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CORPORATION Commission	165	INSURANCE Department	365
Department of CORRECTIONS	170	COMPSOURCE Oklahoma	
State Board of COSMETOLOGY	175	(<i>Formerly:</i> State INSURANCE Fund)	370
Oklahoma State CREDIT Union Board	180	Oklahoma State Bureau of INVESTIGATION	375
CRIME Victims Compensation Board	185	Council on JUDICIAL Complaints	376
Joint CRIMINAL Justice System Task Force Committee	190	Office of JUVENILE Affairs	377
Board of DENTISTRY	195	Department of LABOR	380
Oklahoma DEVELOPMENT Finance Authority	200	Department of the Commissioners of the LAND Office	385
Office of DISABILITY Concerns (<i>Formerly:</i> Office of		Council on LAW Enforcement Education and Training	390
HANDICAPPED Concerns) - <i>See</i> Title 305		Oklahoma LAW Enforcement Retirement System	395
Board of Regents of EASTERN Oklahoma State College	205	Board on LEGISLATIVE Compensation	400
EDGE Fund Policy Board	208	Oklahoma Department of LIBRARIES	405
State Department of EDUCATION	210	LIEUTENANT Governor	410
EDUCATION Oversight Board	215	Oklahoma LINKED Deposit Review Board	415
Oklahoma EDUCATIONAL Television Authority	220	Oklahoma LIQUEFIED Petroleum Gas Board	420
[RESERVED]	225	Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety	
State ELECTION Board	230	Commission	422

Agency	Title	Agency	Title
LITERACY Initiatives Commission	425	Oklahoma Commission on SCHOOL and County Funds Management	635
LONG-RANGE Capital Planning Commission	428	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i>) - See Title 490		The Oklahoma School of SCIENCE and Mathematics	645
LOTTERY Commission, Oklahoma	429	Oklahoma Center for the Advancement of SCIENCE and Technology	650
Board of Trustees for the MCCURTAIN County Higher Education Program	430	SECRETARY of State	655
Commission on MARGINALLY Producing Oil and Gas Wells	432	Department of SECURITIES	660
State Board of MEDICAL Licensure and Supervision	435	Board of Regents of SEMINOLE State College	665
MEDICAL Technology and Research Authority of Oklahoma	440	SHEEP and Wool Commission	670
Board of MEDICOLEGAL Investigations	445	State Board of Licensed SOCIAL Workers	675
Department of MENTAL Health and Substance Abuse Services	450	SOUTHERN Growth Policies Board	680
MERIT Protection Commission	455	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
MILITARY Planning Commission, Oklahoma Strategic	457	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology	690
Department of MINES	460	STATE Employee Charitable Contributions, Oversight Committee (<i>Formerly: STATE Agency Review Committee</i>)	695
Oklahoma MOTOR Vehicle Commission	465	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>) – See Title 304	
Board of Regents of MURRAY State College	470	Oklahoma STUDENT Loan Authority	700
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	TASK Force 2000	705
Board of Regents of NORTHERN Oklahoma College	480	Oklahoma TAX Commission	710
Oklahoma Board of NURSING	485	Oklahoma Commission for TEACHER Preparation	712
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators</i>)	490	TEACHERS' Retirement System	715
Board of Regents of OKLAHOMA City Community College	495	State TEXTBOOK Committee	720
Board of Regents of OKLAHOMA Colleges	500	TOBACCO Settlement Endowment Trust Fund	723
Board of Examiners in OPTOMETRY	505	Oklahoma TOURISM and Recreation Department	725
State Board of OSTEOPATHIC Examiners	510	Department of TRANSPORTATION	730
PARDON and Parole Board	515	Oklahoma TRANSPORTATION Authority (<i>Name changed to Oklahoma TURNPIKE Authority 11-1-05</i>) - See Title 731	
Oklahoma PEANUT Commission	520	Oklahoma TURNPIKE Authority (<i>Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority</i>) - See also Title 745	731
Oklahoma State PENSION Commission	525	State TREASURER	735
State Board of Examiners of PERFUSIONISTS	527	Board of Regents of TULSA Community College	740
Office of PERSONNEL Management	530	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma TRANSPORTATION Authority 11-1-99 - no rules enacted in this Title - See Title 731</i>)	745
Oklahoma State Board of PHARMACY	535	Board of Trustees for the UNIVERSITY Center at Tulsa	750
PHYSICIAN Manpower Training Commission	540	UNIVERSITY Hospitals Authority	752
Board of PODIATRIC Medical Examiners	545	UNIVERSITY Hospitals Trust	753
Oklahoma POLICE Pension and Retirement System	550	Board of Regents of the UNIVERSITY of Oklahoma	755
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma	760
POLYGRAPH Examiners Board	560	Oklahoma USED Motor Vehicle and Parts Commission	765
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma Department of VETERANS Affairs	770
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Board of VETERINARY Medical Examiners	775
State Board of Examiners of PSYCHOLOGISTS	575	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>)	780
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>)	580	Oklahoma WATER Resources Board	785
PUBLIC Employees Relations Board	585	Board of Regents of WESTERN Oklahoma State College	790
Oklahoma PUBLIC Employees Retirement System	590	Oklahoma WHEAT Commission	795
Department of PUBLIC Safety	595	Department of WILDLIFE Conservation	800
REAL Estate Appraiser Board	600	WILL Rogers and J.M. Davis Memorials Commission	805
Oklahoma REAL Estate Commission	605		
Board of Regents of REDLANDS Community College	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College	615		
Board of Regents of ROSE State College	620		
Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625		
SCENIC Rivers Commission	630		

Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #09-1516]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules
35:2-3-11 [AMENDED]

SUMMARY:

The purpose of the proposed rules is to revise the prices of the Forest Regeneration Center's seedlings. Title 2 O.S. § 16-3 requires the Department to institute a broad program of reforestation. To implement this requirement, the Department sells seedlings in bulk for reforestation projects. Currently, the prices do not reflect market costs and have not been revised since 2004. The actual prices will be replaced by a formula for calculating actual costs of producing the seedlings. The formula will not result in a profit, but will allow the Department to charge prices that more accurately reflect the Department's costs.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4 and 16-1 et seq.; Article 6, Section 31, Constitution of the State of Oklahoma

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@oda.state.ok.us, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 4, 2010 to February 3, 2010.

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., February 3, 2010, in the Boardroom on the first 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 January 4, 2010 to February 3, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1516; filed 12-11-09]

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

[OAR Docket #09-1511]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 40. Bovine Tuberculosis [AMENDED]

SUMMARY:

The proposed rules amend the tuberculosis rules to reflect changes made to the federal brucellosis programs and to clean up the existing rules.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4 (A) (2)

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@oda.state.ok.us, or 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 4, 2010 to February 3, 2010.

PUBLIC HEARING:

A public hearing will be held at 2:30 p.m., February 3, 2010, in the Board 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

Notices of Rulemaking Intent

to Teena Gunter at the above address during the period from January 4, 2010 to February 3, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

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 #09-1511; filed 12-11-09]

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

[OAR Docket #09-1512]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 17. Bovine and Bison Brucellosis [AMENDED]

SUMMARY:

The proposed rules amend the brucellosis rules to reflect changes made to the federal brucellosis programs and to clean up the existing rules.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4 (A) (2)

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@oda.state.ok.us, or 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 4, 2010 to February 3, 2010.

PUBLIC HEARING:

A public hearing will be held at 2:00 p.m., February 3, 2010, in the Board 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 January 4, 2010 to February 3, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

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 #09-1512; filed 12-11-09]

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

[OAR Docket #09-1513]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 38. Bovine Trichomoniasis [AMENDED]

SUMMARY:

The proposed rules amend the bovine trichomoniasis rules to include intrastate testing and to delete portions of the original rule that are obsolete.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4 (A) (2)

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@oda.state.ok.us, or 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 4, 2010 to February 3, 2010.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m., February 3, 2010, in the Board 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 January 4, 2010 to February 3, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

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 #09-1513; filed 12-11-09]

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

[OAR Docket #09-1514]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 44. Farmed Cervidae [AMENDED]

SUMMARY:

The proposed rules amend the procedures for obtaining a farmed cervidae license. It will address fee increases, permitting procedures, and inspection procedures.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4 (A) (2) and 6-503(D)281

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@oda.state.ok.us, or 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 4, 2010 to February 3, 2010.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., February 3, 2010, in the Board 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 January 4, 2010 to February 3, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

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 #09-1514; filed 12-11-09]

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

[OAR Docket #09-1517]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 27. Feed
Part 1. Commercial Feed
35:30-27-9.1 [NEW]

SUMMARY:

Pursuant to 2 O.S. § 8-41.7, the proposed rule allows a commercial handler of whole corn to blend those lots of whole corn originally containing more than 300 ppb but no more than 500 ppb of total aflatoxins, provided certain provisions as outlined in the rule are followed. As a result of the weather conditions experienced during this year's growing season, the Oklahoma corn crop may be severely impacted by aflatoxin contamination. Aflatoxin contamination is a public health risk if it enters the human food chain, and is also a risk to certain types of livestock when used as a feed ingredient. This rule is necessary to allow for the proper utilization of whole corn which contains aflatoxin above the levels normally allowed for use in animal feed. The State Board of Agriculture previously approved this as an emergency rule.

AUTHORITY:

Article 6, Section 31, Constitution of the State of Oklahoma; 2 O.S. §§ 2-4 (A)(2).

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@oda.state.ok.us, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 4, 2010 through February 3, 2010.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., February 3, 2010, in the Board 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

Notices of Rulemaking Intent

to Teena Gunter at the above address during the period from January 4, 2010 through February 3, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

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 #09-1517; filed 12-11-09]

rules. Business entities may submit this information in writing to Teena Gunter at the above address during the period from January 4, 2010 and February 3, 2010.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Teena Gunter at the above address.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1515; filed 12-11-09]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 48. WILDLIFE SERVICES

[OAR Docket #09-1515]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [RESERVED]

Subchapter 3. Aerial Hunting [NEW]

SUMMARY:

The purpose of the proposed rules is to create rules for the issuance of permits to those individuals with an Oklahoma Department of Wildlife Conservation big game commercial hunting area license for aerial hunting. The rules, pursuant to Section 3 of 2009's House Bill 2158, shall address fees, application procedures, and other rules necessary to administer the act. Emergency rules will accompany this permanent rulemaking.

AUTHORITY:

State Board of Agriculture; 2 O.S. §§ 2-4; Engrossed House Bill 2158, Section 3

COMMENT PERIOD:

Persons may submit written comments to Teena Gunter at teena.gunter@oda.state.ok.us, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from January 4, 2010 and February 3, 2010.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., February 3, 2010, in the Boardroom on the first 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

TITLE 60. ARCHIVES AND RECORDS COMMISSION CHAPTER 10. ARCHIVES AND RECORDS

[OAR Docket #09-1475]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 11. Service Fees

60:10-11-4 [AMENDED]

SUMMARY:

The proposed amendment increases the monthly fee for storage and servicing of records at the State Records Center by \$.05 per cubic foot per month. The current storage fee of \$.25 per cubic foot per month was established in 2000. The proposed amendment also eliminates language regarding storage containers supplied by the Records Management Division for records stored at the State Records Center and the State Archives. The agency no longer purchases or provides storage containers for agencies. The circumstances creating the need for the proposed amendments include the need to generate additional revenues to maintain the current level of service to state agencies and the public.

AUTHORITY:

Archives and Records Commission; Records Management Act; 67 O.S. Section 212; OAC 60:1-1-5

COMMENT PERIOD:

Persons may submit written or oral comments to Jan Davis at the Oklahoma Department of Libraries, Allen Wright Memorial Library, 200 N.E. 18th Street, Oklahoma City, OK 73105 during the period from January 4, 2010 to February 19, 2010.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Monday, February 22, 2010 in the South Conference room of the Allen Wright Memorial Library, 200 N.E. 18th Street, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:30 p.m. February 19, 2010, at the following address: Jan Davis Oklahoma Department of Libraries, 200 N.E. 18th Street, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Department of Libraries, 200 N.E. 18th Street, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Libraries at the above address beginning January 15, 2010.

CONTACT PERSON:

Jan Davis, Administrative Archivist, (405) 521-2502; email address: jdavis@oltn.odl.state.ok.us

[OAR Docket #09-1475; filed 12-11-09]

**TITLE 155. OKLAHOMA CONSERVATION COMMISSION
CHAPTER 15. OKLAHOMA'S ABANDONED MINE LAND RECLAMATION PROGRAM**

[OAR Docket #09-1469]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Chapter 15. Oklahoma's Abandoned Mine Land Reclamation Program [AMENDED]

SUMMARY:

These proposed changes to rules are to assist in the implementation of the Oklahoma Abandoned Mine Land Reclamation Program. The intent of this program is the protection of public health, safety, and property from adverse effects of past coal mining practices. These proposed rules establish eligible lands and water and the reclamation objectives and priorities of these lands and water. These proposed rules also establish the mechanism of program funding and the administration of these funds. These proposed changes to rules are a result of Federal legislation (H.R. 6111, signed December 20, 2006) Surface Mining Control and Reclamation Act Amendments of 2006 (P.L. 109-432).

AUTHORITY:

Oklahoma Abandoned Mine Reclamation Act contained in 45 O.S. 2001 §§ 740.1 et seq.; and the Oklahoma Conservation

Commission pursuant to the Conservation District Act contained in 27A O.S. 2001 §§ 3-1-101 et seq.

COMMENT PERIOD:

Persons may submit written comments to Mike Kastl at 2800 North Lincoln Boulevard, Suite 160, Oklahoma City, Oklahoma 73105-4210, mike.kastl@conservation.ok.gov, during the period from January 4, 2010 until 5:00 p.m. on February 8, 2010.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., February 8, 2010, in the Board Room of the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.conservation.ok.gov or by contacting Mike Kastl, Oklahoma Conservation Commission, 2800 N. Lincoln Blvd., Suite 160, Oklahoma City, Oklahoma 73105-4210, (405)521-4811, mike.kastl@conservation.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Mike Kastl, (405)521-4811, e-mail address: mike.kastl@conservation.ok.gov.

[OAR Docket #09-1469; filed 12-10-09]

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

[OAR Docket #09-1478]

RULEMAKING ACTION:

Notice of proposed **PERMANENT** rulemaking

PROPOSED RULES:

Subchapter 7. General Administration of the County Election Board [AMENDED]

SUMMARY:

The proposed amendments in Subchapter 7 concern the use of electronic mail for a variety of purposes by the County Election Board; the collection and allocation of certain fees for copies of reports and for Precinct Registries; and polling places.

The State Election Board only began communicating with County Election Boards by electronic mail in 2009, once all 77 County Election Boards obtained personal computers and Internet and electronic mail services. Proposed new and amended rules concern the acquisition and configuration of electronic mail addresses to use for corresponding with the State Election Board and for receiving Federal Post Card

Notices of Rulemaking Intent

Application forms for absentee ballots from uniformed services and overseas voters as required by provisions of SB458.

Also proposed are amendments in several Sections that refer to the Precinct Registry fee. The State Election Board is proposing an increase of the Precinct Registry fee from \$10 to \$20. The Precinct Registry fee is charged to school districts, municipalities, and other entities that hold elections conducted by the County Election Board. The fee is not paid by the state or the county, and is not charged to other entities for their elections held on the same date as a state or county election. The fees are prorated by precinct among all the entities that hold elections on the same date. The County Election Board will be permitted to retain one-half of the Precinct Registry fees collected as reimbursement for printer ink and toner used to print the Precinct Registries and other reports formatted and printed from the new MESA software. The remainder of the fee will continue to be reimbursed to the State Election Board on a monthly basis to cover the cost of paper provided to the County Election Board. Several Sections are amended to include these changes in references to fees for copies of reports and/or for Precinct Registries. The Precinct Registry fee is the only supply usage fee set by the State Election Board, and it has not increased since it was implemented in 1992.

In 2008, the law (Title 26 OS, Section 3-123) was changed so that school districts are no longer required to provide space for polling places. We failed to include this change in our permanent rules in 2009. One Section is amended to reflect this change of statutory language.

AUTHORITY:

Title 26 O.S. Supp. 2009, 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, February 5, 2010. 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, February 5, 2010, 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 January 18, 2010.

CONTACT PERSON:

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

[OAR Docket #09-1478; filed 12-11-09]

TITLE 230. STATE ELECTION BOARD CHAPTER 15. VOTER REGISTRATION

[OAR Docket #09-1479]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

Subchapter 11. Voter Registration List Maintenance [AMENDED]

SUMMARY:

The State Election Board is in the process of upgrading the Oklahoma Election Management System (OEMS) to a modern hardware platform. The upgrade, which is generally referred to as MESA (Modern Election Support Application), is software designed to operate on personal computers and the Internet. The first two modules of MESA have been distributed to County Election Boards and are in wide use, although almost all current functions of MESA duplicate functions in OEMS. Late in 2010 or early in 2011, we anticipate that all voter registration-related functions of OEMS will be transferred permanently to MESA and its new hardware platform. At that point, OEMS will no longer be used for any voter registration processing functions.

Amendments are proposed in several Sections in several Subchapters to include references to MESA or to eliminate references to OEMS and replace these references with the more generic terms "voter registration software" or "voter registration database" as appropriate. No substantive changes to the procedures for processing voter registration applications are being considered.

Proposed amendments in several Sections concerning the maintenance of voter registration information and the cancellation of voter registrations strengthen language to make clear that certain actions shall be taken and are not subject to the discretion of the County Election Board Secretary.

Proposed amendments in several Sections describe a change in the way certain voter registration cancellations are processed. When an Oklahoma voter registers in another state, the other state sends a cancellation notice to the State Election Board. In the past, these notices were sorted and sent on to the appropriate County Election Board by State Election Board staff members. Now, using the new MESA software, the information contained on these out-of-state cancellation notices is entered into the database by State Election Board personnel. The information then appears on the appropriate County Election Board's monthly Potential Deletion Report,

where the information is matched with the voter's information. If appropriately identified, the registration is cancelled.

One proposed amendment adds a new set of matching criteria to those used in a statewide process to identify duplicate voter registrations. The new set of matching criteria include last name, date of birth, and driver license number.

AUTHORITY:

Title 26 O.S. Supp. , 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, February 5, 2010. 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, February 5, 2010, 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 January 18, 2010.

CONTACT PERSON:

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

[OAR Docket #09-1479; filed 12-11-09]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 30. ABSENTEE VOTING**

[OAR Docket #09-1480]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [AMENDED]
- Subchapter 3. Authorization for Absentee Voting [AMENDED]
- Subchapter 5. Applications for Absentee Ballots [AMENDED]
- Subchapter 7. Absentee Voting Boards [AMENDED]
- Subchapter 9. Processing Applications [AMENDED]
- Subchapter 11. Receiving and Processing Absentee Ballots [AMENDED]

SUMMARY:

The proposed amendments in Chapter 30 concern implementation of the requirements of SB458 and of HB1402 and the elimination of an obsolete term from the rules.

SB458 requires the County Election Board to accept applications for absentee ballots from uniformed services voters and overseas voters and the eligible spouses and dependents of both groups by electronic mail. The bill also requires the County Election Board to transmit absentee ballots by electronic mail to overseas uniformed services voters and overseas voters. Amendments are proposed in several Sections in several Subchapters to reflect these new requirements. Several new forms will be required to implement these procedures. However, the new forms will not be printed. They will be distributed to the County Election Boards - and ultimately to voters - only as PDFs.

HB1402 requires the County Election Board to send an Absentee Voting Board to veterans centers established pursuant to Title 72 of the Oklahoma Statutes. Veterans centers are located in only seven counties - Carter, Cleveland, Comanche, Custer, Latimer, Murray, and Rogers Counties. Voters who are physically disabled and confined to a veterans center are entitled to the services of an Absentee Voting Board in the same manner as physically disabled voters who are confined to a nursing home. Amendments are proposed in several Sections in several Subchapters to include appropriate references to veterans centers and veterans center voters.

Several Sections in Chapter 30, still contain the term "convalescent hospital." This term no longer exists in the statutes governing absentee voting. It has been used interchangeably with the term "nursing home" for many years, but this usage causes some confusion. Therefore, proposed amendments eliminate the term from absentee voting rules.

One Section concerning the federal write-in absentee ballot (FWAB) is amended to require the County Election Board to enter information into the computer from a voter's FWAB affirmation as if it were a Federal Post Card Application form. FWABs are available only to uniformed services and overseas voters as a backup method of voting when they do not receive their regular absentee ballots in time to vote and return them to election officials by election day in time to be counted. Oklahoma has expanded the use of the FWAB to permit its use in primary elections and by uniformed services and overseas voters who have not previously submitted Federal Post Card Application forms requesting regular absentee ballots. Due to recent revisions of the FWAB Affirmation form, the information on the Affirmation is now identical to the information on the Federal Post Card Application. By entering this information into the computer as if it were an application for absentee ballots, the FWAB can be tracked in the same manner as a regular absentee ballot for a uniformed services or overseas voter.

In addition to the preceding amendments, several amendments are proposed throughout Chapter 30 to implement the provisions of a new federal law, the Military and Overseas

Notices of Rulemaking Intent

Voter Empowerment Act of 2009, which will be in effect for the General Election in November, 2010.

AUTHORITY:

Title 26 O.S. Supp. , 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, February 5, 2010. 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, February 5, 2010, 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 January 18, 2010.

CONTACT PERSON:

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

[OAR Docket #09-1480; filed 12-11-09]

TITLE 230. STATE ELECTION BOARD CHAPTER 35. ELECTION CONDUCT

[OAR Docket #09-1481]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. County Election Board Responsibilities
[AMENDED]

SUMMARY:

Amendments proposed in Subchapter 3 include adding appropriate references to the MESA (Modern Election Support Application) software currently being developed and implemented by the State Election Board, an increase in the Precinct Registry fee from \$10 to \$20 per Registry, and a new provision for splitting the Registry fee between the State and County Election Board.

Precinct Registry fees are the only supply usage fee set by the State Election Board. It is charged to school districts, municipalities, and other entities that hold elections conducted by the County Election Board. The fee is not paid by the state

or the county, and it is not charged to other entities for elections held on the same date as state or county elections. The fee has not been increased since it first was implemented in 1992. It is intended to reimburse the State Election Board for the cost of paper provided to the County Election Board that is used to print Precinct Registries. By increasing the fee and splitting it between the State and County Election Board, the County Election Board also will be reimbursed for the cost of printer ink or toner used to print Precinct Registries and other reports formatted and printed from MESA.

AUTHORITY:

Title 26 O.S. Supp. 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, February 5, 2010. 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, February 5, 2010, 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 January 18, 2010.

CONTACT PERSON:

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

[OAR Docket #09-1481; filed 12-11-09]

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

[OAR Docket #09-1482]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Special Elections [AMENDED]
Subchapter 5. Municipal Elections [AMENDED]
Subchapter 7. School Elections [AMENDED]

SUMMARY:

The proposed amendments in Subchapter 3 are needed to implement the provisions of HB1081. This bill provides

a revised timetable for political party leaders to supply the appropriate election board with the name of a substitute candidate in the event that a party nominee for office dies prior to the General Election. The time period in which such notification can be made is increased from five to fifteen days following the candidate's death, but it cannot occur less than 60 days preceding the election, for a statewide or federal office, or 55 days preceding the General Election for other offices, including county offices. One Section is amended to reflect these statutory changes.

The proposed amendment in Subchapter 5 is a new Section which requires the County Election Board to provide the State Election Board with certain information regarding elections for municipal offices. The County Election Board Secretary will be required to provide a copy of the resolution calling municipal election involving candidate, a copy of the Declaration of Candidacy form for each candidate elected to municipal office, and a copy of the Declaration of Candidacy form for each candidate who is unopposed for election to municipal office.

The proposed amendments in Subchapter 7 concern vacancies on the Board of Education and elections held by technology center districts that serve 70 or more school districts.

In 2001, the law concerning vacancies on the Board of Education changed. The law now requires that if a person is appointed to fill a vacancy during the first half of the term of the office, the office must appear as an unexpired term on the ballot at the next ensuing regular election. However, if the vacancy is filled by appointment during the second half of the term of the office, the appointee serves the balance of the unexpired term. Due to an oversight, the State Election Board rules have never been amended to reflect this statutory change. We are making these amendments now.

SB275 requires technology center districts that serve 70 or more school districts to nominate and elect Board of Education members by district zone. In other words not only must a candidate for office be a resident of the district zone he or she seeks to represent, but only residents of the zone may vote for the office representing the zone. This is a change. All other technology center districts nominate by zone but elect at large. At the present time, this new law affects only the Kiamichi Technology Center district in southeastern Oklahoma.

AUTHORITY:

Title 26 O.S. Supp. , 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, February 5, 2010. 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, February 5, 2010, 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 January 18, 2010.

CONTACT PERSON:

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

[OAR Docket #09-1482; filed 12-11-09]

**TITLE 230. STATE ELECTION BOARD
CHAPTER 50. AUTOMATED SYSTEMS**

[OAR Docket #09-1483]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Voting Devices and Data Processing
[AMENDED]

SUMMARY:

Since 1992, the State and County Election Boards have used the Oklahoma Election Management System (OEMS), a unified, unitary system of hardware and software, for the administration of voter registration and election management tasks. The State Election Board is in the process of developing and implementing a major upgrade to OEMS which is called MESA - Modern Election Support Application. MESA is software designed to run on personal computers and the Internet. The first two modules of MESA were implemented by County Election Boards in 2009. These modules allow the County Election Board to format and print Precinct Registries, to enter voter credit following elections, and to enter voter registration application information. Late in 2010 or early in 2011, all voter registration processing functions will be moved permanently from OEMS to MESA.

The proposed new and amended rules in Subchapter 3 add references to MESA where appropriate and provide instructions and set requirements for the use and maintenance of MESA by County Election Board personnel.

AUTHORITY:

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

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COMMENT PERIOD:

Written comments will be accepted until the conclusion of the public hearing on Friday, February 5, 2010. 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, February 5, 2010, 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 January 18, 2010.

CONTACT PERSON:

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

[OAR Docket #09-1483; filed 12-11-09]

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

[OAR Docket #09-1484]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- 300:20-1-1. [AMENDED]
- 300:20-1-2. [AMENDED]
- 300:20-1-3. [AMENDED]
- 300:20-1-4. [AMENDED]
- 300:20-1-5. [AMENDED]
- 300:20-1-6. [AMENDED]
- 300:20-1-7. [AMENDED]
- 300:20-1-8. [AMENDED]
- 300:20-1-9. [AMENDED]
- 300:20-1-10. [AMENDED]
- 300:20-1-11. [AMENDED]
- 300:20-1-12. [AMENDED]
- 300:20-1-13. [AMENDED]
- 300:20-1-14. [AMENDED]
- 300:20-1-16. [AMENDED]

SUMMARY:

The proposed rule amendments clarify the responsibilities of GRDA's Central Purchasing Unit in a concise manner.

Ordinary acquisitions requiring requisition review procedures have been increased from \$2,500 to \$5,000. In conjunction with this increase, the following source selection methods have been revised: 1) the uniform procedures for acquisitions established by the Chief Financial Officer have increased from \$2,500 to \$5,000 and 2) written bids are required over \$5,000 rather than over \$2,500. The proposed changes include employees that receive gifts or gratuities shall follow the rules promulgated by the Oklahoma Ethics Commission. The amendments reflect that the General Manager shall have the authority to approve change orders to contracts provided the total amount of the cumulative change orders related to a specific purchase order or contract does not exceed \$50,000 and is reported to the Board of Directors at the next regularly scheduled meeting. Change orders that exceed \$20,000 and do not meet the criteria for formal approval or ratification by the Board of Directors shall require written approval by the General Manager or Chief Operating Officer. The General Manager may delegate change order approvals and thresholds to other GRDA employees for any purchase or contract \$20,000 or less. All change orders for contracts or purchase orders subject to the Public Competitive Bidding Act shall comply with the provisions included in the Act. The emergency confirmatory purchase order rules have been revised to include the respective Assistant General Managers shall give notification of any emergencies that are expected to exceed \$5,000.

AUTHORITY:

Grand River Dam Authority; 82 O.S.Supp.2008, § 861A(B)(1); 82 O.S.Supp.2008, § 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 5, 2010 through February 3, 2010 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Friday, February 5, 2010 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from January 5, 2010 through February 3, 2010 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Gretchen Zumwalt-Smith, General Counsel, (918) 256-5545

[OAR Docket #09-1484; filed 12-11-09]

**TITLE 300. GRAND RIVER DAM
AUTHORITY
CHAPTER 35. LAKE RULES**

[OAR Docket #09-1485]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Definitions, Purpose and Application
 - 300:35-1-1. [AMENDED]
 - 300:35-1-5. [AMENDED]
 - 300:35-1-6. [AMENDED]
- Subchapter 3. General Provisions
 - 300:35-3-5. [AMENDED]
 - 300:35-3-6. [REVOKED]
 - 300:35-3-12. [AMENDED]
 - 300:35-3-14. [NEW]
 - 300:35-3-15. [NEW]
- Subchapter 5. Boating Safety Rules
 - 300:35-5-1. [AMENDED]
 - 300:35-5-2. [AMENDED]
 - 300:35-5-3. [AMENDED]
 - 300:35-5-4. [AMENDED]
 - 300:35-5-7. [AMENDED]
- Subchapter 7. Vessels
 - 300:35-7-1. [AMENDED]
 - 300:35-7-2. [AMENDED]
 - 300:35-7-4. [AMENDED]
 - 300:35-7-5. [AMENDED]
 - 00:35-7-8. [AMENDED]
 - 300:35-7-12. [AMENDED]
- Subchapter 9. Sanctioned Events
 - 300:35-9-2. [AMENDED]
- Subchapter 11. Permits for Wharves, Landings, Buoys, Breakwaters and Docking Facilities
 - 300:35-11-1. [AMENDED]
 - 300:35-11-2. [AMENDED]
 - 300:35-11-4. [AMENDED]

- 300:35-11-5. [AMENDED]
- 300:35-11-6. [AMENDED]
- 300:35-11-7. [AMENDED]
- 300:35-11-8. [AMENDED]
- 30 :35-11-11. [AMENDED]
- 300:35-11-12. [AMENDED]
- Subchapter 13. Permits for Dikes, Excavations, Dredgings, Erosion Control Devices, Retaining Walls, and Shoreline Stabilization
 - 300:35-13-1. [AMENDED]
 - 300:35-13-2. [AMENDED]
 - 300:35-13-3. [AMENDED]
 - 300:35-13-4. [AMENDED]
 - 300:35-13-5. [REVOKED]
 - 300:35-13-6. [AMENDED]
- Subchapter 15. Commercial Use of the Lakes and Lands of GRDA
 - 300:35-15-1. [AMENDED]
 - 300:35-15-2. [AMENDED]
 - 300:35-15-3. [REVOKED]
 - 300:35-15-4. [AMENDED]
 - 300:35-15-5. [REVOKED]
 - 300:35-15-6. [AMENDED]
 - 300:35-15-7. [REVOKED]
- Subchapter 17. Raw Water Permits
 - 300:35-17-1. [AMENDED]
 - 300:35-17-2. [AMENDED]
- Subchapter 21. Administration of Rules and Hearings
 - 300:35-21-3. [AMENDED]
 - 300:35-21-4. [AMENDED]
 - 300:35-21-7. [AMENDED]
- Subchapter 27. Vegetation Management Plan
 - 300:35-27-3. [AMENDED]

SUMMARY:

Generally, the proposed amendments provide for clarification of the rules. The proposed changes specify all of the GRDA permits covered by the rules and require that prior to a transfer of a permit or license, all delinquent fees, plus interest must be paid. The proposed amendments provide for payment of all costs associated with violation of the rules, including repair, restoration and reclamation of GRDA lands and water. Other penalties may include suspension or revocation of a permit. In addition, GRDA may seek an injunction to prevent any violation or unauthorized activity. The rules relating to the minimum age allowable to operate a motor-powered vessel have been revised to correlate with the Kyle Williams Boating Education Safety Act. The proposed amendments provide for a final inspection by GRDA before issuance of either a private or commercial permit upon completion of any modification, installation or relocation of a wharf, dock, landing, anchorage, boat house or breakwater, and that any modification of these structures require such permit. In addition, no retaining wall currently in existence shall be repaired or rebuilt without a permit and must be made with approved material. The proposed amendments prohibit docks classified as "Not Electrically Wired" from installation

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of a permanent electric supply until GRDA has changed the classification and a certificate from an Oklahoma licensed electrical inspector has been received by GRDA indicating compliance with all applicable laws and codes. The proposed changes specify that construction, modification, installation, and final GRDA approval of docks, landings, anchorages, boat houses, breakwaters, buoys, rail-systems, tram-systems, and fences must be completed within two years for private use and seven years for commercial use. Dredging permits must be completed within two years. However, private or commercial dock permits and dredging permits which were issued on or before March 9, 2005, and were not complete on this date, shall expire seven years of the date of issuance or no later than March 9, 2012, whichever date is earliest. The rules concerning dredging activities have been modified to include a requirement for an approved wetland delineation report and metals testing report prior to commencement of such activities. In addition, dredging activities are prohibited during certain months to avoid potential impact to fish spawning habitat.

AUTHORITY:

Grand River Dam Authority; 82 O.S.Supp.2008§ 861A(B)(1), 82 O.S.Supp.2008§ 863.2(B).

COMMENT PERIOD:

Written and oral comments will be accepted January 5, 2010 through February 3, 2010 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, OK 74301, Attention: Gretchen Zumwalt-Smith.

PUBLIC HEARING:

A public hearing will be conducted to provide an opportunity for persons to orally present their views on the content of the proposed rules. Each person will be allowed a maximum of five minutes to speak and each person must sign in at the door. The public hearing will be held on Friday, February 5, 2010 at 9:00 a.m. in the Board Room of Grand River Dam Authority, 226 West Dwain Willis Avenue, Vinita, Oklahoma 74301.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Grand River Dam Authority requests that business entities or any other members of the public affected by these rules provide the agency, 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 or public member due to compliance with the proposed rules. This information may be submitted in writing from January 5, 2010 through February 3, 2010 at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, Attention: Gretchen Zumwalt-Smith.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Gretchen Zumwalt-Smith at Grand River Dam Authority, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301, (918) 256-5545.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303 (D), a rule impact statement has been prepared and is available at the offices of Grand

River Dam Authority, Legal Division, 226 West Dwain Willis Avenue, P.O. Box 409, Vinita, Oklahoma 74301.

CONTACT PERSON:

Gretchen Zumwalt-Smith, General Counsel, (918) 256-5545

[OAR Docket #09-1485; filed 12-11-09]

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

[OAR Docket #09-1486]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 21. Rules of Procedure Governing Individual Proceedings [AMENDED]

Subchapter 23. Requests for Declaratory Relief and Rulemaking [NEW]

Subchapter 25. Discovery [AMENDED]

SUMMARY:

The proposal modifies Subchapter 21 in a variety of ways to improve the efficiency and effectiveness of the Agency's hearing process. In this regard, changes to Subchapter 21 include: the addition of specific language establishing a written prescribed procedure for granting summary adjudication and resolution of any issue or issues in an administrative proceeding where it is demonstrated to the decision maker's satisfaction that there is no material question of fact in dispute; the establishment of time computation guidelines for computing periods of time prescribed or allowed that create deadline responsibilities during the administrative proceedings for parties and the effect that the use of mail has upon these time limits; the establishment of requirements upon Respondents to respond to petitions filed by the Agency; the establishment of requirements upon the parties to disclose without awaiting discovery request, an initial disclosure statement describing the party's position, legal issues, factual issues, persons likely to have discoverable information, and a list of documents in the party's possession that may be used to support its claims or defenses; the modification of the procedure for motion practice to include any written submission for purposes of application to the time responses are due; the modification of procedures for conducting pretrial conferences and the establishment of a final pretrial conference procedure that uses the pretrial conference order provided in Rule 5 of the Rules for District Courts and special sanctions that may be imposed upon a party for failing to cooperate in procedures for conducting pretrial conferences; the establishment of procedures for conducting hearings using video-teleconferencing technology; the establishment of procedures for filing documents with

the Office of Administrative Hearings using facsimile or electronic transmission; the establishment of procedures for the entry of protective orders that limit access to private or sensitive information consistent with rules and statutes establishing confidentiality or providing guidelines that protect access to certain personal information; the establishment of procedures for reconsideration of an informal agency action; the establishment of procedures for reconsideration by the Agency to the Commissioner of Health or his designee from a decision of the Administrative Law Judge; and, the establishment of procedures to request the transmission of the administrative record to District Court.

The proposal also creates a new Subchapter (Subchapter 23) that restores adjudication procedures for controversies, contests, or individual proceedings that involve declaratory relief or action that is declaratory in nature and a process for requesting rulemaking. The proposal also modifies Subchapter 25 in a variety of ways to improve the Agency's hearing process as it relates to discovery. In this regard, changes to Subchapter 25 include the following: the modification of time limitations for answers or objections to discovery requests and the establishment of time computation guidelines for computing periods of time prescribed or allowed that create deadline responsibilities relating to discovery for parties and the effect that the use of mail has upon these time limits; modify the requirements for parties resolving discovery disputes and special sanctions that may be imposed upon a party for failing to cooperate in procedures for conducting discovery conferences; and, the establishment of procedures for the entry of protective orders that limit access to private or sensitive information consistent with rules and statutes establishing confidentiality or providing guidelines that protect access to certain personal information.

The amendments to subchapter 21 and 25 are needed to improve the efficiency of the hearing process by improving the clarity and consistency of procedures for parties appearing before the agency. The proposal is intended to achieve a just balance between the due process rights of the parties and protecting the health, safety and welfare of the public. The establishment of subchapter 23 is needed to restore proceedings for declaratory relief or action that is declaratory in nature and a process for requesting rulemaking.

AUTHORITY:

Oklahoma State Board of Health; 75 O.S. §302; 63 O.S. §1-104.

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may, before February 3, 2010, submit written comments to Nick Slaymaker, General Counsel, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 3, 2010, may send electronic mail to Generalcounsel@health.ok.gov or may ask to present written or oral views at the public hearing.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February

3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 3, 2010 to Nick Slaymaker at the above address or email a request to Generalcounsel@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Nick Slaymaker, General Counsel, Office of General Counsel, telephone (405) 271-6017; facsimile: 405-271-1268; email: Generalcounsel@health.ok.gov

[OAR Docket #09-1486; filed 12-10-09]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 9. HEALTH CARE INFORMATION

[OAR Docket #09-1487]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:109-1-3 [AMENDED]

SUMMARY:

This rule change will set charges for the cost of data preparation for information and for the dissemination of the data with the funds to be deposited in the Oklahoma Health Care Information System Revolving Funds Account per O.S. 63 § 1-118.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Supp 2001, Section 1-118(C)(2)(c). The State Board of Health shall adopt rules governing the acquisition, compilation and dissemination of all data collected pursuant to the Oklahoma Health Care Information System Act. The rules shall include, but not be limited to charges for users for the cost of data preparation for information that is beyond the routine data disseminated by the office.

Oklahoma State Board of Health; 63 O.S. Supp. 2001, Section 1-118(G). The Board shall have the authority to set fees and charges with regard to the collection and compilation of data requested for special reports, and for the dissemination of data. These funds shall be deposited in the Oklahoma Health Care Information System Revolving Fund account.

310:109-5-2-1(a) The Department will annually make available for purchase a Public Use Data File(s) (PUDF) containing a calendar year of record level data with anonymous case files (i.e., direct patient identifiers removed).

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Kelly Baker, Center for Health Statistics; or may before February 3, 2010, submit written comment to Kelly Baker, Health Care Information Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010 to Kelly Baker, Center for Health Statistics, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to kellyb@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1487; filed 12-10-09]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 96. ADVANCE DIRECTIVE REGISTRY

[OAR Docket #09-1488]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 96. Advance Directive Registry [NEW]

SUMMARY:

The proposed rules to Chapter 96 will establish and implement the Advance Directive Registry pursuant to Senate Bill 346, OK Sessions 2009. This proposal will include a statement of purpose, definitions, fees, requirements for submission and release of an advance directive.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. Supp. 2009 §3102.1.

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may, before February 3, 2010, submit written comments to Kelly Baker, Director for Center for Health Statistics, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or before February 3, 2010, may send electronic mail to KellyB@health.ok.gov or may ask to present written or oral views at the public hearing.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Business entities may submit this information in writing before February 3, 2010 to Kelly Baker at the above address or email a request to KellyB@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Kelly Baker, Director of the Center for Health Statistics: telephone 405-271-4040 facsimile: 405-271-4026; email: KellyB@health.ok.gov.

[OAR Docket #09-1488; filed 12-10-09]

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

[OAR Docket #09-1490]

RULEMAKING ACTION:

Notice of Proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Body Piercing Artist and Tattoo Artist Requirements and Professional Standards
310:233-3-2 [AMENDED]
310:233-3-3 [AMENDED]
- Subchapter 7. Requirements for Premises
310:233-7-2 [AMENDED]
- Subchapter 9. License Requirements
310:233-9-1 [AMENDED]
310:233-9-2 [AMENDED]
310:233-9-4 [REVOKED]

SUMMARY:

The purpose of the proposed rulemaking action is to update detailed requirements for tattooing and body piercing in Oklahoma. The proposed action will update requirements relating to body piercing and tattooing and establish uniform health and safety standards. The fee change will address a disincentive to compliance for those entities and individuals seeking a temporary license for short term public tattooing and body piercing events. The rule change places greater emphasis on the licensed entity for compliance by the entity's temporary artists not currently licensed in the State of Oklahoma. The current regulatory scheme impairs the Department's ability

to protect the public from exposure to bloodborne diseases resulting from unsanitary practices by unidentified unlicensed individual artists at temporary events. This proposal modifies definitions, amends permit and license requirements for artists and establishments for temporary license events and removes requirements for a surety bonds. The surety bond statute received a Declaratory Judgment and permanent injunction on May 1, 2007 by the District Court of Oklahoma County, Case No. CJ 2007-988.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; Title 21 O.S. Sections 842.1, 842.2, and 842.3.

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with Tressa Madden, Director, Consumer Protection Division; or may, before February 3, 2010, submit written comment to Tressa Madden, 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:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing before February 3, 2010, to Tressa Madden, Director, Consumer Protection Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to tressam@health.ok.gov.

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

CONTACT PERSON:

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

[OAR Docket #09-1490; filed 12-10-09]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 234. MEDICAL MICROPIGMENTATION

[OAR Docket #09-1491]

RULEMAKING ACTION:

Notice of Proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Standards for Medical Micropigmentation
310:234-9-2 [AMENDED]

SUMMARY:

The proposed rulemaking action changes the requirement that authorizes who may give an injection of local anesthesia to a person receiving Medical Micropigmentation. The rule change specifies the injection of local anesthesia shall only be performed by a certified micropigmentologist who is licensed and authorized under the applicable practice act for nurses, physician assistants, and dental hygienist. The current rule may authorize the certified micropigmentologist to engage in practices not authorized under the respective practice acts. This change is sought at the request of Department General Counsel and the Board of Medical Licensure and Supervision to avoid conflict with the applicable practice acts.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104 and 63 O.S.1-1450 et seq.

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with Tressa Madden, Director, Consumer Protection Division; or may, before February 3, 2010, submit written comment to Tressa Madden, Director, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 N E. 10th Street, Oklahoma City, OK 73117-1299, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, to Tressa Madden, Director, Consumer Protection Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to tressam@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Consumer Protection Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299 or via 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 Protection Division,
(405)271-5243.

[OAR Docket #09-1491; filed 12-10-09]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 281. DIAGNOSTIC X-RAY SYSTEMS

[OAR Docket #09-1492]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 11. Use of X-Rays in the Healing Arts and
Veterinary Medicine
310:281-11-13 [AMENDED]

SUMMARY:

310:281-11-13 In a review of the regulations it was noted that this section differed from the Federal Guidelines for Diagnostic X-Ray machines. There is a difference in the maximum allowable exposure rates for fluoroscopic x-ray machines in automatic exposure control (AEC) mode of operation and there is no maximum for machines equipped with high boost modes operation. The changes would increase the maximum exposure from 5 Rems (radiation equivalent man) to 10 Rems for machines in the AEC mode and establish a maximum exposure limit of 20 Rems for fluoroscopic units when operated in a high boost mode. There will be no change in the maximum exposure rate for fluoroscopic x-ray machines when operated in the manual mode. These changes will help

the department be in line with the federal guidelines during inspections.

AUTHORITY:

Oklahoma State Board of Health, 63 O.S. Section 1-104 and 63 O.S. Section 1-1501.1 et seq.

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with Tressa Madden, Director, Consumer Protection Division; or may, before February 3, 2010, submit written comment to Tressa Madden, 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:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 N. E. 10th Street, Oklahoma City, OK 73117, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, to Tressa Madden, Director, Consumer Protection Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to tressam@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Consumer Protection Division, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299 or via electronic mail request to tressam@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:

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

[OAR Docket #09-1492; filed 12-10-09]

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

[OAR Docket #09-1493]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Application for Licensure 310:400-7-2 [AMENDED]
- Subchapter 13. Fees 310:400-13-4 [AMENDED]

SUMMARY:

310:400-7-2 The current Rule requires the licensure application to be notarized. This proposal relinquishes that requirement to allow the Department to facilitate the acceptance of on-line licensure applications. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line licensure applications. The effect of this Rule will be an increased convenience and the reduction in travel and reductions in other transaction costs that would otherwise be borne by persons submitting licensure applications to the Department using traditional submission methods.

310:400-13-4 The current Rule allows payment of fees to be made in the form of cash, check, money order or cashier's check. This proposal allows the Department to accept credit card payments and other electronic payments for application and renewal fees. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line licensure applications and license renewals. The effect of this Rule will be an increased convenience and the reduction in travel, payment of late fees and other reductions in transaction costs that would otherwise be borne by persons submitting licensure applications and license renewals to the Department using traditional payment methods.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 59 O.S. Section 1925.5(A).

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before February 3, 2010, 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:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, Oklahoma, 73117, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of

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the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, 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) 271-603.

[OAR Docket #09-1493; filed 12-10-09]

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

[OAR Docket #09-1494]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Forms

310:403-5-2 [AMENDED]

Subchapter 17. Fees

310:403-17-2 [AMENDED]

SUMMARY:

310:403-5-2 The current Rule requires the licensure application to be notarized. This proposal relinquishes that requirement to allow the Department to facilitate the acceptance of on-line licensure applications. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line licensure applications. The effect of this Rule will be an increased convenience and the reduction in travel and

reductions in other transaction costs that would otherwise be borne by persons submitting licensure applications to the Department using traditional submission methods.

310:403-17-2 The current Rule allows payment of fees to be made in the form of cash, check, money order or cashier's check. This proposal allows the Department to accept credit card payments and other electronic payments for application and renewal fees. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line licensure applications and license renewals. The effect of this Rule will be an increased convenience and the reduction in travel, payment of late fees and other reductions in transaction costs that would otherwise be borne by persons submitting licensure applications and license renewals to the Department using traditional payment methods.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 59 O.S. Section 1934(A).

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or may before February 3, 2010, 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:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, Oklahoma, 73117, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, 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 #09-1494; filed 12-10-09]

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

[OAR Docket #09-1495]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Application Procedures

310:405-7-2 [AMENDED]

Subchapter 13. Fees

310:405-13-4 [AMENDED]

SUMMARY:

310:405-7-2 The current Rule requires the licensure application to be notarized. This proposal relinquishes that requirement to allow the Department to facilitate the acceptance of on-line licensure applications. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line licensure applications. The effect of this Rule will be an increased convenience and the reduction in travel and reductions in other transaction costs that would otherwise be borne by persons submitting licensure applications to the Department using traditional submission methods.

310:405-13-4 The current Rule allows payment of fees to be made in the form of cash, check, money order or cashier's check. This proposal allows the Department to accept credit card payments and other electronic payments for application and renewal fees. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line licensure applications and license renewals. The effect of this Rule will be an increased convenience and the reduction in travel, payment of late fees and other reductions in transaction costs that would otherwise be borne by persons submitting licensure applications and license renewals to the Department using traditional payment methods.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 59 O.S. Section 1905(A).

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or

may before February 3, 2010, 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:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, Oklahoma, 73117, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, 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 #09-1495; filed 12-10-09]

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

[OAR Docket #09-1496]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. Application for Licensure

310:406-7-2 [AMENDED]

Subchapter 15. Fees

310:406-15-2 [AMENDED]

Notices of Rulemaking Intent

Subchapter 17. Continuing Education Requirements

310:406-17-3 [AMENDED]

310:406-17-4 [AMENDED]

SUMMARY:

310:406-7-2 - The current Rule requires the licensure application to be notarized. This proposal relinquishes that requirement to allow the Department to facilitate the acceptance of on-line licensure applications. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line licensure applications. The effect of this Rule will be an increased convenience and the reduction in travel and reductions in other transaction costs that would otherwise be borne by persons submitting licensure applications to the Department using traditional submission methods.

310:406-15-2 - The current Rule allows payment of fees to be made in the form of cash, check, money order or cashier's check. This proposal allows the Department to accept credit card payments and other electronic payments for application and renewal fees. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line licensure applications and license renewals. The effect of this Rule will be an increased convenience and the reduction in travel, payment of late fees and other reductions in transaction costs that would otherwise be borne by persons submitting licensure applications and license renewals to the Department using traditional payment methods.

310:406-17-3 - The current Rule requires ten hours of continuing education to be approved by the American Board of Genetic Counselors (ABGC). This proposal relinquishes that requirement because ABGC no longer approves the continuing education for genetic counselors. This change is necessary because the current Rule is unenforceable. The effect of this Rule will be the ability for licensees to accrue continuing education from qualified sources and the ability to renew licenses in compliance with the Rule.

310:406-17-4 - The current Rule requires licensees to submit individual verification of attendance documents of continuing education to renew the license. This proposal relinquishes that requirement to allow the Department to facilitate the acceptance of on-line license renewals. This change is necessary for the Department to be in compliance with Title 62 O.S., Section 41.5p-1 requiring state agencies to accept on-line license renewals. The effect of this Rule will be an increased convenience and the reduction in travel and reductions in other transaction costs that would otherwise be borne by persons submitting license renewals to the Department using traditional submission methods.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 63 O.S. Section 1-569.

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Nena West, Director, Professional Counselor Licensing Division; or

may before February 3, 2010, 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:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, Oklahoma, 73117, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, 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 #09-1496; filed 12-10-09]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 512. CHILDHOOD LEAD POISONING PREVENTION RULES

[OAR Docket #09-1497]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 3. Specimen

310:512-3-6 [NEW]

310:512-3-7 [NEW]

SUMMARY:

The proposal amends subchapter 3 to permit the collection of a fee for blood lead sample collection and analysis, and for environmental investigations conducted by the Oklahoma State Department of Health. The rule is necessary to enable the Department to collect funds to reimburse its costs to perform these services, particularly from persons who have the ability to pay. The proposal would expand the Department's ability to conduct blood lead testing in Oklahoma. The proposal is necessary to offset a projected cessation of federal grant funds due to end on June 30, 2011.

AUTHORITY:

Oklahoma State Board of Health §63-1-114.1

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Cheryl Barr, MPH, Screening and Special Services; or may before February 3, 2010, submit written comment to Cheryl Barr, MPH, Screening and Special 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:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2009 to Cheryl Barr, MPH, Screening and Special Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to CherylB@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Cheryl Barr, MPH, Program Coordinator, Childhood Lead Poisoning Prevention Program, Screening and Special Services, (405) 271-6617.

[OAR Docket #09-1497; filed 12-10-09]

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

[OAR Docket #09-1498]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Disease and Injury Reporting Requirements
- 310:515-1-1.1 [AMENDED]
- 310:515-1-2 [AMENDED]
- 310:515-1-3 [AMENDED]
- 310:515-1-4 [AMENDED]

SUMMARY:

The proposal updates the existing rules in accordance with recommendations from the Council of State and Territorial Epidemiologists, the Centers for Disease Control and Prevention, and local public and private health partners pertaining to reportable diseases. The proposal amends definitions describing outbreaks and unusual diseases and the lists of reportable diseases, in order to clarify those conditions and diseases that are required to be reported to the Department. The proposal is needed because under the current rules, toxins and other harmful agents that are responsible for, or may be contributing to, a disease outbreak are not being reported. The proposal narrows the definition of a cluster by specifying the conditions that would prompt disease reporting. The proposal also refines requirements for reporting negative results in certain conditions which might involve an unknown organism. With these changes the Department will receive more precise information and thereby be better equipped to respond quickly and effectively to disease outbreaks or unusual or uncommon adverse health conditions.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S., §§ 1-502 and 1-503.

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Lauri Smithee, Chief, Acute Disease Service; or may before February 3, 2010, submit written comment to Lauri Smithee, Chief, Acute Disease Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

Notices of Rulemaking Intent

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010 to Lauri Smithee, Chief, Acute Disease Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to LauriS@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1498; filed 12-10-09]

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

[OAR Docket #09-1499]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

310:526-1-3. [AMENDED]

Subchapter 3. Oklahoma Dental Loan Repayment Program

310:526-3-2. [AMENDED]

310:526-3-3. [AMENDED]

SUMMARY:

This proposal amends the existing rule providing definitions and requirements of the Oklahoma Dental Loan Repayment

Program (Program). This proposal will (1) change the definition of "new dental school graduate" from a dentist who has graduated during the last three years to a dentist who has graduated during the last five years, (2) provide an option for the Advisory Committee and Department to designate full time equivalent positions when warranted, and (3) add additional considerations to the participant selection process.

The primary circumstance creating this change is the difficulty in filling applicable faculty positions with dentists just three years or less out of school.

It is expected this amendment will increase the eligible applicant pool; increase the geographic diversity of the dentists seeking participation in the shortage areas; increase the number of qualified, experienced dentists seeking a faculty position at the College of Dentistry; and make better use of the funds provided by the legislature.

AUTHORITY:

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

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may informally discuss the proposed rules with Susan L. Potter, Dental Health Service; or before February 3, 2010 may submit written comments to Susan L. Potter, Dental Health Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1207; or before February 3, 2010, may send electronic mail to susanp@health.ok.gov; or may ask to present written or oral views at the hearing.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, to Susan L. Potter, Dental Health Service, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1207, or by email to susanp@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from Susan L. Potter, Dental Health Service, Room 712, Oklahoma

State Department of Health Building, 1000 NE 10th Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Susan L. Potter, Dental Health Service, Oklahoma State Department of Health, (405) 271-5502.

[OAR Docket #09-1499; filed 12-9-09]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 531. VISION SCREENING**

[OAR Docket #09-1500]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provision
 - 310:531-1-1 [AMEMDED]
 - 310:531-1-3 [AMENDED]
- Subchapter 5. Vision Screening Standards for Children
 - 310:531-5-1 [AMENDED]
 - 310:531-5-2 [AMENDED]
 - 310:531-5-3 [AMENDED]
 - 310:531-5-5 [NEW]
 - 310:531-5-6 [NEW]
 - 310:531-5-7 [NEW]
 - 310:531-5-8 [NEW]
 - 310:531-5-9 [NEW]
- Subchapter 7. Registry Enforcement for Vision Screening Providers
 - 310:531-7-1 [AMEMDED]
 - 310:531-7-2 [AMENDED]
 - 310:531-7-3 [AMENDED]
 - 310:531-7-4 [AMENDED]
 - 310:531-7-5 [AMENDED]
 - 310:531-7-6 [AMENDED]
 - 310:531-7-7 [NEW]
- Subchapter 9. Sports Eye Safety Resource [NEW]
 - 310:531-9-1 [NEW]
 - 310:531-9-2 [NEW]

SUMMARY:

The proposed revisions to Subchapter one (1) clarify definitions. The proposed revisions to Subchapter five (5) clarify qualifications for initial recognition and renewal of vision screening providers, vision screener trainers, and trainers of trainers of vision screening providers. The proposed revisions in Subchapter seven (7) clarifies purpose, grounds for discipline, complaint investigation, summary removal, appearance before the Advisory Committee, right to a hearing and hearing procedure and decisions for vision screening

providers and trainers. The proposed revisions to Subchapter nine (9) clarify the role of the Committee in serving as a resource for sports eye safety; making available educational materials to Oklahoma K-12 public school districts and non-profit community sports organizations detailing the risk of eye injuries associated with sports activities and education about the availability of protective eyewear that reduces the risk of sports related eye injuries.

These rule changes are necessary clarify the standards which persons engaged in vision screening and training of vision screener must meet to engage those respective activities to maintain their certification and the process for revoking such certification. Additionally, subchapter 9 is proposed to implement legislation requiring the Vision Screening Advisory Committee to serve as a source of information regarding sports eye safety and prevention of associated eye injuries.

AUTHORITY:

Oklahoma State Board of Health; 63 O.S. § 1-104 and 70 O.S. § 1210.284.

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Suzanna Dooley, Maternal and Child Health Service; or may before February 3, 2010, submit written comment to Suzanna Dooley, Maternal and Child Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010 to Suzanna Dooley, Maternal and Child Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to SuzannaD@health.ok.gov.

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Suzanna Dooley, MS, ARNP, Chief, Maternal and Child Health Service, (405) 271-4480.

[OAR Docket #09-1500; filed 12-10-09]

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

[OAR Docket #09-1501]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

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

SUMMARY:

This rule change is being proposed to add a requirement for one dose of Tdap vaccine for students entering the seventh grade in the fall semester of 2011 and extending up one grade level each year until all students in grades seventh through twelfth are required to receive the dose of Tdap vaccine in order to comply with national recommendations for use of the vaccine and thereby reduce the incidence of pertussis in Oklahoma.

AUTHORITY:

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

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Susan Mendus, Immunization Service; or may before February 3, 2010, submit written comment to Susan Mendus, Education and Training Director, Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1299; or may at the hearing ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010 to Susan Mendus, Education and Training Director, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to susanm@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1501; filed 12-10-09]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 551. ADVANCEMENT IN STEM CELL CURES AND THERAPIES ACT

[OAR Docket #09-1502]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Required Information for Reporting
310:551-3-2 [NEW]
310:551-3-3 [NEW]

Subchapter 5. Confidentiality of Information and Responsibilities of Information Providers [NEW]

310:551-5-1 [NEW]
310:551-5-2 [NEW]
310:551-5-3 [NEW]
310:551-5-4 [NEW]

SUMMARY:

This proposal establishes a reporting system to the Oklahoma State Department of Health as defined by House Bill 3126, The Advancement in Stem Cell Cures and Therapies Act.

AUTHORITY:

Oklahoma State Board of Health 63 O.S. Supp 2008, § 1-270.2

COMMENT PERIOD:

January 4, 2010 through February 3, 2010. Interested persons may discuss informally the proposed rules with Sharon Vaz, MSGC,RN, Screening Special Services; or may before February 3, 2010, submit written comment to Sharon Vaz, MSGC,RN, Screening Special 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:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 03, 2010 to Sharon Vaz, MSGC, RN, Screening, Special Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to Sharonav@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Sharon Vaz, MSGC, RN, Chief (Interim), Screening Special Services, (405) 271-6617.

[OAR Docket #09-1502; filed 12-10-09]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 615. AMBULATORY SURGICAL
CENTER REGULATIONS CENTERS**

[OAR Docket #09-1503]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 310:615-1-2.2 [NEW]
 - 310:615-1-3.1 [NEW]
 - 310:615-1-3.2 [NEW]
- Subchapter 3. Administration and Organization
 - 310:615-3-8 [AMENDED]
- Subchapter 5. Minimum Standards
 - 310:615-5-1 [AMENDED]

SUMMARY:

310:615-1-2.2 This new rule language describes the requirements of the license application process for new and renewing ambulatory surgical centers which has not been well defined previously. The proposed rule also establishes an initial license fee for new ambulatory surgical centers of two thousand dollars (\$2,000.00) and a renewal license fee for existing ambulatory surgical centers of five hundred dollars (\$500.00). Title 63 O.S., Section 1-106(E) authorizes the State Board of Health to establish a system of fees in the issuance and renewal of licenses through the rulemaking process within specified ranges. The license fee currently in place for ambulatory surgical centers was established in statute in 1976 in the amount of one hundred dollars (\$100.00) and has not been changed since. These proposed amendments related to the licensure process are necessary in order to provide clarity for providers of ambulatory surgical center services and to establish a well defined, transparent and predictable application process for licensure of these facilities. The increased fee for initial licensure and renewal is necessary to partially offset the cost of providing administrative licensure services and regulatory oversight for these facilities.

310:615-1-3.1 and 310:615-1-3.2 - The current rule does not address procedures or fees for the submission of design and construction documents for Department staff review prior to the start of any new construction or significant renovation of existing licensed ambulatory surgical center space. The proposal establishes procedures and sets a review fee that ranges from two hundred fifty dollars (\$250.00) up to two thousand dollars (\$2000.00) on a sliding scale based on the cost of the design and construction of the specific project to be reviewed. These proposed amendments related to plan submission and review are necessary in order to provide clarity for providers of ambulatory surgical center services and to establish a well defined, transparent and predictable plan review process for these facilities. The new fee for review of construction documents for new ambulatory surgical centers and renovated spaces of existing ambulatory surgical centers is necessary to partially offset the cost of providing plan review and construction inspection services and related regulatory oversight for these facilities.

310:615-3-8 - The existing rule language contains an incorrect reference to the Oklahoma Administrative Code related to the standards for hospital licensure. The language incorrectly references Chapter 655. This proposed rule corrects the reference to the current chapter of rule as Chapter 667 Hospital Standards. This correction is necessary so

Notices of Rulemaking Intent

that the requirements in the hospital standards related to the performance of the consultant pharmacist can be applied to licensed ambulatory surgical centers.

310:615-5-1 - The current rule language requires ambulatory surgical centers to have a formal transfer agreement with a general hospital located not more than a twenty (20) minute travel distance from the center. The proposed amendments offer ambulatory surgical centers the option of not entering into such an agreement if all physicians performing surgery in the center have admitting privileges at such a hospital. This proposed change is necessary to conform with a statutory change effected by HB 1375 effective November 1, 2007 and codified in Title 63 O.S., Section 2666 and is consistent with the federal Medicare Conditions for Coverage for ambulatory surgical centers.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; Title 63 O.S. Section 1-106.1(E); and Title 63 O.S. Sections 2662 and 2666.

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with Tom Welin, Chief, Medical Facilities; or may, before February 12, 2010, submit written comment to Tom Welin, Chief, Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; telephone: (405) 271-6576; electronic mail: tomw@health.ok.gov; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, to Tom Welin, Chief, Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to tomw@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street,

Oklahoma City, OK 73117-1299 or via electronic mail request to medicalfacilities@health.ok.gov, or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1503; filed 12-10-09]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 642. OKLAHOMA EMERGENCY RESPONSE SYSTEMS STABILIZATION AND IMPROVEMENT REVOLVING FUND

[OAR Docket #09-1504]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

310:642-1-1 [NEW]

310:642-1-2 [NEW]

310:642-1-3 [NEW]

Subchapter 3. Applications [NEW]

310:642-3-1 [NEW]

310:642-3-2 [NEW]

Subchapter 5. Scoring [NEW]

310:642-5-1 [NEW]

Subchapter 7. Disbursement [NEW]

310:642-7-1 [NEW]

310:642-7-2 [NEW]

Subchapter 9. Evaluation [NEW]

310:642-9-1 [NEW]

SUMMARY:

This new chapter of rule is being proposed in response to the statutory mandates established by SB 1918 of the 2nd Session of the 51st Oklahoma Legislature, effective November 1, 2008 and codified at Title 63 O.S., Section 1-2512.1. This law creates the Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund (OERSSIRF) and requires the State Board of Health to promulgate rules establishing a formula and procedure for the distribution of funds accruing to the benefit of the fund. The monies in this fund shall be expended by the Department for the purpose of funding assessment activities, stabilization and/or reorganization of at-risk emergency medical services, development of regional emergency medical services, training for emergency medical directors, access to training front line emergency medical services personnel, capital and equipment

needs. This proposed rule is intended to establish a well defined, predictable and transparent mechanism to distribute monies accruing to OERSSIRF to support the availability of high quality, sustainable pre-hospital medical care in Oklahoma. The proposed rule establishes the following sections:

310:642-1-1. Purpose [NEW] establishes rules to distribute the Oklahoma Emergency Response Systems Stabilization and Improvement Revolving Fund (OERSSIRF);

310:642-1-2. Program description [NEW] defines the Department's authority to distribute funds;

310:642-1-3. Definitions [NEW] identifies the meaning of words and terms utilized in the Chapter;

310:642-3-1. Application review and disposition [NEW] defines the application, review and disposition process for applications for OERSSIRF fund;

310:642-3-2. Applicable law, deadline for applications, eligible project costs, maximum award [NEW] identifies OERSSIRF application submission deadlines, projects eligible for OERSSIRF funds and maximum awards;

310:642-5-1 OERSSIRF funding priority point system [NEW] defines the process by which applications for OERSSIRF will be prioritized and awarded in accordance with a defined scoring (point)system for comparing applications;

310:642-7-1. Content of application. [NEW] defines the documentation required for project submission for OERSSIRF funding;

310:642-7-2. Disbursement of funds. [NEW] defines the Departments notification to applicants of OERSSIRF award approval, bid filing, and conditions to be met by award applicant;

310:642-9-1. Evaluation of Projects. [NEW] describes evaluation of benchmark measures identified in the project application by the Department.

AUTHORITY:

Oklahoma State Board of Health: Title 63 O.S. Section 1-2512.1 as created by Section 8 of Enrolled Senate Bill No. 1918 of the 2nd Session of the 51st Oklahoma Legislature, effective November 1, 2008.

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. R. Shawn Rogers, EMS Director, Emergency Systems, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-4027, facsimile: 405-271-4240, email: shawnr@health.ok.gov; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in Room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting

data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, R. Shawn Rogers, EMS Director, Emergency Systems, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-4027, facsimile: 405-271-4240, email: shawnr@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Emergency Systems, Medical Facilities, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, via electronic mail request to shawnr@health.ok.gov or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

R. Shawn Rogers, EMS Director, Emergency Systems, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-4027, facsimile: 405-271-4240, email: shawnr@health.ok.gov.

[OAR Docket #09-1504; filed 12-10-09]

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

[OAR Docket #09-1505]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Administration, Records and Policies

310:663-19-4 [NEW]

SUMMARY:

310:663-19-4 There is currently, no Rule that addresses the prevention and mitigation of abuse, neglect and the misappropriation of resident's property. This proposal promulgates procedures addressing abuse, neglect and the misappropriation of resident's property by requiring written policy statements and sets training criteria and timeframes. This change is necessary because no current rule defines the facility's responsibility to identify, investigate and take protective measures to ensure residents are free from abuse

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and neglect. The effect of the Rule change will be that actions are taken to prevent and mitigate abuse, neglect and the misappropriation of resident's property. The proposal allows the Department to meet the requirement as set forth in statute at, 43A O.S. Section 10-104.

AUTHORITY:

Oklahoma State Board of Health, 63 O.S. Section 1-104 and 63 O.S. Section 1-890 et seq.

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with James Buck, Assistant Chief, Long Term Care Service; or may, before February 12, 2010, submit written comment to James Buck, Assistant Chief, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. Section 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, to James Buck, Assistant Chief, Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to jimob@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, via electronic mail request to jimob@health.ok.gov, or via the Long Term Care Service website at <http://ltc.health.ok.gov>.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

James Buck, Assistant Chief, Long Term Care Service, (405) 271-6868.

[OAR Docket #09-1505; filed 12-10-09]

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

[OAR Docket #09-1506]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 59. Classification of Hospital Emergency Services

310:667-59-20 [AMENDED]

SUMMARY:

The existing rule language specifies the requirements a licensed hospital must meet in order to be classified as a Primary Stroke Center or a Secondary Stroke Facility. The proposed amendments to the rules for the classification of emergency stroke services remove certain requirements for some nonessential supplies, medications, and equipment that have become a barrier to certain hospitals classifying at a specific level for emergency stroke services that otherwise would meet the classification requirements. The deleted elements duplicate requirements that are included in other sections of the rule that describe the classification of emergency neurology services. Removal of these requirements in the stroke section does not adversely impact the intent of the rule which is to improve access to peripheral thrombolytic therapy for patients suffering from acute onset of ischemic stroke. Removal of these nonessential requirements may allow several additional licensed hospitals to classify as Primary Stroke Centers thereby improving the availability of peripheral thrombolytic therapy for the citizens of Oklahoma.

AUTHORITY:

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

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with Tom Welin, Chief, Medical Facilities; or may, before February 12, 2010, submit written comment to Tom Welin, Chief, Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; telephone: (405) 271-6576; electronic mail: tomw@health.ok.gov; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, to Tom Welin, Chief, Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to tomw@health.ok.gov.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #09-1506; filed 12-10-09]

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

[OAR Docket #09-1507]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
310:669-1-3 [AMENDED]

SUMMARY:

The purpose of the proposed amendment is to delete the language specifying the manner that distribution calculations of the pro rata share are computed to ensure that smaller, primarily rural, distribution entities are not excluded in participation of the fund. The analysis conducted upon the release of the final report by the OSDH Internal Auditing Division on April 9, 2009 revealed that if the Rule language at 310:669-1-3 is strictly interpreted, all licensed ground ambulance services in the state of Oklahoma, with the exception of two urban and one rural services, would be excluded from participation in the fund and many rural hospitals would also be excluded. Removal of this restrictive language is critical to the successful application of the Trauma

Care Assistance Revolving Fund to develop and support a sustainable trauma system in Oklahoma. The proposal deletes rounding language that requires calculations to be rounded to the third decimal place.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. § 1-104; and Title 63 O.S. §§ 1-2530.1 et seq.)

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with Patrice Greenawalt, Assistant Chief, Medical Facilities Service; or may, before February 12, 2010, submit written comment to Patrice Greenawalt, Assistant Chief, Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-4027; electronic mail: patriceg@health.ok.gov; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, to Patrice Greenawalt, Assistant Chief, Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma City, OK 73117-1299; telephone: 405-271-4027; electronic mail: patriceg@health.ok.gov;

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Emergency Systems Unit, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299 or via electronic mail request to patriceg@health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Patrice Greenawalt, Assistant Chief, Medical Facilities Service, Protective Health Services, Oklahoma State Department of Health, 1000 NE 10th Street, Oklahoma

Notices of Rulemaking Intent

City, OK 73117-1299; telephone: 405-271-4027; electronic mail: patriceg@health.ok.gov.

[OAR Docket #09-1507; filed 12-10-09]

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

[OAR Docket #09-1508]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Resident care services

310:675-9-5.1. [AMENDED]

Subchapter 13. Staff requirements

310:680-13-5 [AMENDED]

SUMMARY:

310:675-9-5.1 The current Rule provides for the procedures and terms of resident assessments that shall include a minimum data set (MDS) in the form required under 42 CFR 483.20. This proposal removes the requirement for Intermediate Care Facilities for the Mentally Retarded (ICF/MR) to use the MDS for resident assessment. This change is necessary because the MDS was federally designed for use in nursing facilities but not intended for assessment of the developmentally disabled. The effect of the Rule change will be elimination of the requirement for ICF/MR to use a MDS form for resident assessment and will allow facilities to align resources in addressing the active treatment needs of residents.

310:675-13-5 The current Rule sets forth inservice training intervals for pain screening, management and assessment. The proposal establishes an annual requirement for facilities to provide all direct care staff with two hours of inservice training in addition to training in orientation. The effect of the Rule change will be assurance of a competent workforce through incorporation of a diverse curriculum in patient care.

AUTHORITY:

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

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with James Buck, Assistant Chief, Long Term Care Service; or may, before February 12, 2010, submit written comment to James Buck, Assistant Chief, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. Section 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion

of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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 February 3, 2010, to James Buck, Assistant Chief, Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to jimob@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, via electronic mail request to jimob@health.ok.gov or via the Long Term Care Service website at <http://ltc.health.ok.gov>.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

James Buck, Assistant Chief, Long Term Care Service, (405) 271-6868

[OAR Docket #09-1508; filed 12-10-09]

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

[OAR Docket #09-1509]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Licensure requirements

310:680-3-6 [AMENDED]

310:680-3-14 [NEW]

Subchapter 9. Dietary requirements

310:680-9-1 [AMENDED]

SUMMARY:

310:680-3-6 The current Rule provides for the procedures and terms of incidents reportable to the Department. This proposal clarifies incidents required to be reported to the Department. This change is necessary because current rule is not clear as to the criteria pertaining to incidents reportable to the Department. The effect of the Rule change

will be clarification regarding those incidents that result in fractures, head injuries and require treatment at a hospital as being reportable incidents. The proposal will allow for incidents, which result in serious injuries, to be more accurately quantified.

310:680-3-14 There is no Rule promulgated to enforce the statutory definition of a Residential Care Home. This proposal establishes the requirement for licensed facilities to comply with the definition of "Residential Care" as defined in statute at, 63 O.S. Section 1-820. The effect of the Rule change will be the ability to ensure a safe and healthy environment is provided and maintained for individuals residing in these entities. The proposal will make certain that residents are appropriately placed thereby receiving appropriate care.

310:680-9-1 The current Rule provides for the procedures and terms a licensed facility shall be in compliance with pertaining to food service. This proposal establishes OAC 310:257 (food service establishment rules) as the governing regulation for the storage, preparation and serving of food. This change is necessary because current rule requires compliance with obsolete versions of the food service establishment rules and the milk and milk product regulations. The effect of the Rule change will be the effectuation of the current food service establishment rules with a direct benefit to residents by reducing the potential for foodborne illnesses through safe food practices.

AUTHORITY:

Oklahoma State Board of Health, 63 O.S. Section 1-104; and 63 O.S. Section 1-819 et seq.

COMMENT PERIOD:

January 4, 2010, through February 3, 2010. Interested persons may informally discuss the proposed rules with James Buck, Assistant Chief, Long Term Care Service; or may, before February 12, 2010, submit written comment to James Buck, Assistant Chief, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. Section 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on February 3, 2010, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 from 11:00 a.m. until 1:00 p.m. At the discretion of the presiding official, the meeting may continue beyond 1:00 p.m. if it is necessary to receive all comments from the public. Interested persons may attend for the purpose of submitting data, views or arguments, orally or in writing, about the rule proposal described and summarized in this Notice.

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

February 3, 2010, to James Buck, Assistant Chief, Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to jimob@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, via electronic mail request to jimob@health.ok.gov, or via the Long Term Care Service website at http://ltc.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

James Buck, Assistant Chief, Long Term Care Service, (405) 271-6868.

[OAR Docket #09-1509; filed 12-10-09]

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

[OAR Docket #09-1472]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Office of the Executive Director
[AMENDED]

Subchapter 5. Office of Human Resources Management
[AMENDED]

Subchapter 13. Office of Public Integrity [AMENDED]

SUMMARY:

Changes to Subchapter 1 are due to modification of the juvenile grievance process and abuse reporting requirements. Subchapter 13 is being amended to comply with changes in Title 10 that requires OJA to promulgate rules that outline the certification and licensing of Secure Juvenile Facilities.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 4, 2010 through February 4, 2010 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 4, 2010 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

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REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before January 18, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Operations Supervisor, (405) 530-2820

[OAR Docket #09-1472; filed 12-11-09]

TITLE 377. OFFICE OF JUVENILE AFFAIRS CHAPTER 10. OFFICE OF JUVENILE AFFAIRS

[OAR Docket #09-1471]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 377:10-1-1.1. Definitions [AMENDED]
- 377:10-1-3. Discipline [AMENDED]
- 377:10-1-4. Use of physical force and/or mechanical restraints [AMENDED]

SUMMARY:

Rule revisions in Chapter 10 are due to changes in the use-of-force continuum for delinquent and youthful offenders.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 4, 2010 through February 4, 2010 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 4, 2010 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before January 18, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Operations Supervisor, (405) 530-2820

[OAR Docket #09-1471; filed 12-11-09]

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

[OAR Docket #09-1473]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 377:35-1-2. Definitions [AMENDED]
- Subchapter 3. Security and Control
- 377:35-3-7. Contraband and facility prohibited items [AMENDED]
- 377:35-3-8. Searches and control of contraband/evidence [AMENDED]
- 377:35-3-10. Escape policies and procedures [AMENDED]
- Subchapter 9. Juvenile Rights
- 377:35-9-3. Child (Juvenile) abuse [AMENDED]

SUMMARY:

Rule revisions in subchapter 35 are needed to ensure that institutional rules are congruent with new licensing provisions. 377:35-09-03 is being modified to clarify reporting criteria for juveniles adjudicated as youthful offenders.

AUTHORITY:

The Board of Juvenile Affairs, pursuant to 10A O.S., § 2-7-101(H)(3) and 2-7-101 (I)(1) and 75 O.S. §302(A)(1).

COMMENT PERIOD:

Written comments will be accepted during regular business hours from January 4, 2010 through February 4, 2010 at: Office of Juvenile Affairs, 3812 N. Santa Fe, P.O., Box 268812, Oklahoma City, OK 73126-8812, Attn: Robert Morey. Email comments may be sent to Robert.Morey@oja.ok.gov. During the same time period, oral comments may be made to Robert Morey @ (405) 530-2820 during regular business hours.

PUBLIC HEARING:

A Public Hearing will be held at 9:00 a.m. on February 4, 2010 at the Office of Juvenile Affairs, 3812 N. Santa Fe, 4th Floor Board Room, Oklahoma City, OK. 73126-8812.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF THE PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is being prepared and will be available for review on or before January 18, 2010 at the above address for the Office of Juvenile Affairs.

CONTACT PERSON:

Robert Morey, Operations Supervisor, (405) 530-2820

[OAR Docket #09-1473; filed 12-11-09]

**TITLE 405. OKLAHOMA DEPARTMENT OF LIBRARIES
CHAPTER 35. FEES**

[OAR Docket #09-1474]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

405:35-1-2 [AMENDED]

SUMMARY:

The proposed amendment revises language referring to specific online legal products to conform to language used by the Oklahoma Department of Central Services in its statewide contract for online legal databases. The proposed amendment also eliminates the fee for a publication no longer available and establishes a fee of \$5.00 for the filing of public land survey corner records. The circumstances creating the need for the proposed amendments regarding the filing of public land survey corner records include the need to generate additional revenues to maintain the current level of service to licensed land surveyors and the public.

AUTHORITY:

Oklahoma Department of Libraries; 65 O.S. Section 2-106(m); 65 O.S. Section 3-120(c)

COMMENT PERIOD:

Persons may submit written or oral comments to Jan Davis at the Oklahoma Department of Libraries, Allen Wright Memorial Library, 200 N.E. 18th Street, Oklahoma City, OK 73105 during the period from January 4, 2010 to February 11, 2010.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Friday, February 12, 2010, in the South Conference room of the Allen Wright Memorial Library, 200 N.E. 18th Street, Oklahoma City, OK. Anyone who wishes to speak must sign in at the door by 10:05 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 4:30 p.m. February 11, 2010 at the following address: Jan Davis, Oklahoma Department of Libraries, 200 N.E. 18th Street, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Oklahoma Department of Libraries, 200 N.E. 18th Street, Oklahoma City, OK 73105.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be prepared and may be obtained from the Oklahoma Department of Libraries at the above address beginning January 15, 2010.

CONTACT PERSON:

Jan Davis, Administrative Archivist, (405) 521-2502; email address: jdavis@oltn.odl.state.ok.us

[OAR Docket #09-1474; filed 12-11-09]

Notices of Rulemaking Intent

TITLE 435. STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION CHAPTER 50. LICENSED PEDORTHISTS

[OAR Docket #09-1468]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Annual Renewal/Continuing Education
435:50-5-3. Continuing education requirements for
renewal [AMENDED]

SUMMARY:

The proposed amendments would accept current certification by the American Board for Certification in Orthotics, Prosthetics and Pedorthics as meeting the continuing education requirements for renewal for Pedorthists licensed in the state.

AUTHORITY:

TITLE 59 O.S., Section 2304, State Board of Medical Licensure and Supervision

COMMENT PERIOD:

The comment period will run from January 4, 2010 to February 12, 2010. 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 February 22, 2010, 10:00 a.m. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma. Written notice of intent to make oral comment must be received by this office no later than February 12, 2010.

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, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

RULE IMPACT STATEMENT:

A rule impact statement will be prepared and available after January 4, 2010 at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 848-6841, ext. 122

[OAR Docket #09-1468; filed 12-10-09]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #09-1457]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Administrative Components of the Department
612:1-3-2. The Director of Rehabilitation Services [AMENDED]
612:1-3-2.1. The Deputy Director of Rehabilitation Services [REVOKED]
612:1-3-3. The Division Administrators/School Superintendents [AMENDED]
612:1-3-8.1. Executive officers [AMENDED]
612:1-3-10. Final signature authority [AMENDED]
Subchapter 5. Program Divisions within the Department
612:1-5-4.2. Financial Services Division (FSD) [NEW]
Subchapter 17. Availability of Information, Scope and Description of Open Meetings
612:1-17-1. Access to DRS records [AMENDED]

SUMMARY:

The agency no longer has a Deputy Director and is not likely to ever have one again. Those duties have been assigned to the Chief of Staff. The agency is creating a new division to manage our budget and finances. The new division is the Financial Services Division.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted January 04, 2010 through February 10, 2010 during regular business hours by contacting Ray Leard, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3406.

PUBLIC HEARING:

Monday, February 8, 2010,
4:00 P.M. - 6:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
Tuesday, February 9, 2010,
1:00 P.M. - 3:00 P.M.,
Department of Human Services
2609 Lee Blvd, Large Conference Room
Lawton, Oklahoma
Wednesday, February 10, 2010,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing loss and Access
8740 E. 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 04, 2010, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Ray Leard, Alternate Rulemaking Liaison, (405) 951-3406

[OAR Docket #09-1457; filed 12-3-09]

**TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES
CHAPTER 3. MANAGEMENT SERVICES DIVISION**

[OAR Docket #09-1458]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 612:3-1-3. Functions of the division [AMENDED]
- Subchapter 3. Human Resources Unit
- Part 3. Human Resources Management Section - Personnel Programs
- 612:3-3-20. Department of Rehabilitation Services recruitment and selection plan [AMENDED]
- Subchapter 5. Policy Development and Program Standards
- Part 3. Policy Development
- 612:3-5-12. Policy Development [AMENDED]
- 612:3-5-13. Drafting of new or revised policy [AMENDED]
- Part 5. Program Standards
- 612:3-5-30. Vocational Rehabilitation and Visual Services compliance reviews [NEW]

SUMMARY:

The changes to Subchapter 3 are necessary due to the Merit rule change regarding the Optional Program for Hiring Applicants with Disabilities; the OPM on-line Applicant System; and the AG's recommendation that agencies not use the Fair Employment Practices Act applicant list. The

changes to Subchapter 5 are necessary in order to appoint a different person as liaison to the Office of Administrative Rules; changing Deputy Director to Chief of Staff; and moving compliance reviews out of the Vocational Rehabilitation division and back into the Management Services division.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted January 04, 2010 through February 10, 2010 during regular business hours by contacting Ray Leard, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3406.

PUBLIC HEARING:

- Monday, February 8, 2010,
4:00 P.M. - 6:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
- Tuesday, February 9, 2010,
1:00 P.M. - 3:00 P.M.,
Department of Human Services
2609 Lee Blvd, Large Conference Room
Lawton, Oklahoma
- Wednesday, February 10, 2010,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing loss and Access
8740 E. 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 04, 2010, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Ray Leard, Alternate Rulemaking Liaison, (405) 951-3406

[OAR Docket #09-1458; filed 12-3-09]

Notices of Rulemaking Intent

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 5. FINANCIAL SERVICES DIVISION (FSD)

[OAR Docket #09-1459]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions [NEW]
- 612:5-1-1. Purpose for Financial Policy [NEW]
- 612:5-1-2. Mission of the Financial Services Division [NEW]
- Subchapter 3. Regulatory Structures [RESERVED]
- Subchapter 5. Agency Encumbrances [RESERVED]
- Subchapter 7. Agency Expenditures [RESERVED]
- Subchapter 9. Agency Budget Activity [RESERVED]
- Subchapter 11. Special Accounts [RESERVED]
- Subchapter 13. Financial Services Miscellaneous [RESERVED]

SUMMARY:

The agency is creating a new division which will control the budgeting and financial services of the agency

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted January 04, 2010 through February 10, 2010 during regular business hours by contacting Ray Leard, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3406.

PUBLIC HEARING:

- Monday, February 8, 2010,
4:00 P.M. - 6:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
- Tuesday, February 9, 2010,
1:00 P.M. - 3:00 P.M.,
Department of Human Services
2609 Lee Blvd, Large Conference Room
Lawton, Oklahoma
- Wednesday, February 10, 2010,
1:00 P.M. 3:00 P.M.,
Total Source for Hearing loss and Access
8740 E. 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The Department of Rehabilitation Services (DRS) requests that business entities affected by these rules provide the DRS, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting,

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 04, 2010, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Ray Leard, Alternate Rulemaking Liaison, (405) 951-3406

[OAR Docket #09-1459; filed 12-3-09]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 10. VOCATIONAL REHABILITATION AND VISUAL SERVICES

[OAR Docket #09-1460]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 612:10-1-7. Purchase of services and goods for individuals with disabilities [AMENDED]
- 612:10-1-10. CARF - Vendors [NEW]
- Subchapter 3. Client Participation in Cost of Services
- 612:10-3-5. Basic living requirements [AMENDED]
- Subchapter 7. Vocational Rehabilitation and Visual Services
- Part 1. Scope of Vocational Rehabilitation and Visual Services
- 612:10-7-1. Overview of Vocational Rehabilitation and Visual Services [AMENDED]
- 612:10-7-2. Field office responsibilities [AMENDED]
- 612:10-7-3. Client responsibilities [AMENDED]
- 612:10-7-6. Assessment for determining eligibility [AMENDED]
- Part 3. Case Processing Requirements
- 612:10-7-27. Career planning center services [REVOKED]
- 612:10-7-28. Vocational evaluation referrals [REVOKED]
- 612:10-7-29. Vocational evaluation referral process [REVOKED]
- 612:10-7-30. Supportive services at career planning centers [REVOKED]
- 612:10-7-32. Production standards [REVOKED]
- 612:10-7-33. Supervisory caseload reviews [REVOKED]
- 612:10-7-33.1. Quality Assurance caseload reviews [REVOKED]

Part 5. Case Status and Classification System
612:10-7-47. Application status [AMENDED]
612:10-7-49. Closed - not accepted for services [AMENDED]
612:10-7-62. Post-Employment services [AMENDED]
Part 9. Actions Requiring Review and Approval
612:10-7-87. Actions requiring supervisor's approval [AMENDED]
612:10-7-88. Actions requiring field coordinator's approval [REVOKED]
Part 11. Physical and Mental Restoration Services
612:10-7-98. General guidelines for physical and mental restoration services [AMENDED]
612:10-7-101. Convalescent care [REVOKED]
612:10-7-102. Dental services [AMENDED]
612:10-7-103. Dialysis or treatment of end-stage renal disease [AMENDED]
612:10-7-104. Drugs and supplies [AMENDED]
612:10-7-105. Hearing aids [AMENDED]
612:10-7-106. Hospitalization [AMENDED]
612:10-7-109. Low vision services [AMENDED]
612:10-7-111. Medical services for individuals under age 21 [REVOKED]
612:10-7-112. Nursing services [AMENDED]
612:10-7-117. Psychiatric and psychological treatment [AMENDED]
Part 13. Supportive Services
612:10-7-130. Maintenance [AMENDED]
612:10-7-131. Transportation [AMENDED]
Part 15. Training
612:10-7-142. General guidelines for training services [AMENDED]
612:10-7-143. Coordination of training with other services [REVOKED]
612:10-7-145. Counseling activities during training program [AMENDED]
612:10-7-147. Special scholarships and training facilities [REVOKED]
612:10-7-150. Continued eligibility for college or university training [AMENDED]
612:10-7-151. Duration of college and university training [AMENDED]
612:10-7-152. Payment of tuition and fees at colleges and universities [AMENDED]
612:10-7-153. Textbook allowance for college and university students [AMENDED]
612:10-7-154. Allowance for durable training supplies for college and university students [REVOKED]
612:10-7-157. Out-of-state training [AMENDED]
612:10-7-159. Privately owned business and trade schools [AMENDED]
612:10-7-161. Public vocational schools [AMENDED]
612:10-7-162. Supplies and training tools for business, vocational and trade schools [AMENDED]
612:10-7-163. On-the-job training [AMENDED]

612:10-7-164. Personal and work adjustment training [AMENDED]
612:10-7-168. Duties of home counselor [REVOKED]
612:10-7-169. Duties of counselors who supervise clients in training facilities [REVOKED]
Part 21. Purchase of Equipment, Occupational Licenses and Certificates
612:10-7-220. Vehicle modification services [AMENDED]
Part 23. Self-Employment Programs and Other Services
612:10-7-230. Self-employment programs [AMENDED]
612:10-7-230.1. Definitions [REVOKED]
612:10-7-230.2. Self-Employment Guidelines [AMENDED]
612:10-7-230.3. Self-Employment/Business Plans [AMENDED]
612:10-7-230.4. Agency financial contribution to self-employment/purchasing [AMENDED]
612:10-7-230.5. DRS Monitoring [AMENDED]

SUMMARY:

Changes to Chapter 10 align policy with state law changing the authority order limit on purchasing; permits the agency to provide services to a larger group of low-income individuals; gives the professional counselor the power to make the decisions and be responsible for their decisions; clarifies that PELL and other federal/state student aid is applied as first dollar to the cost of college, university, vocational and trade school expenses before VR funds are used for this purpose; and aligns policy more closely with federal rules under the Rehabilitation Act, to improve clarity and remove extraneous language.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted January 04, 2010 through February 10, 2010 during regular business hours by contacting Ray Leard, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3406.

PUBLIC HEARING:

Monday, February 8, 2010,
4:00 P.M. - 6:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
Tuesday, February 9, 2010,
1:00 P.M. - 3:00 P.M.,
Department of Human Services
2609 Lee Blvd, Large Conference Room
Lawton, Oklahoma
Wednesday, February 10, 2010,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing loss and Access
8740 E. 11th, Conference Room
Tulsa, Oklahoma

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 04, 2010, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Ray Leard, Alternate Rulemaking Liaison, (405) 951-3406

[OAR Docket #09-1460; filed 12-7-09]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 20. SPECIAL SCHOOLS

[OAR Docket #09-1461]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 2. Contracted Instructional Personnel
- 612:20-2-11. Admonishment [AMENDED]
- 612:20-2-14. Immediate suspension of a teacher [AMENDED]
- 612:20-2-16. Administrators; suspension [AMENDED]
- 612:20-2-17. Full-time administrators; Appeal of dismissal or nonreemployment [AMENDED]

SUMMARY:

The agency no longer has a Deputy Director and is not likely to ever have one again. Those duties have been assigned to the Chief of Staff.

AUTHORITY:

Commission for Rehabilitation Services; 74 O.S. § 166.2

COMMENT PERIOD:

Written and oral comments will be accepted January 04, 2010 through February 10, 2010 during regular business hours by contacting Ray Leard, Department of Rehabilitation Services, 3535 NW 58th Suite 500, Oklahoma City, Oklahoma 73112, Telephone 405-951-3406.

PUBLIC HEARING:

Monday, February 8, 2010,
4:00 P.M. - 6:00 P.M.,
Department of Rehabilitation Services
2nd Floor Conference Room,
3535 N.W. 58th
Oklahoma City, Oklahoma
Tuesday, February 9, 2010,
1:00 P.M. - 3:00 P.M.,
Department of Human Services
2609 Lee Blvd, Large Conference Room
Lawton, Oklahoma
Wednesday, February 10, 2010,
1:00 P.M. - 3:00 P.M.,
Total Source for Hearing loss and Access
8740 E. 11th, Conference Room
Tulsa, Oklahoma

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Policy Development Unit, Department of Rehabilitation Services, 3535 N.W. 58th, Suite 500, Oklahoma City, Oklahoma 73112.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303 (D), a rule impact statement will be issued and made available after January 04, 2010, at the Department of Rehabilitation Services office at the above address.

CONTACT PERSON:

Ray Leard, Alternate Rulemaking Liaison, (405) 951-3406

[OAR Docket #09-1461; filed 12-3-09]

Cancelled Hearings/Comment Periods

If an agency cancels a hearing or comment period announced in a published Notice of Rulemaking Intent, the agency must submit a notice of such cancellation to the Office of Administrative Rules (OAR). The OAR publishes the cancellation notice in the next possible issue of the *Register*.

For additional information on cancelled hearings and comment periods, see OAC 655:10-7-27.

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

[OAR Docket #09-1510]

RULEMAKING ACTION:

Cancelled comment period and public hearing relating to a proposed PERMANENT rulemaking action

PROPOSED RULES:

Subchapter 1. Fine Schedules
Part 15. Consumer Protection Services Violations
35:3-1-23 [AMENDED]

REGISTER PUBLICATION OF NOTICE:

The Notice of Rulemaking Intent for this action was published at 27 Ok Reg 190.

CANCELLED COMMENT PERIOD:

December 1, 2009 through January 7, 2010

CANCELLED PUBLIC HEARING:

2:30 p.m., January 7, 2010, Oklahoma Department of Agriculture, Food, and Forestry, Board Room, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma

[OAR Docket #09-1510; filed 12-11-09]

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 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 20. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

[OAR Docket #09-1462]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 20. Emergency Planning and Community Right-to-Know [AMENDED]

SUBMITTED TO GOVERNOR:

11-30-09

SUBMITTED TO HOUSE:

11-30-09

SUBMITTED TO SENATE:

11-30-09

[OAR Docket #09-1462; filed 12-7-09]

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

[OAR Docket #09-1463]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Chapter 205. Hazardous Waste Management [AMENDED]

SUBMITTED TO GOVERNOR:

11-30-09

SUBMITTED TO HOUSE:

11-30-09

SUBMITTED TO SENATE:

11-30-09

[OAR Docket #09-1463; filed 12-7-09]

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

[OAR Docket #09-1464]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
252:611-1-3. Adoption and incorporation by reference [AMENDED]

SUBMITTED TO GOVERNOR:

11-30-09

SUBMITTED TO HOUSE:

11-30-09

SUBMITTED TO SENATE:

11-30-09

[OAR Docket #09-1464; filed 12-7-09]

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

[OAR Docket #09-1465]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
252:623-1-7. Incorporation by reference [AMENDED]

SUBMITTED TO GOVERNOR:

11-30-09

SUBMITTED TO HOUSE:

11-30-09

SUBMITTED TO SENATE:

11-30-09

[OAR Docket #09-1465; filed 12-7-09]

Submissions for Review

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

[OAR Docket #09-1466]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Introduction

252:631-1-3. Adoption of U.S. EPA regulations by
reference [AMENDED]

SUBMITTED TO GOVERNOR:

11-30-09

SUBMITTED TO HOUSE:

11-30-09

SUBMITTED TO SENATE:

11-30-09

[OAR Docket #09-1466; filed 12-7-09]

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

[OAR Docket #09-1470]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 13. Office of Public Integrity

Part 11. Requirements for Certification of Secure Juvenile
Facilities [NEW]

377:13-120 through 377:13-149

SUBMITTED TO THE GOVERNOR:

December 8, 2009

SUBMITTED TO THE HOUSE:

December 8, 2009

SUBMITTED TO THE SENATE:

December 8, 2009

[OAR Docket #09-1470; filed 12-11-09]

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

[OAR Docket #09-1476]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 13. Reduction-in-Force

Part 1. General Provisions for Reduction-in-Force

530:10-13-3 [AMENDED]

Subchapter 15. Time and Leave

Part 5. Miscellaneous Types of Leave

530:10-15-45 [AMENDED]

Subchapter 17. Performance Evaluation and Career Enhancement Programs

Part 7. Carl Albert Public Internship Program

530:10-17-70 [AMENDED]

530:10-17-75 [AMENDED]

530:10-17-76 [NEW]

530:10-17-77 [AMENDED]

AUTHORITY:

The Administrator of the Office of Personnel Management; 74 O.S., §§ 840-1.6A, 840-2.27C, 840-2.22, 840-3.2, 840-3.4 and 840-3.5.

DATES:

Adoption:

September 14, 2009

Approved by Governor:

November 2, 2009

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2010, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

The proposed amendments to 530:10-13-3 are necessary due to the recent enactment of HB 1296, which provides that if the appointing authority is governed by an elected official, notice of a reduction-in-force does not have to be approved by the agency's cabinet secretary. The proposed amendments to 530:10-17-70,75,76 and 77 are necessary due to the recent enactment of SB 670, which created a new internship category (Senior Undergraduate Internship). The proposed amendments to 530:10-15-45 are necessary to amend the Merit Rules to be consistent with recent federal amendments to the Family and Medical Leave Act.

ANALYSIS:

The proposed amendments to 530:10-13-3 are necessary due to the recent enactment of HB 1296, which provides that if the appointing authority is governed by an elected official, notice of a reduction-in-force does not have to be approved by the agency's cabinet secretary. The proposed amendments

to 530:10-17-70,75,76 and 77 are necessary due to the recent enactment of SB 670, which created a new internship category (Senior Undergraduate Internship). The proposed amendments to 530:10-15-45 are necessary to amend the Merit Rules to be consistent with recent federal amendments to the Family and Medical Leave Act.

CONTACT PERSON:

Kara I. Smith, General Counsel, Office of Personnel Management, 2101 N. Lincoln, G-80, Oklahoma City, OK 73105, (405) 522-1736.

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

SUBCHAPTER 13. REDUCTION-IN-FORCE

PART 1. GENERAL PROVISIONS FOR REDUCTION-IN-FORCE

530:10-13-3. Notice of reduction-in-force and time requirements

(a) **Cabinet Secretary approval.** Prior to the posting of any reduction-in-force notice, the notice shall be approved by the cabinet secretary for the agency conducting the reduction-in-force. [74:840-2.27C] If there is no incumbent cabinet secretary for the agency or if the appointing authority is governed by an elected official, the approval requirement shall not apply.

(b) **Notice.** At least **60** days before the scheduled beginning of reduction-in-force separations or as otherwise provided by law, the Appointing Authority shall post a notice in each office affected by the proposed reduction-in-force that a reduction-in-force will be conducted in accordance with the Oklahoma Personnel Act and Merit Rules. Such notice shall be posted for **5** days. The Appointing Authority shall provide a copy of the notice to the Administrator. A reduction-in-force shall not be used as a disciplinary action. [74:840-2.27C(A)]

(c) **Implementation plan.** The reduction-in-force implementation plan and subsequent personnel transactions directly related to the reduction-in-force shall be in compliance with rules adopted by the Administrator. The reduction-in-force implementation plan, including the description of and reasons for displacement limits and protections from displacement

Emergency Adoptions

actions, and severance benefits that will be offered shall be posted in each office affected by the plan within **5** business days after posting of the reduction-in-force notice. At the discretion of the Appointing Authority, the reduction-in-force implementation plan may be posted concurrently with the reduction-in-force notice. The reduction-in-force implementation plan shall:

- (1) Specify the position or positions to be abolished within specified units, divisions, facilities, agency-wide or any parts thereof, as determined by the Appointing Authority;
 - (2) Provide for retention of affected employees based on type of appointment;
 - (3) Require separation of probationary classified affected employees in affected job family levels, except those affected employees in probationary status after reinstatement from permanent classified status without a break in service, prior to the separation of any permanent classified affected employee in an affected job family level;
 - (4) Provide for the retention of permanent classified affected employees in affected job family levels and those affected employees in probationary status after reinstatement, based on years of service;
 - (5) Provide for exercise of displacement opportunities by permanent classified affected employees and those affected employees in probationary status after reinstatement if any displacement opportunities exist; and
 - (6) Provide for outplacement assistance and employment counseling from the Oklahoma Employment Security Commission and any other outplacement assistance and employment counseling that may be available. [74:840-2.27C(B)]
- (d) **Review of fiscal components.** The Director of the Office of State Finance shall, within **5** business days of receipt, review the fiscal components of the reduction-in-force implementation plan and reject any plan that does not meet the requirements of Section 840-2.27C(D) of Title 74 of the Oklahoma Statutes.

SUBCHAPTER 15. TIME AND LEAVE

PART 5. MISCELLANEOUS TYPES OF LEAVE

530:10-15-45. Family and medical leave

(a) The federal Family and Medical Leave Act of 1993 entitles eligible employees to family and medical leave. This section is not a comprehensive listing of the provisions of the federal Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations. To be eligible, an employee shall have been employed by the state at least **12** months and have worked at least **1,250** hours during the preceding **12**-month period.

(b) An eligible employee is entitled to family and medical leave for up to a total of **12** weeks during any **12**-month period, for the following reasons:

- (1) the birth of the employee's son or daughter, and to care for the newborn child;
- (2) the placement with the employee of a son or daughter for adoption or foster care;
- (3) to care for the employee's spouse, son, daughter, or parent with a serious health condition. As used in this subsection, "son" or "daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and incapable of self-care because of a mental or physical disability;
- (4) a serious health condition that makes the employee unable to perform the functions of the employee's job; or
- (5) any qualifying exigency (as defined by U.S. Department of Labor Regulations) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the Armed Forces in support of a contingency operation.

(c) An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 weeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period. During the single 12-month period described in this paragraph, an eligible employee shall be entitled to combined total of 26 weeks of leave under paragraph (b) and (c). Nothing in this paragraph shall be construed to limit the availability of leave under paragraph (b) during any other 12-month period.

(d) An Appointing Authority may require that an employee's request for family and medical leave to care for the employee's seriously-ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member. An Appointing Authority may require a certification issued by the health care provider of a covered servicemember being cared for by an employee.

(e) The entitlement to family and medical leave resulting from (b)(1) and (b)(2) of this Section expires at the end of the **12**-month period beginning on the date of the birth or placement.

(f) When family and medical leave is taken to care for a sick family member as defined in (b)(3) of this Section, a covered servicemember as referenced in (c) of this Section, or for an employee's own serious health condition, leave may be taken intermittently or on a reduced leave schedule when it is medically necessary. When family and medical leave is taken for a qualifying exigency as referenced in (b)(5) of this Section, leave may be taken intermittently or on a reduced leave schedule. An Appointing Authority may adopt a policy allowing family and medical leave to be taken intermittently to care for a newborn child or newly placed adopted or foster child.

(g) Whenever it is possible, an employee shall schedule family and medical leave to accommodate the operations of the employee's agency. An employee shall give the Appointing Authority notice and a leave request at least **30** days before leave is to begin if the need for family and medical leave is expected. In any case in which the necessity for leave under (b)(5) of this Section is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. When the need for family and medical leave is unexpected, an employee shall give the Appointing Authority notice and a leave request as soon as possible. The notice and request shall:

- (1) be in writing;
- (2) refer to this Section;
- (3) describe the reason for the family and medical leave;
- (4) specify the type of leave the employee is requesting to account for the time off; and
- (5) include any information or documentation required for the type of leave requested.

(h) The Appointing Authority has the responsibility to review requests for sick leave and leave without pay for designation as family and medical leave. The Appointing Authority has the right to designate leave taken for an FMLA-qualifying event as FMLA leave, regardless of whether the employee has requested FMLA leave. The Appointing Authority's designation decision shall be based only on information provided by the employee or the employee's spokesperson. In accordance with the federal Family and Medical Leave Act, the Appointing Authority shall not designate leave as family and medical leave retroactively, unless the Appointing Authority does not have sufficient information concerning the employee's reason for taking the leave until after the leave period has begun.

(i) Family and medical leave is not a separate type of leave, and it is not accrued or accumulated. An Appointing Authority shall give employees the following options to account for time lost because of leave under the federal Family and Medical Leave Act of 1993.

- (1) Charge to accumulated annual leave [74:840-2.22];
- (2) Charge to accumulated sick leave [74:840-2.22];
- (3) Charge to leave donated by other state employees under Section 840-2.23 of Title 74 of the **Oklahoma Statutes**, which is also known as "shared leave";
- (4) Charge to accumulated compensatory time. ~~If FMLA-qualifying leave is paid with an employee's accrued compensatory time, the time shall not be charged against the employee's FMLA entitlement [29 CFR 825.207(i)];~~ or
- (5) Record as leave without pay in accordance with 530:10-15-47.

(j) The agency shall continue paying the employee's insurance coverage while the employee is on family and medical leave.

(k) Upon return from family and medical leave, an employee shall have the right to be restored to the same or equivalent position and benefits, except for extension of his or her anniversary date for longevity pay, leave accrual, and calculation of retention points, he or she would have had if the employee

had been continuously employed in pay status during the leave period.

(l) An employee shall not be required to take more leave than necessary to resolve the circumstance that precipitated the need for leave.

SUBCHAPTER 17. PERFORMANCE EVALUATION AND CAREER ENHANCEMENT PROGRAMS

PART 7. CARL ALBERT PUBLIC INTERNSHIP PROGRAM

530:10-17-70. Purpose

(a) The rules in this Part establish policies and procedures to implement the Carl Albert Public Internship Program in accordance with Sections 840-3.2 through 840-3.7 of Title 74 of the **Oklahoma Statutes**.

(b) The Carl Albert Public Internship Program consists of ~~Executive Fellows internships and undergraduate internships.~~ Executive Fellows Internships, Undergraduate Internships and Senior Undergraduate Internships. *The purposes of the program shall be to assist students at institutions of higher education in gaining experience and knowledge in state government and to encourage recruitment of such students to pursue careers in state government service [74:840-3.2].* The rules governing the program apply to both merit system and non-merit system employing agencies.

(c) This part contains ~~3~~ **4** groups of Sections:

- (1) Section 530:10-17-74 pertains only to Undergraduate Internships,
- (2) Sections 530:10-17-75 and 530:10-17-84 pertain only to Executive Fellows Internships, ~~and~~
- (3) Section 530:10-17-76 pertains only to Senior Undergraduate Internships, and
- (4) Sections 530:10-17-77 through 530:10-17-82 pertain generally to the Carl Albert Public Internship Program.

530:10-17-75. Executive Fellows program

(a) **Eligibility.** An Executive Fellows Program consists of six-month to two-year placements in professional or managerial level positions for students [74:840-3.4(A)~~(2)(3)~~]. No person is eligible to participate in the Executive Fellows program for more than **2** years. To be considered for eligibility determination, applicants shall have completed a baccalaureate degree and at least **6** semester hours of graduate level coursework with at least a **3.0** grade point average on a **4.0** scale [74:840-3.4(A)~~(2)(3)~~] or a **7.0** on a **12.0** scale in all graduate level coursework. Applicants shall follow the procedures in 530:10-17-77 for eligibility determination.

(b) The Administrator may waive the completion of **6** semester hours of graduate level coursework required by subsection (a) of this section for **1** semester, if:

- (1) An individual currently employed by a state agency as a Carl Albert Public Internship Program undergraduate

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intern provides written verification to the Office of Personnel Management that he or she has:

- (A) completed an undergraduate degree, and
- (B) is enrolled in 6 semester hours of approved graduate level work; and

(2) The Appointing Authority or designee of the agency where the undergraduate intern is currently employed certifies in writing on a form provided by the Office of Personnel Management that the agency intends to employ the undergraduate intern as a Carl Albert Public Internship Program Executive Fellow immediately upon the undergraduate intern's completion of an undergraduate degree.

(c) The appointment of an Executive Fellow in accordance with subsection (b) is not effective until the Administrator approves:

- (1) the waiver of the 6 semester hours of graduate level coursework; and
- (2) an Executive Fellow agreement form prepared by the Appointing Authority in accordance with 530:10-17-77(f).

(d) At the end of the semester for which the waiver of the 6 semester hours of graduate level coursework was approved by the Administrator pursuant to subsection (b), the individual employed as a Carl Albert Public Internship Program Executive Fellow shall meet the eligibility requirements in subsection (a) of this section or be removed from the Carl Albert Public Internship Program. [74:840-3.5]

(e) **Conditions of employment.** Participants in the Executive Fellows Program who receive internship appointments shall:

- (1) be appointed in accordance with paragraph 10 of Section 840-5.5 of Title 74 of the **Oklahoma Statutes** [74:840-3.5(4)],
- (2) be granted leave benefits commensurate with regular state employees [74:840- 3.5(4)(5)],
- (3) be enrolled in the state health insurance and retirement benefits programs, if expected to work one thousand (1,000) or more hours per year,
- (4) continue to make scholastic progress toward their graduate degrees during each fall and spring semester until completion of all graduate degree requirements,
- (5) maintain the grade point average set out in (a) of this Section, and
- (6) complete the training requirements described in ~~(e)(3)~~ (f)(3) of this Section.

(f) **Responsibilities of appointing authorities.**

(1) The Appointing Authority or designee shall ensure that the intern provides written verification to the Office of Personnel Management that the intern is:

- (A) continuing to make scholastic progress toward a graduate degree, until completion of all graduate degree requirements, and
- (B) maintaining the grade point average set out in (a) of this Section.

(2) If this information is not transmitted to the Office of Personnel Management within 30 days after the end of the previous semester, the Administrator shall notify the

Office of State Finance and the Appointing Authority of the termination of the internship agreement in accordance with Section 530:10-17-82(a).

(3) Each Appointing Authority shall provide a minimum of 8 clock hours of job related training for Executive Fellows during each 6-month period, in addition to the training coordinated by the Administrator, and shall provide verification to the Office of Personnel Management of the completion of the training requirements.

(4) Each Appointing Authority shall rate the performance of participants in the Executive Fellows Program in accordance with Section 840-4.17 of Title 74 of the Oklahoma Statutes. [74:840-3.4]

530:10-17-76. Senior Undergraduate Program

(a) **Eligibility.** The Senior Undergraduate Program consists of positions for a term of up to 24 months for students who are currently enrolled in institutions of higher education and working toward a baccalaureate degree. [74:840-3.4(A)(2)]. No person is eligible to participate in the Senior Undergraduate Program for more than 2 years. To be considered for eligibility determination, applicants shall have at least 90 semester hours of undergraduate coursework with at least a 2.5 grade point average on a 4.0 scale [74:840-3.4(A)(2)]. Applicants shall follow the procedures in 530:10-17-77 for eligibility determination.

(b) **Conditions of employment.** Participants in the Senior Undergraduate Program who receive internship appointments shall:

- (1) be appointed in accordance with paragraph 10 of Section 840-5.5 of Title 74 of the **Oklahoma Statutes** [74:840-3.5(4)].
- (2) be granted leave benefits commensurate with regular state employees [74:840-3.5(4)].
- (3) be enrolled in the state health insurance and retirement benefits programs, if expected to work one thousand (1,000) or more hours per year.
- (4) continue to make scholastic progress toward their baccalaureate degrees during each fall and spring semester until completion of all undergraduate degree requirements.
- (5) maintain the grade point average set out in (a) of this Section, and
- (6) complete the training requirements described in (c)(3) of this Section.

(c) **Responsibilities of appointing authorities.**

(1) The Appointing Authority or designee shall ensure that the intern provides written verification to the Office of Personnel Management that the intern is:

(A) continuing to make scholastic progress toward a baccalaureate degree, until completion of all undergraduate degree requirements, and

(B) maintaining the grade point average set out in (a) of this Section.

(2) If this information is not transmitted to the Office of Personnel Management within 30 days after the end of the previous semester, the Administrator shall notify the Office of State Finance and the Appointing Authority of

the termination of the internship agreement in accordance with Section 530:10-17-82(a).

(3) Each Appointing Authority shall provide a minimum of 8 clock hours of job related training for Senior Undergraduate Interns during each 6-month period, in addition to the training coordinated by the Administrator, and shall provide verification to the Office of Personnel Management of the completion of the training requirements.

(4) Each Appointing Authority shall rate the performance of participants in the Senior Undergraduate Program in accordance with Section 840-4.17 of Title 74 of the Oklahoma Statutes. [74:840-3.4]

530:10-17-77. Application form and procedure

(a) Application form and applicant survey form.

(1) The Carl Albert Public Internship Program application is available from the Office of Personnel Management. The application form provides information about the application process and eligibility requirements. It solicits information about applicants and their qualifications for participation in the program.

(2) Applicants may apply at any time.

(3) An applicant may complete a voluntary survey form which solicits information related to demographics, including race or ethnic group, and disabilities. The information shall be used for statistical purposes only.

(b) Communication with the Office of Personnel Management. Interested persons may direct communications to the attention of the Carl Albert Public Internship Program in accordance with 530:1-1-12.

(c) Application procedure. Applicants for the internship program shall provide the following information to the Office of Personnel Management for review and determination of eligibility:

(1) A completed ~~and signed~~ application form as prescribed by the Administrator;

(2) Transcript(s) of coursework from accredited higher education institutions;

(3) A letter of nomination from a faculty member of the higher education institution where they are enrolled;

(4) A letter of recommendation from the current Appointing Authority, if the applicant is a state employee [74:840-3.4(C)];

(5) A resume;

(6) Three letters of recommendation from persons other than relatives or the nominating faculty member;

(7) Verification of current enrollment.

(d) Notification. The Administrator shall notify applicants if the documents they submit are sufficient for eligibility. A notice of eligibility does not mean the applicant will be employed as an intern.

(e) Length of eligibility. Applicant information on file at the Office of Personnel Management shall remain active if eligible applicants submit verification of current enrollment and an updated transcript each semester. If applicants fail to

provide updated information within 90 days after the end of the previous semester, they will no longer be eligible for employment as an intern and their names will be removed from the list of eligible applicants made available to state agencies.

(f) Appointment.

(1) The Administrator shall provide a list of all eligible applicants for the Carl Albert Public Internship Program to state agencies periodically and at an agency's request. An agency may request an eligible applicant list and copies of individual eligible intern files at any time.

(2) An agency may appoint any eligible applicant after the Administrator has approved a completed Carl Albert Public Internship Agreement Form described in (3) of this subsection. A new form shall be completed if there are any substantive changes to the original agreement.

(3) The Administrator shall provide the internship agreement form to state agencies. The form solicits information about the employing agency, the Executive Fellow, ~~or Undergraduate Intern, or the Senior Undergraduate Intern~~, and the internship faculty member. The form provides information regarding employment, benefits, training, work schedule, duties, compensation, and projected length of internship. Before an eligible applicant enters on duty, the agreement form shall be completed and signed by:

(A) The eligible applicant;

(B) The Appointing Authority or designee of the employing agency, who shall certify that the internship appointment does not contravene any provision of the Oklahoma Personnel Act or the Merit Rules;

(C) The college or university faculty member who shall monitor the internship; and

(D) A representative of the Administrator.

(4) All intern appointments are made at the discretion of the Appointing Authority. Executive Fellows will count against an agency's full-time-equivalent employee limit if an agency retains them after the internship time period is completed.

(5) The signature of the faculty member shall not be required when a Carl Albert Executive Fellow who has already completed his or her degree requirements is completing a new agreement form.

(g) State employees. State employees may apply to participate in the Carl Albert Public Internship Program. Permanent classified and regular unclassified employees who receive internship appointments may request leave without pay from their permanent or regular employment in accordance with 530:10-15-47, **Leave of absence without pay.** Probationary employees and regular unclassified employees with less than **12 months continuous service shall resign before entry-on-duty as an intern.**

[OAR Docket #09-1476; filed 12-11-09]

Emergency Adoptions

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

[OAR Docket #09-1477]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions

530:15-1-1 [AMENDED]

530:15-1-2 [AMENDED]

530:15-1-5 [AMENDED]

530:15-1-6 [AMENDED]

530:15-1-7 [AMENDED]

530:15-1-12 [AMENDED]

Subchapter 3. Administrative Provisions

530:15-3-7 [AMENDED]

530:15-3-7.1 [AMENDED]

530:15-3-8 [AMENDED]

Subchapter 5. Complaints and Hearings

530:15-5-8 [AMENDED]

AUTHORITY:

The Administrator of the Office of Personnel Management; 74 O.S., § 840-1.6A and 62 O.S. §34.70.

DATES:

Adoption:

September 14, 2009

Approved by Governor:

November 2, 2009

Effective:

Immediately upon Governor's approval.

Expiration:

Effective through July 14, 2010, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTION:

None

INCORPORATIONS BY REFERENCE:

None

FINDING OF EMERGENCY:

The proposed amendments to 530:15-1-1; 530:15-1-2; 530:15-1-5; 530:15-1-6; 530:15-1-7; 530:15-1-12; 530:15-3-7; 530:15-3-8; 530:15-5-8 are necessary to correct the statutory citations to the Voluntary Payroll Deduction statutes that were re-codified during the 1st Session of the 52nd Oklahoma Legislature. The proposed amendments to 530:15-3-7.1 are necessary due to the recent enactment of SB 670 and to amend the Voluntary Payroll Deduction Rules to be consistent with the statutory authority.

ANALYSIS:

The proposed amendments to 530:15-1-1; 530:15-1-2; 530:15-1-5; 530:15-1-6; 530:15-1-7; 530:15-1-12; 530:15-3-7; 530:15-3-8; 530:15-5-8 are necessary to correct the statutory citations to the Voluntary Payroll Deduction statutes that were re-codified during the 1st Session of the 52nd Oklahoma Legislature. The proposed amendments to 530:15-3-7.1 are necessary due to the recent enactment of SB 670 and to amend the Voluntary Payroll Deduction Rules to be consistent with the statutory authority.

CONTACT PERSON:

Kara I. Smith, General Counsel, Office of Personnel Management, 2101 N. Lincoln, G-80, Oklahoma City, OK 73105, (405) 522-1736.

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

SUBCHAPTER 1. GENERAL PROVISIONS

530:15-1-1. Purpose

The rules in this Chapter provide procedures for implementation of voluntary payroll deductions for employee association dues, educational employee organizations, employee association foundation contributions, payments to credit unions, banks, or savings associations, payments to supplemental insurance and retirement plans, payments to a college savings account, and subscriptions to Oklahoma Today magazine, as authorized for state employees by Section 7-1034.70 of Title 62 of the Oklahoma Statutes. Other types of voluntary payroll deductions (such as those for salary adjustment agreements under subsection B(4) of Section 7-1034.70, U.S. Savings Bonds or charitable gifts) are not addressed by the rules in this Chapter.

530:15-1-2. Definitions

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

"Administrator" means the chief administrative officer of the Office of Personnel Management, an officer of the State of Oklahoma appointed by the Governor pursuant to Section 840-1.6A of Title 74 of the **Oklahoma Statutes**, and authorized to establish procedures for administration of voluntary payroll deductions by Section 7-1034.70. The term, as used in this Chapter, includes employees of the Office of Personnel Management to whom the Administrator has lawfully delegated authority to act on his or her behalf.

"Appointing Authority" means the chief administrative officer of an agency. As the term is used in the Voluntary Payroll Deduction Rules, the term includes employees of an agency to whom the Appointing Authority has lawfully delegated authority to act on his or her behalf.

"Complaint" means a grievance with respect to any matter relevant to the Administrator's duties under Section 7-1034.70.

"Complainant" means a person or an organization that has submitted a complaint.

"Declaratory ruling" means an explanation of a rule or order and its applicability to a particular matter.

"Dues-paying" means, with respect to a member of an employee association, the member is either currently paying dues or has provided a valid authorization to have such dues withheld from pay and remitted to the association. [62: 7-1034.70 (B)(5)]

"Employee association" means a formal and continuing affiliation of state employees with the principle objective of speaking for and benefiting their interests as employees, in which membership is restricted to state employees but unrestricted as to the geographic location of their duty stations, and which has at least 2,000 dues-paying members. An employee organization also falls within this definition.

"Member" means:

- (A) with respect to a credit union, a shareholder; and
- (B) with respect to a bank or savings association, an account holder; and,

(C) with respect to an employee association, a person who has sought and been granted recognition as one of those within the field of membership as defined by the association's governing instruments.

"**Participation**" means the total number of state employees reported to the Office of Personnel Management for which amounts withheld from pay for a given month were remitted pursuant to employee authorization to a single billing unit as identified by its Federal Employer (Tax) Identification Number.

"**Party**" means any person, employee association, educational employee organization, credit union, bank, savings association or insurance organization that is the subject of, or requests, action by the Administrator in connection with any matter relevant to the Administrator's duties under Section 7-1034.70.

"**Product vendor**" means any of the following entities approved for state employees' voluntary payroll deduction:

- (A) an entity offering a supplemental retirement plan with a minimum participation of 500 state employees;
- (B) a private insurance organization with a minimum participation of 500 state employees for supplemental life, accident, or health insurance;
- (C) a private insurance organization with a minimum participation of 500 state employees for legal services;
- (D) the Oklahoma Tourism and Recreation Department as publisher of Oklahoma Today magazine.

"**Provided for by the State**" means:

- (A) for insurance purposes, the basic health, life, dental, or disability plan or any other such insurance a state agency is authorized to provide for its employees as evidenced by financial participation in those policies or a group policy(s) the agency has negotiated as a basic employment benefit; and
- (B) for retirement purposes, any state retirement system, deferred compensation program (commonly referred to as deferred annuities), or other retirement plan(s) a state agency is authorized to provide for its employees as evidenced by financial participation in those plans.

"**Section 7-1034.70**" means Section 7-1034.70 of Title 62 of the **Oklahoma Statutes**.

"**State agency**" means any office, department, board, commission, or institution of the State of Oklahoma."

"**State employee**" means any employee of a state agency.

"**Supplemental**" means:

- (A) for insurance purposes, life, accident (including income continuation during disability), legal, and health insurance policies not provided for by the State; and
- (B) for retirement purposes, plans that provide retirement income benefits and are not provided for by the State. In recognition of the powers conferred upon state institutions of higher education by Section 3905 of Title 70 of the **Oklahoma Statutes**, the Administrator will follow such institutions' decisions as

to whether an insurance policy or retirement plan is a basic or a supplemental employee benefit.

530:15-1-5. Construction

The rules in this Chapter shall be construed liberally to effectuate the purposes and provisions of Section 7-1034.70.

530:15-1-6. Determinations of fact and conclusions of law

All determinations of fact or conclusions of law shall be made by the Administrator. The Administrator may initiate actions when he determines it is necessary to do so in order to accomplish the objectives of Section 7-1034.70, and to carry out his duties thereunder. The Administrator may appoint one or more employees or officers to assist him in executing such duties.

530:15-1-7. Filing and inspection of documents

(a) Requests for declaratory rulings, applications for administrative actions, complaints or other communications regarding any matter relevant to the Administrator's duties under Section 7-1034.70 must be directed to the Administrator, Office of Personnel Management, 2101 N. Lincoln Blvd., Oklahoma City, OK 73105-4904; telephone (405) 521-2177.

(b) Except as provided elsewhere by the rules in this Chapter, no particular form is required. Requests for blank forms and general information may be directed to the Office of Personnel Management, Attention: Financial Management Services, at the same address and telephone number.

(c) A document that is required to be filed may be sent by mail or hand-delivered within the time limit, if any, for such filing. The date on which it is received at the Office of Personnel Management shall be deemed to be the date of filing. The document must be signed by the party to the action, by a duly authorized representative of the party, or by the party's attorney; provided, however, an application by a credit union, bank, savings association, employee association, or educational employee organization for approval or renewal of payroll deduction status must be signed by an officer of the organization. The signature of the person signing the document constitutes a certification that such person has read the document and has personal knowledge of the facts set forth therein; that every statement contained in the instrument is true and correct and no such statements are misleading; and that the document is not interposed for delay. If any document submitted is not signed or is signed with intent to defeat the purposes of the rules in this Chapter, it may be stricken as sham and false and the Administrator may proceed as though the document had not been served or filed.

(d) If a party has designated an attorney to represent it, the Administrator shall communicate with the party through the attorney, and consider that the attorney can act for and bind the party.

(e) A document a party has filed may be amended, upon the party's written request and in the discretion of the Administrator, at any time prior to final action. If amended, the document shall be effective as of the date of the original filing.

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(f) If a document that has been filed is not in substantial conformity with the applicable rules as to the contents thereof or is otherwise insufficient, the Administrator, on his own initiative or upon request of a party, may strike or dismiss such document, or require its amendment.

(g) All documents filed with the Administrator shall be retained in the files of the Office of Personnel Management in accordance with the Records Management Act, Section 201 through 216 of Title 67 of the **Oklahoma Statutes**. The Administrator may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents.

(h) Any document submitted to the Administrator with respect to a matter under Section ~~7-1034.70~~ and that is not exempt from public disclosure; any form that may be adopted by the Administrator; all rules, written statements of policy or interpretation; and all final orders, decisions and opinions formulated or used by the Administrator are available for public inspection.

530:15-1-12. Requests for declaratory rulings

(a) A party may request that the Administrator issue a declaratory ruling with regard to any matter relating to the party's interests and involving the administration of Section ~~7-1034.70~~. A request for declaratory ruling must be in writing and signed in accordance with the rules in this Chapter. No particular form is required. A request for declaratory ruling shall include the following:

(1) The name and address and organizational affiliation, if any, of the requesting party, and the title of any representative filing the request; and

(2) A clear and concise explanation why a declaratory ruling is needed, including such facts, names, citations of law and administrative rules that may be relevant to the matter.

(b) The Administrator will acknowledge receipt of the request for declaratory ruling within **15** days after receipt. If the request is repetitive, concerns a matter that in the Administrator's judgment is inappropriate for a declaratory ruling, or concerns a matter beyond the Administrator's scope of authority, the request may be denied and the party so advised.

(c) If a request for declaratory ruling names or will directly, materially and adversely affect another party, the Administrator shall provide the other party with written notice and afford such party an opportunity to respond in writing. Any response must be filed with the Office of Personnel Management within **15** days after the date notice was mailed.

(d) The Administrator will consider a request for declaratory ruling and issue a decision within **30** days after receipt, unless additional time is deemed necessary in which event the requestor will be so advised and given the reasons therefor.

SUBCHAPTER 3. ADMINISTRATIVE PROVISIONS

530:15-3-7. Dues for employee associations

(a) An employee association other than one specifically authorized payroll deduction for its dues by statute may request such status. The request must be made by filing a completed Form VPD-1 and providing the Administrator with information to show it is a statewide association limited to state employee membership and has at least 2,000 dues-paying members. [~~62:7-1034.70~~(B)(5)]

(b) Either of the following may be submitted as evidence that an employee association has at least (2,000) dues-paying members.

(1) Attestation by an independent public accountant or certified public accountant that the association had at least (2,000) members at the time of the accountant's examination of membership records, all of whom either were currently paying dues or had signed valid authorizations for payroll deduction of dues. The examination must have taken place within the **60** days preceding the date of application for payroll deduction status.

(2) Photocopies of membership application cards, showing the association name, date of membership application, member's name and address, employing state agency and signature authorizing payroll deduction of dues. These must be accompanied by an affidavit signed by a duly authorized representative of the association, attesting that all persons for whom cards are submitted are current members. Cards shall be considered valid if the dates thereon, and other evidence provided to the Administrator, indicate a regularity of continuing interest by the employees signing the cards.

(c) The Administrator may require an association that has previously been granted payroll deduction status to file a completed Form VPD-1 and to certify or demonstrate it continues to be a statewide association limited to state employees with at least (2,000) dues-paying members. The Administrator may utilize the State's payroll records to satisfy himself that there continue to be at least (2,000) dues-paying members.

(d) As evidence an employee association is a "statewide" organization in which membership is limited to state employees, the association must submit a copy of its governing instruments, demonstrating that membership is both:

(1) restricted to state employees, and

(2) open to state employees regardless of the geographic location of their duty stations.

530:15-3-7.1. Contributions to employee association foundations

(a) ~~Any statewide~~ employee association limited to state employee membership with a minimum membership of two-thousand (2,000) dues-paying members ~~authorized payroll deduction for its dues by statute or by the Administrator according to 530:15-3-7~~ may request payroll deduction for contributions to its foundation organized under 26 U.S.C., Section 501(c)(3). The request must be made by filing a completed form VPD-1 with the Administrator. The form shall be accompanied by:

(1) a copy of the determination by the Internal Revenue Service that the foundation is exempt from federal income

tax as an organization described in section 501(c)(3) of the Internal Revenue Code; and

(2) a statement on the foundation's letterhead signed by an officer of the foundation indicating the foundation is affiliated with the employee association submitting the request.

(b) The Administrator may verify that an association has previously been granted payroll deduction status for membership dues and continues to be eligible by statute or under 530:15-3-7.

(c) After a foundation has been authorized payroll deduction status, the employee association shall be responsible for immediately notifying the Administrator in writing of any changes in the foundation's eligibility for payroll deduction status. This shall include but not be limited to copies of any communications from the Internal Revenue Service concerning the foundation's exemption from federal income tax as an organization described in section 501(3)(c) of the Internal Revenue Code. The Administrator may require an association that has previously been granted payroll deduction for its association to file a completed VPD-1 and to submit evidence that it continues to possess a 501(c)(3) exemption from the Internal Revenue Service.

530:15-3-8. Credit unions, banks and savings associations

A credit union, bank or savings association having an office in this state may request payroll deduction status. The request must be made by filing a completed Form VPD-1 and providing the Administrator with information to show at least one branch office location in the state of Oklahoma. [62:7-1034.70(A)(1)]

530:15-5-8. Hearings

(a) The Administrator may hold a hearing on any matter relating to the administration of Section ~~7-1034.70~~. The Administrator or a person designated by the Administrator as the hearing officer may conduct the hearing.

(b) The following procedures for hearings will be followed except as may be required by the provisions of Article II of the Administrative Procedures Act, Sections 309 through 323 of Title 75 of the **Oklahoma Statutes**:

(1) The Administrator shall give at least **10** days notice of a hearing. Notice shall be made:

- (A) by posting a meeting announcement at the premises of the Office of Personnel Management; and
- (B) by mail to persons who have requested that they receive notice of a hearing or who, in the judgment of the Administrator, may be affected by the subject of the hearing.

(2) A meeting announcement shall include the time, date and place for the hearing, and a description of the subject of the hearing. Unless the meeting announcement contains other instruction, the meeting will begin with introductory remarks, followed by an explanation of the subject, and an opportunity for attendees to make oral comments. Oral presentations by an individual attendee, or by a group of attendees who represent a common interest, may be limited to **30** minutes. Ten minutes additional time may be allowed if necessary for responses. Written comments are encouraged but not required.

(c) This Section does not apply to meetings and hearings which are subject to the Open Meeting Act, Section 301 through 314 of Title 25 of the **Oklahoma Statutes** or to Article I of the Administrative Procedures Act, Sections 250.2 through 308.2 of Title 75 of the **Oklahoma Statutes**.

[OAR Docket #09-1477; filed 12-11-09]

SUBCHAPTER 5. COMPLAINTS AND HEARINGS

Executive Orders

As required by 75 O.S., Sections 255 and 256, Executive Orders issued by the Governor of Oklahoma are published in both the *Oklahoma Register* and the *Oklahoma Administrative Code*. Executive Orders are codified in Title 1 of the *Oklahoma Administrative Code*.

Pursuant to 75 O.S., Section 256(B)(3), "Executive Orders of previous gubernatorial administrations shall terminate ninety (90) calendar days following the inauguration of the next Governor unless otherwise terminated or continued during that time by Executive Order."

TITLE 1. EXECUTIVE ORDERS

1:2009-40.

EXECUTIVE ORDER 2009-40

I, Brad Henry, Governor of the State of Oklahoma, in recognition of Pearl Harbor Remembrance Day, direct that appropriate steps be taken to fly all American flags and Oklahoma flags on State property at half-staff from 8:00 a.m. until 5:00 p.m. on Monday, December 7, 2009, to honor the many Oklahoma and United States citizens who perished on December 7, 1941, as a result of the infamous attack by the Japanese on Pearl Harbor, Hawaii and in recognition of the dedication of a Memorial to their sacrifice.

On that day, 2,403 service people were killed, including 429 aboard the USS Oklahoma. Eight of the 429 aboard the USS Oklahoma were Oklahoma citizens. The loss of those people was a heavy burden for all Americans to bear. The flying of

these flags at half staff is a symbol from Oklahomans that demonstrates our remembrance of those killed and sympathy for their families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 1st day of December, 2009.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Brad Henry

ATTEST:

Kathy Jekel

Acting Assistant Secretary of State

[OAR Docket #09-1467; filed 12-2-09]

