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Secretary of State
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Notices of Rulemaking Intent

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

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

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

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

[OAR Docket #13-1185]

RULEMAKING ACTION:

Notice of proposed EMERGENCY and PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 29. Criminal History Background Checks [NEW]
- 310:2-29-1. Purpose [NEW]
- 310:2-29-2. [RESERVED]
- 310:2-29-3. Implementation [NEW]
- 310:2-29-4. [RESERVED]
- 310:2-29-5. Appeals [NEW]

SUMMARY:

This proposal promulgates new rules in the procedures of the Department of Health as required in amendments to the Long Term Care Security Act (Title 63 O.S. § 1-1944 et. seq.), as adopted in 2012, House Bill 2582. This bill authorized fingerprint based criminal history background checks on those applicants who would be employed in a variety of long-term care settings as defined in the law at Title 63 O.S. Section 1-1945(4). The law at Title 63 O.S. § 1-1947(T)(2) requires that the Department shall specify rules for issuing a waiver of the disqualification or employment denial and further specifies in paragraph (Y) the State Board of Health shall promulgate rules prescribing effective dates and procedures for the implementation of a national criminal history record check for the employers and nurse aide scholarship programs defined in Section 1-1945 of Title 63 of the Oklahoma Statutes.

Emergency rulemaking is sought pursuant to 63 O.S. § 1-1947(Y) which states, *the State Board of Health shall promulgate rules prescribing effective dates and procedures for the implementation of a national criminal history record check for the employers and nurse aide scholarship programs defined in Section 1-1945 of [Title 63 of the Oklahoma Statutes]. Said dates may be staggered to facilitate implementation of the requirements of this section.*

This Emergency rulemaking action is necessary to provide for the staggered effective dates authorized in law; implement without further delay a more rigorous national background check for those caring for vulnerable adults in our state; and implement the program while grant dollars are available, thereby reducing the cost to the State and providers for

background checks. An extension to the current grant has been offered to April of 2015. Upon an effective date for fingerprinting, grant funds will be utilized for seventy-five percent (75%) of fingerprinting costs for the duration of the grant. For each month's delay in an effective date approximately eighty thousand dollars (\$80,000) of grant funds will not be captured to assist in program costs. The implementation dates for this program were dependent on software development and contracting with a vendor for a statewide network to provide live scan collection and digital submission of fingerprints to the State Bureau of Investigation. That software and the network are now projected to be complete by November 1, 2013.

310:2-29-1, Purpose. This section specifies the purpose of the rules and authorizing Act.

310:2-29-3, Implementation. This section details procedures for implementing the law and creates staggered effective dates for the fingerprint based background check by various classes of employer. The staggered dates allow for a gradual increase in the volume of requests processed during the initial start-up.

310:2-29-5, Appeals. This section creates the procedures for requesting an appeal of the employment eligibility determination and the criteria to be applied by the hearing officer in making a determination whether the applicant merits a waiver of the applicant's determination of ineligibility. The criteria to be applied are:

(1) The time elapsed since the disqualifying criminal conviction, whether the applicant has fulfilled the sentence requirements, and whether there are any subsequent arrests or convictions of any nature;

(2) Any extenuating circumstances such as the offender's age at the time of conviction, substance abuse history and treatment, or mental health issues and treatment;

(3) Rehabilitation as demonstrated by character references and recommendation letters from past employers, the applicant's record of employment history, education, and training subsequent to conviction; and

(4) The relevancy of the particular disqualifying information with respect to the proposed employment of the individual to include the job type and duties, the extent to which the applicant has unsupervised access to service recipients, whether the crime was committed against a vulnerable child or adult, and whether the conviction was related to an employer subject to the requirements of the Long Term Care Security Act.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. § 1-104; Title 63 O.S. § 1-1947(T)(2) and 1-1947(Y).

COMMENT PERIOD:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice or may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person provided in this Notice, or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

James Joslin, Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, phone 405-271-6868, or by e-mail to james@health.ok.gov.

[OAR Docket #13-1185; filed 9-5-13]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 100. LICENSURE OF CREMATORIES

[OAR Docket #13-1186]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 100. Licensure of Crematories [REVOKED]

SUMMARY:

This proposal revokes the rules of the Board of Health concerning the licensure of crematories. The duties and functions concerning licensure of crematories were transferred by statutory modification from the Oklahoma State Department of Health to the Oklahoma Funeral Board. The Department's authority for rulemaking was found at Title 63 O.S. 1981, § 1-331 and renumbered as 59 O.S. § 396.30 by Laws 2003, HB 1270, c. 57, § 31, effective April 10, 2003. The Oklahoma Funeral Board has adopted rules for the licensure of crematories [see Title 235 - Oklahoma Funeral Board, Chapter 10 - Funeral Services Licensing, Subchapter 14 - Crematories].

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. § 1-104; Title 59 O.S. § 396.30.

COMMENT PERIOD:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice or may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting,

recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person provided in this Notice, or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

James Joslin, Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, phone 405-271-6868, or by e-mail to james@health.ok.gov.

[OAR Docket #13-1186; filed 9-5-13]

**TITLE 310. OKLAHOMA STATE
DEPARTMENT OF HEALTH
CHAPTER 276. HOME INSPECTION
INDUSTRY**

[OAR Docket #13-1187]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 276. Home Inspection Industry [REVOKED]

SUMMARY:

This proposal revokes the rules of the Board of Health concerning the home inspection industry. Effective November 1, 2008, the authority to "adopt, amend, repeal, and promulgate rules as may be necessary to regulate . . . home inspectors" was transferred from the Oklahoma State Department of Health to the Construction Industries Board [see 59 O.S., § 1000.4]. The Construction Industries Board promulgated emergency rules, effective November 11, 2008, and later superseded those emergency rules with permanent rules, effective July 11, 2009 [see Construction Industries Board rules OAC 158:70 and 158:10-3-5].

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. § 1-104; 59 O.S. § 1000.4.

COMMENT PERIOD:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering

to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice or may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person provided in this Notice, or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

James Joslin, Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, phone 405-271-6868, or by e-mail to james@health.ok.gov.

[OAR Docket #13-1187; filed 9-5-13]

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

[OAR Docket #13-1188]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Disease and Injury Reporting Requirements

Notices of Rulemaking Intent

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

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

SUMMARY:

The proposal updates the existing rules in accordance with recommendations from the Council of State and Territorial Epidemiologists (CSTE), the Centers for Disease Control and Prevention, and local health care partners pertaining to reportable diseases. The proposal amends the lists of reportable diseases, regarding diseases or conditions that are required to be reported to the Department. These changes minimally increase the reporting burden placed upon clinicians, have no impact on the reporting burden placed upon laboratories, and do not adversely affect the public health disease control and prevention activities.

The proposal adds novel coronavirus and novel Influenza A to the list of infectious diseases, reportable to the Department. The proposal expands reporting of influenza associated hospitalizations and deaths. The proposal is needed prepared for the reporting of suspected cases (especially those due to international travel to endemic areas and areas that such viruses are more likely to be initially spread) and the possibility of pandemic influenza or coronavirus, which have significant public health concern and risk. With these changes, the Department will receive information that is more rapid and precise, and the Department thereby will be better equipped to respond quickly and effectively to disease outbreaks or these novel respiratory pathogens.

The proposal refines requirements for reporting CD4 cell count and percentage results based on the federal requirement that states receiving Ryan White Part B funding must calculate the Unmet Need for Health Services, defined as the need for HIV-related health services by individuals with HIV who are aware of their HIV status, but are not receiving regular primary health care. Health Resources and Services Administration (HRSA) provides an Unmet Need Framework for this calculation and determines that an individual with HIV or AIDS is considered to have an unmet need for care (or to be out of care) when there is no evidence that s/he received any of the following three components of HIV primary medical care during a defined 12-month time frame: (1) viral load (VL) testing, (2) CD4 count, or (3) provision of anti-retroviral therapy (ART). Therefore, in order to accurately calculate unmet need in Oklahoma, all CD4 cell count and percentage test results must be reported. See <http://hab.hrsa.gov/tools2/title2/t2SecVIIIChap1.htm#SecVIIIChap1> and http://www.qualityforum.org/News_And_Resources/Press_Releases/2013/NQF_Endorses_Infectious_Disease_Measures.aspx.

With these changes, the Department will receive information on suspected cases of infection with novel viruses and thus be better equipped to respond quickly and effectively to disease outbreaks or unusual or uncommon adverse health conditions.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. § 1-104; and Title 63 O.S., §§ 1-502 and 1-503

COMMENT PERIOD:

October 1, 2013, through November 1, 2013. Interested persons may informally discuss the proposed rules with Lauri Smithee, Director, Acute Disease Service; or may, before November 1, 2013, submit written comment to Lauri Smithee, Director, Acute Disease Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before November 1, 2013, to Lauri Smithee, Ph.D., Director, Acute Disease Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, or by e-mail to LauriS@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of the Acute Disease Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299, via electronic mail request to LauriS@health.ok.gov, or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement is available at the location listed above for obtaining copies of the 2013/NQF_Endorses_Infect

CONTACT PERSONS:

Lauri Smithee, PhD, Director, Acute Disease Service, phone (405) 271-4060, e-mail LauriS@health.ok.gov.

Jan Fox, RN, MPH, Director, HIV-STD Service, phone (405) 271-4636, e-mail JanF@health.ok.gov.

[OAR Docket #13-1188; filed 9-5-13]

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

[OAR Docket #13-1189]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Oklahoma Dental Loan Repayment Program 310:526-3-2 [AMENDED] 310:526-3-3 [AMENDED]

SUMMARY:

310:526-3-2(b) The current Rule sets forth the description and operation of the Oklahoma Dental Loan Repayment Program (Program). The proposed action allows flexibility in selecting the number and types of participants and in the time period for participation in the Program. The circumstance for the Rule change is compelled by legislation, HB 2587, effective November 1, 2012. The intended effect is to allow the Advisory Committee and Department to select the appropriate number of participants based on funding and the appropriate type of participant (Oklahoma University College of Dentistry faculty or non-faculty), and allow the service obligation period to be adjusted.

310:526-3-2(d) The current Rule states that each award shall be distributed by a two-party draft made payable to the dentist and the loan agency. The proposed action states that each award shall be distributed in accordance with state law. The circumstance for the Rule change is because state preference is to distribute awards by direct deposit and the intended effect is to streamline administration of the Program.

310:526-3-3(b)(3) and (e)(5) The current Rule sets forth eligibility requirements for participants. The non-faculty participant agrees that Medicaid patients will represent 30% of all patient visits at a minimum. The proposal clarifies the count will be by number of patient visits. The rule change takes into consideration that dental software used by participants favors this type of reporting and the Department's intent to facilitate this reporting requirement.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Sections 1-104 and 1-2710 et seq. as amended by House Bill 2587, effective November 1, 2012.

COMMENT PERIOD:

October 1, 2013, through November 1, 2013. Interested persons may informally discuss the proposed rules with Susan Potter, Program Manager, Oklahoma Dental Loan Repayment Program; or may, before November 1, 2013, submit written comment to Susan Potter, Dental Health Service, Oklahoma

State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303(A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before November 1, 2013, to Susan Potter, Dental Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, or by e-mail to susanp@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from staff of Dental Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, via electronic mail request to susanp@health.ok.gov, or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Susan Potter, Program Manager, Oklahoma Dental Loan Repayment Program, phone (405) 271-5502, email susanp@health.ok.gov.

[OAR Docket #13-1189; filed 9-5-13]

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

[OAR Docket #13-1190]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General provisions

Notices of Rulemaking Intent

- 310:531-1-2. Authority [AMENDED]
- 310:531-1-3. Definitions [AMENDED]
- Subchapter 3. Advisory Committee
- 310:531-3-1. Purpose [REVOKED]
- 310:531-3-2. Advisory Committee [REVOKED]
- 310:531-3-3. Rules of Order [REVOKED]
- Subchapter 5. Vision Screening Standards for Children
- 310:531-5-2. Oklahoma Vision Screening Standards [AMENDED]
- 310:531-5-3. Approval of ~~Vision Screening Providers~~ vision screening providers [AMENDED]
- 310:531-5-5. Re-approval of vision screening providers [AMENDED]
- 310:531-5-6. Approval of ~~trainers of vision screening providers~~ vision screening trainers [AMENDED]
- 310:531-5-7. Re-approval of ~~trainers of vision screening providers~~ vision screening trainers [AMENDED]
- 310:531-5-8. Approval of ~~trainers of vision screening~~ trainers vision screening trainers of trainers [AMENDED]
- 310:531-5-9. Re-approval of ~~trainers of vision screening~~ trainers vision screening trainers of trainers [AMENDED]
- Subchapter 7. Registry Enforcement for Vision Screening
- 310:531-7-2. Grounds for discipline [AMENDED]
- 310:531-7-3. Complaint investigation [AMENDED]
- 310:531-7-4. Summary removal [AMENDED]
- 310:531-7-5. Appearance before the Advisory Committee [REVOKED]
- 310:531-7-6. Right to a hearing [AMENDED]
- Subchapter 9. Sports Eye Safety Resource
- 310:531-9-1. Purpose [REVOKED]
- 310:531-9-2. Eye safety resource [REVOKED]

SUMMARY:

The proposed rule changes implement provisions of Section 44, House Bill 1467, which creates the Infant and Children's Health Advisory Council, and Section 79, which replaces the Vision Screening Advisory Committee established in 70 O.S. 2011, Section 1210.284, with the Infant and Children's Health Advisory Council and eliminates the role of the Advisory Committee in carrying out programmatic activities. The proposed rule changes delineate the responsibilities of the Department in carrying out statewide vision screening for children.

310:531-1-2. This rule provides the authority for this Chapter. The proposed modification of this rule adds Section 1-103a.1 of Title 63 of the Oklahoma Statutes.

310:531-1-3. This rule provides definitions in support of this Chapter. The proposed modifications of this rule implements changes in Section 1210.284 of Title 70 of the Oklahoma Statutes, which resulted in deletion of Advisory Committee and addition of Infant and Children's Health Advisory Council. In addition, changes include deletion of Professional Examination and Background checks, which are not used in this Chapter, clarification of the definition of Referral, and drafting error corrections in punctuation.

310:531-3-1, 310:531-3-2, and 310:531-3-3. These rules addressed the purpose, membership, and rules of order for the Advisory Committee. The proposed deletion of these rules implements changes in Section 1210.284 of Title 70 of the Oklahoma Statutes which resulted in revocation of the Advisory Committee.

310:531-5-2. This rule specified the Oklahoma vision screening standards for grades targeted for screening, minimal vision screening tests to be used, and standards for referral for a comprehensive eye exam. The proposed rule changes provide for potential use of new vision screening tools and associated referral standards recommended to the Department by the Advisory Council for Infant and Children's Health Advisory Council and determined by the Department as having comparable efficiency and effectiveness. In addition, drafting error corrections in punctuation are made in 310:531-5-2(a) and (c).

310:531-5-3, 310:531-5-5, 310:531-5-6, 310:531-5-7, 310:531-5-8 and 310:531-5-9. These rules address the role of the Advisory Committee in approving vision screening providers, vision screening trainers, and vision screening trainers of trainers. The proposed modifications of these rules implement changes in Section 1210.284 of Title 70 of the Oklahoma Statutes which resulted in revocation of the Advisory Committee and assigns these functions to the Department. In addition, drafting error corrections in punctuation and/or the use of definitions is made in 310:531-5-3, 310:531-5-6 (a), (b), (c), and (d), 310:531-5-7, 310:531-5-8 (a), (b), (c), and (d), and 310:531-5-9.

310:531-7-2 and 310:531-7-3. These rules addressed the role of the Advisory Committee in registry enforcement for vision screening. The proposed modifications of these rules implement changes in Section 1210.284 of Title 70 of the Oklahoma Statutes which resulted in revocation of the Advisory Committee and assigns these functions to the Department. In addition, drafting error corrections in use of definitions is made in 310:531-7-2 (b), (c), and a drafting error correction in punctuation is made in 310:531-7-3 (a).

310:531-7-4. This rule addresses summary removal. The proposed modification of this rule corrects a drafting error in spacing in (a) and (b) as well as corrects the use of a definition in (c).

310:531-7-5. This rule addressed the provision for a vision screening provider, trainer, or applicant to appear before the Advisory Committee as part of the process for registry enforcement for vision screening. The proposed deletion of this rule implements changes in Section 1210.284 of Title 70 of the Oklahoma Statutes which resulted in revocation of the Advisory Committee and as a result, its role with registry enforcement of vision screening.

310:531-7-6. This rule addresses the right to a hearing. The proposed modification of this rule makes a drafting error correction in spacing.

310:531-9-1 and 310:531-9-2. These rules addressed the role of the Advisory Committee as a sports eye safety resource. The proposed deletion of these rules implements changes in

Section 1210.284 of Title 70 of the Oklahoma Statutes which resulted in revocation of the Advisory Committee and its role as a sports eye safety resource.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. Sections 1-103a.1 and 1-104; and Title 70 O.S. Section 1210.284.

COMMENT PERIOD:

October 2, 2013, through November 1, 2013. Interested persons may informally discuss the proposed rules with Ann Benson, Administrative Program Manager, before November 1, 2013. Submit written comment to Ms. Ann Benson, Administrative Program Manager, Child and Adolescent Health Division, Maternal and Child Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; via e-mail to AnnB@health.ok.gov; or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November, 1, 2013, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1299, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before November 1, 2013, to Ann Benson, Administrative Program Manager, Child and Adolescent Health Division, Maternal and Child Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; via e-mail to AnnRB@health.ok.gov.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the Child and Adolescent Health Division, Maternal and Child Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; via e-mail to AnnRB@health.ok.gov; or via agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Ann Benson, Administrative Program Manager, Child and Adolescent Health Division, Maternal and Child Health Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1299; via e-mail to AnnRB@health.ok.gov, telephone 405- 271-4471.

[OAR Docket #13-1190; filed 9-5-13]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 550. NEWBORN SCREENING PROGRAM

[OAR Docket #13-1191]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
310:550-1-1 [AMENDED]
310:550-1-2 [AMENDED]
- Subchapter 3. Testing of Newborns
310:550-3-1 [AMENDED]
- Subchapter 5. Specimen Collection
310:550-5-1 [AMENDED]
310:550-5-2 [AMENDED]
- Subchapter 7. Hospital Recording
310:550-7-1 [AMENDED]
- Subchapter 13. Parent and Health Care Provider Education
310:550-13-1 [AMENDED]
- Subchapter 17. Follow-up for Physicians
310:550-17-1 [AMENDED]
- Subchapter 19. Reporting
310:550-19-1 [AMENDED]
- Subchapter 21. Information
310:550-21-1 [AMENDED]
- Appendix A. Instructions for Filter Paper Sample Collection [REVOKED]
- Appendix A. Instructions for Filter Paper Sample Collection [NEW]
- Appendix B. Report Form [REVOKED]
- Appendix B. Report Form [NEW]
- Appendix C. Refusal Form [REVOKED]
- Appendix C. Refusal Form [NEW]
- Appendix D. Recommended Pulse Oximetry Screening Protocol [NEW]
- Appendix E. Pulse Oximetry Result Form [NEW]

SUMMARY:

This proposal requests amendatory language to the existing rule to include Severe Combined Immunodeficiency Syndrome (SCID) as a new test in the core panel of 29 genetic disorders for newborn screening (NBS) in Oklahoma, as recommended by the Advisory Committee on Heritable Disorders in Newborns and Children - Recommended Uniform Screening Panel (January 21, 2010). This proposal also adds Pulse

Notices of Rulemaking Intent

Oximetry screening for the detection of Critical Congenital Heart Disease to existing newborn screening rules as legislated by HB 1347 (2013) [63 O.S. § 1-550.5]. The new law requires inpatient or ambulatory health care facilities licensed by the State Department of Health that provide birthing and newborn care services to perform a pulse oximetry screening on every newborn in its care prior to discharge from the birthing facility. In addition, minor changes to the newborn screening report form that is submitted by the infant's specialist or primary care provider to include additional information based on new clinical practice and the requisition/collection form to bring the rules up to date with practice. Additional documents include a recommended pulse oximetry screening protocol and a pulse oximetry screening result form.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 63 O.S. Sections 1-534, 1-550.5, and 1-705

COMMENT PERIOD:

October 1, 2013 through November 1, 2013. Interested persons may informally discuss the proposed rules with the contact person named below or may, before November 1, 2013, submit written comment to the contact person, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule;. Business entities may submit this information in writing before November 1, 2013, to the contact person named below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person named below, or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Sharon Vaz, Director, Screening and Special Services, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, phone (405) 271-6617, e-mail sharonav@health.ok.gov.

[OAR Docket #13-1191; filed 9-5-13]

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH CHAPTER 658. INDEPENDENT REVIEW ORGANIZATION CERTIFICATION RULES

[OAR Docket #13-1192]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 658. Independent Review Organization Certification Rules [REVOKED]

SUMMARY:

This proposal revokes the rules of the Board of Health concerning independent review organization certification and external review. Effective August 26, 2011, The Uniform Health Carrier External Review Act, sections 25 through 41 of House Bill 2072 (2011), transferred responsibility for external reviews and approval of independent review organizations to the Oklahoma Insurance Department [see Title 36 O.S. § 6475.1 et. seq.]. The Oklahoma Insurance Department promulgated emergency rules, effective September 12,, 2011, and later superseded those emergency rules with permanent rules, effective July 14, 2012 [see Title 365, Insurance Department, Chapter 10, Subchapter 29 - External Review Regulations.]

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. § 1-104; Title 36 O.S. § 6475.1.

COMMENT PERIOD:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice or may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral

comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person provided in this Notice, or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

James Joslin, Chief, Health Resources Development Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, phone 405-271-6868, or by e-mail to james@health.ok.gov.

[OAR Docket #13-1192; filed 9-5-13]

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

[OAR Docket #13-1193]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 19. Medical Records Department 310:667-19-2 [AMENDED]

SUMMARY:

This proposal requests amendatory language to the existing rule to include Severe Combined Immunodeficiency Syndrome (SCID) as a new test in the core panel of 29 genetic disorders for newborn screening (NBS) in Oklahoma, as recommended by the Advisory Committee on Heritable Disorders in Newborns and Children - Recommended Uniform Screening Panel (January 21, 2010). This proposal also adds Pulse Oximetry screening for the detection of Critical Congenital Heart Disease to existing newborn screening rules as legislated by HB 1347 (2013) [63 O.S. § 1-550.5]. The new law requires

inpatient or ambulatory health care facilities licensed by the State Department of Health that provide birthing and newborn care services to perform a pulse oximetry screening on every newborn in its care prior to discharge from the birthing facility. In addition, minor changes to the newborn screening report form that is submitted by the infant's specialist or primary care provider to include additional information based on new clinical practice and the requisition/collection form to bring the rules up to date with practice. Additional documents include a recommended pulse oximetry screening protocol and a pulse oximetry screening result form.

AUTHORITY:

Oklahoma State Board of Health, Title 63 O.S. Section 1-104; and Title 63 O.S. Sections 1-534, 1-550.5, and 1-705.

COMMENT PERIOD:

October 1, 2013, through November 1, 2013. Interested persons may informally discuss the proposed rules with the contact person named below or may, before November 1, 2013, submit written comment to the contact person, or may, at the hearing, ask to present written or oral views.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 Northeast Tenth Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule;. Business entities may submit this information in writing before November 1, 2013, to the contact person named below.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person named below., or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Sharon Vaz, Director, Screening and Special Services, Oklahoma State Department of Health, 1000 N.E. 10th Street,

Notices of Rulemaking Intent

Oklahoma City, OK 73117-1207, phone (405) 271-6617,
e-mail sharonav@health.ok.gov.

[OAR Docket #13-1193; filed 9-5-13]

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

[OAR Docket #13-1194]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 9. Resident Care Services

310:675-9-9.1. Medication services [AMENDED]

SUMMARY:

This proposal amends rules promulgated in accordance with 63 O.S. Section 1-1950(C)(1) which authorized the State Board of Health to promulgate rules necessary for proper control and dispensing of nonprescription drugs in nursing facilities.

Section 310:675-9-9.1(i) addresses those procedures for maintaining nonprescription drugs for dispensing from a common or bulk supply. This proposed rule amendment deletes the requirement in OAC 310:675-9-9.1(i)(8) which limits the bulk nonprescription drugs that nursing facilities may maintain for residents. The current requirement provides that only oral analgesics, antacids, and laxatives may be dispensed from bulk supplies. This change will allow nursing facilities to maintain bulk supplies of other nonprescription drugs, such as cough medicines.

AUTHORITY:

Oklahoma State Board of Health; Title 63 O.S. § 1-104;
Title 63 O.S. § 1-1950(C)(1).

COMMENT PERIOD:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice or may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

PUBLIC HEARING:

Pursuant to 75 O.S. § 303 (A), the public hearing for the proposed rulemaking in this chapter shall be on November 1, 2013, at the Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, in room 1102 beginning at 11:00 a.m. Those wishing to present oral comments should be present at that time to register to speak. The hearing will close at the conclusion of those registering

to speak. Interested persons may attend for the purpose of submitting data, views or concerns, orally or in writing, about the rule proposal described and summarized in this Notice.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, on the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule. Business entities may submit this information in writing before November 1, 2013, to the contact person provided in this Notice.

COPIES OF PROPOSED RULES:

The proposed rules may be obtained for review from the contact person provided in this Notice, or via the agency website at www.health.ok.gov.

RULE IMPACT STATEMENT:

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

CONTACT PERSON:

Mike Cook, Assistant Chief, Long Term Care Service, Oklahoma State Department of Health, 1000 N.E. 10th Street, Oklahoma City, OK 73117-1207, phone 405-271-6868, or by e-mail to mikec@health.ok.gov

[OAR Docket #13-1194; filed 9-5-13]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 1. ADMINISTRATIVE OPERATIONS

[OAR Docket #13-1182]

RULEMAKING ACTION:

Notice of Proposed PERMANENT Rulemaking

PROPOSED RULES:

Subchapter 7. Fees and Deposits [AMENDED]

SUMMARY:

The purpose of the proposed rulemaking action is to continue to follow up on the Statutory changes effected by Enrolled House Bill No. 1282 of the 2011 Regular Session, and to update requirements for Long Term Care Administrators in Oklahoma to include administrator types added in this legislation. The proposed change, update the schedule of fees and specifically addresses "renewal fees" for all licensure types. It is intended to address an operating deficit where expenses exceed revenues and position the Board, a non-appropriated agency, to be able to function without additional fee increases for several years to come with an eye toward continually increasing costs and the distinct possibility

of a moratorium being placed on fee increases looming on the horizon.

AUTHORITY:

Oklahoma State Board of Long Term Care Administrators, Title 63 O.S. Section 330.51 et seq. The specific authority is at 63 O.S. §330.61.

COMMENT PERIOD:

October 1, 2013 through October 31, 2013. Before October 31, 2013, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or
2. submit written comments to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or
3. submit written comments via electronic mail to Gaylord Z. Thomas at gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or
4. request to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will precede the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, with the Public Hearing scheduled to begin at 9:00 a.m. on November 20, 2013, in Suite 62 inside the Shepherd Mall Office Center, 2401 N.W. 23rd Street, Oklahoma City, OK 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

Business entities may submit this information, in writing, before October 31, 2013, to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or may, before October 31, 2013, submit this information via electronic mail to: gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between the hours 8:30 a.m. and 4:30 p.m., Monday through Friday, at the Board office, or an electronic request may be made to gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. The proposed rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this Notice on October 1, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Gaylord Z. Thomas Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616.

[OAR Docket #13-1182; filed 8-29-13]

**TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS
CHAPTER 1. ADMINISTRATIVE OPERATIONS**

[OAR Docket #13-1183]

RULEMAKING ACTION:

Notice of Proposed PERMANENT Rulemaking

PROPOSED RULES:

Chapter 1. Administrative Operations [AMENDED]

SUMMARY:

The purpose of the proposed rulemaking action is to continue to follow up on the Statutory changes effected by Enrolled House Bill No. 1282 of the 2011 Regular Session, and to update requirements for Long Term Care Administrators in Oklahoma to include administrator types added in this legislation. The proposed changes updates and add definitions, update the schedule of fees and revises language to standardize our language with other relevant statute/rules changes and improve the clarity of the intent of the document.

AUTHORITY:

Oklahoma State Board of Long Term Care Administrators, Title 63 O.S. Section 330.51 et seq.

COMMENT PERIOD:

October 1, 2013 through October 31, 2013. Before October 31, 2013, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or
2. submit written comments to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or
3. submit written comments via electronic mail to Gaylord Z. Thomas at gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or
4. request to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will precede the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, with the Public Hearing scheduled to begin at 9:00 a.m. on November 20, 2013, in Suite 62 inside the Shepherd Mall Office Center, 2401 N.W. 23rd Street, Oklahoma City, OK 73107.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

Business entities may submit this information, in writing, before October 31, 2013, to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or may, before October 31, 2013, submit this information via electronic mail to: gzhomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between the hours 8:30 a.m. and 4:30 p.m., Monday through Friday, at the Board office, or an electronic request may be made to gzhomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. The proposed rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of this Notice on October 1, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Gaylord Z. Thomas Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616.

[OAR Docket #13-1183; filed 8-29-13]

TITLE 490. OKLAHOMA STATE BOARD OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS CHAPTER 10. LONG TERM CARE ADMINISTRATORS

[OAR Docket #13-1184]

RULEMAKING ACTION:

Notice of Proposed PERMANENT Rulemaking

PROPOSED RULES:

Chapter 10. Long Term Care Administrators [AMENDED]

SUMMARY:

The purpose of the proposed rulemaking action is to continue to follow up on the Statutory changes effected by Enrolled House Bill No. 1282 of the 2011 Regular Session, and to update requirements for Long Term Care Administrators in Oklahoma to include administrator types added in this legislation. The proposed changes updates and add definitions, update the schedule of fees and revises

language to standardize our language with other relevant statute/rules changes and improve the clarity of the intent of the document. It also removes dated guidance concerning the "grandfathering" of recently added license types and clarifies standards for some of the newly added licensure types. It adds the option for a temporary license and adds a provisional license option for the RC/AL type while restricting the Board from granting a Provisional NHA license to an AIT or AU student who has not already passed the NAB NHA exam. It adjusts the AIT program and increases the hour requirement for persons without degrees that are related to one of the domains of practice or without experience in long term care. It adjusts the number of CEUs authorized for a Preceptor who completes an AIT in the longer program, and it slightly broadens the requirements to be a Preceptor to include experienced licensed administrators acting in the capacity of an Assistant Administrator in a VA home.

AUTHORITY:

Oklahoma State Board of Long Term Care Administrators, Title 63 O.S. Section 330.51 et seq.

COMMENT PERIOD:

October 1, 2013 through October 31, 2013. Before October 31, 2013, interested persons may:

1. informally discuss the proposed rules with Board members or Board staff; or
2. submit written comments to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or
3. submit written comments via electronic mail to Gaylord Z. Thomas at gzhomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov; or
4. request to present written or oral views at the hearing.

PUBLIC HEARING:

The public hearing will precede the Regular Meeting of the Oklahoma State Board of Examiners for Long Term Care Administrators, with the Public Hearing scheduled to begin at 9:00 a.m. on November 20, 2013, in Suite 62 inside the Shepherd Mall Office Center, 2401 N.W. 23rd Street, Oklahoma City, OK 73107.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

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

Business entities may submit this information, in writing, before October 31, 2013, to Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators ("OSBELTCA"), 2401 N.W. 23rd Street, Suite 62, Oklahoma City, OK 73107; or may, before October 31, 2013, submit this information via electronic mail to: gzhomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained for review by the public between the hours 8:30 a.m. and 4:30 p.m., Monday through Friday, at the Board office, or an electronic request may be made to gzthomas@osbeltca.ok.gov, Ginger.Dean@osbeltca.ok.gov, or Pam.Duren@osbeltca.ok.gov. The proposed rules may also be viewed from the Board's website at <http://www.ok.gov/osbeltca/>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available on and after publication of

this Notice on October 1, 2013 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

Gaylord Z. Thomas, Executive Director, Oklahoma State Board of Examiners for Long Term Care Administrators. Tel: (405) 522-1624 or (405) 522-1616.

[OAR Docket #13-1184; filed 8-29-13]

Submissions for Review

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

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

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

[OAR Docket #13-1179]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 5. Registration, Emission Inventory and Annual Operating Fees

252:100-5-2. Registration of potential sources of air contaminants [AMENDED]

252:100-5-2.1. Emission Inventory [AMENDED]

252:100-5-3. Confidentiality of proprietary information [AMENDED]

SUBMITTED TO GOVERNOR:

August 27, 2013

SUBMITTED TO HOUSE:

August 27, 2013

SUBMITTED TO SENATE:

August 27, 2013

[OAR Docket #13-1179; filed 8-29-13]

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

[OAR Docket #13-1180]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Subchapter 7. Permits for Minor Facilities

Part 9. Permits-By-Rule

252:100-7-60. Permit by rule [AMENDED]

252:100-7-60.5. Oil and natural gas sector [NEW]

SUBMITTED TO GOVERNOR:

August 27, 2013

SUBMITTED TO HOUSE:

August 27, 2013

SUBMITTED TO SENATE:

August 27, 2013

[OAR Docket #13-1180; filed 8-29-13]

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

[OAR Docket #13-1181]

RULEMAKING ACTION:

Submission for gubernatorial and legislative review

RULES:

Appendix E. Primary Ambient Air Quality Standards [REVOKED]

Appendix E. Primary Ambient Air Quality Standards [NEW]

SUBMITTED TO GOVERNOR:

August 27, 2013

SUBMITTED TO HOUSE:

August 27, 2013

SUBMITTED TO SENATE:

August 27, 2013

[OAR Docket #13-1181; filed 8-29-13]

Emergency Adoptions

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

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

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

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

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

[OAR Docket #13-1195]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 13. Student Assessment

210:10-13-22. Implementation of a system of school improvement and accountability [AMENDED]

AUTHORITY:

70 O.S. § 3-104; 70 O.S. § 1210-507; 70 O.S. § 1210.545; 70 O.S. § 3-150; 70 O.S. § 3-145.6; State Department of Education

DATES:

Adoption:

July 25, 2013

Approved by Governor:

August 28, 2013

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:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The proposed changes to the rule are necessary as an emergency measure pursuant to the provisions of 75 O.S. § 253(A)(1)(c) and (e). The proposed amendments are necessary to ensure timely compliance with HB 1658, which was signed into law by the Governor on May 24, 2013 and becomes effective on August 23, 2013. HB 1658 changed the criteria for calculation of accountability system established by 70 O.S. § 1210.545. Specifically, the percentage weights for the "student improvement," "student growth," and "growth of the lowest twenty-five percent (25%) of students" was changed; the "whole school improvement" category was eliminated; and a provision was added for schools to earn bonus points toward their final overall grade. Thus, the emergency rule is necessary to timely implement the updated statutory criteria prior to issuance of the school report cards in the Fall of 2013.

The proposed amendments are also necessary to ensure compliance with the amendments to 70 O.S. 3-150 and 1210.545 resulting from HB 1071, and a new law codified at 70 O.S. § 3-145.6 implemented by SB 169, which were signed into law by the Governor on April 22, 2013 and went into effect on July 1, 2013 pursuant to an emergency clause. HB 1071 requires separate reporting of performance data of students who are enrolled full-time in online programs outside of the district of the student's residence. SB 169 requires each online provider offering full-time virtual education to students outside their district of residence to be considered a separate site for accountability purposes.

ANALYSIS:

The proposed amendments incorporate the revisions to the criteria for calculation of the A-F school report cards resulting from the recent

amendments to 70 O.S. § 1210.545, which go into effect August 23, 2013. In addition, the proposed amendments add a new section to the rule to address calculation of academic performance data of full-time students enrolled in virtual charter schools who do not reside in the school district associated with the charter school's sponsor.

CONTACT PERSON:

Stephanie Moser Goins, (405) 521-4890

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

SUBCHAPTER 13. STUDENT ASSESSMENT

210:10-13-22. Implementation of a system of school improvement and accountability

(a) **Purpose.** Accountability for student learning is the key focus of school improvement. Results from the statewide assessment program shall form the basis of the system of school improvement and accountability. Student achievement data from the State's annual standardized assessments in grades three (3) through eight (8) and end-of-instruction tests administered under Section 1210.508 of Title 70 shall be used to establish both proficiency levels and annual progress for individual students, school sites, school districts, and the State. Results shall further be used as the primary criteria in calculating school performance grades as specified in subsection (f) of this rule and shall be annually reported. Results may further be used by the Legislature in calculating any performance-based funding policy that is provided to public school districts. The statewide assessment program shall be used to measure the annual learning gains of each student toward achievement of the State standards appropriate for the student's grade level and to inform parents of the educational progress of their public school children.

(b) **Implementation.** The A-F school accountability system will be implemented in the year 2012, based on data from the 2011-2012 school year, and shall be reported annually thereafter. The school accountability system will be considered to be fully implemented with the following accountability elements:

Emergency Adoptions

(1) Designation of overall school performance grades shall be based on a combination of the following:

(A) ~~Thirty-three~~Fifty percent ~~(33%)~~(50%) on student test scores, based on the Oklahoma School Testing Program assessments in grades three (3) through twelve (12);

(B) ~~Seventeen~~Twenty-five percent ~~(17%)~~(25%) on annual student learning gains as measured by the State's annual standardized assessments in reading and mathematics in grades three (3) through eight (8); and Algebra I and English II end-of-instruction tests;

(C) ~~Seventeen~~Twenty-five percent ~~(17%)~~(25%) on annual student learning gains for the lowest twenty-five percent (25%) of students in the school, as measured by the State's annual standardized assessments in reading and mathematics in grades three (3) through eight (8); and Algebra I and English II end-of-instruction tests as required by 70 O.S. § 1210.545;

~~(D) Thirty-three percent (33%) on whole school improvement, based on the factors listed in sub-section (f)(4) of this rule.~~

(2) In addition to the three criteria listed in (b)(1) of this Section, bonus points shall be calculated in accordance with the criteria set forth in (g) of this Section and added to the subtotal of component points to create a final report card index of points used to calculate the overall school performance grade of each school site.

~~(23)~~ Schools shall earn a separate performance grade for each of the ~~four~~three criteria listed in ~~sub-sections~~ (b)(1) and (f) of this ~~rule~~Section. Additionally, schools shall earn an overall performance grade based on a combination of the criteria listed in ~~sub-sections~~ (b)(1) and (f) and the bonus points earned in accordance with ~~(g)(f)~~ of this ~~rule~~Section.

~~(34)~~ To ensure that student data accurately represent school performance, schools shall be required to assess at least ninety-five percent (95%) of eligible students to earn a school performance grade. Failure to assess at least ninety-five percent (95%) of eligible students will result in a letter grade reduction in the school's overall school performance grade. Schools assessing less than ninety percent (90%) of eligible students will result in the school earning an overall performance grade of F.

(c) **School Accountability for Student Performance.** All schools shall be accountable for performance. Each school is accountable for the performance of its entire student population. Student achievement data from the State's annual standardized assessment and end-of-instruction tests administered in this State shall be used to measure a school's student performance for the subject areas of reading, mathematics, social studies, science and writing.

(d) **Reporting Student Achievement Data for School Accountability.** Student achievement data shall be reported for all students in a school. Each year, reports of achievement data for all students shall be prepared for each school, each district, and the State. District reports shall be calculated in the same manner as a school site, aggregated at the student level.

(1) The scores will be computed from the number of eligible students enrolled in the school. Eligible students shall include all students enrolled for the full academic year in the school and taking the State's annual standardized assessments or end-of-instruction tests. Only first opportunity students are included in the calculation of eligible students.

(2) All eligible students, regardless of disability or limited English proficiency classification, with valid state standardized assessment scores in reading and math in both the current school year and the previous school year are included in ~~paragraphs~~ (f)(2) and (f)(3) of this ~~rule~~Section regarding the determination of student learning gains. In addition, the inclusion of these students shall be applied to ~~sub-section~~ (b)(3) of this ~~rule~~Section, regarding the percentage of students assessed. Current and previous school years reading and math scores for students with disabilities assessed on the State's annual standardized alternate assessment shall be included in the determination of test scores, including achievement ~~and improvement~~—addressed in ~~sub-sections~~ (f)(1) ~~and~~ (f)(4) of this ~~rule~~Section.

(3) The Superintendent of Public Instruction is authorized to designate a single school performance grade for schools that serve multiple levels: elementary and/or middle and/or high school grade levels. Designations shall be made based on the highest grade level offered by the school.

(A) If the highest grade offered by a school site is the sixth (6th) grade or below, the school shall be graded according to elementary school criteria.

(B) If the highest grade offered by a school site is the (7th) through tenth (10th) grade, the school shall be graded according to the middle school criteria. Schools in this category shall not earn advance coursework credit for ninth and tenth grade students completing high school coursework unless the course qualifies as advanced coursework pursuant to ~~sub-section~~ (f)(4)(A)(ii) or (f)(4)(B)(i) ~~(g)(1)(B) or (g)(2)(A)~~ of this Section.

(C) If the highest grade offered by a school site is the eleventh (11th) or twelfth (12th) grade, the school shall be graded according to high school criteria.

(4) The State Department of Education will verify that each school is appropriately classified by type before the issuance of school grades. School type is defined as the school level designation of a school based on the grade levels served: elementary, middle, high, or a combination across levels.

(e) **School Performance Grades.** The measure of school accountability shall be the school performance grade. The Oklahoma State Board of Education is authorized to designate a school performance grade for each school that:

(1) For purposes of calculating student achievement pursuant to ~~sub-section~~ (f)(1), has at least ten (10) eligible students with valid student state standardized assessment scores.

(2) For purposes of calculating student growth pursuant to ~~subsection~~ (f)(2), has at least ten (10) eligible students with valid student state standardized assessment scores or end-of-instruction test scores in reading or math in both the current and the previous school years.

(3) For purposes of calculating ~~student growth of the lowest twenty-five percent (25%) of students pursuant to subsection~~ (f)(3), has at least ten (10) eligible students with valid student state standardized assessment scores or end-of-instruction test scores in reading or math in the current and previous school years.

(4) A school shall not earn a grade for any component or criteria unless minimum N-size requirements established pursuant to this rule are met. Performance designations shall be made using School Performance Grades A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D- and F. School performance grades shall be based on the assessments and criteria as specified in ~~subsection~~ (f) of this ~~rule~~Section and bonus points as specified in (g) of this Section. The Superintendent of Public Instruction is authorized to establish and adjust appropriate achievement level criteria to the extent allowed by law for submission to the State Board of Education for final approval.

(f) Criteria for Designating School Performance Grades.

Overall school performance grades shall be based on a combination of the bonus points calculated in accordance with (g) and the four points calculated in accordance with the three criteria outlined in sub-section (b)(1) of this rule~~Section~~: (1) student achievement scores; (2) annual learning gains; and (3) improvement of the lowest twenty-five percent (25%)~~; and (4) whole school improvement.~~

(1) **Student achievement/performance index.** Student achievement scores are represented through a performance index, aggregated for each school, calculated based on all state standardized assessments and/or end-of-instruction tests collectively, and by each subject area. A point value shall be given to each exam based on proficiency score. Points shall be summed and divided by the number of exams administered to eligible students.

(A) Points shall be assigned based on the following criteria:

- (i) Unsatisfactory = 0
- (ii) Limited Knowledge = 0
- (iii) Proficient = 1.0
- (iv) Advanced = 1.0

(B) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(2) **Student growth index.** Annual learning gains in reading and math are represented through a growth index, aggregated for each school. The score shall be calculated in whole and by subject-matter by assigning points one point for each student who improves a positive change in proficiency level levels or improves substantially within

a proficiency level for eligible students from the previous school year to the current school year, divided by the number of students taking the tests, or by a positive change in Oklahoma Performance Index (OPI) score that meets or exceeds the State average of students with a positive OPI change.

(A) This calculation represents the number of eligible students who have:

- (i) Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level, as applicable, from the previous school year to the current school year; or
- (ii) Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level and such change in OPI from the previous school year to the current school year met or exceeded the State average of students with a positive OPI change; or
- (iii) Maintained their proficient or satisfactory achievement level on the state standardized assessment or state standardized alternate assessment, as applicable, from the previous school year to the current school year.

(B) The growth index shall be calculated based on improved state standardized assessment and end-of-instruction test performance from the previous school year to the current school year. The growth index shall be calculated by subject-matter and by assigning a point value to the change in proficiency score from the previous year to the next. Points based on student gains shall be summed and divided by the number of exams administered, and shall include only eligible students for whom comparative test scores exist. Points shall be assigned based on the following criteria:

- (i) Change from Unsatisfactory to Limited Knowledge = 1.0
- (ii) Change from Unsatisfactory to Proficient or Satisfactory = 1.0
- (iii) Change from Unsatisfactory to Advanced = 1.0
- (iv) Change from Limited Knowledge to Proficient or Satisfactory = 1.0
- (v) Change from Limited Knowledge to Advanced = 1.0
- (vi) Change from Proficient or Satisfactory to Advanced = 1.0
- (vii) Remain Proficient or Advanced from Year 1 to Year 2 = 1.0
- (viii) Remained at Unsatisfactory from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change = 1.0
- (ix) Remained at Unsatisfactory from Year 1 to Year 2 and Fails to Meet or Exceed State Average

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Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change = 0

(x) Remained at Unsatisfactory from the previous school year to the current school year, or remained at Limited Knowledge from the previous school year to the current school year, but demonstrates substantial improvement within a proficiency level = 1.0

(C) For purposes of this subparagraph, a student's improvement within a proficiency level will be considered "substantial improvement" if the student demonstrates an increase in Oklahoma Performance Index ("OPI") score from the previous school year to the current school year that meets or exceeds the average positive increase amongst all students in the State who increased their OPI score from the previous school year to the current school year.

(D) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(3) Growth of the lowest twenty-five percent of students. Improvement of the lowest twenty-five percent (25%) of students in reading and math shall be aggregated, as required by 70 O.S. § 1210.545. The score shall be calculated in whole and by subject-matter by assigning ~~points~~ one point for each student in the bottom quartile who improves a positive change in proficiency score levels or improves substantially within a proficiency level for eligible students from the previous school year to the current school year, divided by the number of students taking the test or by a positive change in Oklahoma Performance Index (OPI) score that meets or exceeds the State's positive average change.

(A) The calculation of a positive change in OPI score that meets or exceeds the State's average growth represents the number of eligible students who have:

- (i) Improved their state standardized assessment achievement level or state standardized alternative assessment achievement level, as applicable, from the previous school year to the current school year; or
- (ii) Retained their state standardized assessment achievement level or state standardized alternative assessment achievement level and such change in OPI from the previous school year to the current school year met or exceeded the State average of students with a positive OPI change.

(B) The score shall be based on improved state standardized assessment and end-of-instruction test performance from the previous school year to the current school year. Points based on student gains shall be summed and divided by the number of exams administered, and shall include only eligible students

for whom comparative test scores exist. The growth of the lowest twenty-five percent (25%) shall be calculated based on the following criteria:

- (i) Change from Unsatisfactory to Limited Knowledge = 1.0
- (ii) Change from Unsatisfactory to Proficient or Satisfactory = 1.0
- (iii) Change from Unsatisfactory to Advanced = 1.0
- (iv) Change from Limited Knowledge to Proficient or Satisfactory = 1.0
- (v) Change from Limited Knowledge to Advanced = 1.0
- (vi) Change from Proficient or Satisfactory to Advanced = 1.0
- (vii) Remain Proficient or Advanced from Year 1 to Year 2 = 1.0

~~(viii)~~ Remained at Unsatisfactory from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Meets or Exceeds State Average Positive Change = 1.0

~~(ix)~~ Remained at Unsatisfactory from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change or remained at Limited Knowledge from Year 1 to Year 2 and Fails to Meet or Exceed State Average Positive Change = 0

(x) Demonstrates substantial improvement within a proficiency level = 1.0

(C) For purposes of this subparagraph, a student's improvement within a proficiency level will be considered "substantial improvement" if the student demonstrates an increase in Oklahoma Performance Index ("OPI") score from the previous school year to the current school year that meets or exceeds the average positive increase amongst all students in the State who increased their OPI score from the previous school year to the current school year.

(D) A letter grade shall be earned based on the following criteria:

- (i) 90 points or Above = A
- (ii) 80 - 89 points = B
- (iii) 70 - 79 points = C
- (iv) 60 - 69 points = D
- (v) 59 points or Below = F

(4g) ~~Whole school improvement~~ Bonus points. Each school can earn up to a maximum of ten (10) bonus points to be added to the subtotal of component points and applied toward their final grade. The criteria listed in ~~sub-sections (4)(A) and (4)(B)~~ (1), (2) and (3) of this subsection shall be used to calculate ~~whole school improvement~~ bonus points for high schools, middle schools, and elementary grade schools. Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula and the projected availability of valid data used for computing ~~whole school improvement~~ bonus points. Technical assistance shall be published in time for school districts to make meaningful use of the information and data.

~~(A1) High schools. For schools~~Schools comprised of high school grades,~~the whole school improvement grade shall include~~may earn up to a maximum of ten (10) bonus points as follows:

~~(iA) Four-year adjusted cohort graduation rate. A high school shall earn five (5) bonus points if its Four-year high school four-year adjusted cohort graduation rate meets or exceeds ninety percent (90%). For this component, a letter grade shall be earned based on the calculation of a graduation rate. The calculation of the four-year adjusted cohort graduation rate shall only include~~include students counted as on-time graduates as defined by federal regulations.

- ~~(I) 90%—100% = A~~
- ~~(II) 80%—89% = B~~
- ~~(III) 70%—79% = C~~
- ~~(IV) 60%—69% = D~~
- ~~(V) 59% or Below = F~~

~~(iiB) Participation or performance in accelerated coursework. One (1) bonus point shall be awarded to each high school that achieves either a student participation rate of seventy percent (70%) or higher in accelerated coursework or a student performance rate of ninety percent (90%) or higher in accelerated coursework. Student participation and performance rates shall be calculated as follows:~~

~~(i) Participation in accelerated coursework. Participation in accelerated coursework, is defined as participation in Advanced Placement (AP) courses, International Baccalaureate (IB) programs, concurrent enrollment, Advanced International Certificate of Education (AICE) courses, and industry certification courses. For this component, participation shall be calculated for the school year by dividing a count of accelerated coursework participants in grades nine (9) through twelve (12) (numerator) by the count of all students enrolled in grades eleven (11) and twelve (12) (denominator). For this component, a student must earn a passing grade in the course in order to be counted as a participant. Schools shall earn credit for every accelerated course in which a student is enrolled. Students enrolled in multiple accelerated courses shall be counted once for each course in which they are enrolled. In calculating a percentage for this component, participation rate shall include all enrollment data regardless of whether the course was taught at the high school, at a career technology center, an accredited college or university, or at a regional site of the Oklahoma School of Science and Mathematics. A letter grade for accelerated coursework shall be earned based on percentage of participation listed below. The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from 80-89, the C will range from 70-79, the D will range from~~

~~60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.~~

- ~~(I) 70%—100% = A~~
- ~~(II) 60%—69% = B~~
- ~~(III) 50%—59% = C~~
- ~~(IV) 30%—49% = D~~
- ~~(V) 29% or Below = F~~

~~(iii) Performance in accelerated coursework. Performance in concurrent enrollment, Advanced International Certificate of Education (AICE) courses, Advanced Placement (AP), International Baccalaureate (IB), and industry certification courses. For this component, the numerator of the performance calculation shall include all students in grades nine (9) through twelve (12) who took an accelerated course or subject area examination during the academic year. AICE successful completion is defined as earning a "C" or higher and being awarded credit for specific postsecondary course(s). For concurrent enrollment, successful completion is defined as a passing grade of "C" or higher in a concurrent enrollment course for college credit. For industry certification, successful completion is defined as earning a "C" or better in the course leading to industry certification. Schools can earn additional successful completions for students who achieve industry certifications that result in credit for more than one (1) college course through statewide articulation agreements. For AP and IB performance, credit shall be earned based for each student scoring a three (3) or better on the AP exams, or a four (4) or better on IB exams. For purposes of this component, a school shall earn credit for every course in which a student demonstrates the required level of performance. In calculating a percentage for this component, performance shall include all coursework regardless of whether the course was taught at the high school, at a career technology center, an accredited college or university, or at a regional site of the Oklahoma School of Science and Mathematics. A letter grade shall be earned based on the percentage of students enrolled in these programs who meet the criteria listed above:~~

- ~~(I) 90%—100% = A~~
- ~~(II) 80%—89% = B~~
- ~~(III) 70%—79% = C~~
- ~~(IV) 60%—69% = D~~
- ~~(V) 59% or Below = F~~

~~(ivC) ACT and SAT participation or performance. One (1) bonus point shall be awarded to each high school that achieves a rate of seventy-five percent (75%) or higher percentage of either student participation or performance on college entrance exams. Student participation and performance rates shall be calculated as follows:~~

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(i) **ACT and SAT participation.** For this component, ~~High schools will~~ may earn one (1) bonus point~~grade~~ based on the calculated percent of students taking the ACT and/or SAT. The percent is calculated by dividing the number of twelfth (12th) grade students who have taken the ACT and/or SAT tests, divided by the number of students enrolled in grade twelve (12). Students will be counted once for the ACT and/or once for the SAT, regardless of the number of times or at which grade levels the test(s) are taken. The high school will earn credit for the most recent test score reported at the time the test is administered. A letter grade for ACT and SAT participation shall be earned based on the criteria listed below. The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from 80-89, the C will range from 70-79, the D will range from 60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.

(I) 75%—100% = A

(II) 65%—74% = B

(III) 50%—64% = C

(IV) 30%—49% = D

(V) 29% or Below = F

(vi) **ACT and SAT performance.** For this component, ~~High schools will~~ may earn one (1) bonus point~~grade~~ based on the percentage of students scoring an ACT composite score of 20 or greater based on 36-point scale, and/or an SAT score of 1410 or greater based on a 2400-point scale. Students will be counted once for the ACT and/or once for the SAT, regardless of the number of times or at which grade levels the test(s) are taken. The high school will earn credit for the most recent test score reported at the time the test is administered. A letter grade for ACT and SAT performance shall be earned based on the criteria listed below. The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from 80-89, the C will range from 70-79, the D will range from 60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.

(I) 75%—100% = A

(II) 65%—74% = B

(III) 50%—64% = C

(IV) 30%—49% = D

(V) 29% or Below = F

(vii) **High school graduation rate of eighth (8th) graders.** For this component, ~~High schools shall~~ earn one (1) bonus point for achieving a grade based on the high school graduation rate of eighty-five percent (85%) or greater percentage of students who scored at limited knowledge or unsatisfactory on the eighth

(8th) grade reading and mathematics criterion-referenced test administered pursuant to the Oklahoma State Testing Program (OSTP). For this component, schools shall be eligible to earn the bonus point~~grade~~ based on the calculation of the graduation rate of this population of eighth (8th) graders, regardless of where the student attended the eighth (8th) grade). ~~The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from 80-89, the C will range from 70-79, the D will range from 60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.~~

(I) 85%—100% = A

(II) 75%—84% = B

(III) 65%—74% = C

(IV) 55%—64% = D

(V) 54% or Below = F

(viii) **Graduation rate, including students taking five (5) or more years to graduate.** For this component, schools shall earn a grade based on the calculation of a graduation rate to include all graduates regardless of the amount of time required to meet graduation requirements.

(I) 90%—100% = A

(II) 80%—89% = B

(III) 70%—79% = C

(IV) 60%—69% = D

(V) 59% or Below = F

(E) **Overall EOI performance.** Upon the availability of valid student assessment data, one (1) bonus point shall be awarded to a high school if eighty percent (80%) or more of its graduates from the previous school year have scored either a "Satisfactory/Proficient" or "Advanced" on six (6) out of the seven (7) secondary level EOI assessments required by the Oklahoma School Testing Program Act at 70 O.S. § 1210.508(A)(6).

(F) **Year-to-year growth.** Upon the availability of valid student data, one (1) bonus point shall be awarded to each high school which demonstrates improvement from the previous school year in at least three (3) of the five (5) components used to calculate bonus points as set forth in (4)(1)(A) through (4)(1)(E) of this subsection.

(B2) **Middle schools.** ~~For schools,~~ Schools comprised of middle school grades, ~~the whole school improvement grade shall include~~ may earn up to a maximum of ten (10) bonus points as follows:

(iA) **The percentage of students who are taking higher level coursework at a satisfactory or higher level in middle school.** For this component, ~~Middle schools shall~~ earn a grade based on two (2) bonus points for achieving a participation rate of thirty percent (30%) or higher the percentage of students taking traditional high school courses in the middle school grades, pre-Advanced Placement courses, or honors

courses in a traditional classroom or in a virtual environment who score at a satisfactory level or higher on the corresponding state standardized assessment. Schools shall earn credit for every accelerated course in which a student is enrolled. Students enrolled in multiple accelerated courses shall be counted once for each course in which they are enrolled. ~~A letter grade will be earned based on the criteria listed below. The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from 80-89, the C will range from 70-79, the D will range from 60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.~~

- ~~(I) 30% or Higher = A~~
- ~~(II) 25%—29% = B~~
- ~~(III) 20%—24% = C~~
- ~~(IV) 15%—19% = D~~
- ~~(V) 14% or Below = F~~

~~(ii) **Attendance.** For this component, Middle schools will earn a grade six (6) bonus points for the level of student attendance based on the calculation of a student achieving a student attendance rate of ninety-four percent (94%) or higher. This rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM). ADA is calculated by dividing the total number of days students were present by the number of days in the school calendar or by dividing the number of hours students were present by the number of hours in the school calendar, whichever applicable. ADM is calculated by dividing the total number of days students were enrolled in school by the number of days in the school calendar or by dividing the number of hours students were enrolled by the number of hours in the school calendar, whichever applicable. A letter grade for attendance will be earned based on the criteria listed below. The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from 80-89, the C will range from 70-79, the D will range from 60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.~~

- ~~(I) 94%—100% = A~~
- ~~(II) 92%—93% = B~~
- ~~(III) 90%—91% = C~~
- ~~(IV) 88%—89% = D~~
- ~~(V) 87% or Below = F~~

~~(iii) **Dropout rate.** For this component, Middle schools shall earn a grade based two (2) bonus points for achieving a rate of zero point nine percent (0.9%) or lower of on the annual number of students reported as dropouts to the Oklahoma State Department of Education on the Annual Dropout Report. A letter grade for dropout rate will be earned based on the listed below. The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from~~

~~80-89, the C will range from 70-79, the D will range from 60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.~~

- ~~(I) 0%—0.9% = A~~
- ~~(II) 1%—1.9% = B~~
- ~~(III) 2%—2.9% = C~~
- ~~(IV) 3%—3.9% = D~~
- ~~(V) 4% or More = F~~

~~(C) **Elementary schools.** For schools, Schools comprised of elementary school grades, the whole school improvement grade shall include earn ten (10) bonus points as follows:~~

~~(i) **Attendance.** For this component, Elementary schools will earn ten (10) bonus points for achieving a grade for the level of student attendance based on the calculation of a student attendance rate of ninety-four percent (94%) or greater. This rate is the Average Daily Attendance (ADA) divided by the Average Daily Membership (ADM). ADA is calculated by dividing the total number of days students were present by the number of days in the school calendar or by dividing the number of hours students were present by the number of hours in the school calendar, whichever applicable. ADM is calculated by dividing the total number of days students were enrolled in school by the number of days in the school calendar or by dividing the number of hours students were enrolled by the number of hours in the school calendar, whichever applicable. A letter grade for attendance will be earned based on the criteria listed below. The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from 80-89, the C will range from 70-79, the D will range from 60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.~~

- ~~(I) 94%—100% = A~~
- ~~(II) 92%—93% = B~~
- ~~(III) 90%—91% = C~~
- ~~(IV) 88%—89% = D~~
- ~~(V) 87% or Below = F~~

~~(ii) **Dropout rate.** For this component, schools shall earn a grade based on the annual number of students reported as dropouts to the Oklahoma State Department of Education on the Annual Dropout Report. A letter grade for dropout rate will be earned based on the scale listed below. The scale provided to assign a grade will be converted to a transformed scale so that the A will range from 90-100, the B will range from 80-89, the C will range from 70-79, the D will range from 60-69, and the F will range from 59 and below. Points will be earned based on a transformed scale.~~

- ~~(I) 0%—0.9% = A~~
- ~~(II) 1%—1.9% = B~~
- ~~(III) 2%—2.9% = C~~
- ~~(IV) 3%—3.9% = D~~

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(V) 4% or More = F

~~(gh) **Additional points** Technical assistance. In addition to the criteria listed in sub-section (f)(4) of this rule, schools may earn additional points that will be factored into the school's whole school improvement grade. Annually, the Oklahoma State Department of Education shall publish technical assistance specifically detailing the weighted formula used for computing additional bonus points, into the whole school improvement grade. Technical assistance shall be published in time for school districts to make meaningful use of the information and data.~~

~~(1) **Parent and community engagement factors.** For all schools comprised of high school, middle school, and elementary school grades, additional points may be earned and factored into the whole school improvement grade based on the following school improvement factors. For this component, schools shall earn additional points based on the number of volunteer hours performed during the school year by parents and/or community members.~~

~~(2) In addition to the factors outlined in sub-section (g)(1), for schools comprised of high school grades, additional points may be earned and factored into the whole school improvement grade based on the following school improvement factors:~~

~~(A) **College preparatory coursework.** For this component, high schools serving students in grades nine (9) through twelve (12) shall earn points based on the percentage of students completing the State's college and career preparatory curriculum. This shall be calculated based on a sum of all students, in grades nine (9) through twelve (12), enrolled in college preparatory coursework divided by the total number of students enrolled in the school in grades nine (9) through twelve (12).~~

~~(B) **College remediation.** For this component, a college remediation rate shall be calculated by dividing the unduplicated count of students needing remediation in reading, English, math, or science by the total number of the students attending an Oklahoma college or university.~~

~~(hi) **School Performance Grading Scale.** The School Performance Grade shall be based on a combination of the factors outlined in sub-section (b)(1) of this rule and detailed in sub-section (f) and (g) of this rule. Section. Thirty three Fifty percent—(33%)(50%) shall be based on student test scores; seventeen twenty-five percent (17%)(25%) on student learning gains; seventeen and twenty-five percent (17%)(25%) on improvement of the lowest twenty-five percent (25%) of students in the school in reading and mathematics; and thirty three percent (33%) on whole school improvement. Letter grades will be calculated according to the assigned weight of each criteria and by combining points earned for each component within each criteria. The school performance grade ~~grades for each factor described in sub-section (b)(1)~~ will be earned and assigned according to the following scale:~~

- ~~(1) 90 or Above = A~~
- ~~(2) 80–89 = B~~
- ~~(3) 70–79 = C~~

~~(4) 60–69 = D~~

~~(5) 59 or Below = F~~

~~(1) Ninety-seven percent (97%) to one-hundred and ten percent (110%) = A+~~

~~(2) Ninety-three percent (93%) to ninety-six percent (96%) = A~~

~~(3) Ninety percent (90%) to ninety-two percent (92%) = A-~~

~~(4) Eighty-seven percent (87%) to eighty-nine percent (89%) = B+~~

~~(5) Eighty-three percent (83%) to eighty-six percent (86%) = B~~

~~(6) Eighty percent (80%) to eighty-two percent (82%) = B-~~

~~(7) Seventy-seven percent (77%) to seventy-nine percent (79%) = C+~~

~~(8) Seventy-three percent (73%) to seventy-six percent (76%) = C~~

~~(9) Seventy percent (70%) to seventy-two percent (72%) = C-~~

~~(10) Sixty-seven percent (67%) to sixty-nine percent (69%) = D+~~

~~(11) Sixty-three percent (63%) to sixty-six percent (66%) = D~~

~~(12) Sixty percent (60%) to sixty-two percent (62%) = D-~~

~~(13) Fifty-nine percent (59%) and below = F~~

~~(ij) **Accuracy and Representativeness of Performance Data.** The Oklahoma State Department of Education shall review all information submitted by school districts to represent the performance of schools receiving a school performance grade.~~

~~(1) Each school district superintendent shall designate a school accountability contact person to be responsible for verifying accuracy of data.~~

~~(2) The Superintendent of Public Instruction shall withhold the designation of a school's performance grade if he or she determines that the performance data does not accurately represent the progress of the school.~~

~~(A) Circumstances under which a school's performance data may be considered to not accurately represent the progress of the school include:~~

~~(i) Less than ninety-five percent (95%) of the school's student population eligible for inclusion in the designation of the school's performance grade was assessed.~~

~~(ii) Circumstances identified before, during, or following the administration of any state assessment where the validity or integrity of the test results are called into question and are subject to review as determined by the State Department of Education.~~

~~(jk) **Data verification by school sites/districts.** School sites shall be provided an opportunity to review all data used to calculate the school performance grade and the calculation of the school performance grade.~~

~~(1) **Initial Data Verification.** Initial data verification of the data used to calculate school performance grades~~

shall occur throughout the school year as data becomes available to the State Department of Education. School district accountability staff shall have the opportunity to perform data verification and confirm that data being used to calculate school performance grades are accurate prior to the review period required by ~~(j)~~(k)(2) of this rule. The school district shall have at least thirty (30) calendar days to review each data component, as it becomes available. No changes to data shall be made after the expiration of the respective thirty (30) calendar day review period.

(2) **Calculation Verification.** Prior to the final release of school performance grades, a school district shall have at least ten (10) calendar days to certify the calculation of the performance grade. If the school district determines that a different performance grade should be assigned because of the omission of student data, a data miscalculation, or special circumstances that might have affected the grade assigned, school districts may submit a request for a review of the data calculation to the State Department of Education. Documentation of all elements to be reviewed by the Department must be submitted within the time limits specified in this subsection. No request for review of the calculation shall be accepted after the expiration of the ten (10) calendar day review period. Changes to the criteria, data, or process shall not be considered as part of this review.

(~~k~~) **Final determination.** The Oklahoma State Board of Education's determination of a school's performance grade shall be final.

(1) **Planned System Enhancements.** As indicated in this subsection, planned enhancements will occur in the System of School Improvement and Accountability. The Superintendent of Public Instruction will periodically recommend additional changes to the system to the State Board of Education for approval as necessary to ensure that continuous improvements are made in the educational programs of the State.

(A) Performance data shall be reviewed annually to determine whether to adjust the school grading scale for the following year's school grades. Adjustments may include, but shall not be limited to grading criteria, classification of school type, point calculations,

point requirements, and minimum points necessary to obtain a certain grade. Adjustments may reset the minimum required number of points for each grade.

(m) **Virtual education providers.** Each virtual charter school and each school district which contracts with a virtual charter school shall identify its full-time virtual students who do not live in the physical boundaries of the school district with which the sponsor is associated. Each virtual charter school shall separately report the achievement data of its non-resident full-time virtual students. The performance of non-resident students shall be excluded from the determination of the overall school performance letter grade of the virtual charter school and its sponsoring school district. For purposes of this subsection, any full-time statewide virtual charter school student who resides within the borders of the State shall be considered a resident student.

(n) **Virtual charter schools.** Any virtual provider that offers full-time online programs for students sponsored by a school district, technology center school district, higher education institution, a federally recognized Indian tribe, or the State Board of Education, in accordance with the provisions of the Oklahoma Charter Schools Act shall be considered a "virtual charter school." Any virtual provider that offers full-time online programs for students sponsored by the Statewide Virtual Charter School Board shall be considered a "statewide virtual charter school."

(1) Each virtual charter school will be considered a separate school site within the sponsoring school district or the geographical boundaries of the school district in which the sponsor is located. If the virtual provider has contracted with more than one sponsor, the virtual provider will be considered a separate site within each school district associated with the sponsor with which the charter school has contracted.

(2) Each statewide virtual charter school will be considered a separate school site of the Statewide Virtual Charter School Board.

[OAR Docket #13-1195; filed 9-6-13]

Executive Orders

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

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

TITLE 1. EXECUTIVE ORDERS

1:2013-33.

EXECUTIVE ORDER 2013-33

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. until 5 p.m. on Wednesday, September 11, 2013, to honor the victims of the September 11, 2001, terrorist attack on America.

This executive order shall be forwarded to the Division of Capital Assets Management, who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 10th day of September, 2013.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Chris Morriss
Assistant Secretary of State

[OAR Docket #13-1197; filed 9-10-13]

1:2013-34.

EXECUTIVE ORDER 2013-34

I, Mary Fallin, Governor of the State of Oklahoma, by the authority vested in me pursuant to Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby direct and order as follows:

1. No agency may adopt a permanent administrative rule pursuant to Article I of the Administrative Procedures Act, 75 O.S. §§ 250-308.3, unless such adoption complies with the provisions of this Executive Order.
2. Every agency shall, simultaneously with filing a Notice of Rulemaking Intent with the Office of Administrative

Rules, provide one (1) electronic copy of the complete text of all Proposed Permanent Rules to the Governor and to the appropriate Cabinet Secretary ("Cabinet Secretary").

3. No agency may adopt any Proposed Permanent Rule if, within forty-five (45) days of providing the above-referenced copies to the Governor and the Cabinet Secretary, such agency receives an express written disapproval from the Governor or the Cabinet Secretary.

4. If the Governor or the Cabinet Secretary disapproves a Proposed Permanent Rule, the affected agency shall be notified in writing of the reasons for disapproval.

5. If, after forty-five (45) days of providing the above-referenced copies to the Governor and the Cabinet Secretary, the agency has not received an express written disapproval, the agency may adopt the Proposed Permanent Rule.

6. Within ten (10) days after adoption, the agency shall submit two (2) copies of the Adopted Rule to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, pursuant to 75 O.S. § 303.1(A) of the Administrative Procedures Act.

7. Emergency rules shall not be affected by the provisions of this Executive Order.

The Executive Order shall be distributed to all members of the Governor's Executive Cabinet and the chief executives of all state agencies, who shall cause the provisions of this Order to be implemented by November 1, 2013.

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 10 day of September, 2013.

BY THE GOVERNOR OF THE
STATE OF OKLAHOMA

Mary Fallin

ATTEST:

Chris Morriss
Assistant Secretary of State

[OAR Docket #13-1198; filed 9-10-13]

