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Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*. For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 1. ORGANIZATION, OPERATIONS, PROCEDURES, AND POLICIES

[OAR Docket #14-357]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

40:1-1-3 [AMENDED]

40:1-1-6 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2014

[OAR Docket #14-357; filed 3-28-14]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 10. PERSONNEL

[OAR Docket #14-358]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 3. Breath-Alcohol Analysts

40:10-3-1 [AMENDED]

40:10-3-2 [AMENDED]

40:10-3-3 [AMENDED]

40:10-3-4 [AMENDED]

40:10-3-6 [AMENDED]

40:10-3-7 [AMENDED]

40:10-3-8 [AMENDED]

Subchapter 9. Blood Specimen Collectors

40:10-9-1 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2014

[OAR Docket #14-358; filed 3-28-14]

TITLE 40. BOARD OF TESTS FOR ALCOHOL AND DRUG INFLUENCE CHAPTER 20. SPECIMENS

[OAR Docket #14-359]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

40:20-1-3 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2014

[OAR Docket #14-359; filed 3-28-14]

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

[OAR Docket #14-360]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

40:30-1-3 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 20, 2014

[OAR Docket #14-360; filed 3-28-14]

TITLE 135. COMMISSION ON CHILDREN AND YOUTH CHAPTER 10. PROGRAMS, BOARDS, AND COUNCILS: OPERATION AND ADMINISTRATION

[OAR Docket #14-423]

RULEMAKING ACTION:

Submission of rules to Governor and Legislature

PROPOSED RULES:

Subchapter 25. Freestanding Multidisciplinary Child Abuse Teams [NEW]

135:10-25-1 [NEW]

135:10-21-2 [NEW]

135:10-25-3 [NEW]

135:10-25-4 [NEW]

Submissions to Governor and Legislature

135:10-25-5 [NEW]
135:10-25-6 [NEW]
135:10-25-7 [NEW]
135:10-25-8 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

March 27, 2014

[OAR Docket #14-423; filed 4-8-14]

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

[OAR Docket #14-397]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

317:2-1-7 [AMENDED]
(Reference APA WF # 13-30)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-397; filed 3-31-14]

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

[OAR Docket #14-389]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 3. Hospitals
317:30-5-42.19. [NEW]
Part 5. Pharmacies
317:30-5-87. [NEW]
Part 35. Rural Health Clinics
317:30-5-363. [NEW]
Part 75. Federally Qualified Health Centers
317:30-5-664.6. [AMENDED]
(Reference APA WF # 13-11)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-389; filed 3-31-14]

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

[OAR Docket #14-390]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 17. Medical Suppliers
317:30-5-216. [AMENDED]
(Reference APA WF # 13-12)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-390; filed 3-31-14]

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

[OAR Docket #14-391]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 3. Hospitals
317:30-5-47 [AMENDED]
(Reference APA WF # 13-13)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-391; filed 3-31-14]

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

[OAR Docket #14-395]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 1. Physicians
317:30-5-2 [AMENDED]
(Reference APA WF # 13-26)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-395; filed 3-31-14]

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

[OAR Docket #14-396]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 1. Physicians

317:30-5-20 [AMENDED]

(Reference APA WF # 13-27)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-396; filed 3-31-14]

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

[OAR Docket #14-399]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies

Part 1. General Scope and Administration

317:30-3-4 [AMENDED]

(Reference APA WF # 13-35)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-399; filed 3-31-14]

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

[OAR Docket #14-400]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 6. Inpatient Psychiatric Hospitals

317:30-5-95.29 [AMENDED]

317:30-5-95.30 [AMENDED]

317:30-5-95.34 [AMENDED]

317:30-5-95.39 [AMENDED]

317:30-5-95.42 [AMENDED]

(Reference APA WF # 13-45)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-400; filed 3-31-14]

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

[OAR Docket #14-401]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 21. Outpatient Behavioral Health Agency Services

317:30-5-240.1 [AMENDED]

317:30-5-240.2 [AMENDED]

317:30-5-240.3 [AMENDED]

317:30-5-241 [AMENDED]

317:30-5-241.1 [AMENDED]

317:30-5-241.2 [AMENDED]

317:30-5-241.3 [AMENDED]

317:30-5-241.5 [AMENDED]

317:30-5-248 [AMENDED]

317:30-5-249 [AMENDED]

(Reference APA WF # 13-46)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-401; filed 3-31-14]

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

[OAR Docket #14-402]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Submissions to Governor and Legislature

Part 25. Psychologists
317:30-5-276 [AMENDED]
Part 26. Licensed Behavioral Health Providers
317:30-5-281 [AMENDED]

(Reference APA WF # 13-47)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-402; filed 3-31-14]

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

[OAR Docket #14-403]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 26. Licensed Behavioral Health Providers
317:30-5-280 [AMENDED]

(Reference APA WF # 13-48)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-403; filed 3-31-14]

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

[OAR Docket #14-404]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 67. Behavioral Health Case Management Services
317:30-5-595 [AMENDED]
317:30-5-596 [AMENDED]

(Reference APA WF # 13-49)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-404; filed 3-31-14]

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

[OAR Docket #14-405]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 83. Residential Behavior Management Services in Foster Care Settings
317:30-5-740.1 [AMENDED]
317:30-5-741 [AMENDED]
317:30-5-742.2 [AMENDED]

(Reference APA WF # 13-50)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-405; filed 3-31-14]

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

[OAR Docket #14-406]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. General Provider Policies
Part 4. Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program/Child Health Services
317:30-3-65.8 [AMENDED]

(Reference APA WF # 13-51)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-406; filed 3-31-14]

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

[OAR Docket #14-407]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties

Part 73. Early Intervention Services
317:30-5-640 [AMENDED]
317:30-5-641 [AMENDED]
317:30-5-644 [AMENDED]
Part 103. Qualified Schools as Providers of Health Related Services
317:30-5-1020 [AMENDED]
317:30-5-1021 [AMENDED]
317:30-5-1022 [AMENDED]
317:30-5-1023 [AMENDED]
317:30-5-1025 [AMENDED]
317:30-5-1027 [AMENDED]
Part 104. School-Based Case Management Services
317:30-5-1030 [AMENDED]
317:30-5-1031 [AMENDED]
317:30-5-1032 [AMENDED]
317:30-5-1033 [AMENDED]
317:30-5-1034 [AMENDED]
(Reference APA WF # 13-52)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-407; filed 3-31-14]

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

[OAR Docket #14-408]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Individual Providers and Specialties
Part 7. Certified Laboratories
317:30-5-106 [AMENDED]
(Reference APA WF # 13-53)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-408; filed 3-31-14]

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

[OAR Docket #14-388]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 5. Eligibility and Countable Income
Part 1. Determination of Qualifying Categorical Relationships
317:35-5-7 [AMENDED]
Part 5. Countable Income and Resources
317:35-5-43 [AMENDED]
317:35-5-44 [AMENDED]
317:35-5-45 [AMENDED]
317:35-5-46 [AMENDED]
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 Health Benefits for Pregnant Women and Families with Children
317:35-6-35 [AMENDED]
317:35-6-36 [AMENDED]
317:35-6-37 [AMENDED]
Part 7. Certification, Redetermination and Notification
317:35-6-60.1 [AMENDED]
317:35-6-61 [AMENDED]
Subchapter 7. Medical Services
Part 5. Determination of Eligibility for Medical Services
317:35-7-48 [AMENDED]
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]
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]
Subchapter 15. Personal Care Services
317:35-15-6 [AMENDED]
Subchapter 19. Nursing Facility Services
317:35-19-20 [AMENDED]
(Reference APA WF # 13-08)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-388; filed 3-31-14]

Submissions to Governor and Legislature

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

[OAR Docket #14-393]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 17. Advantage Waiver Services
317:35-17-25 [NEW]

(Reference APA WF # 13-24)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-393; filed 3-31-14]

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

[OAR Docket #14-394]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 17. Advantage Waiver Services
317:35-17-22 [AMENDED]

(Reference APA WF # 13-25)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-394; filed 3-31-14]

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

[OAR Docket #14-398]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions
317:35-1-2 [AMENDED]
Subchapter 5. Eligibility and Countable Income
Part 1. Determination Of Qualifying Categorical
Relationships
317:35-5-4 [AMENDED]
317:35-5-4.1 [AMENDED]

Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age
65 or Older in Mental Health Hospitals
Part 5. Determination of Medical Eligibility for ICF/ MR,
HCBW/ID, and Individuals Age 65 or Older In Mental
Health Hospitals

317:35-9-48.1 [AMENDED]

(Reference APA WF # 13-34)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-398; filed 3-31-14]

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

[OAR Docket #14-419]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

317:35-1-2 [AMENDED]

Subchapter 5. Eligibility and Countable Income

Part 1. Determination of Qualifying Categorical
Relationships

317:35-5-4 [AMENDED]

317:35-5-4.1 [AMENDED]

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

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

317:35-9-48.1 [AMENDED]

(Reference APA WF # 13-34)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 4, 2014

[OAR Docket #14-419; filed 4-4-14]

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

[OAR Docket #14-392]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

317:45-1-3 [AMENDED]

Subchapter 11. Insure Oklahoma IP

Part 3. Insure Oklahoma IP Member Health Care Benefits
317:45-11-10. [AMENDED]
317:45-11-11. [AMENDED]
317:45-11-12. [REVOKED]
317:45-11-13. [REVOKED]

Part 5. Insure Oklahoma IP Member Eligibility
317:45-11-20. [AMENDED]
317:45-11-21. [AMENDED]
317:45-11-21.1. [REVOKED]
317:45-11-24. [AMENDED]

Subchapter 13. Insure Oklahoma Dental Services
317:45-13-1. [REVOKED]

(Reference APA WF # 13-16)

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 31, 2014

[OAR Docket #14-392; filed 3-31-14]

**TITLE 330. OKLAHOMA HOUSING FINANCE AGENCY
CHAPTER 60. OKLAHOMA HOUSING TRUST FUND RULES**

[OAR Docket #14-356]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

360:60-1-1. [AMENDED]
360:60-1-2. [AMENDED]
360:60-1-3. [AMENDED]
360:60-1-4. [AMENDED]
360:60-1-6. [AMENDED]
360:60-1-7. [AMENDED]

Subchapter 3. Funds

360:60-3-1. [AMENDED]
360:60-3-2. [AMENDED]
360:60-3-3. [AMENDED]
360:60-3-4. [AMENDED]
360:60-3-5. [AMENDED]
360:60-3-6. [AMENDED]
360:60-3-7. [AMENDED]
360:60-3-8. [AMENDED]

Subchapter 5. Applications and Selection

360:60-5-1. [AMENDED]
360:60-5-2. [AMENDED]
360:60-5-3. [AMENDED]
360:60-5-4. [AMENDED]

Subchapter 7. Program Administration

360:60-7-1. [AMENDED]
360:60-7-2. [AMENDED]
360:60-7-3. [AMENDED]
360:60-7-4. [AMENDED]
360:60-7-5. [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-356; filed 3-28-14]

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

[OAR Docket #14-414]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 9. Description of Forms and Instructions
365:1-9-17. Other agents forms [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-414; filed 4-4-14]

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

[OAR Docket #14-415]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 11. Coordination of Benefit Guidelines
365:10-11-2. Definitions [AMENDED]
365:10-11-9. ~~Retroactivity~~ Applicability [AMENDED]
Appendix UU. Policy Holder's Authorization to Release Insurance Policy Information to Agent of Record [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-415; filed 4-4-14]

**TITLE 365. INSURANCE DEPARTMENT
CHAPTER 20. TITLE INSURANCE**

[OAR Docket #14-416]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Oklahoma Title Insurance Policies
365:20-3-3. Documentation [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-416; filed 4-4-14]

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 #14-413]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Producers, Brokers, Limited Lines Producers and Vehicle Protection Product Warrantors

365:25-3-14. Insurance adjusters continuing education [AMENDED]

Subchapter 5. Bail Bondsmen

Part 5. General Provisions Pertaining to Bail Bondsmen

365:25-5-31. ~~Business and residence~~ Residence, business, mailing, and e-mail addresses on applications [AMENDED]

365:25-5-33. Change of mailing address, legal name, e-mail address, or telephone requirements [AMENDED]

Subchapter 15. Captive Insurance Companies Regulation

365:25-15-1. Purpose and authority [AMENDED]

365:25-15-2. Annual reporting requirements [AMENDED]

365:25-15-3. Annual Audit [AMENDED]

365:25-15-4. Independent Certified Public Accountant [AMENDED]

365:25-15-5. Deposit Requirement [AMENDED]

365:25-15-6. Organizational examination [AMENDED]

365:25-15-9. Executive officers and directors [AMENDED]

365:25-15-12. Acquisition of control of or merger with domestic company [AMENDED]

365:25-15-13. Change of business [AMENDED]

365:25-15-14. Prior approval [AMENDED]

365:25-15-15. Severability Provision [NEW]

Subchapter 19. Annuity Disclosure Regulation

365:25-19-5. Standards for the disclosure document and buyer's guide [AMENDED]

Appendix S. Buyer's Guide [REVOKED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-413; filed 4-4-14]

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

[OAR Docket #14-417]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

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]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-417; filed 4-4-14]

TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD CHAPTER 1. ADMINISTRATIVE RULES OF PROCEDURE

[OAR Docket #14-355]

RULEMAKING ACTION:

Submission to Governor and Legislature.

RULES:

420:1-1-3. Location, office hours [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 27, 2014

[OAR Docket #14-355; filed 3-27-14]

TITLE 420. OKLAHOMA LIQUEFIED PETROLEUM GAS BOARD CHAPTER 10. LIQUEFIED PETROLEUM GAS ADMINISTRATION

[OAR Docket #14-354]

RULEMAKING ACTION:

Submission to Governor and Legislature.

RULES:

420:10-1-14. Standards for the storage and handling of liquefied petroleum gas [AMENDED]

420:10-1-15. Standards for installations of gas appliances, gas piping and testing [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 27, 2014

[OAR Docket #14-354; filed 3-27-14]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 1. ADMINISTRATION**

[OAR Docket #14-373]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Information
450:1-1-1.1. [AMENDED]
- Subchapter 3. Contracts for Mental Health, Substance Abuse, and Residential Care Services
Part 1. Eligibility to Contract
450:1-3-5. [AMENDED]
- Subchapter 9. Certification and Designation of Facility Services
450:1-9-5.1. [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 28, 2014

[OAR Docket #14-373; filed 3-28-14]

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

[OAR Docket #14-374]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

- Subchapter 21. Personnel, Staffing and Training
450:16-21-4. Residential care staff licensure and training requirements, administrator [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 28, 2014

[OAR Docket #14-374; filed 3-28-14]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 17. STANDARDS AND CRITERIA
FOR COMMUNITY MENTAL HEALTH
CENTERS**

[OAR Docket #14-375]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

- Subchapter 1. General Provisions
450:17-1-2. [AMENDED]
- Subchapter 3. Required Services
Part 5. Emergency Services
450:17-3-41. [AMENDED]
- Part 7. Outpatient Therapy Services
450:17-3-62. [AMENDED]
- Part 9. Medication Clinic Services
450:17-3-85. [AMENDED]
- Part 11. Case Management
450:17-3-106. [AMENDED]
- Part 21. Peer Recovery Support Services
450:17-3-191. [AMENDED]
- Subchapter 5. Optional Services
Part 21. Gambling Disorder Treatment Services [NEW]
450:17-5-128. [NEW]
450:17-5-129. [NEW]
450:17-5-130. [NEW]
450:17-5-131. [NEW]
450:17-5-132. [NEW]
- Subchapter 21. Staff Development and Training
450:17-21-1. [AMENDED]
450:17-21-6. [NEW]
- Subchapter 23. Facility Environment
450:17-23-2. [NEW]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

March 28, 2014

[OAR Docket #14-375; filed 3-28-14]

**TITLE 450. DEPARTMENT OF MENTAL
HEALTH AND SUBSTANCE ABUSE
SERVICES
CHAPTER 18. STANDARDS AND CRITERIA
FOR ALCOHOL AND DRUG TREATMENT
PROGRAMS**

[OAR Docket #14-376]

RULEMAKING ACTION:

Submission to Governor and Legislature

Submissions to Governor and Legislature

RULES:

Chapter 18. Standards and Criteria for Alcohol and Drug Treatment Programs [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-376; filed 3-28-14]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 23. STANDARDS AND CRITERIA FOR COMMUNITY-BASED STRUCTURED CRISIS CENTERS

[OAR Docket #14-377]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 1. General Provisions

450:23-1-2 [AMENDED]

Subchapter 3. CBSCC Services

Part 1. Facility Based-Crisis Stabilization [NEW]

450:23-3-1 [AMENDED]

450:23-3-2 [AMENDED]

450:23-3-3 [AMENDED]

450:23-3-5 [AMENDED]

450:23-3-6 [REVOKED]

450:23-3-6.1 [REVOKED]

450:23-3-9 [AMENDED]

Part 2. Urgent Recovery Clinic Services [NEW]

450:23-3-10 through 450:23-3-13 [NEW]

Subchapter 5. CBSCC Clinical Records

450:23-5-4 [AMENDED]

450:23-5-5 [AMENDED]

450:26-5-6 [AMENDED]

Subchapter 9. Consumer Rights

450:23-9-4 [NEW]

450:23-9-5 [NEW]

Subchapter 11. Organizational Management

450:23-11-1 [AMENDED]

Subchapter 19. Staff Development and Training

450:23-19-1 [AMENDED]

450:23-19-2 [AMENDED]

450:23-19-3 [AMENDED]

Subchapter 21. Facility Environment

450:23-21-4 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-377; filed 3-28-14]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 24. STANDARDS AND CRITERIA FOR COMPREHENSIVE COMMUNITY ADDICTION RECOVERY CENTERS

[OAR Docket #14-378]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Chapter 24. Standards and Criteria for Comprehensive Community Addiction Recovery Centers [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-378; filed 3-28-14]

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

[OAR Docket #14-379]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 1. General Provisions

450:27-1-2 [AMENDED]

Subchapter 3. Organization Structure and Administrative Operations

Part 1. Services and Facility Organization

450:27-3-4 [NEW]

Part 3. Human Resources Organization

450:27-3-24 [AMENDED]

Subchapter 7. Clinical Services

Part 1. Required Services

450:27-7-6 [AMENDED]

Part 3. Additional or Optional Services

450:27-7-27 [AMENDED]

450:27-7-28 [AMENDED]

450:27-7-33 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-379; filed 3-28-14]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 50. STANDARDS AND CRITERIA FOR CERTIFIED BEHAVIORAL HEALTH CASE MANAGERS**

[OAR Docket #14-380]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Behavioral Health Case Manager Certification Application

450:50-3-1. [AMENDED]

450:50-3-2. [AMENDED]

Subchapter 5. Behavioral Health Case Manager Certification Training and Web-based Competency Exams

450:50-5-1. [AMENDED]

450:50-5-5. [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-380; filed 3-28-14]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 53. STANDARDS AND CRITERIA FOR CERTIFIED PEER RECOVERY SUPPORT SPECIALISTS**

[OAR Docket #14-381]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Peer Recovery Support Specialists Certification Application

450:53-3-1 [AMENDED]

450:53-3-2 [AMENDED]

Subchapter 5. Peer Recovery Support Specialist Certification, Training, Exam and CEU's

450:53-5-2 [AMENDED]

Subchapter 7. Rules of Professional Conduct

450:53-7-2 [AMENDED]

450:53-7-6 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-381; filed 3-28-14]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 55. STANDARDS AND CRITERIA FOR PROGRAMS OF ASSERTIVE COMMUNITY TREATMENT**

[OAR Docket #14-382]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. General Provisions

450:55-1-2 [AMENDED]

Subchapter 3. Program Description and Pact Services

450:55-3-2 [AMENDED]

450:55-3-5 [AMENDED]

450:55-3-6 [AMENDED]

450:55-3-7 [AMENDED]

450:55-3-8 [AMENDED]

450:55-3-9 [AMENDED]

Subchapter 5. Pact Clinical Documentation

450:55-5-5 [AMENDED]

450:55-5-6 [AMENDED]

450:55-5-7 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-382; filed 3-28-14]

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 60. STANDARDS AND CRITERIA FOR CERTIFIED EATING DISORDER TREATMENT PROGRAMS**

[OAR Docket #14-383]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 19. Staff Development and Training

450:60-19-1 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-383; filed 3-28-14]

Submissions to Governor and Legislature

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 65. STANDARDS AND CRITERIA FOR GAMBLING TREATMENT PROGRAMS

[OAR Docket #14-384]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 1. General Provisions

450:65-1-2 [AMENDED]

Subchapter 3. Gambling Treatment Services and
Documentation

450:65-3-1 [AMENDED]

450:65-3-2 [AMENDED]

450:65-3-5 [AMENDED]

Subchapter 7. Organizational and Facility Management

450:65-7-10 [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-384; filed 3-28-14]

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS

[OAR Docket #14-385]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

Subchapter 4. Services Support and Enhancement

Part 1. Staff Support

450:70-4-2 [AMENDED]

450:70-4-4.4 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-385; filed 3-28-14]

TITLE 575. STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS CHAPTER 10. LICENSURE OF PSYCHOLOGISTS

[OAR Docket #14-411]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULES:

575:10-1-2. Requirements to become licensed as a
psychologist [AMENDED]

575:10-1-3. Private Practice Under Supervision
[AMENDED]

575:10-1-5. Psychologists' licenses; license status; public
inquiries [AMENDED]

575:10-1-9. Fees after becoming licensed as a psychologist
[AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

April 1, 2014

[OAR Docket #14-411; filed 4-2-14]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 1. GENERAL RULES OF THE DEPARTMENT OF PUBLIC SAFETY

[OAR Docket #14-361]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 15. Sale and Auction of Surplus and Forfeited
Property

595:1-15-3. Sale of surplus property [AMENDED]

595:1-15-4. Auction of surplus and forfeited property
[AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-361; filed 3-28-14]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES

[OAR Docket #14-362]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification card

Part 3. Driver License Renewal

595:10-1-10. Procedure for obtaining a renewal driver license [AMENDED]

Part 7. Identification cards

595:10-1-25. Procedure for obtaining an identification card [AMENDED]

Part 13. Motor License Agents

595:10-1-56. Renewal of driver license or identification cards [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-362; filed 3-28-14]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

[OAR Docket #14-365]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 5. Medical Aspects

Part 1. Medical Conditions

595:10-5-7. Vision standards and problems [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-365; filed 3-28-14]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

[OAR Docket #14-368]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 1. Procedures for Obtaining and Maintaining a Driver License or Identification Card

Part 21. Identity Verification Unit

595:10-1-101. Identify fraud or theft [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-368; filed 3-28-14]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 10. CLASS D DRIVER LICENSES AND IDENTIFICATION CARDS AND MOTOR LICENSE AGENT PROCEDURES**

[OAR Docket #14-369]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 15. Provision Driver License Program [NEW]

595:10-15-1. Purpose [NEW]

595:10-15-2. Definitions [NEW]

595:10-15-3. Eligibility criteria [NEW]

595:10-15-4. Participants in the PDL program [NEW]

595:10-15-5. Terms and conditions under which the participant licensee can drive [NEW]

595:10-15-6. Proof of insurance [NEW]

595:10-15-7. Completion of required forms, payment of the initial minimum monthly payment, and payment of the provision license fee [NEW]

595:10-15-8. Ineligibility from future participation in the program [NEW]

595:10-15-9. Completion of the PDL program [NEW]

595:10-15-10. Construction [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-369; filed 3-28-14]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 11. COMMERCIAL DRIVER LICENSES**

[OAR Docket #14-364]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 3. Examination

595:11-3-6. Written examination [AMENDED]

595:11-3-8. Skills examination [AMENDED]

Submissions to Governor and Legislature

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-364; filed 3-28-14]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 11. COMMERCIAL DRIVER LICENSES

[OAR Docket #14-367]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 5. Commercial Driver License Third-Party Examiners

595:11-5-5. Requirements for certification as a third-party examiner, display of certificate, certification renewal [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-367; filed 3-28-14]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 15. FINANCIAL RESPONSIBILITY

[OAR Docket #14-370]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 5. Oklahoma Temporary Motorist Liability Plan [NEW]

595:15-5-1. Purpose [NEW]

595:15-5-2. General procedure [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-370; filed 3-28-14]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 25. WRECKERS AND TOWING SERVICES

[OAR Docket #14-366]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 1. General Provisions

595:25-1-2. Definitions [AMENDED]

595:25-1-3. General policies [AMENDED]

Subchapter 3. Wrecker License

595:25-3-1. General requirements [AMENDED]

595:25-3-2. Applications [AMENDED]

Subchapter 5. All Wrecker Operators

595:25-5-1. Physical requirements for storage facility [AMENDED]

595:25-5-3. Operation [AMENDED]

595:25-5-4. Insurance [AMENDED]

595:25-5-7. Tow request and authorization forms [AMENDED]

595:25-5-9. Inspections [NEW]

Subchapter 7. Class AA Operators

595:25-7-2. Release and holding of a vehicle by ~~Class AA wrecker operators~~ [AMENDED]

Subchapter 9. Oklahoma Highway Patrol Rotation Log-Additional Requirements

595:25-9-1. Oklahoma Highway Patrol Rotation Log [AMENDED]

595:25-9-2. Operator requirements [AMENDED]

Subchapter 11. Denial, Suspension, Revocation or Cancellation of License; Denial or Removal of Class AA Operators from Rotation Log of the Oklahoma Highway Patrol

595:25-11-3. Procedure [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-366; filed 3-28-14]

TITLE 595. DEPARTMENT OF PUBLIC SAFETY CHAPTER 30. SIZE AND WEIGHT PERMITS

[OAR Docket #14-363]

RULEMAKING ACTION:

Submission to Governor and Legislature

PROPOSED RULE:

Subchapter 3. Size and Weight Permit Load [AMENDED]

595:30-3-2. A permit is a legal document; permit types [AMENDED]

595:30-3-3. Requesting, obtaining, and paying for a permit [AMENDED]

595:30-3-4. Conditions and restrictions [AMENDED]

595:30-3-8. Provisional permit book [AMENDED]

595:30-3-9. Suspension of permits obtained by provisional method [AMENDED]

595:30-3-17. Requirements for escort vehicles and escort vehicle operators [AMENDED]

595:30-3-17.1. Certification of operators of escort vehicles for hire [AMENDED]

595:30-3-18. Oversize vehicles and loads [AMENDED]

595:30-3-19. Manufactured homes and industrialized housing [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 28, 2014

[OAR Docket #14-363; filed 3-28-14]

**TITLE 645. OKLAHOMA SCHOOL OF SCIENCE AND MATHEMATICS
CHAPTER 10. PROVISIONS
IMPLEMENTING 70 O.S. § 1210.405**

[OAR Docket #14-410]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

645:10-1-1. Enrollment of Students who Reside Outside of Oklahoma [NEW]

645:10-1-2. Renting of Facilities [NEW]

645:10-1-3. Establish Fees/Tuition for Summer Programs and Workshops [NEW]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 29, 2014

[OAR Docket #14-410; filed 4-1-14]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 10. ADMINISTRATION AND SUPERVISION**

[OAR Docket #14-420]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 7. Local Programs, Career Majors or Instructional Positions: Application; Student Accounting; Evaluation

780:10-7-3 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-420; filed 4-7-14]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 15. TECHNOLOGY CENTERS**

[OAR Docket #14-421]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Technology Centers Education

780:15-3-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-421; filed 4-7-14]

**TITLE 780. OKLAHOMA DEPARTMENT OF CAREER AND TECHNOLOGY EDUCATION
CHAPTER 20. PROGRAMS AND SERVICES**

[OAR Docket #14-422]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 3. Secondary, Full-Time and Short-Term Adult CareerTech Programs

780:20-3-2 [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-422; filed 4-7-14]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 30. TAKING AND USE OF GROUNDWATER**

[OAR Docket #14-372]

RULEMAKING ACTION:

Submission of rules to Governor and Legislature

PROPOSED RULES:

Subchapter 3. Permit Application Requirements and Processing

785:30-3-6. Well spacing [AMENDED]

Subchapter 9. Maximum Annual Yield Determinations

Submissions to Governor and Legislature

785:30-9-6. Issuance of regular permit to temporary permit holder [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

March 28, 2014

[OAR Docket #14-372; filed 3-28-14]

TITLE 785. OKLAHOMA WATER RESOURCES BOARD CHAPTER 50. FINANCIAL ASSISTANCE

[OAR Docket #14-371]

RULEMAKING ACTION:

Submission of rules to Governor and Legislature

PROPOSED RULES:

Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures

785:50-7-1. General procedures [AMENDED]

785:50-7-3. Evaluation procedures for grant applications [AMENDED]

785:50-7-5. Emergency grant priority point system [AMENDED]

Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures

785:50-8-5. REAP grant priority point system [AMENDED]

Subchapter 9. Clean Water State Revolving Fund Regulations

Part 3. General Program Requirements

785:50-9-21. Eligible project [AMENDED]

785:50-9-22. Revenue program [AMENDED]

785:50-9-23. Clean Water SRF Project Priority System [AMENDED]

785:50-9-28. Pre-application for funding [AMENDED]

785:50-9-30. Planning documents [AMENDED]

785:50-9-32. Plans and specifications [AMENDED]

785:50-9-35. Loan closing [AMENDED]

785:50-9-38. Construction phase [AMENDED]

785:50-9-42. Retainage [AMENDED]

Part 7. SRF Environmental Review Process

785:50-9-61. Environmental information required by the Board [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE

March 28, 2014

[OAR Docket #14-371; filed 3-28-14]

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

[OAR Docket #14-352]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

Subchapter 1. Use of Department Managed Lands

800:30-1-20. Restricted public use areas [AMENDED]

SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:

March 26, 2014

[OAR Docket #14-352; filed 3-27-14]

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect the public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its 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 cites to 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 390. COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING CHAPTER 60. REGULATING BAIL ENFORCERS

[OAR Docket #14-418]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Chapter 60. Regulating Bail Enforcers [NEW]

AUTHORITY:

Council on Law Enforcement Education and Training; 59 O.S., § 1301, 1303, 1327, 1328, 1329, 1332 and 1332.1.1; 59 O.S., §1350.1 through 1350.20; 59 O.S. §1750.2A, 1750.5, 1750.14; 70 O.S., § 3311 et seq.

COMMENT PERIOD:

December 10, 2013 through January 31, 2014

PUBLIC HEARING:

December 30, 2013

ADOPTION:

March 4, 2014

APPROVED BY GOVERNOR:

April 1, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Through September 14, 2015, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

This amendment is needed to incorporate statutory language from the last legislative session which established the training and requirements for the Bail Enforcement and Licensing Act. The Council finds it necessary to promulgate emergency rules to insure the safety and welfare of individuals seeking training and licensing under this statute, and to implement certain provisions of this law which become effective March 1, 2014.

ANALYSIS:

59 O.S. Section 1350.1 through 1350.20 authorizes the Council to establish qualifications and training courses required for individuals seeking a bail enforcer license. 390:60 is a new Chapter which establishes the qualifications and training for individuals seeking licensing as a Bail Enforcer.

CONTACT PERSON:

James Wilson, General Counsel, (405) 239-5161

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(F):

SUBCHAPTER 1. GENERAL PROVISIONS

390:60-1-1. Purpose

(a) The provisions of Chapter 2, Administrative Procedures, beginning at CLEET Rule 390:2-1-1, are incorporated by reference as if set out fully herein.

(b) The purpose of these Rules is to set forth the requirements and guidelines needed to implement and enforce the provisions of the Oklahoma Bail Enforcement and Licensing Act. Generally, these Rules are intended to implement standards and procedures to protect the interest of the public without placing undue burdens upon the operation of the bail enforcement business.

390:60-1-2. Statutory authority

Pursuant to the authority vested in the Council on Law Enforcement Education and Training by the Oklahoma Bail Enforcement and Licensing Act, the Rules of this Chapter have been promulgated. These Rules supplement existing state and federal laws, and being properly promulgated, the Rules contained in this Chapter have the force and effect of law so long as not in conflict with Oklahoma statutes.

390:60-1-3. Definitions

CLEET adopts for Rule purposes all definitions specifically set out in the Bail Enforcement and Licensing Act, 59 OS Section 1350 et seq and CLEET Rule 390:1-1-2.1. In addition, these words or terms shall have the following meaning unless the context clearly indicates otherwise:

"Act" means the Oklahoma Bail Enforcement and Licensing Act, Title 59, O.S., Section 1350, et seq.

"Applicant" means a person applying for a license under the provisions of the Act.

Emergency Adoptions

"Approved school" means an organization or institution authorized by CLEET to conduct bail enforcement training pursuant to the Act.

"Armed Bail Enforcer" means a Bail Enforcer having a valid license issued by the Council on Law Enforcement Education and Training authorizing the holder to carry an approved pistol or weapon in the recovery of a defendant pursuant to the Bail Enforcement and Licensing Act.

"Bail Enforcer" means a person who acts, engages in, solicits or offers services to execute a prior to breach recovery of a defendant on an undertaking or bail bond contract execute a recovery of a defendant for failure to appear on an undertaking or bail bond contract issued in this state, another state or the United States. The term "Bail Enforcer" does not include any law enforcement officer actively employed by a law enforcement Agency recognized in this state, or any of its political subdivisions, another state or the United States, while such officer is engaged in the lawful performance of duties authorized by his or her employing law enforcement Agency, a bondsman licensed in this state and acting under the authority of his or her undertaking or bail contract or a licensed bondsman appointed by an insurer in this state with regard to a defendant on a bond posted by that insurer.

"Bail Recovery Contract" or "Client Contract" means an agreement to perform the services of a Bail Enforcer for a client. Only a Bail Enforcer licensed by the Council may enter into a client contract to perform the services of a Bail Enforcer. A Bail Enforcer is liable for his or her acts and omissions while executing a recovery of a defendant pursuant to a client contract.

"Client" means a bondsman or surety on an undertaking or bail bond contract issued in this state, another state or the United States that enters into a contract for the services of a Bail Enforcer.

"Conflict of interest" means a conflict or the appearance thereof between the private interests and public obligations of an individual, organization, or other legal entity authorized to conduct business pursuant to the Act.

"Contract" means, for the purposes of these Rules, an agreement between a person licensed under this Act and a client, to provide bail enforcement services, for a contract labor fee; and where the wages of the Bail Enforcer are paid by the contractor. Such contracts may be oral or written, or in any combination thereof.

"Contractor" means, for the purposes of these Rules, a contractor is a person or business entity not employed in a direct employer-employee relationship, but instead contracts with a client to provide his or her services as a Bail Enforcer and their services to that client, for a contract labor fee. The term "contractor" shall include "sub-contractor".

"Conviction" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere, or otherwise, and any deferred or suspended sentence or judgment based on a final adjudication of guilt, or based on a plea of guilty or nolo contendere.

"Currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with

a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist.

"Curriculum" means the collective, written documentation of the material content of a training course, or any particular phase of training prescribed by the Act, minimally consisting of course objectives, student objectives, lesson plans, training aids, and examinations.

"Defendant" means the principal on an undertaking or bail bond contract.

"Expungement" means a court order expunging any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere, or otherwise, and any deferred or suspended sentence or judgment based on a final adjudication of guilt, or based on a plea of guilty or nolo contendere. For purposes of these Rules expungement does not include a court order expunging a criminal record because no charges were filed or expunging a criminal record because the accused was acquitted at trial, or because the charges were dismissed on motion of the state prior to entry of any plea of guilty or nolo contendere.

"Full-time employment" means any Bail Enforcer, who is employed and paid for working twenty-five (25) hours or more per week on a regular basis.

"Instructor" means a person who directly facilitates learning through means of lecture, group participation, practical exercise, or other means, where there is a direct student-teacher relationship.

"License" means authorization issued by the Council pursuant to the Bail Enforcement and Licensing Act permitting the holder to perform functions and services as a Bail Enforcer, and the documentary evidence of that authorization.

"Licensee" means a person authorized by CLEET under the provisions of this Act, to lawfully conduct business as a Bail Enforcer.

"Noxious Substance" means OC spray, pepper spray, mace or any substance used as a physiological irritant.

"Over-payment" means monies in excess of the amount due for a license, permit or fine that is returned to the individual or Agency.

"Person" means, in addition to any natural person, any corporation, company, association, operation, firm, partnership, institution, trust, or other form of business association.

"Recovery" or "Surrender" means the presentation of a defendant to the public officer competent to receive the defendant into custody.

"School coordinator" means a person certified by CLEET to coordinate and conduct private security and bail enforcement training at an approved school, and arrange or administer psychological examinations to firearms training students.

"Training course" means a complete, multi-phase course of instruction required to qualify for a license under the provisions of the Act.

"Training phase" means a block of training units that comprises a distinct phase in the private security or bail enforcement training course.

"Training unit" means a unit of instruction within a training phase.

"Weapon" means taser, stun gun, baton, night stick or any other device used to subdue a defendant, or any noxious substances as defined in the Bail Enforcement and Licensing Act.

390:60-1-4. Compliance with laws and rules

(a) All Licensees and approved schools shall be knowledgeable of and conduct operations in accordance with all federal, state, and local laws; and Rules and regulations of CLEET. The commission of any criminal offense, proven by clear and convincing evidence, may be grounds for an action against any person falling within the jurisdiction and purview of 59 O.S., Section 1350.1 et seq, if such offense reflects negatively on the Licensee's or school's moral character.

(b) Any statute of the United States or of the State of Oklahoma now in existence, or duly enacted in the future, shall supersede any conflicting provision of this Chapter to the extent of such conflict, but shall not affect the remaining provisions herein.

(c) Any violation of this Chapter and applicable Laws of the State of Oklahoma may result in a written reprimand or the denial, suspension, or revocation of a license, or disciplinary penalty, or fine.

(d) Interested parties may obtain information or submit comments related to this Chapter by writing to CLEET, Private Security Division, 2401 Egypt Road, Ada, Oklahoma, 74820-0669

390:60-1-5. Acting as a Bail Enforcer

(a) No person may perform, or assist in the performance of, any function or service as a Bail Enforcer if the person's license as a Bail Enforcer has been suspended, revoked, surrendered, or denied.

(b) A licensed Bail Enforcer may not assist, aid, or conspire with an unlicensed person (whether never licensed, or whose license as a Bail Enforcer or Bail Bondsman has been suspended, revoked, surrendered, or denied) to engage in any function or service as a Bail Enforcer.

(c) An active duty commissioned Peace Officer who is off duty may assist a Bail Enforcer if permitted by the Peace Officer's employing Agency. The assisting Peace Officer need not be a licensed Bail Enforcer for purposes of this rule.

390:60-1-6. Eligibility for licensing

(a) Applicants for Bail Enforcer licenses must meet and satisfy the requirements of The Oklahoma Bail Enforcement and Licensing Act.

(b) A Sheriff, Deputy Sheriff, Police Officer, or officer of the law who is not on duty and who assists in the apprehension of a defendant is not required to be licensed as a Bail Enforcer.

(c) The following persons are not eligible for licensing as a Bail Enforcer or as a Bail Enforcement Agency.

- (1) Jailers;
- (2) Police officers;
- (3) Committing judges;

(4) District or Municipal judges;

(5) Prisoners;

(6) Sheriffs, deputy sheriffs and any person having the power to arrest or having anything to do with the control of federal, state, county or municipal prisoners.

(7) Any person who possesses a permit pursuant to the provisions of Section 163.11 of Title 37 of the Oklahoma Statutes or is an officer, director or stockholder of any corporation holding such a permit;

(8) Any person who is an agent or owner of any establishment at which low-point beer is sold for on-premises consumption;

(9) Any person who holds any license provided for in Section 518 of Title 37 of the Oklahoma Statutes or is an agent or officer of any such Licensee, except for an individual holding an employee license pursuant to paragraph 20 of subsection A of Section 518 of Title 37 of the Oklahoma Statutes;

(10) Any person who holds any license or permit from any city, town, county, or other governmental subdivision for the operation of any private club at which alcoholic beverages are consumed or provided;

(11) Any person or agent of a retail liquor package store;

(12) Any person whose bail bondsman license has been revoked by the Insurance Commissioner;

(13) Any person whose employment prohibits that person from being licensed as a bail bondsman;

(14) Any district attorney, or assistant district attorney, or employee of a district attorney; and

(15) Any employee of the Department of Corrections.

390:60-1-7. Release of records

(a) Except as specifically exempted by law, official records of the Council on Law Enforcement Education and Training are subject to the Oklahoma Open Records Act, and the Bail Enforcement and Licensing Act.

(1) CLEET may verify the current status of an applicant or a Licensee to the public on request.

(2) CLEET may release such information as necessary to perform CLEET duties or comply with statutes or Rules pursuant to the Bail Enforcement and Licensing Act.

(3) CLEET may release records to a bona fide law enforcement Agency or judicial authority, upon written request, for investigative purposes.

(4) CLEET may release records to an insurance company licensed in Oklahoma for the limited purposes of issuing a policy or bond for licensure, or for claims purposes.

(5) CLEET may provide the published name, address, and phone number of a licensed Bail Enforcer to the public on request.

(6) CLEET may provide records as required by a Court Order to Compel and Protective Order for Materials Produced by CLEET. CLEET must be provided with a certified copy of such order prior to release of records. A subpoena, other than a Grand Jury subpoena, without an Order to Compel and Protective Order for Materials Produced by CLEET, is not sufficient.

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- (b) Copies of public information may be obtained from the Council office during regular business hours upon receipt of a written request and payment of a fee to cover the cost of providing copies of the requested.
- (c) There may be a charge of Twenty-Five Cents (\$.25) per page for copies of public records of the Council.
- (d) In the event a request for copies is for a commercial purpose or would cause disruption of the performance of the regular duties of the Council or Council staff, there may be an additional charge computed and assessed for locating and copying the requested materials based upon the cost of the lowest paid employee necessary to accomplish the copying request.
- (e) Individual requests for records will be accepted only if received by Mail, with an original signature.
- (f) All social security numbers except for the last four digits will be redacted from any documents supplied by CLEET.

SUBCHAPTER 3. [RESERVED]

SUBCHAPTER 5. APPLICATION REQUIREMENTS

390:60-5-1. Bail Enforcer applicant requirements

- (a) Applicants for a License issued pursuant to the Act must:
 - (1) Be a citizen of the United States or an alien legally residing in the United States and have a minimum of six (6) months legal residence documented in this state;
 - (2) Be at least twenty-one (21) years of age;
 - (3) Provide proof of a high school diploma, GED or equivalent as recognized by state law, and proof of successful completion of the training and psychological evaluation requirements for the license applied for, and related testing, as prescribed by CLEET;
 - (4) Be of good moral character;
 - (5) Have no final victim protection orders issued in any state in which applicant is the respondent / defendant;
 - (6) Have no record of a felony conviction or any expungement or a deferred judgment or suspended sentence for a felony offense;
 - (A) If the applicant is the defendant in a criminal prosecution that is pending, no license will be issued until final resolution of the criminal prosecution.
 - (B) If the applicant is the subject of an Order Deferring Imposition of Judgment and Sentence, no license will be issued until completion of the deferred sentence and dismissal of the criminal prosecution without a finding of guilt.
 - (C) If the Applicant was convicted of a felony, and the sentence was completed more than fifteen (15) years prior to the date of application, and the Applicant otherwise meets the licensing requirements, a Bail Enforcer License may be issued, but an Armed Bail Enforcer License may not be issued to the Applicant. The Applicant must supply all documentation required by CLEET.

- (7) Have no record of conviction for assault or assault and battery, aggravated assault and battery, larceny, theft, false pretense, fraud, embezzlement, false impersonation of an officer, any offense involving moral turpitude, any offense involving a minor as a victim, any nonconsensual sex offense, any offense involving the possession, use, distribution, or sale of a controlled dangerous substance, any offense of driving while intoxicated or driving under the influence of intoxicating substance, any offense involving a firearm, or any other offense as prescribed by the Council.
- (b) If an applicant was convicted of a disqualifying crime, and the sentence was completed more than five (5) years prior to the application date and the Council is convinced the offense constituted an isolated incident and the applicant has been rehabilitated, the Council may, in its discretion, waive the conviction disqualification as provided for in this paragraph and issue an unarmed Bail Enforcer license, but shall not issue an armed Bail Enforcer license if the offense involved the use of a firearm, was violent in nature, or was a felony offense other than a driving offense. The passage of five (5) years from completion of the sentence does not mean that the applicant is entitled to a license. The decision on whether the disqualifying conviction is waived is within the sole discretion of CLEET. The applicant must supply all documentation required by CLEET for consideration of a possible waiver.
- (c) If it is discovered that a disqualifying conviction exists, the Council shall immediately revoke or deny any license;
- (d) Under oath, the applicant shall certify that the applicant has no disqualifying convictions as specified in the Bail Enforcement and Licensing Act or by CLEET rule, or must disclose the disqualifying convictions and state that more than five (5) years have lapsed since the completion of the sentence for a disqualifying conviction.
- (e) The applicant must provide CLEET and the Oklahoma State Bureau of Investigation with individual fingerprints for a state and national criminal history records search.
- (f) The applicant must supply CLEET two (2) current individual passport - sized photographs with the completed CLEET application.
- (g) The applicant must provide certified copies of all court documents showing the disposition of any criminal charges. If no certified copies are available, the applicant must provide a 'no records letter' from the appropriate court. Obtaining and providing certified copies is the responsibility of the applicant.
- (h) The applicant must state, under oath, that the applicant is not currently undergoing treatment for a mental illness, condition, or disorder.
- (i) The applicant must state, under oath, whether the applicant has ever been adjudicated incompetent or committed to a mental institution.
- (j) The applicant must state, under oath, whether the applicant has any history of illegal drug use or alcohol abuse.
- (k) Upon presentation by the Council of the name, gender, date of birth, and address of the applicant to the Department of Mental Health and Substance Abuse Services, the Department of Mental Health and Substance Abuse Services shall notify the Council within ten (10) days whether the computerized

records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution.

(l) The applicant must state, under oath, whether the applicant has ever been charged with any misdemeanor domestic violence offense.

(m) The applicant must provide proof of liability insurance or an individual bond in a minimum amount established by the Bail Enforcement and Licensing Act.

(n) The applicant must provide a statement of self-employment as a sole proprietor Bail Enforcer.

(o) The applicant must complete all the training requirements, and pass the appropriate examinations related to training.

(p) The signature of the applicant on the Application shall be considered an attestation that the Applicant has read these Rules, and agrees to obey these Rules.

(q) In addition to the requirements listed above, Applicants for an Armed Bail Enforcer license must provide with the application:

(1) Proof of successful completion of the firearms phase of private security / private investigator / Bail Enforcer training;

(2) An original document showing completion of a certified Taser training course;

(3) An original document showing completion of a certified stun gun training course;

(4) An original document showing completion of a certified noxious substance training course.

(r) A copy of every license issued under this chapter shall be posted conspicuously in the Licensee's place of business in this state.

(s) Bail Enforcer licenses are not transferrable.

(t) Any changes in Bail Enforcer information shall be provided to CLEET in writing within ten (10) days of the effective date of the change. Notice of changes of Licensee information will not be accepted over the phone.

390:60-5-2. License fees

(a) Individual license fees shall be determined as set forth in the Bail Enforcement and Licensing Act.

(b) Overpayment amounts will be returned to the remitter.

(c) Payment must be made in a method defined in CLEET Rule 390:1-1-13.

390:60-5-3. Requests for applications

(a) An application may be requested at the following address: CLEET, Bail Enforcement Division, 2401 Egypt Road, Ada, Oklahoma, 74820-0669.

(b) Requests will be handled in the most expeditious and cost effective manner.

390:60-5-4. Application process; sworn affidavit; penalty

The completed application form pursuant to the Act shall constitute a sworn affidavit. Willful, fraudulent application for

a license pursuant to the Act shall result in denial or revocation of a license.

390:60-5-5. Accuracy and completeness of application

(a) All information on an application form or any related document must be accurate to the best of the applicant's knowledge.

(b) All sections that are applicable to the applicant must be completed, and all applicable spaces must be filled in with the appropriate information.

(c) If an application is incomplete, CLEET will process any payments in accordance with statutory requirements, and will notify the applicant that the application is incomplete. No further action will be taken on the application until all required information is received by CLEET.

(d) CLEET will not give any person legal advice and will not request or gather documents for an applicant. Accuracy and completeness of the application is the obligation of the applicant.

(e) Since CLEET does not wish to deny any person the opportunity to apply for a license, CLEET will not give advisory opinions as to whether a person will or will not be licensed. Decisions on licensing will be made only after receipt of a completed application.

390:60-5-6. Background investigation of applicants

(a) The requirements of the Act will necessitate an investigation into the personal history, employment history, and moral character of each applicant. Local, state, and federal criminal indices will be examined in the normal processing of applications for evidence of any prior criminal record. In addition to those offenses set forth in the Statutes, convictions of crimes set forth in Appendix A of this Chapter, shall be deemed as disqualifying convictions.

(b) Failure to provide the information necessary to complete this background investigation, including certified copies of Judgment and Sentence, shall preclude any further processing and shall result in denial of said application.

(c) One fingerprint fee is required of each applicant. The Applicant is responsible for paying any fees required.

(d) Fingerprint cards or electronically captured fingerprints submitted by an applicant which have been rejected by the Oklahoma State Bureau of Investigation (OSBI) or Federal Bureau of Investigation (FBI), have failed to meet the statutory requirement for providing "classifiable fingerprints to enable the search of criminal indices for evidence of prior criminal record".

(1) Upon notice to CLEET from the OSBI or FBI that fingerprints have been rejected, CLEET shall send written notice to the applicant requesting resubmission of fingerprints.

(2) Failure to resubmit fingerprints within thirty (30) days of the request for resubmittal shall preclude any further processing of the application and may result in denial, suspension or revocation of any license held by the applicant.

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(3) Upon the third rejection of fingerprints by the OSBI or FBI or the expiration of one-hundred-eighty days (180) days, whichever occurs first, from the original date of issuance of any license, such license shall be suspended or revoked until such time that classifiable fingerprints have been submitted and criminal history reports have been received from OSBI and FBI.

390:60-5-7. Psychological evaluation and reporting

(a) Each applicant to be licensed as a Bail Enforcer shall be administered any current standard form of the Minnesota Multiphasic Personality Inventory (MMPI), or other psychological evaluation instrument approved by CLEET, and the instrument will be administered in conjunction with training in Phase I required by the Bail Enforcement and Licensing Act.

(1) The Bail Enforcer training school shall administer the instrument in accordance with the instructions of the instrument.

(2) The Bail Enforcer training school shall forward the response data to a psychologist of the applicant's choice, so long as the psychologist is licensed by the Oklahoma State Board of Examiners of Psychologists.

(b) The applicant shall pay the cost of the psychological evaluation.

(c) If the licensed psychologist is unable to certify the applicant's psychological capability to exercise appropriate judgment, restraint, and self-control, after evaluating the data supplied by the Bail Enforcer training school, the psychologist shall employ whatever other psychological measuring instruments or techniques deemed necessary to form a professional opinion. The use of any additional psychological measuring instruments or techniques requires a full and complete written explanation to CLEET, which must be received before a Bail Enforcer license may be issued.

(d) The evaluating psychologist will forward a written psychological evaluation, on a form prescribed by CLEET, to CLEET within fifteen (15) days of the evaluation, even if the applicant is found to be psychologically at risk.

(e) CLEET may utilize the results of the psychological evaluation for up to six (6) months from the date of the evaluation after which the applicant shall be reexamined.

(f) A person who has been found by the psychologist to be at risk in the exercise of appropriate judgment, restraint, or self-control may not reapply for a Bail Enforcer license until at least one (1) year after the date of being found psychologically at risk.

(g) Retired Peace Officers who have been certified by CLEET shall be exempt from the psychological evaluation requirement for a period of one (1) year from the date of retirement as determined by the law enforcement Agency from which the officer retired; provided there is no evidence of an inability to exercise appropriate judgment, restraint, and self-control during prior active duty as a law enforcement officer and upon subsequent retirement.

(h) Retired Peace Officers who are not exempt from this section and who have previously undergone treatment for a mental illness, condition, or disorder which required medication or

supervision, as defined by paragraph 7 of Section 1290.10 of Title 21 of the Oklahoma Statutes, shall not be eligible to apply for a Bail Enforcer license except upon presentation of a certified statement from a licensed physician stating that the person is no longer disabled by any mental or psychiatric illness, condition, or disorder.

390:60-5-8. Additional testing and evaluation

(a) CLEET may require additional psychological or medical testing to be administered and evaluated by a state licensed psychologist, licensed psychiatrist or licensed medical doctor to determine an individual's ability to exercise judgment and safety for the type of license desired.

(1) The physician will complete a form prescribed by CLEET.

(2) The applicant shall bear the cost of additional testing and evaluation necessary to determine the suitability of the applicant for a license.

(b) Applicants must wait one year to be retested if found by the evaluating psychologist, psychiatrist, or medical doctor to be at risk.

SUBCHAPTER 7. DISCIPLINARY ACTIONS

390:60-7-1. Failure to obtain license

(a) Except as provided by law, no person, whether or not a resident of the State of Oklahoma, may be employed or operate as a Bail Enforcer until a license has been issued by CLEET.

(b) When it has been determined that a person coming under the purview of this Act has failed to obtain an appropriate license or licenses, CLEET may generally take the following actions found in Appendix B of this Chapter to ensure compliance:

(1) The person may be assessed a disciplinary penalty or fine, which shall be issued along with notification of non-compliance.

(2) The person shall submit properly completed application forms, associated materials, and the correct fees, within fifteen (15) days of receipt of the initial notification.

(3) If the person fails to comply with this section, CLEET shall notify the person of its intent to prosecute for non-compliance;

(4) CLEET shall then present the evidence of non-compliance to the appropriate District Attorney for consideration of prosecution.

(c) If the person complies with the requirements of subsection (b), above, and upon payment in full of any disciplinary penalty or fine, the application may be accepted for processing. The application is still subject to the Rules governing applications.

(d) Nothing in this Chapter shall be construed so as to prohibit or discourage CLEET, or any law enforcement Agency, from taking immediate, lawful action in the enforcement of the provisions of the Act, or other laws of the State of Oklahoma.

390:60-7-2. Grounds for actions

(a) CLEET may take a disciplinary action against a license issued under this Chapter, if the Licensee:

- (1) violates any provisions of the Bail Enforcement and Licensing Act or CLEET Rules;
- (2) practices fraud, deceit or misrepresentation;
- (3) commits an act which would disqualify the Licensee;
- (4) is convicted of a crime related to the practice of the occupation;
- (5) is willfully or grossly negligent in failing to comply with substantial provisions of federal law or state statute governing the practice of the occupation;
- (6) invades the privacy of a defendant without lawful authority;
- (7) divulges any information gained by the Licensee in the course of employment, unless as directed by the client, as permitted by law, or as required by statute or rule;
- (8) willfully makes a false report to any person;
- (9) attempts to locate, recover, or surrender a defendant without having in the Licensee's possession a certified copy of the undertaking or bail bond contract;
- (10) carries any firearm or weapon in the recovery of a defendant without a valid Armed Bail Enforcer license;
- (11) carries any firearm or weapon when wearing Bail Enforcer apparel and not actively engaged in the recovery of a defendant, unless provided otherwise by the Act and these Rules;
- (12) points, displays, brandishes, or discharges a firearm or weapon in the recovery of a defendant without lawful authority and training as provided by statute and Rules;
- (13) administers a noxious substance without lawful authority and training as provided by statute and Rules;
- (14) unlawfully enters the dwelling house, structure, property, or vehicle of a defendant or a third party;
- (15) improperly uses force against a defendant or third-party;
- (16) disobeys any local ordinance, state, federal, or tribal law, including traffic laws, in attempting to locate, recover, or surrender a defendant;
- (17) makes any erroneous or false statement in an application for a license;
- (18) fails to successfully complete any prescribed course of training and testing;
- (19) is convicted of, or enters a plea of guilty or no contest, to any crime listed in the Bail Enforcement and Licensing Act;
- (20) uses any beverage containing alcohol while armed with a firearm or other weapon;
- (21) impersonates a law enforcement officer;
- (22) is charged in a court of competent jurisdiction with any crime involving a minor.

(b) A certified copy of a Judgment and Sentence, or of an Order Deferring Imposition of Judgment and Sentence, or of a plea of guilty or no contest shall be considered clear and convincing evidence of the court proceedings set out in the document.

(c) A certified copy of an Information or Indictment shall be considered clear and convincing evidence of institution of criminal charges involving a minor.

(d) The involuntary commitment of a Licensee in a mental institution or licensed private mental health facility for any mental illness, condition or disorder that is diagnosed by a licensed physician or psychologist as a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. Provided, the license may be reinstated if at least one (1) year has passed since the date of involuntary commitment and upon the Council receiving notification of a psychological evaluation conducted by a licensed physician or psychologist which attests and states by affidavit that the Licensee and the evaluation test data of the Licensee have been examined and that, in the professional opinion of the physician or psychologist, the Licensee is psychologically suitable to return to duty as a Bail Enforcer.

390:60-7-3. Possible disciplinary actions against licensees

(a) Pursuant to the Act, CLEET shall have the responsibility and authority to investigate alleged violations of the Act and of the Rules of this Chapter. These investigations may result in one or more of the following classifications of actions to be taken against a Licensee:

- (1) Written reprimand, without probation;
- (2) Written reprimand, with probation;
- (3) Suspension of license;
- (4) Revocation of license;
- (5) Denial of license application;
- (6) Non-renewal of license;
- (7) Arrest; and/or
- (8) Disciplinary penalty or fine found in Appendix B of this Chapter.

(b) The following, in addition to all other laws, Rules and regulations shall constitute unacceptable practices for licensed Bail Enforcers possibly subjecting the violator(s) to administrative actions.

- (1) Failure to provide written reports/summaries of activities to clients, when requested.
- (2) Providing false or misleading information to a client, or to CLEET.
- (3) Giving false statements, oral, written or otherwise to any member of the CLEET staff or any law enforcement officer in this state.
- (4) Failing to maintain good moral character.

(c) Complaints of violations subject to investigation may be made in person, by telephone, or in writing to CLEET.

390:60-7-4. Disciplinary penalties and/or fines

(a) CLEET may impose a disciplinary penalty or fine, pursuant to Appendix B of this Chapter, for violations of the Bail Enforcement and Licensing Act, or the Rules promulgated hereunto, not to exceed five-thousand dollars (\$ 5,000.00) per

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offense, if CLEET determines that such action better serves the purpose of this chapter than another disciplinary sanction.

(b) If, upon investigation, CLEET determines a violation has occurred, CLEET may issue a citation to the Licensee or other person. The citation shall be in writing and shall describe the nature of the violation, including specific reference to the provision of the law or rule determined to have been violated.

(c) The citation shall inform the Licensee or person that he or she is to contact CLEET within 15 days of receipt of the citation for disposition in one of the following manners:

- (1) To pay any disciplinary penalty or fine.
- (2) To contest the findings of the violation, and request a review by a Hearing Examiner, in accordance with statute and Rules provisions. Any request for a hearing must be in writing, with an original signature.

(d) Disciplinary penalties and fines will be assessed according to the schedule provided in Appendix B of this Chapter, or assessed by the Hearing Examiner on a case-by-case basis.

(e) If the Licensee or person does not make disposition within 15 days of receipt of the citation, CLEET may:

- (1) initiate an action for revocation against the Licensee
- (2) refer the matter to the appropriate District Attorney for consideration of charges.
- (3) defer collection of the fine until the time of renewal of the license, and deny renewal of the license until all final fines are paid in full.

390:60-7-5. Notification of change of name or address or telephone number

(a) Bail Enforcers must maintain with CLEET current office and residential addresses and must notify CLEET in writing of any change of address.

(b) Bail Enforcers must notify CLEET of any change of name. Notification of change of name shall include certified copies of any marriage license or court document which reflects the change of name, and an original, signed, request that the name be changed in CLEET records.

(c) Notice of change of name or address or telephone number must be made within ten (10) days of the effected change. Notices will not be accepted over the phone.

(d) Any change in address must include both the physical location (Street Address) and the mailing address, if different.

(e) Failure to notify CLEET of business address changes, business telephone changes, or residential address changes, in accordance with the provisions of this Section, shall be considered a violation and may result in CLEET disciplinary action.

390:60-7-6. Reinstatement of license

(a) A Bail Enforcer license that has been revoked may not be reinstated.

(b) If a Bail Enforcer license has been suspended, the Licensee may apply for reinstatement after the term of suspension has passed.

- (1) The applicant for reinstatement must show that all other qualifications for licensing have been met.

(2) An application for reinstatement must be accompanied by a non-refundable fee in the amount set out in the Bail Enforcement and Licensing Act.

390:60-7-7. Notification of legal proceedings against licensee

(a) All criminal proceedings initiated against a Licensee shall be reported by the affected Licensee to CLEET immediately, upon arrest or discovery of the filing of such proceeding. All Licensees shall be required to report when a Victim's Protective Order has been issued against the Licensee, including such orders issued on an emergency or ex parte basis and all Final Orders of Protection.

(b) All civil proceedings initiated against a Licensee related to matters under the purview of the Act shall be reported to CLEET no later than ten (10) days after the Licensee is served with notice of said proceeding.

(c) This notifications referenced above must be in writing and provide, at a minimum, the following information:

- (1) name and license number of the reporting Licensee;
- (2) nature of the proceeding;
- (3) court in which proceeding has been filed;
- (4) docket or case number;
- (5) parties to the proceeding;
- (6) original signature of the reporting Licensee.

(d) Failure to give notice pursuant to the Rules of this Chapter may be cause for CLEET to initiate a disciplinary against the Licensee.

390:60-7-8. Reporting the discharge of firearms

(a) The discharge of a firearm by a Licensee shall be reported by phone immediately by the Licensee to CLEET. If the discharge of a firearm happens at times other than during normal CLEET operating hours, calls and reports shall be made the next working day to CLEET. The telephonic report shall include:

- (1) name and license number of Licensee discharging firearm;
- (2) name and contact information of the entity who hired the licensee;
- (3) location of incident;
- (4) a brief narrative of what happened;
- (5) whether death, personal injury, or property damage resulted;
- (6) whether the incident is being or was investigated by a law enforcement Agency, and if known, the name of the investigating Agency.

(b) CLEET, when deemed appropriate, may immediately proceed to the scene and investigate.

(c) The involved Licensee must complete a separate written report, known as a "Report of Firearm Discharge", to be forwarded by the Licensee to CLEET within twenty-four (24) hours after the firearms discharge incident. This is an individual obligation of the Licensee and the Licensee may not rely on any other entity to submit the required reports.

SUBCHAPTER 9. LICENSE REQUIREMENTS

390:60-9-1. Insurance

(a) Licensed Bail Enforcers shall be individually responsible for obtaining and maintaining their own liability insurance or surety bond that allows persons to recover for actionable injuries, loss, or damage resulting from the willful, or wrongful acts or omissions of the licenses and protects this State, its agents, officers, and employees from judgments against the Licensee, and is further conditioned upon the faithful and honest conduct of the Licensee.

(b) The liability insurance policy or surety bond required in this subsection shall be in the minimum amount of ten thousand dollars (\$10,000.00).

(c) No bail enforcement license shall be valid when the Licensee fails to maintain the prescribed liability coverage. A violation of the Rules of this subchapter will constitute cause for immediate suspension or revocation of a license, and/or a disciplinary penalty or fine.

(d) Proof of insurance shall be provided CLEET by submitting a certificate of insurance, such as the Accord Form; or a copy of the policy, or a copy of the bond; or a letter from the issuing company. Regardless of the method chosen, the proof submitted shall at least contain the following information:

- (1) Name of insured
- (2) Name and address of insurer
- (3) Policy limits, coverages, and amounts
- (4) Effective dates of policy
- (5) If covered by a bond, the original bond proof of coverage must include an original or copy of the Notification of Bond and Power of Attorney. Proof of renewal of the bond does not require a copy of the Power of Attorney, only submission of the Notification of Bond.

(e) Any company providing insurance or surety bonds must be licensed and authorized to do business in the State of Oklahoma.

(f) Liability insurance policies or bonds issued pursuant to this subchapter shall not be modified or canceled unless ten (10) days' prior written notice is given to CLEET. It is the duty of each Licensee to see that the liability insurance policy or bond contain such a provision.

390:60-9-2. Renewal of license

(a) A renewal license will be issued only after CLEET receives a properly completed request for renewal, along with the renewal fee prescribed by the Bail Enforcement and Licensing Act, two (2) current passport-sized photographs, verification of current insurance or bond coverage, verification of the minimum hours of continuing education training for the license period, and any further documentation required by CLEET to assure compliance with the Act.

(b) A Licensee who has timely submitted a request for renewal with payment and has failed to meet the minimum training requirements will be issued official notification of CLEET's intent to impose a disciplinary sanction, possibly including non-renewal of the license, for failure to meet the mandated training requirements.

(c) A Licensee who has failed to meet the minimum training requirements and continues to work or perform services as a Bail Enforcer will be subject to disciplinary action under the Act.

390:60-9-3. Inactive license

Upon written notice, with an original signature, any license may be placed on inactive status.

390:60-9-4. Individual identification cards or certificates

(a) An identification card or certificate will be issued to all Licensees. This card or certificate shall clearly indicate that the Licensee is authorized by the State of Oklahoma to conduct business as a Bail Enforcer or a Bail Enforcement Agency

(1) The identification card or other CLEET document shall not be altered or defaced in any manner.

(2) The Licensee shall not knowingly allow any other person to carry or use the Licensee's identification card or other CLEET document for any purpose.

(3) The Licensee shall carry the identification card on his or her person at all times while acting within the course and scope of employment as a Bail Enforcer.

(4) The Licensee shall present the identification card upon demand, for inspection by any person, unless the circumstances are such that showing the identification card would cause a danger to the Bail Enforcer or to another person. If presenting the identification card would cause a danger to the Bail Enforcer or to another person, the identification shall be presented at the next reasonably safe opportunity.

(5) The identification card must be presented, upon demand, for inspection by a law enforcement officer or by a representative of CLEET.

(6) All identification cards or licenses or certificates or other CLEET documents are the property of CLEET, and not the property of the Licensee, and the Licensee shall surrender the identification card to the Executive Director or designee upon written notice.

(7) The Bail Enforcer must carry on the person a valid driver license or a state-issued photo identification card and CLEET authorized badge when performing the functions and services of a Bail Enforcer.

(b) Licensees shall maintain a copy of the current individual identification card, and any correspondence to or from CLEET, at the place of business shown in CLEET records.

390:60-9-5. Lost or damaged licenses or identification cards

Duplicate licenses and identification cards may be issued to active, current Licensees upon written request, with an original signature, and payment of the fee as specified by the Bail Enforcement and Licensing Act. An applicant for a duplicate license must provide any documents required by CLEET.

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390:60-9-6. Office and contact information requirements

(a) A Bail Enforcer must maintain an office at a physical address in this State and in the County where the Bail Enforcer will maintain his or her records.

(1) The location must have a physical address, be accessible to the public, and open for reasonable business hours. The Bail Enforcer shall supply CLEET a current photograph of the front of the business location.

(2) This individual Bail Enforcer office may be maintained at the personal residence of the Bail Enforcer. The fact that a business is located at a personal residence does not excuse compliance with these Rules. The address is a matter subject to disclosure as provided in these Rules, even if the office is located at the personal residence of the Bail Enforcer.

(3) A post office box is not considered a physical address for purposes of these Rules.

(b) A Bail Enforcer must have an operating telephone with a phone number, in the name of the Bail Enforcer, that is publicly available and is published in a local directory in the city or county where the physical address is located. The correct phone number must be on file with CLEET. The telephone service for the Bail Enforcer must be primarily installed at the office location.

(c) The files related to the Bail Enforcer operations must be maintained at the office location, in a form readily accessible for inspection by CLEET as provided in these Rules.

390:60-9-7. Training requirements

(a) Training requirements for unarmed Bail Enforcers shall be not less than forty (40) hours of instruction, to be known as Phase V, which shall be in addition to the Phase I, II, and III training requirements.

(b) Training requirements for armed Bail Enforcers shall be the same as for unarmed Bail Enforcers plus Phase IV firearm and weapons training.

390:60-9-8. Continuing education

(a) Continuing education training (sometimes called 'mandated training' in these Rules) is required for renewal of a Bail Enforcer license.

(b) Bail Enforcers must complete a minimum of twenty four (24) hours of continuing education training from an approved source, during the licensing period, to maintain their license.

(c) A person holding a security guard license and private investigator license and a Bail Enforcer license or a combination license must complete a total of twenty four (24) hours of continuing education training from an approved source, during the licensing period, to maintain their license.

(d) All mandated training is to be reported to CLEET, on forms approved by CLEET. The entity offering the mandated training may report the attendance to CLEET, but it is still the personal responsibility of the individual Licensee to assure that mandated training is reported to CLEET.

(e) Any expenses incurred for continuing education courses by any Licensee shall be the responsibility of the Licensee.

(f) Firearms requalification courses will not count towards mandated training.

(g) Approved sources for mandated training are:

(1) College credit hours. Fifteen (15) hours of mandated training credit will be granted for each successfully completed college hour. The Licensee requesting credit must provide a certified copy of the grade report. Requests for credit must be submitted within one (1) calendar year from the date the college credit is obtained;

(2) Established Entities (Recognized county, state, and federal associations, professional associations, vocational-technical schools). One hour of training will be granted for each hour attended in a topic which directly relates to the performance of duties under the Bail Enforcer license;

(3) One hour of mandate training credit will be granted for each hour of instruction. For approval to conduct mandated training, sponsors must:

(A) Submit a written request for program registration to CLEET;

(B) Provide course outline, and course objectives, if requested by CLEET;

(C) Provide resume for instructors, if requested by CLEET; and

(D) Keep course outlines, and course objectives and resumes for instructors, for review by CLEET or others.

(E) No advertisement or roster may use the name 'Council on Law Enforcement Education and Training' or 'CLEET' except to note that the class is 'registered with CLEET for number of hours of mandated training credit.'

(F) All advertisements must include the disclaimer provided by CLEET.

(G) After training, the provider must submit a roster of attendees completing the training to CLEET. This provision does not remove or alter the requirement that the individual Licensee assure that mandated training is properly reported to CLEET.

(h) Completion of training courses required for initial licensing will satisfy the continuing education requirements for the first licensing period of an initial license.

(i) A Licensee will be subject to any of the following disciplinary sanctions for failure to comply with the mandate training requirements:

(1) Written Reprimand;

(2) Denial of a license or renewal of a license;

(3) Suspension of a license;

(4) Revocation of a license;

(5) Disciplinary penalty or fine.

(j) If a final fine is assessed and is not paid, CLEET will not renew the license until the past-due fine is paid in full, in addition to the sanctions set out above.

SUBCHAPTER 11. RESTRICTIONS (59 O.S. § 1350.12)

390:60-11-1. Advertising

- (a) Licensees may use the phrase "Licensed by the State of Oklahoma" on stationery, business cards, and advertisements
- (b) Licensees may not use any facsimile, reproduction, or pictorial, portion of the Great Seal of the State of Oklahoma on any badge, credentials, stationery, identification card, business card, advertisement, or other means of identification used in connection with any activities regulated under the Bail Enforcement and Licensing Act.
- (c) Licensees may not use the words 'Council on Law Enforcement Education and Training' or the word "CLEET" and may not use the CLEET Seal on any stationery, business cards, or advertising.
- (d) Persons licensed solely as Bail Enforcers may not advertise their services under any name other than the name appearing on the Bail Enforcer license.
- (e) Persons licensed solely as Bail Enforcers may not use stationery or business cards with any name other than the name appearing on the Bail Enforcer license.
- (f) Persons licensed solely as Bail Enforcers may not use advertisements or stationery or business cards that include a telephone number that does not belong to the Bail Enforcer.
- (g) Persons licensed solely as Bail Enforcers may not use advertisements or stationery or business cards that would appear to a reasonable person to be an advertisement for, or endorsement of, any bail bondsman.
- (h) Any violation shall be a violation of the Bail Enforcement and Licensing Act which is punishable as provided in the act and CLEET Rules, or the violator may be prosecuted for false impersonation of an officer.

390:60-11-2. Uniforms and markings

All uniformed, licensed Bail Enforcement personnel shall conform to the following requirements regarding the bail enforcement uniform:

- (1) The words "Bail Enforcer", shall be visibly displayed in a prominent manner.
- (2) Licensees shall not wear a uniform, insignia, badge, etc., that would lead a reasonable person to believe that the Licensee is connected with federal, state, local, or tribal government.
- (3) A Licensee may not use a fictitious name in the recovery of a defendant.

390:60-11-3. Badges

(a) Pursuant to the Bail Enforcement and Licensing Act, CLEET may designate an authorized badge. The intent of these requirements is to:

- (1) Make the badge easily recognizable as designating a Bail Enforcer
 - (2) Make the badge easy to distinguish from a badge worn by a law enforcement officer
 - (3) Make the information on the badge legible.
- (b) Badge Requirements:
- (1) The badge must be made of sturdy metal, gold in color.

- (2) The badge must be square, with sides of no less than two (2) inches in length, and no larger than three (3) inches in length.
- (3) The badge may have a circle encompassing a scales of justice device in the middle of the badge.
- (4) For a Bail Enforcer, the badge must have only the words 'Oklahoma Bail Enforcer' and the license number.
- (5) For an armed Bail Enforcer, the badge must have only the words 'Oklahoma Armed Bail Enforcer' and the license number.
- (6) All writing must be in block letters and easily readable
- (7) A Licensee may not display any badge or identification card bearing the words "police", "deputy", "detective", "officer", "agent", "investigator", "fugitive agent", "recovery agent", "enforcement officer", "bounty hunter", "bail agent", or "recovery detective" or use any other words or phrases that imply that such person is associated with law enforcement or a government Agency.
- (8) The badge must be in the possession of the Bail Enforcer, and visibly displayed, during the recovery of a defendant.

(c) Any violation shall be a violation of the Bail Enforcement and Licensing Act which is punishable as provided in the act and CLEET Rules, or the violator may be prosecuted for false impersonation of an officer.

390:60-11-4. Use of vehicles

Every Bail Enforcer vehicle shall conform to the following requirements:

- (1) A Bail Enforcer vehicle may not be equipped with a siren, a lamp with a red or blue lens, or an overhead light or lights with red or blue lenses.
- (2) If the Bail Enforcer vehicle is marked, the words "Bail Enforcer" shall appear on each side and the rear of the vehicle in letters of no less than three (3) inches in height, and readable from a reasonable distance.
- (3) If the Bail Enforcer's vehicle is marked, the state license number shall be displayed on each side and the rear of the vehicle in characters of no less than three (3) inches in height and readable from a reasonable distance.
- (4) A Bail Enforcer vehicle shall not bear any colors or markings or exterior equipment similar to colors or markings or exterior equipment of an authorized law enforcement vehicle in this State, or any political subdivision of this State.
- (5) A Bail Enforcer vehicle may not be marked with any fictitious name.
- (6) A Licensee may not mark any vehicle with the words "police", "deputy", "detective", "officer", "agent", "investigator", "fugitive agent", "recovery agent", "enforcement officer", "bounty hunter", "bail agent", or "recovery detective" or use any words or phrases that imply that such person is associated with law enforcement or a government Agency.

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390:60-11-5. Authorized weapons

(a) The Bail Enforcer and licensing Act is not intended to be used as a means to obtain authority to carry a weapon except in the course and scope of gainful employment as an armed Bail Enforcer.

(1) When actively engaged in the recovery of a defendant an Armed Bail Enforcer may carry a firearm concealed or unconcealed.

(2) If carrying a firearm when engaged in the recovery of a defendant an Armed Bail Enforcer must comply with the following:

(A) the firearm must be the approved pistol.

(B) the Armed Bail Enforcer must be wearing apparel clearly marked to designate the person as a 'Bail Enforcer' as set out in the CLEET Rules.

(C) the CLEET authorized Bail Enforcer badge must be affixed to chest of the uniform or to the holster or belt immediately next to the firearm.

(b) When not actively engaged in the recovery of a defendant, an Armed Bail Enforcer is permitted to carry a concealed firearm.

(c) If carrying a concealed firearm when not actively engaged in the recovery of a defendant, an Armed Bail Enforcer must have in his or her immediate possession the following:

(1) the CLEET authorized Bail Enforcer Badge

(2) the Armed Bail Enforcer License card

(3) a state-issued driver license or identification card

(d) An armed Bail Enforcer Licensee may not carry an inoperative, unsafe, or replica model firearm while on duty or any firearm in violation of a federal or state law, while in the course and scope of his or her employment.

(e) No armed Bail Enforcer shall carry a type of firearm which the Bail Enforcer has not been formally trained to handle and operate. Formal training must be conducted by an accredited and recognized firearms instructor and training program. Compliance with this requirement is incumbent upon the Licensee and notification to CLEET shall be required by submitting a certificate of training or a copy thereof upon completion of said training. Said notification shall include:

(1) Type of firearm

(2) Name of instructor, and entity, if any, providing training

(3) Number of training hours

(4) Qualification scores

(5) Date(s) of training

(f) The only firearms authorized by CLEET for use by armed Bail Enforcers are revolvers, and semi-automatic handguns. The prescribed revolver or semi-automatic handgun ammunition shall be "factory-loaded". Ammunition commonly referred to as "re-loads" is strictly prohibited for use as service ammunition.

(g) No Licensee shall brandish, point, exhibit, or otherwise display a firearm at anytime, except as authorized by law, and the Rules of this subchapter.

390:60-11-6. Use of force

(a) Since the use of force is limited by statute, a Bail Enforcer may use force only when:

(1) the Bail Enforcer has made a lawful command for the defendant to surrender and the defendant has refused to obey; OR

(2) the Bail Enforcer must use force to defend the Bail Enforcer or another from injury or threat or injury while recovering a defendant.

(b) Any force used may not be more than sufficient to prevent an offense.

(c) No force may be used which is more than sufficient to temporarily restrain a defendant who has refused to obey a lawful command to surrender to the licensed Bail Enforcer.

(d) The manner and duration of force used by a Bail Enforcer may not be more than that reasonably necessary to surrender the defendant to a public officer competent to receive the defendant into custody.

390:60-11-7. Entry into dwellings

(a) Any entry into a dwelling house of a defendant or a third-party, which violates the provisions of the Bail Enforcement and Licensing Act may be punished as burglary in the first degree as provided in Title 21 O.S. § 1436 (or amendments of said statute).

(b) A Bail Enforcer may enter a dwelling house for purposes of discovering or recovering a defendant when the Bail Enforcer has received consent to enter the dwelling house from a person who is capable and competent to give such consent. The Bail Enforcer must show the existence of lawful consent.

(c) A Bail Enforcer may also enter a dwelling house without consent for purposes of discovering or recovering a felony defendant only when:

(1) The Bail Enforcer has first-hand knowledge that the defendant has entered the dwelling house and the defendant has refused a lawful and reasonable request of the Bail Enforcer to surrender. (For purposes of entry into a dwelling house by a Bail Enforcer, the term 'First-hand knowledge' means 'information received from direct eye-witness testimony, actual visual contact with and confirmed identification of the defendant by a person who knows the defendant or resides at the dwelling house, or other factual evidence provided directly to the licensed Bail Enforcer that confirms the identity and presence of the defendant within the dwelling house'); OR

(2) the Bail Enforcer has knowledge beyond a reasonable doubt that the defendant is currently in the dwelling house and the defendant has refused a lawful and reasonable request of the Bail Enforcer to surrender.

SUBCHAPTER 13. PRIVATE BAIL ENFORCER SCHOOLS

390:60-13-1. Private school accreditation

(a) All schools, school coordinators, and instructors approved by CLEET to conduct Bail Enforcer training shall do so in accordance with the Act and all applicable CLEET Rules.

(b) The CLEET approved curricula for Bail Enforcer training was developed and validated by the Oklahoma State Department of Vocational and Technical Education, under the direction of the Oklahoma Department of Public Safety, the Council on Law Enforcement Education and Training, and representatives from the fields of industrial security and private investigation and bail enforcement. No additions, deletions, or revisions shall be made to the approved curricula without first obtaining the express permission of CLEET.

(c) Training schools wishing to implement Bail Enforcer training must meet the minimum standards for school coordinators, instructors, training facilities, and curriculum, as set forth in these Rules, to ensure a consistent training program throughout the State of Oklahoma.

(d) Fees for training schools shall be as set in the Oklahoma Bail Enforcement and Licensing Act.

(e) The approved Bail Enforcer training program includes three (3) courses of instruction, each related to the type of license sought. These courses are divided into five (5) training phases:

(1) Phase 1 - A course of instruction related to general private security or bail enforcer tasks.

(2) Phase 2 - A course of instruction specifically related to the tasks of unarmed security guards and unarmed bail enforcers.

(3) Phase 3 - A course of instruction specifically related to the tasks of private investigators and bail enforcers.

(4) Phase 4 "Firearms" - A course of instruction and familiarization in the care, handling, and firing of revolvers or semi-automatic handguns.

(5) Phase 5 - A course of instruction specifically related to the tasks of Bail Enforcers.

(f) Specific instructional objectives, lesson plans, and examinations for each training phase are published by the Department of Vocational and Technical Education, in manual form.

(g) Bail Enforcer license applicants must successfully complete Phase 1 - and Phase 2 - "Security Guard", and Phase 3 - "Private Investigator", and Phase 5 - "Bail Enforcer". This shall be known as the Bail Enforcer Training Course.

(h) Armed Bail Enforcer License applicants must successfully complete Phase 1, Phase 2, Phase 3, Phase 4, and Phase 5. This shall be known as the Armed Bail Enforcer Training Course.

(i) Each Bail Enforcer must be trained on the use of force continuum and the Rules for use of force.

390:60-13-2. Schools, school coordinators, and instructors

(a) Unless otherwise provided in CLEET Rules, CLEET shall recognize only those training courses that are conducted at approved schools. Approval to conduct Bail Enforcer training may be requested by making written application to the Director.

(b) Approval to conduct Bail Enforcer training courses shall be subject to the following requirements.

(1) Approved private schools must be licensed by the Oklahoma Board of Private Vocational Schools.

(2) Private security training courses must be conducted under the coordinating supervision of a person with professionally recognized training or experience in developing and managing training programs. School coordinators shall submit a resume of related education, training, instructional experience, and work experience. School Coordinators may also be approved as instructors.

(3) Bail Enforcer student/instructor class ratios shall not exceed forty (40) to one (1); However, firearms instructor-to-shooter ratios shall be not less than one (1) to five (5).

(4) Training units (classes) must be taught by approved instructors.

(c) Instructor qualifications shall be based upon training, education, teaching experience, and work experience, but shall minimally include:

(1) One of the following:

(A) A minimum of two (2) years supervisory experience with a legally recognized security or investigative or Bail Enforcement Agency; or

(B) A minimum of two (2) years continuous experience as a full-time certified law enforcement officer; or

(C) A minimum of one (1) year of experience as an instructor at an accredited educational institution in the subject matter for which approval is requested, or in a related field.

(2) Completion of a curriculum orientation workshop conducted by the State Department of Vocational and Technical Education.

(d) Firearms instructors must be currently certified as a law enforcement or private security firearms instructor, by CLEET, the Federal Bureau of Investigation, the National Rifle Association, or other professionally recognized organizations.

(e) Instructors for Phase 3 - "Private Investigator" courses shall submit additional evidence as to their training or experience relating to the Phase 3 curriculum.

(f) Instructors for Fire Safety must be certified by the accrediting authorities in those fields.

(g) Approved schools will be subject to review and inspection by CLEET staff. Training facilities shall meet local and state fire and safety standards. Facilities shall provide a comfortable environment for students and instructors, with minimal learning distractions. Facility and equipment standards shall be consistent with the standards set forth below:

(1) Classrooms of at least ten (10) square feet per student enrolled;

(2) Classrooms adequately lighted, heated, and cooled;

(3) Telephones are accessible;

(4) Restrooms are accessible;

(5) Audio/visual equipment is available (projection equipment, chalkboards, etc.);

(6) Firearms training facilities shall minimally provide:

(A) Protective backstop;

(B) 5 firing points;

(C) 3, 5, 7, 15, and 25 yard firing lines;

(D) Public address system;

(E) Restroom facilities;

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- (F) Accessible telephone;
- (G) First Aid supplies;
- (H) Protective equipment for eyes and ears.
- (7) Indoor firearms training facilities shall minimally provide:
 - (A) Protective backstop;
 - (B) A minimum of 3 firing points;
 - (C) 3, 5, 7, 15, 25 yard firing lines. An indoor firing range may include reduction targets for weapons fired at fifty (50) feet to simulate weapons fired at seventy-five (75) feet;
 - (D) Public address system;
 - (E) Restroom facilities;
 - (F) Accessible telephone;
 - (G) First Aid supplies;
 - (H) Protective equipment for eyes and ears.
- (8) Firearms training facilities must meet the minimum requirements as set forth in the OSHA Code of Federal Regulations, lead standards:
 - (A) 29 CFR 1910.1025 (C) Permissible Exposure Limit
 - (B) 29 CFR 1910.1025 (D) Exposure Monitoring
 - (C) 29 CFR 1910.1025 (D)(9) Accuracy of Measurement
 - (D) CRF 29 1910.1025 (D)(5)(11) Mechanical Ventilation for Compliance.
- (9) Firearms training facilities must supply an annual exposure monitoring report. The monitoring can be conducted by either private firms or by the OSHA Consultation Division of the Department of Labor;
- (10) Firearms used for approved firearms training shall be consistent with those described in CLEET Rules. Handguns shall be limited to revolvers in a minimum of .38 and .357 or larger caliber or semi-automatic handguns in a minimum of 9mm or larger caliber.
- (11) Approved schools which intend to conduct Phase 4 "Firearms" training must show proof that a firearm training facility is:
 - (A) Owned and managed by the school itself; or
 - (B) Being used pursuant to a written agreement with the owner of the facility.
- (h) Schools approved to conduct the private security and investigative and Bail Enforcer training courses required for licensing purposes must:
 - (1) offer these courses as separate courses, independent of any other training course or hours;
 - (2) separately charge a fee for these courses, if a fee is charged;
 - (3) advise students that participation in other training programs is not required for licensing; and
 - (4) refrain from using any statements of training being "CLEET Certified".
- (i) Completion of CLEET mandated Basic Peace Officer training or reserve officer training, pursuant to Title 70, Section 3311, may be considered as comparable training for firearms training purposes.
- (j) Bail Enforcer training conducted by any school without the prior approval of CLEET shall be considered null and void,

and not in compliance with the provisions of this Act, and these Rules and regulations.

390:60-13-3. Attendance and administrative requirements

- (a) School coordinators shall provide the following information to CLEET, thirty (30) days in advance of each training course conducted, on forms to be provided by CLEET:
 - (1) Training facility location;
 - (2) Chief Administrative Officer of the school;
 - (3) School coordinator and resume;
 - (4) Course schedule, to include dates, hours and instructors for each unit of instruction; and
 - (5) Resumes on all Instructors.
- (b) Any changes in an approved school curriculum, instructors, or training schedules, shall be reported to CLEET in advance of the changes.
- (c) Bail Enforcers and Bail Enforcer applicants enrolled in an approved training school are required to attend all prescribed units of instruction. Tardiness and absenteeism will not be permitted. Students will be required to make up any training missed.
- (d) Students enrolled at an approved school must comply with the Rules and policies promulgated by the school and any Rules established by, and within the authority of the school coordinator. If a school coordinator considers violations of such Rules to be detrimental to the welfare of the school, the school coordinator may expel offending individuals from the school. Notification of such actions shall be reported immediately to CLEET. School coordinators shall be responsible for ensuring compliance with the provisions of these Rules and regulations.
- (e) At the end of each training course, each student shall be given the opportunity to evaluate the performance of the school coordinator and each instructor on a form provided by CLEET. CLEET staff may conduct these evaluations, at their discretion.
- (f) School coordinators shall submit a roster of graduating students, certifying that each student has met the requirements of the course conducted. This certification shall be submitted to CLEET within seven (7) days after the completion of the course, on a form provided by CLEET.
- (g) Each training school coordinator will be required to maintain class files for a period of five (5) years from the completion date of each course conducted. Class files shall contain the following:
 - (1) Roster of students who attended and/or successfully completed the course;
 - (2) Accurate attendance records;
 - (3) Examination scores (including firearms familiarization scores), and
 - (4) Unit instructors.
- (h) Applicants must successfully complete a licensing examination administered by CLEET, based on the official curricula, prior to issuance of a license.
 - (1) Applicants will be given five opportunities to successfully complete the state licensing examination.
 - (2) If the applicant is unable to successfully pass the examination after three (3) attempts, the applicant must retake the course.

- (3) After repeating the course, applicants will be given two opportunities to successfully pass the examination.
- (i) Training costs will be paid by the applicant.

390:60-13-4. Revocation or suspension of private security school accreditation

CLEET may impose disciplinary penalties and fines and/or suspend or revoke the approved status of a school, a school coordinator, or an instructor for good cause, and upon written notification. Such notification shall contain the reasons for disciplinary penalties and fines and/or suspension or revocation. These reasons may include:

- (1) Use of non-approved curricula or other instructional materials;
- (2) Use of false or other misinformation in any application or other document submitted to CLEET;
- (3) Failure to make timely reports as required by CLEET Rules;

- (4) Failure to maintain records as required by CLEET;
- (5) Use of non-approved instructors;
- (6) Failure to cooperate fully with CLEET in its efforts to ensure compliance with the provisions with the Rules of this subchapter;
- (7) Violations of the Rules of this subchapter and other acts or omissions as prescribed by CLEET;
- (8) Falsification of student records or test information;
- (9) Failure to obtain approval from CLEET for instructor discretionary materials (films, student handouts, etc.).

390:60-13-5. Appeals of suspension or revocation of approved school status

Appeals of actions described above may be made by petitioning the Director for a hearing. Such appeals shall be conducted in accordance with the Oklahoma Administrative Procedures Act, and CLEET Rules.

APPENDIX A. DISQUALIFYING CONVICTIONS [NEW]

In addition to those crimes specified in the Bail Enforcement and Licensing Act, the following is a list of additional crimes which may disqualify a person from obtaining or holding an unarmed or armed Bail Enforcer or Bail Enforcement Agency license:

1. Assault and Battery
2. Larceny (Petty or Grand)
3. Any sex offense
4. Any offense involving Controlled Dangerous Substances
5. Fraud
6. Extortion
7. Treason
8. Murder
9. Manslaughter
10. Forgery
11. Arson
12. Kidnapping
13. Perjury
14. Tax Evasion
15. Unauthorized use of a Motor Vehicle
16. Hijacking
17. Receiving or Possession of Stolen Property
18. Burglary
19. Smuggling contraband into a facility where prisoners are kept
20. Inciting or being involved with a riot
21. Any conviction of a civil rights violation
22. Desertion
23. Escape from jail, prison, or custody
24. Resisting Arrest
25. Assault or Assault and Battery upon Police Officer
26. False and Bogus Checks
27. Terrorist Activities
28. Assist in Suicide
29. An attempt to commit one of the above offenses.
30. Conspiracy to commit any of offenses listed herein
31. Accessory after the fact to any offenses listed herein
32. Entry of a Final Order of Protection against an applicant or Licensee.

APPENDIX B. SCHEDULE OF FINES [NEW]

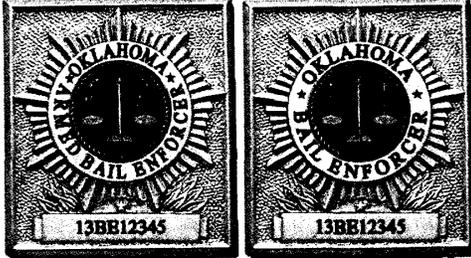
Description	1 st	2 nd	3 rd
All violations subject to revocation			
General Civil Penalty/Fine Provision for Violation of Any Rule Adopted by the Council or Statute	\$150.00	\$300.00	\$500.00
Allowing any other person to carry or use individual identification card	\$250.00	\$500.00	Revoke
Failure to carry identification card while working	\$50.00	\$75.00	\$100.00
Failure to maintain physical address in Oklahoma	\$50.00	\$75.00	\$100.00
Failure to notify of address or phone change	\$50.00	\$75.00	\$100.00
Failure to Notify of Insurance Cancellation	\$50.00	\$75.00	\$100.00
Failure to obtain approval for courses advertised as CLEET approved	\$500.00	\$1,000.00	\$1,500.00
Failure to obtain mandated continuing education training	\$50.00	\$75.00	\$100.00
Failure to provide proof of insurance by January 30 th of the new year	\$50.00	\$75.00	\$100.00
Failure to provide written reports or summaries to clients or the council	\$500.00	\$1,000.00	\$1,500.00
Failure to report criminal proceedings initiated against a licensee	\$50.00	\$75.00	\$100.00
Failure to show identification to law enforcement officer or CLEET official upon request	\$500.00	\$1,000.00	\$1,500.00
Firearms violation: Brandishing, pointing, or exhibiting a firearm	\$500.00	\$1,500.00	Revoke
Firearms violation: Carrying unauthorized weapon or ammunition	\$100.00	\$500.00	\$1,000.00
Firearms violation: Failure to report discharge within 24 hours	\$100.00	\$500.00	\$1,000.00
Firearms violation: Inappropriate Discharge	\$500.00	\$1,000.00	\$1,500.00
Firearms violation: Involving drugs or alcohol	\$1,000.00	\$2,000.00	Revoke
Impersonating a local, state, or federal government employee	\$500.00	\$1,000.00	Revoke
Impersonating a local, state, or federal government law enforcement officer	\$1,000.00	Revoke	
Impersonating a private investigator or guard	\$500.00	\$1,000.00	\$1,500.00

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Insurance/Bond. Failure to obtain and maintain liability insurance or surety bond	\$500.00	\$1,500.00	\$2,000.00
License Fee. Late filing fee for renewal of individual unarmed license	\$50.00	\$50.00	\$50.00
License Fee. Late filing fee for renewal of individual armed license	\$100.00	\$100.00	\$100.00
License Fee. Reinstatement fee of suspended armed individual license	\$150.00	\$150.00	\$150.00
License Fee. Reinstatement fee of suspended unarmed individual license	\$100.00	\$100.00	\$100.00
Performing service as a bail enforcer without a valid license	\$100.00	Criminal	
Providing false or misleading information to a client or the council	\$500.00	\$1,000.00	Revoke
Schools. Failure to adhere to established standards.	\$500.00	\$1,000.00	Revoke
Schools. Failure to cooperate in efforts to ensure compliance	\$500.00	\$1,000.00	Revoke
Schools. Failure to maintain records required for 5 years	\$100.00	\$250.00	\$500.00
Schools. Failure to obtain approved school status	\$500.00	\$1,000.00	Revoke
Schools. Failure to provide course completion notice within 7 days	\$50.00	\$75.00	\$100.00
Schools. Falsification of documents submitted to CLEET	\$1,000.00	Revoke	
Schools. Use of non-approved curriculum or other instructional materials	\$500.00	\$1,000.00	Revoke
Schools. Use of non-approved instructors	\$500.00	\$1,000.00	\$1,500.00
State Seal. Improper use on badge, letterhead, or any display	\$250.00	\$500.00	Revoke
Uniform. Working without proper identifying markings	\$50.00	\$75.00	\$100.00
Vehicle. Operating a vehicle with red or blue lens covers	\$150.00	\$300.00	\$500.00
Vehicle. Violation of bail enforcer vehicle markings	\$150.00	\$300.00	\$500.00
Rules			

APPENDIX C. BADGE EXAMPLES [NEW]

Here are examples of acceptable badges. These photos are provided for guidance and convenience only, the badge must be made of sturdy metal and gold in color.



A list of vendors offering the approved badge is available at CLEET.

[OAR Docket #14-418; filed 4-4-14]

Emergency Adoptions

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

[OAR Docket #14-386]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 7. Regulation of Physician and Surgeon Practice
435:10-7-12. Establishing a physician/patient relationship; exceptions
[NEW]

AUTHORITY:

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

ADOPTION:

March 6, 2014

APPROVED BY GOVERNOR:

March 18, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2014, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

Superseded rule:

Subchapter 7. Regulation of Physician and Surgeon Practice
435:10-7-12. Establishing a physician/patient relationship; exceptions
[NEW]

Gubernatorial approval:

December 3, 2013

Register publication:

31 Ok Reg 419

Docket number:

14-69

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

This emergency rule was adopted last November and approved by the Governor. In February of this year, the Board was approached by the Oklahoma Department of Mental Health and Substance Abuse with a request to add an exemption for physicians ordering opioid antagonists (Naloxone) pursuant to 63 O.S. §1-2506.1. This addition to the rule would allow physicians to prescribe opioid antagonists to an individual for use by that individual when encountering a family member exhibiting signs of an opiate overdose.

Other aspects of the rule improve access to medical immunizations, facilitates care to hospice patients and speeds treatment of STDS and infectious bacterial diseases. The rule allows physicians to cover the practice of another physician, insuring continuity of care. It also is the first step in updating regulation of the use of telemedicine by medical doctors.

ANALYSIS:

New rule OAC 435:10-7-12 sets out that a face-to-face meeting between the physician and patient is not required under certain circumstances when establishing a physician/patient relationship. Circumstances would include physicians covering another physician's practice when issuing a refill if they have access to the complete medical record, hospice medical directors ordering medication as requested by licensed hospice employees with verification as being appropriate by the hospice record, physicians practicing in the state via telemedicine using certain criteria, and providers treating either a laboratory-verified, sexually-transmitted disease or persons who have been in contact with an infectious bacterial disease. The latest addition is an effort to aid the Oklahoma Department of Mental Health and Substance abuse, families and physicians in the state to combat opioid overdose deaths.

CONTACT PERSON:

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

**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 (F):

SUBCHAPTER 7. REGULATION OF PHYSICIAN AND SURGEON PRACTICE

**435:10-7-12. Establishing a physician/patient
relationship; exceptions**

A physician/patient relationship is established when a physician agrees by direct or indirect contact with a patient to diagnose or treat any condition, illness or disability presented by a patient to that physician, whether or not such a presenting complaint is considered a disease by the general medical community. The physician/patient relationship shall include a medically appropriate, timely-scheduled, face-to-face encounter with the patient, subject to any supervisory responsibilities established elsewhere in these rules except the following providers are not subject to the face-to-face encounter:

- (1) providers covering the practice of another provider may approve refills of previously ordered medications if they have access to the medical file of the patient.
- (2) Hospice medical directors may initiate prescriptions based on requests from licensed health care providers and on information from Hospice records.
- (3) Providers ordering appropriate medications for persons with laboratory-proven, sexually transmitted diseases and persons who have been in contact with certain infectious diseases.
- (4) Telemedicine physicians who meet the criteria set out in OAC 435:10-7-13 of this Subchapter.
- (5) Licensed healthcare providers providing medical immunizations, which may be implemented by means of standing order(s) and/or policies.
- (6) Licensed providers ordering opioid antagonists pursuant to 63 O.S. §1-2506.1.

[OAR Docket #14-386; filed 3-31-14]

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

[OAR Docket #14-387]

RULEMAKING ACTION:

EMERGENCY adoption.

RULES:

Subchapter 11. Temporary and Special Licensure
435:10-11-3. Procedure for special licensure [AMENDED]

AUTHORITY:

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

ADOPTION:

March 6, 2014

APPROVED BY GOVERNOR:

March 18, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Highly specialized physicians, such as critical care specialists, are being recruited away from Oklahoma, given high demand and few resources available. The law at 59 O.S. § 493.4 allows the Board to issue special medical licenses. This amendment clarifies that these licenses will be issued only in situations of exceptional need and to medical doctors with extraordinary qualifications, such as those in the very specialized area of advanced transplant and mechanical cardiac support critical care.

ANALYSIS:

This emergency rule allows the Board to issue special medical licenses in circumstances of exceptional need where the medical doctor demonstrates extraordinary qualifications. This special license will allow facilities in Oklahoma to recruit exceptionally qualified candidates from around the world, bypassing entry-level examination and training requirements necessary for full licenses. The ability of the Board to limit the scope of the license is not being changed.

CONTACT PERSON:

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

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 (F):

SUBCHAPTER 11. TEMPORARY AND SPECIAL LICENSURE

435:10-11-3. Procedure for special licensure

(a) ~~Effective~~ Absent Board determination of exceptional qualifications and need to warrant special licensure, effective June 9, 2004 only special licenses for training will be issued by the Board. Persons issued special licenses prior to June 9, 2004 may continue to apply for renewal.

(b) No person granted a special license to practice medicine or surgery in this state shall practice outside the scope of the special license. Any practice outside the scope of a special license shall be deemed to be the unlicensed practice of medicine or surgery. The Secretary is authorized to seek injunctive action to prevent any person from violating terms or limitations of a special license granted by the Board.

(c) Upon application for renewal, the Secretary shall review all special licenses granted on an annual basis to determine if such license should be renewed by the Board or amended as to its terms or limitations. In addition, the Board may grant the holder of a special license a license without practice limitation when appropriate.

[OAR Docket #14-387; filed 3-31-14]

**TITLE 595. DEPARTMENT OF PUBLIC SAFETY
CHAPTER 15. FINANCIAL RESPONSIBILITY**

[OAR Docket #14-409]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 5. Oklahoma Temporary Motorist Liability Plan [NEW]

595:15-5-1. Purpose [NEW]

595:15-5-2. General procedure [NEW]

AUTHORITY:

Commissioner of Public Safety; 47 O.S. § 7-621

ADOPTION:

February 25, 2014

APPROVED BY GOVERNOR:

March 18, 2014

EFFECTIVE:

Immediately upon the Governor's approval

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

Not applicable

INCORPORATION BY REFERENCE:

Not applicable

FINDING OF EMERGENCY:

This rule is of compelling public interest to protect the public health, safety and welfare of Oklahoma motorists as it relates to the operation of motor vehicles upon the public roadways and to comply with provisions of House Bill 1792 passed by the 54th Legislature and signed into law by the Governor on April 29, 2013. This bill will become effective November 1, 2013.

ANALYSIS:

These rules are designed to assist law enforcement officers apply the provision of 47 O.S. § 7-621 uniformly across the state of Oklahoma. These rules give guidance to the officer on the seizure of the license plate of a motorist found to not be in compliance with the state's Compulsory Insurance Law and directs the officer in the steps he must take during and after the seizure and instructs the driver on steps he or she must take to reclaim the license plate. These rules further explain the use of the temporary sticker or temporary license plate used to identify vehicles to other law enforcement officer that have had the permanent license plate seized under this statute.

CONTACT PERSON:

Kimberly D. Dammen, DPS Legislative Services Manager, Department of Public Safety, 3600 N. Martin Luther King Ave., PO Box 11415, Oklahoma City, OK 73136-0415. Phone: 405.425.2757. E-mail: kdammen@dps.state.ok.us

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(F):

SUBCHAPTER 5. OKLAHOMA TEMPORARY MOTORIST LIABILITY PLAN

595:15-5-1. Purpose

The purpose of this subchapter is to provide guidance to law enforcement officers and their agencies throughout the State of Oklahoma with regards to the Oklahoma Temporary Motorist Liability Plan pursuant to 47 O.S. § 7-621.

Emergency Adoptions

595:15-5-2. General procedures

(a) Seizure of license plates. When the law enforcement officer determines the vehicle involved in the traffic stop is not in compliance with this state's Compulsory Insurance Law, the officer shall:

- (1) seize the license plate from the vehicle;
- (2) issue the driver a citation for noncompliance;
- (3) provide the driver with the following information:
 - (A) the citation will act as a temporary license plate for ten (10) days from the date of the citation.
 - (B) the license plate will be delivered to the county Sheriff's office in the county in which the violation took place;
 - (C) to recover the license plate, the driver or owner of the vehicle shall:
 - (i) provide verification of compliance with the Compulsory Insurance Law;
 - (ii) Pay the administrative fee of one hundred twenty-five dollars (\$125.00) to the county Sheriff's office;
 - (iii) Pay all fines and fees associated with the citation.
- (4) Within three (3) days of the citation, the law enforcement officer shall deliver a copy of the citation along with the seized license plate to the sheriff's office in the county in which the violation occurred.

(b) Temporary license plate or temporary sticker. When a law enforcement officer seizes the license plate of an uninsured driver pursuant to 47 O.S. § 7-606(A)(1)(b), a temporary sticker or license plate shall be affixed to the vehicle.

- (1) The Oklahoma Sheriffs Association shall annually develop and approve the temporary sticker or license plate with consultation from the Oklahoma Insurance Department.
 - (A) If the Oklahoma Sheriffs Association chooses to develop a temporary sticker, it shall be affixed to the lower left corner of the rear window of the vehicle.
 - (B) If the Oklahoma Sheriffs Association chooses to develop a temporary license plate, it shall be affixed to the location where the seized license plate was affixed.
- (2) The temporary sticker or license plate shall include blank lines for the following information:
 - (A) The county in which the citation is issued.
 - (B) The date the citation is issued.
 - (C) The citation number.
 - (D) The year, make, and model of the vehicle, and
 - (E) The license plate number of the vehicle.
- (3) The temporary sticker or license plate shall be an easily seen and identifiable color.
- (4) All temporary stickers or license plates used in the Oklahoma Temporary Motorist Liability Plan shall be purchased from the Oklahoma Sheriffs Association.

[OAR Docket #14-409; filed 4-1-14]

TITLE 655. SECRETARY OF STATE CHAPTER 10. ADMINISTRATIVE RULES ON RULEMAKING

[OAR Docket #14-353]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions
655:10-1-1. Purpose [AMENDED]
655:10-1-2. Definitions [AMENDED]
655:10-1-6. Agency representatives [AMENDED]
Subchapter 3. Codification of Rules
Part 5. Code Numbering, Headings, and Taglines
655:10-3-29. Reserving OAC numbers [AMENDED]
Subchapter 7. Preparation of Documents
Part 1. General Provisions
655:10-7-1. Types of documents; excluded documents [AMENDED]
655:10-7-6. Transmittal sheet; liaison verification [AMENDED]
Part 3. Rule Documents
655:10-7-11. Preamble [AMENDED]
655:10-7-13. Enacting clause [AMENDED]
655:10-7-16. Attestations [AMENDED]
Part 5. Notice Documents
655:10-7-25. Notice document types; transmittal sheet [AMENDED]
655:10-7-29. Statements of submission ~~for gubernatorial and legislative review of adopted rules to Governor and Legislature~~ [AMENDED]
655:10-7-30. Notices of gubernatorial approval [REVOKED]
655:10-7-31. Notices of gubernatorial disapproval [REVOKED]
655:10-7-32. Notices of legislative disapproval [AMENDED]
655:10-7-33. Notices of withdrawn rules [AMENDED]
655:10-7-35. Notices of errors in published documents [AMENDED]
Part 7. Miscellaneous Documents
655:10-7-47. Governor's declarations [NEW]
Part 9. Document Scope
655:10-7-52. Notice document scope, limitations [AMENDED]
Subchapter 9. Submission of Documents
655:10-9-1. Number of paper copies; electronic copies; special treatment of rule documents [AMENDED]
655:10-9-3. Filing and acceptance deadlines [AMENDED]
655:10-9-4. ~~Official file date. Receipt date vs. acceptance date~~ [AMENDED]
655:10-9-6. Electronic transmission of documents [REVOKED]
Subchapter 11. Review of Documents
655:10-11-1. Review of Register submissions [AMENDED]
Subchapter 13. Corrections of Errors
655:10-13-2. Errors prior to Register publication [AMENDED]
655:10-13-3. Errors after Register publication [AMENDED]
Subchapter 15. The Oklahoma Register
655:10-15-1. Publication dates and filing/acceptance deadlines [AMENDED]
655:10-15-5. Register contents [AMENDED]
Subchapter 19. Public Inspection and Copies of Documents
655:10-19-1. Public access to documents and publications [AMENDED]

AUTHORITY:

Secretary of State; 75 O.S., §§ 250 et seq.

ADOPTION:

February 26, 2014

APPROVED BY GOVERNOR:

March 18, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature

SUPERSEDED EMERGENCY ACTIONS:

n/a

INCORPORATIONS BY REFERENCE:

n/a

FINDING OF EMERGENCY:

Emergency rules are needed to: (1) comply with statutory changes to Article 1 of the Administrative Procedures Act enacted in HB 2055, effective

November 1, 2013; and (2) reflect new review requirements enacted in Executive Order 2013-34, effective November 1, 2013.

Prior to the enactment of HB 2055 on 11-1-13, the Legislature's approval of proposed permanent rules and the final adoption of those rules each year, and consequently the submission of those finally adopted rules to the SOS/OAR for publication in the *Oklahoma Register*, was staggered over a four-month period. HB 2055, however, created a new process for legislative approval and final adoption of proposed permanent rules in an omnibus joint resolution each year, which will result in ALL approved rules for the entire year becoming finally adopted at the same time and, therefore, being submitted to the SOS/OAR during the same subsequent 30-day period for publication in the *Register*. In order for the SOS/OAR to handle the filing of all these rules within this significantly shorter time frame, the Legislature specifically authorized the SOS in HB 2055 to promulgate separate filing deadlines for finally adopted permanent rules to be published in the *Register*, and to do so initially through an emergency rulemaking action. These emergency rules are needed to carry out this specific directive and to ensure that the SOS's rules conform to all processes and provisions established by the Legislature in HB 2055 and the Governor in EO 2013-34.

ANALYSIS:

Amendments to the Secretary of State's Administrative Rules on Rulemaking (ARR) [OAC 655:10] are proposed to reflect statutory revisions to the Administrative Procedures Act (APA) enacted last year in HB 2055 and new review requirements enacted in EO 2013-34, effective November 1, 2013.

Rules related to the approval process and final adoption of proposed permanent rules are being amended to conform to provisions in HB 2055 and EO 2013-34.

Rules establishing separate filing deadlines and review periods for finally adopted permanent rules are being added, as specifically authorized by Section 8 of HB 2055.

All requirements and references relating to state regulatory agencies filing Notices of gubernatorial approval of rules and notices of gubernatorial disapproval of rules with the Office of Administrative Rules (OAR) are being stricken to reflect the revocation in HB 2055 of Section 303.2 of the APA [75:303.2].

All requirements and references to special provisions for legislative review of rules proposed by Title 59 agencies and rules proposing fees and fee increases are being stricken to reflect the removal of those special provisions in the APA.

References relating to the expiration of emergency rules are being amended to reflect the new September 15 expiration date established in HB 2055.

Outdated provisions requiring submission of documents to the OAR on CD are being revised to allow state agencies to submit documents on DVD and other media formats approved by OAR.

A new provision requiring agency liaisons to provide email addresses to the OAR is being added to allow for delivery of all proofs of publication electronically, thereby reducing paper costs and further modernizing the rulemaking process.

Cites and cross references, as well as quoted and paraphrased language, are being updated to reflect revisions to the statutes.

CONTACT PERSON:

Peggy Coe, Director, Office of Administrative Rules, 2401 N. Lincoln Boulevard, Room 220, Oklahoma City, OK 73105, (405) 521-4911.

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(F):

SUBCHAPTER 1. GENERAL PROVISIONS

655:10-1-1. Purpose

~~This~~ The rules in this Chapter establish establish procedures and standards for filing and publishing rules, rulemaking notices, Governor's declarations, and executive orders in The Oklahoma Register and The Oklahoma Administrative Code

as authorized under the provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq., and reflect rule review requirements enacted in Executive Order 2013-34.

655:10-1-2. Definitions

In addition to terms defined in 75 O.S., Section 250.3, the following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**APA**" means the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

"**ARR**" means the Administrative Rules on Rulemaking, OAC 655:10.

"**Adopted rule**" means a proposed emergency [or preemptive] rule that has been adopted by the agency but has not been approved or disapproved by the Governor . . . , or a proposed permanent rule that has been adopted by the agency but has not been approved or disapproved by the Legislature or [approved] by declaration of the Governor [75:250.3(2)] as provided by 75 O.S., Sections 308 and 308.3(D). [See also definitions of "proposed rule" and "Governor's declaration" in this Section].

"**Agency**" means any constitutionally or statutorily created state board, bureau, commission, office, authority, public trust in which the state is a beneficiary, or interstate commission [75:250.3(3)] with authority for rulemaking. Except, "agency" does not include the Legislature or any branch, committee or officer thereof, ~~for~~ and . . . the courts [75:250.3(3)]. [See also definition of "rulemaking entity" in this Section]

"**Amendment**" means a revision which adds, modifies, or deletes characters, numbers, letters, words, phrases, sentences, spaces, or punctuation in an existing section.

"**Appendix**" means a division of the OAC which contains one or more "graphics" (as defined in this Section). Appendices are placed at the end of a Chapter. [See 655:10-3-37]

"**Attestation**" means certification by an agency as to the correctness of copies of any rule . . . and that such rules were made and adopted if the rules are emergency [or preemptive] rules or finally adopted if the rules are permanent rules in substantial compliance with the Administrative Procedures Act [75:254]. [See 655:10-7-16 (relating to attestations)]

"**Chapter**" means a division of the OAC which designates a broad area of regulatory control within an agency's Title. [See also 655:10-3-22 (relating to Chapter numbers and headings)]

"**Code**" means the publication authorized in 75 O.S., Section 256 and known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a) and maintained in the OAR. [See also definition of "OAC" in this Section]

"**Codification date**" means the date a rule was accepted for inclusion in the first official compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a); except, the date of codification for subsequently promulgated new rules is the effective date of the permanent rulemaking action which establishes the rules.

"**Docket number**" means the identification number assigned to a document upon its receipt in ~~the OAR~~ the OAR. [See 655:10-15-4 (relating to docket numbers)]

Emergency Adoptions

"Document" means the total body of information required by the APA and ARR to be submitted for each rule-making action, Governor's declaration, or executive order to be published in the Register. [See also Part 9 of Subchapter 7 of this Chapter (relating to scope of a document)]

"Document heading" means the two-part heading required at the beginning of each notice document or rule document submitted to the OAR. [See 655:10-7-3 (relating to document headings)]

"Emergency rule" means a "rule," as defined in the APA, which must be approved by the Governor under the special provisions of 75 O.S., Section 253 prior to promulgation of the rule.

"Enacting clause" means the portion of a rule document which proclaims the agency's rulemaking action and introduces the finally adopted (if permanent) or adopted (if emergency or preemptive) regulatory text. [See 655:10-7-13 (relating to enacting clauses)]

"Existing rule" means an effective rule.

"Finally adopted" or "final adoption" means the approval of a proposed permanent rule upon the occurrence of one of the following:

(A) legislative approval of the rule by omnibus joint resolution, provided that the resolution has either been approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto has been overridden by the Legislature.

(B) legislative approval of the rule by joint resolution, provided that the resolution has either been approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto has been overridden by the Legislature.

(C) gubernatorial veto of a joint or omnibus joint resolution disapproving the rule, provided that the veto has not been overridden by the Legislature.

(D) gubernatorial approval of the rule by Governor's declaration [see definition of "Governor's declaration" in this Section].

"Governor's declaration" means an action the Governor may take to declare the approval and final adoption of:

(A) proposed permanent rules that were disapproved by an omnibus joint resolution that was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature; provided, *the Governor finds that the necessity does exist, and that the agency has the authority to make the rules* [75:308.3(D)(3)];

(B) all proposed permanent rules submitted to the Legislature on or before April 1 upon failure of the Legislature to pass an omnibus joint resolution prior to sine die adjournment of the Legislature [75:308.3(D)(4)]; or

(C) proposed permanent rules that were approved by the Legislature in an omnibus resolution, but the omnibus joint resolution is found by the Governor to have a technical legal defect preventing approval of the rules. [75:308.3(D)(4)]

"Graphics" means tabular material, forms, illustrations, diagrams, maps, charts, graphs, figures, or other pictorial material. [See 655:10-3-37 (relating to graphics and appendices)]

"Notice document" means a "document," as defined in this Section, which contains one of the following notices:

(A) Notice of rulemaking intent [75:303(A),(B),(C)].

(B) Notice of cancelled hearing or comment period [655:10-7-27].

(C) Notice of continued hearing or comment period [655:10-7-28].

(D) Statement of submission of permanent rules ~~for gubernatorial and legislative review to Governor and Legislature~~ [75:303.1(C)].

~~(E) Notice of gubernatorial approval of permanent rules [75:303.2(A)(1)].~~

~~(F) Notice of gubernatorial disapproval of permanent rules [75:303.2(A)(2)].~~

~~(G)~~ Notice of legislative disapproval of rules [75:308(C) and 655:10-7-32].

~~(H)~~ Notice of withdrawn rules [75:308(G)(F) and 655:10-7-33].

~~(I)~~ Notice of error in published document [655:10-7-35].

"OAC" means the publication authorized by 75 O.S., Section 256 and known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S., Section 256(A)(1)(a) and maintained in the OAR. [See also definition of "Code" in this Section]

"OAC number" means a Title, Chapter, Subchapter, Part, or Section number, or Appendix letter designation.

"OAR" means the Office of Administrative Rules. [See also definition of "Office of Administrative Rules" in this Section]

"Office of Administrative Rules" means the office, created pursuant to 75 O.S., Section 250.9 within the Office of the Secretary of State, with the *primary responsibility for publishing "The Oklahoma Register" and the "Oklahoma Administrative Code" and otherwise implementing the provisions of Article I of the Administrative Procedures Act* [75:250.9]. [See also definition of "OAR" in this Section]

"Omnibus joint resolution" or "omnibus resolution" means a joint resolution identifying disapproved permanent rules and declaring all other permanent rules submitted to the Legislature as of a certain date, as identified in the resolution, to be approved. [75:308.3]

"Paragraph" means the second level of subdivision in a Section; a paragraph is a subdivision of a subsection in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Part" means a division of the OAC which contains a group of Sections related to the same subject within a Subchapter. [See also 655:10-3-23 (relating to Part numbers and headings)]

"Permanent rule" means a "rule," as defined in the APA, which must be reviewed by the Governor and the ~~Legislature~~ agency's Cabinet Secretary prior to adoption pursuant to Executive Order 2013-34, and finally adopted pursuant to 75 O.S., Sections 303.1, 303.2, and 308.250.3(15) and 308(E) prior to

promulgation of the rule. [See also 655:10-7-10 (relating to types of rules)]

"Preamble" means the portion of a rule document that summarizes the rule(s) and the history of the rulemaking action, cites legal authority, and functions as a preface to the rule(s). [See 655:10-7-11 (relating to preambles)]

"Preemptive rule" means a "rule," as defined in the APA, which is adopted by the Commission for Human Services and which must be approved by the Governor under the special provisions of 75 O.S., Section 250.6 prior to promulgation of the rule.

"Proposed rule" means an emergency or preemptive rule prior to approval by the Governor, or a permanent rule prior to final adoption ~~as defined in 75:250.3(5) (relating to final adoption)~~ and this section.

"Register" means the publication authorized in 75 O.S., Section 255 and known as The Oklahoma Register, successor publication to The Oklahoma Gazette.

"Regulatory text" means the language of any "rule," as defined in 75 O.S., Section 250.3(17) and this Section; any text, including graphics, which requires promulgation.

"Revocation" or "revoke" means the repeal of an existing rule (i.e., Section or Appendix) in its entirety.

"Rule" means a Section or Appendix [see also definition of "rule" in 75 O.S., Section 250.3(17)].

"Rule document" means a "document," as defined in this Section, which contains ~~an emergency or preemptive adoption, or a permanent final adoption,~~ of new rules or amendments to or revocations of existing rules adopted by emergency or preemptive action or finally adopted by permanent action.

"Rulemaking action" means any procedure, act, or occurrence, except executive orders, which must be announced in or published in the Register or Code under APA or ARR provisions, including:

- (A) Notice of rulemaking intent [75:303(A),(B),(C)].
- (B) Notice of cancelled hearing or comment period [655:10-7-27].
- (C) Notice of continued hearing or comment period [655:10-7-28].
- (D) Final adoption of a permanent rule(s) ~~[75:308.1 and 75:251(B)]~~ 75:308(E) and 75:308.3.
- (E) Promulgation of an emergency rule(s) [75:253].
- (F) Promulgation by the Commission for Human Services of a preemptive rule(s) [75:250.6].
- (G) Submission of a ~~proposed~~ adopted permanent rule(s) for gubernatorial and legislative review to Governor and Legislature [75:303.1~~(C)~~(A)].
- ~~(H) Approval of a proposed permanent rule(s) by the Governor [75:303.2(A)(1)].~~
- ~~(I) Disapproval of a proposed permanent rule(s) by the Governor [75:303.2(A)(2)].~~
- ~~(J) Disapproval of a rule(s) by the Legislature [75:308(C)(B) and 75:308.3(C)].~~
- ~~(K) Withdrawal of a proposed rule from the rulemaking process [75:308(G)(F), 75:253(K), and 655:10-7-33].~~

~~(L) Notice of error in a published document [655:10-7-35].~~

(K) Governor's declaration approving and finally adopting permanent rules that were submitted to the Legislature on or before April 1 and have been:

- (i) disapproved by an omnibus joint resolution that was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature;
- (ii) disapproved due to the Legislature's failure to pass an omnibus joint resolution prior to sine die adjournment; or
- (iii) approved in an omnibus joint resolution but the resolution has been found by the Governor to have a technical legal defect [75:308.3(D)].

"Rulemaking entity" means the board, commission, officer, or other person or entity legally authorized to adopt and promulgate "rules," as defined in 75 O.S., Section 250.3(17).

"Section" means a "rule," as defined in 75 O.S., Section 250.3(17). ~~A Section is;~~ a division of the OAC which contains an agency statement(s) about a specific regulatory topic within a Chapter, Subchapter, or Part. [See 655:10-3-24 (relating to Section numbers and taglines)]

"Section subdivision" means any one of five possible levels into which a Section may be separated. A maximum of five levels of Section subdivisions may be used in a Section [see 655:10-3-25 (relating to Section subdivisions)]:

- (A) Subsections
- (B) Paragraphs
- (C) Subparagraphs
- (D) Units
- (E) Subunits

"Section text" means the "regulatory text" (as defined in this Section) which follows the Section number and tagline in a Section.

"Source note" means the record of rulemaking history which follows a Section, an Appendix, or a Subchapter or Chapter table of contents in the Code. Source notes track the administrative history of a rule. [See 655:10-17-6 (relating to Chapter, Subchapter, and Section/Appendix source notes)]

"Strikeout" means a solid or dashed horizontal line through deleted regulatory text.

"Subchapter" means a division of the OAC which contains a group of Sections related to the same general subject area within a Chapter. [See 655:10-3-23 (relating to Subchapter numbers and headings)]

"Subparagraph" means the third level of subdivision within a Section; a subparagraph is a subdivision of a paragraph in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Subsection" means the first level of subdivision in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Subunit" means the fifth level of subdivision within a Section. ~~A;~~ a subunit is a subdivision of a unit in a Section; it is the smallest possible subdivision of a Section. [See 655:10-3-25 (relating to Section subdivisions)]

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"Title" means the broadest division of the OAC; a Title contains all the rules of ~~an~~one agency. [See 655:10-3-21 (relating to Title numbers and headings)]

~~"Title 59 agency" means an agency, board, or commission created by or that receives its authority from Title 59 of the Oklahoma Statutes [75:308(F)].~~

~~"Title 59 rules" means rules of a "Title 59 agency," as defined in this section.~~

"Unit" means the fourth level of subdivision within a Section; a unit is a subdivision of a subparagraph in a Section. [See 655:10-3-25 (relating to Section subdivisions)]

"Working day" means any day except Saturday, Sunday, or a legal holiday for state employees as proclaimed by the Governor.

655:10-1-6. Agency representatives

(a) Appointment.

(1) **Designation.** Each agency shall designate, ~~from its officers or employees,~~ persons to serve in the following capacities. The same person may be designated to serve in more than one of these positions; provided, an officer may not be his or her own alternate.

(A) Liaison officer and alternate.

(B) Attestation officer and alternate or alternates.

(2) **General qualifications.** The representatives should possess the following qualifications:

(A) general knowledge of the agency's functions, responsibilities, and internal procedures;

(B) familiarity with the substance and procedures of the APA and ARR;

(C) familiarity with the statutes or other legal instruments which govern the agency; and

(D) if the representative is not responsible for drafting the agency's rules or notices, accessibility to those in ~~operating divisions~~the agency who are responsible for drafting the agency's rules and notices.

(3) **Attestation officer qualifications.** If the attestation officer is not the actual rulemaking entity, or a voting member if the authority for rulemaking is vested in more than one person (i.e., board or commission), the officer must be authorized by the rulemaking entity to attest, for the rulemaking entity, as to APA compliance. [See also 655:10-7-16 (relating to attestations)]

(b) Liaison officer duties.

(1) **Coordination of documents; verification.** The agency liaison officer shall act as liaison between the agency and the OAR in all matters concerning documents submitted by the agency. All documents submitted by an agency shall be coordinated through the liaison officer. All documents submitted require the verification and signature of the liaison officer [see 655:10-7-6].

(2) **Coordination of information.** ~~ARR and APA information~~Information distributed by the OAR and correspondence directed to the individual agency by the OAR are sent to the attention of the liaison officer. The liaison officer is responsible for receiving and maintaining such information and for distributing the information to appropriate personnel within the agency.

(3) **Proof of publication.** The OAR shall send proof of publication to the liaison officer pursuant to 655:10-15-11.

(c) **Attestation officer duties.** The agency attestation officer is responsible for completing and signing ~~attestations~~attestations required by 655:10-7-16.

(d) **Notification.** The rulemaking entity shall report the appointment of agency representatives in writing to the OAR. Notification must include the representative's name, title, office address, email address, and office telephone number. When a new representative is appointed, the rulemaking entity must ~~report the name of the new representative in writing to~~notify the OAR in writing within 30 days after such appointment. ~~Provided, the~~The OAR shall not accept a rule document for Register publication unless the name or names of the person or persons signing the attestation have been reported in writing to the OAR.

SUBCHAPTER 3. CODIFICATION OF RULES

PART 5. CODE NUMBERING, HEADINGS, AND TAGLINES

655:10-3-29. Reserving OAC numbers

Title, Chapter, Subchapter, Part, and Section numbers, and Appendix letters, may be reserved pursuant to this Section. A number or letter that is not used because of the gapping policy in 655:10-3-27 is not reserved.

(1) **Reserving numbers by agency request.** Agencies may request the reservation of a Title or Chapter in the Code by submitting a written request to the OAR. The OAR shall review the request and respond in writing. If approved, the OAR will update the Code accordingly.

(2) **Reserving numbers via rulemaking.** Subchapter, Part, and Section numbers, and Appendix letters, may be reserved by an agency in a rulemaking action.

(3) **Reserving numbers by necessity.** The OAR may reserve a Chapter, Subchapter, Part, Section, or Appendix number or letter to correct a numbering gap that is:

(A) not discovered in rules prior to approval by the Governor (if emergency or preemptive) or final adoption (if permanent), and that is not authorized by the gapping policy in 655:10-3-27; or

(B) caused by ~~gubernatorial~~legislative disapproval or withdrawal by the agency from the rulemaking process of a Section, Appendix, Part, Subchapter, or Chapter, when such disapproval or withdrawal results in a gap in numbering not authorized under 655:10-3-27.

SUBCHAPTER 7. PREPARATION OF DOCUMENTS

PART 1. GENERAL PROVISIONS

655:10-7-1. Types of documents; excluded documents

(a) **Rulemaking documents.** Notice and rule documents published in the Register are legal instruments through which a rulemaking entity revises its existing rules, or enacts new rules.

(1) **Notice documents.** Notice documents announce an agency's intention to adopt rules or the agency's compliance with certain other steps in the rulemaking process. Notice documents are published in the Register but are not included in the Code. [See Part 5 of this Subchapter (relating to notice documents)]

(2) **Rule documents.** Rule documents announce final adoption of permanent rules [75:250.3(5); 75:308.1(A)], or adoption of emergency or preemptive rules [75:253; 75:250.6].

(A) **Permanent, preemptive rules.** Inclusion of a rule in the Code requires prior publication in a rule document in the Register as a finally adopted permanent rule or as an adopted preemptive rule that has been approved by the Governor.

(B) **Emergency rules.** Emergency rules are published in the Register but are not included in the Code.

(b) **Miscellaneous documents, including executive orders and gubernatorial declarations.** In addition to rulemaking documents, executive orders, gubernatorial declarations as described in 75 O.S., Section 308.3, and certain other miscellaneous documents, if expressly required by law [see (c) of this section], are published in the Register. Executive orders are published in both the Register and the Code.

(c) **Excluded documents.** Notices or other documents which are not expressly required by law to be published in the Register or the Code shall not be published in the Register or the Code.

655:10-7-6. Transmittal sheet; liaison verification

(a) **Use; format.**

(1) A transmittal sheet must accompany each document submitted to the OAR and each emergency rule document submitted to the Governor and the Legislature. The transmittal sheet is not published.

(2) The transmittal sheet must include the headings and information described in (b) of this Section, formatted pursuant to the following:

- (A) Begin each heading at the left margin.
- (B) Begin the contents required for each heading on the first line below the heading.
- (C) Indent the first line of the contents, but do not indent subsequent lines of the contents.

(b) **Content.** The transmittal sheet must be prepared pursuant to the style required in (a)(2) of this Section and must include the following headings and information:

(1) **Name of agency.** Under the bolded heading "**NAME OF AGENCY:**", type the name exactly as it appears in the agency's assigned Title heading in the OAC.

(2) **Type of document.** Under the bolded heading "**TYPE OF DOCUMENT:**", identify the type of document by typing one of the following:

- (A) Final adoption of permanent rules.

(B) Adoption of emergency rules.

(C) Adoption of preemptive rules.

(D) Notice of rulemaking intent.

(E) Notice of cancelled hearing or comment period.

(F) Notice of continued hearing or comment period.

(G) Statement of submission ~~for gubernatorial and legislative review~~ **to Governor and Legislature.**

~~(H) Notice of gubernatorial approval.~~

~~(I) Notice of gubernatorial disapproval.~~

~~(J) Notice of legislative disapproval.~~

~~(K) Notice of withdrawn rules.~~

~~(L) Notice of errors in published document.~~

(3) **Liaison verification.** Under the bolded heading "**LIAISON VERIFICATION:**", include the following signed statement: "I verify that I have reviewed the attached document and that it substantially conforms to filing and format requirements of the APA and the rules of the Secretary of State. Additional information may be obtained by contacting me at (telephone number)." The statement must be followed by the liaison's signature, typed name, and job title, and the date the liaison signs the verification.

PART 3. RULE DOCUMENTS

655:10-7-11. Preamble

(a) **Use; location; format.**

(1) **Use.** Each rule document submitted for Register publication, and each emergency or preemptive rule document submitted to the Governor and the Legislature, must begin with a document heading [see 655:10-7-3], followed by a preamble prepared pursuant to this Section. The preamble is followed by the enacting clause [see 655:10-7-13]; except, if the text of the rules exceeds 75 pages, the preamble is followed by the summary [see 655:10-7-12]. [See also 655:10-7-51 (relating to rule document scope)]

(2) **Location.** The preamble begins two single spaces below the document heading [see 655:10-7-3].

(3) **Format.**

(A) The preamble must be single-spaced.

(B) The preamble must include the headings and information required in (b) of this Section, formatted pursuant to the following:

(i) Begin each heading and subheading at the left margin.

(ii) Begin the contents required for each heading and subheading on the first line below the heading or subheading.

(iii) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (b)(2) of this Section], begin each rule number on a separate indented line under the heading.

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(b) **Content.** The preamble must be prepared in the style described in (a)(3) of this Section and must contain the following headings and information:

(1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:

(A) If permanent rules, type "PERMANENT final adoption."

(B) If emergency rules, type "EMERGENCY adoption."

(C) If preemptive rules, type "PREEMPTIVE adoption."

(2) **Rules.** Under the bolded heading "**RULES:**", identify adopted rules (if emergency or preemptive) or finally adopted rules (if permanent) pursuant to the following:

(A) **Less than 30 Sections/Appendices affected.** If less than 30 Sections and/or Appendices are added, amended, revoked, renumbered, and/or reserved:

(i) cite each Section and Appendix, followed by the word [NEW], [AMENDED], [REVOKED], [RENUMBERED], [AMENDED AND RENUMBERED], or [RESERVED]. If consecutive Sections or Appendices are added, amended, revoked, renumbered, or reserved, they may be grouped together (e.g., 10:10-1-5 through 10:10-1-9 [AMENDED]; 10:10-1-10 and 10:10-1-11 [REVOKED]; 10:10-1-15 through 10:10-1-17 [NEW]; Appendix C through Appendix G [NEW]), and

(ii) include all applicable Subchapter and Part numbers and headings, and add [NEW] or [REVOKED] following the headings of Subchapter and Parts that are added or revoked. If a heading is being amended, identify the changes using strikeouts and underscoring as described in 655:10-5-3(b).

(B) **30 or more Sections/Appendices affected.** If 30 or more Sections and/or Appendices are added, amended, revoked, renumbered, and/or reserved:

(i) cite the Chapter number and heading, rather than citing each Section and Appendix, and:

(ii) identify whether the Chapter itself is new, amended, or revoked, as follows:

(I) **New Chapter.** If the Chapter is a new Chapter, add the word [NEW] following the Chapter number and heading.

(II) **Revoked Chapter.** If the entire Chapter is revoked (i.e., every Section and Appendix in the Chapter, except those previously reserved, renumbered, or revoked, is being revoked), add the word [REVOKED] following the Chapter number and heading.

(III) **Amended Chapter.** If an existing Chapter is amended (i.e., Sections/Appendices are added, amended, revoked, renumbered, and/or reserved), add the word [AMENDED] following the Chapter number and heading. If the Chapter heading is being amended, identify the changes using strikeouts and underscoring as described in 655:10-5-3(b).

(3) **Authority.** Under the bolded heading "**AUTHORITY:**":

(A) identify the rulemaking entity, as defined in 655:10-1-2, and

(B) cite the statute or other legal instrument which authorizes the promulgation of rules for this area of control, or the statute or other legal instrument which authorizes the rules. Do not cite APA statutes which authorize rulemaking procedures except when promulgating "required rules" pursuant to 655:10-5-7.

(4) **Submission of proposed rules to Governor and Cabinet Secretary.**

(A) **Permanent rules.** If the rules are permanent rules, under the bolded heading "**SUBMISSION OF PROPOSED RULES TO GOVERNOR AND CABINET SECRETARY:**", cite the date the proposed rules were submitted to the Governor and the agency's Cabinet Secretary for review, as required by Executive Order 2013-34.

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include this heading or the information described in this paragraph.

(45) **Comment period.** Under the bolded subheading "~~Comment period:~~ heading "**COMMENT PERIOD:**", cite one of the following:

(A) **Permanent rules.** If the rules are permanent rules, cite the beginning date and ending date of the comment period announced in the published Notice of Rulemaking Intent.

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules AND if a comment period was announced in a published Notice of Rulemaking Intent, cite the beginning date and ending date of the comment period. **Do not include** this ~~subheading~~ heading or this information if no comment period was held or announced in the Register for the emergency or preemptive rules.

(56) **Public hearing.** Under the bolded subheading "~~Public hearing:~~ heading "**PUBLIC HEARING:**", cite one of the following:

(A) **Permanent rules.** If the rules are permanent rules, cite one of the following:

(i) the date of the public hearing, if one was announced in a published Notice of Rulemaking Intent, or

(ii) "None held or requested" if a public hearing was not scheduled and not demanded pursuant to 75 O.S., Section 303(C).

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules AND if a public hearing was announced in a published Notice of Rulemaking Intent, cite the date of the public hearing. **Do not include** this ~~subheading~~ heading or this information if no public hearing was held or announced in the Register for the emergency or preemptive rules.

(6) **Adoption.** Under the bolded subheading "~~Adoption~~:" heading "**ADOPTION**:", cite the date the rules were adopted by the rulemaking entity.

(7) **Submitted to Governor.**

(A) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "~~Submitted to Governor~~:" heading "**SUBMITTED TO GOVERNOR**:", cite the date the permanent rules were submitted to the Governor for review.

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.

(8) **Submitted Submission of adopted rules to House Governor and Legislature.**

(A) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "~~Submitted to House~~:" heading "**SUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE**:", cite the date the adopted permanent rules were submitted to the Governor, Speaker of the House of Representatives for review, and President Pro Tempore of the Senate pursuant to 75 O.S., Section 303.1(A).

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.

(9) **Submitted to Senate.**

(A) **Permanent rules.** If the rules are permanent rules, under the bolded subheading "~~Submitted to Senate~~:" heading "**SUBMITTED TO SENATE**:", cite the date the permanent rules were submitted to the President Pro Tempore of the Senate for review.

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.

(10) **Gubernatorial approval.**

(A) **Permanent rules.** If the rules are permanent rules AND if the permanent rules were approved by the Governor, under the bolded subheading "**Gubernatorial approval**:", cite the date the rules were approved by the Governor. **Do not include** this subheading or this information if the permanent rules were disapproved rather than approved by the Governor [see (11) of this subsection for information required for gubernatorial disapprovals].

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.

(11) **Gubernatorial disapproval.**

(A) **Permanent rules.** If the rules are permanent rules AND if the permanent rules were disapproved by the Governor [see (10) of this subsection for information required for gubernatorial approvals], under the bolded subheading "**Gubernatorial disapproval**:", cite one of the following:

(i) the date the permanent rules were disapproved by the Governor, or

(ii) "Failure of the Governor to approve the rules resulted in disapproval of the rules on (date)." [see 75:303.2(A)(2); see also 655:10-7-31]

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or information described in this paragraph.

(12) **Legislative approval.**

(A) **Permanent rules.** If the rules are permanent rules AND if the rules were approved by a joint or omnibus joint resolution AND if the resolution was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature, under the bolded subheading "~~Legislative approval~~:" heading "**LEGISLATIVE APPROVAL**:", cite one of the following type

(i) **Title 59 rules; fees.** If the rules are Title 59 rules or rules that establish or increase fees, cite "Approved [date Governor signed Legislature's joint resolution approving the rules OR, if resolution was vetoed by Governor, date veto was overridden by Legislature] by [number of joint resolution]" [see 75:308(F)].

(ii) **All other rules.** If the rules are NOT Title 59 rules or rules that establish or increase fees, cite one of the following:

(I) "Approved [effective date of joint or concurrent omnibus resolution approving the permanent rule(s)] by [number of joint or concurrent omnibus resolution];" or "The effective date is the day the resolution was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature."

(II) "Failure of the Legislature to disapprove the rule(s) resulted in approval on (date)" [see 75:308(E)], or

(III) "Approved [effective date of joint or concurrent resolution waiving Legislature's review period] by [number of joint or concurrent resolution], waiving the Legislature's thirty legislative day review period" [see 75:308(B)(2)(b)].

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading or the information described in this paragraph.

(13) **Legislative disapproval.**

(A) **Permanent rules.** If the rules are permanent rules, include the heading and the information described in (i) and (ii) of this subparagraph ONLY if the rules are approved and finally adopted by a Governor's declaration [see (11) of this subsection] after being disapproved by the Legislature pursuant to one of the following:

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(i) If the rules are permanent rules AND the rules were disapproved by an omnibus joint resolution AND the resolution was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature, under the bolded heading "LEGISLATIVE DISAPPROVAL:", type "Disapproved [effective date of omnibus resolution disapproving the permanent rule(s)] by [number of omnibus resolution]." The effective date is the day the resolution was approved by the Governor or the Governor's veto was overridden by the Legislature.

(ii) If the rules are permanent rules that were filed with the Legislature on or before April 1 AND the Legislature failed to pass an omnibus joint resolution prior to sine die adjournment or a joint resolution specifically approving the rules, under the bolded heading "LEGISLATIVE DISAPPROVAL:", type "Failure of the Legislature to pass an omnibus joint resolution resulted in disapproval of the rules as of sine die adjournment of the Legislature on (date)."

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the heading or the information described in this paragraph.

(11) **Approval by Governor's declaration.**

(A) **Permanent rules.** Under the bolded heading "APPROVED BY GOVERNOR'S DECLARATION:", type "Approved by Governor's declaration on (date of Governor's declaration)" if the rules are permanent rules AND the rules were:

(i) approved by a Governor's declaration AFTER being disapproved by an omnibus joint resolution that was either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto was overridden by the Legislature [75:308.3(D)(3)], or

(ii) filed with the Legislature on or before April 1 AND the rules were approved by Governor's declaration AFTER the Legislature failed to pass an omnibus joint resolution prior to sine die adjournment of the Legislature [75:308.3(D)(4)], or

(iii) approved by a Governor's declaration AFTER being approved by an omnibus joint resolution that was found by the Governor to have a *technical legal defect preventing approval of administrative rules intended to be approved by the Legislature* [75:308.3(D)(4)].

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the heading or the information described in this paragraph.

(12) **Final adoption.**

(A) **Permanent rules.** If the rules are permanent rules, under the bolded heading "Final adoption:" heading "FINAL ADOPTION:", cite the date

of final adoption. The final adoption date is the date that one of the following occurs:

(i) the date the Governor approves a joint or omnibus joint resolution approving the rules, or the date the Governor's veto of the resolution is overridden by the Legislature [see OKLA. Const. Art. 6, § 11 (relating to gubernatorial actions on legislation)];

(ii) the date the Governor vetoes a joint or omnibus joint resolution disapproving the rules, provided the veto is not overridden by the Legislature;
or

(iii) the date the rules are approved by a Governor's declaration as described in (11)(A) of this subsection.

(B) **Emergency, preemptive rules.** If the rules are emergency or preemptive rules, do not include the subheading heading or information described in this paragraph.

(13) **Effective.** Under the bolded subheading "Effective:" heading "EFFECTIVE:", cite one of the following:

(A) **Permanent rules.** If the rules are permanent, cite the specific an effective date of that is at least ten days after the date the rules will be published in the Register [see 655:10-9-3 (relating to Register publication dates and filing deadlines)]. Do not cite "ten days after publication in the Register."

(B) **Emergency rules.** If the rules are emergency, cite one of the following:

(i) **Effective immediately upon Governor's approval.** If the emergency rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";

(ii) **Contingent effective date.** If the emergency rules will be effective on a specific date that falls within the Governor's 45 calendar-day review period, but is contingent upon whether or not the Governor has already approved the rules, type "Immediately upon Governor's approval or (specific date), whichever is later"; or

(iii) **Later effective date.** If the emergency rules will be effective on a specific date that follows the completion of the Governor's 45 calendar-day review period, type the specific effective date- [see 75:253(F)(1)].

(C) **Preemptive rules.** If the rules are preemptive, cite one of the following:

(i) **Effective immediately upon Governor's approval.** If the preemptive rules will be effective immediately upon approval by the Governor, type "Immediately upon Governor's approval";

(ii) **Contingent effective date.** If the preemptive rules will be effective on a specific date that falls within the Governor's 28 calendar-day review period, but is contingent upon whether or not the Governor has already approved the rules, type "Immediately upon Governor's approval or (specific date), whichever is later"; or

(iii) **Later effective date.** If the preemptive rules will be effective on a specific date that follows the completion of the Governor's 28 calendar-day review period, type the specific effective date. [see 75:250.6(B)(6)].

(1514) Expiration.

(A) **Emergency rules.** If the rules are emergency rules, under the bolded subheading ~~"Expiration:"~~ heading **"EXPIRATION:"**, cite one of the following:

(i) **Latest possible expiration date.**

(I) **Effective on or before first day of session.** If the emergency is rules ~~are will be in effect on the first day of the session and therefore shall will be null and void on July~~ September 15 immediately following sine die adjournment of the Legislature [75:253(H)(3)(a)], type "Effective through ~~July~~ September 14, (same year), unless superseded by another rule or disapproved by the Legislature."

(II) **Effective after first day of session.** If the emergency rules will become effective after the first day of the session and therefore will not be null and void until September 15 following sine die adjournment of the next legislative session, type "Effective through September 14, (next year), unless superseded by another rule or disapproved by the Legislature.

(ii) **Earlier expiration date.** If the ~~agency designates an earlier expiration date pursuant to 75 O.S., Section 253(H)(2)(d)~~ emergency rules will expire on a date that is earlier than the latest possible expiration date for the rules, as described in (i)(I) and (II) of this subparagraph, type "Expires (date), unless superseded by another rule or disapproved by the Legislature."

(B) **Permanent, preemptive rules.** If the rules are permanent or preemptive rules, do not include the ~~subheading~~ heading or information described in (A) of this paragraph.

(1615) Superseded emergency actions; expired emergency rules.

(A) **Superseded emergency actions.** Under the bolded heading **"SUPERSEDED EMERGENCY ACTIONS:"**, cite one of the following:

(i) **Rules that do NOT supersede emergency rules.** If the rules are permanent, emergency, or preemptive rules and do not supersede any emergency rules, type "n/a."

(ii) **Rules that DO supersede emergency rules.** If the rules are permanent, emergency, or preemptive rules and do supersede an emergency action, include the information in (I) through (IV) of this unit. If more than one emergency action is being superseded, repeat (I) through (IV) for each action.

(I) **Superseded rules.** Under the bolded subheading **"Superseded rules:"**, identify the

superseded emergency rules by citing each Section and Appendix being superseded, followed by the word [NEW], [AMENDED], [REVOKED], [RENUMBERED], [AMENDED AND RENUMBERED], or [RESERVED].

(II) **Gubernatorial approval.** Under the bolded subheading **"Gubernatorial approval:"**, cite the date the superseded emergency rules were approved by the Governor.

(III) **Register publication.** Under the bolded subheading **"Register publication:"**, include the full citation to the Register publication of the superseded emergency rules. [see 655:10-15-6 (relating to citing the Register)]

(IV) **Docket number.** Under the bolded subheading **"Docket number:"**, cite the docket number assigned to the rule document which contains the superseded emergency rule(s).

(B) **Expired emergency rules.** If a Section or Appendix was added, revoked, amended, reserved, or renumbered by emergency rulemaking and will not be superseded by a permanent or preemptive action prior to its expiration, the agency must notify the OAR pursuant to 655:10-5-6(d).

(1716) Incorporations by reference. Under the bolded heading **"INCORPORATIONS BY REFERENCE:"**, cite one of the following:

(A) **Rules that do NOT incorporate by reference.** If the rules do not incorporate any standards or rules by reference, type "n/a." [See 75:251(D) and 655:10-5-15 relating to incorporations by reference]

(B) **Rules that DO incorporate by reference.** If the rules incorporate by reference the published standards or rules of nationally recognized organizations and technical societies, other state agencies, or federal agencies pursuant to 75 O.S., Section 251(D) and 655:10-5-15, include the information in (i) through (iii) of this subparagraph.

(i) **Incorporated standards.** Under the bolded subheading **"Incorporated standards:"**, identify the incorporated standards by the proper title, edition, volume number, date, etc.

(ii) **Incorporating rules.** Under the bolded subheading **"Incorporating rules:"**, identify the Section(s) or Appendix(ces) which incorporates the standards by reference.

(iii) **Availability.** Under the bolded subheading **"Availability:"**, cite the hours when and the place where the standards are *readily available to the public for examination at the administrative offices of the agency* [75:251(D)].

(1817) Finding of emergency.

(A) **Emergency rules.** If the rules are emergency rules, under the bolded heading **"FINDING OF EMERGENCY:"**, include *substantial evidence that the rule is necessary as an emergency measure* [75:253(A)(1)], based on criteria set out in 75 O.S., Section 253(A).

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(B) **Permanent, preemptive rules.** If the rules are permanent or preemptive rules, do not include the heading or information described in this paragraph.

(1918) **Analysis.** Under the bolded heading "**ANALYSIS:**", prepare, in plain language, an analysis of new or amended rules [75:251(B)(2)(f)]. The analysis shall include but not be limited to:

(A) a reference to any statute that the rule interprets, any related statute or any related rule [75:251(B)(2)(f)], and

(B) a reference to any rule requiring a new or revised form [75:251(B)(2)(e)].

(2019) **Contact person.** Under the bolded heading "**CONTACT PERSON:**", include the name and phone number of a contact person for information regarding the rulemaking action. Additional contact information, such as email address or fax number, may also be included under this heading.

(20) **Additional information.** Under the bolded heading "**ADDITIONAL INFORMATION:**", cite any additional information determined by the agency to be pertinent. The use of this category is optional.

655:10-7-13. Enacting clause

Beginning two single spaces below the preamble [see 655:10-7-11] or the summary (if required) [see 655:10-7-12], type an enacting clause pursuant to this Section. Type the enacting clause in uppercase letters beginning at the left margin.

(1) **Permanent rules.** If the rules are permanent rules, type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., ~~SECTIONS 308.1(A), SECTIONS 250.3(5) AND 308(E),~~ WITH AN EFFECTIVE DATE OF (date):

(2) **Emergency rules.** If the rules are emergency rules, type one of the following enacting clauses:

(A) **Effective upon Governor's approval.** If the effective date cited by the agency in the preamble of the emergency rule document is "Immediately upon Governor's approval" [as described in 655:10-7-11(b)(4)(K)(ii)(H)(13)(B)(i)], type the following enacting clause: 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(F):

(B) **Contingent effective date.** If the effective date cited by the agency in the preamble of the emergency rule document is "Immediately upon Governor's approval or (date), whichever is later" [as described in 655:10-7-11(b)(4)(K)(ii)(H)(13)(B)(ii)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75

O.S., SECTION 253(F), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR (date), WHICHEVER IS LATER:

(C) **Later effective date.** If the effective date cited by the agency in the preamble of the emergency rule document is a specific date that follows the completion of the Governor's review period [as described in 655:10-7-11(b)(4)(K)(ii)(H)(13)(B)(iii)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F), WITH A LATER EFFECTIVE DATE OF (date):

(3) **Preemptive rules.** If the rules are preemptive rules, type one of the following enacting clauses:

(A) **Effective upon Governor's approval.** If the effective date cited by the agency in the preamble of the preemptive rule document is "Immediately upon Governor's approval" [as described in 655:10-7-11(b)(4)(K)(iii)(I)(13)(C)(i)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PREEMPTIVE RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6):

(B) **Contingent effective date.** If the effective date cited by the agency in the preamble of the preemptive rule document is "Immediately upon Governor's approval or (date), whichever is later" [as described in 655:10-7-11(b)(4)(K)(iii)(I)(13)(C)(ii)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PREEMPTIVE RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6), AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR OR (date), WHICHEVER IS LATER:

(C) **Later effective date.** If the effective date cited by the agency in the preamble of the preemptive rule document is a specific date that follows the completion of the Governor's review period [as described in 655:10-7-11(b)(4)(K)(iii)(H)(13)(B)(iii)], type the following enacting clause: PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PREEMPTIVE RULES ARE CONSIDERED PROMULGATED UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 250.6(B)(6), WITH A LATER EFFECTIVE DATE OF (date):

655:10-7-16. Attestations

(a) **Use.** Agencies shall include an attestation in each rule document submitted to the OAR for Register publication, and in each emergency and preemptive rule document submitted

to the Governor and the Legislature (and subsequent Register publication). Such attestation shall be prepared as set forth in this Section and 75 O.S., Section 254. The attestation is not published in the Register or the Code, but is maintained with the official rule document in the official files.

(b) **Location.** Prepare the attestation on a separate page in the document. The attestation follows regulatory text [see 655:10-7-14], or supplemental information if applicable [see 655:10-7-15].

(c) **Original signature.** At least one copy of the attestation in permanent rule documents submitted to the OAR ~~and emergency or preemptive rule documents submitted to the Governor and the Legislature~~ must contain an original signature of an authorized attestation officer [see 655:10-1-6 (relating to agency representatives)]. ~~All copies of the attestation~~ Attestations in emergency and preemptive rule documents submitted to the OAR may be photocopies ~~in emergency and preemptive rule documents submitted to the OAR for publication after approval by the Governor.~~

(d) **Authorized signatures.** Pursuant to 655:10-1-6, the rulemaking entity must report to the OAR the name of each person who is authorized by the rulemaking entity to sign attestations for rules. The OAR will not accept a rule document for publication unless the name or names of the person or persons signing the attestation have been reported in writing to the OAR pursuant to this subsection and 655:10-1-6(d).

(e) **Contents.** Attestations for rule documents must contain the following two paragraphs and an authorized signature:

(1) **First paragraph.** The language of the first paragraph must read: (I, We), the undersigned, do hereby attest that the copy enclosed herewith is a true and correct copy of (amendments to, additions to, revoked, new) (Chapter number), (Chapter heading) which (was, were) (adopted, considered finally adopted) by (title of rulemaking entity) on (date) under (emergency, preemptive, permanent) rule-making provisions of the Administrative Procedures Act, 75 O.S., Sections 250 et seq.

(2) **Second paragraph.** The language of the second paragraph must read: (I, We), the undersigned, do hereby attest that such (rule, rules) (was, were) (adopted, finally adopted) in substantial compliance with the Administrative Procedures Act.

(3) **Authorized signature.** The attestation must be signed by an attestation officer [see 655:10-1-6]. The signature is followed by, the typed name and title of the attestation officer, and the date the attestation is signed.

PART 5. NOTICE DOCUMENTS

655:10-7-25. Notice document types; transmittal sheet

(a) **Types of notices.** Notice documents announce various types of rulemaking actions, as follows:

- (1) Notice of rulemaking intent.
- (2) Notice of cancelled hearing or comment period.
- (3) Notice of continued hearing or comment period.

(4) Statement of submission of permanent rules ~~for gubernatorial and legislative review~~ to Governor and Legislature.

~~(5) Notice of gubernatorial approval of permanent rules.~~

~~(6) Notice of gubernatorial disapproval of permanent rules.~~

~~(7)~~ Notice of legislative disapproval of rules.

~~(8)~~ Notice of withdrawn rules.

~~(9)~~ Notice of error in published document.

(b) **Transmittal sheet.** Each notice document submitted to the OAR shall be accompanied by a transmittal sheet prepared pursuant to 655:10-7-6.

655:10-7-29. Statements of submission ~~for gubernatorial and legislative review~~ of adopted rules to Governor and Legislature

(a) **Use.** Within 10 days after adoption of permanent rules, the agency must submit the rules to the Governor and the Legislature ~~for review~~, pursuant to 75 O.S., Section 303.1. Upon submission of the rules ~~for review~~, the agency *shall also submit to the Office of Administrative Rules for publication in The Oklahoma Register, a statement that the adopted rules have been submitted to the Governor and the Legislature [75:303.1(C)].* [See also 655:10-7-52 (relating to notice document scope)] As required by 74 O.S., Section 464, agencies must submit the rules to the Governor and Legislature via the State Online Filing System; provided, [i]f for any reason the person required to file such document determines that it cannot be filed electronically, the person shall file a printed copy in lieu of such electronic filing and shall include an explanation of the reason that the document could not be filed electronically [74:464].

(b) **Format; document heading.** The Statement of Submission ~~for Gubernatorial and Legislative Review~~ of adopted permanent rules to Governor and Legislature begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

(1) Begin each heading at the left margin.

(2) Begin the contents required for each heading on the first line below the heading.

(3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Statement of Submission ~~for Gubernatorial and Legislative Review~~ must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

(1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type the following: "Submission for gubernatorial and legislative review to Governor and Legislature."

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(2) **Rules.** Under the bolded heading "RULES:", identify the submitted rules as described in 655:10-7-11(b)(2).

(3) **Submitted to Governor and Legislature.** Under the bolded heading "~~SUBMITTEDSUBMISSION OF ADOPTED RULES TO GOVERNOR AND LEGISLATURE:~~", cite the date the rules were submitted to the Governor ~~and Legislature~~for review.

(4) **Submitted to House.** Under the bolded heading "~~SUBMITTED TO HOUSE:~~", cite the date the rules were submitted for review to the Speaker of the House of Representatives.

(5) **Submitted to Senate.** Under the bolded heading "~~SUBMITTED TO SENATE:~~", cite the date the rules were submitted for review to the President Pro Tempore of the Senate.

655:10-7-30. Notices of gubernatorial approval [REVOKED]

(a) **Use.** Upon receipt of notification from the Governor that a permanent rule(s) has been approved pursuant to 75 O.S., Section 303.2(A)(1), the agency must submit a Notice of Gubernatorial Approval of Permanent Rules to the OAR for publication in the Register.

(b) **Format; document heading.** The Notice of Gubernatorial Approval of Permanent Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

- (1) Begin each heading at the left margin.
- (2) Begin the contents required for each heading on the first line below the heading.
- (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Notice of Gubernatorial Approval of Permanent Rules must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type the following: "Gubernatorial approval of permanent rules."
- (2) **Rules.** Under the bolded heading "**RULES:**", identify the approved rules as described in 655:10-7-11(b)(2).
- (3) **Gubernatorial approval.** Under the bolded heading "**GUBERNATORIAL APPROVAL:**", cite the date the rules were approved by the Governor.

655:10-7-31. Notices of gubernatorial disapproval [REVOKED]

(a) **Use.** Upon receipt of notification from the Governor that a permanent rule(s) has been disapproved, or upon failure of

the Governor to approve the rule within 45 calendar days after receiving the rule for review, pursuant to 75 O.S., Section 303.2(A)(2), the agency must submit a Notice of Gubernatorial Disapproval of Permanent Rules in the Register.

(b) **Format; document heading.** The Notice of Gubernatorial Disapproval of Permanent Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

- (1) Begin each heading at the left margin.
- (2) Begin the contents required for each heading on the first line below the heading.
- (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Notice of Gubernatorial Disapproval of Permanent Rules must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type the following: "Gubernatorial disapproval of permanent rules."
- (2) **Rules.** Under the bolded heading "**RULES:**", identify the disapproved rules as described in 655:10-7-11(b)(2).
- (3) **Gubernatorial disapproval.** Under the bolded heading "**GUBERNATORIAL DISAPPROVAL:**", cite the date the rules were disapproved by the Governor, pursuant to one of the following:
 - (A) If written disapproval is given by the Governor, type "Written disapproval received (date)."
 - (B) If written approval or disapproval is not made by the Governor within 45 calendar days after submission, type "Failure of the Governor to approve the (rule, rules) within 45 calendar days resulted in disapproval on (date)."

655:10-7-32. Notices of legislative disapproval

(a) **Use.** Upon disapproval of a rule by the Legislature pursuant to 75 O.S., Section 308, ~~the~~The agency must submit notice of such legislative disapproval of rules for publication in the Register. ~~In addition, the agency must submit a copy of the joint or concurrent resolution, or other legislative instrument, disapproving the rules and, if applicable, a copy of the Governor's veto message and a copy of the Legislature's override measure. [See also 655:10-7-52 (relating to notice document scope)], as required by 75 O.S., Section 308(C), if:~~

- (1) a permanent rule is disapproved by joint resolution of the Legislature pursuant to 75 O.S., Section 308(B) or omnibus joint resolution pursuant to 75 O.S., Section 308.3 AND the resolution is either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto is overridden by the Legislature;
- (2) a permanent rule is filed with the Legislature on or before April 1 AND the Legislature fails to pass an

omnibus joint resolution prior to sine die adjournment or to pass a joint resolution specifically approving the rules, resulting in disapproval; or

(3) a proposed or promulgated emergency rule is disapproved by joint resolution of the Legislature pursuant to 75:253(H)(2)(a), and the resolution is either approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto is overridden by the Legislature.

(b) **Format; document heading.** The Notice of Legislative Disapproval of Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:

- (1) Begin each heading and subheading at the left margin.
- (2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.
- (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **RULES** [see (c)(2) of this Section], begin each rule number on a separate indented line under the heading.

(c) **Content.** A Notice of Legislative Disapproval of Rules must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:

- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:
 - (A) If the disapproved rules are permanent, type "Legislative disapproval of PERMANENT rules."
 - (B) If the disapproved rules are emergency, type "Legislative disapproval of EMERGENCY rules."
 - (C) If the disapproved rules are preemptive, type "Legislative disapproval of PREEMPTIVE rules."
- (2) **Rules.** Under the bolded heading "**RULES:**", identify the disapproved rules as described in 655:10-7-11(b)(2).
- (3) **Legislative disapproval.** Under the bolded heading "**LEGISLATIVE DISAPPROVAL:**", type ~~one of the following:~~

~~(A) **Active disapproval.** If the Legislature disapproves by joint or concurrent resolution, type "(These rules were, This rule was) disapproved by the Legislature in (number of joint or concurrent omnibus joint resolution or other legislative instrument), effective (date)." The effective date is the date the resolution disapproving rules was approved by the Governor pursuant to OKLA. Const. Art. 6, § 11, or the date the Governor's veto was overridden by the Legislature.~~

~~(B) **Inactive disapproval.** If the rules are Title 59 rules or rules that establish or increase fees, and the Legislature does not approve the rules by joint resolution prior to sine die adjournment, type "Failure of the~~

~~Legislature to approve the (rule, rules) by joint resolution prior to the end of session resulted in disapproval on (date)."~~

(4) **Emergency rules terminated.** Under the bolded heading "**EMERGENCY RULES TERMINATED:**", type the following if the disapproved rules are permanent or preemptive rules which are based on effective emergency rules [75:253(H)(2)(c)]: "The following emergency rules are also terminated by this disapproval:"

(A) **Rules.** Under the bolded subheading "**Rules:**", identify each emergency rule terminated as a result of the disapproval.

(B) **Gubernatorial approval.** Under the bolded subheading "**Gubernatorial approval:**", cite the date or dates of emergency approval by the Governor.

(C) **Register publication.** Under the bolded subheading "**Register publication:**", type the docket number and the full citation to the Register publication of the emergency rules. [see 655:10-15-4 (relating to docket number) and 655:10-15-6 (relating to citing the Register)]

655:10-7-33. Notices of withdrawn rules

(a) **Withdrawal of permanent rules.** ~~As set forth in 75 O.S., Section 308(F), an agency may withdraw a permanent rule prior to its final adoption pursuant to 75 O.S., Section 308(G), as defined in 75 O.S., Sections 250.3(5) and OAC 655:10-1-2.~~ When an agency withdraws a permanent rule after its adoption but prior to its final adoption, the agency must submit a Notice of Withdrawn Rules pursuant to this Section, except as provided in (c) of this section.

(b) **Withdrawal of emergency rules.** An agency may withdraw an emergency rule prior to its approval by the Governor pursuant to 75 O.S., Section 253(K). When an agency withdraws an emergency rule after its submission to the Governor but prior to its approval by the Governor, the agency must submit a Notice of Withdrawn Rules pursuant to this Section, except as provided in (c) of this section.

(1) If the agency published a Notice of Rulemaking Intent for the withdrawn emergency rule, the OAR will publish the Notice of Withdrawn Rules in the Register.

(2) If the agency did not publish a Notice of Rulemaking Intent for the withdrawn emergency rule, the OAR will not publish the Notice of Withdrawn Rules, but will retain the Notice in the official files.

(c) **Filing exception for "resubmitted rules."**

(1) **Criteria for "resubmitted rules."** When an agency discovers an error in a filing that has been submitted ~~to the Governor and Legislature via the State Online Filing System ("System") for gubernatorial and legislative review,~~ the System allows the agency to "resubmit" that filing, but only if:

(A) the agency resubmits the filing within 10 calendar days after the rules were adopted, and

(B) the agency first withdraws the original submission in the System. ~~The agency may add the bolded heading "**ADDITIONAL INFORMATION**" to~~

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~~the Notice of Withdrawn Rules, which the~~The System requires a Notice of Withdrawn Rules to be prepared pursuant to this section. The agency may include information under ~~this additional~~the heading "**ADDITIONAL INFORMATION:**", as described in (e)(3)(D) of this section, to explain that the rules, although withdrawn, are being resubmitted.

- (2) **Filing with OAR not required.** When an agency withdraws and resubmits a filing on the System within 10 days after the rules were adopted, as described in (1)(A) of this subsection, the agency should not submit a copy of the Notice of Withdrawn Rules required by (1)(B) of this subsection to the OAR. If submitted, the OAR will not publish the Notice of Withdrawn Rules, but will retain the Notice in the official files.
- (d) **Format; document heading.** The Notice of Withdrawn Rules begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (e) of this Section, formatted pursuant to the following:
- (1) Begin each heading and subheading at the left margin.
 - (2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.
 - (3) Indent the first line of the contents, but do not indent subsequent lines of the contents; except, when listing rules under the heading **WITHDRAWN RULES** [see (e)(2) of this Section], begin each rule number on a separate indented line under the heading.
- (e) **Content.** A Notice of Withdrawn Rules must be prepared pursuant to the style required in (d) of this Section and must contain the following headings and information:
- (1) **Rulemaking action.** Under the bolded heading "**RULEMAKING ACTION:**", type one of the following:
 - (A) If the withdrawn rules are permanent, type "Withdrawal of PERMANENT rulemaking."
 - (B) If the withdrawn rules are emergency, type "Withdrawal of EMERGENCY rulemaking."
 - (2) **Withdrawn rules.** Under the bolded heading "**WITHDRAWN RULES:**", identify the withdrawn rules as described in 655:10-7-11(b)(2).
 - (3) **Dates.** Under the bolded heading "**DATES:**", identify any of the following dates which apply to the rulemaking action prior to withdrawal.
 - (A) **Adoption.** Under the bolded subheading "**Adoption:**", cite the date the rules were adopted.
 - (B) **SubmittedSubmission of adopted rules to Governor and Legislature.** Include this subheading and information if rules are withdrawn after submission of the adopted rules to the Governor and Legislature. Under the bolded subheading "**SubmittedSubmission of adopted rules to Governor and Legislature:**", cite the date the rules were submitted to the Governor ~~for review and Legislature~~.
 - ~~(C) Submitted to House. Include this subheading and information if the rules are permanent rules and are withdrawn after submission for legislative~~

review. Under the bolded subheading "**Submitted to House:**", cite the date the rules were submitted to the Speaker of the House of Representatives for review.

~~(D) Submitted to Senate. Include this subheading and information if the rules are permanent rules and are withdrawn after submission for legislative review. Under the bolded subheading "Submitted to Senate:", cite the date the rules were submitted to the President Pro Tempore of the Senate for review.~~

~~(E) Gubernatorial approval. Include this subheading and information if the rules are permanent rules and are withdrawn after approval by the Governor but prior to approval by the Legislature (final adoption). Under the bolded subheading "Gubernatorial approval:", cite the date the rules were approved by the Governor.~~

~~(F) Withdrawn. Under the bolded subheading "Withdrawn:", cite the date the rules were withdrawn from the rulemaking process. This date is the date withdrawal notice is given to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate.~~

(D) Additional information. Under the bolded heading "ADDITIONAL INFORMATION:", cite any additional information determined by the agency to be pertinent. The use of this category is optional.

655:10-7-35. Notices of errors in published documents

- (a) **Use.** When an agency discovers certain errors in certain documents, as specified in 655:10-13-3, after publication of such documents in the Register, the agency may submit to the OAR a Notice of Error in Published Document prepared pursuant to this Section. [See also 655:10-7-52 (relating to notice document scope)]
- (b) **Format; document heading.** The Notice of Error in Published Document begins with the document heading required in 655:10-7-3. Beginning two single spaces below the document heading, include the headings and information described in (c) of this Section, formatted pursuant to the following:
- (1) Begin each heading and subheading at the left margin.
 - (2) Begin the contents required for each heading and subheading on the first line below the heading or subheading.
 - (3) Indent the first line of the contents, but do not indent subsequent lines of the contents;
- (c) **Content.** A Notice of Error in Published Document must be prepared pursuant to the style required in (b) of this Section and must contain the following headings and information:
- (1) **Action.** Under the bolded heading "**ACTION:**", type "Notice of error in published document."
 - (2) **Document corrected.** Under the bolded heading "**DOCUMENT CORRECTED:**", identify the document being corrected as follows:
 - (A) **Document type.** Under the bolded subheading "**Document type:**", identify the type of document corrected by typing one of the following:

- (i) Permanent rule document (preamble).
 - (ii) Permanent rule document (enacting clause).
 - (iii) Notice of Rulemaking Intent. [See restrictions in 655:10-13-3]
 - (iv) Notice of Cancelled Comment Period/Hearing. [See restrictions in 655:10-13-3]
 - (v) Notice of Continued Comment Period/Hearing. [See restrictions in 655:10-13-3]
 - (vi) Statement of Submission for ~~Gubernatorial and Legislative Review to Governor and Legislature.~~
 - (vii) ~~Notice of Gubernatorial Approval of Permanent Rules.~~
 - (viii) ~~Notice of Gubernatorial Disapproval of Permanent Rules.~~
 - (ix) Notice of Legislative Disapproval of Rules.
 - (x) Notice of Withdrawn Rules.
- (B) **Rules.** Under the bolded subheading "Rules:", identify the rules affected pursuant to 655:10-7-11(b)(2).
- (C) **Register publication.** Under the bolded heading "Register publication:", include the full citation to the Register publication of the document being corrected. [see 655:10-15-6 (relating to citing the Register)]
- (D) **Docket number.** Under the bolded heading "Docket number:", cite the docket number assigned by the OAR to the document being corrected.
- (3) **Corrections.** Under the bolded heading "CORRECTIONS:", explain each correction by clearly citing the information being corrected, followed by the information as it should be stated. For example, "Information cited under the heading ADOPTION was incorrect and should read as follows: October 1, 1989."

PART 7. MISCELLANEOUS DOCUMENTS

655:10-7-47. Governor's declarations

Governor's declarations are submitted to the OAR in the same format as they are issued by the Governor. As set forth in 75 O.S., Section 308.3(D), Governor's declarations may be issued by the Governor to:

- (1) approve permanent rules that have been disapproved by a joint or omnibus joint resolution of the Legislature, which has either been approved by the Governor pursuant to OKLA. Const. Art. 6, § 11 or the Governor's veto has been overridden by the Legislature; provided that *the Governor finds that the necessity [for the rules] does exist, and that the agency has the authority to make the rule[s]* [75:308.3(D)(3)(a)];
- (2) approve permanent rules that were filed with the Legislature on or before April 1, and the Legislature has not passed an omnibus joint resolution prior to sine die adjournment of the Legislature; or

- (3) approve permanent rules that were intended to be approved by omnibus joint resolution, but the resolution was found by the Governor to have a *technical legal defect preventing approval of administrative rules intended to be approved by the Legislature* [75:308.3(D)(4)].

PART 9. DOCUMENT SCOPE

655:10-7-52. Notice document scope, limitations

(a) **Multiple Sections/Appendices in one Chapter.** An agency should announce, in one notice document, rulemaking actions occurring on the same date if the affected Sections or Appendices are part of the same Chapter, unless otherwise restricted pursuant to this Section.

(b) **Restrictions.**

(1) **Notices of rulemaking intent; continued or cancelled comment periods/hearings.**

(A) Agencies may not announce, in one notice of rulemaking intent, notice of continued hearing or comment period, or notice of cancelled hearing or comment period, proposed rules that are in different Chapters.

(B) Agencies may announce more than one comment period or more than one hearing in a single notice of rulemaking intent, notice of continued hearing or comment period, or notice of cancelled hearing or comment period only when **each** comment period or hearing applies to all proposed rules.

(2) **Statements of submission for review.** Agencies may announce submissions of more than one Section or Appendix in a single Statement of Submission for ~~Gubernatorial and Legislative Review to Governor and Legislature~~ only when the rules are:

- (A) submitted to the Governor on the same date,
- (B) submitted to the Legislature on the same date, and
- (C) in the same Chapter.

(3) ~~Notices of gubernatorial approval/disapproval.~~ Agencies may announce gubernatorial approval or disapproval of more than one Section or Appendix in a single Notice of Gubernatorial Approval of Permanent Rules or Notice of Gubernatorial Disapproval of Permanent Rules only when the rules are:

- (A) approved on the same date or disapproved on the same date, and
- (B) in the same Chapter.

(4) **Notices of legislative disapproval.** Agencies may announce legislative disapproval of more than one Section or Appendix in a single Notice of Legislative Disapproval of Rules only when the rules are:

- (A) disapproved on the same date, and
- (B) in the same Chapter.

(5) **Notices of withdrawn rules.** Agencies may announce withdrawal of more than one Section or Appendix in a single Notice of Withdrawn Rules only when the rules are:

- (A) adopted on the same date,

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- (B) submitted to the Governor on the same date,
 - (C) submitted to the Legislature on the same date,
 - (D) withdrawn on the same date, and
 - (E) in the same Chapter.
- (65) **Notices of errors.** Agencies may report, in a single Notice of Errors in Published Document, more than one error only when the errors occurred in the same published document.

SUBCHAPTER 9. SUBMISSION OF DOCUMENTS

655:10-9-1. Number of paper copies; electronic copies; special treatment of rule documents

- (a) **Electronic preparation of documents.** All documents must be prepared using word processing software, as required by 655:10-7-2(1)(A).
- (b) **Submission of documents.** When submitting a document to the OAR for publication in the Register, agencies shall submit the document as set forth in this subsection. [See also (c) of this Section for special treatment of rule documents and 655:10-7-2 for rule document components.]
 - (1) **Paper copies.**
 - (A) **Rule documents.**
 - (i) **Permanent rules.** Within 30 calendar days after final adoption, submit two (2) ~~originals, or one (1) original and one (1) copy,~~ copies of permanent rule documents to the OAR. [See also (c) of this Section]
 - (ii) **Emergency rules.** Upon approval by the Governor, submit two (2) copies of the emergency rule document and the Governor's approval to the OAR. [See also (c) of this Section]
 - (iii) **Preemptive rules.** Upon approval by the Governor, submit two (2) copies of the preemptive rule document and the Governor's approval to the OAR [75:250.6(B)(3)]. [See also (c) of this Section]
 - (B) **Notice documents.** Submit one (1) ~~original~~ copy of notice documents to the OAR. [75:303(B)]
 - (C) **Extra copies.** If an agency wishes to receive a stamped copy noting receipt and/or acceptance of a document, the agency should submit additional copies pursuant to 655:10-9-5 and 655:10-11-3.
 - (2) **Electronic copies.** Documents must also be submitted to the OAR in electronic form, as set forth in this paragraph; except, Appendices, attestations, and supplemental information (in rule documents) and transmittal sheets are NOT submitted in electronic form.
 - (A) **Media options.** Submit documents on a compact disc (CD), digital versatile disc (DVD), or other media approved for use by the OAR.
 - (B) **Labeling disks.** Label each CD or DVD. The label must identify the Title, Chapter, and type of filing of each document on the CD/DVD.

(C) **Inaccessible records.** If a record submitted to the OAR is inaccessible (due to a ~~bad~~ faulty CD/DVD, ~~corruption of the~~ corrupt or incompatible file, etc.), the OAR will notify the agency as soon as possible. The agency must resubmit the file on another CD or DVD.

(c) Special treatment of rule documents.

- (1) **Emergency and preemptive rules.** Upon approval by the Governor of an emergency or preemptive rule document, the agency shall submit the rule document in paper and electronic form to the OAR, as set forth in (b) of this Section, and pursuant to the following:
 - (A) Submit two (2) paper copies of the entire rule document, including attestation, ~~to the OAR.~~
 - (i) The rule document submitted must include any corrections needed to bring the document into substantial compliance with this Chapter, ~~as including any that were identified by the OAR in its review of the document during the Governor's review period [75:253(C)(2) and 250.6(B)(2)].~~
 - (ii) ~~Copies of the rule document, including the attestation and transmittal sheet, may be photocopies rather than originals.~~
 - (B) Submit two (2) paper copies of the Governor's approval ~~to the OAR.~~
 - (C) Submit a CD or DVD containing a copy of all parts of the ~~the~~ rule document except the attestation, transmittal sheet, appendices (if any), and supplemental information (if any).
 - (D) Submit the red-marked pages or format-approved pages that were returned to the agency by the OAR after reviewing the rules during the Governor's review period.
 - (~~D~~) ~~An emergency or preemptive rule document is considered officially filed when the paper and CD copies of the approved document are received by the OAR from the agency.~~
- (2) **Permanent rules.** Within 30 calendar days after final adoption of permanent rules, the agency must submit a permanent rule document to the OAR [75:308.1(A)]. ~~The document must be submitted~~ in paper and electronic form, as set forth in (b) of this Section, ~~and pursuant to the following:~~
 - (A) Submit two (2) paper copies of the entire rule document, including attestation. The rules included in the permanent rule document must include any corrections necessary to bring the rules into substantial compliance with this Chapter, ~~if including any that were reported to the agency by the OAR at earlier stages of the rulemaking process.~~
 - (B) Submit a CD or DVD containing a copy of all parts of the rule document except the attestation, transmittal sheet, appendices (if any), and supplemental information (if any).
 - (C) Submit the red-marked pages or format-approved pages that were returned to the agency by the OAR after reviewing the rules during the Legislature's review period.

655:10-9-3. Filing and acceptance deadlines

(a) **Permanent rule documents.** For permanent rule documents submitted to the OAR, the following shall apply [see also (c) of this Section (relating to submission deadlines that fall on weekends or holidays)]:

(1) If submitted to the OAR by April 15 and accepted by the OAR by the first working day following April 30, the permanent rule document will be published in the Register on the first working day following May 14.

(2) If submitted to the OAR by from April 16 through May 1 and accepted by the OAR by the first working day following May 14, the permanent rule document will be published in the Register on the first working day following May 31.

(3) If submitted to the OAR from May 2 through May 15 and accepted by the OAR by the first working day following May 31, the permanent rule document will be published in the Register on the first working day following June 14.

(4) If submitted to the OAR from May 16 through May 25 and accepted by the OAR by the first working day following June 14, the permanent rule document will be published in the Register on the first working day following June 30.

(5) If submitted to OAR from May 26 through June 1 and accepted by the OAR by the first working day following June 30, the permanent rule document will be published in the Register on the first working day following July 14.

(6) If submitted to the OAR from June 2 through June 8 and accepted by the OAR by the first working day following July 14, the permanent rule document will be published in the Register on the first working day following July 31.

(7) If submitted to the OAR from June 9 through June 15 and accepted by the OAR by the first working day following July 31, the permanent rule document will be published in the Register on the first working day following August 14.

(8) If submitted to the OAR from June 16 through August 8 and accepted by the OAR by the August 15 deadline for publication in that year's code edition or supplement [75:256(B)(1)], the permanent rule document will be published in the Register on the first working day following August 31.

(b) **All other documents.** For all documents other than permanent rule documents, the following shall apply:

(a1) **First Publication in first issue in of month.** If a document, other than a permanent rule document, is to be included in an issue of the Register published on the first working day of the month, the document must be reviewed submitted to the OAR by the 8th day of the preceding month, and accepted by the Editor OAR pursuant to 655:10-11-1 no later than 4:30 p.m. only by the first working day preceding the 16th day of the preceding month. [See also 655:10-15-1 (relating to publication dates)-(c) of this Section (relating to submission deadlines that fall on weekends or holidays)]

(b2) **Second Publication in second issue in of month.** If a document, other than a permanent rule document, is to be included in an issue of the Register published on the first working day following the 14th day of the month, the document must be reviewed submitted to the OAR by the 25th day of the preceding month, and accepted by the Editor OAR pursuant to 655:10-11-1 no later than 4:30 p.m. only by the first working day preceding the 2nd day of the same month. [See also 655:10-15-1 (relating to publication dates)-(c) of this Section (relating to submission deadlines that fall on weekends or holidays)]

(c) **Submission deadlines that fall on weekend/holiday.** When a submission deadline described in (a) and (b) of this section falls on a weekend or holiday, the agency must submit the document by the first working day preceding that day.

(ed) **Schedule of filing publication date and deadlines.** The Secretary of State issues a schedule of filing Register publication dates and corresponding submission and acceptance deadlines, as well as publication dates, at least 30 days prior to the beginning of each new volume of the Register, and publishes the schedule on the OAR's website [see 655:10-15-1(c)].

655:10-9-4. Official file date: Receipt receipt date vs. acceptance date

A document is officially "filed" or "submitted" for purposes of APA and ARR compliance upon receipt in the OAR and assignment of a docket number. Agencies should carefully note the distinction between the date of receipt and the date of acceptance.

(1) **Date of receipt.** The date of receipt is the date the document is received in the OAR. The date of receipt constitutes the filing date for purposes of APA and ARR compliance and for purposes of compliance with the APA requirement to file rules *within thirty (30) calendar days after they become finally adopted* [75:251(B)].

(2) **Date of acceptance.** The date of acceptance is the date the reviewed document is accepted for publication by the OAR pursuant to 655:10-11-1. Failure of the OAR to reject a document within six calendar days after its receipt in the OAR by the acceptance deadline, as set forth in 655:10-9-3 shall constitute acceptance of the document.

655:10-9-6. Electronic transmission of documents [REVOKED]

~~The OAR may make special provisions for electronic transmission of documents with agencies having computer equipment capable of communicating with equipment in the OAR.~~

SUBCHAPTER 11. REVIEW OF DOCUMENTS

655:10-11-1. Review of Register submissions

(a) **OAR's review.** Upon receipt of a document for Register publication, the OAR shall review the document to determine if the document complies with requirements of ARR this Chapter.

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(1) **Acceptance of documents; Register publication.**

If a document is ~~not rejected~~ accepted by the OAR ~~within six calendar days [see 655:10-1-7 (relating to computing days)] after its receipt in the OAR, the document is considered accepted and is will be published in the next possible issue of the Register. A schedule of, based on the Register publication dates and filing and acceptance deadlines set forth in 655:10-9-3 and the schedule is issued by the Secretary of State at least 30 days prior to the beginning of a each new Register volume each year as set forth in 655:10-15-1(c)]. [See also 655:10-9-3 (relating to filing deadlines) and 655:10-15-2 (relating to Register volumes)].~~

(2) **Rejection of documents.** The OAR may *refuse to accept for publication any document that does not substantially conform to the promulgated rules of the Secretary* [75:251(C)]. If a document is rejected, the OAR shall provide the agency with a written explanation for the rejection. The agency may modify the document and submit another document with a new received date.

(3) **Acceptance limited.** Acceptance of a document pursuant to this Section indicates only that the document is in the physical form specified by ARR. Acceptance by the OAR does not validate the accuracy of the information supplied by the agency and does not validate compliance with ~~other provisions of the APA or with the agency's individual any other~~ statutory requirements. This compliance is the responsibility of each agency.

(b) **Failure to comply.** *Upon failure of an agency to comply with the provisions of Sections 251 through 256 of this Title [Title 75], ... the Secretary shall forward a written notice of the failure to comply to the chief administrative officer of the agency. The notice shall state a reasonable time, not to exceed thirty (30) calendar days, in which the agency shall fully comply. Further failure to comply shall be reported in writing to the Speaker of the House ..., the President Pro Tempore ..., the Governor, and the Attorney General. Upon such notification, the Attorney General shall immediately seek agency compliance and, if required, to institute mandamus proceedings to secure compliance of said agency.* [75:252(B)]

SUBCHAPTER 13. CORRECTION OF ERRORS

655:10-13-2. **Errors prior to Register publication**

In the event an agency discovers an error in a document after submission to the OAR but prior to its publication in the Register, the agency may contact the OAR for a determination as to whether the OAR is able to accept the corrections, based on correct the error pursuant to the following:

(1) **Timeliness.** The timeliness of the agency's request to correct an error(s) in a document filed with the OAR but not yet published will determine the OAR's ability to accept corrections on any document filed. This determination will be based on how far the OAR has progressed in its processing of that document at the time the request is received, as well as the impact a correction would have on the OAR's ability to complete

the production and distribution of the applicable Register issue by the publication date. OAR may refuse to accept corrections to qualifying errors, as described in (2) of this Section, at any time after the acceptance deadline for the issue in which the document will be published. After the acceptance deadline, the agency must call the OAR for a determination as to whether the OAR will accept the corrections.

(2) **Qualifying errors.** If the OAR ~~will accept~~ determines the corrections as to be timely, as described in (1) of this Section, the OAR will use the following additional criteria to determine if the errors may be corrected:

(A) **Notice documents.** Errors discovered in notice documents may be corrected prior to publication.

(B) **Permanent rule documents.** Errors discovered in permanent rule documents may be corrected prior to publication, unless the correction would cause a conflict with the following statutory provisions:

(i) *[T]he text of the rule submitted for publication shall be the same as the text of the rule ~~considered by the Legislature and the Governor that has been finally adopted~~* [75:308.1(B)], and

(ii) The agency may *change the format of . . . rules . . . to comply with the standard provisions established by the Secretary. . . so long as there is no substantive change to the rule* [75 O.S., Section 251(B)(2)(i)].

(C) **Emergency rule documents.** Emergency rule documents may not be corrected after approval by the Governor; except, the agency may change the format to comply with the ARR, as described in 75 O.S., Section 251(B)(2)(i). If these errors are discovered after the agency has filed the emergency rule document with the OAR [see 655:10-9-1(c)(1) (relating to filing emergency rule documents)] but prior to publication, the agency may correct these errors.

(D) **Preemptive rule documents.** Preemptive rule documents may not be corrected after approval by the Governor; except, the agency may change the format to comply with the ARR, as described in 75 O.S., Section 251(B)(2)(i), before filing the preemptive rule document with the OAR. If these errors are discovered after the agency has submitted a preemptive rule document to the OAR [see 655:10-9-1(c)(1) (relating to filing preemptive rule documents)] but prior to publication, the agency may correct the errors.

655:10-13-3. **Errors after Register publication**

(a) **Rule documents.**

(1) **Permanent rule documents.**

(A) **Regulatory text.** In the event an agency discovers an error in regulatory text in a permanent rule document after publication in the Register, the agency may correct the error through emergency, preemptive, or permanent rulemaking procedures only.

(B) **Other than regulatory text.**

(i) **Published pages.** When an agency discovers an error in the preamble (except effective

date) or enacting clause (except effective date) in a permanent rule document after publication in the Register, the agency may submit a Notice of Error in Published Document pursuant to 655:10-7-35.

(ii) **Non-published pages.** When an agency discovers an error in the attestation or supplemental information pages of a permanent rule document after publication in the Register, the agency may submit the corrected page or pages to the OAR. Upon review and acceptance of the corrected pages, the OAR will add the corrected pages to the official files.

(2) **Emergency and preemptive rule documents.** Emergency and preemptive rule documents may not be corrected by an agency after publication in the Register.

(b) **Notice documents.**

(1) **Corrections allowed.** When an agency discovers an error in one of the following types of notice documents after publication in the Register, the agency may correct such error by submitting a Notice of Error in Published Document [see 655:10-7-35]:

- (A) Statement of Submission to Governor and Legislature for ~~Gubernatorial and Legislative Review.~~
- ~~(B) Notice of Gubernatorial Approval of Permanent Rules.~~
- ~~(C) Notice of Gubernatorial Disapproval of Permanent Rules.~~
- ~~(D) Notice of Legislative Disapproval of Rules.~~
- ~~(E) Notice of Withdrawn Rules.~~

(2) **Corrections not allowed.** When an agency discovers an error in a notice document which announces an action affecting the public's direct participation in the rulemaking process (as identified in (A) through (C) of this paragraph), the agency may not correct the notice document after publication in the Register. The agency may submit a new notice document and, if applicable, publish a Notice of Cancelled Hearing or Comment Period; however, the new document acquires a new "publication date" for purposes of compliance with APA time restrictions (e.g., minimum 30-day comment period). Notice documents which may not be corrected with a Notice of Error in Published Document include the following:

- (A) Notice of Rulemaking Intent.
- (B) Notice of Cancelled Hearing or Comment Period.
- (C) Notice of Continued Hearing or Comment Period.

SUBCHAPTER 15. THE OKLAHOMA REGISTER

655:10-15-1. Publication dates and filing/acceptance deadlines

(a) **Publication dates.** The Register is published on the first working day of each month and on the first working day following the 14th day of each month.

(b) **Filing/acceptance deadlines.** For Register filing and acceptance deadlines, see 655:10-9-3.

(c) **Schedule of publication dates and filing/acceptance deadlines.** The Secretary of State shall issue a schedule of publication dates and filing and acceptance deadlines ~~at least 30 days~~ prior to the beginning of ~~each~~ new volume of the Register [see 655:10-15-2], and shall publish the schedule on the OAR's website.

655:10-15-5. Register contents

(a) **Register categories.**

(1) Documents published in the Register are arranged by document type, as follows:

- (A) Notices of Rulemaking Intent.
- (B) Cancelled Hearings or Comment Periods.
- (C) Continued Hearings or Comment Periods.
- (D) Submissions for Review.
- ~~(E) Gubernatorial Approvals.~~
- ~~(F) Gubernatorial Disapprovals.~~
- ~~(G) Legislative Disapprovals.~~
- ~~(H) Withdrawn Rules.~~
- ~~(I) Emergency Adoptions.~~
- ~~(J) Preemptive Adoptions.~~
- ~~(K) Permanent Final Adoptions.~~
- ~~(L) Executive Orders.~~
- ~~(M) Errors in Published Documents.~~
- ~~(N) Editor's Notices.~~
- (M) Miscellaneous.

(2) Within each category listed in (1)(A) through ~~(K)~~(I) and ~~(M)~~(K) of this subsection, documents are arranged by Title and Chapter number.

(b) **Table of contents.** Each issue of the Register contains a table of contents arranged alphabetically by agency. Each agency's listing in the table of contents identifies the types of rulemaking actions published for the agency in that issue.

(c) **SectionsRules Affected Index.** Each issue of the Register published after publication of the first Code contains a ~~SectionsRules~~ SectionsRules Affected Index that identifies each Section and Appendix that is being promulgated (added, amended, revoked, renumbered, or reserved) in that issue.

(d) **Other user aids.** At its discretion, the OAR may publish additional user and finding aids in the Register.

SUBCHAPTER 19. PUBLIC INSPECTION AND COPIES OF DOCUMENTS

655:10-19-1. Public access to documents and publications

(a) **Secretary's responsibility.**

(1) Documents accepted by the OAR, as well as the OAR's publications, are available for public inspection, and copying and certification as set forth in 655:10-19-2 and 655:10-19-3, in the Secretary of State's Office of Administrative Rules, between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding holidays. ~~RecordsIf records are stored off-site and certification of documents must be requested at least 24 hours in advance or have been transferred to the Oklahoma Department of Libraries,~~

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availability of these records will depend on accessibility to the off-site locations.

(2) Copies of Register documents that have not yet been published in the Register can be copied, but only if clearly marked by the OAR with the following: "Unofficial --- Not yet published."

(23) Documents and publications may not be borrowed or removed from the Office of Administrative Rules. Documents may be photocopied, and publications may be photocopied or purchased, as set forth in this Subchapter, 655:10-15-7, and 655:10-17-4.

(b) **Issuing agency's responsibility.** *The agency submitting the rules shall make such rules available to the public in accordance with the Open Records Act, [75:254(B)]; however, copies must be clearly identified as "unofficial."*

(c) **County clerks' responsibility.** Copies of the Register are sent to those county clerks who request it [75:255(A)(2)]. In addition, every county clerk in the state of Oklahoma is entitled to receive, at no cost, one copy of the printed volumes of the Code and the supplements thereto [75:257.1(B)(1)(a)].

Each year, the Secretary of State announces the availability of that year's Code or Supplement to the county clerks. Each county clerk may either:

- (1) receive the printed product, or the ~~electronic~~ CD product, in lieu of the printed product, and make the publication available to the public during the county clerk's business hours, or
 - (2) waive his/her right to receive that year's publication.
- (d) **Depository libraries.** Copies of the published Code and each annual Supplement, and copies of each issue of the Register, are deposited with the Oklahoma Publications Clearinghouse for distribution to each Oklahoma Government Publications Depository Library. [75:257.1(B)(2)]
- (e) **Open Records Act.** The OAR shall make its records available for public inspection and copying pursuant to the Open Records Act, 51:24A.1 et seq. [75:256.3].

[OAR Docket #14-353; filed 3-27-14]

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

1:2014-5.

EXECUTIVE ORDER 2014-05

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 8:00 a.m. to 5:00 p.m. on Friday, April 4, 2014, to honor Retired Justice Rudolph Hargrave, who passed away on Tuesday, April 1, 2014.

Justice Hargrave served as a County Judge for Seminole County from 1964-1967 and from 1967-1969 was Seminole County Superior Court Judge. He was the Seminole County District Judge from 1969-1978. On October 10, 1978, Justice Hargrave was appointed to the Oklahoma Supreme Court by Governor David L. Boren. He was elected Chief Justice of the Supreme Court of the State of Oklahoma on January 1, 1989 and for a second two-year term in 2001. He retired from the Court in 2010. His service and 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 2nd day of April, 2014.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:
Chris Bengé
Secretary of State

[OAR Docket #14-412; filed 4-3-14]

