

Volume 30
Number 10
February 1, 2013
Pages 215 - 284

The Oklahoma Register

Oklahoma
Secretary of State
Office of Administrative Rules



Mary Fallin, Governor
V. Glenn Coffee,
Secretary of State
Peggy Coe, Editor-in-Chief

THE OKLAHOMA REGISTER is an official publication of the State of Oklahoma. It is published semi-monthly on the first working day of the month and on the first working day following the 14th day of the month under the authority of 75 O.S., Sections 250 et seq. and OAC 655:10-15-1. The rules of the State of Oklahoma are codified and published in the *Oklahoma Administrative Code*.

The Oklahoma Register and the documents accepted for publication are **AVAILABLE FOR PUBLIC INSPECTION** at the Office of Administrative Rules pursuant to the Oklahoma Open Records Act. Copies of the *Register* are also available for public inspection at many County Clerks' offices in Oklahoma, the Jan Eric Cartwright Memorial Law Library in the State Capitol, and the following depository libraries:

Ada - East Central University, Linscheid Library

Alva - Northwestern Oklahoma State University,
J.W. Martin Library

Bartlesville - Bartlesville Public Library

Claremore - Rogers State University, Stratton Taylor Library

Clinton - Clinton Public Library

Durant - Southeastern Oklahoma State University, H.G.
Bennett Memorial Library

Edmond - University of Central Oklahoma, Chambers Library

Enid - Public Library of Enid and Garfield County

Goodwell - Oklahoma Panhandle State University

Lawton - Lawton Public Library

McAlester - McAlester Public Library

Norman - University of Oklahoma, Bizzell Memorial
Library

Oklahoma City - Metropolitan Library System

Oklahoma City - Oklahoma Department of Libraries

Stillwater - Oklahoma State University, Edmon Low
Library

Tahlequah - Northeastern State University, John
Vaughan Library

Tulsa - Tulsa City-County Library System

Tulsa - University of Tulsa, McFarlin Library

Weatherford - Southwestern Oklahoma State
University, Al Harris Library

CITE MATERIAL PUBLISHED IN THE OKLAHOMA REGISTER by the volume and the beginning page number of the document in the *Register*. For example: 30 Ok Reg 256.

SUBSCRIPTION RATES for the *Register* are \$500.00 per year for the printed issues and \$300.00 per year for the CD-ROM issues, payable in advance. When available, individual printed issues may be purchased for \$20.00 plus the cost of postage, payable in advance. Make checks payable to "Secretary of State." Send subscription requests, change of address notices, and undelivered copies to: Secretary of State, Office of Administrative Rules, 2300 N. Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105.

INFORMATION ABOUT THIS PUBLICATION may be obtained by contacting the OAR by mail at Oklahoma Secretary of State, Office of Administrative Rules, 2300 North Lincoln Boulevard, Suite 101, Oklahoma City, OK 73105, by phone at (405) 521-4911, or by fax at (405) 522-3555. Information may also be obtained by visiting the OAR's office, located in Room 220, Will Rogers Building, 2401 N. Lincoln Boulevard, Oklahoma City, between 8:00 a.m. and 5:00 p.m., Monday through Friday.

This publication is issued and printed by the Secretary of State as authorized by 75 O.S., Section 255. 53 copies have been prepared and distributed at a cost of \$232.31. Copies have been deposited with the Oklahoma Department of Libraries, Publications Clearinghouse.

ISSN 0030-1728

Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	v
Agency Index (Title numbers assigned)	vi
Notices of Rulemaking Intent	
Chiropractic Examiners, Board of (Title 140)	215, 216, 217
Consumer Credit, Department of (Title 160)	217, 218
Education, State Department of (Title 210)	218, 219
Health Care Authority, Oklahoma (Title 317)	220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 240, 241, 242, 243, 244
Human Services, Department of (Title 340)	245, 246, 247
Insurance Department (Title 365)	247, 248, 249, 250, 251
Investigation, Oklahoma State Bureau of (Title 375)	251, 252, 253
Law Enforcement Education and Training, Council on (Title 390)	253, 254, 255, 256, 257, 258, 259
Mental Health and Substance Abuse Services, Department of (Title 450)	259, 260, 261
Mines, Department of (Title 460)	262
Public Safety, Department of (Title 595)	263
Real Estate Commission, Oklahoma (Title 605)	263, 264
Tax Commission, Oklahoma (Title 710)	265
Veterans Affairs, Oklahoma Department of (Title 770)	266, 267
Submissions for Review	
Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475)	269
Physician Manpower Training Commission (Title 540)	270
Gubernatorial Approvals	
Physician Manpower Training Commission (Title 540)	271
Emergency Adoptions	
Health Care Authority, Oklahoma (Title 317)	273
Juvenile Affairs, Office of (Title 377)	277
Executive Orders (Title 1)	281
Miscellaneous	
State Bond Advisor's Office	283

Agency/Action/Subject Index

STATE Bond Advisor's Office

Miscellaneous

- Notice of State Ceiling Amount for the Calendar Year
2013 283

CHIROPRACTIC Examiners, Board of (Title 140)

Notices of Rulemaking Intent

- Administrative Organization and Operations
(Chapter 1) 215
- Disciplinary Procedures (Chapter 3) 215
- Licensure of Chiropractic Physicians (Chapter 10) 216
- Special Certifications and Miscellaneous Provisions
(Chapter 15) 216
- Certified Chiropractic Assistants (Chapter 30) 217

CONSUMER Credit, Department of (Title 160)

Notices of Rulemaking Intent

- Procedure (Chapter 3) 217
- Truth in Lending Rules (Chapter 45) 218

EDUCATION, State Department of (Title 210)

Notices of Rulemaking Intent

- School Administration and Instructional Services
(Chapter 10) 218
- Curriculum and Instruction (Chapter 15) 219
- Staff (Chapter 20) 219

GOVERNOR

Executive Orders

- Ordering flags at half-staff to honor Joe Steven Stokes
(13-01) 281

HEALTH Care Authority, Oklahoma (Title 317)

Notices of Rulemaking Intent

- Medical Providers-Fee for Service (Chapter 30) 220,
221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232,
233, 234, 235
- Medical Assistance for Adults and Children-Eligibility
(Chapter 35) 235, 236, 237, 238
- Developmental Disabilities Services (Chapter 40) ... 240, 241
- Insure Oklahoma (Chapter 45) 242
- Home and Community Based Services Waivers
(Chapter 50) 242, 243, 244

Emergency Adoptions

- Medical Assistance for Adults and Children-Eligibility
(Chapter 35) 273

HUMAN Services, Department of (Title 340)

Notices of Rulemaking Intent

- Administrative Components (Chapter 2) 245
- Repatriation Program (Chapter 61) 246
- Licensing Services (Chapter 110) 246, 247

INSURANCE Department (Title 365)

Notices of Rulemaking Intent

- Administrative Operations (Chapter 1) 247
- Property and Casualty (Chapter 15) 248
- Licensure of Producers, Adjusters, Bail Bondsmen,
Companies, Prepaid Funeral Benefits, Cemetery
Merchandise Trusts, and Viatical Settlement Providers and
Brokers (Chapter 25) 249, 250
- Health Maintenance Organizations (HMO)
(Chapter 40) 251

INVESTIGATION, Oklahoma State Bureau of (Title 375)

Notices of Rulemaking Intent

- Oklahoma Open Records (Chapter 9) 251
- Oklahoma Self-Defense Act (Chapter 25) 252
- Oklahoma Identity Theft Passport Program
(Chapter 40) 253

JUVENILE Affairs, Office of (Title 377)

Emergency Adoptions

- Community-Based Youth Services (Chapter 15) 277

LAW Enforcement Education and Training, Council on (Title 390)

Notices of Rulemaking Intent

- Agency Authority and Objectives (Chapter 1) 253
- Administrative Procedures (Chapter 2) 254
- Peace Officer Certification (Chapter 10) 254
- Basic Peace Officer Certification Training
(Chapter 15) 255
- Reserve Officer Certification and Training
(Chapter 20) 255
- Continuing Law Enforcement Education (Chapter 25) ... 256
- Police Officer Annual Firearms Requalification
(Chapter 27) 256
- Regulation of Private Security Industry (Chapter 35) 257
- Oklahoma Self-Defense Act (Chapter 40) 257
- Retired Peace Officer Firearms Permit (Chapter 45) 258
- Penalty Assessment Fees (Chapter 50) 258
- Facilities Management (Chapter 55) 259

MENTAL Health and Substance Abuse Services, Department of (Title 450)

Notices of Rulemaking Intent

- Administration (Chapter 1) 259
- Consumer Rights (Chapter 15) 260
- Standards and Criteria for Community Mental Health Centers
(Chapter 17) 261
- Standards and Criteria for Opioid Substitution Treatment
Programs (Chapter 70) 261

MINES, Department of (Title 460)

Notices of Rulemaking Intent

- Oklahoma Mining Commission (Chapter 1) 262
- The Permanent Regulations Governing the Coal Reclamation
Act of 1979 (Chapter 20) 262

NARCOTICS and Dangerous Drugs Control, Oklahoma State Bureau of (Title 475)

Submissions for Review

- Requirements for Registration (Chapter 10) 269
- Labeling Requirements (Chapter 30) 269
- Animal Control Officers (Chapter 50) 269
- Pseudoephedrine Control (Chapter 55) 269

PHYSICIAN Manpower Training Commission (Title 540)

Submissions for Review

- Oklahoma Medical Loan Repayment Program
(Chapter 50) 270

Gubernatorial Approvals

- Oklahoma Medical Loan Repayment Program
(Chapter 50) 271

PUBLIC Safety, Department of (Title 595)

Notices of Rulemaking Intent

- General Rules of the Department of Public Safety
(Chapter 1) 263

REAL Estate Commission, Oklahoma (Title 605)

Notices of Rulemaking Intent

- Administrative Operations (Chapter 1) 263
- Requirements, Standards and Procedures (Chapter 10) ... 264

TAX Commission, Oklahoma (Title 710)

Notices of Rulemaking Intent

- Motor Vehicles (Chapter 60) 265

Agency/Action/Subject Index – continued

VETERANS Affairs, Oklahoma Department of (Title 770)
Notices of Rulemaking Intent
Administrative Operations (Chapter 1) 266
Center Division Program (Chapter 10) 266

**VETERANS Affairs, Oklahoma Department of –
continued**
Notices of Rulemaking Intent – continued
Claims and Benefits Division Program (Chapter 15) 267

Rules Affected Index

[(E) = *Emergency action*]

Rule	Register Page	Rule	Register Page
150:140-1-1. [NEW] (E)	101	595:10-11-9. [NEW] (E)	206
150:140-1-2. [NEW] (E)	101	595:10-11-10. [NEW] (E)	206
150:140-1-3. [NEW] (E)	101	595:10-11-11. [NEW] (E)	207
150:140-1-4. [NEW] (E)	102	595:10-11-12. [NEW] (E)	207
150:140-1-5. [NEW] (E)	102	595:10-11-13. [NEW] (E)	207
150:140-1-6. [NEW] (E)	103	595:10-11-14. [NEW] (E)	207
252:303-1-1. [AMENDED] (E)	202	595:10-11-15. [NEW] (E)	208
317:35-5-41.6. [AMENDED] (E)	273	595:10-11-16. [NEW] (E)	208
330:30-2-8.1. [AMENDED] (E)	23	595:11-1-15. [AMENDED] (E)	209
377:3-11-2. [AMENDED] (E)	137	595:11-1-16. [AMENDED] (E)	209
377:3-11-5. [AMENDED] (E)	137	595:11-1-17. [NEW] (E)	210
377:3-11-10. [AMENDED] (E)	138	595:11-1-18. [NEW] (E)	210
377:3-11-11. [AMENDED] (E)	138	710:1-5-110. [NEW] (E)	104
377:15-11-1. [NEW] (E)	278	710:1-5-111. [NEW] (E)	104
377:15-11-2. [NEW] (E)	278	710:1-5-112. [NEW] (E)	104
377:15-11-3. [NEW] (E)	278	710:1-5-113. [NEW] (E)	104
377:35-9-8. [AMENDED] (E)	139	710:1-5-114. [NEW] (E)	104
530:10-15-48. [AMENDED] (E)	202	710:1-5-115. [NEW] (E)	105
530:10-21-10. [NEW] (E)	203	710:1-5-116. [NEW] (E)	105
530:10-21-11. [NEW] (E)	204	710:1-5-117. [NEW] (E)	105
530:10-21-12. [NEW] (E)	204	710:1-5-118. [NEW] (E)	105
595:10-11-1. [NEW] (E)	204	710:1-5-119. [NEW] (E)	105
595:10-11-2. [NEW] (E)	204	710:1-5-120. [NEW] (E)	105
595:10-11-3. [NEW] (E)	204	710:1-5-121. [NEW] (E)	105
595:10-11-5. [NEW] (E)	205	710:1-5-122. [NEW] (E)	106
595:10-11-6. [NEW] (E)	205	715:10-17-6. [AMENDED] (E)	73
595:10-11-7. [NEW] (E)	206	748:3-1-2. [AMENDED] (E)	106
595:10-11-8. [NEW] (E)	206	748:5-3-1. [AMENDED] (E)	107

Agency/Title Index

[Assigned as of 2-1-13]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	EDGE Fund Policy Board	208
Oklahoma ACCOUNTANCY Board	10	State Department of EDUCATION	210
State ACCREDITING Agency	15	EDUCATION Oversight Board	215
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma AERONAUTICS Commission	25	[RESERVED]	225
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted 11-1-98</i>)	30	State ELECTION Board	230
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of EMBALMERS and Funeral Directors)	235
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management) - <i>See</i> Title 145	
Board of Tests for ALCOHOL and Drug Influence	40	Oklahoma EMPLOYMENT Security Commission	240
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma ENERGY Resources Board	243
ANATOMICAL Board of the State of Oklahoma	50	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly</i> : State Board of Registration for Professional ENGINEERS and Land Surveyors)	245
Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly</i> : Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Interior Designers of Oklahoma)	55	Board of Trustees for the ENID Higher Education Program (<i>exempted 11-1-98</i>)	250
ARCHIVES and Records Commission	60	Department of ENVIRONMENTAL Quality	252
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted 11-1-98</i>)	65	State Board of EQUALIZATION	255
Oklahoma ARTS Council	70	ETHICS Commission (<i>Title revoked</i>)	257
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission) - <i>See</i> Title 92		ETHICS Commission	258
ATTORNEY General	75	Office of State FINANCE	260
State AUDITOR and Inspector	80	State FIRE Marshal Commission	265
State BANKING Department	85	Oklahoma Council on FIREFIGHTER Training	268
Oklahoma State Employees BENEFITS Council	87	Oklahoma FIREFIGHTERS Pension and Retirement System	270
Council of BOND Oversight	90	[RESERVED]	275
Oklahoma State ATHLETIC Commission (<i>Formerly</i> : Oklahoma Professional BOXING Commission)	92	FORENSIC Review Board	277
State BURIAL Board (<i>abolished 7-1-92</i>)	95	State Board of Registration for FORESTERS	280
[RESERVED]	100	FOSTER Care Review Advisory Board	285
Oklahoma CAPITAL Investment Board	105	Oklahoma FUNERAL Board (<i>Formerly</i> : Oklahoma State Board of Embalmers and Funeral Directors) - <i>See</i> Title 235	
Oklahoma CAPITOL Improvement Authority	110	Oklahoma FUTURES	290
State CAPITOL Preservation Commission	115	GOVERNOR (<i>See also</i> Title 1, Executive Orders)	295
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	GRAND River Dam Authority	300
Oklahoma Department of CAREER and Technology Education (<i>Formerly</i> : Oklahoma Department of VOCATIONAL and Technical Education) - <i>See</i> Title 780		Group Self-Insurance Association GUARANTY Fund Board	302
Board of Regents of CARL Albert State College (<i>exempted 11-1-98</i>)	125	Individual Self-Insured GUARANTY Fund Board	303
Department of CENTRAL Services (<i>Formerly</i> : Office of PUBLIC Affairs) - <i>See</i> Title 580		STATE Use Committee (<i>Formerly</i> : Committee on Purchases of Products and Services of the Severely HANDICAPPED)	304
CEREBRAL Palsy Commission	130	Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns)	305
Commission on CHILDREN and Youth	135	Oklahoma State Department of HEALTH	310
Board of CHIROPRACTIC Examiners	140	Oklahoma Basic HEALTH Benefits Board (<i>abolished 11-1-97</i>)	315
Oklahoma Department of EMERGENCY Management (<i>Formerly</i> : Department of CIVIL Emergency Management)	145	Oklahoma HEALTH Care Authority	317
Oklahoma Department of COMMERCE	150	HIGHWAY Construction Materials Technician Certification Board	318
COMMUNITY Hospitals Authority	152	Oklahoma HISTORICAL Society	320
COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund) - <i>See</i> Title 370		Oklahoma HORSE Racing Commission	325
Oklahoma CONSERVATION Commission	155	Oklahoma HOUSING Finance Agency	330
CONSTRUCTION Industries Board	158	Oklahoma HUMAN Rights Commission	335
Department of CONSUMER Credit	160	Department of HUMAN Services	340
CORPORATION Commission	165	Committee for INCENTIVE Awards for State Employees	345
Department of CORRECTIONS	170	Oklahoma INDIAN Affairs Commission	350
State Board of COSMETOLOGY	175	Oklahoma INDIGENT Defense System	352
Oklahoma State CREDIT Union Board	180	Oklahoma INDUSTRIAL Finance Authority	355
CRIME Victims Compensation Board	185	INJURY Review Board	357
Joint CRIMINAL Justice System Task Force Committee	190	Oklahoma State and Education Employees Group INSURANCE Board	360
Board of DENTISTRY	195	INSURANCE Department	365
Oklahoma DEVELOPMENT Finance Authority	200	COMPSOURCE Oklahoma (<i>Formerly</i> : State INSURANCE Fund)	370
Office of DISABILITY Concerns (<i>Formerly</i> : Office of HANDICAPPED Concerns) - <i>See</i> Title 305		Oklahoma State Bureau of INVESTIGATION	375
Board of Regents of EASTERN Oklahoma State College (<i>exempted 11-1-98</i>)	205	Council on JUDICIAL Complaints	376
		Office of JUVENILE Affairs	377
		Department of LABOR	380
		Department of the Commissioners of the LAND Office	385
		Council on LAW Enforcement Education and Training	390
		Oklahoma LAW Enforcement Retirement System	395
		Board on LEGISLATIVE Compensation	400

Agency	Title	Agency	Title
Oklahoma Department of LIBRARIES	405	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
LIEUTENANT Governor	410	SCENIC Rivers Commission	630
Oklahoma LINKED Deposit Review Board	415	Oklahoma Commission on SCHOOL and County Funds Management	635
Oklahoma LIQUEFIED Petroleum Gas Board	420	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	The Oklahoma School of SCIENCE and Mathematics	645
LITERACY Initiatives Commission	425	Oklahoma Center for the Advancement of SCIENCE and Technology	650
LONG-RANGE Capital Planning Commission	428	SECRETARY of State	655
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING</i> Home Administrators) - <i>See</i> Title 490	429	Department of SECURITIES	660
LOTTERY Commission, Oklahoma	429	Board of Regents of SEMINOLE State College (<i>exempted 11-1-98</i>)	665
Board of Trustees for the MCCURTAIN County Higher Education Program (<i>exempted 11-1-98</i>)	430	SHEEP and Wool Commission	670
Commission on MARGINALLY Producing Oil and Gas Wells	432	State Board of Licensed SOCIAL Workers	675
State Board of MEDICAL Licensure and Supervision	435	SOUTHERN Growth Policies Board	680
MEDICAL Technology and Research Authority of Oklahoma	440	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of MEDICOLEGAL Investigations	445	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology (<i>Formerly: Board of Examiners for SPEECH Pathology and Audiology</i>)	690
Department of MENTAL Health and Substance Abuse Services	450	STATE Employee Charitable Contributions, Oversight Committee (<i>Formerly: STATE</i> Agency Review Committee)	695
MERIT Protection Commission	455	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>)— <i>See</i> Title 304	695
MILITARY Planning Commission, Oklahoma Strategic	457	Oklahoma STUDENT Loan Authority	700
Department of MINES	460	TASK Force 2000	705
Oklahoma MOTOR Vehicle Commission	465	Oklahoma TAX Commission	710
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	Oklahoma Commission for TEACHER Preparation	712
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	TEACHERS' Retirement System	715
Board of Regents of NORTHERN Oklahoma College (<i>exempted 11-1-98</i>)	480	State TEXTBOOK Committee	720
Oklahoma Board of NURSING	485	TOBACCO Settlement Endowment Trust Fund	723
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING</i> Home Administrators)	490	Oklahoma TOURISM and Recreation Department	725
Board of Regents of OKLAHOMA City Community College (<i>exempted 11-1-98</i>)	495	Department of TRANSPORTATION	730
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma TRANSPORTATION Authority (<i>Name changed to Oklahoma TURNPIKE</i> Authority 11-1-05) - <i>See</i> Title 731	731
Board of Examiners in OPTOMETRY	505	Oklahoma TURNPIKE Authority (<i>Formerly: Oklahoma TRANSPORTATION</i> Authority AND Oklahoma TURNPIKE Authority) - <i>See</i> also Title 745	731
State Board of OSTEOPATHIC Examiners	510	State TREASURER	735
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 TRANSPORATION</i> Authority 11-1-99 - <i>no rules enacted in this Title - See</i> Title 731)	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</i> and Technical Education)	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 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 1. ADMINISTRATIVE ORGANIZATION AND OPERATIONS

[OAR Docket #13-25]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 1. Administrative Organization and Operations
[AMENDED]

SUMMARY:

The proposed revisions to Chapter 1 include changes necessary to amend current rules to include definitions for "certified chiropractic assistants" and "nonclinical".

AUTHORITY:

HB 1658; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted February 2, 2013 through March 4, 2013 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on March 7, 2013 9:00 a.m. at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38th Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

CONTACT PERSON:

Beth Carter (405) 524-6223

[OAR Docket #13-25; filed 1-8-13]

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS CHAPTER 3. DISCIPLINARY PROCEDURES

[OAR Docket #13-26]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 3. Disciplinary Procedures [AMENDED]

SUMMARY:

The proposed revisions to Chapter 3 include amending language in this rule to coincide with current statutes in Title 59 O.S. Section 161.6 which relate to the investigator employed or contracted with by the Oklahoma Board of Chiropractic Examiners. The rule will set out requirements and procedures that the Investigator, Advisory Committee, Executive Director and the board must follow during the investigation of all formal complaints filed by members of the public regarding chiropractic physicians.

AUTHORITY:

SB 299; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted February 2, 2013 through March 4, 2013 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on March 7, 2013 at 9:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38th Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

Notices of Rulemaking Intent

CONTACT PERSON:

Beth Carter (405) 524-6223

[OAR Docket #13-26; filed 1-8-13]

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 10. LICENSURE OF CHIROPRACTIC PHYSICIANS**

[OAR Docket #13-27]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 10. Licensure of Chiropractic Physicians
[AMENDED]

SUMMARY:

The proposed revisions to chapter 10 include changes necessary to amend current language regarding licensure, fees and amendments to definitions in this chapter.

AUTHORITY:

59 O.S. Supp 2008, SEC.; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted February 2, 2013 through March 4, 2013 Oklahoma Board of Chiropractic Examiners. 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on March 7, 2013 at 9:00 a.m., at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38th Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

CONTACT PERSON:

Beth Carter (405) 524-6223

[OAR Docket #13-27; filed 1-8-13]

**TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 15. SPECIAL CERTIFICATIONS AND MISCELLANEOUS PROVISIONS**

[OAR Docket #13-28]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 15. Special Certifications and Miscellaneous Provisions [AMENDED]

SUMMARY:

The proposed revisions to chapter 15 include changes necessary to amend current rules that the Board sees necessary to strengthen language as they relate to Animal Chiropractic Diagnosis and Treatment and injectable certification.

AUTHORITY:

59 O.S. Supp 2008, SEC.; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted February 2, 2013 through March 4, 2013 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on March 7, 2013 9:00 a.m. at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38th Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

CONTACT PERSON:

Beth Carter (405) 524-6223

[OAR Docket #13-28; filed 1-8-13]

TITLE 140. BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 30. CERTIFIED CHIROPRACTIC ASSISTANTS

[OAR Docket #13-29]

INTENDED RULEMAKING ACTION:

Notice of proposed Permanent rulemaking

PROPOSED RULES:

Chapter 30. Certified Chiropractic Assistants [NEW]

SUMMARY:

The proposed new rule for Chapter 30

AUTHORITY:

HB 1658 effective November 1, 2011; Board of Chiropractic Examiners

COMMENT PERIOD:

Written comments will be accepted February 2, 2013 through March 4, 2013 at: Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105, Attn: Beth Carter

PUBLIC HEARING:

Public hearing is scheduled on March 7, 2013 9:00 a.m. at the Office of the Board of Veterinary Medical Examiners and the Oklahoma Board of Dentistry conference room, 201 N.E. 38th Terrace, Suite 1 and 2, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained from the Oklahoma Board Of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

RULE IMPACT STATEMENT:

The rule impact statement may be obtained from the Oklahoma Board of Chiropractic Examiners, 201 N.E. 38th Terrace, Suite 3, Oklahoma City, Oklahoma 73105. Telephone 405-524-6223.

CONTACT PERSON:

Beth Carter (405) 524-6223

[OAR Docket #13-29; filed 1-8-13]

TITLE 160. DEPARTMENT OF CONSUMER CREDIT
CHAPTER 3. PROCEDURE

[OAR Docket #13-03]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

160:3-1-4 [AMENDED]

SUMMARY:

The proposed rule amendment requires the Administrator to issue a Final Agency Order regarding an individual proceeding that has not been resolved pursuant to a Consent Order. The proposed rule amendment requires the Administrator to issue a Final Agency Order within a reasonable period of time after reviewing the administrative record and a proposed order from the hearing examiner. The proposed rule amendment also requires the Administrator to schedule a hearing within twenty (20) days from the date of service of an emergency order.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted during the period of February 1, 2013 through March 6, 2013. Written comments may be mailed or emailed to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or via email at rmartin@okdocc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Wednesday, March 6, 2013 at the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing before the conclusion of the comment period on March 6, 2013 at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Consumer Credit at 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the Department of Consumer Credit Internet website at www.ok.gov/okdocc/Rules_and_Actions/index.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after February 16, 2013, at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-521-3653, rmartin@okdocc.ok.gov.

[OAR Docket #13-03; filed 1-4-13]

Notices of Rulemaking Intent

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

[OAR Docket #13-02]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

160:45-1-2 [AMENDED]

160:45-1-3 [AMENDED]

Subchapter 5. Closed-End Credit

160:45-5-1 [AMENDED]

160:45-5-3 [AMENDED]

160:45-5-9 [NEW]

SUMMARY:

The proposed rules incorporate federal changes to Regulation Z for purposes of maintaining Oklahoma's exemption from federal enforcement of the consumer credit disclosure provisions of the Truth in Lending Act and Regulation Z. Specifically, the proposed rules implement the enhanced mortgage disclosure requirements that were incorporated into the Uniform Consumer Credit Code by Oklahoma House Bill 2742, which became effective July 1, 2012. The proposed rules also amend the dollar threshold amount for exempt transactions to correspond with revisions made to the Uniform Consumer Credit Code and Regulation Z.

AUTHORITY:

Administrator of Consumer Credit; 14A O.S. §§ 3-310, 6-104(1)(e) and 6-104(2).

COMMENT PERIOD:

Written and oral comments will be accepted during the period of February 1, 2013 through March 6, 2013. Written comments may be mailed or emailed to Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or via email at rmartin@okdocc.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:30 p.m. on Wednesday, March 6, 2013 at the Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by the proposed rule amendments are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rule. Business entities may submit this information in writing before the conclusion of the comment period on March 6, 2013 at the above address.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department of Consumer Credit at 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112 or the

Department of Consumer Credit Internet website at www.ok.gov/okdocc/Rules_and_Actions/index.html.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after February 16, 2013, at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Roy John Martin, General Counsel, Department of Consumer Credit, 3613 N.W. 56th Street, Suite 240, Oklahoma City, OK 73112, 405-521-3653, rmartin@okdocc.ok.gov.

[OAR Docket #13-02; filed 1-4-13]

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

[OAR Docket #13-77]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Student Assessment

210:10-13-18. Oklahoma School Accountability System
[AMENDED]

SUMMARY:

The purpose of the proposed amendments are to update the language of the rule relating to the Oklahoma School Accountability System and the identification of schools failing to make Adequate Yearly Progress (AYP) in student achievement. The rule in its current form contains outdated categories of designations for schools needing improvement which have since been replaced by updated categories approved by the State Board.

AUTHORITY:

State Board of Education, pursuant to 70 O. S. § 3-104; 70 O. S. § 1210.541.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Wednesday March 6, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Wednesday, March 6, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure

that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 1, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O. S. § 303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 1, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #13-77; filed 1-9-13]

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

[OAR Docket #13-78]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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 [AMENDED]

SUMMARY:

The proposed amendments clarify requirements of the Summer Academy Reading Programs for schools which observe year-round/continuous learning schedules. Proposed changes also incorporate recent amendments to 70 O.S. § 1210.508C, which address good cause exemptions from retention. Proposed changes also provide clarification as to what constitutes "intensive remediation" under the Oklahoma Reading Sufficiency Act.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 1210.508C; 70 O.S. § 1210.508D; 70 O.S. § 1210.508E.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Wednesday March 6, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education

Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Wednesday, March 6, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 1, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 1, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #13-78; filed 1-9-13]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 20. STAFF**

[OAR Docket #13-79]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Evaluation: Minimum Criteria for Effective Teaching and Administrative Performance
- 210:20-3-4. Oklahoma minimum criteria for effective teaching performance [REVOKED]
- 210:20-3-5. Oklahoma minimum criteria for effective administrative performance [REVOKED]

SUMMARY:

The proposed action is to revoke existing rules which establish minimum evaluation criteria for measuring effective teacher and administrator performance. The current rules are not based upon the Oklahoma Teacher and Leader Effectiveness Evaluation System, and have been rendered obsolete by 70 O.S. § 6-101.10, which requires minimum

Notices of Rulemaking Intent

criteria for policies of evaluation adopted by a board of education to be revised and based upon the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) developed by the State Board of Education in accordance with 70 O.S. § 6-101.16. The revocation is necessary to avoid confusion with the new minimum criteria to be established under the TLE.

AUTHORITY:

State Board of Education, pursuant to 70 O.S. § 3-104; 70 O.S. § 6-101.10; 70 O.S. § 6-101.16.

COMMENT PERIOD:

All interested persons wishing to present their views orally or in writing may do so before 4:30 p.m., Wednesday March 6, 2013, at the following address: Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Submit comments by email to: rules@sde.ok.gov.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Wednesday, March 6, 2013, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Suite 1-20, Oklahoma City, Oklahoma 73105-4599. Persons wishing to speak must sign in at the door of the State Board Room. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies are on file for public viewing in the office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Proposed rules are also available on the State Department of Education Web site at www.sde.ok.gov on and after February 1, 2013.

RULE IMPACT STATEMENT:

A Rule Impact Statement has been prepared, according to 70 O.S. §303(D), and will be available at the Office of the State Board of Education, Room 1-18, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma, on and after February 1, 2013.

CONTACT PERSON:

Connie Holland, 405-521-3308

[OAR Docket #13-79; filed 1-9-13]

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

[OAR Docket #13-36]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 51. Habilitation Services
317:30-5-482. [AMENDED]
(Reference APA WF # 12-01A)

SUMMARY:

Permanent rule revisions are proposed to provide an exception for members of the Homeward Bound Waiver receiving Habilitation Training Specialist (HTS) services. The rule revision will allow the HTS to provide more than 40 hours of service per week, when the HTS resides in the same home as the member. The rule revision is promulgated as the result of a lawsuit filed on behalf of class members of the Homeward Bound waiver.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1915 (c) of the Social Security Act *The Hissom Memorial Center et al.*, in case number 85-CV-437-GKF, in the United States District Court for the Northern District of Oklahoma

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-36; filed 1-9-13]

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

[OAR Docket #13-38]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 35. Rural Health Clinics

317:30-5-355.1. [AMENDED]

317:30-5-359.2. [AMENDED]

317:30-5-361. [AMENDED]

(Reference APA WF # 12-03)

SUMMARY:

Rural Health Clinics policy is revised to allow RHC's to bill lab services separately, as they can under Medicare. RHC policy is also updated to eliminate language that is inapplicable to OHCA's current operational practices.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; CFR 440.20

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-38; filed 1-9-13]

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

[OAR Docket #13-39]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 85. ADvantage Program Waiver Services

317:30-5-761. [AMENDED]

317:30-5-763. [AMENDED]

317:30-5-763.1. [AMENDED]

317:30-5-764. [AMENDED]

(Reference APA WF # 12-04A)

SUMMARY:

OHCA rules for the ADvantage Waiver are revised to add Skilled Nursing as an allowable service within the waiver. Currently Skilled Nursing services are only available as a part of the member's limited home health benefit. The addition of Skilled Nursing services will be used to address member acute care needs, potentially lowering the rate of hospitalization among members. Additionally, rules are revised to remove Assisted Living services from the waiver. ADvantage Waiver members currently receiving Assisted Living Services will be transitioned to a new waiver for Assisted Living before removal of the ADvantage Assisted Living Services benefit. The new Assisted Living Services Waiver is created to better control growth and utilization and eliminate confusion regarding allowable services. Finally, rules are revised to clarify criteria for member health and safety, clarify the member/provider dispute resolution process and include other minor policy clarifications.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Sections 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1915 (c) of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-39; filed 1-9-13]

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

[OAR Docket #13-41]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 113. Living Choice Program
317:30-5-1200. [AMENDED]
317:30-5-1202. [AMENDED]
317:30-5-1203. [AMENDED]
(Reference APA WF # 12-05)

SUMMARY:

OHCA rules for the Living Choice demonstration program are revised to include clarification for the billing of Institutional Case Management Transition services and the inclusion of additional services for persons with physical disabilities and long term illnesses. Additional services added are Assisted Living Services and Private Duty Nursing. Assisted Living Services are services such as personal care and other supportive services furnished to members in an OHCA certified assisted living center. Rules are also revised to add an option for self-direction. Self-direction allows members, as the employer

of record, to hire individual providers for Personal Care services, Advanced Supportive/Restorative services and Respite services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Sections 5003 through 5016 of Title 63 of the Oklahoma Statutes; Section 6071 of the Deficit Reduction Act of 2005

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-41; filed 1-9-13]

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

[OAR Docket #13-43]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 27. Independent Licensed Physical Therapists
317:30-5-291. [AMENDED]

Part 28. Occupational Therapy Services
317:30-5-296. [AMENDED]
Part 77. Speech and Hearing Services
317:30-5-676. [AMENDED]

(Reference APA WF # 12-07)

SUMMARY:

Agency policy on therapy services is revised to comply with federal law, which requires a prescription or referral from a physician or practitioner of the healing arts before therapy services are rendered. Policy is also revised to require a prior authorization for speech therapy services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 440.110

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-43; filed 1-9-13]

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

[OAR Docket #13-44]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-25. [AMENDED]
Subchapter 5. Individual Providers and Specialties
Part 9. Long Term Care Facilities
317:30-5-122. [AMENDED]

(Reference APA WF # 12-09)

SUMMARY:

Policy will be amended to allow 100% payment of Medicare Crossover deductibles and coinsurance at skilled nursing facilities. Current policy allows payment at the Medicaid rate, which was previously adjusted to 0%. The rationale behind current policy is based on a federal policy that allowed federal reimbursement/write-offs for bad debts. That federal policy is no longer in effect and has prompted the policy amendment request.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1902 of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

Notices of Rulemaking Intent

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-44; filed 1-9-13]

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

[OAR Docket #13-46]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 1. Physicians
317:30-5-4. [AMENDED]
Part 39. Skilled Nursing Services
317:30-5-394. [AMENDED]
Part 41. Family Support Services
317:30-5-413. [AMENDED]
Part 43. Agency Companion, Specialized Foster Care,
Daily Living Supports, Group Homes, and Community
Transition Services
317:30-5-424. [AMENDED]
Part 51. Habilitation Services
317:30-5-483. [AMENDED]
Part 53. Specialized Foster Care
317:30-5-499. [AMENDED]
Part 55. Respite Care
317:30-5-519. [AMENDED]
Part 59. Homemaker Services
317:30-5-538. [AMENDED]
(Reference APA WF # 12-13)

SUMMARY:

Agency policy is revised to remove references to the ICD-9 International Classification of Diseases diagnosis coding, which is being replaced by a new system of coding, ICD-10.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Public Law 111-148

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-46; filed 1-9-13]

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

[OAR Docket #13-47]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 19. Nurse Midwives
317:30-5-225. [AMENDED]
317:30-5-226. [AMENDED]
317:30-5-229. [NEW]
Part 87. Birthing Centers
317:30-5-890. [AMENDED]
317:30-5-890.1. [NEW]
317:30-5-891. [AMENDED]
(Reference APA WF # 12-14)

SUMMARY:

Rules for Nurse Midwives and Birthing Center services are being revised to align with current obstetric policy. Proposed changes include clarification concerning the type of nurse midwife approved to provide SoonerCare coverage, and the coverage the nurse midwife can provide to eligible members. Additionally, proposed revisions include clean-up to remove

language that references outdated practices concerning enrollment, and format changes for consistency and clarity purposes.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-47; filed 1-9-13]

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

[OAR Docket #13-48]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 21. Outpatient Behavioral Health Services
317:30-5-240. [AMENDED]

317:30-5-240.1. [AMENDED]
317:30-5-240.2. [AMENDED]
317:30-5-240.3. [AMENDED]
317:30-5-241. [AMENDED]
317:30-5-241.2. [AMENDED]
317:30-5-241.3. [AMENDED]
317:30-5-241.5. [AMENDED]
317:30-5-248. [AMENDED]
Part 25. Psychologists
317:30-5-276. [AMENDED]
Part 26. Licensed Behavioral Health Providers
317:30-5-281. [AMENDED]
Part 67. Behavioral Health Case Management Services
317:30-5-595. [AMENDED]
317:30-5-596.1. [AMENDED]

(Reference APA WF # 12-19)

SUMMARY:

The Agency is proposing rule revisions to disallow coverage of Psychosocial Rehabilitation (PSR) services for children below age 6 unless services are medically necessary and required pursuant to Federal Early and Periodic Screening Diagnostic and Treatment (EPSDT) laws. The Agency is also proposing rule revisions which will control utilization of Rehabilitation services by imposing limits on the number of units that qualified providers will be reimbursed. The utilization limits will be prior authorized by OHCA or its designated agent and will be directly correlated to the individual member's level of need. Utilization parameters will be increased for Medication Training and Support. Revised rules also change the provider qualifications for Behavioral Health Rehabilitation Specialists including specific degree, certification & training requirements. Proposed revisions to Behavioral Health Case Management rules change provider qualifications for Case Managers including specific degree and training requirements as well as remove documentation submission requirements as a condition of payment for the provision of case management services. Revisions are also proposed to clearly state that services must be conducted in a setting that protects and assures confidentiality, and must be provided as a direct face to face service with the member in order to be compensable. Licensed Behavioral Health Provider rules are revised to correct references to the Agency's behavioral health provider manual. Rules are also revised to make clean-up changes to certain provisions that are outdated or no longer applicable.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; and 42 CFR 440.230

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-48; filed 1-9-13]

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

[OAR Docket #13-49]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 1. General Scope and Administration
317:30-3-27. [AMENDED]

(Reference APA WF # 12-20)

SUMMARY:

Rules for Telemedicine are being revised to include specific provider responsibilities to assure compliance with HIPAA guidelines. Current policy is silent to appropriate HIPAA compliant applications, guidelines, devices, and/or safeguards concerning telemedicine services. The proposed revisions include additional conditions that apply to services rendered via telemedicine, provider responsibilities, and additional network standards as they relate to assuring HIPAA compliance during telemedicine related transmissions.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through

5016 of Title 63 of Oklahoma Statutes; The Oklahoma Telemedicine Act of 1997; 42 CFR 410.78

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-49; filed 1-9-13]

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

[OAR Docket #13-50]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 27. Independent Licensed Physical Therapists
317:30-5-290.1. [AMENDED]

Part 28. Occupational Therapy Services

317:30-5-295. [AMENDED]

Part 51. Habilitation Services

317:30-5-482. [AMENDED]

Part 73. Early Intervention Services

317:30-5-641. [AMENDED]

Part 77. Speech and Hearing Services
317:30-5-675. [AMENDED]
Part 85. ADvantage Program Waiver Services
317:30-5-763. [AMENDED]
Part 103. Qualified Schools as Providers of Health Related
Services
317:30-5-1023. [AMENDED]
(Reference APA WF # 12-21)

SUMMARY:

OHCA rules for therapy services are being revised to add services may be provided "under the direct guidance and supervision" of a qualified provider.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes; The Code of Federal Regulations Title 42 Public Health, Part 440, Section 440.110

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-50; filed 1-9-13]

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

[OAR Docket #13-51]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
- Part 33. Transportation by Ambulance
- 317:30-5-335. [AMENDED]
- 317:30-5-335.1. [AMENDED]
- 317:30-5-336. [AMENDED]
- 317:30-5-336.1. through 317:30-5-336.13. [AMENDED]
- 317:30-5-337. [AMENDED]
- 317:30-5-339. [AMENDED]
- 317:30-5-343. [AMENDED]

(Reference APA WF # 12-22)

SUMMARY:

OHCA rules are revised to update ambulance transportation policy for clarity and consistency. Proposed revisions add definitions for emergency and urgent, and include language that will require a prior authorization for out of state transports. Additional revisions include clean-up to remove outdated policy to align with current practice and to clarify medically necessity requirements for air ambulance services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-51; filed 1-9-13]

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

[OAR Docket #13-52]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies
Part 3. General Medical Program Information
317:30-3-64. [NEW]
Subchapter 5. Individual Providers and Specialties
Part 32. SoonerRide Non-Emergency Transportation
317:30-5-326. [AMENDED]
317:30-5-326.1. [AMENDED]
317:30-5-327. [AMENDED]
317:30-5-327.1. [AMENDED]
317:30-5-327.3. through 317:30-5-327.9. [AMENDED]
317:30-5-328. [REVOKED]
(Reference APA WF # 12-23A)

SUMMARY:

SoonerCare non-emergency transportation rules are revised to clarify OHCA's current policy concerning meals and lodging, and eligibility. Proposed revisions will move meals and lodging policy to "General Medical Program Information" for clarification purposes. Additional revisions include updating outdated reference to the code of federal regulation concerning non-emergency transportation. Proposed revisions will define lodging for clarification purposes, and include eligibility requirements for escorts if SoonerCare member is removed from his/her home and appointed a temporary guardian.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority,

2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-52; filed 1-9-13]

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

[OAR Docket #13-55]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 79. Dentists
317:30-5-699. [AMENDED]
317:30-5-700. [AMENDED]
(Reference APA WF # 12-25)

SUMMARY:

SoonerCare dental rules are revised to update pulp cap language to align with current practice and language contained in OAC 317:30-5-699. In addition, OAC 317:30-5-700 (C) Orthodontic rules are revised to align OHCA current verification of continuing education policy with the Oklahoma Board of Dentistry prerequisite licensing requirement. The amendment change to OHCA policy will require all General and Pediatric dentists providing orthodontic care to complete

60 hours of continuing education hours and at least 20 hours of continuing education in the field of orthodontics every (3) three year cycle.

AUTHORITY:

The Oklahoma Health Care Authority Board; Then Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; and Oklahoma Statute 59 §§ 328.4 thru 328.22

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-55; filed 1-9-13]

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

[OAR Docket #13-61]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 3. Hospitals
317:30-5-58. [AMENDED]
(Reference APA WF # 12-33)

SUMMARY:

SHOPP rules are revised to clarify overpayment and recoupment procedures, if it is determined due to appeal, penalty, or other reason that additional allocation/ recoupment fund is necessary.

AUTHORITY:

The Oklahoma Health Care Authority Board; Then Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; House Bill 1381/42 CFR 447.272 and 447.321

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-61; filed 1-9-13]

Notices of Rulemaking Intent

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

[OAR Docket #13-63]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-14. [AMENDED]

(Reference APA WF # 12-35)

SUMMARY:

Agency policy is amended to allow for reimbursement of a separately payable administration fee for vaccines given to adults. Further, the policy clarifies Vaccine for Children Program administration fee rules.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; CMS-2370-F, 42 CFR 438, 441, and 447; Sections 1902(a)(13), 1902(jj), 1932(f), and 1905(dd) of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-63; filed 1-9-13]

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

[OAR Docket #13-64]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 62. Private Duty Nursing

317:30-5-555. [AMENDED]

317:30-5-556. [AMENDED]

317:30-5-557. [AMENDED]

317:30-5-558. [AMENDED]

317:30-5-559. [AMENDED]

317:30-5-560. [AMENDED]

317:30-5-560.1. [AMENDED]

317:30-5-560.2. [AMENDED]

(Reference APA WF # 12-36)

SUMMARY:

Policy will be amended to define eligible private duty nursing providers and require physicians to submit orders in addition to the treatment plan to verify medical need of treatments. OHCA will require a non-custodial caregiver to be the paid employee taking care of the child.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-64; filed 1-9-13]

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

[OAR Docket #13-65]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 18. Genetic Counselors

317:30-5-219. [AMENDED]

317:30-5-220. [AMENDED]

317:30-5-221. [AMENDED]

317:30-5-222. [AMENDED]

317:30-5-223. [AMENDED]

(Reference APA WF # 12-37)

SUMMARY:

Policy is amended to expand genetic counseling services to all members that are eligible for medically necessary genetic testing. Currently, we only cover genetic counseling for members with a pregnancy at high risk of genetic abnormalities.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-65; filed 1-9-13]

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

[OAR Docket #13-66]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-28. [AMENDED]

(Reference APA WF # 12-38)

SUMMARY:

Policy on the Oklahoma Electronic Health Records Incentive Program will be updated to account for changes in federal rules on the program. Changes include adding additional options for patient volume calculation, expanding the definition of a Children's Hospital, adding an exception to the hospital-based eligible professional criteria, and allowing CMS to take over administrative appeals for cases in which they are they auditor on meaningful use provisions.

AUTHORITY:

The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 495

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-66; filed 1-9-13]

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

[OAR Docket #13-67]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-2. [AMENDED]

Part. 79. Dentists

317:30-5-696. [AMENDED]

(Reference APA WF # 12-39)

SUMMARY:

Rules are revised to expand provider types for tobacco cessation counseling to include Registered Nurses and Licensed Clinical Social Workers providers with Certified Tobacco Treatment Specialist training and certification. The purpose of the proposed rule revision is to increase opportunities for SoonerCare members to access quality cessation services. Policy will also be amended to define the

circumstances under which genetic testing will be covered by OHCA. Both the volume and cost of genetic testing are growing, and the growth rates are expected to rise significantly going forward. Currently, OHCA has no written policy addressing the medical necessity of genetic testing, although claims are being paid through nonspecific laboratory codes. Policy will set medical necessity criteria similar to other states' Medicaid programs and private insurance, which requires the member to undergo a genetic risk assessment or display clinical evidence indicating a chance of a genetic abnormality AND that those results change treatment, change health monitoring, provide prognosis, or provide information needed for genetic counseling for the patient.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-67; filed 1-9-13]

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

[OAR Docket #13-68]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 5. Individual Providers and Specialties
 - Part 6. Inpatient Psychiatric Hospitals
 - 317:30-5-95. [AMENDED]
 - 317:30-5-95.25. [AMENDED]
 - 317:30-5-95.26. [AMENDED]
 - 317:30-5-95.29. [AMENDED]
 - 317:30-5-95.30. [AMENDED]
 - 317:30-5-95.32. through 317:30-5-95.37. [AMENDED]
 - 317:30-5-95.39. [AMENDED]
 - 317:30-5-95.41. [AMENDED]
 - 317:30-5-95.42. [AMENDED]
- (Reference APA WF # 12-40)**

SUMMARY:

Agency Inpatient Psychiatric Hospital rules are being revised to clarify the medical necessity criteria required for admission and continued stays in psychiatric residential treatment facility (PRTF) and acute levels of care. Changes are also being proposed to the rules regarding Individual Plans of Care to ensure early parent/guardian involvement in the treatment of children under the age of 18 receiving inpatient psychiatric services as well as to revise the "active treatment" requirements for individuals 18-21 years of age receiving services in an acute psychiatric hospital by making the requirements less proscriptive for this age group since they typically do not receive services in children's psychiatric units, so these facilities should not be held to the same requirements. Active treatment requirements for children under 18 are further revised to provide more clarity in areas that have been identified as causing provider confusion. Proposed revisions will also revise Inspection of Care (IOC) rules to provide the pro-rating timeline used when reviewing clinical documentation for compliance with active treatment requirements as well as to clarify that certain "critical documents" cannot be substituted with other evaluations/assessments. Rules are also revised to make clean-up changes to certain provisions that are outdated or no longer applicable

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; 42 CFR 441.154 through 441.156

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority,

2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-68; filed 1-9-13]

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

[OAR Docket #13-69]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. General Provider Policies
- Part 5. Eligibility
- 317:30-3-70. [REVOKED]
- 317:30-3-71. [REVOKED]
- 317:30-3-75. [REVOKED]
- 317:30-3-77. [REVOKED]
- 317:30-3-81. [REVOKED]
- 317:30-3-85. [REVOKED]
- 317:30-3-86. [REVOKED]
- 317:30-3-87. [REVOKED]

(Reference APA WF # 12-41A)

SUMMARY:

Obsolete eligibility rules included in the Provider Manual (Chapter 30) are revoked. All topics covered in the obsolete sections are already covered in Chapter 35 of agency rules.

Notices of Rulemaking Intent

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-69; filed 1-9-13]

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

[OAR Docket #13-71]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties
Part 4. Long Term Care Hospitals
317:30-5-66. [AMENDED]
317:30-5-67. [AMENDED]

(Reference APA WF # 12-42)

SUMMARY:

The proposed rule change amends rules regarding Long Term Care (LTC) Sub-Acute Hospitals in order to update reimbursement language from a prospective per diem methodology to a cost based methodology. This revision is proposed to bring policy in alignment with the approved Medicaid State Plan reimbursement methodology and current practice. Additionally, the proposed rule change clarifies cost reporting requirements related to the reimbursement methodology for these facilities.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Sections 5003 through 5016 and Section 5022 of Title 63 of the Oklahoma Statutes; Medicaid State Plan as approved by the Centers for Medicare and Medicaid Services (CMS)

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-71; filed 1-9-13]

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

[OAR Docket #13-72]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Individual Providers and Specialties

Part 9. Long Term Care ~~Facilities~~ Facilities

317:30-5-131.1. [AMENDED]

317:30-5-131.2. [AMENDED]

317:30-5-132. [AMENDED]

317:30-5-133. [AMENDED]

(Reference APA WF # 12-43)

SUMMARY:

The proposed rule change adds language clarifying that all program requirements set out in State Statute and Oklahoma Health Care Authority policy regarding wage enhancements for certain nursing facility employees have been met. The proposed rule change also clarifies that the Quality of Care fee assessed by the Oklahoma Health Care Authority is authorized through the Medicaid State Plan and clarifies that part of the fee structure is based on a waiver of uniformity as approved by the Centers for Medicare and Medicaid Services (CMS). Finally, proposed revisions include the removal of language incorrectly stating that rates for public ICF's/MR are set through a public rate setting process rather than the current practice of reimbursement based on cost reports. Other minor policy clarifications are also included as a part of the proposed rule change.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Sections 5003 through 5016 and Section 5022 of Title 63 of the Oklahoma Statutes; Nursing Home Care Act, Section 1-1925.2 of Title 63 of the Oklahoma Statutes; Fees - Oklahoma Health Care Authority, Section 2002 of Title 56 of the Oklahoma Statutes; Medicaid State Plan as approved by the Centers for Medicare and Medicaid Services (CMS)

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-72; filed 1-9-13]

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

[OAR Docket #13-40]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. ADvantage Waiver Services

317:35-17-3. [AMENDED]

317:35-17-14. [AMENDED]

(Reference APA WF # 12-04B)

SUMMARY:

OHCA rules for the ADvantage Waiver are revised to add Skilled Nursing as an allowable service within the waiver. Currently Skilled Nursing services are only available as a part of the member's limited home health benefit. The addition of Skilled Nursing services will be used to address member acute care needs, potentially lowering the rate of hospitalization among members. Additionally, rules are revised to remove Assisted Living services from the waiver. ADvantage Waiver members currently receiving Assisted Living Services will be transitioned to a new waiver for Assisted Living before removal of the ADvantage Assisted Living Services benefit. The new Assisted Living Services Waiver is created to better control growth and utilization and eliminate confusion regarding allowable services. Finally, rules are revised to clarify criteria for member health and safety, clarify the member/provider dispute resolution process and include other minor policy clarifications.

Notices of Rulemaking Intent

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Sections 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1915 (c) of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-40; filed 1-9-13]

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

[OAR Docket #13-42]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Eligibility and Countable Income

Part 5. Countable Income and Resources

317:35-5-41.6. [AMENDED]

(Reference APA WF # 12-06)

SUMMARY:

SoonerCare financial eligibility rules for Long Term Care services are amended to increase the income cap for the Medicaid Income Pension Trust (or Miller Trust) to the average monthly cost of nursing home care. This change affects financial eligibility rules for all long term care programs, including the waiver programs for Home and Community Based Services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1917 of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-42; filed 1-9-13]

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

[OAR Docket #13-53]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Coverage and Exclusions
317:35-3-2. [AMENDED]
(Reference APA WF # 12-23B)

SUMMARY:

SoonerCare transportation and subsistence rules are revised to clarify OHCA's current policy concerning meals and lodging, and eligibility. Proposed revisions include eligibility requirements for escorts if SoonerCare member is removed from his/her home and appointed a temporary guardian.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 and Section 5051.3 of Title 63 of Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-53; filed 1-9-13]

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

[OAR Docket #13-57]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age 65 or Older in Mental Health Hospitals
Part 7. Determination of Financial Eligibility
317:35-9-68. [AMENDED]
Subchapter 19. Nursing Facility Services
317:35-19-21. [AMENDED]
(Reference APA WF # 12-29)

SUMMARY:

Rules are amended to clarify that a member receiving Home and Community Based Services (HCBS) (such as ADvantage) is considered a community spouse for the purpose of calculating the community spouse allowance when his/her spouse is in a nursing facility. This amendment brings the rules into compliance with Federal law and regulation and the State Plan. It allows the spouse in the nursing facility to deem income to the spouse who remains at home, regardless of whether that spouse is receiving HCBS, before the vendor payment owed to the nursing facility is calculated.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1924 of the Social Security Act; 42 CFR 435.733

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

Notices of Rulemaking Intent

loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-57; filed 1-9-13]

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

[OAR Docket #13-62]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Personal Care Services

317:35-15-8. [AMENDED]

317:35-15-13.2. [AMENDED]

(Reference APA WF # 12-34)

SUMMARY:

Rules for State Plan Personal Care are revised to clarify compliance with the Long Term Care Security Act regarding background checks for providers of long term care services. Personal Care is assistance to a qualifying SoonerCare member in carrying out activities of daily living, such as bathing, grooming and toileting, or in carrying out instrumental activities of daily living, such as preparing meals and doing laundry or errands directly related to the member's personal care needs. Personal Care is provided to assure personal health and safety of the member or to prevent or minimize physical health regression or deterioration. Background checks are required for all Personal Care providers prior to the provision of services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Sections 5003 through 5016 of Title 63 of the Oklahoma Statutes; The Long Term Care Security Act, Sections 1-1944 through 1-1949 of the Oklahoma Statutes

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority,

2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-62; filed 1-9-13]

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

[OAR Docket #13-70]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

317:35-1-1. [AMENDED]

317:35-1-2. [AMENDED]

317:35-1-3. [AMENDED]

Subchapter 5. Eligibility and Countable Income

Part 1. Determination of Qualifying Categorical Relationships

317:35-5-1. [AMENDED]

317:35-5-2. [AMENDED]

317:35-5-6. [AMENDED]

317:35-5-6.1. [AMENDED]

317:35-5-7. [AMENDED]

317:35-5-8. [AMENDED]

Part 3. Non-Medical Eligibility Requirements

317:35-5-25. [AMENDED]

317:35-5-26. [AMENDED]
 317:35-5-27. [AMENDED]
 Part 5. Countable Income and Resources
 317:35-5-41.1. [AMENDED]
 317:35-5-43. [AMENDED]
 317:35-5-44. [AMENDED]
 317:35-5-45. [AMENDED]
 317:35-5-46. [AMENDED]
 Part 7. Application and Eligibility Determination Procedures [NEW]
 317:35-5-60. [NEW]
 317:35-5-61. [NEW]
 317:35-5-62. [NEW]
 317:35-5-63. [NEW]
 317:35-5-64. [NEW]
 317:35-5-65. [NEW]
 317:35-5-66. [NEW]
 Subchapter 6. SoonerCare for Pregnant Women and Families with Children
 Part 1. General
 317:35-6-1. [AMENDED]
 Part 3. Application Procedures
 317:35-6-15. [AMENDED]
 Part 5. Determination of Eligibility for SoonerCare for Pregnant Women and Families with Children
 317:35-6-35. [AMENDED]
 317:35-6-36. [AMENDED]
 317:35-6-37. [AMENDED]
 317:35-6-38. [REVOKED]
 317:35-6-39. [NEW]
 317:35-6-40. [NEW]
 317:35-6-41. [NEW]
 317:35-6-42. [NEW]
 317:35-6-43. [NEW]
 317:35-6-44. [NEW]
 Part 6. Countable Income for MAGI [NEW]
 317:35-6-50. [NEW]
 317:35-6-51. [NEW]
 317:35-6-52. [NEW]
 317:35-6-53. [NEW]
 317:35-6-54. [NEW]
 Part 7. Certification, Redetermination and Notification
 317:35-6-60. [AMENDED]
 317:35-6-60.1. [NEW]
 317:35-6-61. [AMENDED]
 317:35-6-62. [AMENDED]
 317:35-6-63. [AMENDED]
 317:35-6-64. [AMENDED]
 317:35-6-64.1. [AMENDED]
 Subchapter 7. Medical Services
 Part 3. Application Procedures
 317:35-7-15. [REVOKED]
 Part 5. Determination of Eligibility for Medical Services
 317:35-7-35. [REVOKED]
 317:35-7-37. [REVOKED]
 317:35-7-48. [AMENDED]

Part 7. Certification, Redetermination and Notification
 317:35-7-60.1. [AMENDED]
 317:35-7-63. [REVOKED]
 317:35-7-64. [REVOKED]
 317:35-7-65. [REVOKED]
 317:35-7-66. [REVOKED]
 Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age 65 or Older in Mental Health Hospitals
 Part 7. Determination of Financial Eligibility
 317:35-9-67. [AMENDED]
 Part 9. Certification, Redetermination and Notification
 317:35-9-75. [AMENDED]
 Subchapter 10. Other Eligibility Factors for Families with Children and Pregnant Women
 Part 3. Resources
 317:35-10-10. [AMENDED]
 Part 5. Income
 317:35-10-25. [AMENDED]
 317:35-10-26. [AMENDED]
 317:35-10-38. [AMENDED]
 Subchapter 13. Member Rights and Responsibilities
 317:35-13-1. [AMENDED]
 317:35-13-2. [AMENDED]
 Subchapter 15. Personal Care Services
 317:35-15-5. [AMENDED]
 317:35-15-6. [AMENDED]
 317:35-15-7. [AMENDED]
 Subchapter 19. Nursing Facility Services
 317:35-19-19. [AMENDED]
 317:35-19-20. [AMENDED]
 317:35-19-22. [AMENDED]
 Subchapter 21. Oklahoma Cares Breast and Cervical Cancer Treatment Program
 317:35-21-3. [AMENDED]
 317:35-21-6. [AMENDED]
 317:35-21-9. [AMENDED]
 317:35-21-11. [AMENDED]
 317:35-21-12. [AMENDED]
 317:35-21-13. [AMENDED]
 Subchapter 22. Pregnancy Related Benefits Covered Under Title XXI
 317:35-22-6. [AMENDED]
(Reference APA WF # 12-41B)

SUMMARY:

Eligibility rules are amended to provide that eligibility for children, pregnant women, and parents and caretaker relatives is determined using the Modified Adjusted Gross Income (MAGI) methodology, as mandated by the Affordable Care Act (ACA). Rules are amended to add two eligibility groups mandated by the ACA: former foster care children aged 19-26 and CHIP children who would lose eligibility as a result of the MAGI method. Rules regarding eligibility determination procedures are amended to establish the passive renewal process mandated by ACA, as well as the ACA rule that medical verification of pregnancy can only be required when the individual's declaration that she is pregnant is not

Notices of Rulemaking Intent

reasonably compatible with other information available to the agency.

Eligibility rules are also amended to add the mandatory eligibility group of children receiving Kinship Guardianship Assistance. Because the State has established a kinship guardianship assistance program, SoonerCare eligibility is mandated by federal laws and regulations. These amendments will provide eligibility coverage whether the child receives the assistance through the program established by OKDHS or through kinship guardianship programs that may be established by tribes in the future.

In addition, eligibility rules are amended to eliminate presumptive eligibility (PE) for pregnant women. Under the PE program, certain qualified SoonerCare providers used to determine pregnant women presumptively eligible for SoonerCare; the women then had 30 days to apply and be fully determined eligible or ineligible. The purpose of PE was to give pregnant women access to care quickly. PE is no longer used because pregnant women can now have their eligibility fully determined in real-time through Online Enrollment.

The agency is also investigating amending eligibility rules to take advantage of an option given States by the American Recovery and Reinvestment Act (ARRA, 2009) to simplify Transitional Medical Assistance (TMA). Under current rules, the agency and TMA enrollees must meet notice and reporting requirements at four points in time during the certification in order to continue it beyond the first six months. This amendment would remove the notice and reporting requirements and replace the two six-month certification periods with one initial 12-month certification, allowing TMA eligibility to be fully automated through Online Enrollment.

Eligibility rules are further amended to 1) define the role of an authorized representative; 2) establish tiers of authorization members may designate for their representatives; 3) define who may act as an authorized representative; 4) provide that no one may charge or receive a fee for applying on someone else's behalf; 5) provide that if an authorized representative is employed or contracted by a SoonerCare provider and that representative either cannot provide documentation that the member consented to the designation, or provides false information, or withholds information that leads to an ineligible person being certified for SoonerCare, that these actions are grounds for recoupment of claims paid for the member in question during the certification period in question; and 6) provide that the maximum time a member's designation of an authorized representation will last is 12 months.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Patient Protection and Affordable Care Act; Section 5004 of the American Recovery and Reinvestment Act (Public Law 111-5); Section 1920 of the Social Security Act; Section 473 of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-70; filed 1-9-13]

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

[OAR Docket #13-37]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Member Services

Part 9. Service Provisions

317:40-5-110. [AMENDED]

(Reference APA WF # 12-01B)

SUMMARY:

Permanent rule revisions are proposed to provide an exception for members of the Homeward Bound Waiver receiving Habilitation Training Specialist (HTS) services. The rule revision will allow the HTS to provide more than 40 hours of service per week, when the HTS resides in the same home as the member. The rule revision is promulgated as the result

of a lawsuit filed on behalf of class members of the Homeward Bound waiver.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1915 (c) of the Social Security Act *The Hissom Memorial Center et al.*, in case number 85-CV-437-GKF, in the United States District Court for the Northern District of Oklahoma

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-37; filed 1-9-13]

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

[OAR Docket #13-56]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Member Services

Part 1. Agency Companion Services

317:40-5-5. [AMENDED]

Part 5. Specialized Foster Care

317:40-5-55. [AMENDED]

317:40-5-61. [REVOKED]

(Reference APA WF # 12-27)

SUMMARY:

Rules for SoonerCare Home and Community Based Waiver Services (HCBS) programs for persons with intellectual disabilities are amended to clarify responsibilities for Agency Companion providers and Specialized Foster Care providers regarding reporting requirements when there are allegations of member maltreatment. The rules clarify that the Office of Client Advocacy must be contacted in the event of allegations of maltreatment involving an adult and an abuse hotline must be utilized in the event that the maltreatment involves a child. Rules are also amended to clarify that the Agency Companion must obtain prior approval from the member's representative payee before making purchases over \$50 on behalf of the member.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Sections 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1915 (c) of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

Notices of Rulemaking Intent

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-56; filed 1-9-13]

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

[OAR Docket #13-54]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 45. Insure Oklahoma [AMENDED]
(Reference APA WF # 12-24)

SUMMARY:

OHCA rules are revised to align policy with state and federal requirements; additionally rules are revised to align adult outpatient behavioral health services with children outpatient behavioral health services in the Individual Plan.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; The Oklahoma Telemedicine Act of 1997; 42 CFR 410.78

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-54; filed 1-9-13]

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

[OAR Docket #13-45]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 7. ADvantage Assisted Living Waiver [NEW]

317:50-7-1. [NEW]

317:50-7-2. [NEW]

317:50-7-3. [NEW]

317:50-7-4. [NEW]

317:50-7-5. [NEW]

317:50-7-6. [NEW]

317:50-7-7. [NEW]

317:50-7-8. [NEW]

317:50-7-9. [NEW]

317:50-7-10. [NEW]

317:50-7-11. [NEW]

317:50-7-12. [NEW]

317:50-7-13. [NEW]

317:50-7-14. [NEW]

317:50-7-15. [NEW]

317:50-7-16. [NEW]

317:50-7-17. [NEW]

317:50-7-18. [NEW]

317:50-7-19. [NEW]

317:50-7-20. [NEW]

(Reference APA WF # 12-12)

SUMMARY:

Rules have been written to create a new waiver for individuals currently receiving Assisted Living Services in the ADvantage Waiver. Members currently in the ADvantage Waiver and residing in an ADvantage certified assisted living center will transition into the ADvantage Assisted Living Waiver with no disruption in services. The same services currently available to members receiving Assisted Living Services in the ADvantage Waiver will be available to members in the new waiver. The new waiver is created in order to better control growth and utilization of services.

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Sections 5003 through 5016 of Title 63 of the Oklahoma Statutes; Section 1915 (c) of the Social Security Act

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-45; filed 1-9-13]

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

[OAR Docket #13-58]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Medically Fragile Waiver Services
- 317:50-1-3. [AMENDED]
- 317:50-1-6. [AMENDED]
- 317:50-1-14. [AMENDED]
- (Reference APA WF # 12-30)

SUMMARY:

Rules are revised to add Institutional Transition Services and Self-Directed Goods and Services to the Medically Fragile Waiver Program. Additional revisions include removing language that does not align with program practices, for consistency and clarity purposes.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-58; filed 1-9-13]

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

[OAR Docket #13-59]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Subchapter 3. My Life, My Choice
317:50-3-3. [AMENDED]
317:50-3-6. [AMENDED]
317:50-3-14. [AMENDED]

(Reference APA WF # 12-31)

SUMMARY:

Rules are revised to add Institutional Transition Services, Assisted Living and Self-Directed Goods and Services to the My Life; My Choice Waiver Program. Additional revisions include removing language that does not align with program practices, for consistency and clarity purposes.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-59; filed 1-9-13]

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

[OAR Docket #13-60]

INTENDED RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 5. Sooner Seniors
317:50-5-3. [AMENDED]
317:50-5-6. [AMENDED]
317:50-5-14. [AMENDED]

(Reference APA WF # 12-32)

SUMMARY:

Rules are revised to add Institutional Transition Services, Assisted Living and Self-Directed Goods and Services to the Sooner Seniors Waiver Program. Additional revisions include removing language that does not align with program practices, for consistency and clarity purposes.

AUTHORITY:

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

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013, through March 3, 2013, during regular business hours by contacting Tywanda Cox, Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107, Telephone 405-522-7153.

PUBLIC HEARING:

A public hearing is scheduled for Tuesday, March 4, 2013, at 1:00 p.m., at the Oklahoma Health Care Authority, 2401 N.W. 23rd, Suite 1A, Oklahoma City, Oklahoma, 73107.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules may provide the OHCA, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Tywanda Cox, at the above address, before the close of the comment period on March 3, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Tywanda Cox, Director, Policy Development, (405) 522-7153.

[OAR Docket #13-60; filed 1-9-13]

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

[OAR Docket #13-80]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Human Resources Management Division (HRMD)
- Part 3. Internal Human Resources
340:2-1-30 [REVOKED]
- Part 4. Alcohol and Drug Testing Applicable to OKDHS Employees and Applicants [AMENDED AND RENUMBERED TO Subchapter 14. Risk Management and Safety Part 5. Drug and Alcohol Free Workplace]
- 340:2-1-40 [AMENDED AND RENUMBERED TO 340:2-14-500]
- 340:2-1-41 [REVOKED]
- 340:2-1-42 [AMENDED AND RENUMBERED TO 340:2-14-503]
- 340:2-1-43 [REVOKED AND RENUMBERED TO 340:2-14-507]
- 340:2-1-44 [AMENDED AND RENUMBERED TO 340:2-14-504]
- 340:2-1-46 [AMENDED AND RENUMBERED TO 340:2-114-509]
- Part 5. Administrative Procedures
340:2-1-57 [REVOKED]
- Subchapter 14. Risk Management and Safety [NEW]
- Part 1. General Provisions [NEW]
340:2-14-100 through 340:2-14-105 [NEW]
- Part 2. Accident Prevention and Reporting [NEW]
340:2-14-200 through 340:2-14-204 [NEW]
- Part 3. Bloodborne Pathogens [NEW]
340:2-14-300 through 340:2-14-304 [NEW]
- Part 4. Driver and Vehicle Safety [NEW]
340:2-14-400 through 340:2-14-407 [NEW]
- Part 5. Drug and Alcohol Free Workplace [NEW]
340:2-14-500 through 340:2-14-512 [NEW]
- Part 6. Ergonomics [NEW]
340:2-14-600 through 340:2-14-602 [NEW]
- Part 7. Hazard Communication [NEW]
340:2-14-700 through 340:2-14-703 [NEW]
- Part 8. Occupant Emergency Plan [NEW]
340:2-14-800 through 340:2-14-803 [NEW]
- Part 9. Workers' Compensation [NEW]
340:2-14-900 through 340:2-14-909 [NEW]

- Part 10. Workplace Violence [NEW]
340:2-14-1000 through 340:2-14-1008 [NEW]
 - Subchapter 15. Risk and Safety Management [REVOKED]
 - Part 1. Risk Management Program [REVOKED]
340:2-15-1 [REVOKED]
340:2-15-2 [REVOKED]
340:2-15-4 [REVOKED]
340:2-15-5 [REVOKED]
340:2-15-7 [REVOKED]
 - Part 3. Hazard Communication Program [REVOKED]
340:2-15-25 [REVOKED]
340:2-15-27 [REVOKED]
340:2-15-27.1 [REVOKED]
340:2-15-28 [REVOKED]
340:2-15-29 [REVOKED]
 - Part 5. Alcohol and Drug Testing for Drivers of Commercial Vehicles Program [REVOKED]
340:2-15-40 through 340:2-15-49 [REVOKED]
- (Reference WFs 12-04 and 12-07)**

SUMMARY:

The proposed amendments to Chapter 2 Subchapters 1 and 15 and the issuance of Subchapter 14 amend the rules to: (1) comply with federal and state and laws regarding health and safety; (2) comply with the Governor's Executive Order number 2012-01, signed February 6, 2012; (3) provide a safe environment for employees, vendors, volunteers, and the general public; (4) detail how risk management and safety programs are managed within the Oklahoma Department of Human Services; (5) clarify procedures and guidelines regarding employee and volunteer health and safety; and (6) manage incidents that occur minimizing exposure, injury, and other forms of loss.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Governor's Executive Order number 2012-10, signed February 6, 2012; and Subchapter 14 is established per the Standards for Workplace Drug and Alcohol Testing Act, Sections 551 through 563 of Title 40 of the Oklahoma Statutes and U.S. Department of Transportation regulations in Part 40 of Title 49 of the Code of Federal Regulations.

COMMENT PERIOD:

Written and oral comments are accepted February 1, 2013, through March 4, 2013, during regular business hours by contacting Eddie Collins, Oklahoma Department of Human Services, HRMD, PO Box 25352, Oklahoma City, OK 73125, 405-522-0585.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the person listed above, no later than 5:00 p.m., March 4, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

Notices of Rulemaking Intent

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #13-80; filed 1-9-13]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 61. REPATRIATION PROGRAM

[OAR Docket #13-81]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]
340:61-1-1 through 340:61-1-4 [NEW]
(Reference APA WF 12-25)

SUMMARY:

The proposed rules are created for the Repatriation Program (RP) and issued in Chapter 61 to: (1) describe the purpose and legal base of the program; and (2) issue rules regarding applicant eligibility, referral information, Oklahoma Department of Human Services (OKDHS) responsibilities, and types of temporary assistance.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes; Section 1113 of Title XI of the Social Security Act (Assistance for U.S. Citizens Returned from Foreign Countries); an OKDHS agreement with the Department of Health and Human Services; an Administration for Children and Families (ACF) Fact Sheet; and the referral information packet received from the Office of Refugee Resettlement.

COMMENT PERIOD:

Written and oral comments will be accepted February 1, 2013 through March 4, 2013, during regular business hours by contacting Laura Brown, Adult and Family Services, Oklahoma Department of Human Services, P.O. Box 25352, Oklahoma City, OK 73125, telephone 405-521-4396.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the above listed person no later than March 4, 2013, at 5:00 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the above listed person or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the above listed person.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #13-81; filed 1-9-13]

TITLE 340. DEPARTMENT OF HUMAN SERVICES CHAPTER 110. LICENSING SERVICES

[OAR Docket #13-82]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions
Part 1. Licensing Services - Child Care
340:110-1-4.1 [AMENDED]
340:110-1-9.2 through 340:110-1-9.3 [AMENDED]
Part 3. Licensing Services - Residential Care and Agencies
340:110-1-43.1 [AMENDED]
340:110-1-47.1 through 340:110-1-47.2 [AMENDED]
(Reference WF 12-24)

SUMMARY:

The proposed amendments to Chapter 110, Subchapter 1 amend the rules to: (1) clarify division policy and practice; and (2) assist with the consistent enforcement of licensing requirements as it relates to the use of a form to be completed by facilities when addressing non-compliances with licensing requirements.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); and the Child Care Facility Licensing Act, 10 O.S. § 401.

COMMENT PERIOD:

Written and oral comments are accepted February 1, 2013, through March 4, 2013, during regular business hours by contacting Mitzi Lee, Oklahoma Department of Human Services, Licensing Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-2556.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by

contacting the person listed above, no later than 5:00 p.m., March 4, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #13-82; filed 1-9-13]

**TITLE 340. DEPARTMENT OF HUMAN SERVICES
CHAPTER 110. LICENSING SERVICES**

[OAR Docket #13-83]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3 Licensing Standards for Child Care Facilities

Part 1. Requirements for Child Care Centers

340:110-3-14 [AMENDED]

Part 2. Requirement for Part-Day Children's Programs

340:110-3-45 [AMENDED]

Part 5. Requirements for Family Child Care Homes and

Large Family Child Care Homes

340:110-3-91.1 [AMENDED]

Part 9. Requirements for Residential Child Care Facilities

340:110-3-157 [AMENDED]

(Reference WF 12-26)

SUMMARY:

The proposed amendments to Chapter 110, Subchapter 3 amend the rules to comply with Section 104(b) of the Consumer Product Safety Improvement Act of 2008, requiring the United States Consumer Product Safety Commission to promulgate consumer product safety standards for durable infant or toddler products. Any crib provided by child care facilities and family child care homes must meet new and improved federal safety standards set forth by Consumer Product Safety Commission per Section 1219 and 1220 of Title 16 of the Code of Federal Regulations (16 C.F.R. §§ 1219 and 1220) for full-size and non-full-size cribs.

AUTHORITY:

Director of Human Services; Section 162 of Title 56 of the Oklahoma Statutes (56 O.S. § 162); Child Care Facility Licensing Act, 10 O.S. §§ 401 and 404; Section 104(b) of the

Consumer Product Safety Improvement Act of 2008; and 16 C.F.R. §§ 1219 and 1220.

COMMENT PERIOD:

Written and oral comments are accepted February 1, 2013, through March 4, 2013, during regular business hours by contacting Mitzi Lee, Oklahoma Department of Human Services, Licensing Services, PO Box 25352, Oklahoma City, OK 73125, 405-521-2556.

PUBLIC HEARING:

A public hearing has not been scheduled; however, pursuant to 75 O.S., § 303(B)(9), "persons may demand a hearing" by contacting the person listed above, no later than 5:00 p.m., March 4, 2013.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by contacting the person listed above or going to www.okdhs.org/library/policy/pp/.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement has been prepared and is available for review by contacting the person listed above.

CONTACT PERSON:

Dena Thayer, Programs Administrator, Office of Intergovernmental Relations and Policy, 405-521-4326.

[OAR Docket #13-83; filed 1-9-13]

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

[OAR Docket #13-84]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Description of Forms and Instructions

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

SUMMARY:

The amendment to 365:1-9-18 updates the requirements for the bail bondsman application by requiring the applicant complete the application and comply with pertinent statutes. It also clarifies language that the bondsman execute a "pledge of the certificate of deposit" and an "assignment of the annuity deposit" regarding payment of unpaid bond forfeitures. The amended language adds that the license reinstatement period be a period of within one year after the expiration date and that a reinstatement fee shall be double the license fee. It also adds that name changes for individual licenses require proper documentation at the time of the request.

AUTHORITY:

Insurance Commissioner, 59 O.S. § 1302

Notices of Rulemaking Intent

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 4, 2013. Comments shall be directed to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 7, 2013, at 9:30 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 4, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2013, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Buddy Combs, Assistant General Counsel, (405) 521-2746.

[OAR Docket #13-84; filed 1-9-13]

TITLE 365. INSURANCE DEPARTMENT CHAPTER 15. PROPERTY AND CASUALTY

[OAR Docket #13-85]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

365:15-1-3. Property and casualty form filings
[AMENDED]

365:15-1-3.1. Workers' compensation medical claims small deductible form [AMENDED]

365:15-1-14. Notice of cancellation or non-renewal
[AMENDED]

365:15-1-24. Appeals of rating classifications [NEW]

Subchapter 9. Medical Professional Liability Rate Setting

365:15-9-10. Property and casualty rate, loss cost and manual rule filings [AMENDED]

Appendix C. Excess Consent Rate Application
[REVOKED]

Appendix C. Excess Consent Rate Application [NEW]

SUMMARY:

365:15-1-3 is amended to update the address of the Oklahoma Insurance Commissioner. 365:15-1-3.1 is amended to conform to the renumbered provisions of the Workers' Compensation Code in Title 85 enacted in 2011. 365:15-1-14 is amended to extend the time period that insurers are required to provide notice for non-renewal of homeowners and any other personal residential insurance coverage. 365:15-1-24 is added to provide a procedure for an employer to appeal its rating classification for workers' compensation insurance pursuant to 36 O.S. § 924.3. 365:15-9-10 is amended to update the address of the Oklahoma Insurance Commissioner. Appendix C is revoked and renewed to update the address of the Oklahoma Insurance Commissioner.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 924.3, 987, and 6821.

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 4, 2013. Comments shall be directed to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 7, 2013, at 9:30 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 4, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2013, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Buddy Combs, Assistant General Counsel, (405) 521-2746.

[OAR Docket #13-85; filed 1-9-13]

**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 #13-86]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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]

365:25-3-18. Compensation and education for sale of Medicare Advantage (including private fee for service plans) or Medicare prescription drug products and plans [AMENDED]

Subchapter 7. Companies

Part 5. Oklahoma Insurance Holding Company System Regulatory Act

365:25-7-23. Forms: general requirements [AMENDED]

SUMMARY:

The amendment to section 365:25-3-1(c) is to reflect that the Insurance Department considers continuing education (CE) reciprocal for non-resident producers and relies on the resident state to regulate its producers' CE requirements. The amendment to 365:25-3-1(d)(3) clarifies that carryover CE hours will be considered as general hours. The amendment to 365:25-3-1(d)(5) clarifies the process by which an instructor may request education credit for presenting a course. The amendment to 365:25-3-1(d)(6) updates the language to reflect the Insurance Department's simplified electronic filing procedure for CE forms.

The amendment to 365:25-3-1(e)(1) updates the rule to accurately reflect the online application process. The amendment to 365:25-3-1(e)(1)(A) adds email address to the list of required information. The amendment to 365:25-3-1(e)(1)(C) deletes duplicate information. The CE provider requirements in 365:25-3-1(e)(1)(D), (E), (F), and (G) have been moved to 365:25-3-1(f)(1) and (2).

The amendments to 365:25-3-1(f) reflect the addition of information moved from 365:25-3-1(e) and alters numbering. The amendment of 365:25-3-1(f)(7) expands the content of courses available. The amendment to 365:25-3-1(f)(9) reflects requirement that providers are required to electronically upload course completions. The amendment to 365:25-3-1(f)(13) provides a heading for the paragraph.

The amendment to 365:25-3-1(g) reflects the requirement in 36 O.S. § 1435.29(B)(3).

The amendment to 365:25-3-1(l) reflects the requirement in 36 O.S. § 1435.29(B)(1)(b).

The amendment to 265:25-3-14(c) allows non-resident adjusters to meet CE requirement in a designated home state.

The amendment to 365:25-3-14(d)(1)(A), (B), and (C) reflects the removal of the Workers' Compensation CE requirement from 36 O.S. § 6217(D). The amendment to 365:25-3-14(d)(2) reflects the online renewal requirement and requirement that course completion certificates will only be submitted upon request by the Insurance Department. The amendment to 365:25-3-14(d)(3) moves the language from the previous section and clarifies that carryover CE hours are considered general hours. The amendment to 365:25-3-14(d)(6) reflects the online reinstatement process.

The amendment to 365:25-3-14(e)(1) reflects the sequence of the online application process, adds email to the list of required information, and removes unnecessary and duplicate items that are being moved to 365:25-3-14(f). The amendment to 365:25-3-14(e)(3) is added so that adjuster and producer rules will match. The amendment to 365:25-3-14(e)(4) is language moved from 365:25-3-14(f).

The amendment to 365:25-3-14(F)(1) ensures that the producer and adjuster rules match, adds language moved from 365:25-3-14(e), expands the content of courses available, and reflects current requirement that providers are to electronically upload course completions.

The amendment to 365:25-3-14(g) corrects the citation to Title 36.

The amendment to 365:25-3-14(l) ensures that the producer and adjuster rules match.

The amendment to 365:25-3-18 removes the training requirement because the Center for Medicare and Medicaid services no longer requires states to provide training related to Medicare Advantage or Medicare Prescription Drug products. Thus, the state requirement is no longer necessary.

The amendment to 365:25-7-23 updates the mailing address for the Oklahoma Insurance Commissioner.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 1435.19, 1435.29, 6217

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 4, 2013. Comments shall be directed to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 7, 2013, at 9:30 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the

Notices of Rulemaking Intent

proposed rules. The comments shall be submitted to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 4, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2013, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Buddy Combs, Assistant General Counsel, (405) 521-2746.

[OAR Docket #13-86; filed 1-9-13]

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 #13-87]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED 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]

365:25-5-5. Approval or denial of course; certificate of completion [AMENDED]

365:25-5-6. Proof of completion; video courses [AMENDED]

365:25-5-8. Extensions of time [AMENDED]

Part 5. General Provisions Pertaining to Bail Bondsmen

365:25-5-33. Change of address requirements [AMENDED]

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

365:25-5-38. Ten defendant limit [AMENDED]

365:25-5-41. Special deposit [AMENDED]

365:25-5-47. Financial statement required [NEW]

365:25-5-48. Line of authority fee [NEW]

Part 7. Specific Financial Circumstances Warranting Release of Professional Deposit

365:25-5-51. Specific financial circumstances enumerated [AMENDED]

SUMMARY:

The amendment to 365:25-5-3 clarifies that prelicensing education credit is valid for one year from the date obtained.

The amendment to 365:25-5-4 sets an expiration timeframe for the material presented in bail bondsman continuing education (CE) courses and the language is taken from the producer licensing rules. The amendment to 365:25-5-5 removes the requirement that bondsmen turn in an education verification form to the Insurance Commissioner. The amendment to 365:25-5-8 updates the rule to conform to the change from a one-year license period to a two-year license period.

The amendment to 365:25-5-33 adds legal name, mailing address, email address, and phone number to the list of information bondsmen are required to submit in a timely manner when changed. This is to comply with a proposed change to 59 O.S. § 1310. Additionally, the amendment requires a \$25 fee payment for any notification made after the required time period, which is less than the same fee for producers. The amendment to 365:25-5-35 removes an unnecessary "reinstatement fee," updates the language to conform to the changes made in 2011 to 59 O.S. § 1309(B) and (C), which changes the due date for financial statements and property documents from the bondsman's birth month to September 30, and conforms the language to the current Insurance Department practice of allowing bondsmen to print their license certificate online rather than sending the certificate in the mail. The amendment to 365:25-5-38 changes the "year" from October 1 through September 30 to January 1 through December 31. The amendment to 365:25-4-41 sets out a \$300,000 special deposit requirement for insurers writing only bail bonds, which conforms to the current policy and practice of the Insurance Department. The amendment also cleans up the language of the rule to make it easier to understand. The addition of 365:25-5-47 requires an individual who is transferred a professional bail bondsman license pursuant to 59 O.S. § 1306(D) to submit a financial statement to the Insurance Department. The addition of 365:25-5-48 establishes a fee for adding or deleting a line of authority for a bondsman to conform to the past practice of the Insurance Department and is similar to fees paid by insurance producers.

The amendment to 365:25-5-51 sets out that a professional bondsman whose license has been suspended or revoked cannot apply for a partial return of their deposit.

AUTHORITY:

Insurance Commissioner, 59 O.S. § 1302(A)

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 4, 2012. Comments shall be directed to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 7, 2013, at 9:30 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 4, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2013, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Buddy Combs, Assistant General Counsel, (405) 521-2746.

[OAR Docket #13-87; filed 1-9-13]

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

[OAR Docket #13-88]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Financial
- Part 3. Holding Company System
- 365:40-3-17. Forms: general requirements [AMENDED]
- Subchapter 5. Life, Accident & Health Division and Consumer Assistance and Claims Division Rules
- Part 9. HMO Requirements and Prohibitions
- 365:40-5-43. Premiums/co-payments [AMENDED]

SUMMARY:

365:40-3-17 is amended to update the address of the Oklahoma Insurance Commissioner. 365:40-5-43 is amended to allow HMOs more flexibility in their product design and offer products in a greater range of actuarial values.

AUTHORITY:

Insurance Commissioner, 36 O.S. §§ 307.1, 6903(D), 6923

COMMENT PERIOD:

Written or oral comments regarding the proposed rule amendment shall be received on or before March 4, 2013. Comments shall be directed to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

PUBLIC HEARING:

A public hearing regarding the proposed rule amendment will be held March 7, 2013, at 9:30 a.m. at the Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th St., Suite 100, Oklahoma City, Oklahoma 73112.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities are requested to provide any increase in costs expected to be incurred due to compliance with the proposed rules. The comments shall be submitted to Buddy Combs, Assistant General Counsel, Oklahoma Insurance Department, at the mailing address above on or before March 4, 2013.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

A rule impact statement will be available on and after February 1, 2013, in accordance with 75 O.S. § 303(D). A copy of the statement may be obtained at the physical address above.

CONTACT PERSON:

Buddy Combs, Assistant General Counsel, (405) 521-2746.

[OAR Docket #13-88; filed 1-9-13]

**TITLE 375. OKLAHOMA STATE BUREAU
OF INVESTIGATION
CHAPTER 9. OKLAHOMA OPEN RECORDS**

[OAR Docket #13-74]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Criminal History Information
- 375:9-1-1.1 [AMENDED]
- 375:9-1-2 [AMENDED]
- 375:9-1-5 [AMENDED]

SUMMARY:

The proposed amended sections would define "rap-back information" and provide for the provision of rap-back information to requestors of criminal history backgrounds. They would also lower the fee for fingerprint searches of Oklahoma and FBI criminal history records sought under the authority of the federal Volunteers for Children Act/National Child Protection Act from \$41.00 to \$35.00. They would also allow a national criminal history record check to be sought when there is a statutory requirement underlying the request "may" be conducted for a particular governmental purpose rather than "must".

AUTHORITY:

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

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 4, 2013 at the following address: Jimmy Bunn Jr., Legal Counsel, Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m. on March 4, 2013 at Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Anyone who wishes to speak must sign in at the door by 9:30 a.m. and will be provided five (5) minutes to express their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Because this amendment involves the lowering of a fee authorized by statute, it is recognized that it may have some financial impact on business entities. It is anticipated, however, that the impact will be a positive one for such business entities because it lowers the already established fee for certain searches. Nevertheless, the OSBI requests that such entities that may be financially affected by the amendment provide the agency, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #13-74; filed 1-9-13]

TITLE 375. OKLAHOMA STATE BUREAU OF INVESTIGATION CHAPTER 25. OKLAHOMA SELF-DEFENSE ACT

[OAR Docket #13-76]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Application for Concealed Handgun License
375:25-1-2 through 375:25-1-5 [AMENDED]
375:25-1-5.2 [AMENDED]
375:25-1-7 [AMENDED]
375:25-1-9 [AMENDED]

SUMMARY:

The proposed amended sections would remove references to a "concealed" handgun license necessitated by recent amendments to the Oklahoma Self Defense Act. It would also provide for a refund of one half of the fee paid to the OSBI in the event a ten (10) year license application is withdrawn. Finally it would remove the reference to an Oklahoma driver license or Oklahoma state photo ID to account for individual members of the military stationed in Oklahoma pursuant to 21 O.S. §1290.8.

AUTHORITY:

Oklahoma State Bureau of Investigation; 21 O.S., §1290.3

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 4, 2013 at the following address: Jimmy Bunn Jr., Legal Counsel, Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on March 4, 2013 at Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Anyone who wishes to speak must sign in at the door by 10:00 a.m. and will be provided five (5) minutes to express their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be available on and after January 15, 2013, and may be obtained from the OSBI at the above address.

CONTACT PERSON:

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

[OAR Docket #13-76; filed 1-9-13]

**TITLE 375. OKLAHOMA STATE BUREAU OF INVESTIGATION
CHAPTER 40. OKLAHOMA IDENTITY THEFT PASSPORT PROGRAM**

[OAR Docket #13-75]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

375:40-1-3 [AMENDED]

SUMMARY:

The rule in question is being amended to correct the means and website address from which an individual can request a State of Oklahoma Identity Theft Passport Request Victim Information Sheet and instructions for obtaining an Oklahoma Identity Theft Passport identification.

AUTHORITY:

Oklahoma State Bureau of Investigation; 22 O.S., §19b

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 5:00 p.m. on March 4, 2013 at the following address: Jimmy Bunn Jr., Chief Legal Counsel, Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m. on March 4, 2013 at Oklahoma State Bureau of Investigation, 6600 N. Harvey, Oklahoma City, OK. 73116. Anyone who wishes to speak must sign in at the door by 8:30 a.m. and will be provided five (5) minutes to express their views.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

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

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

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

[OAR Docket #13-75; filed 1-9-13]

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

[OAR Docket #13-08]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:1-1-6 [AMENDED]

390:1-1-10 [AMENDED]

SUMMARY:

Amendments are necessary to expedite record requests and to ensure they are in compliance with the Open Records Act. In addition certified documents will be required to change a name in CLEET's database.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., § 3311.2 through 3311.13; 20 O.S., §1313.2; 21 O.S., § 1289.8 and 1290.1; 51 O.S., § 24-A et. seq.; 59 O.S., § 1750.1 through 1750.14 and 1451 through 1476; 75 O.S., § 250 et seq. and 250.3.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013 at the CLEET offices and web address listed above.

Notices of Rulemaking Intent

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-08; filed 1-7-13]

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

[OAR Docket #13-09]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:2-1-1 [AMENDED]

390:2-1-4 [AMENDED]

SUMMARY:

Amendments are necessary to inform clients that CLEET does not issue advisory opinions, applications must be received in order to be reviewed and a decision made. Changes also outline discovery rules and time limitations pursuant to the Oklahoma Discovery Code.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., § 3311 et seq.; 11 O.S., §34-101; 20 O.S., §1313.2; 21 O.S., § 1289.8 and 1290.1; 59 O.S., Section 1750.1 through 1750.14 and 1451 through 1476; 11 O.S., § 34-102; 21 O.S., § 1290.14 through 1290.15; 75 O.S., §250 et seq. and 250.3.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma

74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013, at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-09; filed 1-7-13]

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

[OAR Docket #13-10]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:10-1-2 [AMENDED]

390:10-1-5 [AMENDED]

390:10-1-6 [AMENDED]

SUMMARY:

Amendments are necessary to correct a typographical error, and clarify inactive officers, and to make testing timelines consistent throughout CLEET Rules. Additionally rule changes set out minimum requirement for certification by reciprocity.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O. S., § 3311.2 through 3311.13.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013 at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-10; filed 1-7-13]

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

[OAR Docket #13-11]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Collegiate Officer Program
390:15-3-8 [AMENDED]
390:15-3-10 [AMENDED]

SUMMARY:

Amendments are necessary to clarify time period expires for collegiate officer program certification, and makes testing requirements consistent with basic academy testing.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O.S., § 3311 through 3311.13; 20 O.S., § 1313.2.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this

information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013, at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405)239-5166.

[OAR Docket #13-11; filed 1-7-13]

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

[OAR Docket #13-12]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:20-1-3 [AMENDED]
390:20-1-5 [AMENDED]
390:20-1-15 [NEW]

SUMMARY:

Amendments outline specific training that is not recognized for reserve certification by reciprocity. Changes allow the Director to waive reserve academy training for reserve officers certified in another state if training and experience meets or exceeds Oklahoma's requirements. Last rule change removes gender reference for reserve academy coordinators.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O.S., § 3311 through 3311.13; 11 O.S., § 34-101; 19 O.S., § 547; 63 O.S., § 683.1 et. seq.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment

Notices of Rulemaking Intent

period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013, at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-12; filed 1-7-13]

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

[OAR Docket #13-13]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:25-1-9 [AMENDED]

390:25-1-11 [AMENDED]

SUMMARY:

Amendments are necessary to identify specific training that is not recognized as comparable instructor training, and allows Director to appoint a designee to review instructor requests and make decisions regarding instructor certification.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O.S., § 3311 through 3311.13.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013 at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-13; filed 1-7-13]

TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 27. POLICE OFFICER ANNUAL FIREARMS REQUALIFICATION

[OAR Docket #13-14]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:27-1-5 [AMENDED]

SUMMARY:

Amendments allow individuals to submit CLEET identifying number in lieu of social security number for record keeping purposes and changes the date training documentation must be submitted to CLEET.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O.S., § 3311 through 3311.13.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013, at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013, at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013 at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-14; filed 1-7-13]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 35. REGULATION OF PRIVATE SECURITY INDUSTRY**

[OAR Docket #13-15]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 7. Application Procedure
390:35-7-7 [AMENDED]
- Subchapter 9. Violations and Investigations
390:35-9-5 [AMENDED]
390:35-9-6 [AMENDED]

SUMMARY:

Amendments are necessary to ensure license fee for upgrading a license is equal to regular license fees. Changes include involuntary commitment of a licensee in a mental institute or licensed private mental health facility for any mental illness as grounds for action against a license. Also allows CLEET to issue citations at the time of renewal of a license.

AUTHORITY:

Council on Law Enforcement Education and Training; 59 O.S., § 1750.1 through 1750.13; 70 O.S., § 3311 et seq.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt

Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013 at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-15; filed 1-7-13]

**TITLE 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
CHAPTER 40. OKLAHOMA SELF-DEFENSE ACT**

[OAR Docket #13-16]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
390:40-1-1 [AMENDED]
390:40-1-3 [AMENDED]
- Subchapter 5. Instructor Approval
390:40-5-5 [AMENDED]
- Subchapter 9. Training Standards and Requirements
390:40-9-2 [AMENDED]

SUMMARY:

Amendments are necessary to remove all reference to "concealed" handguns from rules, pursuant to mandatory changes to The Self-Defense Act during the last legislative session. Rule adds definition of unconcealed handgun.

Notices of Rulemaking Intent

Requires persons licensed as instructors under The Self-Defense Act to keep CLEET apprised of current address and phone number. Requires written notification of change of address and phone number within ten days.

AUTHORITY:

Council on Law Enforcement Education and Training; 21 O.S., § 1289.8 and 1290.1 et seq.; 70 O.S., § 3311 et seq.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 5, 2013 at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-16; filed 1-7-13]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING
CHAPTER 45. RETIRED PEACE OFFICER
FIREARMS PERMIT**

[OAR Docket #13-17]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:45-1-3 [AMENDED]

390:45-1-7 [AMENDED]

SUMMARY:

Amendments are necessary to remove all reference to "concealed" handguns from rules, pursuant to mandatory changes to The Self-Defense Act during the last legislative session.

AUTHORITY:

Council on Law Enforcement Education and Training; 21 O.S., § 1289.8 and 1290.1 et seq.; 70 O.S., § 3311 et seq.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013 at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant, (405) 239-5166.

[OAR Docket #13-17; filed 1-7-13]

**TITLE 390. COUNCIL ON LAW
ENFORCEMENT EDUCATION AND
TRAINING
CHAPTER 50. PENALTY ASSESSMENT
FEES**

[OAR Docket #13-18]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:50-1-3 [AMENDED]

390:50-1-6 [AMENDED]

SUMMARY:

Amendments are necessary to remove gender specific designations and to authorize Director to waive assessment fees due to CLEET if deemed uncollectable pursuant to statute change during last legislative session.

AUTHORITY:

Council on Law Enforcement Education and Training; 20 O.S., § 1313.2; 11 O.S., §14-111.1; 19 O.S. § 220; and 70 O.S., Section 3311, et seq.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013 at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant (405) 239-5166.

[OAR Docket #13-18; filed 1-7-13]

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

[OAR Docket #13-19]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

390:55-1-12 [AMENDED]

SUMMARY:

Amendments are necessary to update rules to reflect no tobacco policy and to reflect current cafeteria vendor processes.

AUTHORITY:

Council on Law Enforcement Education and Training; 70 O.S., Section 3311(B)(13), and 70 O.S., Section 3311, et seq.

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 4:00 p.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, Attn: Norma Floyd, or by e-mail to norma.floyd@cleet.state.ok.us.

PUBLIC HEARING:

Public hearings will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 5 minutes to speak and must sign in at the door. The public hearing will be held at 10:00 a.m. on March 5, 2013 at CLEET, 2401 Egypt Road, Ada, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

CLEET requests that business entities affected by these proposed rule changes provide CLEET, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as labor, reporting, professional services or other costs expected to be incurred by the particular business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Norma Floyd, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained by contacting Norma Floyd at CLEET, 2401 Egypt Road, Ada, Oklahoma 74820-0669, (405) 239-5166, or from the CLEET web site at www.ok.gov/cleet.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303(D), a rule impact statement will be issued and made available on February 4, 2013 at the CLEET offices and web address listed above.

CONTACT PERSON:

Norma Floyd, Administrative Assistant (405) 239-5166.

[OAR Docket #13-19; filed 1-7-13]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 1. ADMINISTRATION**

[OAR Docket #13-31]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

Notices of Rulemaking Intent

PROPOSED RULES:

Chapter 1. Administration [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 1 are part of the Department's review of Title 450. The proposed rules are intended to clarify existing rules, improve processes, and are intended to comply with statutory changes.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-110, 3-306, 3-306.1, 3-314.1, 3-315, 3-317, 3-318, 3-319 and 3-415; 74 O.S. §85.9G.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 2, 2013 until 5:00 p.m., March 5, 2013, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2401 N.W. 23rd Street, Suite 85, Oklahoma City, OK, facsimile, at (405) 522-0236 or by email at ggeis@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 8, 2013 at 11:30 a.m. in Conference Room A of the Department located at 1200 N.E. 13th Street, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Gretchen Geis, Administrative Rules Liaison, at the above address or through the ODMHSAS website at odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 16, 2013. Copies may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 521-6365 or ggeis@odmhsas.org.

[OAR Docket #13-31; filed 1-8-13]

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

[OAR Docket #13-32]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 15. Consumer Rights [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 15 are part of the Department's review of Title 450. The proposed rules clarify existing rules and are intended to comply with statutory changes.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 2-108 and 2-109.

COMMENT PERIOD:

Persons wishing to submit written comments may do so from February 2, 2013 until 5:00 p.m., March 5, 2013, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2401 NW 23rd ST. Suite 85, Oklahoma City, OK, facsimile, at (405) 522-0236 or by email at ggeis@odmhsas.org.

PUBLIC HEARING:

The Department will conduct a public hearing on March 8, 2013, at 1:30 p.m. in Conference Room A of the Department located at 1200 NE 13th ST, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 16, 2013. Copies may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 521-6365 or ggeis@odmhsas.org.

[OAR Docket #13-32; filed 1-8-13]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 17. STANDARDS AND CRITERIA FOR COMMUNITY MENTAL HEALTH CENTERS**

[OAR Docket #13-33]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 17. Standards and Criteria for Community Mental Health Centers [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 17 are part of the Department's review of Title 450. The proposed rules are intended to clarify existing rules, improve processes, and are intended to comply with statutory changes.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 2-101, 3-306, 3-306.1 and 3-315; 74 O.S. §85.9G.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., March 5, 2013, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, e-mailed to ggeis@odmhsas.org, hand-delivered to the Department at 2401 N.W. 23rd Street, Suite 85, Oklahoma City, OK or by facsimile, at (405) 522-0236.

PUBLIC HEARING:

The Department will conduct a public hearing on March 8, 2013 at 10:00 a.m. in Conference Room A of the Department located at 1200 N.E. 13th Street, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from Gretchen Geis, Administrative Rules Liaison, at the above address or through the ODMHSAS website at odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 16, 2013. Copies may be obtained from Gretchen Geis, Administrative Rules Liaison, at the above address or through the ODMHSAS website at odmhsas.org.

CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 521-6365 or ggeis@odmhsas.org.

[OAR Docket #13-33; filed 1-8-13]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID SUBSTITUTION TREATMENT PROGRAMS**

[OAR Docket #13-73]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 70. Standards and Criteria for Opioid Substitution Treatment Programs [AMENDED]

SUMMARY:

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 70 are part of the Department's review of Title 450. The proposed rules clarify existing rules and further standardize the Opioid Substitution Treatment Programs.

AUTHORITY:

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. § 3-601 et. seq.

COMMENT PERIOD:

Persons wishing to submit written comments may do so until 5:00 p.m., March 5, 2013, to the attention of Gretchen Geis, Administrative Rules Liaison. Written comments may be mailed to the Department of Mental Health and Substance Abuse Services, P.O. Box 53277, Oklahoma City, OK 73152-3277, hand-delivered to the Department at 2401 NW 23rd Street, Suite 85, Oklahoma City, OK or by facsimile, at (405) 522-0236.

PUBLIC HEARING:

The Department will conduct a public hearing on March 8, 2013, 3:00 p.m., in Conference Room A of the Department located at 1300 N.E. 13th Street, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

ODMHSAS asks business entities affected by the proposed rules to provide written information to the Department, in

Notices of Rulemaking Intent

dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Gretchen Geis, at the above address, before the close of the comment period on March 5, 2013.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the Department's website at www.odmhsas.org or from Gretchen Geis, Administrative Rules Liaison, at the above address or email at ggeis@odmhsas.org.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D) ODMHSAS will prepare a rule impact statement which will be available beginning February 16, 2013. Copies may be obtained from Gretchen Geis, Administrative Rules Liaison, at the above address.

CONTACT PERSON:

Gretchen Geis, Administrative Rules Liaison, (405) 521-6365.

[OAR Docket #13-73; filed 1-9-13]

TITLE 460. DEPARTMENT OF MINES CHAPTER 1. OKLAHOMA MINING COMMISSION

[OAR Docket #13-20]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 1. Oklahoma Mining Commission [AMENDED]

SUMMARY:

The Department is amending Subchapter 7, by adding that approval for supervisor re-certification shall not be given to any training facilities or training by individuals affiliated with, or employed by, any permitted operation within the State of Oklahoma.

AUTHORITY:

45 O.S. Section 1et.seq; 75 O.S. Section 302 et. seq., Oklahoma Mining Commission

COMMENT PERIOD:

From February 1, 2013, through March 6, 2013, the public may present their views, either orally or in writing, to the contact person below.

PUBLIC HEARING:

Public Hearings will be held on March 4, 2013, at the Kiamichi Vo-Tech, McAlester, OK starting at 6:10 p.m. and at the Department of Mines, 2915 N. Classen Blvd., Ste. 213, Oklahoma City, OK, on March 6, 2013, starting at 2:10 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by this proposed amendment are requested to provide the agency with information, in dollars if possible, about the increase in the level of the direct costs,

indirect costs, or other costs expected to be incurred by that business entity due to compliance with the proposed change. Business entities may submit this information in writing from February 1, 2013, through March 6, 2013, to the contact person listed below.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule changes may be obtained from the contact person listed below after February 1, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person listed below after February 16, 2013.

CONTACT PERSON:

Cathy Frank, Legal Officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Ste. D., Wagoner, OK 74467, (918) 485-3999.

[OAR Docket #13-20; filed 1-7-13]

TITLE 460. DEPARTMENT OF MINES CHAPTER 20. THE PERMANENT REGULATIONS GOVERNING THE COAL RECLAMATION ACT OF 1979

[OAR Docket #13-21]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 20. The Permanent Regulations Governing The Coal Reclamation Act of 1979 [AMENDED]

SUMMARY:

The Department is proposing an amendment to Subchapter 17, adding a requirement that requests for permit renewals have a current bond calculation, less than 60 days old, detailing the cost for third party reclamation under a worst case scenario with the bond in effect continuing in full force, as well as any additional bond required. Proposed amendments to Subchapter 43-47, surface coal mining, and to Subchapter 45-47, underground coal mining, requires the operator to report all instances of alleged subsidence within 30 days identifying, in writing, the location of the alleged subsidence in relation to the underground mine workings. Subchapter 45-17 is being amended to require that underground coal mining operator have along with their coal recovery activities, right of entry information submitted on their permit application before mining any of the coal in that area. Additional amendments are proposed to eliminate typographical errors and an Oklahoma City Office address change.

AUTHORITY:

45 O.S. Sections 15, and 45 O.S. 789, Oklahoma Mining Commission

COMMENT PERIOD:

From February 2, 2013 through March 4, 2013, the public may present their views either orally or in writing, to the contact person listed below.

PUBLIC HEARING:

Public Hearings will be held on March 4, 2013, at the Kiamichi Vo- Tech, McAlester, OK, at 6:00 p.m. and at the Department of Mines, 2915 N. Classen Blvd. Ste. 213, Oklahoma City, OK, on March 6, 2013, starting at 2:00 p.m.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposal amendments are requested to provide the agency with information, in dollars if possible, about the increase in the level of the direct costs, indirect costs, or other costs expected to be incurred by that business entity due to compliance with the proposed changes. Business entities may submit this information in writing from February 2, 2013, through March 6, 2013, to the contact person listed below.

COPIES OF THE PROPOSED RULES:

Copies of the proposed rule changes may be obtained from the contact person listed below after February, 1, 2013.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person listed below after February 16, 2013.

CONTACT PERSON:

Cathy Frank, Legal officer, Oklahoma Department of Mines, Wagoner Field Office, 1102 W. Cherokee, Ste. D, Wagoner, OK 74464; (918) 485-3999.

[OAR Docket #13-21; filed 1-7-13]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY**

[OAR Docket #13-30]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Rules of Practice
- 595:1-3-4 [AMENDED]
- 595:1-3-19 [AMENDED]

SUMMARY:

Amendments would change the circumstances under which an implied consent hearing is reset, and the rules concerning licensees obtaining an attorney of record for an implied consent case.

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 2-108

COMMENT PERIOD:

Interested persons may present their views regarding these rules in writing to the contact person referenced below. Comments will be accepted until 4:30 p.m., March 4, 2013.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m. on, March 5, 2013 at the Oklahoma Department of Public Safety Highway Patrol

Training Center Conference Room, 3600 Martin Luther King, Oklahoma City, Oklahoma. Anyone who wishes to speak must sign in at the door by 9:35 a.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Any business entity affected by these proposed rules is requested to provide the Department of Public Safety, in writing to the contact person and within the comment period or at the public hearing, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred due to compliance with these proposed rules.

COPIES OF PROPOSED RULES:

A copy of the proposed rules may be obtained from the Department's website <http://www.dps.state.ok.us/rules/> or from the contact person.

RULE IMPACT STATEMENT:

A Rule Impact Statement for the proposed rules will be prepared, as required by 75 O.S. §303(D), and may be obtained from the contact person.

CONTACT PERSON:

Bruce Walker, Administrative Rules, Department of Public Safety, 3600 N. M.L. King Ave., P.O. Box 11415, Oklahoma City, OK 73136-0415. Phone: (405) 425-2173. Fax: (405)425-7037. E-mail: bwwalker@dps.state.ok.us

[OAR Docket #13-30; filed 1-8-13]

**TITLE 605. OKLAHOMA REAL ESTATE COMMISSION
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #13-90]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 1. General Provisions
- 605:1-1-4. [AMENDED]

SUMMARY:

Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees, school entities and instructors, and the general public, and if promulgated will have an effective date of November 1, 2013. Proposed revision is summarized as follows:

605:1-1-4. Operational procedures - Eliminating the reference that a hard copy directory of licensees will be made available to each licensee.

AUTHORITY:

Oklahoma Real Estate Commission; 59 O.S., Section 858-208

Notices of Rulemaking Intent

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on March 8, 2013 at the following address:

Oklahoma Real Estate Commission
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:

March 13, 2013 - 10:00 a.m.
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

"N/a"

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (with the exception of legal holidays) at the following location:

Oklahoma Real Estate Commission
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on January 30, 2013 at the Oklahoma Real Estate Commission (address and phone number listed above).

CONTACT PERSON:

Cliff Smith - (405) 521-3387

[OAR Docket #13-90; filed 1-9-13]

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

[OAR Docket #13-91]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 1. General Provisions
605:10-1-2. [AMENDED]
Subchapter 5. Instructor 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]

605:10-7-7. [AMENDED]

605:10-7-9. [AMENDED]

605:10-7-10. [AMENDED]

Subchapter 9. Broker's Operational Procedures

605:10-9-4. [AMENDED]

Subchapter 15. Disclosures

605:10-15-2. [AMENDED]

Subchapter 17. Causes for Investigation; Hearing Process; Prohibited Acts; Discipline

605:10-17-4. [AMENDED]

SUMMARY:

Permanent revisions to the Rules and Regulations are proposed as described herein. These proposed amendments affect real estate licensees, school entities and instructors, and the general public, and if promulgated will have an effective date of November 1, 2013. Proposed revisions are summarized as follows:

605:10-1-2. Definitions - Adding a definition for a branch office.

605:10-5-1. Approval of prelicense course offerings - Amending the requirement for instructor orientation workshops from every 18 months to every 24 months; and eliminating that school entities must submit a separate application and fee to get a facility approved in which to teach a prelicense course (instead, the facility questions will be included on the prelicense course application and thus eliminating the \$75.00 fee).

605:10-5-1.1 Approval of postlicense course offerings - Amending the requirement for postlicense instructors to take a Commission approved orientation workshop every 24 months instead of every 18 months; and eliminating that postlicense course offerings must submit a separate application and fee to get a facility approved in which to teach a postlicense course (instead, the facility questions will be included on the postlicense course application and thus eliminating the \$75.00 fee).

605:10-5-2. Approval of continuing education offerings - Extending the validity time period of continuing education school course approvals from 24 month to 36 months with no increase in fees; clarifying existing language; allowing a one clock hour course to count for continuing education; requiring the offering entity to ensure that all facilities in which continuing education is conducted is in compliance with all fire, safety and sanitation codes and requirements of the American Disability Act.

605:10-7-2. License terms and fees; renewals; reinstatements - Eliminating obsolete language; changing the time period that a person can reinstate a license from 5 years to a 3 year period; clarifying language; adding language that makes reference to a new law that affords waivers of license fees, continuing education and other requirements for a license holder who is on active duty as a member of the Armed Forces; and adding language that makes reference to a law that affords waivers of license fees, continuing education and

other requirements for a licensee whose license expires while on active duty as a member of the National Guard or reserve component of the armed forces.

605:10-7-7. Branch offices - Adding language that allows a branch office to utilize a trade name which is different than the main office so long as the broker registers the name(s) with the Commission.

605:10-7-9. Nonresident licensing - Cleaning up and clarifying language.

605:10-7-10. Resident applicants currently or previously licensed in other jurisdictions - Cleaning up and clarifying language; adding language to implement a new law requirement to allow equivalent education, training and experience obtained by an applicant in the military to satisfy the applicant's qualifications for examination and license issuance; and adding language to implement a new law that requires the Commission to expedite the license issuance of a military spouse by providing them a temporary permit and additional time to submit to normal license qualifications and requirements.

605:10-9-4. Advertising - Adding language that states that a firm shall not register or use a trade name of another licensed firm.

605:10-15-2. Broker Relationships Act to become effective November 1, 2000 - Deleting obsolete language and adding new rules due to a new law relating to broker services that goes into effect on November 1, 2013.

605:10-17-4. Prohibited dealings - Deleting an obsolete rule and adding a rule that pertains to the disclosure of family relationship or a close business relationship in connection with a real estate transaction.

AUTHORITY:

Oklahoma Real Estate Commission; 59 O.S., Section 858-208

COMMENT PERIOD:

Persons wishing to present their views orally or in writing may do so before 4:00 p.m. on March 8, 2013 at the following address:

Oklahoma Real Estate Commission
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views. Each person will be allowed a maximum of 10 minutes to speak and must sign in at the door. Date, time and place of public hearing:

March 13, 2013 - 10:00 a.m.
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

"N/a"

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained for review by the public between 8:00 a.m. and 4:30 p.m., Monday through Friday, (with the exception of legal holidays) at the following location:

Oklahoma Real Estate Commission
Denver N. Davison Building
1915 North Stiles, Suite 200
Oklahoma City, Oklahoma 73105-4919

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., Section 303 (D), a rule impact statement will be prepared and available on January 30, 2013 at the Oklahoma Real Estate Commission (address and phone number listed above).

CONTACT PERSON:

Cliff Smith - (405) 521-3387

[OAR Docket #13-91; filed 1-9-13]

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

[OAR Docket #13-89]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

Subchapter 8. Rental Tax on Motor Vehicle Rentals
[REVOKED]

710:60-8-1 through 710:60-8-6 [REVOKED]

SUMMARY:

Subchapter 8, which outlines the application of rental tax on certain rentals of motor vehicles with durations of ninety days or less, has been revoked from *Chapter 60 Motor Vehicles* and added as Subchapter 4 to *Chapter 95 Miscellaneous Areas of Regulatory and Administrative Authority*. [68:2110]

AUTHORITY:

68 O.S. §§ 203 and 2110; Oklahoma Tax Commission

COMMENT PERIOD:

Persons wishing to make written submissions may do so by 4:30 p.m., March 4, 2013, to the Oklahoma Tax Commission, Tax Policy and Research Division, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma 73194.

PUBLIC HEARING:

No public hearing is scheduled at this time, however, pursuant to 75 O.S. §303(B)(9), 'persons may demand a hearing' by contacting Lisa Haws (see contact information below) no later than 4:30 p.m. on March 4, 2013.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

Although nothing in this rulemaking action has been determined to adversely impact small business, the Oklahoma Tax Commission (OTC) requests that, pursuant to 75 O.S. § 303(B)(6), business entities affected by these rules provide

Notices of Rulemaking Intent

the OTC, within the comment period, in dollar amounts, if possible, information on any increase in direct costs, such as fees, and indirect costs, such as those associated with reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed Rules.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Tax Commission, Tax Policy Division, 5th floor, M. C. Connors Building, 2501 North Lincoln Boulevard, Oklahoma City, Oklahoma. Copies of proposed rules may be viewed online at www.tax.ok.gov.

RULE IMPACT STATEMENT:

A Rule Impact Statement will be prepared and will be available for review from and after February 15, 2013, from the same source listed above for obtaining copies of proposed rules.

CONTACT PERSON:

Lisa R. Haws, Agency Liaison. Phone: 405-521-3133; FAX: 405-522-0063; Email: lhaws@tax.ok.gov

[OAR Docket #13-89; filed 1-9-13]

TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #13-22]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 770:1-1-1. Purpose [AMENDED]
 - 770:1-1-2. Request for interpretation of rules [NEW]
 - 770:1-1-3. Compliance with Title 38 of the Code of Federal Regulations [NEW]
- Subchapter 3. Organizational Structure
 - 770:1-3-1. Program description [AMENDED]
- Subchapter 5. Open Records Act
 - 770:1-5-1. Program description, compliance standard and basis for exemptions [AMENDED]
 - 770:1-5-2. Exemptions from Act [AMENDED]
 - 770:1-5-3. Photocopy charges [AMENDED]
 - 770:1-5-4. Search fees [AMENDED]

SUMMARY:

Proposed revisions to Subchapter 1 delete reference to Appendix A, which has previously been revoked, adds rules for request for declaratory rulings required by 75 O.S. § 307, and to add a rule stating intent to comply with Title 38, Part 51 of the Code of Federal Regulations relating to requirements to receive per diem from the U.S. Department of Veterans Affairs.

Proposed rule revisions to Subchapter 3 identify where domiciliary care is available, make the language gender

neutral, and adds the Claims office at each center to the list of claims and counseling services.

Proposed rule revisions to Subchapter 5 clean up statutory references, clean up references to the Open Records Act by deleting language restating statutory language of all exemptions to the Open Records Act and references to specific Oklahoma Department of Veterans Affairs forms, replacing it with a general reference to the exemptions contained in the Open Records Act, and updating photocopy charges.

AUTHORITY:

War Veterans Commission; 72 O.S. §§ 63.1, 63.3, 202, 223; 75 O.S. § 307; 51 O.S. § 24A.5.

COMMENT PERIOD:

Persons wishing to present their comments orally or in writing may do so before 4:30 p.m. on March 4, 2013, at the office of the Executive Director, Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105; P. O. Box 53067, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, March 5, 2013, at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105. Anyone who wished to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

n/a

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105, before the close of comment period on March 4, 2013. The proposed rules will also be available on the ODVA website, <http://www.ok.gov/odva>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be available on and after publication of this notice on February 1, 2013, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tamara Hodge, Human Resource Program Manager, 405-522-2212, thodge@odva.state.ok.us.

[OAR Docket #13-22; filed 1-8-13]

TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS CHAPTER 10. CENTER DIVISION PROGRAM

[OAR Docket #13-23]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 770:10-1-2. Definitions [AMENDED]
 - 770:10-1-3. Eligibility requirements [AMENDED]
 - 770:10-1-4. Admission priorities and procedures [AMENDED]
- Subchapter 3. Maintenance Charges, Patient Funds and Assets
 - 770:10-3-1. Care and maintenance charges [AMENDED]
 - 770:10-3-2. Patient funds [AMENDED]
 - 770:10-3-3. Disbursement of deceased patients' assets [AMENDED]
 - 770:10-3-4. Discharges [NEW]
 - 770:10-3-5. Appeals process for residents objecting to discharge [NEW]

SUMMARY:

Proposed revisions to Subchapter 1 delete definitions that are obsolete, provide gender-neutral language, add clarification for eligibility requirements, and include priority for admittance of spouse and surviving spouse of eligible war-time veterans.

Proposed revisions to Subchapter 3 bring language relating to income in compliance with statutes and clarify definition of personal income, and basis for computing care and maintenance charges; remove references to specific forms; clarify the appeal process; clean up language referencing the Executive Director; and change time period after which patients are charged when on leave for outside hospitalization; increase the amount patients can maintain in personal funds in special accounts maintained by the Oklahoma Veterans Centers; clarify language related to whom accounting is made of a deceased patients' funds; and adds 770:10-3-4 and 770:10-3-5, which states the reasons for discharge from a Veterans Center, and provides an appeal process.

AUTHORITY:

War Veterans Commission; 72 O.S. §§ 63.1, 63.3, 63.5, 202, 222, 223, 225; and Title 38, Part 51 of the Code of Federal Regulations.

COMMENT PERIOD:

Persons wishing to present their comments orally or in writing may do so before 4:30 p.m. on March 4, 2013, at the office of the Executive Director, Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105; P. O. Box 53067, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, March 5, 2013, at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105. Anyone who wished to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 5, 2013, at the Oklahoma Department of Veterans Affairs, at the above address.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105, before the close of comment period on March 4, 2013. The proposed rules will also be available on the ODVA website, <http://www.ok.gov/odva>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be available on and after publication of this notice on February 1, 2013, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tamara Hodge, Human Resource Program Manager, 405-522-2212, thodge@odva.state.ok.us.

[OAR Docket #13-23; filed 1-8-13]

**TITLE 770. OKLAHOMA DEPARTMENT OF VETERANS AFFAIRS
CHAPTER 15. CLAIMS AND BENEFITS
DIVISION PROGRAM**

[OAR Docket #13-24]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking
PROPOSED RULES:

- Subchapter 1. General Provisions
 - 770:15-1-1. Purpose [AMENDED]
- Subchapter 3. Claims Services
 - 770:15-3-2. Disaster assistance [AMENDED]
 - 770:15-3-3. Hunting and fishing licenses [AMENDED]
- Subchapter 5. Emergency Financial Assistance
 - 770:15-5-1. Eligibility for financial assistance [AMENDED]
 - 770:15-5-3. Policies and basis for claims [AMENDED]

SUMMARY:

Proposed revisions to Subchapter 1 clean up statutory references.

Proposed revisions to Subchapter 3 clean up statutory references; delete requirements that assistance is only available when the National Red Cross does not participate; add disasters declared by the Governor; clarify language that local officials are officials of veteran service organizations; and clean up other language.

Proposed revisions to Subchapter 5 make the language gender neutral; correct scrivener errors; clean up references to the Executive Director; bring the language in compliance with requirements of 72 O.S. § 67.13, by changing the residency

Notices of Rulemaking Intent

requirement to one (1) year; clarify the impact of emergency aid on Department of Human Services benefits; and provide that the Executive Director has final approval who may present cases to the War Veterans Commission.

AUTHORITY:

War Veterans Commission; 72 O.S. §§ 63.1, 63.3, 67.13.

COMMENT PERIOD:

Persons wishing to present their comments orally or in writing may do so before 4:30 p.m. on March 4, 2013, at the office of the Executive Director, Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105; P. O. Box 53067, Oklahoma City, OK 73152.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m. on Tuesday, March 5, 2013, at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105. Anyone who wished to speak must sign in at the door by 1:05 p.m.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

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

the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by the conclusion of the comment period and public hearing on March 5, 2013, at the Oklahoma Department of Veterans Affairs, at the above address.

COPIES OF PROPOSED RULES:

Interested persons may inspect proposed rules at the offices of the Oklahoma Department of Veterans Affairs, 2311 N. Central, Oklahoma City, OK 73105, before the close of comment period on March 4, 2013. The proposed rules will also be available on the ODVA website, <http://www.ok.gov/odva>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement will be available on and after publication of this notice on February 1, 2013, at the same location listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Tamara Hodge, Human Resource Program Manager, 405-522-2212, thodge@odva.state.ok.us.

[OAR Docket #13-24; filed 1-8-13]

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

[OAR Docket #13-04]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

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

SUBMITTED TO GOVERNOR:

January 3, 2013

SUBMITTED TO HOUSE:

January 3, 2013

SUBMITTED TO SENATE:

January 3, 2013

[OAR Docket #13-04; filed 1-7-13]

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

[OAR Docket #13-05]

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]

SUBMITTED TO GOVERNOR:

January 3, 2013

SUBMITTED TO HOUSE:

January 3, 2013

SUBMITTED TO SENATE:

January 3, 2013

[OAR Docket #13-05; filed 1-7-13]

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

[OAR Docket #13-06]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

475:50-1-1. Purpose [AMENDED]

475:50-1-2. Qualifications for Registration/ Required Training [AMENDED]

SUBMITTED TO GOVERNOR:

January 3, 2013

SUBMITTED TO HOUSE:

January 3, 2013

SUBMITTED TO SENATE:

January 3, 2013

[OAR Docket #13-06; filed 1-7-13]

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

[OAR Docket #13-07]

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]

475:55-1-10. Prescriptions [AMENDED]

SUBMITTED TO GOVERNOR:

January 3, 2013

SUBMITTED TO HOUSE:

January 3, 2013

SUBMITTED TO SENATE:

January 3, 2013

[OAR Docket #13-07; filed 1-7-13]

Submissions for Review

**TITLE 540. PHYSICIAN MANPOWER
TRAINING COMMISSION
CHAPTER 50. OKLAHOMA MEDICAL
LOAN REPAYMENT PROGRAM**

[OAR Docket #13-35]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

PROPOSED RULES:

540:50-1-1. through 540:50-1-9. [NEW]

SUBMITTED TO GOVERNOR:

September 18, 2012

SUBMITTED TO HOUSE:

September 18, 2012

SUBMITTED TO SENATE:

September 18, 2012

[OAR Docket #13-35; filed 1-9-13]

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 540. PHYSICIAN MANPOWER
TRAINING COMMISSION
CHAPTER 50. OKLAHOMA MEDICAL
LOAN REPAYMENT PROGRAM**

[OAR Docket #13-34]

PROPOSED RULES:

540:50-1-1. through 540:50-1-9. [NEW]

GUBERNATORIAL APPROVAL:

September 25, 2012

[OAR Docket #13-34; filed 1-9-13]

RULEMAKING ACTION:

Gubernatorial approval of permanent rules

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 35. MEDICAL ASSISTANCE FOR ADULTS AND CHILDREN-ELIGIBILITY

[OAR Docket #12-1134]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Eligibility and Countable Income

Part 5. Countable Income and Resources

317:35-5-41.6. [AMENDED]

(Reference APA WF # 12-06)

AUTHORITY:

The Oklahoma Health Care Authority Board; The Oklahoma Health Care Authority Act, Section 5003 through 5016 of Title 63 of Oklahoma Statutes; Section 1917 of the Social Security Act

DATES:

Adoption:

November 1, 2012

Approved by Governor:

December 13, 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 rule revisions to the Agency's eligibility guidelines.

In order to protect the public health, safety and welfare, the Agency finds it necessary to amend certain eligibility guidelines for long term care services. Changes in the cost of nursing home care require the Agency to amend eligibility policy in order to maintain access to care for individuals in need of long term care services.

The income cap for the Medicaid Income Pension Trust (a.k.a. Miller Trust) in current rules is \$3,000 per month. As of September 1, 2012, the average cost of nursing home care increases to \$4,235 per month (as published in OKDHS Appendix C-1 Schedule VIII.B). Increasing the cap to the cost of care will help to eliminate the gap in coverage for people who have more than \$3,000 in income per month but not enough to afford the full out-of-pocket cost of long term care services. If the rule is not implemented, the health, safety and welfare of Oklahoma residents with income between \$3,001 and \$4,235 who are in need of long term care services will be in jeopardy because they will not have access to medically necessary care.

ANALYSIS:

SoonerCare financial eligibility rules for Long Term Care services are amended to increase the income cap for the Medicaid Income Pension Trust (or Miller Trust) to the average monthly cost of nursing home care. This change

affects financial eligibility rules for all long term care programs, including the 1915(c) waiver programs for Home and Community Based Services.

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):**

SUBCHAPTER 5. ELIGIBILITY AND COUNTABLE INCOME

PART 5. COUNTABLE INCOME AND RESOURCES

317:35-5-41.6. Trust accounts

Monies held in trust for an individual applying for or receiving SoonerCare must have the availability of the funds determined. Funds held in trust are considered available when they are under the direct control of the individual or his/her spouse, and disbursement is at their sole discretion. Funds may also be held in trust and under the control of someone other than the individual or his/her spouse, such as the courts, agencies, other individuals, etc., or the Bureau of Indian Affairs (BIA).

(1) **Availability determinations.** The worker should be able to determine the availability of a trust using the definitions and explanations listed in (2) of this subsection. However, in some cases, the worker may wish to submit a trust to the OKDHS State Office for determination of availability. In these instances, all pertinent data is submitted to Family Support Services Division, Attention: Health Related and Medical Services Section, for a decision.

(2) **Definition of terms.** The following words and terms, when used in this paragraph, have the following meaning, unless the context clearly indicates otherwise:

(A) **Beneficiary.** Beneficiary means the person(s) who is to receive distributions of either income or principal, or on behalf of whom the trustee is to make payments.

Emergency Adoptions

(B) **Corpus/principal.** Corpus/principal means the body of the trust or the original asset used to establish the trust, such as a sum of money or real property.

(C) **Discretionary powers.** Discretionary powers means the grantor gives the trustee the power to make an independent determination whether to distribute income and/or principal to the beneficiary(ies) or to retain the income and add it to the principal of the trust.

(D) **Distributions.** Distributions means payments or allocations made from the trust from the principal or from the income produced by the principal (e.g., interest on a bank account).

(E) **Grantor (trustor/settlor).** Grantor (trustor/settlor) means the individual who establishes the trust by transferring certain assets.

(F) **Irrevocable trust.** Irrevocable trust means a trust in which the grantor has expressly not retained the right to terminate or revoke the trust and reclaim the trust principal and income.

(G) **Pour over or open trust.** Pour over or open trust means a trust which may be expanded from time to time by the addition to the trust principal (e.g., a trust established to receive the monthly payment of an annuity, a workers' compensation settlement, a disability benefit or other periodic receivable). The principal may accumulate or grow depending upon whether the trustee distributes the receivable or permits it to accumulate. Generally, the terms of the trust will determine the availability of the income in the month of receipt and the availability of the principal in subsequent months.

(H) **Primary beneficiary.** Primary beneficiary means the first person or class of persons to receive the benefits of the trust.

(I) **Revocable trust.** Revocable trust means a trust in which the grantor has retained the right to terminate or revoke the trust and reclaim the trust principal and income. Unless a trust is specifically made irrevocable, it is revocable. Even an irrevocable trust is revocable upon the written consent of all living persons with an interest in the trust.

(J) **Secondary beneficiary.** Secondary beneficiary means the person or class of persons who will receive the benefits of the trust after the primary beneficiary has died or is otherwise no longer entitled to benefits.

(K) **Testamentary trust.** Testamentary trust means a trust created by a will and effective upon the death of the individual making the will.

(L) **Trustee.** Trustee means an individual, individuals, a corporation, court, bank or combination thereof with responsibility for carrying out the terms of the trust.

(3) **Documents needed.** To determine the availability of a trust for an individual applying for or receiving SoonerCare, copies of the following documents are obtained:

(A) Trust document;

(B) When applicable, all relevant court documents including the Order establishing the trust, Settlement Agreement, Journal Entry, etc.; and

(C) Documentation reflecting prior disbursements (date, amount, purpose).

(4) **Trust accounts established on or before August 10, 1993.** The rules found in (A) - (C) of this paragraph apply to trust accounts established on or before August 10, 1993.

(A) **Support trust.** The purpose of a support trust is the provision of support or care of a beneficiary. A support trust will generally contain language such as "to provide for the care, support and maintenance of ...", "to provide as necessary for the support of ...", or "as my trustee may deem necessary for the support, maintenance, medical expenses, care, comfort and general welfare." Except as provided in (i)-(iii) of this subparagraph, the amount from a support trust deemed available to the beneficiary is the maximum amount of payments that may be permitted under the terms of the trust to be distributed to the beneficiary, assuming the full exercise of discretion by the trustee(s) for distribution of the maximum amount to the beneficiary. The beneficiary of a support trust, under which the distribution of payments to the beneficiary is determined by one or more trustees who are permitted to exercise discretion with respect to distributions, may show that the amounts deemed available are not actually available by:

(i) Commencing proceedings against the trustee(s) in a court of competent jurisdiction;

(ii) Diligently and in good faith asserting in the proceedings that the trustee(s) is required to provide support out of the trust; and

(iii) Showing that the court has made a determination, not reasonably subject to appeal, that the trustee must pay some amount less than the amount deemed available. If the beneficiary makes the showing, the amount deemed available from the trust is the amount determined by the court. Any action by a beneficiary or the beneficiary's representative, or by the trustee or the trustee's representative, in attempting a showing to make the Agency or the State of Oklahoma a party to the proceeding, or to show to the court that SoonerCare benefits may be available if the court limits the amounts deemed available under the trust, precludes the showing of good faith required.

(B) **Medicaid Qualifying Trust (MQT).** A Medicaid Qualifying Trust is a trust, or similar legal device, established (other than by will) by an individual or an individual's spouse, under which the individual may be the beneficiary of all or part of the distributions from the trust and such distributions are determined by one or more trustees who are permitted to exercise any discretion with respect to distributions to the individual. A trust established by an individual or an individual's spouse includes trusts created or

approved by a representative of the individual (parent, guardian or person holding power of attorney) or the court where the property placed in trust is intended to satisfy or settle a claim made by or on behalf of the individual or the individual's spouse. This includes trust accounts or similar devices established for a minor child pursuant to 12 O.S. 83. In addition, a trust established jointly by at least one of the individuals who can establish an MQT and another party or parties (who do not qualify as one of these individuals) is an MQT as long as it meets the other MQT criteria. The amount from an irrevocable MQT deemed available to the individual is the maximum amount of payments that may be permitted under the terms of the trust to be distributed to the individual assuming the full exercise of discretion by the trustee(s). The provisions regarding MQT apply even though an MQT is irrevocable or is established for purposes other than enabling an individual to qualify for SoonerCare, and, whether or not discretion is actually exercised.

(i) **Similar legal device.** MQT rules listed in this subsection also apply to "similar legal devices" or arrangements having all the characteristics of an MQT except that there is no actual trust document. An example is the member petitioning the court to irrevocably assign all or part of his/her income to another party (usually the spouse). The determination whether a given document or arrangement constitutes a "similar legal device" should be made by the OKDHS Office of General Counsel, Legal Unit.

(ii) **MQT resource treatment.** For revocable MQTs, the entire principal is an available resource to the member. Resources comprising the principal are subject to the individual resource exclusions (e.g., the home property exclusion) since the member can access those resource items without the intervention of the trustee. For irrevocable MQTs, the countable amount of the principal is the maximum amount the trustee can disburse to (or for the benefit of) the member, using his/her full discretionary powers under the terms of the trust. If the trustee has unrestricted access to the principal and has discretionary power to disburse the entire principal to the member (or to use it for the member's benefit), the entire principal is an available resource to the member. Resources transferred to such a trust lose individual resource consideration (e.g., home property transferred to such a trust is no longer home property and the home property exclusions do not apply). The value of the property is included in the value of the principal. If the MQT permits a specified amount of trust income to be distributed periodically to the member (or to be used for his/her benefit), but those distributions are not made, the member's countable resources increase cumulatively by the undistributed amount.

(iii) **Income treatment.** Amounts of MQT income distributed to the member are countable income when distributed. Amounts of income distributed to third parties for the member's benefit are countable income when distributed.

(iv) **Transfer of resources.** If the MQT is irrevocable, a transfer of resources has occurred to the extent that the trustee's access to the principal (for purposes of distributing it to the member or using it for the member's benefit) is restricted (e.g., if the trust stipulates that the trustee cannot access the principal but must distribute the income produced by that principal to the member, the principal is not an available resource and has, therefore, been transferred).

(C) **Special needs trusts.** Some trusts may provide that trust benefits are intended only for a beneficiary's "special needs" and require the trustee to take into consideration the availability of public benefits and resources, including SoonerCare benefits. Some trusts may provide that the trust is not to be used to supplant or replace public benefits, including SoonerCare benefits. If a trust contains such terms and is not an MQT, the trust is not an available resource.

(5) **Trust accounts established after August 10, 1993.** The rules found in (A) - (C) of this paragraph apply to trust accounts established after August 10, 1993.

(A) For purposes of this subparagraph, the term "trust" includes any legal document or device that is similar to a trust. An individual is considered to have established a trust if assets of the individual were used to form all or part of the principal of the trust and if the trust was established other than by will and by any of the following individuals:

- (i) the individual;
- (ii) the individual's spouse;
- (iii) a person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or
- (iv) a person, including a court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

(B) Where trust principal includes assets of an individual described in this subparagraph and assets of any other person(s), the provisions of this subparagraph apply to the portion of the trust attributable to the assets of the individual. This subparagraph applies without regard to the purposes for which the trust is established, whether the trustees have or exercise any discretion under the trust, and restrictions on when or whether distributions may be made from the trust, or any restrictions on the use of the distribution from the trust.

(C) There are two types of trusts, revocable trusts and irrevocable trusts.

(i) In the case of a revocable trust, the principal is considered an available resource to the

Emergency Adoptions

individual. Home property in a revocable trust under the direct control of the individual, spouse or legal representative retains the exemption as outlined in OAC 317:35-5-41.8(a)(2). Payments from the trust to or for the benefit of the individual are considered income of the individual. Other payments from the trust are considered assets disposed of by the individual for purposes of the transfer of assets rule and are subject to the 60 months look back period.

(ii) In the case of an irrevocable trust, if there are any circumstances under which payments from the trust could be made to or for the benefit of the individual, the portion of the principal of the trust, or the income on the principal, from which payment to the individual could be made is considered available resources. Payments from the principal or income of the trust is considered income of the individual. Payments for any other purpose are considered a transfer of assets by the individual and are subject to the 60 months look back period. Any portion of the trust from which, or any income on the principal from which no payment could under any circumstances be made to the individual is considered as of the date of establishment of the trust (or if later, the date on which payment to the individual was foreclosed) to be assets disposed by the individual for purposes of the asset transfer rules and are subject to the 60 months look back period.

(6) **Exempt trusts.** Paragraph (5) of this subsection does not apply to the following trusts:

(A) A trust containing the assets of a disabled individual under the age of 65 which was established for the benefit of such individual by the parent, grandparent, legal guardian of the individual or a court if the State receives all amounts remaining in the trust on the death of the individual up to an amount equal to the total medical assistance paid on behalf of the individual. This type of trust requires:

(i) The trust may only contain the assets of the disabled individual.

(ii) The trust must be irrevocable and cannot be amended or dissolved without the written agreement of the Oklahoma Department of Human Services or the Oklahoma Health Care Authority.

(iii) Trust records must be open at all reasonable times to inspection by an authorized representative of the OHCA or OKDHS.

(iv) The exception for the trust continues after the disabled individual reaches age 65. However, any addition or augmentation after age 65 involves assets that were not the assets of an individual under age 65; therefore, those assets are not subject to the exemption.

(v) Establishment of this type of trust does not constitute a transfer of assets for less than fair market value if the transfer is made into a trust

established solely for the benefit of a disabled individual under the age of 65.

(vi) Payments from the trust are counted according to SSI rules. According to these rules, countable income is anything the individual receives in cash or in kind that can be used to meet the individual's needs for food, clothing and shelter. Accordingly, any payments made directly to the individual are counted as income to the individual because the payments could be used for food, clothing, or shelter for the individual. This rule applies whether or not the payments are actually used for these purposes, as long as there is no legal impediment which would prevent the individual from using the payments in this way. In addition, any payments made by the trustee to a third party to purchase food, clothing, or shelter for the individual can also count as income to the individual. For example, if the trustee makes a mortgage payment for the individual, that payment is a shelter expense and counts as income.

(vii) A corporate trustee may charge a reasonable fee for services in accordance with its published fee schedule.

(viii) The OKDHS Form 08MA018E, Supplemental Needs Trust, is an example of the trust. Workers may give the sample form to the member or his/her representative to use or for their attorney's use.

(ix) To terminate or dissolve a Supplemental Needs Trust, the worker sends a copy of the trust instrument and a memorandum to OKDHS Family Support Services Division, Attention: Health Related and Medical Services (HR&MS) explaining the reason for the requested termination or dissolution of the Supplemental Needs Trust, and giving the name and address of the trustee. The name and address of the financial institution and current balance are also required. Health Related and Medical Services notifies OHCA/TPL to initiate the recovery process.

(B) A trust (known as the Medicaid Income Pension Trust) established for the benefit of an individual if:

(i) The individual is in need of long-term care and has countable income above the categorically needy standard for long-term care (OKDHS Appendix C-1 Schedule VIII.B) but less than ~~\$3000~~ the average cost of nursing home care per month (OKDHS Appendix C-1 Schedule VIII.B).

(ii) The Trust is composed only of pension, social security, or other income of the individual along with accumulated income in the trust. Resources ~~can not~~ cannot be included in the trust.

(iii) All income is paid into the trust and the applicant is not eligible until the trust is established and the monthly income has been paid into the trust.

- (iv) The trust must retain an amount equal to the member's gross monthly income less the current categorically needy standard of OKDHS Appendix C-1. The Trustee distributes the remainder.
 - (v) The income disbursed from the trust is considered as the monthly income to determine the cost of their care, and can be used in the computations for spousal diversion.
 - (vi) The trust must be irrevocable and cannot be amended or dissolved without the written agreement of the OHCA. Trust records must be open at all reasonable times to inspection by an authorized representative of the OHCA or OKDHS.
 - (vii) The State will receive all amounts remaining in the trust up to an amount equal to the total SoonerCare benefits paid on behalf of the individual subsequent to the date of establishment of the trust.
 - (viii) Accumulated funds in the trust may only be used for medically necessary items not covered by SoonerCare, or other health programs or health insurance and a reasonable cost of administrating the trust. Reimbursements cannot be made for any medical items to be furnished by the nursing facility. Use of the accumulated funds in the trust for any other reason will be considered as a transfer of assets and would be subject to a penalty period.
 - (ix) The trustee may claim a fee of up to 3% of the funds added to the trust that month as compensation.
 - (x) An example trust is included on OKDHS Form 08MA011E. Workers may give this to the member or his/her representative to use or for their attorney's use as a guide for the Medicaid Income Pension Trust.
 - (xi) To terminate or dissolve a Medicaid Income Pension Trust, the worker sends a memorandum with a copy of the trust to OKDHS Family Support Services Division, Attention: HR&MS, explaining the reason and effective date for the requested termination or dissolution of the Medicaid Income Pension Trust, and giving the name and address of the trustee. The name and address of the financial institution, account number, and current balance are also required. Health Related and Medical Services notifies OHCA/TPL to initiate the recovery process.
- (C) A trust containing the assets of a disabled individual when all of the following are met:
- (i) The trust is established and managed by a non-profit association;
 - (ii) The trust must be made irrevocable;
 - (iii) The trust must be approved by the Oklahoma Department of Human Services and may not be amended without the permission of the Oklahoma Department of Human Services;

- (iv) The disabled person has no ability to control the spending in the trust;
- (v) A separate account is maintained for each beneficiary of the trust but for the purposes of investment and management of funds, the trust pools these accounts;
- (vi) The separate account on behalf of the disabled person may not be liquidated without payment to OHCA for the medical expenses incurred by the members;
- (vii) Accounts in the trust are established by the parent, grandparent, legal guardian of the individual, the individual, or by a court;
- (viii) To the extent that amounts remaining in the beneficiary's account on the death of the beneficiary are not retained by the trust, the trust pays to the State from such remaining amounts an amount equal to the total medical assistance paid on behalf of the individual. A maximum of 30% of the amount remaining in the beneficiary's account at the time of the beneficiary's death may be retained by the trust.

(7) **Funds held in trust by Bureau of Indian Affairs (BIA).** Interests of individual Indians in trust or restricted lands are not considered in determining eligibility for assistance under the Social Security Act or any other federal or federally assisted program.

(8) **Disbursement of trust.** At any point that disbursement occurs, the amount disbursed is counted as a non-recurring lump sum payment in the month received. Some trusts generate income on a regular basis and the income is sent to the beneficiary. In those instances, the income is treated as unearned income in the month received.

[OAR Docket #12-1134; filed 12-28-12]

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

[OAR Docket #13-19A]

RULEMAKING ACTION:

EMERGENCY adoption

PROPOSED RULES:

Subchapter 11. Certification of Children's Shelters Operated by the Oklahoma Department of Human Services [NEW]

377:15-11-1. Origin and authority [NEW]

377:15-11-2. Duties and responsibilities [NEW]

377:15-11-3. Certification process [NEW]

AUTHORITY:

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

DATES:

Adoption:

October 25, 2012

Approved by Governor:

December 5, 2012

Effective:

Immediately upon Governor's approval

Emergency Adoptions

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:

Pursuant to 75 O.S., § 253, the emergency rules are necessary as an emergency in order to avoid violation of state law. Title 10A O.S., § 2-7-202, was amended by House Bill 2300 (2012), effective June 8, 2012, which necessitates the promulgation of emergency rules by conforming OJA's Administrative Rules to current state law.

ANALYSIS:

This emergency rule interprets House Bill 2300 (2012), pertaining to the children's shelters managed and operated by the Oklahoma Department of Human Services, as designated in 10A O.S., Section 1-9-111, and the requirement of OJA to establish a system of certification by November 1, 2012, in accordance with the Oklahoma Child Care facilities Licensing Act for such shelters, pursuant to 10A O.S., Section 2-7-202.

CONTACT PERSON:

JLynn Hartman, (405) 530-2866

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., § 253(D):

SUBCHAPTER 11. CERTIFICATION OF CHILDREN'S SHELTERS OPERATED BY THE OKLAHOMA DEPARTMENT OF HUMAN SERVICES

377:15-11-1. Origin and authority

(a) The legislature established the Office of Juvenile Affairs responsibilities for developing a certification program for the children's shelters managed and operated by the Oklahoma Department of Human Services in 10A O.S., § 2-7-202.

(b) The Office of Juvenile Affairs shall have the authority:

- (1) To establish a system of certification in accordance with the Oklahoma Child Care Facilities Licensing Act;
- (2) To issue certifications based upon compliance with minimum requirements;
- (3) To revoke certification based upon failure to meet minimum requirements.

377:15-11-2. Duties and responsibilities

The Office of Juvenile Affairs shall designate the Division of Community-based Youth Services staff to perform the following duties:

- (1) Provide continuing technical assistance and consultation to the shelters to obtain and maintain compliance with minimum requirements;
- (2) Take corrective action based upon non-compliance with minimum requirements;
- (3) Monitor shelter programs to maintain compliance with minimum requirements;
- (4) Issue certifications based upon compliance with minimum requirements;

- (5) Maintain official certification records.

377:15-11-3. Certification process

(a) Definitions.

- (1) "Board" means the Board of Juvenile Affairs.
- (2) "Emergency" means a situation that poses a direct and serious threat to the health, safety or welfare of any child cared for by the shelter.
- (3) "Operator or facility operator" means the representative of the Department of Human Services who has been given authority to act on behalf of the state-operated children's shelter.
- (4) "State-operated children's shelter or facility" means the Laura Dester Children's Shelter or the Pauline E. Mayer Children's Shelter or any other shelter that may be authorized by 10A O.S., § 1-9-111.

(b) Types of issuances.

- (1) Temporary certification. State-operated children's shelters may be granted up to a six-month temporary certification if documentation does not show compliance with all certification requirements.
- (2) Certification. State-operated children's shelters may be granted an operating certification that is valid for twelve months from the date of its issuance. OJA certification staff determines that the shelter is operating in compliance with current Oklahoma Department of Human Services Licensing Requirements for Residential Child Care Facilities and any additional Board requirements.

(c) Case Management.

(1) Periodic visits.

(A) The OJA certification staff shall annually conduct at a minimum one unannounced visit to each state-operated children's shelter to document compliance with all certification requirements and at a minimum two announced visits to monitor compliance with certification requirements.

(B) During each unannounced compliance visit, OJA certification staff shall:

- (i) Observe the entire facility, including outdoor play space and vehicles used for transportation, if available, and
- (ii) Check resident files and staff files, insurance verifications, and fire and health inspections within the preceding twelve months for compliance with certification requirements.

(C) During each announced monitoring visit, OJA certification staff shall:

- (i) Provide technical assistance to facility personnel to meet and maintain certification requirements;
- (ii) Consult with facility personnel to meet and maintain certification requirements and improve the quality of care at the facility.

- (2) **Forms.** The OJA certification staff shall use standardized certification forms available for public inspection and copying at <http://www.ok.gov/oja/>.

(3) **Reports.** The OJA certification staff annually shall issue at a minimum two monitoring reports and at a minimum one compliance report to the operator within 30 days of a monitoring or compliance visit.

(4) **Oklahoma Department of Human Services, Office of Client Advocacy Reports (OCA).** The OJA certification staff shall review all referrals to OCA that concern the state-operated children's shelters and all investigation reports issued by the OCA to ensure compliance by the state-operated children's shelters with certification requirements.

(d) **Complaint procedure.** All complaints received by OJA concerning the state-operated children's shelters shall be referred to the OCCY Office of Juvenile System Oversight and DHS where appropriate.

(e) **Non-compliance with requirements.**

(1) **Documentation of non-compliance.** The OJA certification staff shall document on the monitoring reports and the compliance report areas of non-compliance and any discussion with the operator.

(A) The OJA certification staff shall request that the operator sign the monitoring reports and the compliance report, explaining that the operator's signature indicates acknowledgment of information recorded.

(B) If the person in charge refuses to sign, the refusal shall be documented on the report.

(C) The operator shall be given a copy of the completed report.

(D) The operator shall prepare a plan of correction addressing each area of non-compliance no later than 30 days from receipt of the monitoring or compliance report, unless an extension is authorized by OJA certification staff. The plan of correction shall be reviewed and approved by OJA certification staff.

(E) Immediate correction shall be required when the non-compliance has a direct impact on the health, safety, or well-being of a child or children in care. Failure to take immediate corrective action may result in a response to non-compliance as authorized by 10A O.S., § 2-7-202(D)(5) or any other provision of law.

(2) **Referrals to fire and health officials.** If non-compliance regarding fire or health requirements places children at risk of harm or remains uncorrected, OJA shall request an inspection by a fire, health, or Oklahoma Department of Environmental Quality (ODEQ) official.

(3) **Case management responses to non-compliant facilities.** When there is non-compliance with certification requirements, the OJA responses may include, but are not limited to:

(A) **Technical assistance.** Technical assistance is offered along with referrals to consultants or training resources, if necessary, to assist the operator in meeting and maintaining certification requirements.

(B) **Follow-up phone call.** Phone calls are documented on OJA standardized forms.

(C) **Non-compliance letter.** A non-compliance letter may be written to the operator. The OJA certification staff shall send a copy of the report and the

non-compliance letter to the operator's supervising authority.

(D) **Return monitoring visit.** A return monitoring visit may be made for non-compliance with certification requirements or when non-compliance places children at imminent risk of harm. If the non-compliance is associated with a specific time of day, such as understaffing after school or a lack of early morning supervision, the return visit may be made at that approximate time or any other time deemed appropriate by the OJA certification staff.

(E) **Additional persons.** The OJA certification staff may be accompanied by additional persons during monitoring visits if the facility has areas of non-compliance or if denial or revocation of the license is being considered.

(F) **Increased monitoring visits.** The OJA certification staff may increase the frequency of monitoring when there have been areas of non-compliance or when the need for additional technical assistance is indicated.

(G) **Notice to comply when plan of correction is not approved.** The OJA certification staff may issue a notice to comply specifically addressing those areas where the plan of correction is insufficient or otherwise fails to address the areas of non-compliance or is unacceptable and not approved. The notice to comply shall state the time frame within which compliance by the operator must be accomplished. If compliance is not obtained within the time frames set forth within the notice to comply, then OJA may initiate the denial or revocation process. The operator may be required to take immediate action if the area of non-compliance places the health, safety, or well-being of a child or children in care at risk.

(H) **Office conference.** The OJA certification staff may schedule an office conference with the operator of the facility. Areas of non-compliance and progress toward meeting the plan(s) of correction shall be reviewed and technical assistance shall be offered. The conference and any plan of correction shall be documented.

(I) **Consent agreement.** OJA and the facility operator may enter into a consent agreement whereby the facility agrees to specific conditions in lieu of certification denial or revocation.

(J) **Certification Denial or Revocation.** The OJA certification staff may recommend that the certification be denied or revoked when non-compliance with requirements has been observed and documented or the facility has failed to adequately protect children.

(4) **Case management responses when children are at risk.** If the OJA certification staff documents a situation where children may be at imminent risk of harm, or if the Office of Juvenile System Oversight is investigating a complaint that children may be at imminent risk of harm, the OJA certification staff may consider the following options:

Emergency Adoptions

- (A) The operator shall be asked to immediately correct the situation where children may be at risk of harm.
- (B) The operator may agree to enter into a consent agreement whereby the facility shall agree to specific conditions.
- (C) The OJA certification staff may recommend that the certification be denied or revoked when the operator fails to take necessary steps to eliminate the situation giving rise to the imminent risk of harm.
- (f) **Revocation or denial of certification.** The Office of Juvenile Affairs may revoke or deny the certification of any state-operated children's shelter found to be in violation of any of the rules of the Oklahoma Department of Human Services Licensing Requirements for Residential Child Care Facilities, as set forth in 340:110-3-167, and any additional Board requirements.
- (1) No certification shall be revoked or denied until such time as the facility operator or applicant shall have been given at least thirty (30) days notice in writing for the grounds of the proposed revocation or denial.
- (2) Within one (1) business day of the facility's receipt of the notice of the proposed revocation or denial, the facility operator shall notify the parent, guardian, or legal custodian of any child residing in the facility. The notification to the parent, guardian, or legal custodian shall be given verbally, electronically, or in written form, as well as by the posting of an announcement in the facility.
- (g) **Formal Protest.** When served with a notice of proposed revocation or denial, the facility operator may, within fifteen (15) days of receipt of notice, file a formal protest in writing addressed to the Executive Director of the Office of Juvenile Affairs. Upon the filing of the protest, the Executive Director shall set the matter for a hearing within thirty (30) days. Notice of the hearing shall be given to the facility operator by personal service or by delivery to the proper address by certified mail, return receipt requested, at least ten (10) days prior to the date of the hearing. If the facility operator does not file a protest, certification shall be revoked or denied effective upon the expiration of the thirty (30) day notice period set forth in (f)(1). The hearing will not be a full evidentiary proceeding and formal rules of evidence shall not apply. The purpose of the hearing is to provide the Executive Director with information from which a determination may be made as to whether or

not reasonable grounds exist to support the revocation or denial. The hearing shall be recorded in its entirety, and a copy provided upon request to the facility operator.

(h) **Emergency action.**

(1) Whenever the Office of Juvenile Affairs finds, after an investigation, that an emergency exists requiring immediate action to protect the health, safety, or welfare of any child cared for by a facility, the Office of Juvenile Affairs may without notice or hearing issue an emergency order stating the existence of such an emergency and requiring that such action be taken by the facility operator as OJA deems necessary to meet the emergency, including when necessary, removing children from the shelter and prohibiting the facility from providing services to children.

(2) The emergency order shall remain in effect until the Executive Director determines that it is no longer necessary. The operator shall be provided with a written Notice of Emergency Action, which will include notice of a hearing before the Executive Director within fifteen (15) days of service of the notice. The Executive Director will make a determination at that time as to whether the emergency situation has been resolved, and may extend, modify, or rescind the order. The hearing will not be a full evidentiary proceeding and formal rules of evidence shall not apply. The hearing shall be recorded in its entirety, and a copy provided upon request to the facility operator.

(i) **Review of decision by the Board of Juvenile Affairs.** Any operator aggrieved by a decision of the Executive Director may file a written request for review of the decision with the Board of Juvenile Affairs within fifteen (15) days of the Executive Director's decision. The Board shall have access to all documents submitted to the Executive Director, as well as an audio recording or transcript of the hearing, and the decision of the Director. The matter shall be placed on the next available Board meeting agenda after the filing date. Upon consideration, the Board shall enter a decision affirming, modifying, or reversing the decision of the Executive Director. The decision shall be in writing and copies of the decision shall be promptly mailed to all parties of record in the case. The decision of the Board shall be final and binding.

[OAR Docket #13-19A; filed 1-7-13]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2013-01.

EXECUTIVE ORDER 2013-01

I, Mary Fallin, Governor of the State of Oklahoma, hereby direct the appropriate steps be taken to fly all American and Oklahoma flags on State property at half-staff from 5:00 p.m. on Friday, January 11, 2013, until 8:00 a.m. on Monday, January 14, 2013, to honor Joe Steven Stokes, Director of the Office of Disability Concerns, who passed away on Thursday, January 10, 2013.

Steven Stokes worked for the Oklahoma Department of Education until Governor Henry Bellmon appointed him to the position of Director of the Office of Disability Concerns. He worked tirelessly to promote the interests of all individuals with disabilities. He wanted to make sure those individuals received the help they needed to pursue their life's ambitions. In 1985, he was named the Handicapped Citizen of the Year for the state of Oklahoma. In 2008, he received the George B. Lewis Award as Outstanding Person with a Disability in

Oklahoma City. His dedication to the state of Oklahoma will be missed.

This executive order shall be forwarded to the Department of Capital Assets Management who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 10th day of January, 2013.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Michelle R. Day
Assistant Secretary of State

[OAR Docket #13-92; filed 1-11-13]

**STATE BOND ADVISOR'S OFFICE
NOTICE OF STATE CEILING AMOUNT FOR THE
CALENDAR YEAR 2013**

In accordance with Title 62 O.S., Section 695.25, the maximum total volume (also referred to as "Volume Cap" or "State Ceiling Amount") of Private Activity Bonds that may be issued pursuant to federal law by the State of Oklahoma during calendar year 2013 is \$362,407,900. From the first business day of 2013 through September 1, 2013, the Volume Cap is subdivided into the following categories ("Pools") and amounts: (1) Qualified Small Issue Pool, \$43,488,948; (2) Exempt Facility Pool, \$9,060,198; (3) Beginning Agricultural Producer Pool, \$3,624,079; (4) Student Loan Pool, \$56,173,225; (5)

Economic Development Pool, \$43,488,948; (6) Oklahoma Housing Finance Agency Pool, \$54,361,185; (7) State Issuer Pool, \$14,496,316; (8) Metropolitan Area Housing Pool, \$45,300,988; (9) Rural Area Housing Pool, \$28,992,632; and (10) Local Issuer Single Family Pool, \$63,421,383. From September 2, 2013, to 9:00 a.m., December 20, 2013, any amount remaining to be allocated from these pools is combined and managed from the Consolidated Pool. On or after 9:00 a.m. on December 20, 2013, certain Private Activity Bond issuing authorities may apply to the State Bond Advisor to carry forward a portion of any remaining State Ceiling Amount.

[OAR Docket #13-01; filed 1-3-13]

