[OAR Docket #08-53]

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 are re-submitted in their entirety as reviewed and adopted at the Oklahoma State Board of Health, March 8, 2007, meeting. No additional amendments are offered. The re-submission is due to an error in distribution in which an earlier draft, not adopted by the State Board of Health, was distributed to the Legislature, Governor's office and Secretary of State for final adoption and publication in the Oklahoma Register, Volume 24, Number 19, OAR Docket #07-1090.

The sections of rule subject to amendment, as currently written, address definitions of certain terminology used in the rule; inappropriate placement in assisted living centers and involuntary discharge; the resident's right to privacy and independence to include access to their room thermostat and personal furnishings; staffing requirements when only one person is on duty; the resident's contract provisions and communications regarding the resident's contract; who may not serve as guardian of a resident; criteria and procedures for reporting certain incidents to the Department; procedures to ensure safe administration of medications; standards of practice in nursing care; procedures for issuing notice of violation and submission of a plan of correction; and procedures to be followed for voluntary closure of the facility.

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

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

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

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

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

A new section of rule is created to require development, distribution and posting of facility procedures for receiving

Notices of Rulemaking Intent

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 a Plan of Correction, 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.

The rule changes 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.

The effect of these Rules will be to: enhance resident communications in the event of involuntary discharge; increase training of facility food service staff in avoiding foodborne illness; encourage constant supervision of residents with diminished mental capacity; prohibit owners, operators, administrators or employees from serving as a resident's power of attorney; ensure communication to residents and families of a procedure for submitting grievances to the facility and Department; enhance facility communication to the Department when there are incidents that affect the health safety and welfare of residents; provide standards for record keeping, retention and protection; encourage facility adherence to the most current standards of practice; encourage plans of correction that result in long term correction of violations; ensure communication to residents of their rights in a facility closure and communication of the availability of supports to assist the resident in finding alternative placement; and encourage more detailed communication to the department on the reasons for closure and the location of residents if family or the Department need to locate a resident after their relocation.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with staff; or before March 13, 2008, may submit written comments to James Joslin, Chief, Health Resources Development Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008 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 13, 2008, which begins at 11:00 a.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 13, 2008 to James Joslin at the above address or to james@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

James Joslin, Chief, Health Resources Development Service, Protective Health Services, Oklahoma State Department of Health, 405-271-6868

[OAR Docket #08-53; filed 1-9-08]

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

[OAR Docket #08-54]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Nursing Service
310:667-15-6 [AMENDED]

Subchapter 19. Medical Records Department

- 310:667-19-2 [AMENDED]
- 310:667-19-13 [AMENDED]
- Subchapter 21. Drug Distribution
- 310:667-21-7 [AMENDED]
- 310:667-21-8 [AMENDED]
- Subchapter 25. Surgical Services
- 310:667-25-2 [AMENDED]
- Subchapter 39. Critical Access Hospital
- 310:667-39-6 [AMENDED]
- 310:667-39-9 [AMENDED]
- 310:667-39-11 [AMENDED]
- Subchapter 40. Emergency Hospital
- 310:667-40-6 [AMENDED]
- 310:667-40-9 [AMENDED]
- 310:667-40-11 [AMENDED]

SUMMARY:

The amendments to OAC 310:667 modify language in the licensure rules for completion of patient history and physical examinations prior to admission; the current rule requires physical examinations to be completed no more than seven (7) days prior to admission; the revised rule allows such examinations to be conducted up to thirty days (30) prior to admission as long as certain conditions are met.

The proposed modifications adjust the timelines throughout the rules for authentication of verbal orders from "as soon as possible" to "as soon as possible within forty-eight (48) hours" and add a clarification to the drug storage requirements that certain drugs and biologicals must be maintained in locked storage in a secure area.

These amendments also expand and clarifying the individuals qualified to perform, and the requirements for completion of, post-anesthesia follow up; the rule currently requires the practitioner responsible for administering the anesthesia to complete the post-anesthesia evaluation during the post-anesthesia recovery period; the proposed rule allows any practitioner qualified to administer anesthesia to complete the post-anesthesia evaluation.

This proposed permanent rule modifies hospital licensure standards to be consistent with U.S. Code of Federal Regulations for hospitals certified by the U.S. Department of Human Services to participate in the federal Medicare program that became effective January 26, 2007. This permanent action will supersede the emergency adoption that became effective on April 2, 2007 and set to expire on July 14, 2008.

AUTHORITY:

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

COMMENT PERIOD:

February 1, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with staff; or before March 13, 2008, may submit written comments to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299 telephone: (405) 271-6576; or before March 13, 2008 may send electronic mail to

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

PUBLIC HEARING:

Part of the regular meeting of the State Board of Health, March 13, 2008 which begins at 11:00 a.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 13, 2008 to Tom Welin, Chief, Medical Facilities, Oklahoma State Department of Health, 1000 Northeast 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008 may send electronic mail to tomw@health.ok.gov

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 1, 2008, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tom Welin, Chief, Medical Facilities, (405) 271-6576; tomw@health.ok.gov

[OAR Docket #08-54; filed 1-9-08]

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

[OAR Docket #08-55]

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]

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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 are re-submitted in their entirety as reviewed and adopted at the Oklahoma State Board of Health, March 8, 2007, meeting. No additional amendments are offered. The re-submission is due to an error in distribution in which an earlier draft, not adopted by the State Board of Health, was distributed to the Legislature, Governor's office and Secretary of State for final adoption and publication in the Oklahoma Register, Volume 24, Number 19, OAR Docket #07-1096.

The sections of rule subject to amendment, as currently written, address definitions of certain terminology used in the rule; criteria and procedures for reporting certain incidents to the Department; infection control procedures; health examinations on employee hire; food handling; food service worker training; and, standards of practice in nursing care.

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 the 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 for investigations, notice, hearings, orders, and entry of findings into an abuse registry.

Standards of practice are updated in Appendix B.

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.

The effect of these proposed amendments is to: conform rule language to statute; clarify language on incident reporting and thereby reduce the facilities reporting burden; update tuberculosis screening requirements to conform with the latest guidance from the Centers for Disease Control; create employee and resident screening protocols to implement the Long Term Care Security Act; update the rules to refer to current food code rules; enhance food service training of food service staff to avoid foodborne illness among residents; create reporting, screening and hearing procedures for resident abuse by non-technical services workers; and encourage facility adherence to the most current standards of health care practice.

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, 2008 through March 13, 2008. Interested persons may informally discuss the proposed rules with staff; or before March 13, 2008, may submit written comments to James Joslin, Chief, Health Resources Development Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; or before March 13, 2008 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 13, 2008, which begins at 11:00 a.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 13, 2008 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, Health Resources Development 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, Chief, Health Resources Development Service, Protective Health Services, Oklahoma State Department of Health, 405-271-6868

[OAR Docket #08-55; filed 1-9-08]

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

[OAR Docket #08-02]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-42.14. [AMENDED]

Part 63. Ambulatory Surgical Centers

317:30-5-566. [AMENDED]

(Reference APA WF #07-68)

SUMMARY:

Rules are revised to allow for partial reimbursement of subsequent surgeries performed at the same setting when performed at an ambulatory surgical center or outpatient hospital facility.

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, 2008, through March 4, 2008, during regular business hours by contacting Joanne Terlizzi, Oklahoma Health Care Authority, 4545 N. Lincoln Blvd., Suite 124, Oklahoma City, Oklahoma, 73105, Telephone 405-522-7272.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., Section 303(B)(9), "persons may demand a hearing" by contacting Joanne Terlizzi at (405) 522-7272 no later than 5:00 p.m. on March 4, 2008.

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 4, 2008.

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, Health Policy, 405-522-7272.

[OAR Docket #08-02; filed 1-7-08]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #08-32]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Description of Forms and Instructions

365:1-9-12. Agent and customer service representative appointment forms [AMENDED]

Subchapter 13. Electronic Filings [NEW]

365:1-13-1. Required electronic filings [NEW]

SUMMARY:

The proposed amendment adds customer service representative appointment and cancellation forms. Customer service representatives are required to be appointed by licensed insurance producers. Forms are needed to process the appointments and cancellations. The proposed new rule 365:1-13-1 sets out filings with the Insurance Department to be made electronically.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19 and 12A O.S. § 15-118.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 3, 2008. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 4, 2008 at 9:30 a.m. at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to February 1, 2008 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel, (405) 521-2746.

[OAR Docket #08-32; filed 1-9-08]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 10. LIFE, ACCIDENT AND HEALTH

[OAR Docket #08-33]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Minimum Standards; Contract Guidelines
- Part 5. Long-Term Care Insurance [NEW]
- 365:10-5-53. Contingent benefit upon lapse [NEW]
- 365:10-5-54. State long-term care insurance partnership program [NEW]
- Part 19. Oklahoma Health Care Freedom of Choice Regulation
- 365:10-5-181. Good faith estimate by insurer [AMENDED]
- Part 21. Extension and Termination of Coverage Under Group Accident and Health Policy Contracts of Hospital and Medical Services or Indemnity [NEW]
- 365:10-5-190. Purpose. [NEW]
- 365:10-5-191. Applicability and scope [NEW]
- 365:10-5-192. Definitions [NEW]
- 365:10-5-193. Periods for which coverage is extended [NEW]
- 365:10-5-194. When Extension Period Begins [NEW]
- 365:10-5-195. Required Notification to Employee Whose Insurance is Terminated [NEW]
- Appendix HH. Partnership Program Notice [NEW]
- Appendix II. Partnership Status Disclosure Notice [NEW]

Appendix JJ. Issuer Certification Form [NEW]

Appendix KK. Approved Long Term Care Partnership Program Policy Summary [NEW]

SUMMARY:

The purpose of the long term care rules is to set forth standards for approval of long-term care insurance policies pursuant to the Oklahoma Long-term Care Partnership Act, 63 O.S. § 1-1955.1, et seq. (the Act). The Act provides that the Oklahoma Health Care Authority shall provide for asset disregard for purposes of qualification for Medicaid benefits to the extent the payments are for covered services under the Oklahoma Long-term Care Partnership Program for purchasers of an Oklahoma Long-term Care Partnership Program approved policy the form of which has been approved by the Insurance Department pursuant to the Act and Section 1-1955.2(4) specifically. Section 1-1955.3 of the Act requires that the Oklahoma Health Care Authority (OHCA) administer the Act upon repeal of the restrictions to asset protection contained in the federal Omnibus Budget Reconciliation Act of 1933. Public Law 109-171, known as the Deficit Reduction Act of 2005, repealed the restrictions to asset protection and authorized states to implement long-term care partnership programs.

Rule 365:10-5-181 is amended. The proposed amendment revises an incorrect statutory citation.

The purpose of Part 21 is to implement Section 4509 of Title 36 of the Oklahoma Statutes, to promote the public interest, to promote the availability of extension of benefits, to protect individuals during a continuing course of medical treatment, to prevent unfair practices, and to facilitate public understanding in the availability of extension of benefits upon termination of coverage.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 36 O.S. § 4421, and 63 O.S. § 1955.5.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 3, 2008. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 4, 2008 at 9:30 a.m. at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to February 1, 2008 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel, (405) 521-2746.

[OAR Docket #08-33; filed 1-9-08]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 15. PROPERTY AND CASUALTY**

[OAR Docket #08-34]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 365:15-1-3. Property and casualty form filings [AMENDED]
- Subchapter 7. Property and casualty competitive loss cost rating regulation [AMENDED]
- 365:15-7-3. Property and casualty rate, loss cost and manual rule filings [AMENDED]
- Appendix D. Format for Notification to Policyholders of Application for Rate Change Application [REVOKED]
- Appendix D. Format for Notification to Policyholders of Application for Rate Change Application [NEW]

SUMMARY:

The proposed amendments include non-substantive changes to comply with new statutory language and corrections to spelling errors. The proposed amendments to 365:1-3(b)(9)(D) and 365:15-7-3(b)(10)(D) allow filing submissions to include marked copies that demonstrate any changes being made to approved forms.

Rule 365:15-7-3(b)(2)(D) is amended. The proposed amendment aligns the rule with 365:1-3(b)(2)(D) for consistency between the form section and the rate section.

Appendix D is revised. The proposed amendment requires notification to policyholders of either a rate increase or decrease. The terminology of 36 O.S. § 6821 discusses rate changes, not rate increases.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 901.1, 902.2, 981, and 6821

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 3, 2008. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 4, 2008 at 9:30 a.m. at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to February 1, 2008 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel, (405) 521-2746.

[OAR Docket #08-34; filed 1-9-08]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 25. LICENSURE OF
PRODUCERS, ADJUSTERS, BAIL
BONDSMEN, COMPANIES, PREPAID
FUNERAL BENEFITS, AND VIATICAL AND
LIFE SETTLEMENTS PROVIDERS AND
BROKERS**

[OAR Docket #08-35]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Producers, Brokers, and Limited Lines Producers
- 365:25-3-1. Insurance producers continuing education [AMENDED]
- 365:25-3-1.1. Application for Resident Producer License [NEW]
- 365:25-3-1.2. Provisional Producer License [NEW]

Notices of Rulemaking Intent

365:25-3-1.3. Approved Insurance Company Training Program [NEW]
365:25-3-3. Licensing of incorporated insurance agency [AMENDED]
365:25-3-12. Insurance consultants and surplus lines insurance brokers [AMENDED]
365:25-3-13. Surplus line insurance with non-admitted insurer; approval prior to issuance; collection and remittance of taxes; claims for tax adjustments; procedures; forms [AMENDED]
365:25-3-14. Insurance adjusters continuing education [AMENDED]
365:25-3-16. Examination exemptions [AMENDED]
Subchapter 5. Bail Bondsmen
Part 5. General Provisions Pertaining To Bail Bondsmen
365:25-5-30. Definitions [AMENDED]
365:25-5-34. Professional bondsman deposits [AMENDED]
365:25-5-35. Bondsman license renewal [AMENDED]
365:25-5-43. Appointments [NEW]
Subchapter 7. Companies
Part 5. Oklahoma Insurance Holding Company System Regulatory Act
365:25-7-27.1. Subsidiaries of domestic insurers [AMENDED]
365:25-7-30. Extraordinary dividends and other distributions [AMENDED]
Part 7. Companies In Hazardous Financial Condition
365:25-7-40. Authority [AMENDED]
365:25-7-41. Purpose [AMENDED]
365:25-7-42. Standards for determining hazardous financial condition [AMENDED]
365:25-7-43. Commissioner's authority [AMENDED]
Part 13. Electronic Filings
365:25-7-76. Insurance Company Holding Company Act [NEW]
Part 15. Unauthorized Insurers [NEW]
365:25-7-80. Unauthorized Insurers Annual Filing Requirements [NEW]
Subchapter 9. Prepaid Funeral Benefits
365:25-9-3. Forms [AMENDED]
Subchapter 27. Military Sales Practices Regulation [NEW]
365:25-27-1. Purpose [NEW]
365:25-27-2. Scope [NEW]
365:25-27-3. Authority [NEW]
365:25-27-4. Exemptions [NEW]
365:25-27-5. Definitions [NEW]
365:25-27-6. Practices Declared False, Misleading, Deceptive or Unfair on a Military Installation [NEW]
365:25-27-7. Practices Declared False, Misleading, Deceptive or Unfair Regardless of Location [NEW]
365:25-27-8. Severability [NEW]
Appendix C. Application for Original Permit [REVOKED]
Appendix I. Application for Renewal Permit [REVOKED]
Appendix T. Insurance Company Training Program Affidavit [NEW]

SUMMARY:

The proposed amendment to 365:25-3-1(d)(3) allows producers to carry forward six (6) credit hours of continuing education to the next licensing period. Currently, producers that take additional continuing education credit are penalized because excess credits may not be carried forward.

The proposed amendment to 365:25-3-1(d)(4) excludes property and casualty and title producers from taking electives in health and welfare coverage. Health and welfare coverage is not applicable to property, casualty, or title insurance.

The proposed amendments to section 365:25-3-1(g) and (h) and 365:25-3-14(g) and (h) are new rules concerning professional designation programs and presumptive continuing education approval. Paragraphs (g) and (h) were promulgated as emergency rules September 11, 2007. Effective July 1, 2007, continuing education requirements for producers and adjusters were amended. Prior to the statutory amendments, specific professional designation programs qualified for continuing education credit. A process of approval is now utilized to expand the number of professional designation programs available for continuing education credit. The statutory revision requires standardized criteria to review professional designation programs for approval. Rules are also necessary to define participation in approved professional designation programs.

The July 1, 2007 statutory amendments also allow certain continuing education programs offered by specified professional associations to receive presumptive approval. Rules are necessary to implement standards for presumptive approval.

Proposed rules 365:25-3-1.1, 1.2., and 1.3 are new. The proposed rules were promulgated as emergency rules September 11, 2007. Effective July 1, 2007, the Commissioner may require applicants for resident producer licenses to either hold a provisional producer license or participate in an approved insurance company training program. The rules implement the requirements for provisional producer licenses and insurance company training programs.

The proposed amendment to 365:25-3-3(b) eliminates the Commissioner's prior approval of a business entity's articles of incorporation. Licensed business entities may now be engaged in any lawful activity. Prior to passage of the Producer Licensing Act, insurance was required to be the primary purpose of a business entity.

The proposed amendment to 365:25-3-12(f) establishes a sliding scale for determining the amount of a third party administrator's surety bond. Third party administrators are required to maintain a surety bond. A sliding scale develops a bond amount that is necessary to protect the interests of insureds.

The proposed amendment to 365:25-3-13 eliminates the requirement for surplus lines broker reports to be submitted in duplicate. The duplication requirement generates unnecessary paperwork. Proof that a broker report has been received shall be in the form of a cancelled surplus lines premium tax check.

The proposed amendment to 365:25-3-14(c) allows non-resident adjusters to satisfy Oklahoma's continuing education requirements by being licensed in a state that has a continuing education requirement.

The proposed amendment to 365:25-3-16 allows a person licensed in another state that moves to Oklahoma to waive an examination. The applicant qualifies for an examination exemption by providing a clearance letter from the prior state dated within ninety (90) days from the date of receipt of the application.

The proposed amendment to 365:25-5-30 defines the equivalent of a high school diploma. The phrase is not defined by statute. The proposed rule requires a bail bondsman applicant to demonstrate their credentials are acceptable to the State Department of Education for completion of a program that is the equivalent of a high school diploma.

The proposed amendment to 365:25-5-34 clarifies the phrase "required level" as described in 59 O.S. § 1332 (D)(4). The proposed rule defines required level as the professional bail bondsmen's amount on deposit prior to a forfeiture payment. The proposed rule requires professional bail bondsmen to make a deposit equal to the amount withdrawn by the Commissioner to pay a forfeiture within ten (10) days from the receipt of the withdrawal notice or mailing of notice if receipt is not made.

The proposed amendment to 365:25-5-35 explains that a license expires September 30. However, a licensee may renew an expired license until November 30. The rule describes when a license expires and the requirements of a complete renewal filing.

Proposed rule 365:25-5-43 is new. The rule clarifies when a bail bondsman appointment becomes effective. The rule prevents an appointment becoming effective until the appointment is processed and reviewed.

The proposed amendment to 365:25-7-27.1 is a non-substantive change. The proposed amendment corrects an erroneous statutory citation.

The proposed amendment to 365:25-7-30 adds subsections (a)(4)(i, ii, iii, iv, and v). The subparagraphs are erroneously not included in the current Oklahoma Administrative Code.

The proposed amendments to rules 365:25-7-40 through 43 update the rules to the latest NAIC model regulation.

Proposed rule 365:25-7-76 is new. The rule requires holding company filings in electronic format in addition to paper.

Proposed rule 365:25-7-80 is new. The proposed rule requires approved unauthorized insurers to submit an annual report. The annual report includes a premium breakdown of risks located in Oklahoma reflecting the name, location and amount by Oklahoma surplus lines broker. The proposed rule also requires approved unauthorized insurers to submit their annual statutory fees with the report. The purpose of the rule is to reconcile premiums reported by surplus lines brokers.

The proposed amendment to 365:25-9-3(a)(1) removes the prepaid funeral permit application from the rules appendix.

The removal of the permit application from the appendix grants the Commissioner flexibility in modifying the application without waiting for a rule to be promulgated.

The proposed amendment to 365:25-9-3(b)(5) removes the prepaid funeral permit renewal application from the rules appendix. The removal of the permit renewal application allows the Commissioner flexibility in modifying the application without waiting for a rule to be promulgated.

Proposed rules 365:25-27.1-8 are new. The proposed rules were promulgated as emergency rules August 2, 2007. The rules set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19, 1435.29(H), 59 O.S. § 1302(A), 36 O.S. § 1901, et seq, and 36 O.S. § 6123.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 3, 2008. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 4, 2008 at 9:30 a.m. at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to February 1, 2008 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel, (405) 521-2746.

[OAR Docket #08-35; filed 1-9-08]

Notices of Rulemaking Intent

TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. LICENSURE OF PRODUCERS, ADJUSTERS, BAIL BONDSMEN, COMPANIES, PREPAID FUNERAL BENEFITS, AND VIATICAL AND LIFE SETTLEMENTS PROVIDERS AND BROKERS

[OAR Docket #08-36]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Producers, Brokers, and Limited Lines
Producers

365:25-3-1.4. Producer training requirements for long-term
care insurance [NEW]

SUMMARY:

Proposed rule 365:25-3-1.4 is new. The rule establishes additional educational requirements for insurance producers selling long term care insurance. The additional educational requirements ensure that consumers purchasing long term care insurance are adequately informed about the product by their insurance producer.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19 and 1435.29(H).

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 3, 2008. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 4, 2008 at 9:30 a.m. at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to February 1, 2008 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel, (405)
521-2746.

[OAR Docket #08-36; filed 1-9-08]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 25. LICENSURE OF PRODUCERS, ADJUSTERS, BAIL BONDSMEN, COMPANIES, PREPAID FUNERAL BENEFITS, AND VIATICAL AND LIFE SETTLEMENTS PROVIDERS AND BROKERS

[OAR Docket #08-37]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Producers, Brokers, and Limited Lines
Producers

365:25-3-18. Compensation and education for sale of
Medicare Advantage or Medicare private fee for service
products and plans [NEW]

SUMMARY:

Proposed rule 365:25-3-18 is new. The rule establishes additional educational requirements for insurance producers selling Medicare Advantage or Medicare private fee for service products and plans. The additional educational requirements ensure that consumers purchasing Medicare Advantage or Medicare private fee for service products are adequately informed about the product by their insurance producer. The compensation restriction prevents insurance producers from taking advantage of quick sales opportunities.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19 and 1435.29(H).

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 3, 2008. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 4, 2008 at 9:30 a.m. at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to February 1, 2008 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel, (405) 521-2746.

[OAR Docket #08-37; filed 1-9-08]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 40. HEALTH MAINTENANCE
ORGANIZATIONS (HMO)**

[OAR Docket #08-38]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Financial
Part 3. Holding Company System
365:40-3-13. Transactions with affiliates [AMENDED]

SUMMARY:

The proposed amendment harmonizes the rule with 365:40-3-23.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1 and 6923.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 3, 2008. Comments shall be directed to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, P.O. Box 53408, Oklahoma City, Oklahoma 73152-3408.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 4, 2008 at 9:30 a.m. at the Oklahoma Insurance Department, 2401 N.W. 23rd Street, Suite 28, Oklahoma City, Oklahoma 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Karl Kramer, First Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of the proposed rule amendments may be inspected at the Oklahoma Insurance Department at the physical address

listed above. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday. Additional copies of the rules may also be obtained at the Oklahoma Insurance Department.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared prior to February 1, 2008 in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Karl Kramer, First Assistant General Counsel, (405) 521-2746.

[OAR Docket #08-38; filed 1-9-08]

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

[OAR Docket #08-04]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

The orthotists and prosthetists renew every two years pursuant to rule 435:55-5-2. The language in the fee schedule is being amended to reflect the biennial renewal period.

AUTHORITY:

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

COMMENT PERIOD:

The comment period will run from February 1, 2008 to March 6, 2008. Written comments may be sent to the office of the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 13, 2008, 9:00 a.m. at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 6, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 1, 2008 at the office of the Board, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma 73118.

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #08-04; filed 1-8-08]

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

[OAR Docket #07-1709]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Regulation of Physician and Surgeon
Practice

435:10-7-6. Retired physicians and surgeons [AMENDED]

SUMMARY:

The amendment removes the fee associated with applying for Physician Emeritus (fully retired) status for medical doctors.

AUTHORITY:

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

COMMENT PERIOD:

The comment period will run from February 1, 2008 to
March 4, 2008. Written comments may be sent to the office of
the Board, PO Box 18256, Oklahoma City, OK 73154-0256.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for
persons to orally present their views on March 13, 2008, 9:00
a.m. at the office of the Board, 5104 North Francis Avenue,
Suite C, Oklahoma City, Oklahoma. Written notice of intent
to make oral comment must be received by this office no later
than March 6, 2008.

**REQUESTS FOR COMMENTS FROM BUSINESS
ENTITIES:**

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after
February 1, 2008 at the office of the Board, 5104 North Francis
Avenue, Suite C, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

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

[OAR Docket #07-1709; filed 12-27-07]

**TITLE 675. STATE BOARD OF LICENSED
SOCIAL WORKERS
CHAPTER 3. INDIVIDUAL PROCEEDINGS**

[OAR Docket #08-05]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 3. Individual Proceedings [AMENDED]

SUMMARY:

Various amendments are being made for clarification
purposes as noted from questions received by
applicants/licensees.

AUTHORITY:

Title 59 O.S., Section 1250.1-1256, State Board of Licensed
Social Workers

COMMENT PERIOD:

The comment period will run from February 1, 2008 to
March 6, 2008. Written comments may be sent to the office of
the Board, PO Box 18817, Oklahoma City, OK 73154-0817.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity
for persons to orally present their views on March 14, 2008,
10:00 a.m. at the office of the Board of Medical Licensure
and Supervision, 5104 North Francis Avenue, Suite C,
Oklahoma City, Oklahoma. Written notice of intent to make
oral comment must be received by this office no later than
March 6, 2008.

**REQUESTS FOR COMMENTS FROM BUSINESS
ENTITIES:**

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office
of the Board, 5104 North Francis Avenue, Suite E, Oklahoma
City, Oklahoma or from our website (www.osblsw.state.ok.us).

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after
February 1, 2008 at the office of the Board, 5104 North Francis
Avenue, Suite E, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Kandi Hoehner, Administrator, (405) 946-7230

[OAR Docket #08-05; filed 1-8-08]

**TITLE 675. STATE BOARD OF LICENSED
SOCIAL WORKERS
CHAPTER 10. LICENSURE
REQUIREMENTS**

[OAR Docket #08-06]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Licensure Requirements [AMENDED]

SUMMARY:

Various amendments are being made for clarification purposes as noted from questions received by applicants/licensees. Requirement/regulations for "Private Practice" and "Independent Practice" will be more clearly defined. An "Inactive License" status will be added as well as requirements for retaking the licensure examination after three failures.

AUTHORITY:

Title 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

COMMENT PERIOD:

The comment period will run from February 1, 2008 to March 6, 2008. Written comments may be sent to the office of the Board, PO Box 18817, Oklahoma City, OK 73154-0817.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 14, 2008, 10:00 a.m. at the office of the Board of Medical Licensure and Supervision, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 6, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite E, Oklahoma City, Oklahoma or from our website (www.osblsw.state.ok.us).

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 1, 2008 at the office of the Board, 5104 North Francis Avenue, Suite E, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Kandi Hoehner, Administrator, (405) 946-7230

[OAR Docket #08-06; filed 1-8-08]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 12. GUIDELINES FOR SUPERVISION**

[OAR Docket #08-07]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 12. Guidelines for Supervision [AMENDED]

SUMMARY:

Various amendments are being made for clarification purposes as noted from questions received by applicants/licensees.

AUTHORITY:

Title 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

COMMENT PERIOD:

The comment period will run from February 1, 2008 to March 6, 2008. Written comments may be sent to the office of the Board, PO Box 18817, Oklahoma City, OK 73154-0817.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 14, 2008, 10:00 a.m. at the office of the Board of Medical Licensure and Supervision, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 6, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite E, Oklahoma City, Oklahoma or from our website (www.osblsw.state.ok.us).

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 1, 2008 at the office of the Board, 5104 North Francis Avenue, Suite E, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Kandi Hoehner, Administrator, (405) 946-7230

[OAR Docket #08-07; filed 1-8-08]

**TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS
CHAPTER 15. GUIDELINES FOR CONTINUING EDUCATION**

[OAR Docket #08-08]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Guidelines for Continuing Education [AMENDED]

SUMMARY:

Various amendments are being made for clarification purposes as noted from questions received by applicants/licensees.

AUTHORITY:

Title 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

COMMENT PERIOD:

The comment period will run from February 1, 2008 to March 6, 2008. Written comments may be sent to the office of the Board, PO Box 18817, Oklahoma City, OK 73154-0817.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 14, 2008, 10:00 a.m. at the office of the Board of Medical Licensure and Supervision, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 6, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite E, Oklahoma City, Oklahoma or from our website (www.osblsw.state.ok.us).

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 1, 2008 at the office of the Board, 5104 North Francis Avenue, Suite E, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Kandi Hoehner, Administrator, (405) 946-7230

[OAR Docket #08-08; filed 1-8-08]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 20. CODE OF PROFESSIONAL CONDUCT

[OAR Docket #08-09]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. Code of Professional Conduct [AMENDED]

SUMMARY:

Various amendments are being made for clarification purposes as noted from questions received by applicants/licensees.

AUTHORITY:

Title 59 O.S., Section 1250.1-1256, State Board of Licensed Social Workers

COMMENT PERIOD:

The comment period will run from February 1, 2008 to March 6, 2008. Written comments may be sent to the office of the Board, PO Box 18817, Oklahoma City, OK 73154-0817.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on March 14, 2008, 10:00 a.m. at the office of the Board of Medical Licensure and Supervision, 5104 North Francis Avenue, Suite C, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than March 6, 2008.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained at the office of the Board, 5104 North Francis Avenue, Suite E, Oklahoma City, Oklahoma or from our website (www.osblsw.state.ok.us).

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after February 1, 2008 at the office of the Board, 5104 North Francis Avenue, Suite E, Oklahoma City, Oklahoma 73118.

CONTACT PERSON:

Kandi Hoehner, Administrator, (405) 946-7230

[OAR Docket #08-09; filed 1-8-08]

TITLE 720. STATE TEXTBOOK COMMITTEE CHAPTER 10. TEXTBOOK SELECTION

[OAR Docket #08-01]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

720:10-1-2. Definitions [AMENDED]

SUMMARY:

The proposed rule change updates the wording, making use of the new definition to clarify what materials must be submitted to the office of the Secretary of the State Textbook Committee. Only one word has been added to the existing rule.

AUTHORITY:

Article XIII, section 6 of the Oklahoma Constitution and 70 O.S. § 16-118; State Textbook Committee

COMMENT PERIOD:

All interested persons are invited to submit data, views, or comments, orally or in writing, in support or opposition to the amendments, by March 3, 2008, to the Instructional Materials section of the State Department of Education, Room 3-12, Oliver Hodge Memorial Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, 73105-4599.

PUBLIC HEARING:

A public hearing has not been scheduled. However, pursuant to 75 O.S., Section 303 (B) (9), "persons may demand a hearing by contacting Paige Phillips at (405) 521-3343 no later than 4:30 p.m. on March 3, 2008

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the State Textbook Committee with information, in dollar amounts if possible, about any 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 Paige Phillips at the above address no later than March 3, 2008.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Instructional Materials section of the State Department of Education, Room 4-13, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies may also be obtained by written request mailed to the attention of Paige Phillips, Instructional Materials section of the State Department of Education, Room 4-13, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the amendments will be prepared as required by law, and will be available after January 15, 2008 at the Instructional Materials section of the State Department of Education, Room 4-13, Oliver Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma.

CONTACT PERSON:

Paige Phillips, (405) 521-3456

[OAR Docket #08-01; filed 1-4-08]

Submissions for Review

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

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

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

[OAR Docket #07-1710]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 16. Contagious Equine Metritis

35:15-16-1 [AMENDED]

Subchapter 36. Scrapie

35:15-36-1 [AMENDED]

35:15-36-2 [AMENDED]

SUBMITTED TO GOVERNOR:

December 18, 2007

SUBMITTED TO HOUSE:

December 18, 2007

SUBMITTED TO SENATE:

December 18, 2007

[OAR Docket #07-1710; filed 12-27-07]

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

[OAR Docket #07-1711]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 17. Combined Pesticide

Part 6. Pesticidal Product Producing Establishments

35:30-17-13 [AMENDED]

Part 21. Standards for disposal of pesticide and pesticide containers

35:30-17-89.1 [AMENDED]

SUBMITTED TO GOVERNOR:

December 18, 2007

SUBMITTED TO HOUSE:

December 18, 2007

SUBMITTED TO SENATE:

December 18, 2007

[OAR Docket #07-1711; filed 12-27-07]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM

[OAR Docket #07-1712]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Concentrated Animal Feeding Operations

35:44-3-3 [AMENDED]

SUBMITTED TO GOVERNOR:

December 18, 2007

SUBMITTED TO HOUSE:

December 18, 2007

SUBMITTED TO SENATE:

December 18, 2007

[OAR Docket #07-1712; filed 12-27-07]

TITLE 155. OKLAHOMA CONSERVATION COMMISSION CHAPTER 25. CLEAN WATER STATE REVOLVING FUND PROGRAM

[OAR Docket #08-03]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

155:25-1-1. Purpose [NEW]

155:25-1-2. Receiving and Reviewing Applications [NEW]

SUBMITTED TO GOVERNOR:

January 8, 2008

SUBMITTED TO THE HOUSE:

January 8, 2008

SUBMITTED TO THE SENATE:

January 8, 2008

[OAR Docket #08-03; filed 1-8-08]

Submissions for Review

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #08-16]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 17. Federal Programs Complaint Procedures
210:10-17-1. Complaint procedures [AMENDED]

SUBMITTED TO GOVERNOR:

December 19, 2007

SUBMITTED TO HOUSE:

December 19, 2007

SUBMITTED TO SENATE:

December 19, 2007

[OAR Docket #08-16; filed 1-9-08]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #08-17]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Child Nutrition Programs
Part 11. Good of Minimal Nutritional Value [NEW]
210:10-3-111. Restricting access to foods of minimal
nutritional value [NEW]

SUBMITTED TO GOVERNOR:

December 19, 2007

SUBMITTED TO HOUSE:

December 19, 2007

SUBMITTED TO SENATE:

December 19, 2007

[OAR Docket #08-17; filed 1-9-08]

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

[OAR Docket #08-15]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 13. Special Education

210:15-13-5. Due Process Hearing Officer [NEW]

210:15-13-6. Subpoenas [NEW]

SUBMITTED TO GOVERNOR:

December 19, 2007

SUBMITTED TO HOUSE:

December 19, 2007

SUBMITTED TO SENATE:

December 19, 2007

[OAR Docket #08-15; filed 1-9-08]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

[OAR Docket #08-11]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 15. Expanded Opportunities in Summer
Programs
210:35-15-2. Summer school programs [AMENDED]

SUBMITTED TO GOVERNOR:

December 19, 2007

SUBMITTED TO HOUSE:

December 19, 2007

SUBMITTED TO SENATE:

December 19, 2007

[OAR Docket #08-11; filed 1-9-08]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 35. STANDARDS FOR ACCREDITATION OF ELEMENTARY, MIDDLE LEVEL, SECONDARY, AND CAREER AND TECHNOLOGY SCHOOLS

[OAR Docket #08-12]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Additional Standards for Elementary
Schools
Part 7. Standard IV: Curriculum, Instruction, Assessment
and Climate
210:35-5-31. Program of studies [NEW]

SUBMITTED TO GOVERNOR:

December 19, 2007

SUBMITTED TO HOUSE:

December 19, 2007

SUBMITTED TO SENATE:

December 19, 2007

[OAR Docket #08-12; filed 1-9-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 35. STANDARDS FOR
ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND
CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #08-13]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Standards for Elementary, Middle Level,
Secondary, and Career and Technology Schools
Part 11. Standard VI: Student Services
210:35-3-110. Healthy and Fit School Advisory Committee
[NEW]

SUBMITTED TO GOVERNOR:

December 19, 2007

SUBMITTED TO HOUSE:

December 19, 2007

SUBMITTED TO SENATE:

December 19, 2007

[OAR Docket #08-13; filed 1-9-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 35. STANDARDS FOR
ACCREDITATION OF ELEMENTARY,
MIDDLE LEVEL, SECONDARY, AND
CAREER AND TECHNOLOGY SCHOOLS**

[OAR Docket #08-14]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Standards for Elementary, Middle Level,
Secondary, and Career and Technology Schools
Part 11. Standard VI: Student Services
210:35-3-109. Vision Screening [NEW]

SUBMITTED TO GOVERNOR:

December 19, 2007

SUBMITTED TO HOUSE:

December 19, 2007

SUBMITTED TO SENATE:

December 19, 2007

[OAR Docket #08-14; filed 1-9-08]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 40. GRANTS AND
PROGRAMS-IN-AID**

[OAR Docket #08-10]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. McKinney-Vento Homeless Education
Complaint Guidelines [NEW]
210:40-9-1. Purpose [NEW]
210:40-9-2. School District Level [NEW]
210:40-9-3. State level [NEW]

SUBMITTED TO GOVERNOR:

December 19, 2007

SUBMITTED TO HOUSE:

December 19, 2007

SUBMITTED TO SENATE:

December 19, 2007

[OAR Docket #08-10; filed 1-9-08]

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 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 4. RULES OF PRACTICE AND PROCEDURE

[OAR Docket #08-56]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 7. Environmental Permit Process
- Part 7. Water Quality Division Tiers and Time Lines
- 252:4-7-73. Water quality applications - Tier I [AMENDED]
- 252:4-7-74. Water quality applications - Tier II [AMENDED]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-56; filed 1-9-08]

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

[OAR Docket #08-57]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. General Provisions
- 252:100-1-3. Definitions [AMENDED]
- Subchapter 8. Permits for Part 70 Sources
- Part 1. General Provisions
- 252:100-8-1.1. Definitions [AMENDED]
- Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs)
- Part 1. General Provisions
- 252:100-37-2. Definitions [AMENDED]
- Subchapter 39. Emission of Volatile Organic Compounds (VOCs) in Nonattainment Areas and Former Nonattainment Areas
- Part 1. General Provisions
- 252:100-39-2. Definitions [AMENDED]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-57; filed 1-9-08]

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

[OAR Docket #08-58]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 7. Permits for Minor Facilities
- Part 1. General Provisions
- 252:100-7-2. [AMENDED]
- Part 3. Construction Permits
- 252:100-7-15. [AMENDED]
- Part 4. Operating Permits
- 252:100-7-18. [AMENDED]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-58; filed 1-9-08]

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

[OAR Docket #08-59]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 37. Control of Emission of Volatile Organic Compounds (VOCs)
- Part 7. Control of Specific Processes
- 252:100-37-38. Pumps and compressors [REVOKED]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-59; filed 1-9-08]

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

[OAR Docket #08-60]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Appendix E. Primary Ambient Air Quality Standards [REVOKED]

Gubernatorial Approvals

Appendix E. Primary Ambient Air Quality Standards
[NEW]

Appendix F. Secondary Ambient Air Quality Standards
[REVOKED]

Appendix F. Secondary Ambient Air Quality Standards
[NEW]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-60; filed 1-9-08]

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

[OAR Docket #08-61]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Appendix Q. Incorporation by Reference [REVOKED]

Appendix Q. Incorporation by Reference [NEW]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-61; filed 1-9-08]

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

[OAR Docket #08-62]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. Incorporation by Reference

252:205-3-1. [AMENDED]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-62; filed 1-9-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

[OAR Docket #08-63]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 19. Operational Requirements

Part 13. Wheel Washes

252:515-19-132. [AMENDED]

252:515-19-133. [AMENDED]

252:515-19-134. [AMENDED]

252:515-19-135. [AMENDED]

252:515-19-136. [AMENDED]

252:515-19-137. [AMENDED]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-63; filed 1-9-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

[OAR Docket #08-64]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Appendix C. List of Hazardous Inorganic and Organic Constituents [REVOKED]

Appendix C. List of Hazardous Inorganic and Organic Constituents [NEW]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-64; filed 1-9-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 633. DRINKING WATER STATE REVOLVING FUND

[OAR Docket #08-65]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

252:633-1-1. Purpose [AMENDED]

252:633-1-4. Authority [AMENDED]

252:633-1-5. Definitions [AMENDED]

Subchapter 3. General Program Requirements

252:633-3-3. Revenue program [AMENDED]

252:633-3-4. DWSRF Project Priority System [AMENDED]

252:633-3-8. Types of assistance [AMENDED]

252:633-3-9. Pre-application for funding [AMENDED]

252:633-3-13. Submittals Plans and specifications [AMENDED]

252:633-3-14. Application for financial assistance [AMENDED]

- 252:633-3-16. Loan closing [AMENDED]
- 252:633-3-17. Refinancing construction loans [AMENDED]
- 252:633-3-19. Construction phase [AMENDED]
- 252:633-3-20. Project changes [AMENDED]
- 252:633-3-21. Building phase submittals [AMENDED]
- 252:633-3-22. Progress payments [AMENDED]
- 252:633-3-25. Accounting [AMENDED]
- Subchapter 5. Miscellaneous Provisions
- 252:633-5-5. Project or water project completion, inspection and audit [AMENDED]
- Subchapter 7. Environmental Review Process
- 252:633-7-1. Requirement of environmental review [AMENDED]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-65; filed 1-9-08]

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

[OAR Docket #08-66]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Appendix A. Classification of Community and Nontransient Noncommunity Water Systems, Wastewater Systems and Laboratories [REVOKED]

Appendix A. Classification of Community and Non-transient, Non-community Water Systems, Wastewater Systems and Laboratories (OAC 252:710-3-33) [NEW]

GUBERNATORIAL APPROVAL:

December 27, 2007

[OAR Docket #08-66; filed 1-9-08]

Emergency Adoptions

An agency may adopt new rules, or amendments to or revocations of existing rules, on an emergency basis if the agency determines that "an imminent peril exists to the preservation of the public health, safety, or welfare, or that a compelling public interest requires an emergency rule[s] [A]n agency may promulgate, at any time, any such [emergency] rule[s], provided the Governor first approves such rule[s]" [75 O.S., Section 253(A)].

An emergency action is effective immediately upon approval by the Governor or on a later date specified by the agency in the preamble of the emergency rule document. An emergency rule expires on July 15 after the next regular legislative session following promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which references the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

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

[OAR Docket #08-26]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 9. Special Rules for Certain Home Mortgage Transactions
160:45-9-2 [AMENDED]

AUTHORITY:

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

DATES:

Adoption:

November 13, 2007

Approved by Governor:

December 14, 2007

Effective:

January 1, 2008

Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATION BY REFERENCE:

n/a

FINDING OF EMERGENCY:

The Interim Administrator of Consumer Credit finds that there is a compelling public interest requiring emergency amendments to an existing rule. The compelling public interest is maintaining Oklahoma's exemption from federal regulation.

ANALYSIS:

The amended rule incorporates a federal change.

CONTACT PERSON:

Jack Stone, Interim Administrator, Department of Consumer Credit, 4545 N. Lincoln Boulevard, Suite 104, Oklahoma City, OK 73105, 405-521-4661.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(D), WITH A LATER EFFECTIVE DATE OF JANUARY 1, 2008:

SUBCHAPTER 9. SPECIAL RULES FOR CERTAIN HOME MORTGAGE TRANSACTIONS

160:45-9-2. Requirements for certain closed-end home mortgages

(a) Coverage.

(1) Except as provided in paragraph (a)(2) of this section, the requirements of this section apply to a consumer credit transaction that is secured by the consumer's principal dwelling, and in which either:

(A) The annual percentage rate at consummation will exceed by more than 8 percentage points for first-lien loans, or by more than 10 percentage points for subordinate-lien loans, the yield on Treasury securities having comparable periods of maturity to the loan maturity as of the fifteenth day of the month immediately preceding the month in which the application for the extension of credit is received by the creditor; or

(B) The total points and fees payable by the consumer at or before loan closing will exceed the greater of 8 percent of the total loan amount **50**%, or \$400; the \$400 figure shall be adjusted annually on January 1 by the annual percentage change in the Consumer Price Index that was reported on the preceding June 1.

(i) The dollar amount for 1996 is \$412.

(ii) The dollar amount for 1997 is \$424.

(iii) The dollar amount for 1998 is \$435.

(iv) The dollar amount for 1999 is \$441.

(v) The dollar amount for 2000 is \$451.

(vi) The dollar amount for 2001 is \$465.

(vii) The dollar amount for 2002 is \$480.

(viii) The dollar amount for 2003 is \$488.

(ix) The dollar amount for 2004 is \$499.

(x) The dollar amount for 2005 is \$510.

(xi) The dollar amount for 2006 is \$528.

(xii) The dollar amount for 2007 is \$547.

(xiii) The dollar amount for 2008 is \$561.

(2) This section does not apply to the following:

(A) A residential mortgage transaction.

(B) A reverse-mortgage transaction subject to 160:45-9-3.

(C) An open-end credit plan subject to subchapter 3 of this chapter.

(b) **Definitions.** For purposes of this subchapter, the following definitions apply:

(1) For purposes of paragraph (a)(1)(B) of this section, **points and fees** means:

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- (A) All items required to be disclosed under 160:45-1-4(a) and (b), except interest or the time-price differential;
- (B) All compensation paid to mortgage brokers;
- (C) All items listed in 160:45-1-4(c)(7) (other than amounts held for future payment of taxes) unless the charge is reasonable, the creditor receives no direct or indirect compensation in connection with the charge, and the charge is not paid to an affiliate of the creditor; and
- (D) Premiums or other charges for credit life, accident, health, or loss-of-income insurance, or debt-cancellation coverage (whether or not the debt-cancellation coverage is insurance under applicable law) that provides for cancellation of all or part of the consumer's liability in the event of the loss of life, health, or income or in the case of accident, written in connection with the credit transaction.
- (2) **Affiliate** means any company that controls, is controlled by, or is under common control with another company, as set forth in the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.).
- (c) **Disclosures.** In addition to other disclosures required by this chapter, in a mortgage subject to this section, the creditor shall disclose the following in conspicuous type size:
- (1) **Notices.** The following statement: "You are not required to complete this agreement merely because you have received these disclosures or have signed a loan application. If you obtain this loan, the lender will have a mortgage on your home. You could lose your home, and any money you have put into it, if you do not meet your obligations under the loan."
- (2) **Annual percentage rate.** The annual percentage rate.
- (3) **Regular payment; balloon payment.** The amount of the regular monthly (or other periodic) payment and the amount of any balloon payment. The regular payment disclosed under this paragraph shall be treated as accurate if it is based on an amount borrowed that is deemed accurate and is disclosed under paragraph (c)(5) of this section.
- (4) **Variable-rate.** For variable-rate transactions, a statement that the interest rate and monthly payment may increase, and the amount of the single maximum monthly payment, based on the maximum interest rate required to be disclosed under 160:45-7-4.
- (5) **Amount borrowed.** For a mortgage refinancing, the total amount the consumer will borrow, as reflected by the face amount of the note; and where the amount borrowed includes premiums or other charges for optional credit insurance or debt-cancellation coverage, that fact shall be stated, grouped together with the disclosure of the amount borrowed. The disclosure of the amount borrowed shall be treated as accurate if it is not more than \$100 above or below the amount required to be disclosed.
- (d) **Limitations.** A mortgage transaction subject to this section shall not include the following terms:
- (1) **Balloon payment.**
- (A) For a loan with a term of less than five years, a payment schedule with regular periodic payments that when aggregated do not fully amortize the outstanding principal balance.
- (B) **Exception.** The limitations in paragraph (d)(1)(A) of this section do not apply to loans with maturities of less than one year, if the purpose of the loan is a "bridge" loan connected with the acquisition or construction of a dwelling intended to become the consumer's principal dwelling.
- (2) **Negative amortization.** A payment schedule with regular periodic payments that cause the principal balance to increase.
- (3) **Advance payments.** A payment schedule that consolidates more than two periodic payments and pays them in advance from the proceeds.
- (4) **Increased interest rate.** An increase in the interest rate after default.
- (5) **Rebates.** A refund calculated by a method less favorable than the actuarial method (as defined by section 933(d) of the Housing and Community Development Act of 1992, 15 U.S.C. 1615(d)), for rebates of interest arising from a loan acceleration due to default.
- (6) **Prepayment penalties.** Except as allowed under paragraph (d)(7) of this section, a penalty for paying all or part of the principal before the date on which the principal is due. A prepayment penalty includes computing a refund of unearned interest by a method that is less favorable to the consumer than the actuarial method, as defined by section 933(d) of the Housing and Community Development Act of 1992.
- (7) **Prepayment-penalty exception.** A mortgage transaction subject to this section may provide for a prepayment penalty otherwise permitted by law (including a refund calculated according to the rule of 78s) if:
- (A) The penalty can be exercised only for the first five years following consummation;
- (B) The source of the prepayment funds is not a refinancing by the creditor or an affiliate of the creditor; and
- (C) At consummation, the consumer's total monthly debts (including amounts owed under the mortgage) do not exceed 50 percent of the consumer's monthly gross income, as verified by the consumer's signed financial statement, a credit report, and payment records for employment income.
- (8) **Due-on-demand clause.** A demand feature that permits the creditor to terminate the loan in advance of the original maturity date and to demand repayment of the entire outstanding balance, except in the following circumstances:
- (A) There is fraud or material misrepresentation by the consumer in connection with the loan;
- (B) The consumer fails to meet the repayment terms of the agreement for any outstanding balance; or

(C) There is any action or inaction by the consumer that adversely affects the creditor's security for the loan, or any right of the creditor in such security. 50/ Total loan amount. For purposes of the "points and fees" test, the total loan amount is calculated by taking the amount financed, as determined according to 160:45-5-2(2), and deducting any cost listed in 160:45-9-2(b)(1)(C) and 160:45-9-2(b)(1)(D) that is both included as points and fees under 160:45-9-2(b)(1) and financed by the creditor.

[OAR Docket #08-26; filed 1-9-08]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

[OAR Docket #08-67]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

- Subchapter 19. Operational Requirements Part 13. Wheel Washes 252:515-19-132. [AMENDED] 252:515-19-133. [AMENDED] 252:515-19-134. [AMENDED] 252:515-19-135. [AMENDED] 252:515-19-136. [AMENDED] 252:515-19-137. [AMENDED]

AUTHORITY:

Environmental Quality Board and Solid Waste Management Advisory Council powers and duties: 27A O.S. §2-2-101, §2-2-201 and §2-10-802.

DATES:

Comment period:

August 14 to September 20, 2007

Public hearing:

September 20, 2007, Solid Waste Management Advisory Council November 15, 2007, Environmental Quality Board

Adoption:

November 15, 2007

Approved by Governor:

December 19, 2007

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

Due to recent legislative changes, it was necessary to revise our current wheel wash rules. Senate Bill 509 made significant changes to the wheel wash law, and the rules must be updated to reflect the changes.

ANALYSIS:

The proposed amendments to 252:515, Subchapter 19, arise from legislation enacted in 2007, effective July 1, 2007. Senate Bill 509 made significant changes to the wheel wash law by eliminating the provision for "recoupment" and providing instead for "reimbursement".

Therefore, no facility will be allowed to retain monies from the solid waste fee for recoupment of wheel wash costs.

The proposed rules mirror the current wheel wash rules relative to the requirements for installation, operation, proper invoicing and DEQ approvals. The proposed rule 19-133 eliminates the definition of recoupment. The word "recoupment" is replaced with the word "reimbursement" in proposed rules

19-132, 19-134, 19-135, 19-136(a)(2) and 19-137(b). Any phrases related to "retaining of fees or funds" is replaced with the word "reimbursed" in proposed rules 19-137(a)&(b). Rules pertaining to the "recoupment process" were replaced with rules pertaining to the "reimbursement process" in proposed rule 19-136.

CONTACT PERSON:

Dee Ready, Land Protection Division, Solid Waste Management Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at d.ready@deq.state.ok.us, phone 405-702-5218, or fax 405-702-5101.

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

SUBCHAPTER 19. OPERATIONAL REQUIREMENTS

PART 13. WHEEL WASHES

252:515-19-132. Eligibility deadlines

To be eligible for ~~recoupment~~ reimbursement of costs under this Part, the owner/operator must comply with the following statutory deadlines.

- (1) June 30, 2007. The owner/operator must submit a notice of intent to claim allowance to the DEQ no later than June 30, 2007. (2) June 30, 2008. The system must be installed and operational no later than June 30, 2008.

252:515-19-133. Definitions

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

"Proper invoice" means one which is complete in all requirements for processing for payment in accordance with 27A O.S. § 2-10-802 and the rules in this Part, including but not limited to such documentation as may be required.

"Recoupment" means the process of reimbursement of approved capital investment costs incurred by the owner/operator for the purchase and installation of a wheel wash system for use at the land disposal facility by retaining ten cents (\$0.10) per ton from the solid waste fee.

"Wheel wash system" means a permanent installation that uses an immersion bath or spray of water to clean mud, soil, rock, debris and other extraneous material from the tires and undercarriage of vehicles.

252:515-19-134. Approved costs

Capital investment costs directly attributable to the purchase and installation of the wheel wash system that may be approved for ~~recoupment~~ reimbursement may include but not be limited to the following:

- (1) materials, supplies and equipment, including cost of transportation, whether incorporated or consumed;

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- (2) rental costs of machinery and equipment necessary for installation and start-up, exclusive of hand tools;
- (3) premiums for all bonds and insurance, permit fees and sales, use or similar taxes related to the installation and start-up;
- (4) labor, including social security and unemployment insurance, for installation and start-up; fringe benefits required by agreement or custom, and workers' compensation insurance; and
- (5) additional costs of supervision and field office personnel directly attributable to the installation and start-up.

252:515-19-135. Disapproved costs

Operating costs (electricity, water, flocculent, labor, and other miscellaneous recurring operating expenses) repair costs, general maintenance, and replacement of parts and equipment are not capital investment costs and are not approved for ~~recoupment~~ reimbursement.

252:515-19-136. ~~Recoupment~~ Reimbursement process

(a) **Installed and operational.** Once the wheel wash system is installed and operational, the owner/operator shall:

- (1) **DEQ inspection.** Notify the DEQ. The DEQ may inspect the wheel wash to ensure that it meets the definition of "wheel wash system" in this Part and the water management and control standards in OAC 252:515-19-138; and
- (2) **Proper invoice.** Provide the DEQ with a proper invoice and supporting documentation of the approved costs incurred.

(b) **DEQ review.** If the invoice is not a proper invoice or if costs submitted are not capital costs approved for ~~recoupment~~ reimbursement, the owner/operator shall be notified accordingly. The owner/operator may resubmit the invoice and documentation until the information submitted is acceptable.

(c) **~~Recoupment~~ Reimbursement notice.** Within 45 days after receipt of a proper invoice for approved costs, including required documentation, the DEQ shall notify the owner/operator that the invoice as submitted is approved in an amount certain and that ~~recoupment may begin at the rate of ten cents (\$0.10) per ton from the solid waste fee~~ the invoice amount is approved for reimbursement.

(d) **~~Quarterly report.~~** ~~The amount retained shall be recorded on the quarterly report required by 27A O.S. § 2-10-802.~~

(e) **~~Discontinuance.~~** ~~When the approved capital investment costs have been recouped, the owner/operator shall discontinue retention of ten cents (\$0.10) per ton from the solid waste fee and shall remit the payment to the DEQ.~~ **Reimbursement payments.** The DEQ shall reimburse eligible applicants in the order of approval of invoiced amounts until the state fiscal limitation is reached. During each subsequent fiscal year, the reimbursement to eligible applicants shall be apportioned in the percentage the approved invoice amount bears to the total reimbursements approved but not yet paid.

252:515-19-137. State fiscal limitation on funds

(a) **\$300,000.00 total.** If the total amount ~~retained from solid waste permit fees by~~ reimbursed to all eligible owners and operators reaches Three Hundred Thousand Dollars (\$300,000.00) within any state fiscal year (July 1 - June 30), ~~the no~~ owner/operator shall ~~not~~ be entitled to ~~retain further funds~~ reimbursement until the next state fiscal year.

(b) **Limitation notices.** If it appears that the total amount ~~retained~~ reimbursed will reach the \$300,000.00 cap before the end of the fiscal year, limitation notices shall be sent to all eligible owner/operators. Notices of limitation may include pro rata ~~recoupment~~ reimbursement methods.

[OAR Docket #08-67; filed 1-9-08]

TITLE 715. TEACHERS' RETIREMENT SYSTEM

CHAPTER 10. GENERAL OPERATIONS

[OAR Docket #07-1718]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 21. Investment Policy
715:10-21-2 [AMENDED]
715:10-21-3 [REVOKED]
715:10-21-4 [REVOKED]
715:10-21-5 [REVOKED]

AUTHORITY:

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

DATES:

Adoption:

October 24, 2007

Approved by Governor:

December 14, 2007

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2008, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

The rules will provide a more efficient administration of the System by amending one rule and revoking three rules that are no longer necessary.

ANALYSIS:

Proposed amendments to OAC 715:10-21-2 remove outdated language.

OAC 715:10-21-3, OAC 715:10-21-4 and OAC 715: 10-21-5 are being revoked because these rules are no longer necessary.

CONTACT PERSON:

Jacqueline Scott Shannon, Rules Liaison/Communications Director, 2500 N. Lincoln Blvd., 5th Floor, Oklahoma City, Oklahoma, 73105, (405) 521-4743.

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

SUBCHAPTER 21. INVESTMENT POLICY

715:10-21-2. Statement of investment policy

(a) The purpose of the investment policy is to identify various policies and procedures that enhance opportunities for a prudent and systematic investment process. The purpose of the Oklahoma Teachers' Retirement System Fund is to provide for an orderly means whereby employees of the educational systems of the State of Oklahoma who have attained retirement age may be retired from active service, to enable such employees to accumulate reserves for themselves and their dependents, to provide for termination of employment and retirement and death benefits.

(b) The Standard of Investment for the Board of Trustees in making investments shall be to exercise the judgment and care in the circumstances then prevailing which men of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable safety of their capital.

(c) The Board of Trustees of the Oklahoma Teachers' Retirement System shall invest the Retirement Fund solely in the interest of the membership and their beneficiaries, and for the exclusive purpose of providing benefits to such membership and their beneficiaries and defraying reasonable expenses of administering the Oklahoma Teachers' Retirement System. Investing shall be handled with the care, skill, prudence and diligence, under the circumstances then prevailing, that a prudent man, acting in a like-capacity and familiar with such matters, would use in the conduct of an enterprise of a like-character and with like-aims.

(d) The Board will diversify the investments of the funds so as to minimize the risks of large losses. The Board shall be responsive to the financial needs and objectives of the Fund. The investment objectives of the Board, as fiduciaries, are long-term rather than short-term.

(e) The Board, in maintaining its investment policy, takes into consideration the actuarial assumptions of the retirement program and its unfunded liabilities.

(f) The Board of Trustees may appoint investment advisors to assist in the investment of the retirement funds.

~~(g) Regarding the social issue of apartheid in South Africa, the Board of Trustees has resolved that when investment alternatives are equal, the investment advisors should give preference in their security selection to those companies that support the Sullivan Principles. The perception of investment equality rests entirely with the Oklahoma Teachers' Retirement System's investment advisors.~~

(h) The proxy policy statement of the Board of Trustees reflects the fiduciary duty to vote proxies in a manner that most benefits its members. The advisors are to first consider the economic impact on the System, and should the economic impact be neutral, then the advisors should give consideration to acceptable efforts made on behalf of special interests of social conscience. The Board of Trustees retains the right to vote all proxies should it so choose. Special interest proxy voting decisions will be brought before the Board of Trustees at the earliest possible date prior to the voting of the proxy for

possible direction by the Board. In addition, the advisors will comply with any supplemental proxy voting criteria which the Board may promulgate.

715:10-21-3. Investment guidelines [REVOKED]

~~(a) The intention of establishing guidelines for investments which are mutually agreeable to the advisor and to the Oklahoma Teachers' Retirement System is to assure that all securities purchased for the System meet fiduciary standards and that adequate diversification of investments is maintained. The System has imposed certain investment restrictions which will not be changed without action by the Board of Trustees.~~

~~(b) While the following restrictions remain in effect, the System may NOT:~~

~~(1) Invest in "restricted securities", including fixed income securities, preferred stock, common stock, or any common stock acquired upon conversion thereof. Restricted securities are securities which have not been registered under the Securities Act of 1933 and as a result are subject to restrictions on resale.~~

~~(2) Purchase securities on margin, or engage in the short selling of securities not owned.~~

~~(3) Participate on a joint and several basis in any securities trading account.~~

~~(4) Purchase securities of any company with a record of less than five (5) years continuous operation (including that of predecessors).~~

~~(5) Invest in companies for the purpose of exercising control or management.~~

~~(6) Concentrate its investments in a particular industry inasmuch as the maximum commitment to an industry may not exceed 25 percent of the total value of the Fund's portfolio.~~

~~(7) Invest in real estate fee simple, but only through investment certificates or other financial instruments. Real estate shall not be held by the System as freehold or leasehold. This policy statement does not exclude the authority of the Board to purchase real estate for home office facilities to be used in administering the System, including land, equipment and office building; and providing that the foregoing shall not prevent the Fund from purchasing or selling publicly traded securities of issuers engaged in any aspect of the real estate business or marketable securities secured by real estate or interest therein which would include mortgage backed securities.~~

~~(8) Purchase or sell commodities, commodity contracts, mineral, oil, gas or other mineral explorations or developmental programs. However, the Fund may purchase the securities of companies engaged in the exploration, development, production, refining, transportation and marketing of oil, gas or other minerals.~~

~~(9) Make loans of money or securities other than through the purchase of securities in accordance with the investment objectives; by lending portfolio securities under circumstances where the borrower of such securities provides cash or cash equivalents as collateral at all times in an amount at least equal to the value of the owned securities and the Fund retains the right to obtain any~~

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~~dividends, interest or other distribution on the securities and any increase in their market value and reserves the right to terminate such arrangement at any time; and by entering into repurchase agreements~~

~~(10) Be restricted in realizing net investment gain or losses during any period.~~

~~(11) Purchase foreign securities.~~

715:10-21-4. Portfolio assets allocation [REVOKED]

~~(a) The following guidelines, in (b) and (c) of this section, reflect the System's goals for the funds. It is recognized that the actual asset allocation for the portfolio at any time will be influenced by the investment style of the advisor and their perceptions of the relative attractiveness of the various categories of permissible securities.~~

~~(b) The following shall be the range of TRS' portfolio assets:~~

~~(1) Equities: 0-65%~~

~~(2) Fixed Income: 10-90%~~

~~(3) Real Estate: 0-5%~~

~~(c) Neither the upper nor the lower limits for portfolio allocations are intended to require portfolio activity for the sole purpose of complying with the guidelines. However, deviations from these guidelines, when they occur, should be discussion items at meetings between the Board of Trustees and~~

~~the advisors, and are to be included in the advisors' monthly reports.~~

715:10-21-5. Cash equivalents guidelines [REVOKED]

~~So long as the following restrictions remain in effect, all funds will:~~

~~(1) Not purchase the securities of any issuer other than obligations issued or guaranteed as to principal and interest by the government of the United States, its agencies or instrumentalities, if, as a result:~~

~~(A) More than 5 percent of the total assets of the Fund would be invested in securities of such issuer.~~

~~(B) More than 25 percent of the Fund's total assets would be invested in the securities of issuers having their principal business activities in the same industry except for the banking industry.~~

~~(2) Limit commercial paper investments to those rated A1/P1 by Standard & Poor's or Moody's Investor Service.~~

[OAR Docket #07-1718; filed 12-27-07]

STATE BOND ADVISOR'S OFFICE NOTICE OF STATE CEILING AMOUNT FOR THE CALENDAR YEAR 2008

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 2008 is \$307,471,860. From the first business day of 2008 through September 1, 2008, the Volume Cap is subdivided into the following categories ("Pools") and amounts: (1) Qualified Small Issue Pool, \$36,896,623; (2) Exempt Facility Pool, \$7,686,797; (3) Beginning Agricultural Producer

Pool, \$3,074,719; (4) Student Loan Pool, \$47,658,138; (5) Economic Development Pool, \$36,896,623; (6) Oklahoma Housing Finance Agency Pool, \$46,120,779; (7) State Issuer Pool, \$12,298,874; (8) Metropolitan Area Housing Pool, \$38,433,982; (9) Rural Area Housing Pool, \$24,597,750; and (10) Local Issuer Single Family Pool, \$53,807,575. From September 2, 2008, through December 18, 2008, 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 19, 2008, 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 #08-74; filed 1-9-08]

