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PARDON and Parole Board	515	Board of Regents of TULSA Community College (<i>exempted 11-1-98</i>)	740
Oklahoma PEANUT Commission	520	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 PENSION Commission	525	Oklahoma UNIFORM Building Code Commission	748
State Board of Examiners of PERFUSIONISTS	527	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted 11-1-98</i>)	750
Office of PERSONNEL Management	530	UNIVERSITY Hospitals Authority	752
Board of Commercial PET Breeders	532	UNIVERSITY Hospitals Trust	753
Oklahoma State Board of PHARMACY	535	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted 11-1-98</i>)	755
PHYSICIAN Manpower Training Commission	540	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma (<i>exempted 11-1-98</i>)	760
Board of PODIATRIC Medical Examiners	545	Oklahoma USED Motor Vehicle and Parts Commission	765
Oklahoma POLICE Pension and Retirement System	550	Oklahoma Department of VETERANS Affairs	770
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Board of VETERINARY Medical Examiners	775
POLYGRAPH Examiners Board	560	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>)	780
Oklahoma Board of PRIVATE Vocational Schools	565	Oklahoma WATER Resources Board	785
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Board of Regents of WESTERN Oklahoma State College (<i>exempted 11-1-98</i>)	790
State Board of Examiners of PSYCHOLOGISTS	575	Oklahoma WHEAT Commission	795
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>)	580	Department of WILDLIFE Conservation	800
PUBLIC Employees Relations Board	585	WILL Rogers and J.M. Davis Memorials Commission	805
Oklahoma PUBLIC Employees Retirement System	590		
Department of PUBLIC Safety	595		
REAL Estate Appraiser Board	600		
Oklahoma REAL Estate Commission	605		
Board of Regents of REDLANDS Community College (<i>exempted 11-1-98</i>)	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615		
Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620		

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

[OAR Docket #12-312]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Supervision of Advanced Practice Nurse with Prescriptive Authority

435:10-13-2. Eligibility to supervise advanced practice nurse with prescriptive authority [AMENDED]

SUMMARY:

The proposed amendment clarifies supervision requirements for physicians supervising Advanced Practice Nurses with Prescriptive Authority.

AUTHORITY:

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

COMMENT PERIOD:

The comment period will run from April 16, 2012 through May 16, 2012. 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 May 17, 2012, at 9:00 a.m. at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma.

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 April 16, 2012 at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, 73015.

CONTACT PERSON:

Kathy Plant, Executive Secretary (405) 962-1400, ext. 122

[OAR Docket #12-312; filed 3-22-12]

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 92. OKLAHOMA STATE ATHLETIC COMMISSION CHAPTER 10. RULES FOR BOXING AND OTHER ACTIVITIES

[OAR Docket #12-324]

PERMANENT RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 1. General Provisions
92:10-1-2 [AMENDED]
92:10-1-5 [AMENDED]
92:10-1-8 [AMENDED]

SUBMITTED TO GOVERNOR:

March 15, 2012

SUBMITTED TO HOUSE:

March 15, 2012

SUBMITTED TO SENATE:

March 15, 2102

[OAR Docket #12-324; filed 3-26-12]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT CHAPTER 5. FEES

[OAR Docket #12-252]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

160:5-1-2 [AMENDED]

SUBMITTED TO GOVERNOR:

March 14, 2012

SUBMITTED TO HOUSE:

March 14, 2012

SUBMITTED TO SENATE:

March 14, 2012

[OAR Docket #12-252; filed 3-15-12]

TITLE 165. CORPORATION COMMISSION CHAPTER 5. RULES OF PRACTICE

[OAR Docket #12-313]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
Part 1. General
165:5-1-3. Definitions [AMENDED]
165:5-1-5. Filing of documents [AMENDED]
Part 5. Response to Citizen Environmental Complaints
165:5-1-26. Receipt of pollution complaints [AMENDED]
Subchapter 3. Fees
Part 1. General Provisions
165:5-3-1. Fees [AMENDED]
Subchapter 5. Dockets
165:5-5-1. Dockets; identifying initials [AMENDED]
Subchapter 7. Commencement of a Cause
Part 3. Oil and Gas
165:5-7-6.1. Horizontal well unitization for shale reservoirs [NEW]
165:5-7-6.2. Multiunit horizontal wells in shale reservoirs [NEW]
165:5-7-9. Well location exception [AMENDED]
165:5-7-27. Enhancement or addition of injection and disposal wells [AMENDED]
165:5-7-35.1. Change of operator regarding commercial pit, commercial soil farming site and/or commercial recycling facility [NEW]
Subchapter 9. Subsequent Pleadings
165:5-9-2. Subsequent pleadings [AMENDED]
165:5-9-3. Emergency applications [AMENDED]

SUBMITTED TO GOVERNOR:

March 20, 2012

SUBMITTED TO HOUSE:

March 20, 2012

SUBMITTED TO SENATE:

March 20, 2012

[OAR Docket #12-313; filed 3-22-12]

TITLE 165. CORPORATION COMMISSION CHAPTER 10. OIL & GAS CONSERVATION

[OAR Docket #12-314]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Administration
Part 1. General Provisions
165:10-1-2. Definitions. [AMENDED]
165:10-1-4. Citation effective date [AMENDED]
Subchapter 3. Drilling, Developing, and Producing

Submissions for Review

Part 1. Drilling
165:10-3-4. Casing, cementing, wellhead equipment, and cementing reports [AMENDED]
Part 3. Completions
165:10-3-10. Well completion operations [AMENDED]
Part 5. Operations
165:10-3-28. Horizontal drilling [AMENDED]
Subchapter 5. Underground Injection Control
165:10-5-5. Application for approval of enhanced recovery injection and disposal operations [AMENDED]
Subchapter 7. Pollution Abatement
Part 1. General Provisions
165:10-7-5. Prohibition of pollution [AMENDED]
Part 3. Storage and Disposal of Fluids
165:10-7-16. Use of noncommercial pits [AMENDED]
165:10-7-19. One-time land application of water-based fluids from earthen pits and tanks [AMENDED]
165:10-7-20. Noncommercial disposal or enhanced recovery well pits used for temporary storage of saltwater [AMENDED]
165:10-7-24. Waste management practices reference chart [AMENDED]
Subchapter 9. Commercial Disposal Facilities
165:10-9-1. Use of commercial pits [AMENDED]
165:10-9-2. Commercial soil farming [AMENDED]
165:10-9-3. Commercial disposal well surface facilities [AMENDED]
165:10-9-4. Commercial recycling facilities [AMENDED]
Subchapter 11. Plugging and Abandonment
165:10-11-3. Duty to plug and abandon [AMENDED]
Subchapter 21. Applications for Tax Exemptions
Part 6. Production Enhancement Projects
165:10-21-21. General [AMENDED]
165:10-21-22. Definitions [AMENDED]
Part 7. Reestablishment of Production from an Inactive Well
165:10-21-36. Definitions [AMENDED]
Part 8. Deep Wells
165:10-21-45. General [AMENDED]
Part 9. New Discovery Wells
165:10-21-55. General [AMENDED]
165:10-21-58. Rebates - Refund procedure [AMENDED]
Part 13. Incremental Production from Enhanced Recovery Projects
165:10-21-78. Recovery of costs allowed as payback factors [AMENDED]
165:10-21-80. Expiration of exemption for incremental production [AMENDED]
Part 14. Production of Oil, Gas or Oil and Gas from Any Well Located within Boundaries of a Three-dimensional Seismic Shoot
165:10-21-82. General [AMENDED]
165:10-21-82.2. Qualification procedure [AMENDED]
165:10-21-82.3. Rebates - Refund procedure [AMENDED]
Subchapter 29. Special Area Rules

165:10-29-3. Rush Springs Sandstone Groundwater Basin [NEW]

SUBMITTED TO GOVERNOR:

March 20, 2012

SUBMITTED TO HOUSE:

March 20, 2012

SUBMITTED TO SENATE:

March 20, 2012

[OAR Docket #12-314; filed 3-22-12]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 30. MOTOR CARRIERS**

[OAR Docket #12-268]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Intrastate Motor Carriers

Part 1. Applying for a License

165:30-3-1. Obtaining a license [AMENDED]

165:30-3-3. License and certificate renewals [AMENDED]

Part 3. License Requirements

165:30-3-11. Insurance [AMENDED]

165:30-3-17. Markings [AMENDED]

Part 9. Violations

165:30-3-71. Loading capacity - Safety compliance [AMENDED]

165:30-3-75. Advertising [AMENDED]

Part 11. Miscellaneous

165:30-3-92. Pollution abatement [AMENDED]

Subchapter 7. Procedural Rules

165:30-7-6. Applications and requests [AMENDED]

165:30-7-12. Revocation, suspension or denial of issuance of motor carrier license, permit, certificate or registration [AMENDED]

165:30-7-15. Operations conducted under government contract [NEW]

Subchapter 10. Interstate Motor Carriers

Part 7. Interstate Motor Carriers Operating in Intrastate Commerce

165:30-10-45. Miscellaneous [AMENDED]

Subchapter 13. Intrastate Household Goods Certificates

Part 1. Obtaining Authority

165:30-13-2. Obtaining a household goods certificate [AMENDED]

Part 5. Conducting Operations

165:30-13-20. Estimates [AMENDED]

165:30-13-26. Bill of Lading [AMENDED]

Subchapter 15. Intrastate Private Carriers

Part 3. Obtaining a Private Carrier License and License Requirements

165:30-15-4. Obtaining a license [AMENDED]

Subchapter 16. Interstate Private Carriers

165:30-16-1. USDOT numbers and markings ~~Markings~~ [AMENDED]
165:30-16-11. Violations [NEW]
Subchapter 19. Registration Pursuant to the International Registration Plan
165:30-19-3. Registration [AMENDED]
165:30-19-4. Title requirements and proof of ownership [AMENDED]
165:30-19-19. Trip permits and hunters permits [AMENDED]
Subchapter 21. International Fuel Tax Agreement
165:30-21-4. Trip permits [AMENDED]
165:30-21-16. Interest [AMENDED]

SUBMITTED TO GOVERNOR:
March 15, 2012
SUBMITTED TO HOUSE:
March 15, 2012
SUBMITTED TO SENATE:
March 15, 2012

[OAR Docket #12-268; filed 3-16-12]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 55. TELECOMMUNICATIONS
SERVICES**

[OAR Docket #12-332]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Chapter 55. Telecommunications [AMENDED]
SUBMITTED TO GOVERNOR:
March 22, 2012
SUBMITTED TO HOUSE:
March 22, 2012
SUBMITTED TO SENATE:
March 22, 2012

[OAR Docket #12-332; filed 3-27-12]

**TITLE 165. CORPORATION COMMISSION
CHAPTER 59. OKLAHOMA UNIVERSAL
SERVICE AND LIFELINE**

[OAR Docket #12-333]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Subchapter 3. Oklahoma Universal Service Fund
Part 9. Request for OUSF funding
165:59-3-62. Procedures for requesting funding from the OUSF [AMENDED]
Subchapter 7. Special Universal Services

165:59-7-1. Reimbursement from the OUSF for Special Universal Service [AMENDED]
165:59-7-6. Telemedicine access for eligible healthcare entities [AMENDED]

SUBMITTED TO GOVERNOR:
March 22, 2012
SUBMITTED TO HOUSE:
March 22, 2012
SUBMITTED TO SENATE:
March 22, 2012

[OAR Docket #12-333; filed 3-27-12]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 1. STATE BOARD OF
EDUCATION**

[OAR Docket #12-330]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Subchapter 5. Due Process
210:1-5-7. Teacher evaluation, dismissal, and nonreemployment [AMENDED]
210:1-5-8. Teacher due process hearings; hearing procedures; probationary teachers [AMENDED]

SUBMITTED TO GOVERNOR:
March 7, 2012
SUBMITTED TO HOUSE:
March 7, 2012
SUBMITTED TO SENATE:
March 7, 2012

[OAR Docket #12-330; filed 3-27-12]

**TITLE 210. STATE DEPARTMENT OF
EDUCATION
CHAPTER 1. STATE BOARD OF
EDUCATION**

[OAR Docket #12-331]

RULEMAKING ACTION:
Submission for gubernatorial and legislative review
RULES:
Subchapter 3. Departmental Precepts
210:1-3-2. Annexation, consolidation, ~~and~~ dispensation, and severance determination [AMENDED]

SUBMITTED TO GOVERNOR:
March 7, 2012
SUBMITTED TO HOUSE:
March 7, 2012

Submissions for Review

SUBMITTED TO SENATE:

March 7, 2012

[OAR Docket #12-331; filed 3-27-12]

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

[OAR Docket #12-329]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

210:10-1-9. Transfers [REVOKED]

210:10-1-18. Transfers [NEW]

210:10-1-19. Special Education and Gifted Education
transfers [NEW]

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

SUBMITTED TO SENATE:

March 8, 2012

[OAR Docket #12-329; filed 3-27-12]

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

[OAR Docket #12-326]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 34. Supplemental Online Course Procedures
[NEW]

210:15-34-1. General provisions [NEW]

210:15-34-2. Access [NEW]

210:15-34-3. Funding [NEW]

210:15-34-4. School day [NEW]

210:15-34-5. Student eligibility, admissions & enrollment
[NEW]

210:15-34-6. Grading scales [NEW]

210:15-34-7. Student information system [NEW]

210:15-34-8. Course withdrawal grace period [NEW]

210:15-34-9. Course completion [NEW]

210:15-34-10. Attendance [NEW]

210:15-34-11. Extracurricular and co-curricular activities
[NEW]

210:15-34-12. Student assessments [NEW]

210:15-34-13. Communications: progress reports [NEW]

210:15-34-14. Online course providers [NEW]

210:15-34-15. Funding and payment [NEW]

210:15-34-16. Special education [NEW]

SUBMITTED TO GOVERNOR:

March 9, 2012

SUBMITTED TO HOUSE:

March 9, 2012

SUBMITTED TO SENATE:

March 9, 2012

[OAR Docket #12-326; filed 3-27-12]

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

[OAR Docket #12-328]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 27. Reading Sufficiency Act

210:15-27-1. Reading Sufficiency Act [AMENDED]

210:15-27-2. Alternative standardized reading assessments
and use of student portfolio for good cause promotion
[NEW]

210:15-27-3. Standards for mid-year promotion of retained
third graders [NEW]

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

SUBMITTED TO SENATE:

March 8, 2012

[OAR Docket #12-328; filed 3-27-12]

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

[OAR Docket #12-327]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Transportation

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

SUBMITTED TO GOVERNOR:

March 9, 2012

SUBMITTED TO HOUSE:

March 9, 2012

SUBMITTED TO SENATE:

March 9, 2012

[OAR Docket #12-327; filed 3-27-12]

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

[OAR Docket #12-323]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

300:20-1-1. [AMENDED]

300:20-1-4. [AMENDED]

300:20-1-8. [AMENDED]

300:20-1-10. [AMENDED]

300:20-1-11. [AMENDED]

300:20-1-12. [AMENDED]

300:20-1-13. [AMENDED]

300:20-1-15. [AMENDED]

SUBMITTED TO GOVERNOR:

March 22, 2012

SUBMITTED TO HOUSE:

March 22, 2012

SUBMITTED TO SENATE:

March 22, 2012

[OAR Docket #12-323; filed 3-26-12]

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

[OAR Docket #12-315]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Disease and Injury Reporting

310:515-1-3. Diseases to be reported immediately
[AMENDED]

310:515-1-4. Additional diseases, conditions, and injuries
to be reported [AMENDED]

310:515-1-8. Organisms/specimens to be sent to the Public
Health Laboratory [AMENDED]

SUBMITTED TO GOVERNOR:

March 22, 2012

SUBMITTED TO HOUSE:

March 22, 2012

SUBMITTED TO SENATE:

March 22, 2012

[OAR Docket #12-315; filed 3-22-12]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 10. PURCHASING**

[OAR Docket #12-215]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

317:10-1-1. [AMENDED]

317:10-1-12. [AMENDED]

(Reference APA WF # 11-31)

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

SUBMITTED TO SENATE:

March 8, 2012

[OAR Docket #12-215; filed 3-12-12]

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

[OAR Docket #12-195]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-12. [AMENDED]

Part 49. Family Planning Centers

317:30-5-465. [REVOKED]

317:30-5-466. [REVOKED]

317:30-5-467. [REVOKED]

Part 75. Federally Qualified Health Centers

317:30-5-664.5. [AMENDED]

Part 112. Public Health Clinic Services

317:30-5-1154. [AMENDED]

(Reference APA WF # 11-03A)

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

Submissions for Review

SUBMITTED TO SENATE:

March 8, 2012

[OAR Docket #12-195; filed 3-12-12]

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

[OAR Docket #12-197]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-40. [AMENDED]
317:30-3-42. [AMENDED]
317:30-3-57. [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 6. Inpatient Psychiatric Hospitals
317:30-5-96.2. [AMENDED]
Part 9. Long Term Care Facilities
317:30-5-122. [AMENDED]
Part 39. Skilled Nursing Services
317:30-5-390. [AMENDED]
Part 41. Family Support Services
317:30-5-410. [AMENDED]
Part 43. Agency Companion, Specialized Foster Care,
Daily Living Supports, Group Homes, and Community
Transition Services
317:30-5-420. [AMENDED]
317:30-5-423. [AMENDED]
Part 51. Habilitation Services
317:30-5-480. [AMENDED]
Part 53. Specialized Foster Care
317:30-5-495. [AMENDED]
Part 55. Respite Care
317:30-5-515. [AMENDED]
Part 59. Homemaker Services
317:30-5-535. [AMENDED]
Part 85. Advantage Program Waiver Services
317:30-5-760. [AMENDED]
Part 101. Targeted Case Management Services for Persons
with Mental Retardation, an Intellectual Disability and/or
Related Conditions
317:30-5-1011. [AMENDED]
Part 108. Nutrition Services
317:30-5-1076. [AMENDED]
(Reference APA WF # 11-04A)

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

SUBMITTED TO SENATE:

March 8, 2012

[OAR Docket #12-197; filed 3-12-12]

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

[OAR Docket #12-205]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties
Part 3. Hospitals
317:30-5-42.6. [AMENDED]
Part 29. Renal Dialysis Facilities
317:30-5-306. [AMENDED]
317:30-5-307. [AMENDED]
(Reference APA WF # 11-19)

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

SUBMITTED TO SENATE:

March 8, 2012

[OAR Docket #12-205; filed 3-12-12]

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

[OAR Docket #12-206]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-2. [AMENDED]
(Reference APA WF # 11-20)

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

SUBMITTED TO SENATE:

March 8, 2012

[OAR Docket #12-206; filed 3-12-12]

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

[OAR Docket #12-207]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties
Part 113. Living Choice Program
317:30-5-1201. [AMENDED]
(Reference APA WF # 11-21A)

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

SUBMITTED TO SENATE:

March 8, 2012

[OAR Docket #12-207; filed 3-12-12]

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

[OAR Docket #12-209]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties
Part 32. Soonerride Non-Emergency Transportation
317:30-5-326.1. [AMENDED]
317:30-5-327. [AMENDED]
317:30-5-327.1. [AMENDED]
317:30-5-327.2. [REVOKED]
317:30-5-328. [NEW]
(Reference APA WF # 11-25A)

SUBMITTED TO GOVERNOR:

March 8, 2012

SUBMITTED TO HOUSE:

March 8, 2012

SUBMITTED TO SENATE:

March 8, 2012

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

[OAR Docket #12-211]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-19.1. [NEW]
(Reference APA WF # 11-26)

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

[OAR Docket #12-212]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties
Part 6. Inpatient Psychiatric Hospitals
317:30-5-95.24. [AMENDED]
317:30-5-95.25. [AMENDED]
317:30-5-95.26. [AMENDED]
317:30-5-95.27. [AMENDED]
317:30-5-95.28. [AMENDED]
317:30-5-95.29. [AMENDED]
317:30-5-95.30. [AMENDED]
317:30-5-95.31. [AMENDED]
Part 21. Outpatient Behavioral Health Services
317:30-5-240. [AMENDED]
317:30-5-240.1. [AMENDED]
317:30-5-240.2. [AMENDED]
317:30-5-241. [AMENDED]
317:30-5-241.1. [AMENDED]
317:30-5-241.2. [AMENDED]
317:30-5-241.3. [AMENDED]
317:30-5-241.4. [AMENDED]
317:30-5-241.5. [AMENDED]
Part 25. Psychologist
317:30-5-276. [AMENDED]
Part 26. Licensed Behavioral Health Providers

Submissions for Review

317:30-5-281. [AMENDED]
Part 67. Behavioral Health Case Management Services
317:30-5-596. [AMENDED]
317:30-5-596.1. [AMENDED]
Part 83. Outpatient Behavioral Health Services in
Therapeutic Foster Care Homes
317:30-5-741. [AMENDED]
(Reference APA WF # 11-27)

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

[OAR Docket #12-214]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties
Part 103. Qualified Schools as Providers of Health Related
Services
317:30-5-1023. [AMENDED]
317:30-5-1027. [AMENDED]
(Reference APA WF # 11-30)

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

[OAR Docket #12-216]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties
Part 9. Long Term Care Facilities
317:30-5-123. [AMENDED]

Part 51. Habilitation Services
317:30-5-482. [AMENDED]
Part 101. Targeted Case Management Services for Persons
with ~~Mental Retardation~~ Intellectual Disability and/or
Related Conditions
317:30-5-1012. [AMENDED]
317:30-5-1014. [AMENDED]
(Reference APA WF # 11-32A)

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

[OAR Docket #12-220]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties
Part 79. Dentists
317:30-5-696. [AMENDED]
317:30-5-698. [AMENDED]
(Reference APA WF # 11-36)

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

[OAR Docket #12-221]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers And Specialties
Part 17. Medical Suppliers
317:30-5-211.10. [AMENDED]
(Reference APA WF # 11-38)

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

[OAR Docket #12-222]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties

Part 85. ADvantage Program Waiver Services

317:30-5-763. [AMENDED]

(Reference APA WF # 11-39A)

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

[OAR Docket #12-226]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-7. [AMENDED]

(Reference APA WF # 11-43)

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

[OAR Docket #12-196]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Eligibility and Countable Income

Part 1. Determination of Qualifying Categorical Relationships

317:35-5-2. [AMENDED]

317:35-5-8. [AMENDED]

Subchapter 7. Medical Services

Part 5. Determination of Eligibility for Medical Services

317:35-7-37. [AMENDED]

317:35-7-48. [AMENDED]

Part 7. Certification, Redetermination and Notification

317:35-7-60. [AMENDED]

317:35-7-60.1. [AMENDED]

(Reference APA WF # 11-03B)

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

[OAR Docket #12-198]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 9. ICF/MR, HCBW/MRID, and Individuals Age 65 or Older In Mental Health Hospitals

Part 1. Services

317:35-9-1. [AMENDED]

317:35-9-5. [AMENDED]

Part 3. Application Procedures

317:35-9-25. [AMENDED]

Part 5. Determination of Medical Eligibility for ICF/MR, HCBW/MRID, and Individuals Age 65 or Older In Mental Health Hospitals

317:35-9-45. [AMENDED]

317:35-9-48.1. [AMENDED]

317:35-9-49. [AMENDED]

Submissions for Review

Part 11. Payment, Billing, and Other Administrative Procedures

317:35-9-97. [AMENDED]

Subchapter 10. Other Eligibility Factors for Families with Children and Pregnant Women

Part 5. Income

317:35-10-38. [AMENDED]

Subchapter 15. Personal Care Services

317:35-15-1. [AMENDED]

Subchapter 19. Nursing Facility Services

317:35-19-3. [AMENDED]

317:35-19-8. [AMENDED]

317:35-19-9. [AMENDED]

(Reference APA WF # 11-04B)

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

[OAR Docket #12-201]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 6. SoonerCare for Pregnant Women and Families with Children

Part 3. Application Procedures

317:35-6-15. [AMENDED]

Subchapter 7. Medical Services

Part 3. Application Procedures

317:35-7-15. [AMENDED]

(Reference APA WF # 11-08)

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

[OAR Docket #12-204]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Eligibility and Countable Income

Part 5. Countable Income and Resources

317:35-5-41.8 [AMENDED]

(Reference APA WF # 11-15)

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

[OAR Docket #12-208]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 23. Living Choice Program

317:35-23-2. [AMENDED]

317:35-23-3. [AMENDED]

317:35-23-4. [AMENDED]

(Reference APA WF # 11-21B)

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

[OAR Docket #12-210]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 3. Coverage and Exclusions

317:35-3-2. [AMENDED]

(Reference APA WF # 11-25B)

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

[OAR Docket #12-219]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 18. Programs of All-Inclusive Care for the Elderly

317:35-18-1. [AMENDED]

317:35-18-2. [AMENDED]

317:35-18-3. [AMENDED]

317:35-18-4. [AMENDED]

317:35-18-5. [AMENDED]

317:35-18-6. [AMENDED]

317:35-18-7. [AMENDED]

317:35-18-9. [AMENDED]

317:35-18-10. [AMENDED]

317:35-18-11. [AMENDED]

(Reference APA WF # 11-35)

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

[OAR Docket #12-223]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 17. ADvantage Waiver Services

317:35-17-1. [AMENDED]

317:35-17-2. [AMENDED]

317:35-17-3. [AMENDED]

317:35-17-4. [AMENDED]

317:35-17-5. [AMENDED]

317:35-17-11. [AMENDED]

317:35-17-12. [AMENDED]

317:35-17-14. [AMENDED]

317:35-17-15. [AMENDED]

317:35-17-16. [AMENDED]

317:35-17-17. [AMENDED]

317:35-17-18. [AMENDED]

317:35-17-19. [AMENDED]

317:35-17-21.1. [AMENDED]

317:35-17-24. [AMENDED]

(Reference APA WF # 11-39B)

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

[OAR Docket #12-224]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Eligibility and Countable Income

Part 1. Determination of Qualifying Categorical Relationships

317:35-5-4. [AMENDED]

Part 5. Countable Income and Resources

317:35-5-43. [AMENDED]

Subchapter 22. Pregnancy Related Benefits Covered Under Title XXI

317:35-22-1. [AMENDED]

(Reference APA WF # 11-40)

Submissions for Review

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

[OAR Docket #12-225]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 13. Member Rights and Responsibilities

317:35-13-7. [AMENDED]

(Reference APA WF # 11-42)

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**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 40. DEVELOPMENTAL
DISABILITIES SERVICES**

[OAR Docket #12-199]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. General Provisions

317:40-1-1. [AMENDED]

Subchapter 5. Member Services

Part 11. Other Community Residential Supports

317:40-5-152. [AMENDED]

Subchapter 7. Employment Services Through Home and

Community-Based Services Waivers

317:40-7-4. [AMENDED]

(Reference APA WF # 11-04C)

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**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 40. DEVELOPMENTAL
DISABILITIES SERVICES**

[OAR Docket #12-217]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Member Services

Part 1. Agency Companion Services

317:40-5-3. [AMENDED]

317:40-5-5. [AMENDED]

317:40-5-8. [REVOKED]

317:40-5-9. [AMENDED]

317:40-5-13. [AMENDED]

Part 5. Specialized Foster Care

317:40-5-59. [AMENDED]

Part 9. Service Provisions

317:40-5-101. [AMENDED]

317:40-5-113. [AMENDED]

Subchapter 7. Employment Services Through Home and

Community-Based Services Waivers

317:40-7-12. [AMENDED]

317:40-7-15. [AMENDED]

317:40-7-21. [AMENDED]

(Reference APA WF # 11-32B)

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**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 45. INSURE OKLAHOMA**

[OAR Docket #12-218]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. General Provisions

317:45-1-3. [AMENDED]

317:45-1-4. [AMENDED]

(Reference APA WF # 11-33)

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**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 50. HOME AND COMMUNITY
BASED SERVICES WAIVERS**

[OAR Docket #12-200]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. Medically Fragile Waiver Services

317:50-1-2. [AMENDED]

317:50-1-3. [AMENDED]

Subchapter 3. My Life, My Choice Waiver Services

317:50-3-2. [AMENDED]

Subchapter 5. Sooner Seniors Waiver Services

317:50-5-2. [AMENDED]

(Reference APA WF # 11-04D)

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**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 50. HOME AND COMMUNITY
BASED SERVICES WAIVERS**

[OAR Docket #12-202]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 3. My Life, My Choice Waiver Services

317:50-3-4. [AMENDED]

(Reference APA WF # 11-13)

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**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 50. HOME AND COMMUNITY
BASED SERVICES WAIVERS**

[OAR Docket #12-203]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 5. Sooner Seniors Waiver Services

317:50-5-4. [AMENDED]

(Reference APA WF # 11-14)

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**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 50. HOME AND COMMUNITY
BASED SERVICES WAIVERS**

[OAR Docket #12-213]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. Medically Fragile Waiver Services

317:50-1-4. [AMENDED]

(Reference APA WF # 11-29)

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Submissions for Review

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 2. ADMINISTRATIVE COMPONENTS

[OAR Docket #12-325]

RULEMAKING ACTION:

Submission for gubernatorial/legislative review

RULES:

Subchapter 1. Human Resources Management Division (HRMD)

Part 1. General Provisions

340:2-1-8 [AMENDED]

Part 4. Alcohol and Drug Testing Applicable to OKDHS Employees and Applicants

340:2-1-42 [AMENDED]

(Reference WF 12-03)

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TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-316]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

365:1-1-4. Requests for Information [AMENDED]

SUBMITTED TO GOVERNOR:

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TITLE 365. INSURANCE DEPARTMENT CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-317]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 9. Description of Forms and Instructions

365:1-9-18. Bail bond forms [AMENDED]

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

[OAR Docket #12-318]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

Part 1. General Provisions

365:10-1-15. Eliminating unfair discrimination on basis of children as single applicants [AMENDED]

365:10-1-16. Providing insurance policy information [NEW]

Subchapter 5. Minimum Standards; Contract Guidelines

Part 15. Small Employer Health Insurance Reform Regulation

365:10-5-150. Statement of purpose [AMENDED]

365:10-5-155. Restrictions relating to premium rates [AMENDED]

365:10-5-164. Uniform Health Questionnaire [NEW]

Part 17. Actuarial Opinion and Memorandum Regulation

365:10-5-177. Description of actuarial memorandum including an asset adequacy analysis [AMENDED]

Subchapter 29. External Review Regulations [NEW]

365:10-29-1. Purpose [NEW]

365:10-29-2. Applicability and Scope [NEW]

365:10-29-3. Definitions [NEW]

365:10-29-4. Notice of Right to an External Review and External Review Procedures [NEW]

365:10-29-5. Authorization to Disclose Protected Health Information [NEW]

365:10-29-6. External Review Requests [NEW]

365:10-29-7. Notice of Initial Determination [NEW]

365:10-29-8. Independent Review Organization Application [NEW]

365:10-29-9. Independent Review Organization Recordkeeping and Reporting Requirements [NEW]

365:10-29-10. Health Carrier Recordkeeping and Reporting Requirements [NEW]

Appendix PP. Notice of Appeal Rights [NEW]

Appendix QQ. External Review Request Form [NEW]

Appendix RR. Application for Registration as an Independent Review Organization [NEW]
Appendix SS. Independent Review Organization External Review Annual Report Form [NEW]
Appendix TT. Health Carrier External Review Annual Report Form [NEW]
Appendix UU. Policy Holder's Authorization to Release Insurance Policy Information to Agent of Record [NEW]
Appendix VV. Uniform Health Questionnaire [NEW]

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

[OAR Docket #12-319]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions
Part 1. Standardized Health Claim Forms
365:10-1-31. Definitions [AMENDED]
365:10-1-32. Requirements for use of HCFA Form 1500 and HCFA Form 1491 [AMENDED]

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

[OAR Docket #12-320]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Property and Casualty Competitive Loss Cost Rating Regulation
365:15-7-3. Property and casualty rate, loss cost and manual rule filings [AMENDED]
365:15-7-30. Special Commercial Risks [AMENDED]

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**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 25. LICENSURE OF
PRODUCERS, ADJUSTERS, BAIL
BONDSMEN, COMPANIES, PREPAID
FUNERAL BENEFITS, CEMETERY
MERCHANDISE TRUSTS, AND VIATICAL
SETTLEMENT PROVIDERS AND BROKERS**

[OAR Docket #12-321]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 3. Producers, Brokers, Limited Lines Producers and Vehicle Protection Product Warrantors
365:25-3-1. Insurance producers continuing education [AMENDED]
365:25-3-14. Insurance adjusters continuing education [AMENDED]

SUBMITTED TO GOVERNOR:

March 22, 2012

SUBMITTED TO HOUSE OF REPRESENTATIVES:

March 22, 2012

SUBMITTED TO SENATE:

March 22, 2012

[OAR Docket #12-321; filed 3-23-12]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 25. LICENSURE OF
PRODUCERS, ADJUSTERS, BAIL
BONDSMEN, COMPANIES, PREPAID
FUNERAL BENEFITS, CEMETERY
MERCHANDISE TRUSTS, AND VIATICAL
SETTLEMENT PROVIDERS AND BROKERS**

[OAR Docket #12-322]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Bail Bondsmen
Part 1. Continuing Education for Bail Bondsmen
365:25-5-3. Education requirements [AMENDED]
365:25-5-4. Application for course approval [AMENDED]
Part 5. General Provisions Pertaining to Bail Bondsmen

Submissions for Review

365:25-5-34. Professional bondsman deposits
[AMENDED]

365:25-5-35. Bondsman license renewal [AMENDED]

365:25-5-43. Appointments [AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

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[OAR Docket #12-322; filed 3-23-12]

**TITLE 385. DEPARTMENT OF THE
COMMISSIONERS OF THE LAND OFFICE
CHAPTER 1. ADMINISTRATIVE
ORGANIZATION AND OPERATIONS**

[OAR Docket #12-262]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

385:1-1-2 [AMENDED]

385:1-1-4 [AMENDED]

385:1-1-5 [AMENDED]

385:1-1-6 [AMENDED]

385:1-1-11 [AMENDED]

385:1-1-13 [NEW]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

March 14, 2012

[OAR Docket #12-262; filed 3-15-12]

**TITLE 385. DEPARTMENT OF THE
COMMISSIONERS OF THE LAND OFFICE
CHAPTER 15. SALE AND OPERATION OF
OIL AND GAS LEASES**

[OAR Docket #12-263]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

385:15-1-3 [AMENDED]

385:15-1-4 [AMENDED]

385:15-1-6 [AMENDED]

385:15-1-8 [AMENDED]

385:15-1-9 [AMENDED]

385:15-1-18 [AMENDED]

385:15-1-20 [AMENDED]

385:15-1-21 [AMENDED]

385:15-1-22 [AMENDED]

385:15-1-25 [AMENDED]

385:15-1-32 [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-263; filed 3-15-12]

**TITLE 385. DEPARTMENT OF THE
COMMISSIONERS OF THE LAND OFFICE
CHAPTER 20. SALE AND OPERATION
OF COAL AND URANIUM-HARD ROCK
MINING AND OTHER MINERAL LEASES**

[OAR Docket #12-267]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

385:20-1-2 [AMENDED]

385:20-1-3 [AMENDED]

385:20-1-6 [REVOKED]

385:20-1-7 [AMENDED]

385:20-1-10 [AMENDED]

385:20-1-11 [AMENDED]

385:20-1-12 [AMENDED]

385:20-1-13 [AMENDED]

385:20-1-14 [AMENDED]

385:20-1-15 [AMENDED]

385:20-1-16 [AMENDED]

385:20-1-17 [AMENDED]

385:20-1-19 [REVOKED]

385:20-1-20 [AMENDED]

385:20-1-21 [AMENDED]

385:20-1-22 [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-267; filed 3-15-12]

**TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE
CHAPTER 25. SURFACE LEASING FOR AGRICULTURAL AND COMMERCIAL PURPOSES**

[OAR Docket #12-264]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- 385:25-1-1 [AMENDED]
- 385:25-1-2 [AMENDED]
- 385:25-1-4 [AMENDED]
- 385:25-1-5 [AMENDED]
- 385:25-1-7 [AMENDED]
- 385:25-1-12 [AMENDED]
- 385:25-1-13 [AMENDED]
- 385:25-1-15 [AMENDED]
- 385:25-1-22 [AMENDED]
- 385:25-1-23 [AMENDED]
- 385:25-1-24 [AMENDED]
- 385:25-1-25 [AMENDED]
- 385:25-1-31 [AMENDED]
- 385:25-1-33 [AMENDED]
- 385:25-1-39 [REVOKED]
- 385:25-1-40 [REVOKED]
- 385:25-1-41 [AMENDED]
- 385:25-1-43 [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-264; filed 3-15-12]

**TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE
CHAPTER 30. SALE OF SCHOOL LAND**

[OAR Docket #12-265]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- 385:30-1-3 [AMENDED]
- 385:30-1-9 [AMENDED]

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[OAR Docket #12-265; filed 3-15-12]

**TITLE 385. DEPARTMENT OF THE COMMISSIONERS OF THE LAND OFFICE
CHAPTER 35. LOAN OF ABSTRACTS
[REVOKED]**

[OAR Docket #12-266]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review.

RULES:

- 385:35-1-1 [REVOKED]
- 385:35-1-2 [REVOKED]
- 385:35-1-3 [REVOKED]
- 385:35-1-4 [REVOKED]

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[OAR Docket #12-266; filed 3-15-12]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 1. AGENCY AUTHORITY AND OBJECTIVES**

[OAR Docket #12-242]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- 390:1-1-4 [AMENDED]
- 390:1-1-6 [AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

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[OAR Docket #12-242; filed 3-15-12]

Submissions for Review

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 2. ADMINISTRATIVE PROCEDURES

[OAR Docket #12-243]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

390:2-1-2 [AMENDED]

390:2-1-4 [AMENDED]

390:2-1-11 [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-243; filed 3-15-12]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 10. PEACE OFFICER CERTIFICATION

[OAR Docket #12-244]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

390:10-1-5 [AMENDED]

390:10-1-7 [AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

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[OAR Docket #12-244; filed 3-15-12]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING

[OAR Docket #12-245]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. Basic Academy Programs

390:15-1-13 [AMENDED]

390:15-1-18 [AMENDED]

Subchapter 3. Collegiate Officer Program

390:15-3-7 [AMENDED]

390:15-3-8 [AMENDED]

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[OAR Docket #12-245; filed 3-15-12]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 20. RESERVE OFFICER CERTIFICATION AND TRAINING

[OAR Docket #12-246]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

390:20-1-5 [AMENDED]

390:20-1-15 [NEW]

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SUBMITTED TO SENATE:

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[OAR Docket #12-246; filed 3-15-12]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 25. CONTINUING LAW ENFORCEMENT EDUCATION

[OAR Docket #12-247]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

390:25-1-14 [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-247; filed 3-15-12]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING**

**CHAPTER 27. POLICE OFFICER ANNUAL
FIREARMS REQUALIFICATION**

[OAR Docket #12-248]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

390:27-1-5 [AMENDED]

390:27-1-6 [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-248; filed 3-15-12]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING**
**CHAPTER 30. CDS DETECTOR DOG
CERTIFICATION**

[OAR Docket #12-249]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

390:30-1-6 [AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

March 14, 2012

[OAR Docket #12-249; filed 3-15-12]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING**
**CHAPTER 31. BOMB DETECTOR DOG
CERTIFICATION**

[OAR Docket #12-250]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

390:31-1-3 [AMENDED]

390:31-1-5 [AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

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[OAR Docket #12-250; filed 3-15-12]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING**
CHAPTER 55. FACILITIES MANAGEMENT

[OAR Docket #12-251]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

390:55-1-11 [AMENDED]

390:55-1-12 [AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

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[OAR Docket #12-251; filed 3-15-12]

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

[OAR Docket #12-189]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

Submissions for Review

435:10-1-4. Definitions [AMENDED]
Subchapter 7. Regulation of Physician and Surgeon Practice

435:10-7-4. Unprofessional conduct [AMENDED]

435:10-7-11. Use of controlled substances for the management of chronic pain [AMENDED]

SUBMITTED TO GOVERNOR:

March 9, 2012

SUBMITTED TO HOUSE:

March 9, 2012

SUBMITTED TO SENATE:

March 9, 2012

[OAR Docket #12-189; filed 3-12-12]

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

[OAR Docket #12-190]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review

RULES:

Subchapter 5. Regulation of Practice

435:20-5-10. Referrals [NEW]

SUBMITTED TO GOVERNOR:

March 9, 2012

SUBMITTED TO HOUSE:

March 9, 2012

SUBMITTED TO SENATE:

March 9, 2012

[OAR Docket #12-190; filed 3-12-12]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #12-292]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 1. General Provisions

475:1-1-1. Purpose [AMENDED]

Subchapter 5. Administrative Actions

475:1-5-6. Submission and receipt of evidence [AMENDED]

475:1-5-11. Surrender of Registration in Lieu of Administrative Action [AMENDED]

SUBMITTED TO GOVERNOR:

March 19, 2012

SUBMITTED TO HOUSE:

March 19, 2012

SUBMITTED TO SENATE:

March 19, 2012

[OAR Docket #12-292; filed 3-19-12]

**TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL
CHAPTER 10. REQUIREMENTS FOR REGISTRATION**

[OAR Docket #12-293]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

475:10-1-2. Time and method of payment of registration fees [AMENDED]

475:10-1-3. Exemption from registration or payment of fees [AMENDED]

475:10-1-5. Exemptions of agents and employees [AMENDED]

475:10-1-9. Application for registration pursuant to Title 63 Okl.St. Ann. §2-302 [AMENDED]

475:10-1-10. Application ~~forms~~ notices for registration and re-registration [AMENDED]

475:10-1-11. Operational protocols [AMENDED]

475:10-1-15. Amendments to and withdrawal of applications [AMENDED]

475:10-1-16. Inspection [AMENDED]

475:10-1-20. Modification of registration [AMENDED]

475:10-1-21. Change of business address [AMENDED]

475:10-1-22. Termination of registration [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-293; filed 3-19-12]

**TITLE 475. OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 15. IMMINENT DANGER
SUSPENSION**

[OAR Docket #12-294]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

475:15-1-2. Immediate suspension of registration
[AMENDED]

475:15-1-3. Hearing following immediate suspension
[AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-294; filed 3-19-12]

**TITLE 475. OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 20. SECURITY REQUIREMENTS**

[OAR Docket #12-295]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

475:20-1-5. Other security controls for nonpractitioner
registrants [AMENDED]

475:20-1-7. Physical security controls for drug canine
handlers [AMENDED]

475:20-1-8. Other security controls for registrants
[AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-295; filed 3-19-12]

**TITLE 475. OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 25. RECORDS AND REPORTS OF
REGISTRANTS**

[OAR Docket #12-296]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

475:25-1-7. Biennial inventory date [AMENDED]

475:25-1-9. Inventories of manufacturers [AMENDED]

475:25-1-10. Inventories of distributors [AMENDED]

475:25-1-12. Inventories of scientific analyst
[AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO SENATE:

March 19, 2012

[OAR Docket #12-296; filed 3-19-12]

**TITLE 475. OKLAHOMA STATE BUREAU
OF NARCOTICS AND DANGEROUS DRUGS
CONTROL
CHAPTER 30. LABELING REQUIREMENTS**

[OAR Docket #12-297]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

475:30-1-4. Manner of issuance of prescriptions
[AMENDED]

475:30-1-6. Requirements of prescriptions for controlled
dangerous substances listed in Schedule II [AMENDED]

475:30-1-10. Requirements of prescriptions for controlled
dangerous substances listed in Schedules III and IV
[AMENDED]

475:30-1-11. Refilling of prescriptions [AMENDED]

475:30-1-15. Identification requirement [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-297; filed 3-19-12]

Submissions for Review

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 45. OKLAHOMA CONTROL REPORTING REQUIREMENTS

[OAR Docket #12-298]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- 475:45-1-1. Purpose [AMENDED]
- 475:45-1-2. Required reporting of certain information [AMENDED]
- 475:45-1-3. Method of reporting [AMENDED]
- 475:45-1-4. Waiver of ~~UCF~~electronic submissions [AMENDED]
- 475:45-1-5. Time limit for reporting [AMENDED]

SUBMITTED TO GOVERNOR:

March 19, 2012

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SUBMITTED TO SENATE:

March 19, 2012

[OAR Docket #12-298; filed 3-19-12]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 50. ANIMAL CONTROL OFFICERS

[OAR Docket #12-299]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- 475:50-1-4. Special Conditions on Ordering Controlled Substances [AMENDED]

SUBMITTED TO GOVERNOR:

March 19, 2012

SUBMITTED TO HOUSE:

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SUBMITTED TO SENATE:

March 19, 2012

[OAR Docket #12-299; filed 3-19-12]

TITLE 475. OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL CHAPTER 55. PSEUDOEPHEDRINE CONTROL

[OAR Docket #12-300]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- 475:55-1-2. Characteristics of exempt pseudoephedrine products [AMENDED]
- 475:55-1-5. Electronic Reporting [AMENDED]

SUBMITTED TO GOVERNOR:

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SUBMITTED TO HOUSE:

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SUBMITTED TO SENATE:

March 19, 2012

[OAR Docket #12-300; filed 3-19-12]

TITLE 605. OKLAHOMA REAL ESTATE COMMISSION CHAPTER 10. REQUIREMENTS, STANDARDS AND PROCEDURES

[OAR Docket #12-261]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. General Provisions
 - 605:10-1-2. [AMENDED]
 - 605:10-1-3. [AMENDED]
- Subchapter 3. Education and Examination Requirements
 - 605:10-3-5. [AMENDED]
 - 605:10-3-7. [AMENDED]
- Subchapter 5. Instruction and Entity Requirements and Standards
 - 605:10-5-1. [AMENDED]
 - 605:10-5-1.1. [AMENDED]
 - 605:10-5-2. [AMENDED]
- Subchapter 7. Licensing Procedures and Options
 - 605:10-7-2. [AMENDED]
 - 605:10-7-3. [AMENDED]
 - 605:10-7-4. [AMENDED]
 - 605:10-7-7. [AMENDED]
 - 605:10-7-8. [AMENDED]
 - 605:10-7-8.1. [AMENDED]
 - 605:10-7-8.2. [AMENDED]
 - 605:10-7-8.3. [AMENDED]
 - 605:10-7-8.4. [NEW]
- Subchapter 9. Broker's Operational Procedures
 - 605: 10-9-1. [AMENDED]

605: 10-9-4. [AMENDED]
Subchapter 11. Associate's Licensing Procedures
605:10-11-2. [AMENDED]
605:10-11-3. [AMENDED]
Subchapter 13. Trust Account Procedures
605:10-13-1. [AMENDED]
Subchapter 15. Disclosures
605:10-15-3. [AMENDED]
Subchapter 17. Causes for Investigation; Hearing Process;
Prohibited Acts; Discipline
605:10-17-4. [AMENDED]
605:10-17-6. [AMENDED]
APPENDIX A. Residential Property Condition Disclosure
Statement [REVOKED]
APPENDIX A. Residential Property Condition Disclosure
Statement [NEW]

SUBMITTED TO GOVERNOR:

March 15, 2012

SUBMITTED TO HOUSE:

March 15, 2012

SUBMITTED TO SENATE:

March 15, 2012

[OAR Docket #12-261; filed 3-15-12]

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

[OAR Docket #12-191]

RULEMAKING ACTION:

Submission for Gubernatorial and Legislative Review

RULES:

Subchapter 3. Administrative Components of the
Department
612:1-3-2.1. The Chief of Staff of Rehabilitation Services
[AMENDED]
Subchapter 11. Compliance with the Americans with
Disabilities Act of 1990
Part 1. Purpose and Legal Basis
612:1-11-4. DRS and the Americans with Disabilities Act
[AMENDED]
Part 3. Reasonable Accommodation
612:1-11-15. Overview of reasonable accommodation
[AMENDED]
Part 9. Medical and Other Considerations
612:1-11-55. Medical documentation [AMENDED]
Subchapter 13. Civil Rights and Nondiscrimination on
Basis of Race, Color, National Origin, Sex, Age or
Disability
612:1-13-7. Composition of planning and policymaking
bodies [AMENDED]

612:1-13-9. Complaint rules and procedures [AMENDED]

SUBMITTED TO GOVERNOR:

March 12, 2012

SUBMITTED TO HOUSE:

March 12, 2012

SUBMITTED TO SENATE:

March 12, 2012

[OAR Docket #12-191; filed 3-12-12]

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

[OAR Docket #12-192]

RULEMAKING ACTION:

Submission for Gubernatorial and Legislative Review

RULES:

Subchapter 1. General Provisions
612:10-1-2. Definitions [AMENDED]
612:10-1-7. Purchase of services and goods for individuals
with disabilities [AMENDED]
Subchapter 7. Vocational Rehabilitation and Visual
Services
Part 3. Case Processing Requirements
612:10-7-24.1. Basic eligibility requirements for
vocational rehabilitation services [AMENDED]
612:10-7-25.1. Order of selection [AMENDED]
Part 9. Actions Requiring Review and Approval
612:10-7-87. Actions requiring supervisor's approval
[AMENDED]
Part 11. Physical and Mental Restoration Services
612:10-7-98. General guidelines for physical and mental
restoration services [AMENDED]
Part 23. Self-Employment Programs and Other Services
612:10-7-230.4. Agency financial contribution to
self-employment/purchasing [AMENDED]
Subchapter 13. Special Services for the Deaf and Hard of
Hearing
Part 1. Service Programs
612:10-13-4. Special services and devices for individuals
who are deaf, hard of hearing, deaf-blind or have
communicative disorders [REVOKED]

SUBMITTED TO GOVERNOR:

March 12, 2012

SUBMITTED TO HOUSE:

March 12, 2012

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March 12, 2012

[OAR Docket #12-192; filed 3-12-12]

Submissions for Review

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

[OAR Docket #12-193]

RULEMAKING ACTION:

Submission for Gubernatorial and Legislative Review

RULES:

- Subchapter 2. Contracted Instructional Personnel
612:20-2-5. Contracted instructional personnel [AMENDED]
612:20-2-13. Dismissal/Nonreemployment Hearing [AMENDED]
612:20-2-17. Full-time administrators; Appeal of dismissal or nonreemployment [AMENDED]
Subchapter 9. Special Services [NEW]
612:20-9-1. Special services and devices for individuals who are deaf, hard of hearing, deaf-blind or have communicative disorders [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-193; filed 3-12-12]

TITLE 612. STATE DEPARTMENT OF REHABILITATION SERVICES CHAPTER 25. BUSINESS ENTERPRISE PROGRAM

[OAR Docket #12-194]

RULEMAKING ACTION:

Submission for Gubernatorial and Legislative Review

RULES:

- Subchapter 2. General Provisions
612:25-2-5. Definitions [AMENDED]
612:25-2-6. Promulgation of Business Enterprise Program policies [REVOKED]
612:25-2-9. Conflict of interest [NEW]
Subchapter 4. The State Licensing Agency
Part 1. Organization and General Operation Standards
612:25-4-1. Organization of the State Licensing Agency [AMENDED]
612:25-4-3. Guidelines for communication [REVOKED]
612:25-4-4. Management services provided by the State Licensing Agency [AMENDED]
Part 3. Business Enterprise Program Training
612:25-4-14. Training for new or potential licensed managers [AMENDED]
612:25-4-15. Training for present licensed managers [AMENDED]

- 612:25-4-16. Training for Business Enterprise Program staff [NEW]
Part 5. State Licensing Agency Responsibility for Business Enterprise Operations
612:25-4-25. Management of BEP equipment and fixtures [AMENDED]
612:25-4-26. Maintenance and replacement of business enterprise equipment [AMENDED]
612:25-4-27. Initial inventory and supplies [AMENDED]
612:25-4-28. Method of payment for initial stock [REVOKED]
612:25-4-29. Failure of licensed manager to repay loan [REVOKED]
612:25-4-30. Second merchandise loan [REVOKED]
Part 9. Assignment and Transfer of Licensed Managers
612:25-4-53. ~~Promotion~~Assignment, promotion and transfer policy [AMENDED]
612:25-4-54. Business enterprise vacancy announcement [AMENDED]
612:25-4-55. Qualifications [AMENDED]
612:25-4-56. Applications [AMENDED]
612:25-4-57. Applicant Selection Committee [AMENDED]
612:25-4-58. Annual Evaluation [AMENDED]
612:25-4-59. Interview, Selection Process and Scoring [AMENDED]
612:25-4-60. Ninety day replacement [AMENDED]
612:25-4-61. Satellite/remote business enterprise locations [AMENDED]
612:25-4-62. Vending machine income [AMENDED]
Part 11. Business Enterprise Program Auditing and Due Process
612:25-4-73. Due process [AMENDED]
612:25-4-74. Probation [REVOKED]
Subchapter 6. Licensed Managers and Business Enterprise Operation
Part 1. Licensed Managers
612:25-6-1. Licensing requirements for managing a business enterprise [AMENDED]
612:25-6-2. Standards for licensed managers [AMENDED]
612:25-6-2.1. Probation [NEW]
612:25-6-3. Grounds for suspension or termination of a license [AMENDED]
612:25-6-5. Motor vehicle operation [AMENDED]
Part 3. Business Enterprises
612:25-6-15. Setting aside of funds [AMENDED]
612:25-6-16. Criteria to establish a business enterprise [AMENDED]
612:25-6-18. Establishing new licensed managers in business enterprises [AMENDED]
612:25-6-19. Employees of the licensed manager [AMENDED]
612:25-6-20. Closing a business enterprise [AMENDED]
612:25-6-21. Business expenses [AMENDED]
612:25-6-22. Monthly reports [AMENDED]

Part 5. The Elected Committee of Licensed Managers
612:25-6-32. The Elected Committee of Licensed Managers [AMENDED]
612:25-6-33. Organization and operation of the Elected Committee of Licensed Managers [AMENDED]

SUBMITTED TO GOVERNOR:

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March 12, 2012

[OAR Docket #12-194; filed 3-12-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #12-278]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 3. Returns and Reports
Part 7. Other Required Reporting
710:50-3-54 [AMENDED]
710:50-3-55 [NEW]
Subchapter 15. Oklahoma Taxable Income
Part 7. Credits against Tax
710:50-15-109 [AMENDED]
710:50-15-110 [AMENDED]
710:50-15-114 [NEW]
710:50-15-115 [NEW]

SUBMITTED TO GOVERNOR:

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March 15, 2012

[OAR Docket #12-278; filed 3-16-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 50. INCOME**

[OAR Docket #12-280]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 15. Oklahoma Taxable Income

Part 5. Other Adjustments to Income
710:50-15-53 [AMENDED]
Subchapter 17. Oklahoma Taxable Income for Corporations
Part 5. Determination of Taxable Corporate Income
710:50-17-51 [AMENDED]

SUBMITTED TO GOVERNOR:

March 14, 2012

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March 14, 2012

[OAR Docket #12-280; filed 3-16-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 95. MISCELLANEOUS AREAS OF REGULATORY AND ADMINISTRATIVE AUTHORITY**

[OAR Docket #12-279]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

Subchapter 5. ~~Waste~~ Used Tire Recycling
710:95-5-1 [AMENDED]
710:95-5-2 [AMENDED]
710:95-5-3 [AMENDED]
710:95-5-8 [AMENDED]
710:95-5-9 [AMENDED]
710:95-5-10 [AMENDED]
710:95-5-11 [AMENDED]
710:95-5-12 [AMENDED]
710:95-5-19 [AMENDED]
Subchapter 17. Prepaid Wireless Fee
710:95-17-3 [AMENDED]
710:95-17-7 [AMENDED]
Subchapter 19. Business Activity Tax
710:95-19-6 [AMENDED]
710:95-19-7 [AMENDED]
Subchapter 21. Quality Events [NEW]
710:95-21-1 through 710:95-12-11 [NEW]

SUBMITTED TO GOVERNOR:

March 14, 2012

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March 14, 2012

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[OAR Docket #12-279; filed 3-16-12]

Submissions for Review

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-253]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review

RULES:

Subchapter 3. Transportation Commission
730:1-3-4. [AMENDED]

SUBMITTED TO GOVERNOR:

March 13, 2012

SUBMITTED TO HOUSE:

March 13, 2012

SUBMITTED TO SENATE:

March 13, 2012

[OAR Docket #12-253; filed 3-15-12]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 10. DEPARTMENT PROGRAMS

[OAR Docket #12-254]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review

RULES:

Subchapter 1. Construction Program

730:10-1-1. [AMENDED]

730:10-1-2. [AMENDED]

730:10-1-3. [AMENDED]

730:10-1-4. [AMENDED]

730:10-1-5. [REVOKED]

730:10-1-6. [REVOKED]

730:10-1-7. [AMENDED]

730:10-1-8. [REVOKED]

730:10-1-9. [AMENDED]

730:10-1-11. [AMENDED]

Subchapter 15. Project Development Procedures

730:10-15-1. [AMENDED]

730:10-15-2. [AMENDED]

Appendix A. Ideal Scoping Process Within Current Structure [REVOKED]

Appendix A. Eight Year Construction Work Plan Management Process [NEW]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-254; filed 3-15-12]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 30. HIGHWAY DESIGN

[OAR Docket #12-255]

RULEMAKING ACTION:

Statement of submission for gubernatorial and legislative review

RULES:

Subchapter 5. Consulting Engineer Services
730:30-5-2. [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-255; filed 3-15-12]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 1. OPERATIONS AND PROCEDURES

[OAR Docket #12-257]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 11. Publications

800:1-11-1. Charges for workshops, publications and other material [AMENDED]

SUBMITTED TO GOVERNOR:

March 9, 2012

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[OAR Docket #12-257; filed 3-15-12]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 10. SPORT FISHING RULES**

[OAR Docket #12-258]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. Harvest and Possession Limits
- 800:10-1-4. Size limits on fish [AMENDED]
- 800:10-1-5. Bag limits on fish [AMENDED]
- Subchapter 5. Area Restrictions and Special Fees
- 800:10-5-3. Designated trout areas [AMENDED]

SUBMITTED TO GOVERNOR:

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[OAR Docket #12-258; filed 3-15-12]

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

[OAR Docket #12-259]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 3. Hunting on Corps of Engineers Lands
- 800:25-3-2. Areas open to shotgun with pellets and bow and arrow only [AMENDED]
- 800:25-3-3. Areas open to archery only [AMENDED]
- Subchapter 7. General Hunting Seasons
- Part 1. General Provisions
- 800:25-7-3. General provisions [AMENDED]
- Part 3. Reptiles and Amphibians
- 800:25-7-7. General provisions [AMENDED]
- Part 12. Antelope
- 800:25-7-48. Dates, open areas, bag limits and hunting hours and regulations [AMENDED]
- Part 13. Deer
- 800:25-7-55. Deer-Youth Gun Season [AMENDED]
- Part 14. Elk
- 800:25-7-57. Dates, open areas, bag limit and hunting hours [AMENDED]
- Part 16. Black Bears
- 800:25-7-67. Dates, open areas, bag limits, hunting hours, legal means of take, quotas, and prohibited activities
- Part 19. Seasons on Areas Owned or Managed by the Oklahoma Department of Wildlife Conservation and the U.S. Fish and Wildlife Service

- 800:25-7-83.1. Beaver River WMA - McFarland Unit [NEW]
- 800:25-7-90. Cherokee PHA [AMENDED]
- 800:25-7-91. Cherokee GMA [AMENDED]
- 800:25-7-94. Copan WMA [AMENDED]
- 800:25-7-94.1.1. Cross Timbers WMA [NEW]
- 800:25-7-111. Hulah WMA [AMENDED]
- 800:25-7-126. Mountain Park WMA [AMENDED]
- 800:25-7-131.1. Osage WMA - Rock Creek Unit [AMENDED]
- 800:25-7-131.2. Osage WMA - Western Wall Unit [AMENDED]
- 800:25-7-149.1. Three Rivers WMA [AMENDED]
- Subchapter 9. Controlled Hunts
- Part 3. Antelope
- 800:25-9-11. Cimarron and Texas County (west of Highway 136) landowner antelope permits [AMENDED]
- Subchapter 29. Oklahoma Deer Management Assistance Program
- 800:25-29-3. Landowner responsibilities [AMENDED]
- 800:25-29-4. Department responsibilities [AMENDED]

SUBMITTED TO GOVERNOR:

March 9, 2012

SUBMITTED TO HOUSE:

March 9, 2012

SUBMITTED TO SENATE:

March 9, 2012

[OAR Docket #12-259; filed 3-15-12]

**TITLE 800. DEPARTMENT OF WILDLIFE
CONSERVATION
CHAPTER 30. DEPARTMENT OF
WILDLIFE LANDS MANAGEMENT**

[OAR Docket #12-260]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

- Subchapter 1. Use of Department Managed Lands
- 800:30-1-2. Use restrictions [AMENDED]
- 800:30-1-4. Camping [AMENDED]
- 800:30-1-5. Vehicles [AMENDED]
- 800:30-1-20. Restricted public use areas [AMENDED]
- 800:30-1-21. Baiting on Wildlife Management Areas [NEW]

SUBMITTED TO GOVERNOR:

March 9, 2012

SUBMITTED TO HOUSE:

March 9, 2012

Submissions for Review

SUBMITTED TO SENATE:

March 9, 2012

[OAR Docket #12-260; filed 3-15-12]

Gubernatorial Approvals

Upon notification of approval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial approval for publication in the *Register*.

For additional information on gubernatorial approvals, see 75 O.S., Section 303.2.

TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 15. OAC GRANT PROGRAM

[OAR Docket #12-230]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 25:15-1-2. Definitions [AMENDED]
- 25:15-1-3. Planning [AMENDED]
- 25:15-1-4. Programming Implementation Airport Grant Program Requirements and Procedures [AMENDED]

GUBERNATORIAL APPROVAL:

February 29, 2012

[OAR Docket #12-230; filed 3-13-12]

TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 30. AIRCRAFT PILOT AND PASSENGER PROTECTION ACT

[OAR Docket #12-231]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. General Provisions [AMENDED]
- 25:30-1-2. Definitions [AMENDED]
- 25:30-1-3. Who is required to file [AMENDED]
- Subchapter 3. Application Requirements [AMENDED]
- 25:30-3-4. Fees [AMENDED]
- Subchapter 7. Notice, Determination and Commission Actions [AMENDED]
- 25:30-7-1. Commission review [AMENDED]
- 25:30-7-3. Commission's determination [AMENDED]
- Subchapter 9. Permits [AMENDED]
- 25:30-9-3. Amendments to permit [AMENDED]

GUBERNATORIAL APPROVAL:

February 29, 2012

[OAR Docket #12-231; filed 3-13-12]

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

[OAR Docket #12-234]

RULEMAKING ACTION:

Gubernatorial approval of PERMANENT rules

RULES:

- Subchapter 3. Fee Schedules
- 35:2-3-2.1 [AMENDED]
- 35:2-3-2.2 [AMENDED]
- 35:2-3-2.4 [AMENDED]
- 35:2-3-2.5 [AMENDED]
- 35:2-3-2.6 [AMENDED]

GUBERNATORIAL APPROVAL:

February 13, 2012

[OAR Docket #12-234; filed 3-14-12]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 40. MARKET DEVELOPMENT

[OAR Docket #12-235]

RULEMAKING ACTION:

Gubernatorial approval of PERMANENT rules

RULES:

- Subchapter 15. Plastics Program [NEW]
- 35:40-15-1 [NEW]
- 35:40-15-2 [NEW]
- 35:40-15-3 [NEW]
- 35:40-15-4 [NEW]
- 35:40-15-5 [NEW]
- 35:40-15-6 [NEW]
- 35:40-15-7 [NEW]

GUBERNATORIAL APPROVAL:

February 13, 2012

[OAR Docket #12-235; filed 3-14-12]

Gubernatorial Approvals

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 2. GRIEVANCE PROCEDURES
AND PROCESS**

[OAR Docket #12-306]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. Rules [NEW]

317:2-1-2. [AMENDED]

317:2-1-15. [NEW]

(Reference APA WF # 11-18B)

GUBERNATORIAL APPROVAL:

March 12, 2012

[OAR Docket #12-306; filed 3-21-12]

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

[OAR Docket #12-303]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-5. [AMENDED]

(Reference APA WF # 11-16)

GUBERNATORIAL APPROVAL:

March 12, 2012

[OAR Docket #12-303; filed 3-21-12]

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

[OAR Docket #12-304]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 5. Individual Providers and Specialties

Part 17. Medical Suppliers

317:30-5-211.2. [AMENDED]

(Reference APA WF # 11-17)

GUBERNATORIAL APPROVAL:

March 12, 2012

[OAR Docket #12-304; filed 3-21-12]

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

[OAR Docket #12-305]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 5. Individual Providers and Specialties

Part 3. Hospitals

317:30-5-58. [NEW]

(Reference APA WF # 11-18A)

GUBERNATORIAL APPROVAL:

March 12, 2012

[OAR Docket #12-305; filed 3-21-12]

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

[OAR Docket #12-301]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 5. Eligibility and Countable Income

Part 5. Countable Income and Resources

317:35-5-42. [AMENDED]

(Reference APA WF # 11-02)

GUBERNATORIAL APPROVAL:

March 12, 2012

[OAR Docket #12-301; filed 3-21-12]

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 45. INSURE OKLAHOMA**

[OAR Docket #12-302]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 9. Insure Oklahoma ESI Employee Eligibility

317:45-9-4. [AMENDED]

Subchapter 11. Insure Oklahoma IP

Part 3. Insure Oklahoma IP Member Health Care Benefits
317:45-11-10. [AMENDED]
317:45-11-12. [AMENDED]
Part 5. Insure Oklahoma IP Member Eligibility
317:45-11-24. [AMENDED]
Subchapter 13. Insure Oklahoma Dental Services
317:45-13-1. [AMENDED]
(Reference APA WF # 11-05)

GUBERNATORIAL APPROVAL:
March 12, 2012

[OAR Docket #12-302; filed 3-21-12]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 15. CONSUMER RIGHTS**

[OAR Docket #12-227]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Chapter 15. Consumer Rights [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-227; filed 3-13-12]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 16. STANDARDS AND CRITERIA
FOR COMMUNITY RESIDENTIAL MENTAL
HEALTH FACILITIES**

[OAR Docket #12-228]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

Chapter 16. Standards and Criteria for Community
Residential Mental Health Facilities [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-228; filed 3-13-12]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 27. STANDARDS AND CRITERIA
FOR MENTAL ILLNESS SERVICE
PROGRAMS**

[OAR Docket #12-229]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Chapter 27. Standards and Criteria for Mental Illness
Service Programs [NEW]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-229; filed 3-13-12]

**TITLE 532. BOARD OF COMMERCIAL PET
BREEDERS
CHAPTER 1. ORGANIZATION,
OPERATION AND
PURPOSES ADMINISTRATIVE
OPERATIONS**

[OAR Docket #12-283]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions [NEW]

532:1-1-1 [AMENDED]

532:1-1-1.1 [NEW]

532:1-1-2 [AMENDED]

532:1-1-3 [REVOKED]

532:1-1-4 [AMENDED AND RENUMBERED TO
532:1-3-1]

532:1-1-5 [REVOKED]

532:1-1-8 [AMENDED AND RENUMBERED TO
532:1-5-2]

Subchapter 3. Organization and Operation [NEW]

532:1-3-1 [AMENDED AND RENUMBERED FROM
532:1-1-4]

Subchapter 5. Declaratory Ruling Procedures [NEW]

532:1-5-2 [AMENDED AND RENUMBERED FROM
532:1-1-8]

Subchapter 7. Rulemaking Procedures [NEW]

532:1-7-1 [NEW]

GUBERNATORIAL APPROVAL:

March 12, 2012

[OAR Docket #12-283; filed 3-16-12]

**TITLE 532. COMMERCIAL PET BREEDERS
ACT
CHAPTER 10. LICENSING AND
SUPERVISION OF COMMERCIAL PET
BREEDERS**

[OAR Docket #12-284]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

532:10-1-1 [AMENDED]

Subchapter 3. Licensing

532:10-3-1 [AMENDED]

532:10-3-2 [AMENDED]

532:10-3-3 [AMENDED]

532:10-3-4 [AMENDED]

532:10-3-5 [AMENDED]

532:10-3-6 [AMENDED]

Subchapter 5. Violations, Complaints, Investigations, and
Enforcement, Fine Matrix and Procedure [AMENDED]

532:10-5-1 [AMENDED]

532:10-5-2 [AMENDED]

532:10-5-3 [AMENDED]

532:10-5-7 [AMENDED]

532:10-5-8 [AMENDED]

532:10-5-9 [AMENDED]

532:10-5-10 [AMENDED]

532:10-5-13 [AMENDED]

GUBERNATORIAL APPROVAL:

March 12, 2012

[OAR Docket #12-284; filed 3-16-12]

**TITLE 532. COMMERCIAL PET BREEDERS
ACT
CHAPTER 15. COMMERCIAL PET
BREEDER OPERATIONS GUIDELINES**

[OAR Docket #12-285]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

532:15-1-2 [AMENDED]

Subchapter 3. Minimum Housing and Care Standards

532:15-3-1 [AMENDED]

532:15-3-4 [AMENDED]

532:15-3-5 [AMENDED]

532:15-3-5 [AMENDED]

532:15-3-9 [AMENDED]

532:15-3-11 [AMENDED]

532:15-3-12 [AMENDED]

Subchapter 5. Minimum Transportation and Sales
Standards [AMENDED]

532:15-5-2 [AMENDED]

532:15-5-5 [AMENDED]

Subchapter 7. Record Keeping and Sales Requirements

532:15-7-2 [AMENDED]

GUBERNATORIAL APPROVAL:

March 12, 2012

[OAR Docket #12-285; filed 3-16-12]

**TITLE 590. OKLAHOMA PUBLIC
EMPLOYEES RETIREMENT SYSTEM
CHAPTER 1. ADMINISTRATIVE
OPERATIONS**

[OAR Docket #12-236]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

590:1-1-5. Retirement Coordinators [AMENDED]

Subchapter 3. Administrative Review and Hearings

590:1-3-8. Hearing Procedure [AMENDED]

GUBERNATORIAL APPROVAL:

February 29, 2012

[OAR Docket #12-236; filed 3-14-12]

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

[OAR Docket #12-237]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions

590:10-1-7. Non-state agency contributions [AMENDED]

Subchapter 3. Credited Service

590:10-3-8. Actuarial cost for purchases; delinquent
service cost [AMENDED]

590:10-3-10. Incentive credit [AMENDED]

590:10-3-11. Termination credit [AMENDED]

590:10-3-14. Elected official service credit [AMENDED]

Subchapter 7. Retirement Benefits

590:10-7-4. Early retirement factor [AMENDED]

590:10-7-9. Fractional year computations [AMENDED]

590:10-7-16. Rollovers [AMENDED]

590:10-7-22. Federal qualified military service rights
[AMENDED]

Subchapter 8. Department of Corrections Benefits

590:10-8-5. Normal retirement date for Post-Hazardous Duty Members [AMENDED]
Subchapter 9. Survivors and Beneficiaries
590:10-9-1. Survivors' benefits [AMENDED]

GUBERNATORIAL APPROVAL:

February 29, 2012

[OAR Docket #12-237; filed 3-14-12]

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

[OAR Docket #12-238]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. General Provisions
590:15-1-2. Administration [AMENDED]
590:15-1-12. Rollovers [AMENDED]
590:15-1-18. Federal qualified military service rights [AMENDED]

GUBERNATORIAL APPROVAL:

February 29, 2012

[OAR Docket #12-238; filed 3-14-12]

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

[OAR Docket #12-239]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 9. Benefits
590:25-9-17. Rollovers to other plans [AMENDED]
590:25-9-20. Federal qualified military service [AMENDED]
Subchapter 15. Trust
590:25-15-2. Payments from Trust Fund [AMENDED]

GUBERNATORIAL APPROVAL:

February 29, 2012

[OAR Docket #12-239; filed 3-14-12]

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

[OAR Docket #12-240]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 7. Contributions
590:35-7-1. Employer contributions [AMENDED]
Subchapter 13. Benefits and Distributions
590:35-13-9. Rollovers to eligible retirement plan [AMENDED]
Subchapter 15. Limitations on Annual Additions
590:35-15-3. Adjustments for excess amount [AMENDED]
Subchapter 19. Administration of Plan
590:35-19-7. Payment of expenses [AMENDED]

GUBERNATORIAL APPROVAL:

February 29, 2012

[OAR Docket #12-240; filed 3-14-12]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #12-310]

RULEMAKING ACTION:

Gubernatorial approval of revocation of permanent rules

RULES:

Subchapter 13. Minority Teacher Recruitment Center [REVOKED]
610:1-13-1. Purpose [REVOKED]
610:1-13-2. Minority Teacher Recruitment Advisory Committee [REVOKED]
610:1-13-3. Programs and services [REVOKED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-310; filed 3-22-12]

**TITLE 610. STATE REGENTS FOR HIGHER EDUCATION
CHAPTER 25. STUDENT FINANCIAL AID AND SCHOLARSHIPS**

[OAR Docket #12-311]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 23. Oklahoma Higher Learning Access Program
- 610:25-23-2. Eligibility of participants [AMENDED]
- 610:25-23-3. Applications [AMENDED]
- 610:25-23-4. Program requirements [AMENDED]
- 610:25-23-5. Securing Program benefits [AMENDED]
- 610:25-23-6. Retaining eligibility in postsecondary education [AMENDED]
- 610:25-23-8. Administrative responsibilities [AMENDED]
- 610:25-23-9. Heroes Promise [NEW]

GUBERNATORIAL APPROVAL:

March 15, 2012

[OAR Docket #12-311; filed 3-22-12]

TITLE 675. STATE BOARD OF LICENSED SOCIAL WORKERS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #12-286]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 675:1-1-1.1. Definitions [AMENDED]
- 675:1-1-4. Officers of the Board [AMENDED]
- 675:1-1-9. Fee schedule [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-286; filed 3-19-12]

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

[OAR Docket #12-287]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- 675:3-1-2. Definitions [AMENDED]
- 675:3-1-3. Complaint procedure [AMENDED]
- 675:3-1-3.1. Cooperation with investigations [NEW]
- 675:3-1-4. Procedures for denials, revocations, suspensions [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-287; filed 3-19-12]

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

[OAR Docket #12-288]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. Licensure Requirements
- 675:10-1-1.2. Requirements for Licensed Clinical Social Worker [AMENDED]
- 675:10-1-4. Requirements for Private or Independent Social Work Practice [AMENDED]
- 675:10-1-5. Titles of licenses [AMENDED]
- 675:10-1-6. Continuing education [AMENDED]
- 675:10-1-9. Form of application [AMENDED]
- 675:10-1-10. Examinations [AMENDED]
- 675:10-1-12.1. Renewal of licenses [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-288; filed 3-19-12]

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

[OAR Docket #12-289]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

- Subchapter 1. Guidelines For Supervision
- 675:12-1-4. Supervision and private or independent practice [AMENDED]
- 675:12-1-6. Board Approved Supervisors [AMENDED]
- 675:12-1-8. Out of State Supervision [NEW]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-289; filed 3-19-12]

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

[OAR Docket #12-290]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. Guidelines For Continuing Education
675:15-1-2. Introduction [AMENDED]
675:15-1-3. Continuing education standards [AMENDED]
675:15-1-5. Information to providers of continuing education [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-290; filed 3-19-12]

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

[OAR Docket #12-291]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

RULES:

Subchapter 1. Code Of Professional Conduct
675:20-1-6. Social Workers Code of Ethics [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-291; filed 3-19-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #12-269]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

Subchapter 1. General Provisions
710:1-1-2 [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-269; filed 3-16-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 10. AD VALOREM**

[OAR Docket #12-270]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

Subchapter 2. Business Personal Property Valuation Schedules

710:10-2-5 [AMENDED]

Subchapter 7. Manufacturing Facilities

710:10-7-2.2 [AMENDED]

710:10-7-4 [AMENDED]

710:10-7-5 [AMENDED]

710:10-7-11 [AMENDED]

710:10-7-13 [AMENDED]

Subchapter 14. Disabled Veterans in Receipt of Compensation at the One Hundred Percent Rate

710:10-14-1 [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-270; filed 3-16-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 20. ALCOHOL, MIXED BEVERAGES, AND LOW-POINT BEER**

[OAR Docket #12-308]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

Subchapter 2. Low-Point Beer

Part 1. General Provisions

710:20-2-5 [AMENDED]

710:20-2-6 [AMENDED]

Subchapter 3. Alcoholic Beverages

710:20-3-3 [AMENDED]

Subchapter 5. Mixed Beverages

710:20-5-6 [AMENDED]

GUBERNATORIAL APPROVAL:

March 9, 2012

[OAR Docket #12-308; filed 3-21-12]

**TITLE 710. OKLAHOMA TAX COMMISSION
CHAPTER 22. BOATS AND MOTORS**

[OAR Docket #12-271]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

Subchapter 5. Procedures for Registration

710:22-5-11. [AMENDED]

Gubernatorial Approvals

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-271; filed 3-16-12]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 25. COIN OPERATED VENDING
DEVICES**

[OAR Docket #12-272]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

710:25-1-5 [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-272; filed 3-16-12]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 45. GROSS PRODUCTION**

[OAR Docket #12-273]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

Subchapter 9. Exemptions and Exclusions

Part 5. Horizontally Drilled Production Wells

710:45-9-21 [AMENDED]

710:45-9-23 [AMENDED]

710:45-9-24 [AMENDED]

710:45-9-27 [AMENDED]

710:45-9-28 [AMENDED]

Part 7. Incremental Production from Enhanced Recovery

Projects or Properties

710:45-9-31 [AMENDED]

710:45-9-32.1 [AMENDED]

710:45-9-34 [AMENDED]

710:45-9-35 [AMENDED]

Part 9. Production Enhancement Projects

710:45-9-40 [AMENDED]

710:45-9-41 [AMENDED]

Part 11. Reestablishment of Production from an Inactive
Well

710:45-9-51 [AMENDED]

Part 13. Deep Wells

710:45-9-60 [AMENDED]

710:45-9-62 [AMENDED]

710:45-9-62.1 [AMENDED]

710:45-9-64 [AMENDED]

Part 15. New Discovery Wells

710:45-9-70 [AMENDED]

710:45-9-71 [AMENDED]

710:45-9-73 [AMENDED]

Part 17. Economically At-Risk Leases

710:45-9-82 [AMENDED]

Part 19. Production Using Three Dimensional Seismic
Shoots

710:45-9-90 [AMENDED]

710:45-9-92 [AMENDED]

710:45-9-93 [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-273; filed 3-16-12]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 60. MOTOR VEHICLES**

[OAR Docket #12-274]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

Subchapter 3. Registration and Licensing

Part 1. General Provisions

710:60-3-12 [AMENDED]

710:60-3-24 [AMENDED]

Part 14. All-Terrain Vehicles, Off-Road Motorcycles and
Utility Vehicles

710:60-3-140 [AMENDED]

710:60-3-141 [AMENDED]

Part 17. Special Permits

710:60-3-201 [AMENDED]

Subchapter 5. Motor Vehicle Titles

Part 1. General Provisions

710:60-5-2 [AMENDED]

710:60-5-8 [NEW]

Part 5. Certificates of Title

710:60-5-51 [AMENDED]

710:60-5-61 [AMENDED]

710:60-5-64 [NEW]

Part 7. Transfer of Title

710:60-5-77 [AMENDED]

Part 9. Affidavits for Use in Titles

710:60-5-91 [AMENDED]

Subchapter 7. Motor Vehicle Excise Tax

710:60-7-3 [AMENDED]

Subchapter 9. Motor Vehicle License Agents/Agencies

Part 5. Specific Recordkeeping Duties

710:60-9-54 [AMENDED]

Part 13. Provisions for Motor License Agent Application
and Appointment

710:60-9-132 [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-274; filed 3-16-12]

**TITLE 710. OKLAHOMA TAX
COMMISSION
CHAPTER 65. SALES AND USE TAX**

[OAR Docket #12-275]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

- Subchapter 1. General Provisions
710:65-1-7 [AMENDED]
- Subchapter 3. Reports and Returns; Payments and Penalties; Records
Part 1. General Provisions
710:65-3-1 [AMENDED]
710:65-3-3 [AMENDED]
- Subchapter 7. Duties and Liabilities
710:65-7-6 [AMENDED]
710:65-7-9 [AMENDED]
710:65-7-13 [AMENDED]
- Subchapter 9. Permits
710:65-9-10 [AMENDED]
- Subchapter 13. Sales and Use Tax Exemptions
Part 3. Agricultural Transactions
710:65-13-15 [AMENDED]
710:65-13-16 [REVOKED]
- Part 25. Governmental Entities
710:65-13-130 [AMENDED]
- Part 29. Manufacturing
710:65-13-152.1 [AMENDED]
- Part 39. Schools and Higher Education
710:65-13-210 [AMENDED]
- Part 43. Social, Charitable, and Civic Organizations and Activities
710:65-13-337 [AMENDED]
710:65-13-338 [AMENDED]
- Part 51. Sales Tax Holiday
710:65-13-511 [AMENDED]
- Subchapter 18. Sourcing Pursuant to the Streamlined Sales and Use Tax Administration Act
710:65-18-4 [AMENDED]
- Subchapter 19. Specific Applications and Examples
Part 5. "C"
710:65-19-45 [AMENDED]
710:65-19-49 [AMENDED]
710:65-19-52 [AMENDED]
710:65-19-55 [AMENDED]
710:65-19-56 [AMENDED]
- Part 7. "D"
710:65-19-76 [REVOKED]

- Part 11. "F"
710:65-19-109 [AMENDED]
710:65-19-116 [NEW]
- Part 23. "L"
710:65-19-193 [AMENDED]
- Part 25. "M"
710:65-19-210 [AMENDED]
- Part 39. " T "
710:65-19-329 [AMENDED]
- Part 43. "V"
710:65-19-350 [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-275; filed 3-16-12]

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

[OAR Docket #12-276]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

- Subchapter 5. Excise on Tobacco Products
710:70-5-5 [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-276; filed 3-16-12]

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

[OAR Docket #12-309]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

- Subchapter 2. Cigarette Stamp Tax
Part 1. General Provisions
710:70-2-15 [NEW]
- Subchapter 5. Excise on Tobacco Products
710:70-5-3 [AMENDED]
710:70-5-14 [AMENDED]

GUBERNATORIAL APPROVAL:

March 9, 2012

[OAR Docket #12-309; filed 3-21-12]

Gubernatorial Approvals

TITLE 710. OKLAHOMA TAX COMMISSION CHAPTER 90. WITHHOLDING

[OAR Docket #12-277]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

PROPOSED RULES:

Subchapter 3. Returns and Payments

710:90-3-11 [AMENDED]

GUBERNATORIAL APPROVAL:

March 7, 2012

[OAR Docket #12-277; filed 3-16-12]

TITLE 730. DEPARTMENT OF TRANSPORTATION CHAPTER 20. ACQUISITION AND DISPOSAL OF PROPERTIES

[OAR Docket #12-256]

RULEMAKING ACTION:

Notice of gubernatorial approval of permanent rules

RULES:

Subchapter 1. Rights-of-Way [NEW]

Subchapter 3. Improvement Removal and Contract
Administration [NEW]

730:20-3-1. Processes for Right-of-Way Improvement
Removal Contracts Below \$50,000 [NEW]

730:20-3-2. Selection Process for Right-of-Way
Improvement Removal Contracts Below \$50,000 [NEW]

GUBERNATORIAL APPROVAL:

February 13, 2012

[OAR Docket #12-256; filed 3-15-12]

Gubernatorial Disapprovals

Upon notification of disapproval by the Governor of an agency's proposed PERMANENT rulemaking action, the agency must submit a notice of such gubernatorial disapproval for publication in the *Register*.

For additional information on gubernatorial disapprovals, see 75 O.S., Section 303.2

TITLE 532. BOARD OF COMMERCIAL PET BREEDERS
CHAPTER 1. ORGANIZATION, OPERATION AND PURPOSES
ADMINISTRATIVE OPERATIONS

[OAR Docket #12-281]

RULEMAKING ACTION:

Gubernatorial disapproval of permanent rules

RULES:

Subchapter 1. General Provisions [NEW]
532:1-1-7 [AMENDED AND RENUMBERED TO 532:1-5-7]
Subchapter 5. Declaratory Ruling Procedures [NEW]
532:1-5-1 [AMENDED AND RENUMBERED FROM 532:1-1-7]

GUBERNATORIAL DISAPPROVAL:

Written disapproval received March 12, 2012

[OAR Docket #12-281; filed 3-16-12]

TITLE 532. COMMERCIAL PET BREEDERS ACT
CHAPTER 10. LICENSING AND SUPERVISION OF COMMERCIAL PET BREEDERS

[OAR Docket #12-282]

RULEMAKING ACTION:

Gubernatorial disapproval of permanent rules

RULES:

Subchapter 3. Licensing
532:10-3-11 [AMENDED]
Subchapter 5. Violations, Complaints, Investigations, and Enforcement, Fine Matrix and Procedure [AMENDED]
532:10-5-11 [AMENDED]

GUBERNATORIAL DISAPPROVAL:

March 12, 2012

[OAR Docket #12-282; filed 3-16-12]

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

[OAR Docket #12-307]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Individual Providers And Specialties

Part 6. Inpatient Psychiatric Hospitals

317:30-5-95.24. [AMENDED]

317:30-5-95.25. [AMENDED]

317:30-5-95.26. [AMENDED]

317:30-5-95.27. [AMENDED]

317:30-5-95.28. [AMENDED]

317:30-5-95.29. [AMENDED]

317:30-5-95.30. [AMENDED]

317:30-5-95.31. [AMENDED]

Part 21. Outpatient Behavioral Health Services

317:30-5-240. [AMENDED]

317:30-5-240.1. [AMENDED]

317:30-5-240.2. [AMENDED]

317:30-5-241. [AMENDED]

317:30-5-241.1. [AMENDED]

317:30-5-241.2. [AMENDED]

317:30-5-241.3. [AMENDED]

317:30-5-241.4. [AMENDED]

317:30-5-241.5. [AMENDED]

Part 25. Psychologist

317:30-5-276. [AMENDED]

Part 26. Licensed Behavioral Health Providers

317:30-5-281. [AMENDED]

Part 67. Behavioral Health Case Management Services

317:30-5-596. [AMENDED]

317:30-5-596.1. [AMENDED]

Part 83. Residential Behavior Management Services in Foster Care Setting

317:30-5-741. [AMENDED]

(Reference APA WF # 11-27)

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 308.2 of Title 75 of Oklahoma Statutes

DATES:

Adoption:

February 9, 2012

Approved by Governor:

March 7, 2012

Effective:

Immediately upon Governor's approval

Expiration:

Effective through July 14, 2013, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The Agency finds that a compelling public interest exists which necessitates promulgation of emergency rules and requests emergency approval of rules to transition substantive requirements for SoonerCare behavioral health services from the Billing Manual to the Agency's administrative rules as well as remove the guidelines for obtaining authorizations to provide SoonerCare behavioral health services. Failure to make these changes would put the Agency's rules out of line with Agency practice thereby placing the Agency's Federal Financial Participation (FFP) for behavioral health services at risk. The Agency was left with no choice but to remove the prior authorization (PA) requirements for behavioral health services when the contractor for the behavioral health utilization program was unable to meet the technical requirements necessary to perform their contractual obligations. In order to ensure that SoonerCare behavioral health providers continued to be reimbursed for services provided, the Agency removed the PA requirement so that claims could be processed through the Agency's claims processing system. Additionally, the Agency moved service requirements from the behavioral health billing manual to its administrative rules in order to comply with the Oklahoma Administrative Procedures Act. In order to successfully recoup funds that were reimbursed to providers inappropriately because of fraudulent or erroneous billing, the Agency is required to promulgate the requirements through the Oklahoma APA.

ANALYSIS:

Agency Behavioral Health rules are revised in order to sufficiently and accurately set forth the substantive requirements for providing covered SoonerCare behavioral health services. Provider credentials and coverage guidelines will be transferred from the current Behavioral Health Provider Manual to the Agency's Behavioral Health rules in order to comply with rule promulgation requirements set forth in Oklahoma Administrative Procedures Act (APA). These revisions will not only ensure that the Agency remains in compliance with the APA, but also provides the Agency the necessary legal basis to successfully maintain program integrity. Additionally, Outpatient Behavioral Health, Psychologist and Licensed Behavioral Health Professional (LBHP) rules are being revised to remove the guidelines for obtaining authorizations to provide services. Authorization requirements will be placed in the Behavioral Health Provider Manual and the rule revisions will reference the Manual. The authorization requirements are procedural in nature and are more appropriate in the context of a billing manual rather than the Agency's administrative rules.

CONTACT PERSON:

Tywanda Cox at (405)522-7153

**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):**

Emergency Adoptions

SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES

PART 6. INPATIENT PSYCHIATRIC HOSPITALS

317:30-5-95.24. ~~Pre-authorization~~ Prior Authorization of inpatient psychiatric services for children

(a) All inpatient psychiatric services for members under 21 years of age must be prior authorized by the OHCA or its designated agent. All inpatient acute and residential psychiatric services will be prior authorized for an approved length of stay. Additional information will be required for a SoonerCare compensable approval on enhanced treatment units or in special population programs. Residential treatment at this level is a longer term treatment that requires a higher staff to member ratio because it is constant, intense, and immediate reinforcement of new behaviors to develop an understanding of the behaviors. The environment of specialized residential treatment centers requires special structure and configuration (e.g., sensory centers for autistic members) and specialized training for the staff in the area of the identified specialty. The physician will see the child at least one time a week. A PRTF will not be considered a specialty treatment program for SoonerCare without prior approval of the OHCA behavioral health unit. A treatment program that has been approved as a specialized treatment program must maintain medical records that document the degree and intensity of the psychiatric care delivered to the children.

(b) Criteria for classification as a specialized PRTF will require a staffing ratio of 1:3 at a minimum during awake hours and 1:6 during time residents are asleep with 24 hour nursing care supervised by a RN for management of behaviors and medical complications. The PRTF will be a secure unit, due to the complexity of needs and safety considerations. Admissions will be restricted to children that meet the medical necessity criteria for RTC and also meet at least two or more of the following:

- (1) Have failed at other levels of care or have not been accepted at other levels of care;
- (2) Behavioral, emotional, and cognitive problems requiring secure residential treatment that includes 1:1, 1:2, or 1:3 staffing due to the member being a danger to themselves and others, for impairments in socialization problems, communication problems, and restricted, repetitive and stereotyped behaviors. These symptoms are severe and intrusive enough that management and treatment in a less restrictive environment places the child and others in danger but, do not meet acute medical necessity criteria. These symptoms which are exhibited across multiple environments must include at least two or more of the following:

(A) Marked impairments in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction;

(B) Inability to regulate impulse control with frequent displays of aggression or other dangerous behavior toward self and/or others regularly;

(C) Failure to develop peer relationships appropriate to developmental level;

(D) Lack of spontaneously seeking to share enjoyment, interests, or achievements with other people;

(E) Lack of social or emotional reciprocity;

(F) Lack of attachment to caretakers;

(G) Require a higher level of assistance with activities of daily living requiring multiple verbal cues 50 percent of the time to complete tasks;

(H) Delay, or total lack of, the development of spoken language which is not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime;

(I) Marked impairment in individuals with adequate speech in the ability to initiate or sustain a conversation with others;

(J) Stereotyped and repetitive use of language or idiosyncratic language;

(K) Lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level;

(L) Encompassing preoccupation with one or more stereotyped and restricted pattern and interest that is abnormal in intensity of focus;

(M) Inflexible adherence to specific, nonfunctional routines or rituals;

(N) Stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting or complex whole body movements);

(O) Persistent occupation with parts of objects;

(3) Member is medically stable, but has co-morbid medical conditions which require specialized medical care during treatment;

(4) Full scale IQ below 40 (profound mental retardation intellectual disability).

(c) Non-authorized inpatient psychiatric services will not be SoonerCare compensable.

(d) The designated agent will prior authorize all services for an approved length of stay based on the medical necessity criteria described in ~~in the OHCA Behavioral Health Provider Manual~~ OAC 317:30-5-95.25 through 317:30-5-95.31.

(e) Out of state placements must be approved by the agent designated by the OHCA and subsequently approved by the OHCA, Medical Services Behavioral Health Division. Requests for admission to Psychiatric Residential Treatment Facilities or acute care units will be reviewed for consideration of level of care, availability, suitability, and proximity of suitable services. A prime consideration for placements will be proximity to the family or guardian in order to involve the family or guardian in Active Treatment, including discharge and reintegration planning. Out of state facilities are responsible for insuring appropriate medical care as needed under SoonerCare provisions as part of the per-diem rate. Out of state facilities are responsible for ~~insuring~~ ensuring appropriate

medical care as needed under SoonerCare provisions as part of the per-diem rate.

(f) Inpatient psychiatric services in all acute hospitals and psychiatric residential treatment facilities are limited to the approved length of stay. OHCA, or its designated agent, will approve lengths of stay using the current OHCA Behavioral Health medical necessity criteria ~~and following the current OHCA Behavioral Health Provider Manual as described in OAC 317:30-5-95.25 through OAC 317:30-5-95.31.~~ The approved length of stay applies to both hospital and physician services. The Child and Adolescent Level of Care Utilization System (CALOCUS) ~~(CALOCUS®)~~ is a level of care assessment that will be used as a tool to determine the most appropriate level of care treatment for a member by LBHPs in the community.

317:30-5-95.25. Medical necessity criteria for acute psychiatric admissions for children

~~All acute psychiatric admissions for children must meet the medical necessity criteria for acute admission as identified in the OHCA Behavioral Health Provider Manual. Acute psychiatric admissions for children 13 or older must meet the terms and conditions contained in (1), (2), (3), (4) and two of the terms and conditions in (5)(A) to (6)(C) of this subsection. Acute psychiatric admissions for children 12 or younger must meet the terms or conditions contained in (1), (2), (3), (4) and one of (5)(A) to (5)(D), and one of (6)(A) to (6)(C) of this subsection.~~

- (1) An Axis I primary diagnosis from the most recent edition of "The Diagnostic and Statistical Manual of Mental Disorders" (DSM) with the exception of V-codes, adjustment disorders, and substance related disorders, accompanied by a detailed description of the symptoms supporting the diagnosis. In lieu of a qualifying Axis I diagnosis, children 18-21 years of age may have an Axis II diagnosis of any personality disorder.
- (2) Conditions are directly attributable to a psychiatric disorder as the primary need for professional attention (this does not include placement issues, criminal behavior, status offenses). Adjustment or substance related disorder may be a secondary Axis I diagnosis.
- (3) It has been determined by the OHCA designated agent that the current disabling symptoms could not have been managed or have not been manageable in a lesser intensive treatment program.
- (4) Child must be medically stable.
- (5) Within the past 48 hours, the behaviors present an imminent life threatening emergency such as evidenced by:
 - (A) Specifically described suicide attempts, suicide intent, or serious threat by the patient.
 - (B) Specifically described patterns of escalating incidents of self-mutilating behaviors.
 - (C) Specifically described episodes of unprovoked significant physical aggression and patterns of escalating physical aggression in intensity and duration.

- (D) Specifically described episodes of incapacitating depression or psychosis that result in an inability to function or care for basic needs.
- (6) Requires secure 24-hour nursing/medical supervision as evidenced by:
 - (A) Stabilization of acute psychiatric symptoms.
 - (B) Needs extensive treatment under physician direction.
 - (C) Physiological evidence or expectation of withdrawal symptoms which require 24-hour medical supervision.

317:30-5-95.26. Medical necessity criteria for continued stay - acute psychiatric admission for children

~~All acute psychiatric continued stay authorizations for children must meet the medical necessity criteria for acute admission as identified in the OHCA Behavioral Health Provider Manual. For continued stay acute psychiatric admissions for children must meet all of the conditions set forth in (1) to (4) of this subsection.~~

- (1) An Axis I primary diagnosis from the most recent edition of "The Diagnostic and Statistical Manual of Mental Disorders" (DSM) with the exception of V-Codes, adjustment disorders, and substance abuse related disorders, accompanied by a detailed description of the symptoms supporting the diagnosis. In lieu of a qualifying Axis I diagnosis, children 18-20 years of age may have an Axis II diagnosis of any personality disorder. Adjustment or substance related disorders may be a secondary Axis I diagnosis.
- (2) Patient continues to manifest a severity of illness that requires an acute level of care as defined in the admission criteria and which could not be provided in a less restrictive setting.
 - (A) Documentation of regression is measured in behavioral terms.
 - (B) If condition is unchanged, evidence of re-evaluation of treatment objectives and therapeutic interventions.
- (3) Conditions are directly attributable to a mental disorder as the primary need for professional attention (this does not include placement issues, criminal behavior, status offenses).
- (4) Documented efforts of working with the child's family, legal guardians and/or custodians and other human service agencies toward a tentative discharge date.

317:30-5-95.27. Medical necessity criteria for admission - inpatient chemical dependency detoxification for children

~~All admissions for inpatient chemical dependency detoxification for children must meet the medical necessity criteria for a detoxification admission as identified in the OHCA Behavioral Health Provider Manual. Inpatient chemical dependency detoxification admissions for children must meet the~~

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terms and conditions contained in (1), (2), (3), and one of (4)(A) through (D) of this subsection.

(1) Any psychoactive substance dependency disorder described in the most recent edition of "The Diagnostic and Statistical Manual of Mental Disorders" (DSM) with detailed symptoms supporting the diagnosis and need for medical detoxification, except for cannabis, nicotine, or caffeine dependencies.

(2) Conditions are directly attributable to a substance dependency disorder as the primary need for professional attention (this does not include placement issues, criminal behavior, or status offenses).

(3) It has been determined by the OHCA designated agent that the current disabling symptoms could not be managed or have not been manageable in a lesser intensive treatment program.

(4) Requires secure 24-hour nursing/medical supervision as evidenced by:

(A) Need for active and aggressive pharmacological interventions.

(B) Need for stabilization of acute psychiatric symptoms.

(C) Need extensive treatment under physician direction.

(D) Physiological evidence or expectation of withdrawal symptoms which require 24-hour medical supervision.

317:30-5-95.28. Medical necessity criteria for continued stay - inpatient chemical dependency detoxification program for children

Authorization for admission to a chemical dependency detoxification program is limited to up to five days. Exceptions to this limit may be made up to seven to eight days based on a case-by-case review, per medical necessity criteria as identified in the OHCA Behavioral Health Provider Manual as described in OAC 317:30-5-95.27.

317:30-5-95.29. Medical necessity criteria for admission - psychiatric residential treatment for children

~~All psychiatric residential treatment admissions for children must meet the medical necessity criteria for psychiatric residential treatment admission as identified in the OHCA Behavioral Health Provider Manual.~~ Psychiatric Residential Treatment facility admissions for children must meet the terms and conditions in (1) to (4) and one of the (5)(A) through (5)(D), and one of (6)(A) through (6)(C) of this subsection.

(1) An Axis I primary diagnosis form the most recent edition of "The Diagnostic and Statistical Manual of Mental Disorders" (DSM) with the exception of V-codes, adjustment disorders, and substance related disorders, accompanied by detailed symptoms supporting the diagnosis. In lieu of a qualifying Axis I diagnosis, children 18-20 years of age may have an Axis II diagnosis of any personality disorder. Adjustment or substance related disorders may be a secondary Axis I diagnosis.

(2) Conditions are directly attributed to a mental disorder as the primary reason for professional attention (this does not include placement issues, criminal behavior or status offenses).

(3) Patient has either received treatment in an acute care setting or it has been determined by the OHCA designated agent that the current disabling symptoms could not or have not been manageable in a less intensive treatment program.

(4) Child must be medically stable.

(5) Patient demonstrates escalating pattern of self injurious or assaultive behaviors as evidenced by:

(A) Suicidal ideation and/or threat.

(B) History of or current self-injurious behavior.

(C) Serious threats or evidence of physical aggression.

(D) Current incapacitating psychosis or depression.

(6) Requires 24-hour observation and treatment as evidenced by:

(A) Intensive behavioral management.

(B) Intensive treatment with the family/guardian and child in a structured milieu.

(C) Intensive treatment in preparation for re-entry into community.

317:30-5-95.30. Medical necessity criteria for continued stay - psychiatric residential treatment center for children

~~All psychiatric residential treatment continued stay authorizations for children must meet the medical necessity criteria for continued stay for psychiatric residential treatment admission as identified in the OHCA Behavioral Health Provider Manual.~~ For continued stay Psychiatric Residential Treatment Facilities for children, admissions must meet the terms and conditions contained in (1), (2), (5), (6), and either (3) or (4) of this subsection.

(1) An Axis I primary diagnosis from the most recent edition of "The Diagnostic and Statistical Manual of Mental Disorders" (DSM) with the exception of V codes, adjustment disorders, and substance abuse related disorders, accompanied by detailed symptoms supporting the diagnosis. In lieu of a qualifying Axis I diagnosis, children 18-20 years of age may have an Axis II diagnosis of any personality disorder.

(2) Conditions are directly attributed to a psychiatric disorder as the primary reason for continued stay (this does not include placement issues, criminal behavior, status offenses).

(3) Patient is making measurable progress toward the treatment objectives specified in the treatment plan.

(A) Progress is measured in behavioral terms and reflected in the patient's treatment and discharge plans.

(B) Patient has made gains toward social responsibility and independence.

(C) There is active, ongoing psychiatric treatment and documented progress toward the treatment objective and discharge.

(D) There are documented efforts and evidence of active involvement with the family, guardian, child welfare worker, extended family, etc.

(4) Child's condition has remained unchanged or worsened.

(A) Documentation of regression is measured in behavioral terms.

(B) If condition is unchanged, there is evidence of re-evaluation of the treatment objectives and therapeutic interventions.

(5) There is documented continuing need for 24-hour observation and treatment as evidenced by:

(A) Intensive behavioral management.

(B) Intensive treatment with the family/guardian and child in a structured milieu.

(C) Intensive treatment in preparation for re-entry into community.

(6) Documented efforts of working with child's family, legal guardian and/or custodian and other human service agencies toward a tentative discharge date.

317:30-5-95.31. ~~Pre-admission~~Prior Authorization and extension procedures for children

(a) ~~Pre-admission~~ Prior authorization for inpatient psychiatric services for children must be requested from the OHCA or its designated agent. The OHCA or its designated agent will evaluate and render a decision within 24 hours of receiving the request. A prior authorization will be issued by the OHCA or its designated agent, if the member meets medical necessity criteria. For the safety of SoonerCare members, additional approval from OHCA, or its designated agent is required for placement on specialty units or in special population programs or for members with special needs such as very low intellectual functioning.

(b) Extension requests (psychiatric) must be made through OHCA, or its designated agent. All requests are made prior to the expiration of the approved extension ~~following the guidelines in the OHCA Behavioral Health Provider Manual.~~ Requests for the continued stay of a child who has been in an acute psychiatric program for a period of 15 days and in a psychiatric residential treatment facility for 3 months will require a review of all treatment documentation completed by the OHCA designated agent to determine the efficiency of treatment.

(c) Providers seeking prior authorization will follow OHCA's, or its designated agent's, prior authorization process guidelines for submitting behavioral health case management requests on behalf of the SoonerCare member.

(d) In the event a member disagrees with the decision by OHCA, or its designated agent, the member receives an evidentiary hearing under OAC 317:2-1-2(a). The member's request for such an appeal must commence within 20 calendar days of the initial decision.

PART 21. OUTPATIENT BEHAVIORAL HEALTH SERVICES

317:30-5-240. Eligible providers

All outpatient behavioral health providers eligible for reimbursement under OAC 317:30-5-240 et seq. must be an accredited or Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) certified organization/agency in accordance with Section(s) 3-317, 3-323A, 3-306.1 and 3-415 of Title 43A of the Oklahoma Statutes and have a current contract on file with the Oklahoma Health Care Authority. Eligibility requirements for independent professionals (e.g., physicians and Licensed Behavioral Health Professionals), who provide outpatient behavioral health services and bill under their own national provider identification (NPI) number are covered under OAC 317:30-5-1 and OAC 317:30-5-275. Other outpatient ambulatory clinics (e.g. Federally Qualified Health Centers, Indian Health Clinics, school-based clinics) that offer outpatient behavioral health services are covered elsewhere in the agency rules.

317:30-5-240.1. Definitions

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

"**Accrediting body**" means one of the following:

- (A) Accreditation Association for Ambulatory Health Care (AAAHC);
- (B) American Osteopathic Association (AOA);
- (C) Commission on Accreditation of Rehabilitation Facilities (CARF);
- (D) Council on Accreditation of Services for Families and Children, Inc. (COA);
- (E) The Joint Commission (TJC) formerly known as Joint Commission on Accreditation of Healthcare Organizations; or
- (F) other OHCA approved accreditation.

"**Adult**" means an individual 21 and over, unless otherwise specified.

"**AOD**" means Alcohol and Other Drug.

"**AODTP**" means Alcohol and Other Drug Treatment Professional.

"**BH**" means behavioral health, which relates to mental, substance abuse, addictions, gambling, and other diagnosis and treatment.

"**BHAs**" means Behavioral Health Aides.

"**BHRS**" means Behavioral Health Rehabilitation Specialist.

"**Certifying Agency**" means the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS).

"**Child**" means an individual younger than 21, unless otherwise specified.

"**CM**" means case management.

"**CMHC's**" means Community Mental Health Centers who are state operated or privately contracted providers of behavioral health services for adults with severe mental illnesses, and youth with serious emotional disturbances.

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"**Cultural competency**" means the ability to recognize, respect, and address the unique needs, worth, thoughts, communications, actions, customs, beliefs and values that reflect an individual's racial, ethnic, age group, religious, sexual orientation, and/or social group.

"**DSM**" means the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

"**EBP**" means an Evidence Based Practice per the Substance Abuse & Mental Health Services Administration (SAMHSA).

"**FBCS**" means Facility Based Crisis Stabilization.

"**FSPs**" means Family Support Providers.

"**ICF/MR**" means Intermediate Care Facility for the Mentally Retarded.

"**Institution**" means an inpatient hospital facility or Institution for Mental Disease (IMD).

"**IMD**" means Institution for Mental Disease as per 42 CFR 435.1009 as a hospital, nursing facility, or other institution of more than 16 beds that is primarily engaged in providing diagnosis, treatment, or care of persons with mental diseases, including medical attention, nursing care and related services. The regulations indicate that an institution is an IMD if its overall character is that of a facility established and maintained primarily for the care and treatment of individuals with mental diseases. Title XIX of the Social Security Act provides that, except for individuals under age 21 receiving inpatient psychiatric care, Medicaid (Title XIX) does not cover services to IMD patients under 65 years of age [section 1905(a)(24)(B)].

"**LBHP**" means a Licensed Behavioral Health Professional.

"**MST**" means the EBP Multi-Systemic Therapy.

"**OAC**" means Oklahoma Administrative Code, the publication authorized by 75 O.S. 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"**Objectives**" means a specific statement of planned accomplishments or results that are specific, measurable, attainable, realistic, and time-limited.

"**ODMHSAS**" means the Oklahoma Department of Mental Health and Substance Abuse Services.

"**ODMHSAS contracted facilities**" means those providers that have a contract with the ODMHSAS to provide mental health or substance abuse treatment services, and also contract directly with the Oklahoma Health Care Authority to provide Outpatient Behavioral Health Services.

"**OHCA**" means the Oklahoma Health Care Authority.

"**OJA**" means the Office of Juvenile Affairs.

"**Provider Manual**" means the OHCA BH Provider Billing Manual.

"**RBMS**" means Residential Behavioral Management Services within a group home or therapeutic foster home.

"**Recovery**" means an ongoing process of discovery and/or rediscovery that must be self defined, individualized and may contain some, if not all, of the ten fundamental components of recovery as outlined by SAMHSA.

"**RSS**" means Recovery Support Specialist.

"**SAMHSA**" means the Substance Abuse and Mental Health Services Administration.

"**SED**" means Severe Emotional Disturbance.

"**SMI**" means Severely Mentally Ill.

"**Trauma informed**" means the recognition and responsiveness to the presence of the effects of past and current traumatic experiences in the lives of members.

317:30-5-240.2. Provider participation standards

(a) **Accreditation and certification status.** Any agency may participate as an OPBH provider if the agency is qualified to render a covered service and meets the OHCA requirements for provider participation.

(1) Private, Community-based Organizations must be accredited as a provider of outpatient behavioral health services from one of the accrediting bodies and be an incorporated organization governed by a board of directors;

(2) State-operated programs under the direction of ODMHSAS must be accredited by one of the accrediting bodies;

(3) Freestanding Psychiatric Hospitals must be licensed and certified by the State Survey Agency as meeting Medicare psychiatric hospital standards and JCAHO accreditation;

(4) General Medical Surgical Hospitals must be appropriately licensed and certified by the State Survey Agency as meeting Medicare standards, including a JCAHO or AOA accreditation;

(5) Federally Qualified Health Centers/Community Health Centers facilities that qualify under OAC 317:30-5-660;

(6) Indian Health Services/Tribal Clinics/Urban Tribal Clinics facilities that qualify under Federal regulation;

(7) Rural Health Clinics facilities that qualify under OAC 317:30-5-355;

(8) Public Health Clinics and County Health Departments;

(9) Public School Systems.

(b) **Certifications.** In addition to the accreditation in paragraph (a) above, provider specific credentials are required for the following:

(1) Substance Abuse agencies (OAC 450:18-1-1);

(2) ~~Evidence~~Evidence Based Best Practices but not limited to:

(A) Assertive Community Treatment (OAC 450:55-1-1);

(B) Multi-Systemic Therapy (Office of Juvenile Affairs); and

(C) Peer Support/Community Recovery Support;

(3) Systems of Care (OAC 340:75-16-46);

(4) Mobile and Facility-based Crisis Intervention (OAC 450:23-1-1);

(5) Case Management (OAC 450:50-1-1);

(6) RBMS in group homes (OAC 377:10-7) or foster care settings (OAC 340:75-8-4);

(7) Day Treatment - CARF, JCAHO, ~~and~~or COA will be required as of December 31, 2009; and

(8) Partial Hospitalization/Intensive Outpatient CARF, JCAHO, ~~and~~ COA will be required as of December 31, 2009.

(c) **Provider enrollment and contracting.**

(1) Organizations who have JCAHO, CARF, COA or AOA accreditation will supply the documentation from the accrediting body, along with other information as required for contracting purposes to the OHCA. The contract must include copies of all required state licenses, accreditation and certifications.

(2) If the contract is approved, a separate provider identification number for each outpatient behavioral health service site will be assigned. Each site operated by an outpatient behavioral health facility must have a separate provider contract and site-specific accreditation and/or certification as applicable. A site is defined as an office, clinic, or other business setting where outpatient behavioral health services are routinely performed. When services are rendered at the member's residence, a school, or when provided occasionally at an appropriate community based setting, a site is determined according to where the professional staff perform administrative duties and where the member's chart and other records are kept. Failure to obtain and utilize site specific provider numbers will result in disallowance of services.

(3) Effective 07/01/10, all behavioral health providers are required to have an individual contract with OHCA in order to receive SoonerCare reimbursement. This requirement includes outpatient behavioral health agencies and all individual rendering providers who work within an agency setting. Individual contracting requirements are set forth in the ~~OHCA BH Provider Manual~~ OAC 317:30-3-2 and OAC 317:30-5-280.

(d) **Standards and criteria.** Eligible organizations must meet each of the following:

(1) Have a well-developed plan for rehabilitation services designed to meet the recovery needs of the individuals served.

(2) Have a multi-disciplinary, professional team. This team must include all of the following:

- (A) One of the LBHPs;
- (B) A BHRS, if individual or group rehabilitative services for behavioral health disorders are provided;
- (C) An AODTP, if treatment of alcohol and other drug disorders is provided;
- (D) A registered nurse or physician assistant, with a current license to practice in the state in which the services are delivered if Medication Training and Support ~~service~~ Service is provided;
- (E) The member for whom the services will be provided, and parent/guardian for those under 18 years of age.
- (F) A member treatment advocate if desired and signed off on by the member.

(3) Demonstrate the ability to provide each of the following outpatient behavioral health treatment services as described in OAC 317:30-5-241 et seq., as applicable to their program. Providers must provide proper referral

and linkage to providers of needed services if their agency does not have appropriate services.

- (A) Assessments and Treatment Plans;
 - (B) Psychotherapies;
 - (C) Behavioral Health Rehabilitation services;
 - (D) Crisis Intervention services;
 - (E) Support Services; and
 - (F) Day Treatment/Intensive Outpatient.
- (4) Be available 24 hours a day, seven days a week, for Crisis Intervention services.
- (5) Provide or have a plan for referral to physician and other behavioral health services necessary for the treatment of the behavioral disorders of the population served.
- (6) Comply with all applicable Federal and State Regulations.
- (7) Have appropriate written policy and procedures regarding confidentiality and protection of information and records, member grievances, member rights and responsibilities, and admission and discharge criteria, which shall be posted publicly and conspicuously.
- (8) Demonstrate the ability to keep appropriate records and documentation of services performed.
- (9) Maintain and furnish, upon request, a current report of fire and safety inspections of facilities clear of any deficiencies.
- (10) Maintain and furnish, upon request, all required staff credentials including certified transcripts documenting required degrees.

317:30-5-241. Covered Services

(a) Outpatient behavioral health services are covered for adults and children as set forth in this Section ~~and following the requirements as defined in the OHCA BH Provider Manual,~~ unless specified otherwise, and when provided in accordance with a documented individualized service plan, developed to treat the identified behavioral health and/or substance abuse disorder(s).

(b) All services are to be for the goal of improvement of functioning, independence, or well-being of the member. The services and treatment plans are to be recovery focused, trauma and co-occurring specific. The member must be able to actively participate in the treatment. Active participation means that the member must have sufficient cognitive abilities, communication skills, and short-term memory to derive a reasonable benefit from the treatment.

~~(e) All outpatient BH services will require authorization through OHCA, or its designated agent, following established medical necessity criteria. Providers are required to follow these criteria and guidelines under the OHCA BH Provider Manual. OHCA does retain final administrative review over both prior authorization and review of services as required by 42 CFR 431.10.~~

~~(d) Unauthorized services will not be SoonerCare compensable, unless designated by OHCA.~~

(c) In order to be reimbursed for services, providers must submit a completed Customer Data Core (CDC) to OHCA or its designated agent. The CDC must be reviewed, updated and resubmitted by the provider every six months. Reimbursement

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is made only for services provided while a current CDC is on file with OHCA or its designated agent. For further information and instructions regarding the CDC, refer to the Behavioral Health Provider Manual.

(d) Some outpatient behavioral health services may require authorization. For information regarding services requiring authorization and the process for obtaining them, refer to the Behavioral Health Provider Manual. OHCA does retain the final administrative review over both authorization and review of services as required by 42 CFR 431.10.

317:30-5-241.1. Screening, assessment and service plan

All providers must comply with the requirements as set forth in the OHCA BH Provider Manual this Section.

(1) Screening.

(A) **Definition.** Screening is for the purpose of determining whether the member meets basic medical necessity and need for further BH assessment and possible treatment services.

(B) **Qualified professional.** Screenings can be performed by any credentialed staff members as listed under OAC 317:30-5-240.3.

(C) **Target population.** This service is compensable only on behalf of a member who is under a PACT program.

(2) Assessment.

(A) **Definition.** Gathering and assessment of historical and current bio-psycho-social information which includes face-to-face contact with the person and/or the person's family or other informants, or group of persons resulting in a written summary report, diagnosis and recommendations. All agencies must assess the medical necessity of each individual to determine the appropriate level of care.

(B) **Qualified professional.** This service is performed by an LBHP. CADCs are permitted to provide Drug and Alcohol assessments through June 30, 2010. Effective July 1, 2010 all assessments must be provided by LBHPs.

(C) **Time requirements.** The minimum face-to-face time spent in assessment session(s) with the member and others as identified previously in paragraph (1) of this subsection for a low complexity Behavioral Health Assessment by a Non-Physician is one and one half hours. For a moderate complexity, it is two hours or more.

(D) **Target population and limitations.** This service is compensable on behalf of a member who is seeking services for the first time from the contracted agency. This service is not compensable if the member has previously received or is currently receiving services from the agency, unless there has been a gap in service of more than six months and it has been more than one year since the previous assessment.

(E) **Documentation requirements.** The assessment must include all elements and tools required by the OHCA. In the case of children under the age of 18, it is performed with the direct, active face-to-face

participation of the parent or guardian. The child's level of participation is based on age, developmental and clinical appropriateness. The assessment must include a DSM multi-axial diagnosis completed for all five axes from the most recent DSM edition. The assessment must contain but is not limited to the following:

(i) Date, to include month, day and year of the assessment session(s);

(ii) Source of information;

(iii) Member's first name, middle initial and last name;

(iv) Gender;

(v) Birth Date;

(vi) Home address;

(vii) Telephone number;

(viii) Referral source;

(ix) Reason for referral;

(x) Person to be notified in case of emergency;

(xi) Presenting reason for seeking services;

(xii) Start and stop time for each unit billed;

(xiii) Signature of parent of guardian participating in face-to-face assessment. Signature required for members over the age of 14;

(xiv) Bio-Psychosocial information which must include:

(I) Identification of the member's strengths, needs, abilities and preferences;

(II) History of the presenting problem;

(III) Previous psychiatric treatment history, include treatment for psychiatric; substance abuse; drug and alcohol addiction; and other addictions;

(IV) Health history and current biomedical conditions and complications;

(V) Alcohol, Drug, and/or other addictions history;

(VI) Trauma, abuse, neglect, violence, and/or sexual assault history of self and/or others, include Department of Human Services involvement;

(VII) Family and social history, include MH, SA, Addictions, Trauma/Abuse/Neglect;

(VIII) Educational attainment, difficulties and history;

(IX) Cultural and religious orientation;

(X) Vocational, occupational and military history;

(XI) Sexual history, including HIV, AIDS, and STD at-risk behaviors;

(XII) Marital or significant other relationship history;

(XIII) Recreation and leisure history;

(XIV) Legal or criminal record, including the identification of key contacts, (i.e. attorneys, probation officers, etc.);

(XV) Present living arrangements;

(XVI) Economic resources;

- (XVII) Current support system including peer and other recovery supports.
- (xv) Mental status and Level of Functioning information, including questions regarding:
- (I) Physical presentation, such as general appearance, motor activity, attention and alertness, etc.;
 - (II) Affective process, such as mood, affect, manner and attitude, etc.;
 - (III) Cognitive process, such as intellectual ability, social-adaptive behavior, thought processes, thought content, and memory, etc; and
 - (IV) Full Five Axes DSM diagnosis.
- (xvi) Pharmaceutical information to include the following for both current and past medications:
- (I) Name of medication;
 - (II) Strength and dosage of medication;
 - (III) Length of time on the medication; and
 - (IV) Benefit(s) and side effects of medication.
- (xvii) LBHP's interpretation of findings and diagnosis;
- (xviii) Signature and credentials of LBHP who performed the face-to-face behavioral assessment;
- (xix) Client Data Core Elements reported into designated OHCA representative.
- (F) **Service Plan Development, Low Complexity.** A Service Plan Development, Low Complexity is required every 6 months and must include an update to the bio-psychosocial assessment and re-evaluation of diagnosis.
- (3) **Behavioral Health Services Plan Development.**
- (A) **Definition.** The Behavioral Health Service Plan is developed based on information obtained in the assessment and includes the evaluation of all pertinent information by the practitioners and the member. It includes a discharge plan. It is a process whereby an individualized rehabilitation plan is developed that addresses the ~~member's~~ member's strengths, functional assets, weaknesses or liabilities, treatment goals, objectives and methodologies that are specific and time limited, and defines the services to be performed by the practitioners and others who comprise the treatment team. BH Service Plan Development is performed with the direct active participation of the member and a member support person or advocate if requested by the member. In the case of children under the age of 18, it is performed with the participation of the parent or guardian and the child as age and developmentally appropriate, and must address school and educational concerns and assisting the family in caring for the child in the least restrictive level of care. For adults, it is focused on recovery and achieving maximum community interaction and involvement including goals for employment, independent living, volunteer work, or training.
- (B) **Qualified professional.** This service is performed by an LBHP.
- (C) **Time requirements.** Service Plan updates must be conducted face-to-face and are required every six months during active treatment. Updates can be conducted whenever it is clinically needed as determined by the provider LBHP and member.
- (D) **Documentation requirements.** Comprehensive and integrated service plan content must address the following:
- (i) member strengths, needs, abilities, and preferences (SNAP);
 - (ii) identified presenting challenges, problems, needs and diagnosis;
 - (iii) specific goals for the member;
 - (iv) objectives that are specific, attainable, realistic, and time-limited;
 - (v) each type of service and estimated frequency to be received;
 - (vi) the practitioner(s) name and credentials that will be providing and responsible for each service;
 - (vii) any needed referrals for service;
 - (viii) specific discharge criteria;
 - (ix) description of the member's involvement in, and responses to, the treatment plan, and his/her signature and date;
 - (x) service plans are not valid until all signatures are present (signatures are required from the member (if 14 or over), the parent/guardian (if younger than 18 or otherwise applicable), and the primary LBHP; and
 - (xi) all changes in service plan must be documented in a service plan update (low complexity) or within the service plan until time for the update (low complexity).
 - (xii) Updates to goals, objectives, service provider, services, and service frequency, must be documented within the service plan until the six month review/update is due.
 - (xiii) Service plan updates must address the following:
 - (I) update to the bio-psychosocial assessment, re-evaluation of diagnosis service plan goals and/ or objectives;
 - (II) progress, or lack of, on previous service plan goals and/or objectives;
 - (III) a statement documenting a review of the current service plan and an explanation if no changes are to be made to the service plan;
 - (IV) change in goals and/or objectives (including target dates) based upon member's progress or identification of new need, challenges and problems;
 - (V) change in frequency and/or type of services provided;
 - (VI) change in practitioner(s) who will be responsible for providing services on the plan;
 - (VII) change in discharge criteria;

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(VIII) description of the member's involvement in, and responses to, the treatment plan, and his/her signature and date; and

(IX) service plans are not valid until all signatures are present. The required signatures are: from the member (if 14 or over), the parent/guardian (if younger than 18 or otherwise applicable), and the primary LBHP.

(E) Service limitations:

(i) Behavioral Health Service Plan Development, Moderate complexity (i.e., pre-admission procedure code group) are limited to 1 per member, per provider, unless more than a year has passed between services, then another one can be requested and may be authorized by OHCA or its designated agent.

(ii) Behavioral Health Service Plan Development, Low Complexity: Service Plan updates are required every six months during active treatment. Updates can be conducted whenever needed as determined by the provider and member. The date of service is when the treatment plan is complete and the date the last required signature is obtained. Services should always be age, developmentally, and clinically appropriate.

(4) Assessment/Evaluation testing.

(A) Definition. Assessment/Evaluation testing is provided by a clinician utilizing tests selected from currently accepted assessment test batteries. Test results must be reflected in the Service Plan. The medical record must clearly document the need for the testing and what the testing is expected to achieve.

(B) Qualified professionals. Assessment/Evaluation testing will be provided by a psychologist, certified psychometrist, psychological technician of a psychologist or a LBHP. For assessments conducted in a school setting, the Oklahoma State Department of Education requires that a licensed supervisor sign the assessment. Each qualified professional must have a current contract with the Oklahoma Health Care Authority.

(C) Documentation requirements. All psychological services must be reflected by documentation in the member's record. All assessment, testing, and treatment services/units billed must include the following:

- (i) date;
- (ii) start and stop time for each session/unit billed and physical location where service was provided;
- (iii) signature of the provider;
- (iv) credentials of provider;
- (v) specific problem(s), goals and/or objectives addressed;
- (vi) methods used to address problem(s), goals and objectives;
- (vii) progress made toward goals and objectives

(viii) patient response to the session or intervention; and

(ix) any new problem(s), goals and/or objectives identified during the session.

(D) Service Limitations. Testing for a child younger than three must be medically necessary and meet established Child (0-36 months of Age) criteria as set forth in the Behavioral Health Provider Manual. Evaluation and testing is clinically appropriate and allowable when an accurate diagnosis and determination of treatment needs is needed. Eight hours/units of testing per patient over the age of two, per provider is allowed every 12 months. There may be instances when further testing is appropriate based on established medical necessity criteria found in the Behavioral Health Provider Manual. Justification for additional testing beyond allowed amount as specified in this section must be clearly explained and documented in the medical record. Testing units must be billed on the date the actual testing, interpretation, scoring, and reporting are performed. A maximum of 12 hours of therapy and testing, per day per rendering provider are allowed. A child who is being treated in an acute inpatient setting can receive separate psychological services by a physician or psychologist as the inpatient per diem is for "non-physician" services only. A child receiving Residential level treatment in either an therapeutic foster care home, or group home may not receive additional individual, group or family counseling or psychological testing unless allowed by the OHCA or its designated agent. Psychologists employed in State and Federal Agencies, who are not permitted to engage in private practice, cannot be reimbursed for services as an individually contracted provider. For assessment conducted in a school setting the Oklahoma State Department of Education requires that a licensed supervisor sign the assessment. Individuals who qualify for Part B of Medicare: Payment is made utilizing the SoonerCare allowable for comparable services. Payment is made to physicians, LBHPs or psychologists with a license to practice in the state where the services is performed or to practitioners who have completed education requirements and are under current board approved supervision to become licensed.

317:30-5-241.2. Psychotherapy

(a) Individual/Interactive Psychotherapy.

(1) Definition. Individual Psychotherapy is a face-to-face treatment for mental illnesses and behavioral disturbances, in which the clinician, through definitive therapeutic communication, attempts to alleviate the emotional disturbances, reverse or change maladaptive patterns of behavior and encourage growth and development. Insight oriented, behavior modifying and/or supportive psychotherapy refers to the development of insight of affective understanding, the use of behavior

modification techniques, the use of supportive interactions, the use of cognitive discussion of reality, or any combination of these items to provide therapeutic change.

(2) **Definition.** Interactive Psychotherapy is individual psychotherapy that involves the use of play therapy equipment, physical aids/devices, language interpreter, or other mechanisms of nonverbal communication to overcome barriers to the therapeutic interaction between the clinician and the member who has not yet developed or who has lost the expressive language communication skills to explain his/her symptoms and response to treatment, requires the use of a mechanical device in order to progress in treatment, or the receptive communication skills to understand the clinician. The service may be used for adults who are hearing impaired and require the use of language interpreter.

(3) **Qualified professionals.** With the exception of a qualified interpreter if needed, only the member and the Licensed Behavioral Health Professional (LBHP) or Certified Alcohol and Drug Counselor (CADC), for substance abuse (SA) only, should be present and the setting must protect and assure confidentiality. Ongoing assessment of the member's status and response to treatment as well as psycho-educational intervention are appropriate components of individual counseling. The counseling must be goal directed, utilizing techniques appropriate to the service plan and the member's developmental and cognitive abilities. Individual/Interactive counseling must be provided by a LBHP or CADC when treatment is for an alcohol or other drug disorder only.

(4) **Limitations.** A maximum of 6 units per day per member is compensable.

(b) **Group Psychotherapy.**

(1) **Definition.** Group psychotherapy is a method of treating behavioral disorders using the interaction between the LBHP or the CADC when treating alcohol and other drug disorders only, and two or more individuals to promote positive emotional or behavioral change. The focus of the group must be directly related to the goals and objectives in the individual member's current service plan. This service does not include social or daily living skills development as described under Behavioral Health Rehabilitation Services.

(2) **Group sizes.** Group Psychotherapy is limited to a total of eight adult (18 and over) individuals except when the individuals are residents of an ICF/MR where the maximum group size is six. For all children under the age of 18, the total group size is limited to six.

(3) **Multi-family and conjoint family therapy.** Sessions are limited to a maximum of eight families/units. Billing is allowed once per family unit, though units may be divided amongst family members.

(4) **Qualified professionals.** Group psychotherapy will be provided by a LBHP or CADC when treatment is for an alcohol or other drug disorder only. Group Psychotherapy must take place in a confidential setting limited to the LBHP or CADC conducting the service, an assistant

or co-therapist, if desired, and the group psychotherapy participants.

(5) **Limitations.** A maximum of 12 units per day per member is compensable.

(c) **Family Psychotherapy.**

(1) **Definition.** Family Psychotherapy is a face-to-face psychotherapeutic interaction between a LBHP or CADC and the member's family, guardian, and/or support system. It is typically inclusive of the identified member, but may be performed if indicated without the member's presence. When the member is an adult, his/her permission must be obtained in writing. Family psychotherapy must be provided for the direct benefit of the SoonerCare member to assist him/her in achieving his/her established treatment goals and objectives and it must take place in a confidential setting. This service may include the Evidence Based Practice titled Family Psychoeducation.

(2) **Qualified professionals.** Family Psychotherapy must be provided by a LBHP or CADC when treatment is for an alcohol or other drug disorder only.

(3) **Limitations.** A maximum of 12 units per day per member/family unit is compensable. The provider may not bill any time associated with note taking and/or medical record upkeep. The provider may only bill the time spent in direct face-to-face contact. Provider must comply with documentation requirements listed in OAC 317:30-5-248.

(d) **Multi-Systemic Therapy (MST).**

(1) **Definition.** MST intensive outpatient program services are limited to children within an Office of Juvenile Affairs (OJA) MST treatment program which provides an intensive, family and community-based treatment targeting specific BH disorders in children with SED who exhibit chronic, aggressive, antisocial, and/or substance abusing behaviors, and are at risk for out of home placement. Case loads are kept low due to the intensity of the services provided.

(2) **Qualified professionals.** Masters level professionals who work with a team that may include bachelor level staff.

(3) **Documentation requirements.** Providers must comply with documentation requirements in 317:30-5-248.

(4) **Service limitations.** Partial billing is not allowed, when only one service is provided in a day, providers should not bill for services performed for less than 8 minutes.

(e) **Children/Adolescent Partial Hospitalization Program (PHP).**

(1) **Definition.** Partial hospitalization services are services that (1) Are reasonable and necessary for the diagnosis or active treatment of the member's condition; (2) Are reasonably expected to improve ~~or maintain~~ the member's condition and functional level and to prevent relapse or hospitalization and (3) ~~Are provided in accordance with services outlined in 42 CFR 410.43.~~ Include the following:

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- (A) Assessment, diagnostic and treatment plan services for mental illness and/or substance abuse disorders provided by LBHPs.
 - (B) Individual/Group/Family (primary purpose is treatment of the member's condition) psychotherapies provided by LBHPs.
 - (C) Substance abuse specific services are provided by LBHPs qualified to provide these services.
 - (D) Drugs and biologicals furnished for therapeutic purposes.
 - (E) Family counseling, the primary purpose of which is treatment of the member's condition.
 - (F) Behavioral health rehabilitation training and education services to the extent the training and educational activities are closely and clearly related to the member's care and treatment, provided by a Behavioral Health Rehabilitation Specialist (BHRS), Certified Alcohol and Drug Counselor (CADC) or LBHP who meets the professional requirements listed in 317:30-5-240.3.
 - (G) Care Coordination of behavioral health services provided by certified case managers.
- (2) **Qualified professionals.** All services in the PHP are provided by a team, which must be composed of one or more of the following participants: physician, registered nurse, licensed behavioral health professional (LBHP), a case manager, or other certified Behavioral Health/Substance Abuse paraprofessional staff. Refer to OHCA BH Provider Manual for further requirements. The treatment plan is directed under the supervision of a physician.
- (A) All services in the PHP are provided by a clinical team, consisting of the following required professionals:
 - (i) A licensed physician;
 - (ii) Registered nurse; and
 - (iii) One or more of the licensed behavioral health professionals (LBHP) listed in 30-5-240.3(a).
 - (B) The clinical team may also include any of the following paraprofessionals:
 - (i) Masters or bachelors level Behavioral Health Rehabilitation Specialist;
 - (ii) Certified Case Manager; or
 - (iii) Certified Alcohol and Drug Counselor (CADC).
 - (C) The treatment plan is directed under the supervision of a physician and the number of professionals and paraprofessionals required on the clinical team is dependent on the size of the program.
- (3) **Qualified providers.** Provider agencies for PHP must be accredited by one of the national accrediting bodies; The Joint Commission (TJC), Commission on Accreditation of Rehabilitation Facilities (CARF) or The Council on Accreditation (COA) for partial hospitalization and enrolled in SoonerCare. Staff providing these services are employees or contractors of the enrolled agency.
- (4) **Limitations.** Services are limited to children 0-20 only. Services must be offered at a minimum of 3 hours

per day, 5 days per week. Therapeutic services are limited to 4 billable hours per day ~~and must be prior authorized.~~ PHP services are all inclusive with the exception of physician services and drugs that cannot be self-administered, those services are separately billable. ~~Refer to OHCA BH Provider Billing Manual for further definition.~~ Group size is limited to a maximum of 8 individuals as clinically appropriate given diagnostic and developmental functioning. Occupational, Physical and Speech therapy will be provided by the Independent School District (ISD).

(5) **Reporting.** ~~Reporting requirements must be followed as outlined in the OHCA BH Provider Billing Manual~~

(5) **Service requirements.**

(A) Therapeutic Services are to include the following:

(i) Psychiatrist/physician face-to-face visit 2 times per month;

(ii) Crisis management services available 24 hours a day, 7 days a week;

(B) Psychotherapies to be provided a minimum of four (4) hours per week and include the following:

(i) Individual therapy - a minimum of 1 session per week;

(ii) Family therapy - a minimum of 1 session per week; and

(iii) Group therapy - a minimum of 2 sessions per week;

(C) Interchangeable therapies which include the following:

(i) Case Management (face-to-face);

(ii) BHRS/ alcohol and other drug abuse education;

(iii) Medication Training and Support; and

(iv) Expressive therapy.

(6) **Documentation requirements.** Documentation needs to specify active involvement of the member's family, caretakers, or significant others involved in the individual's treatment. A nursing health assessment must be completed within 24 hours of admission. A physical examination and medical history must be coordinated with the Primary Care Physician. Service plan updates are required every three (3) months or more frequently based on clinical need. Records must be documented according to Section OAC 317:30-5-248.

(7) **Staffing requirements.** Staffing requirements must consist of the following:

(A) RN trained and competent in the delivery of behavioral health services as evidenced by education and/or experience that is available onsite during program hours to provide necessary nursing care and/or psychiatric nursing care (1 RN at a minimum can be backed up by an LPN but an RN must always be onsite). Nursing staff administers medications, follows up with families on medication compliance, and restraint assessments.

(B) Medical director must be a licensed psychiatrist.

(C) A psychiatrist/physician must be available 24 hours a day, 7 days a week.

(f) Children/Adolescent Day Treatment Program.

(1) **Definition.** Day Treatment Programs are for the stabilization of children and adolescents with severe emotional and/or behavioral disturbances. Treatment is designed for children who have difficulty functioning in mainstream community settings such as classrooms, and who need a higher intensity of services than outpatient counseling provides. Treatment is time limited and includes therapeutically intensive clinical services geared towards reintegration to the home, school, and community.

(2) **Qualified professionals.** All services in Day Treatment are provided by a team, which must be composed of one or more of the following participants: physician, registered nurse, licensed behavioral health professional (LBHP), a case manager, or other certified Behavioral Health/Substance Abuse paraprofessional staff. ~~Refer to OHCA BH Provider Billing Manual for further requirements.~~ Services are directed by an LBHP.

(3) **Qualified providers.** Provider agencies for Day Treatment must be accredited by one of the national accrediting bodies; The Joint Commission (TJC), Commission on Accreditation of Rehabilitation Facilities (CARF) or The Council on Accreditation (COA).

(4) **Limitations.** Services must be offered at a minimum of 4 days per week at least 3 hours per day. ~~Refer to OHCA BH Provider Billing Manual for further requirements.~~ Group size is limited to a maximum of 8 individuals as clinically appropriate given diagnostic and developmental functioning.

(5) **Service requirements.** On-call crisis intervention services must be available 24 hours a day, 7 days a week (When members served have psychiatric needs, psychiatric services are available which include the availability of a psychiatrist 24 hours a day, 7 days a week. A psychiatrist can be available either on site or on call but must be available at all times). Day treatment program will provide assessment and diagnostic services and/or medication monitoring, when necessary.

(A) Treatment activities are to include the following every week:

(i) Family therapy at least one hour per week (additional hours of FT may be substituted for other day treatment services;

(ii) Group therapy at least two hours per week; and

(iii) Individual therapy at least one hour per week.

(B) Additional services are to include at least one of the following services per day:

(i) Medication training and support (nursing) once monthly if on medications;

(ii) BHRS to include alcohol and other drug education if clinically necessary and appropriate

(iii) Case management as needed and part of weekly hours for member;

(iv) Occupational therapy as needed and part of weekly hours for member; and

(v) Expressive therapy as needed and part of weekly hours for the member.

(6) Documentation requirements. Service plans are required every three (3) months.

317:30-5-241.3. Behavioral Health Rehabilitation (BHR) services

(a) **Definition.** BHR are behavioral health rehabilitation services which are necessary to improve the member's ability to function in the community. They are performed to improve the skills and abilities of members to live interdependently in the community, improve self-care and social skills, and promote lifestyle change and recovery practices. This service may include the Evidence Based Practice of Illness, Management, and Recovery.

(1) **Clinical restrictions.** This service is generally performed with only the members and the BHRS, but may include a member and the member's family/support system group that focuses on the member's diagnosis, management, and recovery based curriculum.

(2) **Qualified providers.** A BHRS, CADC, or LBHP may perform BHR, following a treatment curriculum approved by a LBHP. Staff must be appropriately trained in a recognized behavioral/management intervention program such as MANDT or CAPE or trauma informed methodology.

(3) **Group sizes.** The minimum staffing ratio is fourteen members for each BHRS, CADC, or LBHP for adults and eight to one for children under the age of eighteen.

(4) **Limitations.**

(A) **Transportation.** Travel time to and from BHR treatment is not compensable. Group psychosocial rehabilitation services do not qualify for the OHCA transportation program, but they will arrange for transportation for those who require specialized transportation equipment. A member who at the time of service is not able to cognitively benefit from the treatment due to active hallucinations, substance use, or other impairments is not suitable for this service.

(B) **Time.** Breaks, lunchtime and times when the member is unable or unwilling to participate are not compensable and must be deducted from the overall billed time.

(C) **Location.** In order to develop and improve the member's community and interpersonal functioning and self care abilities, rehabilitation may take place in settings away from the outpatient behavioral health agency site. When this occurs, the BHRS, CADC, or LBHP must be present and interacting, teaching, or supporting the defined learning objectives of the member for the entire claimed time.

(D) **Billing.** Residents of ICF/MR facilities and children receiving RBMS in a group home or therapeutic foster home are not eligible for this service, unless ~~prior approved~~ allowed by OHCA or its designated agent.

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(i) **Group.** The maximum is 24 units per day for adults and 16 units per day for children.

(ii) **Individual.** The maximum is six units per day. Children under an ODMHSAS Systems of Care program may be prior authorized additional units as part of an intensive transition period.

(E) Documentation requirements. Progress notes for intensive outpatient mental health, substance abuse or integrated programs may be in the form of daily summary or weekly summary notes and must include the following:

(i) Curriculum sessions attended each day and/or dates attending during the week;

(ii) Start and stop times for each day attended and the physical location in which the service was rendered;

(iii) Specific goal(s) and objectives addressed during the week;

(iv) Type of Skills Training provided each day and/or during the week including the specific curriculum used with member;

(v) Member satisfaction with staff intervention(s);

(vi) Progress, or barrier to, made towards goals, objectives;

(vii) New goal(s) or objective(s) identified;

(viii) Signature of the lead BHRS; and

(ix) Credentials of the lead BHRS.

(b) **Medication training and support.**

(1) **Definition.** Medication Training and Support is a documented review and educational session by a registered nurse, or physician assistant focusing on a member's response to medication and compliance with the medication regimen. The review must include an assessment of medication compliance and medication side effects. Vital signs must be taken including pulse, blood pressure and respiration and documented within the medical or clinical record. A physician is not required to be present, but must be available for consult. Medication Training and Support is designed to maintain the member on the appropriate level of the least intrusive medications, encourage normalization and prevent hospitalization.

(2) **Limitations.**

(A) Medication Training and Support may not be billed for SoonerCare members who reside in ICF/MR facilities.

(B) One unit is allowed per month per patient ~~with~~ out prior authorization.

(C) Medication Training & Support is not allowed to be billed on the same day as pharmacological management.

(3) **Qualified professionals.** Must be provided by a licensed registered nurse, or a physician assistant as a direct service under the supervision of a physician.

(4) Documentation requirements - Medication Training and Support documented review must focus on:

(A) a member's response to medication;

(B) compliance with the medication regimen;

(C) medication benefits and side effects;

(D) vital signs, which include pulse, blood pressure and respiration; and

(E) documented within the progress notes/medication record.

317:30-5-241.4. Crisis Intervention

(a) **Onsite and Mobile Crisis Intervention Services (CIS).**

(1) **Definition.** Crisis Intervention Services are face-to-face services for the purpose of responding to acute behavioral or emotional dysfunction as evidenced by psychotic, suicidal, homicidal severe psychiatric distress, and/or danger of AOD relapse. The crisis situation including the symptoms exhibited and the resulting intervention or recommendations must be clearly documented.

(2) **Limitations.** Crisis Intervention Services are not compensable for SoonerCare members who reside in ICF/MR facilities, or who receive RBMS in a group home or Therapeutic Foster Home. CIS is also not compensable for members who experience acute behavioral or emotional dysfunction while in attendance for other behavioral health services, unless there is a documented attempt of placement in a higher level of care. The maximum is eight units per month; established mobile crisis response teams can bill a maximum of sixteen units per month, and 40 units each 12 months per member.

(3) **Qualified professionals.** Services must be provided by a LBHP.

(b) **Facility Based Crisis Stabilization (FBCS).** FBCS services are emergency psychiatric and substance abuse services aimed at resolving crisis situations. The services provided are emergency stabilization, which includes a protected environment, chemotherapy, detoxification, individual and group treatment, and medical assessment.

(1) **Qualified professionals.** FBCS services are provided under the supervision of a physician aided by a licensed nurse, and also include LBHPs for the provision of group and individual treatments. A physician must be available. This service is limited to providers who contract with or are operated by the ODMHSAS to provide this service within the overall behavioral health service delivery system.

(2) **Limitations.** The unit of service is per hour. Providers of this service must meet the requirements delineated in the OAC 450:23. Documentation of records must comply with OAC 317:30-5-248.

317:30-5-241.5. Support services

(a) **Program of Assertive Community Treatment (PACT) Services.**

(1) **Definition.** PACT is provided by an interdisciplinary team that ensures service availability 24 hours a day, seven days a week and is prepared to carry out a full range of treatment functions wherever and whenever needed. An individual is referred to the PACT team service when it has been determined that his/her needs are so pervasive and/or unpredictable that it is unlikely that they can be met

effectively by other combinations of available community services, or in circumstances where other levels of outpatient care have not been successful to sustain stability in the community.

(2) **Target population.** Individuals 18 years of age or older with serious and persistent mental illness and co-occurring disorders. PACT services are those services delivered within an assertive community-based approach to provide treatment, rehabilitation, and essential behavioral health supports on a continuous basis to individuals 18 years of age or older with serious mental illness with a self-contained multi-disciplinary team. The team must use an integrated service approach to merge essential clinical and rehabilitative functions and staff expertise. This level of service is to be provided only for persons most clearly in need of intensive ongoing services.

(3) **Qualified professionals.** Providers of PACT services are specific teams within an established organization and must be operated by or contracted with and certified by the ODMHSAS in accordance with 43A O.S. 319 and OAC 450:55. The team leader must be an LBHP.

(4) **Limitations.** A maximum of 105 hours per member per year in the aggregate. All PACT compensable SoonerCare services are required to be face-to-face. SoonerCare members who are enrolled in this service may not receive other outpatient behavioral health services except for FBCS and CM.

(5) **Service requirements.** PACT services must include the following:

(A) PACT assessments (initial and comprehensive);

(i) **Initial assessment** - is the initial evaluation of the member based upon available information, including self-reports, reports of family members and other significant parties, and written summaries from other agencies, including police, court, and outpatient and inpatient facilities, where applicable, culminating in a comprehensive initial assessment. Member assessment information for admitted members shall be completed on the day of admission to the PACT. The start and stop times for this service should be recorded in the chart.

(ii) **Comprehensive assessment** - is the organized process of gathering and analyzing current and past information with each member and the family and/or support system and other significant people to evaluate: 1) mental and functional status; 2) effectiveness of past treatment; 3) current treatment, rehabilitation and support needs to achieve individual goals and support recovery; and 4) the range of individual strengths (e.g., knowledge gained from dealing with adversity or personal/professional roles, talents, personal traits) that can act as resources to the member and his/her recovery planning team in pursuing goals. Providers must bill only the face-to-face service time with the member. Non-face to face time is

not compensable. The start and stop times for this service should be recorded in the chart.

(B) **Behavioral health service plan (moderate and low complexity by a non-physician (treatment planning and review) is a process by which the information obtained in the comprehensive assessment, course of treatment, the member, and/or treatment team meetings is evaluated and used to develop a service plan that has individualized goals, objectives, activities and services that will enable a member to improve. The initial assessment serves as a guide until the comprehensive assessment is completed. It is to focus on recovery and must include a discharge plan. It is performed with the direct active participation by the member. SoonerCare compensation for this service includes only the face to face time with the member. The start and stop times for this service should be recorded in the chart.**

(C) **Treatment team meetings (team conferences with the member present is a billable service. This service is conducted by the treatment team, which includes the member and all involved practitioners. For a complete description of this service, see OAC 450:55-5-6 Treatment Team Meetings. This service can be billed to SoonerCare only when the member is present and participating in the treatment team meeting. The conference starts at the beginning of the review of an individual member and ends at the conclusion of the review. Time related to record keeping and report generation is not reported. The start and stop should be recorded in the member's chart. The participating psychiatrist/physician should bill the appropriate CPT code; and the agency is allowed to bill one treatment team meeting per member as medically necessary.**

(D) **Individual and family psychotherapy;**

(E) **Individual rehabilitation;**

(F) **Recovery support services;**

(G) **Group rehabilitation;**

(H) **Group psychotherapy;**

(I) **Crisis Intervention;**

(J) **Medication training and support services;**

(K) **Blood draws and /or other lab sample collection services performed by the nurse.**

(b) **Behavioral Health Aide Services.**

(1) **Definition.** Behavioral Health Aides provide behavior management and redirection and behavioral and life skills remedial training. The behavioral health aide also provides monitoring and observation of the child's emotional/behavioral status and responses, providing interventions, support and redirection when needed. Training is generally focused on behavioral, interpersonal, communication, self help, safety and daily living skills.

(2) **Target population.** This service is limited to children with serious emotional disturbance who are in an ODMHSAS contracted systems of care community based treatment program, or are under OKDHS or OJA custody

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residing within a RBMS level of care, who need intervention and support in their living environment to achieve or maintain stable successful treatment outcomes.

(3) **Qualified professionals.** Behavioral Health Aides must be trained/credentialed through ODMHSAS.

(4) **Limitations.** The Behavioral Health Aide cannot bill for more than one individual during the same time period.

(5) **Documentation requirements.** Providers must follow requirements listed in OAC 317:30-5-248.

(c) **Family Support and Training.**

(1) **Definition.** This service provides the training and support necessary to ensure engagement and active participation of the family in the treatment planning process and with the ongoing implementation and reinforcement of skills learned throughout the treatment process. Child Training is provided to family members to increase their ability to provide a safe and supportive environment in the home and community for the child. Parent Support ensures the engagement and active participation of the family in the treatment planning process and guides families toward taking a proactive role in their child's treatment. Parent Training is assisting the family with the acquisition of the skills and knowledge necessary to facilitate an awareness of their child's needs and the development and enhancement of the family's specific problem-solving skills, coping mechanisms, and strategies for the child's symptom/behavior management.

(2) **Target population.** Family Support and Training is designed to benefit the SoonerCare eligible child experiencing a serious emotional disturbance who is in an ODMHSAS contracted systems of care community based treatment program, are diagnosed with a pervasive developmental disorder, or are under OKDHS or OJA custody, are residing within a RBMS level of care or are at risk for out of home placement, and who without these services would require psychiatric hospitalization.

(3) **Qualified professionals.** Family Support Providers (FSP) must be trained/credentialed through ODMHSAS.

(4) **Limitations.** The FSP cannot bill for more than one individual during the same time period.

(5) **Documentation requirements.** Providers must comply with requirements listed in OAC 317:30-5-248.

(d) **Community Recovery Support (CRS).**

(1) **Definition.** CRS (or Peer Recovery Support) services are an EBP model of care which consists of a qualified recovery support specialist provider (RSS) who assists individuals with their recovery from behavioral health disorders. Recovery Support is a service delivery role in the ODMHSAS public and contracted provider system throughout the behavioral health care system where the provider understands what creates recovery and how to support environments conducive of recovery. The role is not interchangeable with traditional staff members who usually work from the perspective of their training and/or their status as a licensed behavioral health provider; rather, this provider works from the perspective

of their experimental expertise and specialized credential training. They lend unique insight into mental illness and what makes recovery possible because they are in recovery.

(2) **Target population.** Adults 18 and over with SMI and/or AOD disorder(s).

(3) **Qualified professionals.** Recovery Support Specialists (RSS) must be trained/credentialed through ODMHSAS.

(4) **Limitations.** The RSS cannot bill for more than one individual during the same time period. This service can be an individual or group service. Groups have no restriction on size.

(5) **Documentation requirements.** Providers must comply with requirements listed in OAC 317:30-5-248.

(6) **Service requirements.**

(A) CRS/RSS staff utilizing their knowledge, skills and abilities will:

(i) teach and mentor the value of every individual's recovery experience;

(ii) model effective coping techniques and self-help strategies;

(iii) assist members in articulating personal goals for recovery; and

(iv) assist members in determining the objectives needed to reach his/her recovery goals.

(B) CRS/RSS staff utilizing ongoing training must:

(i) proactively engage members and possess communication skills/ability to transfer new concepts, ideas, and insight to others;

(ii) facilitate peer support groups;

(iii) assist in setting up and sustaining self-help (mutual support) groups;

(iv) support members in using a Wellness Recovery Action Plan (WRAP);

(v) assist in creating a crisis plan/Psychiatric Advanced Directive;

(vi) utilize and teach problem solving techniques with members;

(vii) teach members how to identify and combat negative self-talk and fears;

(viii) support the vocational choices of members and assist him/her in overcoming job-related anxiety;

(ix) assist in building social skills in the community that will enhance quality of life. Support the development of natural support systems;

(x) assist other staff in identifying program and service environments that are conducive to recovery; and

(xi) attend treatment team and program development meetings to ensure the presence of the member's voice and to promote the use of self-directed recovery tools.

PART 25. PSYCHOLOGISTS

317:30-5-276. Coverage by category

(a) **Outpatient Behavioral Health Services.** Outpatient behavioral health services are covered for children as set forth in this Section ~~and following the requirements as defined in the OHCA BH Provider Manual,~~ unless specified otherwise, and when provided in accordance with a documented individualized service plan medical record, developed to treat the identified behavioral health and/or substance abuse disorder(s).

(1) All services are to be for the goal of improvement of functioning, independence, or wellbeing of the member. The services and treatment plans are to be recovery focused, trauma and co-occurring specific. The member must be able to actively participate in the treatment. Active participation means that the member must have sufficient cognitive abilities, communication skills, and short-term memory to derive a reasonable benefit from the treatment.

~~(2) All outpatient BH services will require authorization through OHCA, or its designated agent, following established medical necessity criteria. Providers are required to follow these criteria and guidelines under the OHCA BH Provider Manual. OHCA does retain final administrative review over both prior authorization and review of services as required by 42 CFR 431.10.~~

(2) In order to be reimbursed for services, providers must submit a completed Customer Data Core (CDC) to OHCA or its designated agent. The CDC must be reviewed, updated and resubmitted by the provider every six months. Reimbursement is made only for services provided while a current CDC is on file with OHCA or its designated agent. For further information and instructions regarding the CDC, refer to the Behavioral Health Provider Manual.

(3) Some outpatient behavioral health services may require authorization. For information regarding services requiring authorization and the process for obtaining them, refer to the Behavioral Health Provider Manual. OHCA does retain the final administrative review over both authorization and review of services as required by 42 CFR 431.10.

(b) **Adults.** There is no coverage for adults for services by a psychologist.

(c) **Children.** Coverage for children includes the following services ~~(all services, except Initial or Level of Care Assessment, health and behavior codes and/or Crisis Intervention services, require authorization by OHCA, or its designated agent):~~

(1) **Bio-Psycho-Social Assessments.** Psychiatric Diagnostic Interview Examination (PDIE) initial assessment or Level of Care Assessment. The interview and assessment is defined as a face-to-face interaction with the member. Psychiatric diagnostic interview examination includes a history, mental status, and a disposition, and may include communication with family or other sources, ordering and medical interpretation of laboratory or other medical diagnostic studies. Only one PDIE is allowable per provider per member. If there has been a break in service over a six

month period, then an additional unit of PDIE can be prior authorized by OHCA, or their designated agent.

(2) Individual and/or Interactive psychotherapy in an outpatient setting including an office, clinic, or other confidential setting. The services may be performed at the residence of the member if it is demonstrated that it is clinically beneficial, or if the member is unable to go to a clinic or office. Individual psychotherapy is defined as a one to one treatment using a widely accepted modality or treatment framework suited to the individual's age, developmental abilities and diagnosis. It may include specialized techniques such as biofeedback or hypnosis.

(3) Family Psychotherapy is performed in an outpatient setting limited to an office, clinic, or other confidential setting. Family therapy is a face-to-face interaction between a therapist and the patient/family to facilitate emotional, psychological or behavioral changes and promote communication and understanding. Family therapy must be provided for the benefit of a SoonerCare eligible child as a specifically identified component of an individual treatment plan.

(4) Group and/or Interactive Group psychotherapy in an outpatient setting must be performed in the psychologist's office, clinic, or other confidential setting. Group therapy is a face to face interaction between a therapist and two or more unrelated patients (though there may be siblings in the same group, just not siblings only) to facilitate emotional, psychological, or behavioral changes. All group therapy records must indicate group size. Maximum total group size is six patients for children four years of age up to the age of 18. Groups 18-20 year olds can include eight individuals. Group therapy must be provided for the benefit of a SoonerCare eligible child four years of age or older as a specifically identified component of an individual treatment plan. Multi-family group therapy size is limited to eight family units.

(5) Assessment/Evaluation and testing is provided by a psychological technician of a psychologist or a LBHP utilizing tests selected from currently accepted assessment test batteries. For assessments conducted in a school setting, the Oklahoma State Department of Education requires that a licensed supervisor sign the assessment. Eight hours/units of testing per patient (over the age of two), per provider is allowed ~~with authorization every 12 months. In circumstances where it is determined that further testing is medically necessary, and or needed for specialty testing, additional hours/units may be prior authorized by the OHCA or designated agent based upon medical necessity and consultation review.~~ There may be instances when further testing is appropriate based on established medical necessity criteria found in the Behavioral Health Provider Manual. Test results must be reflected in the service plan or medical record. The service must clearly document the need for the testing and what the testing is expected to achieve. Any testing performed for a child under three must be prior authorized. Testing for a child younger than three must be medically necessary and meet established criteria as set forth in the

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Behavioral Health Provider Manual. Justification for additional testing beyond allowed amount as specified in this section must be clearly explained and documented in the medical record. Testing units must be billed on the date the testing, interpretation, scoring, and/or reporting was performed and supported by documentation.

(6) Health and Behavior codes - behavioral health services are available only to chronically and severely medically ill children.

(7) Crisis intervention services for the purpose of stabilization and hospital diversion as clinically appropriate.

(8) Payment for therapy services provided by a psychologist to any one member is limited to eight sessions/units per month. ~~All units/sessions, except the Initial or Level of Care Assessments or Crisis Intervention must be authorized by the OHCA or its designated agent.~~ A maximum of 12 sessions/units of therapy and testing services per day per provider are allowed. Case Management services are considered an integral component of the behavioral health services listed above.

(9) A child who is being treated in an acute psychiatric inpatient setting can receive separate Psychological services as the inpatient per diem is for "non-physician" services only.

(10) A child receiving Residential Behavioral Management in a foster home, also known as therapeutic foster care, or a child receiving Residential Behavioral Management in a group home, also known as therapeutic group home, may not receive individual, group or family counseling or psychological testing ~~without prior authorization unless~~ allowed by the OHCA or its designated agent.

(d) **Home and Community Based Waiver Services for the ~~Mentally Retarded~~Intellectually Disabled.** All providers participating in the Home and Community Based Waiver Services for the ~~mentally retarded~~intellectually disabled program must have a separate contract with this Authority to provide services under this program. All services are specified in the individual's plan of care.

(e) **Individuals eligible for Part B of Medicare.** Payment is made utilizing the Medicaid allowable for comparable services.

PART 26. LICENSED BEHAVIORAL HEALTH PROVIDERS

317:30-5-281. Coverage by Category

(a) **Outpatient Behavioral Health Services.** Outpatient behavioral health services are covered for children as set forth in this Section ~~and following the requirements as defined in the OHCA BH Provider Manual,~~ unless specified otherwise, and when provided in accordance with a documented individualized service plan and/or medical record, developed to treat the identified behavioral health and/or substance abuse disorder(s).

(1) All services are to be for the goal of improvement of functioning, independence, or wellbeing of the member. The services and treatment plans are to be recovery focused, trauma and co-occurring specific. The member must be able to actively participate in the treatment. Active participation means that the member must have sufficient cognitive abilities, communication skills, and short-term memory to derive a reasonable benefit from the treatment.

~~(2) All outpatient BH services will require authorization through OHCA, or its designated agent, following established medical necessity criteria. Providers are required to follow these criteria and guidelines under the OHCA BH Provider Manual. OHCA does retain final administrative review over both prior authorization and review of services as required by 42 CFR 431.10.~~

~~(3) Unauthorized services will not be SoonerCare compensable, unless designated by OHCA.~~

(2) In order to be reimbursed for services, providers must submit a completed Customer Data Core (CDC) to OHCA or its designated agent. The CDC must be reviewed, updated and resubmitted by the provider every six months. Reimbursement is made only for services provided while a current CDC is on file with OHCA or its designated agent. For further information and instructions regarding the CDC, refer to the Behavioral Health Provider Manual.

(3) Some outpatient behavioral health services may require authorization. For information regarding services requiring authorization and the process for obtaining them, refer to the Behavioral Health Provider Manual. OHCA does retain the final administrative review over both authorization and review of services as required by 42 CFR 431.10.

(b) **Adults.** There is no coverage for adults for services by a LBHP.

(c) **Children.** Coverage for children includes the following services ~~(all services, except for the Initial or Level of Care Assessments or Crisis Intervention, require authorization by OHCA or its designated agent, providers listed in 317:30-5-280(a)(1),(a)(3)and (a)(4) are exempt from authorization):~~

(1) Bio-Psycho-Social and Level of Care Assessments.

(A) The interview and assessment is defined as a face-to-face interaction with the member. Assessment includes a history, mental status, full bio-psycho-social evaluation, a disposition, communications with family or other sources, review of laboratory or other pertinent medical information, and medical/clinical consultations as necessary.

(B) Assessments for Children's Level of Care determination of medical necessity must follow a specified assessment process through OHCA or their designated agent. Only one assessment is allowable per provider per member. If there has been a break in service over a six month period, or the assessment is conducted for the purpose of determining a child's need for inpatient psychiatric admission, then an

additional unit can be authorized by OHCA, or their designated agent.

(2) Individual and/or Interactive psychotherapy in an outpatient setting including an office, clinic, or other confidential setting. The services may be performed at the residence of the member if it is demonstrated that it is clinically beneficial, or if the member is unable to go to a clinic or office. Individual psychotherapy is defined as a one to one treatment using a widely accepted modality or treatment framework suited to the individual's age, developmental abilities and diagnosis. It may include specialized techniques such as biofeedback or hypnosis.

(3) Family Psychotherapy is performed in an outpatient setting limited to an office, clinic, or other confidential setting. Family therapy is a face-to-face interaction between a therapist and the patient/family to facilitate emotional, psychological or behavioral changes and promote communication and understanding. Family therapy must be provided for the benefit of the member as a specifically identified component of an individual treatment plan.

(4) Group and/or Interactive Group psychotherapy in an outpatient setting must be performed in an office, clinic, or other confidential setting. Group therapy is a face-to-face interaction between a therapist and two or more unrelated patients (though there may be siblings in the same group, just not siblings only) to facilitate emotional, psychological, or behavioral changes. All group therapy records must indicate group size. Maximum total group size is six for ages four up to 18. Groups 18-20 year olds can include eight individuals. Group therapy must be provided for the benefit of the member as a specifically identified component of an individual treatment plan. Multi-family group therapy size is limited to eight family units.

(5) Assessment/Evaluation and testing is provided by psychologist, certified psychometrist, psychological technician of a psychologist or a LBHP utilizing tests selected from currently accepted assessment test batteries. For assessments conducted in a school setting, the Oklahoma State Department of Education requires that a licensed supervisor sign the assessment. Eight hours/units of testing per patient (over the age of two), per provider is allowed ~~with authorization~~ every 12 months. There may be instances when further testing is appropriate based on established medical necessity criteria found in the Behavioral Health Provider Manual. Justification for additional testing beyond allowed amount as specified in this section must be clearly explained and documented in the medical record. Test results must be reflected in the service plan or medical record. The service plan must clearly document the need for the testing and what the testing is expected to achieve. ~~Any testing performed for a child under three must be prior authorized. Testing for a child younger than three must be medically necessary and meet established Child (0-36 months of Age) criteria as set forth in the Behavioral Health Provider Manual.~~

Testing units must be billed on the date the testing, interpretation, scoring, and/or reporting was performed and supported by documentation.

(6) Crisis intervention services for the purpose of stabilization and hospitalization diversion as clinically appropriate.

(7) Payment for therapy services provided by a LBHP to any one member is limited to eight sessions/units per month. ~~All units/sessions, except Assessment and Crisis Intervention must be authorized by the OHCA or their designated agent.~~ A maximum of 12 sessions/units of therapy and testing services per day per provider are allowed. Case Management services are considered an integral component of the behavioral health services listed above.

(8) A child receiving Residential Behavioral Management in a foster home, also known as therapeutic foster care, or a child receiving Residential Behavioral Management in a group home, also known as therapeutic group home, may not receive individual, group or family counseling or testing ~~without authorization~~ unless allowed by the OHCA or their designated agent.

(d) **Home and Community Based Waiver Services for the ~~Mentally Retarded~~ Intellectually Disabled.** All providers participating in the Home and Community Based Waiver Services for the ~~mentally retarded~~ intellectually disabled program must have a separate contract with this Authority to provide services under this program. All services are specified in the individual's plan of care.

(e) **Individuals eligible for Part B of Medicare.** Payment is made utilizing the Medicaid allowable for comparable services.

PART 67. BEHAVIORAL HEALTH CASE MANAGEMENT SERVICES

317:30-5-596. Coverage by category

Payment is made for behavioral health case management services as set forth in this Section.

(1) Payment is made for services rendered to Sooner-Care ~~member's~~ members as follows:

(A) **Description of behavioral health case management services.** Services under behavioral health case management are not comparable in amount, duration and scope. The target group for behavioral health case management services are persons under age 21 who are in imminent risk of out-of-home placement for psychiatric or substance abuse reasons or are in out-of-home placement due to psychiatric or substance abuse reasons and chronically and/or severely mentally ill adults who are institutionalized or are at risk of institutionalization. All behavioral health case management services will be subject to medical necessity criteria.

(i) Behavioral health case management services are provided to assist eligible individuals

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in gaining access to needed medical, social, educational and other services essential to meeting basic human needs. The behavioral health case manager provides assessment of case management needs, development of a case management care plan, referral, linkage, monitoring and advocacy on behalf of the member to gain access to appropriate community resources. The behavioral health case manager must monitor the progress in gaining access to services and continued appropriate utilization of necessary community resources. Behavioral case management is designed to promote recovery, maintain community tenure, and to assist individuals in accessing services for themselves following the case management guidelines established by ODMHSAS. In order to be compensable, the service must be performed utilizing the Strengths Based model of case management. This model of case management assists individuals in identifying and securing the range of resources, both environmental and personal, needed to live in a normally interdependent way in the community. The focus for the helping process is on strengths, interests, abilities, knowledge and capacities of each person, not on their diagnosis, weakness or deficits. The relationship between the service member and the behavioral health case manager is characterized by mutuality, collaboration, and partnership. Assistive activities are designed to occur primarily in the community, but may take place in the behavioral health case manager's office, if more appropriate. The community based behavioral health case management agency will coordinate with the member and family (if applicable) by phone or face-to-face, to identify immediate needs for return to home/community no more than 72 hours after notification that the member/family requests case management services. For member's discharging from a higher level of care than outpatient, the higher level of care facility is responsible for scheduling an appointment with a case management agency for transition and post discharge services. The case manager will make contact with the member and family (if applicable) for transition from the higher level of care than outpatient back to the community, within 72 hours of discharge, and then conduct a follow-up appointment/contact within seven days. The case manager will provide linkage/referral to physicians/medication services, counseling services, rehabilitation and/or support services as described in the case management service plan. Case Managers may also provide crisis diversion (unanticipated, unscheduled situation requiring supportive assistance, face-to-face or telephone, to resolve immediate problems before they become overwhelming and severely impair the individual's ability to function or maintain in the community) to

assist member(s) from progression to a higher level of care. During the follow-up phase of these referrals or links, the behavioral health case manager will provide aggressive outreach if appointments or contacts are missed within two business days of the missed appointments. Community/home based case management to assess the needs for services will be scheduled as reflected in the case management service plan, but not less than one time per month. The member/parent/guardian has the right to refuse behavioral health case management and cannot be restricted from other services because of a refusal of behavioral health case management services.

(ii) An eligible member/parent/guardian will not be restricted and will have the freedom to choose a behavioral health case management provider as well as providers of other medical care.

(iii) In order to ensure that behavioral health case management services appropriately meet the needs of the member and family and are not duplicated, behavioral health case management activities will be provided in accordance with an individualized plan of care.

(iv) The individual plan of care must include general goals and objectives pertinent to the overall recovery of the ~~member~~member's (and ~~family's~~family, if applicable) needs. Progress notes must relate to the individual plan of care and describe the specific activities to be performed. The individual plan of care must be developed with participation by, as well as, reviewed and signed by the member, the parent or guardian (if the member is under 18), the behavioral health case manager, and a Licensed Behavioral Health Professional as defined in OAC 317:30-5-240(d).

(v) SoonerCare reimbursable behavioral health case management services include the following:

(I) Gathering necessary psychological, educational, medical, and social information for the purpose of individual plan of care development.

(II) Face-to-face meetings with the member and/or the parent/guardian/family member for the implementation of activities delineated in the individual plan of care.

(III) Face-to-face meetings with treatment or service providers, necessary for the implementation of activities delineated in the individual plan of care.

(IV) Supportive activities such as non face-to-face communication with the member and/or parent/guardian/family member.

(V) Non face-to-face communication with treatment or service providers necessary for the implementation of activities delineated in the individual plan of care.

(VI) Monitoring of the individual plan of care to reassess goals and objectives and assess progress and or barriers to progress.

(VII) Crisis diversion (unanticipated, unscheduled situation requiring supportive assistance, face-to-face or telephone, to resolve immediate problems before they become overwhelming and severely impair the individual's ability to function or maintain in the community) to assist member(s) from progression to a higher level of care.

(VIII) Transitioning from institutions to the community. Individuals (except individuals ages 22 to 64 who reside in an institution for mental diseases (IMD) or individuals who are inmates of public institutions) may be considered to be transitioning to the community during the last 60 consecutive days of a covered, long-term, institutional stay that is 180 consecutive days or longer in duration. For a covered, short term, institutional stay of less than 180 consecutive days, individuals may be considered to be transitioning to the community during the last 14 days before discharge. These time requirements are to distinguish case management services that are not within the scope of the institution's discharge planning activities from case management required for transitioning individuals with complex, chronic, medical needs to the community.

(B) Levels of Case Management

(i) Basic Case Management/Resource Coordination. Resource coordination services are targeted to adults with serious and persistent mental illness and children and adolescents with mental illness or serious emotional disturbance, and their families, who need assistance in accessing, coordination, and monitoring of resources and services. Services are provided to assess an individual's strengths and meet needs in order to achieve stability in the community. Standard managers have with caseloads of 30 - 35 members.

(ii) Intensive Case Management (ICM)/Wraparound Facilitation Case Management (WFCM). Intensive Case Management is targeted to adults with serious and persistent mental illness (including ~~member's~~members in PACT programs) and Wraparound Facilitation Case Management is targeted to children with serious mental illness and emotional disorders (including ~~member's~~members in a System of Care Network) who are deemed high risk and in need of more intensive CM services. It is designed to ensure access to community agencies, services, and people whose functions are to provide the support, training and assistance required for a stable, safe, and healthy community

life, and decreased need for higher levels of care. To produce a high fidelity wraparound process, a facilitator can facilitate between 8 and 10 families. To ensure that these intense needs are met, case manager caseloads are limited ~~to 25~~ between 10-15 caseloads. The ICM shall be a Certified Behavioral Health Case Manager, have a minimum of 2 years Behavioral Health Case Management experience, crisis diversion experience, must have attended the ODMHSAS 6 hours ICM training, and 24 hour availability is required.

(C) Excluded Services. SoonerCare reimbursable behavioral health case management does not include the following activities:

- (i) Physically escorting or transporting a member or family to scheduled appointments or staying with the member during an appointment; or
- (ii) Managing finances; or
- (iii) Providing specific services such as shopping or paying bills; or
- (iv) Delivering bus tickets, food stamps, money, etc.; or
- (v) Counseling, rehabilitative services, psychiatric assessment, or discharge planning; or
- (vi) Filling out forms, applications, etc., on behalf of the member when the member is not present; or
- (vii) Filling out SoonerCare forms, applications, etc.;
- (viii) Mentoring or tutoring;
- (ix) Provision of behavioral health case management services to the same family by two separate behavioral health case management agencies; ~~or~~
- (x) Non face-to-face time spent preparing the assessment document and the service plan paperwork;
- (xi) monitoring financial goals;
- (xii) services to nursing home residents;
- (xiii) psychotherapeutic or rehabilitative services, psychiatric assessment, or discharge; or
- (xix) services to members residing in ICF/MR facilities.

(D) Excluded Individuals. The following SoonerCare members are not eligible for behavioral health case management services:

- (i) Children/families for whom behavioral health case management services are available through OKDHS/OJA staff without special arrangements with OKDHS, OJA, and OHCA;
- (ii) Members receiving Residential Behavior Management Services (RBMS) in a foster care or group home setting unless transitioning into the community;
- (iii) Residents of ICF/MR and nursing facilities unless transitioning into the community;

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(iv) Members receiving services under a Home and Community Based services (HCBS) waiver program.

(E) Case management services provided to Medicare eligible members should be filed directly with the fiscal agent.

(F) **Documentation requirements.** The service plan must include general goals and objectives pertinent to the overall recovery needs of the member. Progress notes must relate to the service plan and describe the specific activities performed. Behavioral health case management service plan development is compensable time if the time is spent communicating with the participation by, as well as, reviewed and signed by the member, the behavioral health case manager, and a licensed behavioral health professional as defined at OAC 317:30-5-240.3(a). All behavioral health case management services rendered must be reflected by documentation in the records. In addition to a complete behavioral health case management service, plan documentation of each session must include but is not limited to:

- (i) date;
- (ii) person(s) to whom services are rendered;
- (iii) start and stop times for each service;
- (iv) original signature or the service provider (original signatures for faxed items must be added to the clinical file within 30 days);
- (v) credentials of the service provider ;
- (vi) specific service plan needs, goals and/or objectives addressed;
- (vii) specific activities performed by the behavioral health case manager on behalf of the child related to advocacy, linkage, referral, or monitoring used to address needs, goals and/or objectives;
- (viii) progress and barriers made towards goals, and/or objectives;
- (ix) member (family when applicable) response to the service;
- (x) any new service plan needs, goals, and/or objectives identified during the service; and
- (xi) member satisfaction with staff intervention.

(G) **Case Management Travel Time.** The rate for case management services assumes that the case manager will spend some amount of time traveling to the member for the face-to-face service. The case manager must only bill for the actual face-to-face time that they spend with the member and not bill for travel time. This would be considered duplicative billing since the rate assumes the travel component already.

317:30-5-596.1. Prior authorization

(a) ~~Prior authorization of behavioral health case management services is mandatory. The provider must request prior authorization from the OHCA, or its designated agent. Prior to providing behavioral health case management services provider must submit to OHCA, or its designated agent~~

member information which includes but is not limited to the following:

- (1) Complete multi-axial DSM diagnosis with supportive documentation and mental status examination summary;
- (2) Treatment history;
- (3) Current psycho social information;
- (4) Psychiatric history; and
- (5) Fully developed case management service plan, with goals, objectives, and time frames for services.

(b) SoonerCare members who are eligible for services will be considered for ~~prior authorization behavioral health case management services~~ after receipt of complete and appropriate information submitted by the provider in accordance with the guidelines for behavioral health case management services developed by OHCA or its designated agent. Based on diagnosis, functional assessment, history and other SoonerCare services being received, the SoonerCare member may be ~~approved to receive~~ eligible for case management services. SoonerCare members who reside in nursing facilities, residential behavior management services, group or foster homes, or ICF/MR's may not receive SoonerCare compensable case management services unless transitioning from a higher level of care than outpatient. ~~A SoonerCare member may be approved for a time frame of one to twelve months. The OHCA, or its designated agent will review the initial request in accordance with the guidelines for prior authorization in the Outpatient Behavioral Health Service Provider Manual. An initial request for case management services requires the provider to submit specific documentation to OHCA, or its designated agent. A fully developed individual plan of service is not required at the time of initial request prior to providing the service. The provider will be given a time frame to develop the individual plan of service while working with the child and his/her family and corresponding units of service will be approved prior to the completion of the service plan. Prior authorization requests will be reviewed by licensed behavioral health professionals as defined at OAC 317:30-5-240.~~

PART 83. RESIDENTIAL BEHAVIOR MANAGEMENT SERVICES IN FOSTER CARE SETTINGS

317:30-5-741. Coverage by category

(a) **Adults.** Outpatient Behavioral Health Services in Therapeutic Foster settings are not covered for adults.

(b) **Children.** Outpatient behavioral health services are ~~authorized~~ allowed in therapeutic foster care settings for certain children and youth ~~by the designated agent of the Oklahoma Health Care Authority as medically necessary.~~ The children and youth ~~authorized for receiving~~ services in this setting have special psychological, social and emotional needs, requiring more intensive, therapeutic care than can be found in the traditional foster care setting. The designated children and youth must continually meet medical necessity criteria to be eligible for coverage in this setting. ~~The medical necessity criteria are~~

continually met for initial requests for services and all subsequent requests for services/ extensions. Medical necessity criteria is delineated in the OHCA Behavioral Health Provider Manual.

(c) **Medical necessity criteria.** Medical necessity criteria is delineated as follows:

(1) An Axis I primary diagnosis from the most recent edition of "The Diagnostic and Statistical Manual of Mental Disorders" (DSM), with the exception of V codes and adjustment disorders, with a detailed description of the symptoms supporting the diagnosis. Children with a provisional diagnosis may be admitted for a maximum of 30 days. An assessment must be completed by a Licensed Behavioral Health Professional (LBHP) as defined in OAC 317:30-5-240.3(a) within the 30 day period resulting in an Axis I primary diagnosis from the most recent edition of "the Diagnostic and Statistical Manual of Mental Disorders"(DSM) primary diagnosis with the exception of V codes and adjustments disorders, with a detailed description of the symptoms supporting the diagnosis to continue RBMS in a foster care setting.

(2) Conditions are directly attributed to a mental illness/serious emotional disturbance as the primary need for professional attention.

(3) It has been determined by the inpatient authorization reviewer that the current disabling symptoms could not have been or have not been manageable in a less intensive treatment program.

(4) Evidence that the child's presenting emotional and/or behavioral problems prohibit full integration in a family/home setting without the availability of 24 hour crisis response/behavior management and intensive clinical interventions from professional staff, preventing the child from living in a traditional family home.

(5) The child is medically stable and not actively suicidal or homicidal and not in need of substance abuse detoxification services.

(6) The legal guardian/parent of the child (OKDHS/OJA if custody child) agrees to actively participate in the child's treatment needs and planning.

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